



From the Voter's View:
LESSONS FROM THE 2016 ELECTION



From the Voter's View: Lessons from the 2016 Election

By Isela Gutiérrez, *Research and Policy Director*
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Introduction

This report focuses on the lessons that can be learned from the experiences of North Carolina voters who faced problems at the polls in the 2016 general election. Because of the unseen and underappreciated work of hundreds of election administrators and thousands of poll workers, most voters show up, stand in line, cast their ballot, get a sticker, and go home – satisfied to have done their civic duty. When the system works well and election rules are designed to maximize access, voters have a generally pleasant experience, even if their candidate loses. But that easy voting experience is derailed when voting rules are inconsistently applied, lines are excessively long, equipment breaks down, or poll workers are untrained and unwelcoming. Many of the worst polling place problems happen when these issues occur in combination, compounding the negative effect on voters.

Much of the post-election reporting has focused on the “horse race” – who won and why. But very little is written about the nuts and bolts of how the election was actually administered, despite the fact that election administration

fundamentally shapes voters' experiences and may even determine their ability to vote. In North Carolina, elections officials faced a constantly shifting landscape of election law, forcing them to quickly retrain poll workers, change early voting schedules, adjust voting systems, and navigate intense disputes in a hyper-partisan atmosphere. We encourage more analysis and reporting about the pressures on elections officials, their resource constraints and needs, and their success in implementing safety-net provisions restored during 2016 by a federal court.

This report, however, looks at the elections system from the perspective of voters who encountered significant problems, because we believe their perspective is critical for evaluating the health of our democracy. We examine these problems and offer recommendations in the spirit of helping busy election administrators to identify gaps, areas of miscommunication, or system glitches that, if corrected, could lessen voter anxiety and frustration.

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Methodology: First-Person Sources

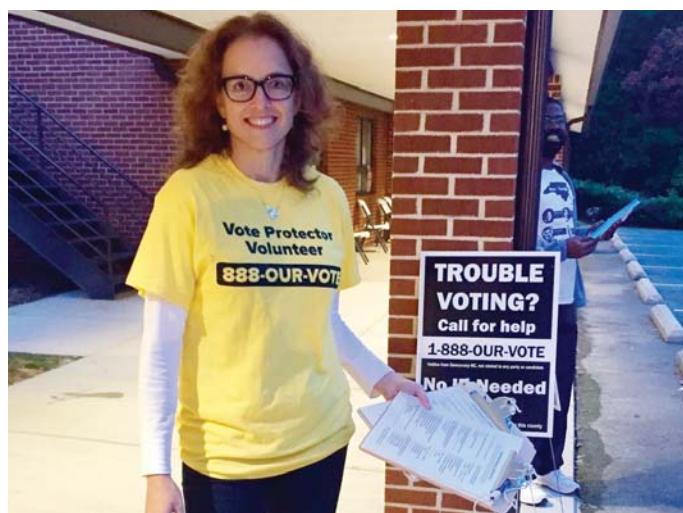
Democracy North Carolina is one of the lead partners in North Carolina’s Election Protection effort, which protects the rights of voters by providing information about the voting process and addressing voting problems with elections officials as they arise. Led nationally by the Lawyers’ Committee for Civil Rights Under Law, our state’s 2016 Election Protection coalition included the Southern Coalition for Social Justice, the North Carolina State Conference of Branches of the National Association for the Advancement of Colored People (NC NAACP), Forward Justice, Ignite NC, Common Cause, the North Carolina A. Philip Randolph Institute (NC APRI), the UNC School of Law’s Center for Civil Rights, and many other community partners, including civic and Greek organizations.¹

For the 2016 general election, Democracy North Carolina ran its largest poll monitoring project to date – drawing on our own supporter base, as well as the membership of NC NAACP, NC APRI, Common Cause, “Divine Nine” alumni chapters, and many other community groups. On Election Day, Democracy North Carolina and partners fielded 1,100 lay poll monitors

stationed at 300 precincts in 64 of the state’s 100 counties, along with 250 legal field monitors circulating at 420 precincts in 33 counties. According to the Lawyers’ Committee, it was one of the largest non-partisan Election Protection field operations in the nation in 2016. During Early Voting, we fielded 235 lay poll monitors stationed at 63 Early Voting locations in 21 counties. Our findings are based on data collected from over 3,800 calls to the Election Protection hotline during Early Voting and on Election Day, and 415 incident reports, 600 polling place checklists, and 26,500 exit surveys collected from our poll monitors.

Our 2016 Election Protection program did not cover the majority of precincts or the experiences of all voters, but it is a significant, mostly qualitative, dataset providing first-person insight from the perspective of voters and others outside of partisan campaigns and the elections system. While the voter’s view is only one of many lenses on our elections system, it is undoubtedly one of the most critical perspectives for the health of our democracy.

