

Democracy North Carolina

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Memorandum

To: State Board of Elections

From: Bob Hall and Isela Gutierrez, Democracy NC

Date: January 26, 2015

Re: Feedback on the 2014 election and impact of H-589 on voter turnout

More than 1.7 million North Carolinians cast ballots on November 4, 2014, and most of them had a pleasant voting experience, according to an Exit Survey we conducted with the help of 400 volunteers at 120 precincts in over three dozen counties. Voters said precinct officials were generally helpful and courteous, and in most cases they acted quickly to resolve problems and protect the integrity of a fair, secure and accessible election process. However, our November 25th preliminary report about “silenced voters” called attention to situations that discouraged voter participation, damaged the integrity of the process, and threaten to have larger consequences in a presidential election if not addressed.

The main problem areas include:

- Long lines and wait times made worse by the loss of straight-ticket voting and out-of-precinct voting and lack of preparation with more staff, machines, and voting booths;

- Inconsistent distribution of provisional ballots, with wide variations between counties and even among precincts in a county;

- Issues related to inadequate parking, traffic control, poor signage and poor lighting;

- Inadequate access and long waits for curbside voters; and

- Failure to ask each voter, as required by H-589, if the voter possesses one of the IDs that will be required for voters inside polls beginning in 2016.

In addition to these Election Day issues, our preliminary report said same-day registration and out-of-precinct voting allowed over 27,000 voters to participate in the 2010 election, but those two policies were repealed by H-589. We concluded that an estimated 30,000 to 50,000 voters were essentially silenced by the combination of (1) Election Day problems, (2) repeal of same-day registration, and (3) repeal of out-of-precinct voting. This memo provides more details in each of those areas.

I. ELECTION DAY PROBLEMS

This section describes our precinct-level findings based on (1) the precinct assessments of the Poll Monitors deployed by Democracy NC, Ignite NC and Common Cause; (2) information from nearly 9,000 Exit Surveys and 300 Incident Reports that the Monitors collected; (3) 1,000 phone calls from voters to an Election Day hotline supervised by the UNC School of Law and National Lawyers Committee for Civil Rights Under Law; and (4) data on provisional ballots, voter registration, and voter participation from the State Board of Elections for 2010 and 2014.

This section focuses on votes cast only on Election Day (plus approved provisional ballots). Analysis of pre-Election Day voting involves another set of dynamics, including mail-in and early voting. Turnout rates in this section focus on Election Day only – they equal the number votes cast of Election Day divided by the number of registered voters in the precinct.

For each precinct report below, we provide: the number of votes cast on Election Day; the turnout rate for registered voters in the precinct for 2014 and 2010; the expected vote count had the precinct performed at the 2010 turnout level; and the difference between the votes cast on Nov. 4, 2014 and the expected vote count had the precinct performed at the 2010 turnout rate. This difference, or number of missing votes, helps quantify the scale of votes lost.

It is not unreasonable to expect the Election Day turnout in 2014 to at least match the turnout rate in 2010. The 2014 election featured a hotly contested US Senate race with big investments in get-out-the-vote field operations and total spending in excess of \$100 million; the winner prevailed by a narrow 1.6 percentage point margin. By contrast, the 2010 election featured a far less intense or expensive US Senate race; the victor won by a 12 percentage point margin. The turnout rate in 2014's pre-Election Day period (involving mail-in and early voting) was clearly higher – 17.7% of registered voters cast ballots before Election Day in 2014, compared to 15.5% in 2010. But for some set of reasons, Election Day turnout in 2014 was lower – 26.6% of registered voters cast ballots that day, versus 28.0% in 2010. These case reports provide some of the answers, and the number of missing votes helps quantify the impact. Some Monitors' reports may exaggerate problems, but they generally point to situations that deserve attention.

The Precincts: Problems

Alamance County, Precinct 03S, South Boone. Poll Monitor reported curbside voters had to wait for long periods and endure a slow process as the official was overwhelmed with other responsibilities inside the polling place. The chief judge was very apologetic and explained that one of the poll workers did not show up to work and they were also having computer problems. An official incorrectly told a voter's mother she could not provide assistance to her daughter. Monitor also collected stories of voters being sent to other precincts; they could not use out-of-precinct voting.

A shocking 72% of the voters responding to the Exit Survey said they were not asked the required question about possessing an ID suitable for voting in person in 2016 – by far, the worst compliance record of the 5 Alamance precincts monitored. 1,106 voted in this precinct on Election Day, 2014. The Election Day turnout dropped from 23.9% in 2010 to 21.9% in 2014.

Alamance County, Precinct 12N, North Burlington. Poll Monitor reported that curbside voters had to wait a long time to get help from the election officials. 754 votes were cast in 2014. Turnout declined from 22.7% in 2010 to 22.0%.

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Alamance County, Precinct 127, Burlington 7. Poll Monitor reported lines of over 1 hour in the 5:00 to 7:30 PM period. Monitor reported confusion over voters coming to this site and being told to go to another site to vote. 879 voted in 2014. Turnout increased from 21.6% to 22.8%.

Alexander County, Precincts B1 and B2, Bethlehem. Poll Monitors reported an unspecified number of voters had to leave because they were in the wrong precinct, particularly at B2/Bethlehem Community Fire Station, which had served as an early voting site. B1 and B2 are

the two largest precincts in the county. Half of the respondents on the Exit Surveys collected by Poll Monitors at the two precincts said they were not asked the required question about possessing a photo ID. 867 voted in B1 in 2014; turnout dropped from 40.6% to 31.7%. 1,000 voted in B2; turnout fell from 35.7% to 31.7%.

Beaufort County, Precinct CHOCO, Chocowinity. Poll Monitor reported occasional long lines and issues related to parking: “It was harder to vote today than usual” because of the time it took and lack of parking, said one voter. “Poll volunteers have taken all the parking,” said another. This is the county’s biggest precinct. 730 voted in 2014. Turnout dropped from 27.5% in 2010 to 20.5% in 2014.

Buncombe County, Precinct 08.2, Shiloh Community Center. Poll Monitor reported inadequate parking, with spaces next to the building occupied by cars of election officials. At different times, the Monitor and two campaign volunteers complained to the election official in charge, but to no avail. The parking lot had “only one way in and out, so cars were jammed up frequently. To be honest, I spent a good bit of my time directing traffic.” The site has a lower lot, downhill and past two basketball courts. “That worked for some younger voters, but was difficult for older voters.” Overall, traffic congestion and parking problems created problems for would-be voters. Poll Monitor also reported that a couple dozen voters were turned away and sent to another precinct. 518 voted in 2014. Turnout dropped from 22.4% to 20.7%

Buncombe County, Precinct 02.1, Isaac Dickson Elementary School. Poll Monitor reported serious problems with inadequate parking because the school district was conducting a workshop that day and the parking places were mostly taken by the participants. The Chief Judge said it is “beyond my control.” Several voters commended the efficient, helpful staff, but on the Exit Survey, 50% of the 222 respondents said they were not asked the required question

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about possessing “one of these IDs that will be required in 2016.” 901 voted in 2014. Turnout dropped from 25.6% in 2010 to 23.8% in 2014.

Buncombe County, Precinct 10.1, Southside Center. Poll Monitors collected 124 Exit Surveys in this precinct, a very strong sampling since only 440 voters cast ballots all day. Bottom line: 52% of the respondents said they were not asked the required ID question – the worst compliance rate in Buncombe County. 440 voted in 2014. Turnout dropped from 27.4% to 25.8%.

Burke County, Precinct 0031/Morganton 01, Foothill Learning Center. Poll Monitor reported many frustrated voters because the regular polling site had moved to this location. (There was a fire at the previous location.) 333 voted in 2014. Turnout dropped from 22.0% to 16.7%

Burke County, Precinct 0034/Morganton 04, Senior Center. Poll Monitor reported many people came to this polling place because it was an early voting location and waited in moderate lines, only to be told to go elsewhere. “Some people really didn’t understand the need to vote at your own precinct and were very upset.” 326 voted in 2014. Turnout dropped from 21.8% in 2010 to 16.8% in 2014.

Carteret County, Wildwood Precinct. Poll Monitor found the Chief Judge very defensive

when she tried to point out that a high number of voters were indicating on the Exit Survey that they had not been asked if they personally had an acceptable ID. Also: “Chief Judge did not seem to be aware of the ‘unreported move’ law.” In fact, no “unreported move” provisional ballots were issued at this precinct. (Overall, only 18 were provided to “unreported move” voters in Carteret County on Election Day, including 6 in one precinct where the judge apparently understood the rule.)

Another Poll Monitor at Wildwood’s closing shift reported that “many, many people came to the wrong precinct; several said they were sent here by another precinct.” They left but it’s unclear if they were able to reach the correct place before the polls closed. A veteran suffering from PTSD said his “nerves were too bad” to make the trip to another poll. 699 voted in 2014. Turnout dropped from 23.2% to 19.6%.

Chatham County, Precinct MCH10, Manns Chapel. Poll Monitors received Exit Survey responses from about 1 in 6 voters throughout the day; 45% said they were not asked the required question about the photo ID. Voters generally had
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positive voting experience, but some said the officials had a difficult time finding their names on the voter rolls, or said more officials with computer skills were needed. Others complained about the lack of straight-ticket voting. 1,092 voted in 2014. Turnout dropped from 25.5% to 21.3%

Chatham County, Precinct NWM117, Cole Mill Plaza. Poll Monitor in morning shift estimated that more than 25 voters were turned away and sent to other precincts. At opening, the sign said “photo ID required” in large letters and “In 2016” in small letters, but that sign was changed later in the day. As elsewhere, voters complained of loss of straight-ticket voting. 873 voted in 2014. Turnout dropped from 21.6% to 19.4%

Chatham County, Precinct PIT113, Pittsboro. Poll Monitors collected a large number of Exit Surveys and 55% said they were asked if they personally possessed a photo ID. A voter complained that while she heard others being asked the question, she was not asked and she was the only African American in the polling enclosure at the time. 1,399 voted in 2014. Turnout dropped from 22.9% to 22.0%.

Cleveland County, Shelby Central Precinct. Monitor reported confusion and frustration related to consolidation of former Precincts S1, S2 and S3 into this new precinct, including poor signage at the old polling locations. Some voters also complained about long lines. 1,321 voted in 2014. Turnout dropped from 22.8% to 19.7%

Cleveland County, Shelby South Precinct. Monitor reported confusion and frustration related to consolidation of former Precincts S6 and S7 into this new precinct, poor signage at the old polling location about where to go, and longer wait times. 1,053 voted in 2014. Turnout dropped from 26.0% to 18.2%

Columbus County, Precinct P22A, South Whiteville. A voter reported that machines were not working when she went to cast her ballot at 7:30AM. Poll workers told her that the machines had not been working since poll opening. According to voter’s friend, machines were still down at 8 AM. 505 voted in 2014. Turnout dropped from 27.0% to 24.2%.

Craven County, Precinct N4, H. J. MacDonald Middle School. Poll Monitor said curbside voters had to endure very long waits (apparently the bell to alert precinct officials to the presence

of curbside voters was broken), and the voting lines in the late afternoon were up to an hour long. Monitor

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encourages better use of parking spaces, because the partisan poll volunteers took up most of the spaces closest to the entrance. Inside, the wait at the help table was so bad that voters left without voting. 867 voted in 2014. Turnout dropped from 18.7% to 18.4%.

Cumberland County, Precinct CC05. Poll Monitor reported that curbside voting access was blocked by parked cars and that the bell to alert poll workers to presence of curbside voters was broken. 470 voted in 2014. Turnout slipped from 20.6% in 2010 to 20.0% in 2014.