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Snapshot of 2016 Election

In the 2016 election, over 4.7 million North Carolinians voted successfully – 69% of all registered voters. As a battleground state in a hotly-contested presidential race, and with our own tight and closely-watched gubernatorial race, North Carolina and its voters were inundated with ads, mailers, calls, and canvasses from campaigns, political parties, and non-partisan voter turnout efforts. With voters on all sides passionately advocating for their candidate of choice, partisan tensions were high, magnifying long-standing political feuds and historical racial divisions.

Since 2011, North Carolina has also been a battleground in the struggle for voting rights. In late July 2016, after years of litigation in *NC NAACP v. McCrory*, the United States Court of Appeals for the Fourth Circuit finally ruled on the legality of key provisions of H589, dubbed the “Monster Voter Suppression Law” by voting rights advocates. Finding that the law had been passed with an intent to discriminate against African-American voters, the Fourth

Nevertheless, the July ruling complicated the administration of the 2016 election. County Boards of Elections (BOEs) had just submitted their early voting plans to the State Board of Elections (SBOE), and they now had to be redone (see pp. 10-11 for additional detail). State and county BOEs had worked since 2013 to educate election officials, poll workers, and voters about the photo ID requirement scheduled to go into effect in 2016. (Indeed, the photo ID requirement was in place for both the March and June 2016 Primary elections.) Following the Fourth Circuit’s ruling, SBOE sent a letter to every community organization that had received its print materials about the photo ID requirement to inform them about the law’s repeal. However, unlike the major, multi-year public education effort around the photo ID requirement, which included print materials, billboards, television and radio ads, and a five-person outreach team to educate North Carolinians about the new law, there was no analogous attempt to publicize its invalidation by the Fourth Circuit in 2016.

“ *The elimination of the strict photo ID requirement, while ultimately better for voters, left many unsure of what, if anything, they needed to bring to the polls.* ”

Circuit overturned the law’s strict photo ID requirement, and restored the full 17 days of early voting, Same Day Registration (SDR) during the early voting period, out-of-precinct (OOP) voting on Election Day, as well as pre-registration for 16- and 17-year-olds.

Election rules have real consequences for voters. Laws that make it easier to register and vote, like SDR and OOP, increase opportunities for people to cast their ballots. SDR added over 100,000 votes to the election tally in 2016, and OOP voting on Election Day allowed approximately 7,100 ballots to be counted, in whole or in part. Before H589’s passage, North Carolina had some of the best voting rules in the country. Thanks to the Fourth Circuit’s ruling, these pre-H589 voting rules were in place for the 2016 general election, making voting much easier than it would have been without them.

The elimination of the strict photo ID requirement, while ultimately better for voters, left many unsure of what, if anything, they needed to bring to the polls. Some poll workers were also confused about which rules were in place for the 2016 general election, despite detailed training materials provided by SBOE. Indeed, confusion about whether the restrictive photo ID law was in place may have discouraged some occasional voters (who only turn out for Presidential elections) from voting; recent research has shown that fear of not having the correct ID depressed turnout in both Texas and Wisconsin, even among voters who did in fact have an acceptable ID.²

In addition to heated contests and changing rules, Hurricane Matthew, the strongest storm to hit North Carolina in the 17 years since

Hurricane Floyd, hit the eastern part of the state on October 8 and 9 – just a few days before the regular voter registration deadline of October 14.³ Hurricane Matthew caused over a billion dollars of damage and led to devastating flooding across eastern and coastal North Carolina – an area of the state with large numbers of African-American and low-income voters.⁴ By order of a Wake County Superior Court judge, the voter registration deadline was extended by five days to October 19 in the 36 counties that had sustained enough damage to qualify for federal emergency assistance.⁵ The SBOE also sent a postcard to over 22,000 voters in the area who had requested mail-in absentee ballots, in hopes of rectifying cases where voters had not received their ballots or had lost them in the flooding, and coordinated with shelters and the postal service to pick up ballots from voters in time. While the extension and other outreach efforts by the SBOE were helpful, the severe disruption caused by Hurricane Matthew was difficult to mitigate. Many eastern North Carolina voters remained displaced well through Election Day, and a handful of early voting locations and polling places across the impacted region had to be changed as a result of flooding and hurricane damage.

Adding fuel to the fire, in the last month leading up to the election, Roger Stone, an ally of then-Republican presidential candidate Donald Trump, announced that his “Stop the Steal” organization would conduct exit polling at precincts with large numbers of voters of color in nine Democratic-leaning cities in swing

states, ostensibly to prevent voter fraud from skewing election results.⁶ Two of the nine cities – Charlotte and Fayetteville – were in North Carolina. Fortunately, Democracy North Carolina, the Brennan Center for Justice, and Common Cause had already begun working with the SBOE on an administrative policy memo, outlining acceptable conduct outside of the polls. These rules distinguished between acceptable, First Amendment-protected conduct and actions intended to intimidate voters and disrupt the voting process.⁷ Having this administrative guidance in place increased peace of mind for voting rights advocates, but did not alleviate any justifiable concerns about intimidation or violence by Stop the Steal activists toward voters of color in Charlotte and Fayetteville.