Cumberland County, Precincts CC16 and G2B (Cross Creek 22-G2). Poll Monitors at these two precincts reported many voters being turned away because they were in the wrong precinct. More staff is needed to handle problems. There were also complaints of waiting times, particularly at Precinct CC16 where voters complained about a shortage of machines. A voter who called the hotline said, “They sent me somewhere I had not voted [previously] and no provisional ballot was offered. I work and could not get to this new location on time.” 1,293 voted in these two precincts in 2014. The combined turnout fell from 21.1% to 19.1%.

Cumberland County, Precinct CC21. Poll Monitors reported long lines at the precinct, including “100 people outside waiting and only 1 hour and 30 minutes remaining.” They also reported problems with the ballot reading machines at one point which caused the ballots to be placed in a safety bin. 784 voted in 2014. Turnout dropped from 22.4% to 21.3%.

Cumberland County, Precinct G9B-1 (Hope Mills 2A-G9). Poll Monitor reported “at least 3 dozen people were directed to another polling place. Those I spoke to never received a confirmation card from the Cumberland Board of Elections.” The precinct was created by dividing G9B into two sections, so it’s difficult to compare 2010 and 2014. It’s not clear if the redirected voters should have voted at Hope Mills 2B-G9, the other part of the old precinct, or at another precinct.

Davidson County, Precinct 80A, Wallburg. Voters report long lines at this polling site in the late afternoon and in some locations in Thomasville. A newspaper letter writer who served as poll observer in Thomasville reported that it took two hours to get help for a voting machine that ran out of paper and lines were so long that some people left. 1,358 voted in Wallburg. Turnout dropped from 35.2% to 31.7%.

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Davidson County, Precinct 86A, Abbots Creek 1. A voter called the hotline in search of another voting location because she reported the line was 200 people long at 7 PM. She was disappointed to learn that was the only polling place where her vote would count. 976 voted in 2014. Turnout increased from 31.4% to 31.8%.

Duplin County, Warsaw Precinct. Poll Monitor reported that there was no one assisting with curbside voting. As a result, elderly and disabled voters were having trouble getting to the polling place. 847 voted in 2014. Turnout dropped from 30.1% to 26.9%.

Durham County, Precinct 21, Club Blvd Humanities Magnet School. Voter reported that precinct set-up had been changed from past years, “making it harder to find and harder for older people to access.” The entrance had been moved from front to back of gym, which has many more steps without handrails and no ramp. 692 voted in 2014. Turnout increased from 33.6% in 2010 to 36.0% in 2014.

Durham County, Precinct 22, VFW Post. Poll Monitor reported long lines in the final hours and problems with size of parking area, with cars lined up to get into gravel lot, “where voters had very little space to maneuver in and out of the lot.” Monitor said “many voters who lived in large apartment complex directly across from the polling place had recently been reassigned to a new site, but did not learn of the change until they arrived to vote. Since they thought they could walk to vote, they did not have rides to another site.” Also, there were not enough voting booths or pens for a precinct this large. 1,321 voted in 2014. Turnout fell from 25.5% to 24.2%.

Durham County, Precincts 30-1 and 32, both voting at East Regional Library. Poll Monitor said, “Insufficient poll booths, poll workers, curbside poll helpers (people couldn’t find places to park and wait long time for assistance. With 2 precincts voting at the same place, there was serious confusion as to which way to go, which line to get in.” Voters reported waiting for half an hour or more, only to be sent to the back of the other precinct’s line. Also very long lines; by 7 PM the wait was about 2 hours. Poll Monitor on morning shift reported, “Not enough staff to assist with curbside voting, [voters] waited 45 minutes.” Need better signs and assistance for curbside voters; need more poll booths, parking, and precinct officials. 2,621 voted in 2014 at the two precincts. Overall turnout dropped for the two from 36.0% to 28.5%.

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Durham County, Precinct 34-2, Ivy Community Center. This is another precinct with long delays for voters. “The line was way too long,” one voter reported. “Each line was all the way back up to the wall and moving very slowly. I could not wait.” 1,397 voted in 2014. Turnout dropped from 27.5% in 2010 to 25.2% in 2014.

Durham County, Precinct 35.3, Parkwood Volunteer Fire Department; Precinct 33, Lowes Grove Baptist Church. Precinct 35.3 is a merger of Precincts 35-1 and 35-2. Voters complained about lines and need for more voting booths for voting in privacy. Poll Monitors collected over 300 Exit Surveys from this precinct and only 36% of the respondents said they were asked if they personally possessed a photo ID. By contrast, in Precinct 33, where lines seemed to move more quickly, 76% of the voters were asked the required ID question. 2,517 voted in Precinct 35.3 in 2014; turnout dropped from 32.8% in the two previous precincts to 31.6% in the combined one. In Precinct 33, 1,437 voted in 2014; turnout dropped from 23.5% to 21.6%.

Durham County, Precinct 44, North Regional Library. Poll Observer working from 6:30 to 10:30 AM reported that “85 people were turned away because, while they were properly registered in Durham County, they were supposed to vote in a different location. I heard by mid-afternoon as many as 300 people were turned away. . . . I watched one woman throw her arms in the air and shout, ‘I just don’t have the time.’ (There was a long line waiting to vote the entire morning.)” 1,635 voted in 2014. Turnout dropped from 29.0% to 24.8%.

Durham County, Precinct 53-2, Triangle Church. Voters reported that the main road leading to the polling place, Barbee Chapel Road, was closed for re-paving. There was no signage or staff redirecting voters; as a result many had trouble reaching the polling place to vote. 1,408 voted in 2014. Turnout fell from 33.2% in 2010 to 32.3% in 2014.

Durham County, Precinct 54, South Regional Library. Poll Monitor reported long lines throughout late afternoon and evening, not enough staff, many voters turned away for being at the wrong place, and an estimated wait time of 1.5 hours for curbside voters. The Monitor in the morning shift counted over 50 voters who said they were told they need to go to another precinct to vote. Although the out-of-precinct voters were of all races, the majority were African Americans. 1,594 voted in 2014. Turnout dropped from 26.9% to 22.7%.