The high level of political and racial tension literally exploded on October 15, when a flaming bottle was thrown through the window of the Orange County Republican Party headquarters; the words “Nazi Republicans leave town or else” and a swastika were painted on a nearby building. Campaign materials, office equipment, and the building were all damaged by the fire, though the building was empty when the incident occurred and no one was hurt. Politicians and voters across the political spectrum condemned the attack, and called for greater unity in the midst of an increasingly contentious and divided campaign cycle. A year later, the perpetrators have not been caught, though federal and state agencies continue to investigate.⁸

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Problems at the Polls

While election officials, partisan activists, and policy wonks are thinking about elections processes year-round, ordinary voters typically think about them only once every four years. Voters often do not recall which voting rules were in place when they last voted, where and when exactly they went to vote, or the details

of their interactions with poll workers. Indeed, most North Carolinians have a positive or neutral voting experience. But when things go poorly, many voters do not simply write it off. Instead, first-person accounts from 2016 show that they often see it as a direct affront to their civic identity, a devaluation of their voice as a

citizen, and even discriminatory. The pivotal role of poll workers in these interactions is discussed in detail on pages 17-20, particularly their level of training and communication skills. Left wondering at the reasons behind their poor treatment at the polls, most voters assume it is related to their race or ethnicity, age, gender,

partisan affiliation or lack thereof, disability, or student status.

The sections below offer detailed explanations and examples of some of the most common election administration problems reported by voters and poll monitors in the 2016 general election.

Out-of-Precinct Voting

What is it?

Out-of-precinct voting (OOP) allows voters who show up at a precinct in their home county, but not in their assigned precinct, to cast a provisional ballot. OOP voting is only in effect on Election Day, since a voter can cast their ballot at any One-Stop Early Voting center in their county during the 17-day early voting period. OOP voting is an important “safety net” for voters who are unsure where their home precinct is, whose home precinct may have changed since the last election they voted in, or who simply cannot get to their home precinct in time on Election Day.

OOP votes can be wholly or partially counted, since some races that would appear on the ballot in a voter’s home precinct may not appear on their out-of-precinct provisional ballot. For example, an OOP vote will count for statewide races like Governor, Senator, or NC Supreme Court, but may not count in a local or district race that is precinct-specific. In the 2016 election, 94% of the 7,500 OOP ballots cast were counted in part or in full. OOP voting is

especially common at Election Day precincts that are also early voting locations, as voters simply return to the last place they voted without remembering whether it was an early voting location or realizing that the rules are different on Election Day.

Ideally, the process should work as follows: A voter arrives at an incorrect precinct. A poll worker explains that the voter may choose to vote an OOP provisional (which may only count in part), or go to their correct precinct and cast a regular ballot. If the voter chooses the latter, the poll worker gives them the address of their correct precinct.

OOP voting is designed to maximize access, so that a correctly registered voter in their correct county is not disenfranchised by something as trivial as going to the wrong precinct. Proper implementation requires poll workers to follow the process outlined above, offering voters their legally mandated choice to vote an OOP provisional or go elsewhere.

What happened in 2016?

Our 2016 Election Protection eyewitness reports show that out-of-precinct voting was inconsistently offered by poll workers and too often required an informed voter to assert their right to a provisional ballot.⁹ Democracy North Carolina received at least 58 complaints on Election Day from 23 counties and 45 precincts.¹⁰ Reports included poll workers failing to offer OOP provisional ballots, sending voters to multiple, often incorrect precincts,

discouraging voters from voting OOP, and telling voters that their OOP provisional ballots would not count. The counties included Alamance, Bertie, Buncombe, Chatham, Cleveland, Cumberland, Durham, Edgecombe, Forsyth, Franklin, Guilford, Halifax, Henderson, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Person, Robeson, Vance, and Wake.

Some of those reports from voters and poll monitors are detailed below.