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Edgecombe County, Precinct 1201, Rocky Mount 1. Poll Monitor reported that “lots of voters referred to other polling places,” often because of confusion about the rules for out-of-precinct voting. Precinct officials were fairly consistent in asking the required question about IDs – 79% of the Exit Survey respondents said they were asked the question. 792 voted in 2014. Turnout dropped from 19.0% to 16.9%

Forsyth County, Precinct 304. Poll Monitors reported “high number of folks sent to other polling places; at first we did not tally until we realized this was happening with regularity. We counted 18 during the lunch shift. Asked one voter if she had moved recently. No, she lived just blocks away and voted here last year. She had not received any notice of change of polling place. [The change and loss of out-of-precinct voting] seemed to create burden for those voting on lunch hour or with curbside voters.” Monitors also reported a “constant flow of curbside voters; two poll workers were kept busy full time with curbside voters; courteous and helpful.” The compliance rate for asking the ID question was very poor at all the Forsyth precincts we monitored; 83% of Exit Survey respondents were not asked in Precinct 304. 507 voted in 2014. Turnout was basically steady, 22.1% in 2010 and 22.2% in 2014.

Forsyth County, Precinct 402. Poll Monitor reported “there is only one person helping curbside voters and the line is getting backed up.” In the evening, a voter reported that “voters are being turned away because their polling location has changed” and not being offered provisional ballots. 410 voted in 2014. Turnout increased from 23.5% to 24.4%.

Forsyth County, Precinct 404. Poll Observer stayed nearly all day and sent this report: “[T]he chief judge at the East Winston Heritage Center required every single voter to raise his or her hand and swear they were signing truthfully, which was clearly intimidating and beyond her authority. . . . I estimate I personally saw 150 voters turned away. . . . These were registered voters, working people who got an hour off to go vote, waited in line, and then found out they could not vote because they were at the wrong precinct.” 448 voted in 2014. Turnout increased from 15.9% in 2010 to 17.0% in 2014.

Forsyth County, Precinct 507. Poll Monitor reported long lines during her shift in the final hours of Election Day. One voter reported, “I have waited 1 hour 35 minutes just to get within an hour of the voting booth. Extremely long lines; very slow moving. Arrived at about 7:10 p.m. At 8:47 I am still

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about another hour away from the voting booth. It’s so sad that probably 25% of voters gave up and left after the first hour or so of waiting and more time to go. So many people had to leave.” 1,037 voted in 2014. Turnout dropped from 22.4% in 2010 to 21.2% in 2014.

Gaston County, Precinct 04, Forest Heights. Poll Monitor talked with several voters who had gone through various runarounds to find the right precinct or who were sent off to another one. An African American voter who had registered during the Early Voting period, after the regular deadline, was unable to vote. If same-day registration was still in place, she could have registered and voted at the same time. 972 voted in 2014. Turnout dropped from 24.8% to 20.5%.

Gaston County, Precincts 23, 28, 44 and 46. In each of these 4 precincts, officials mistakenly turned away a voter who was properly registered. For example, Jessica L. Jackson could not be found because her registration had been removed by mistake when her record was merged with another Jessica Jackson in Gaston County. She was given a provisional ballot, but it was denied. Democracy NC discovered several other rejected provisional ballots from voters who seemed to be properly registered. We sent our research to the director of the Gaston County Board of Elections, and he determined that Ms. Jackson and 3 other voters (one in each of these precincts) were disenfranchised by mistake. A Poll Monitor at Precinct 46 reported mid-day that 8 or 9 people had been sent to the precinct from another precinct, and then told to go to a third polling place: “When voters arrive they are told to go yet somewhere else and are tired of getting the runaround and unlikely to go someplace else.” 3,784 voted in the 4 precincts in 2014, compared to 4,152 in 2010. Turnout dropped from 29.2% in 2010 to 25.0% in 2014.

Guilford County, Precinct FEN1. Multiple voters reported “significant number of voters being redirected,” voting machines breaking, and a lack of clear signage for curbside voters. Due to the lack of signage, one voter who had difficulty standing in line only learned about the curbside option through a concerned voter. 838 voted in 2014. Turnout dropped from 23.0% to 22.4%.

Guilford County, Precinct G46. Poll Monitor reported that a construction crew from City of Greensboro was digging near the entrance to the parking lot for the precinct which was inconvenient. Despite calls to the City Manager and Board of
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Elections, the construction continued; the crew occasionally asked voters to move their vehicles. 706 voted in 2014. Turnout increased from 17.5% to 21.7%.

Guilford County, Precinct G50. Poll Monitors reported lines of voters waiting for an hour or more, which continued into the closing hour. “A few voters said the site was unorganized and the workers were rude.” On the Exit Survey, 74% of the respondents said they were not asked the required ID question, a poor rate of compliance that seemed widespread: in the 6 Guilford County precincts where Monitors collected more than 80 Exit Surveys per precinct, only 30% of respondents said they were asked the ID question. 699 voted in 2014. Turnout increased from 17.2% in 2010 to 20.8% in 2014.

Guilford County, Precinct G53. Poll Monitors reported, “A large number of people came to the wrong polling place and were redirected. Most said they had moved and didn’t know their voting place.” There’s a question about whether the Chief Judge and others understood the “unreported move” provision that allowed in-county movers to cast a provisional ballot that counted. Significantly, election officials in Guilford County, the third most populous in the state, gave only 10 “unreported move” voters provisional ballots. By contrast, Forsyth County officials handed out 85 provisional ballots to “unreported move” voters. 696 voted in G53 in 2014. Turnout increased from 22.0% to 22.9%.

Guilford County, Precinct G68. Poll Monitor reported around 6 PM that a lot of NC A&T

students were being turned away from the polls and refused provisional ballots when they requested them. At one point, a precinct official told the Poll Monitor that the polling place had run out of provisional ballots. Precinct official was unpleasant at first, but later apologized to Monitor. 413 voted in 2014. Turnout dropped from 14.3% in 2010 to 12.5% in 2014.

Guilford County, Precinct G69. Poll Monitor and several voters reported that when the precinct opened it had the poll book for a different precinct, G70. As a result, some voters left. According to some voters, even when the poll book error was corrected, there was still only one computer to check voters in and the poll worker had trouble finding voters' names. Poll Monitor also reported a lack of curbside voting, "poll workers are making handicapped voters park and come into the polls to vote." 638 voted in 2014. Turnout dropped from 19.9% to 17.8%.

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Halifax County, Precinct SN, Scotland Neck. Poll Monitor reported long waiting time for curbside voters. She told precinct judge about a 100-year-old woman who said she had to leave because she could not wait any longer. 1,017 voted in 2014 compared to 1,096 at Precincts SN1 and SN2 in 2010, which were combined into Precinct SN. Turnout fell from 39.2% in 2010 for SN1 & SN2 to 37.3% in 2014.

Halifax County, Precinct Weldon 3. Poll Monitor reported that the precinct ran out of Authorization to Vote forms and had to retrieve more forms from another precinct. In the interim, voters were not able to cast a ballot. 558 voted in 2014. Turnout dropped from 32.6% to 25.4%

Johnston County, Precinct PR04, Bentonville. Voters reported the poll did not open on time in the morning. About 70 people left without voting because the polling place opened about one hour and half late. The State Board of Elections decided not to extend hours. 478 voted in 2014. Turnout dropped from 45.3% in 2010 to 39.9% in 2014.

Johnston County, Precinct PR34, South Clayton; and Precinct PR11B, West Clayton-2. Voter living in Precinct PR34 went to Church at Clayton Crossing, where she had voted on Election Day before. She looked the location up on the website before going with three other voters; the SBOE website for her address in PR34 showed a picture of the Church at Clayton Crossing. They waited in line about an hour because only one precinct official was checking in people, then they learned the polling place for PR34 had moved to Mount Calvary Baptist Church. (The Clayton Crossing church had become the poll for PR11B.) The voter said officials were "unprepared, it was a fiasco." She watched over 100 voters leave without voting and believes many did not vote. (News articles confirm the polling site change for PR34, multiple complaints called in, and incorrect polling place pictured on website. The NC Democratic Party asked the State Board of Elections to extend the closing time based on the problems but the request was denied.) Two PR34 voters (both African Americans) cast provisional ballots at PR11B, but they did not count. 1,225 voted in PR34 in 2014. Turnout dropped from 23.0% to 20.1%. 1,013 voted in PR11B in 2014. Turnout dropped from 26.0% to 23.3%.

Johnston County, Precinct PR35, Banner at American Legion Building, Benson. Poll Monitor reported that the curbside voting was arranged so there was room for only one vehicle at a time and then when a vehicle was parked outside

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the polling place, it would block one lane of traffic coming. 1,165 voted in 2014, compared to 1,793 in the three 2010 precincts that were merged to create PR35 (West, South, and North Banner). Turnout dropped from 44.8% to 27.5%

Lee County, Precinct A1, Southern Lee High School. Poll Monitor said computers were not working when the polls opened in the morning. 733 voted in 2014. Turnout dropped from 18.4% in 2010 to 16.5% in 2014.

Lee County, Precinct A2, J. Glenn Edwards Elementary School. Voter reported “really unorganized polling location, long lines, and inefficient poll workers.” 763 voted in 2014. Turnout dropped from 17.4% to 15.6%.

Lincoln County, Precinct LS12, Lincolnton/South. Poll Monitor reported “an unusually large percentage of voters that came to this polling location . . . were not registered to vote here: roughly 30% of more. And 75% of those were African American or Latino. They were registered at a different polling place in Lincoln County and were told where to go to vote.” 401 voted in 2014. Turnout fell from 27.0% to 23.9%.

Lincoln County, Precinct OR21, Ore Bank. Concerns expressed about signage and lighting: A voter said she drove to the voting location, but “the lights were off and [it] looked like no one was there.” She “drove around the whole area and didn't find anything” and saw “other cars were leaving too.” The voter left and her record confirms she did not vote. 525 voted in 2014. Turnout dropped from 37.1% to 25.6%

Mecklenburg County, Precinct 016. Poll Monitor reported that “about 6:00 PM, long lines began to form.” Earlier in day, there were occasional lines but they were moving fairly quickly. 767 voted in 2014. Turnout dropped from 27.3% in 2010 to 22.5% in 2014.

Mecklenburg County, Precinct 025. Poll Monitor reported, “Several people at start of day were at wrong precinct.” Voters said officials were helpful but more machines were needed inside (DRE voting machines). African Americans are over 90% of the registered voters in this precinct. 556 voted in 2014. Turnout dropped from 25.2% to 17.8%. Election Day participation fell in 9 of the county’s 14 precincts where African Americans are 80% or more of the registered voters. 7,607 voted in these 14 precincts in 2014; 8,021 on Election Day in 2010. Turnout in the 14 fell from 21.2% to 17.8%

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Mecklenburg County, Precinct 056. Poll Monitor reported, “No apparent arrangements to accommodate elderly or handicap voters. Sign designating area in which to park for those unable to leave car was totally inadequate.” The Poll Monitor reported, “We have seen at least 8 people with canes or walkers walking from the distant parking lot to vote. One voter used a cane and was unsteady on her feet. She had to park in the lot and walk approximately 100 yards to vote. Upon leaving, she fell off the curb. I helped her up.” 388 voted in 2014. Turnout dropped from 22.6% in 2010 to 19.5% in 2014.

Mecklenburg County, Precincts 003, 060, and 104. Poll Monitor who floated between these precincts reported periodic long lines, as well as poor logistics and long waits for curbside voters. “If they are going to stick with ‘no straight ticket voting,’ they need a lot more machines and a lot more staff to get folk in and out, and they need larger facilities that can accommodate the vehicles and the large number of voters,” she said. 1,863 voted in 2014 in the three precincts.

Combined turnout fell for them from 26.6% in 2010 to 21.4% in 2014.

Mecklenburg County, Precincts 031 and 135. Poll Monitors during heavy periods collected Exit Surveys from a significant sample of the day's voters at Precinct 135 – and 87% said they were not asked the required question about possessing a photo ID. By contrast, in the much smaller Precinct 031, 76% of the Exit Survey respondents said they were asked the question. 457 voted in Precinct 031 in 2014. Turnout dropped from 16.5% to 14.7%. In Precinct 135, 1,446 voted. Turnout dropped from 21.2% to 19.6%.

Mecklenburg County, Precinct 145. At 7 PM, a voter reported “long lines” that were “discouraging people from voting.” This is one of the biggest precincts in the state with over 9,000 registered voters. 2,649 voted on Election Day, 2014, the second highest number for any precinct (Wake's Precinct 20-13 was number 1). Turnout dropped from 29.0% in 2010 to 28.0% in 2014.

Mecklenburg County, Precinct 146. Poll Monitor reported several of the DRE voting machines became broken in the afternoon and over 30 people left without voting before they were fixed. There were problems with occasional long lines and difficulty with curbside voters getting service. 888 voted in 2014. Turnout dropped from 21.5% in 2010 to 18.3% in 2014.

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Mecklenburg County, Precinct 210. Poll Monitor reported long lines during the last shift and problems with inadequate parking. More than 75% of the registered voters in the precinct are black voters. One African American man who voted in 2008 and 2012 made a point of filling out an Incident Report to say he could not wait. Another voter, an African American woman, said she could not vote because she arrived “a minute late” because she could not find a parking place. 1,319 voted in 2014. Turnout dropped from 25.3% to 20.3%.

Nash County, Precinct 0015, Nashville. Poll Monitor observed longer lines after 5:45 PM. The Exit Surveys collected in Nash County indicated more than 75% of voters were asked the required question about possessing a photo ID, a much better compliance rate than most other counties. 1,500 voted in 2014. Turnout dropped from 22.6% to 22.1%.

Nash County, Precincts 0011, 0033, 0034 and 0040A. Poll Monitors and voters reported moderate lines in some precincts where African Americans were a significant share of the registered voters and also a need for more polling booths. In Precinct 0011 in Spring Hope, 743 voted in 2014, down from 1,017 in 2010. In Precinct 0033 in Rocky Mount, 467 voted in 2014, down from 624 in 2010. In Precinct 0034 in Rocky Mount, 779 voted in 2014, down from 889 in 2010. In Precinct 0040A in Rocky Mount, 1,138 voted in 2014, down from 1,273 in 2010. The overall turnout in the 4 precincts dropped from 26.9% in 2010 to 22.3% in 2014.

New Hanover County, Precinct W15, Mosley Performance Learning Center. In contrast to Precinct W25, 92% of the 173 voters who completed an Exit Survey said they were asked if they possessed one of the IDs needed to vote in 2016. Voters also gave the poll officials high marks for being “polite and informative” and said curbside voting was convenient. However, there were still issues with out-of-precinct voters and turnout dropped from 2010. 840 voted in 2014. Turnout dropped from 16.5% to 14.1%

New Hanover County, Precinct W24, UNC-Wilmington. Dozens of UNC-W students thought

they were registered but were refused regular ballots. The county board of elections would not accept voter registrations with dorm addresses, and it rejected a policy directive from the State Board of Elections to help students, for example by using a university handout to convert the dorm address to a street address. Instead, students were given the option to vote a provisional ballot – but the ballot apparently didn't count unless the original registration

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included a street address. In 2010, officials at campus-based Precinct W24 handed out only 8 provisional ballots for voters with “no record of registration” but that number jumped to 121 in the 2014 general election, with only 25 counted at least in part. 539 voted in 2014 for a dismal 11.1% turnout, but that was better than the 10.7% turnout achieved in 2010.

New Hanover County, Precinct W25, Cape Fear Community College. Poll Monitors collecting Exit Surveys found that 41% of the voters said they were not asked if they possessed one of the IDs that would be required to vote at the polls in 2016. This is a higher rate of non-compliance than Monitors found at the two other New Hanover precincts they surveyed (W15 and W27). New Hanover is another relatively large county where only a small number of provisional ballots were provided to voters with “unreported moves” – a total of 20 were cast in just 9 of the county's 38 precincts. By contrast, the county handed out 246 provisional ballots to “unreported moves” in 2010, and all but 3 counted at least in part. We also found that fewer Election Day votes were cast in 2014 than in 2010 in all 8 of the county's 43 precincts where African Americans are more than 25 percent of the registered voters. 702 voted in Precinct W25 in 2014. Turnout dropped from 19.9% to 16.5%.

Orange County, Precincts OW and LC in Carrboro. Poll Monitors reported that students particularly were not aware they needed to change their registration when they moved and that they had to vote in their own precinct on Election Day. As a consequence, many were turned away. 1,242 voted in these two precincts in 2014. Combined turnout dropped from 25.0% in 2010 to 20.9% in 2014.

Orange County, Precinct PA in Chapel Hill. Poll Monitors reported complaints about the loss of straight-ticket voting and extra time needed to vote. Unlike the other Orange precincts where Exit Surveys were collected, this PA/Patterson Precinct had a very poor compliance rate for asking voters about personally possessing a photo ID – 65% of respondents said they were not asked the question. 1,038 voted in 2014. Turnout dropped from 26.1% in 2010 to 22.6% in 2014.

Pitt County, Precinct 1507, Greenville 7. Poll Monitor reported, “Even with low turnout, dozens of voters were sent to other precincts to vote. It was hard to determine how many actually did that or just gave up and didn't vote.” 635 voted in 2014. Turnout dropped from 16.3% to 13.2%

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Pitt County, Precinct 1504A, Greenville 4A. Poll Monitor gave a similar report of low turnout and voters having to travel to a second precinct. 469 voted in 2014. Turnout dropped from 18.7% to 14.0%.

Robeson County, Precinct 19, Maxton. Poll Monitor reported that voting machines were not working in the morning and it took a couple visits to get them repaired. Doors got locked a few

times and voters had to knock to get in. Officials ran out of ballots and had to essentially close the poll for about 45 minutes. This is the polling site that was given extended hours. The Poll Monitor also reported the curbside voting area was not protected by buffer zone so partisan advocates could approach them, and the curbside voters didn't have a way to notify poll officials that they were waiting. 912 voted in 2014. Turnout increased from 27.4% to 28.6%.

Robeson County, Precinct 39, Union Elementary School. Poll Monitors reported complaints about the loss of straight-ticket voting. 60% of the voters in Precincts 39 and 19 who responded to the Exit Survey said they were not asked the required question about possessing a photo ID. 418 voted in 2014. Turnout dropped from 29.2% to 26.6%

Rowan County, Precinct 38, Park Avenue Community Center. Poll Monitor reported that the parking lot and area around the building had poor lighting, which they said should be addressed given the darkness in the early morning and evening. 645 voted in 2014. Turnout dropped from 22.9% in 2010 to 22.4% in 2014.

Wake County, Precinct 01-22, Southeast Raleigh Magnet High School. Voters said poll officials were pleasant but they were not inclined to provide provisional ballots to voters with issues, which seemed to be a pattern across the state. Only 6 provisional ballots were provided in Precinct 01-22, half the number used in 2010. Two out of three of the voters responding to the Exit Survey in Precinct 01-22 said they were asked if they personally had a photo ID, a better compliance rate than the other Wake County precincts surveyed; the worst was Precinct 10-04 where 70% of the respondents said they were not asked the required question. In Precinct 01-22, 1,099 voted in 2014. Turnout dropped from 28.8% to 26.7%

Wake County, Precinct 01-26, Chavis Community Center. Poll Monitors reported a great deal of confusion among voters arriving at this site. Throughout the day, they counted more than 300 voters who said they were told they were in the

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wrong precinct. In the past two presidential elections, Chavis was an early voting location – which may explain why so many voters were convinced they should be able to vote there for this election. 579 voted in 2014. Turnout dropped from 14.7% in 2010 to 13.6% in 2014.

Wake County, Precinct 06-05, Holly Ridge Middle School. Poll Monitor reported voters waiting in long lines at different times of the day and also problems with traffic control because cars with voters were in the same line with cars letting off students for school. The Monitor also spent time helping curbside voters who needed attention from poll officials. 1,375 voted in 2014. Turnout increased from 37.6% in 2010 to 42.0% in 2014.

Wake County, Precinct 17-05, Trinity Presbyterian Church. Caller reported problems with the access for curbside voting; a daughter and elderly mom in wheelchair were challenged by the set up. 1,436 voted in 2014. Turnout dropped from 35.7% to 33.3%

Wake County, Precinct 18-01, Temple of Pentecost. Poll Monitor reported lines lasting 45 minutes and longer in the last few hours of the day. Monitor also reported about two dozen voters during these final hours were sent to other polling places and some would not have time to vote as a consequence. The process moved well earlier in the day, but the help table had longer lines at various times and some people could not wait. 1,331 voted in 2014. Turnout dropped from 25.0% in 2010 to 22.9% in 2014.

Watauga County, Precinct 05, Boone 2, Legends Night Club. Poll Monitor reported that many voters, primarily college students, were being turned away for being out-of-precinct. Transportation to other polling sites was limited late in the day. Monitor noted that the number of voters turned away seemed to be increasing as the night went on. Earlier in the day, another Poll Monitor at the same location reported that the person directing traffic outside of the polling place was sharing her political views with voters. 248 voted in 2014. Turnout dropped from 14.9% to 12.3%

Watauga County, Precinct 12, Boone 3, Agricultural Conference Center. Poll Monitor who was there most of day reported that by 2 PM over 30 voters had been turned away from this polling place; many were students. Some received transfers to a new precinct. 177 voted in 2014. Turnout fell
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from an already embarrassing low of 5.8% in 2010 to 3.8% in 2014.

Wilson County, Precinct PRTA, Taylors, New Hope School. Poll Monitor reported there was insufficient signage indicating where the polling place was and there were long lines all day, often extending for over an hour. The Monitor was told there were only 3 precinct officials inside with 2 computers and they were processing voters slowly. On a positive note, 80% of Exit Survey respondents in the precinct said they were asked the required question about possessing a photo ID. 1,473 voted in 2014. Turnout dropped from 26.7% in 2010 to 24.3% in 2014.

Wilson County, Precinct PRTO, Elm City Elementary School. Poll Monitor reported that curbside voters had long waits in the morning – an hour for some – but that situation improved later in the day. Long lines frustrated some morning voters going into the polls and some left; the monitor counted seven people who “left without voting after standing in the line for too long.” 1,101 voted in 2014. Turnout edged up from 28.1% to 28.2%.

Yancey County, Precinct 01 BUR, Burnsville. Poll Monitor collected Exit Surveys during the first part of the day; only 39% of the respondents said they were asked if they personally possessed a photo ID suitable for voting in-person in 2016. 741 voted in 2014. Turnout dropped from 22.6% in 2010 to 21.0% in 2014.

All totaled, there is a net loss of over 10,000 votes from the expected vote count if the 100 precincts described above had maintained their 2010 turnout rates for Election Day 2014. There are more than 2,600 other precincts across the state. We do not have the same level of intelligence about conditions at those polling places, but no doubt many of them also experienced problems, confusion, frustration, and voter rejections exacerbated by the repeal of out-of-precinct and straight-ticket voting.

Many factors influence turnout and we are not arguing that every precinct should have achieved the same turnout rate it did in 2010, but the pattern of under-achievement is instructive. Less than 15% of the precincts with problems described in the preceding pages had an Election Day turnout rate that matched or exceeded the rate in 2010. Other precincts more than doubled that level of achievement. The loss of over 10,000 votes from these 100 precincts indicates the effect of problems on turnout and the scale of the impact of changing conditions and the new law on voters. When combined with the numbers of lost voters described in the next two sections, we

reach the estimate of 30,000 to 50,000 voters silenced by H-589 and the problems it caused or made worse for election administrators and voters.

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II. REPEAL OF SAME-DAY REGISTRATION

All the academic studies we are aware of say same-day registration increases voter participation and turnout. (There is some disagreement about the overall impact on turnout of providing early voting opportunities, but the literature uniformly says SDR adds voters who would otherwise not participate.) Even with the intensive voter registration campaigns conducted by the Obama campaign and his opponent in North Carolina in 2008, about 103,000 voters still showed up during early voting with a need to use SDR to register before they could vote. In the 2012 presidential election, about 97,000 used SDR as first-time voters in a NC county.

In the midterm election of 2010, a total of 21,410 citizens used same-day registration during early voting to register and cast a ballot. Tea-party activists, candidates, political parties, Democracy NC and other groups promoted the use of SDR. It is not unrealistic to believe that at least that many citizens would have used SDR in the 2014 election if the provision had not been repealed in 2013. As we noted earlier, much more money was spent on field organizing and mobilizing voters in North Carolina in 2014 than in 2010. Even without any organized effort to direct people to the polls who might not be registered, the statewide database of provisional ballots indicates over 7,000 people (1) showed up to vote with registration problems AND (2) took the trouble to complete a provisional ballot. The vast majority were judged to be not registered and their provisional ballots were rejected.

Importantly, the provisional ballot database, hotline calls, and Incident Reports also show that a large number of people would have used SDR not out of convenience but to solve a problem they first discovered when they went to vote. Like many others who used SDR in the past, they don't know about deadlines or residency requirements; they are confident they registered through a government office, a voter drive or some other means; they don't know they have to register again if they move into another county; they dump elections board mailers so don't realize they have been removed from the rolls – until they are hit with the news at the voting place. SDR rescued many of these voters. They would not have adjusted their behavior and fixed their registration issues earlier simply because they learned the SDR option was repealed.

Given this background and the track record of SDR's popularity in North Carolina, it is reasonable to believe at least 21,000 citizens would have voted using SDR in 2014 who did not otherwise vote because of registration issues. A provision that researchers uniformly say adds a significant percent to the voter turnout will have at least a modest impact if it is withdrawn. A loss of 20,000 to 25,000 voters due to SDR's repeal is still less than 1 percent of the nearly 3 million voters who cast ballots in North Carolina's 2014 election. It seems fanciful to deny an impact of at least this magnitude given the resources devoted to the 2014 election.

III. REPEAL OF OUT-OF-PRECINCT VOTING

In 2010, more than 5,700 voters cast a provisional ballot on Election Day in the "incorrect precinct" in their county and it counted, at least in part. After H-589 changed the law, it became fairly fruitless to take the time to cast a provisional ballot as an out-of-precinct voter. In the 2014 general election, only 459 such ballots coded as "incorrect precinct" were counted in part or in

counties. More than 1,100 other provisional ballots coded “incorrect precinct” were rejected. Because they knew out-of-precinct ballots would rarely count, many precinct officials in 2014 did not bother to offer them and instead simply told voters they were in the wrong location and needed to go elsewhere to vote. The officials’ ability to give a voter directions to the correct polling place depended on a number of factors, including access to an electronic poll book and the stress of other pressing responsibilities.

Based on the reports from our Poll Monitors and the hotline, thousands of voters waited in lines and were then told to leave and go to another place. Some of them did so and successfully voted, but thousands of others simply gave up after making the effort to vote at one location. The earlier section identifies a few precincts where Poll Monitors counted 100 or more voters leaving – disproportionately African American voters who, as a group, have more difficulty spending extra time voting because of inflexible schedules, travel constraints, child-care duties, etc. Recognizing that 1,100 voters took the time to complete a provisional ballot in 2014 that was rejected, we believe the total number of lost votes due to the repeal of out-of-precinct voting is roughly equal to the number of voters who used it successfully in 2010 – i.e., about 5,000.

That the numbers would be roughly equal is not surprising. To illustrate the point, we note that virtually the same number of provisional ballots in another category were approved in 2014 as in 2010. These are the provisional ballots given to registered voters who moved within the county but failed to notify county election officials about the change. When they showed up in their new polling place, these voters learned there was no updated registration for them on the poll book. In 2010, provisional ballots for 6,289 of these “unreported move” voters were “approved” and fully counted. In 2014, the number was almost exactly the same – 6,203.

While the closeness of those numbers for approved ballots may be a fluke, it’s also worth noting that the number of provisional ballots rejected for some reasons is also similar in the two midterm elections. For example, the number rejected from voters classified as “not registered” in 2014 is about 80 percent of the number in 2010.

What’s most different between the two elections is the treatment of ballots cast in the wrong precinct. Earlier, we pointed out the sharp contrast between the 5,700 “incorrect precinct” provisional ballots that were accepted in 2010 versus only 108 accepted in 2014. In addition to these, poll workers in 2010 handed out over 700 provisional ballots that counted in part for registered voters classified as “voting out of precinct.” But only 91 provisional ballots for similar voters were counted in part in 2014. The rest of the similarly situated voters had their provisional ballots rejected or they were sent away. Many of them became the casualties of H-589’s repeal of out-of-precinct voting.

This concludes our memo. Please let us know if you have questions. We greatly respect the hard work performed by county and state election officials, and we hope this memo can be useful, especially as constructive feedback from citizens in the communities you serve.