At the Chavis Community Center in Southeast Raleigh, voters were discouraged from voting OOP provisional ballots. The Chavis Community Center is a popular early voting location in a predominantly African-American area of Raleigh – it has been an early voting site for the last three presidential elections. On Election Day, it is a precinct polling location and tends to be a “hot spot” for OOP voters who have previously voted early there. In 2014, when OOP voting was not allowed, our poll monitors documented over 300 voters turned away. Unfortunately, in 2016, this was not a case of a bad law, untrained poll workers, or confusion – the decision not to offer OOP ballots and to discourage use of provisional ballots for OOP voters came directly from the polling place’s chief judge. Beginning at 8:24 a.m., the chief judge was hostile to Democracy North Carolina poll monitors who tried to find out why voters were being discouraged from voting OOP, even though the law allows it. Election Protection volunteers made multiple attempts throughout the morning and early afternoon to communicate with election officials about the problem, and ultimately a team of legal field monitors was sent to the polling place. Despite these efforts, the hotline and poll monitors continued to hear from upset voters who had waited in line up to two hours only to be told they were “wasting their time” or that their ballot would not count because they were out-of-precinct.

In Edgecombe County, legal volunteers moving between polling places on Election Day received multiple reports about voters who arrived at the incorrect precinct and were redirected without being offered a provisional ballot. Even when these voters protested and explained that they would not have the time to make it to another voting location, poll workers refused to give them provisional ballots – in effect disenfranchising them.

In Cumberland County, out-of-precinct voters at the Person Street Fire Department precinct were told that they could not vote at that location and were not given the option of a provisional ballot. It was only after speaking to Democracy North Carolina poll monitors that the voters learned that they had the choice to vote provisionally at that precinct. Armed with the correct information about their rights, they went back in, requested provisional ballots, and cast them successfully.

Recommendations

- ✔ **State and county BOEs should improve consistency in poll worker use of the existing protocol for OOP voting.** SBOE currently provides detailed training documents for poll workers that include the correct OOP protocol mentioned above.¹¹ However, the complaints we received from voters and poll monitors make clear that not every precinct official respects OOP as a safety net for voters, or understands that the choice to vote provisionally out-of-precinct lies with the voter, not poll workers.
- ✔ **Assess whether poll worker reticence to provide OOP provisionals reflects their personal concerns or even misgivings of county election officials about how OOP is used in their county.** Any administrative concerns underlying poll worker behavior should be surfaced, evaluated, and addressed by state elections officials, in the interest of promoting consistent implementation of the law.

Curbside Voting

What is it?

Curbside voting is required by state law as an option for voters with physical disabilities.¹² Polling places are required by federal law to be accessible for voters with disabilities, but many are still difficult to navigate for voters who have temporary or permanent mobility challenges.¹³ Curbside voting provides an alternative voting method for those who have trouble walking to the polling place or standing in line.

Each polling place should have a designated, clearly marked location for curbside voters, a method for those voters to let polling place officials know that they are outside waiting, and a poll worker whose job it is to attend to curbside voters.¹⁴ Before voting curbside, the voter is required to sign an affidavit affirming that they are unable to enter the polling place

due to age or a physical disability.¹⁵ Once the voter has affirmed their disability, a poll worker will bring them an Authorization to Vote form to sign, followed by their ballot. The process is typically more time-consuming than voting in the polling place, in part because it requires a poll worker to go back and forth between the voter in their vehicle and the polling place.

Even though it has been in place for decades, curbside voting is not well known or understood by most voters. And reports show that too many of those who do know about the option arrive at their precinct or preferred early voting site and cannot locate the curbside voting location, or may spend an hour or more waiting to vote via curbside.

“*Curbside voting provides an alternative voting method for those who have trouble walking to the polling place or standing in line.*”

What happened in 2016?

Democracy North Carolina received at least 42 complaints from 32 polling places in 15 counties about problems with curbside voting, which included long curbside lines and lack of adequate signage, as well as reports of poll workers pressuring voters with disabilities to vote inside the polling place instead of curbside and violating the privacy of curbside voters. Of the 42 complaints we received, 22 were about curbside voting wait times and six had to do with a lack of adequate signage. The counties

included Alamance, Caswell, Cumberland, Durham, Edgecombe, Forsyth, Guilford, Harnett, Haywood, Iredell, Mecklenburg, Onslow, Pasquotank, Rowan, and Wake.

These barriers undermine the practical availability of curbside for voters, making the statutory and administrative requirement to provide it meaningless. Below are some of the reports we received from voters and poll monitors:

*C.E., a white Mecklenburg County voter with a disability, went to vote early with her husband. She did not see any signage or location for curbside voting, and did not know it was an option. After waiting in line for some time, C.E. told a poll worker that she could not continue standing. The poll worker told C.E. that her only choice was to find someone else to stand in line in her stead. **C.E. was forced to endure her discomfort and, with her husband's help, stood in line for one and a half hours in order to cast her ballot.***

J.M., an elderly African-American voter, went to vote early at the Washington Terrace Park site in Guilford County. She is disabled, uses an oxygen tank and can only be on her feet for short periods of time. J.M. was correctly guided to curbside

voting by a poll worker directing traffic, but it took a long time for anyone to come help her. While J.M. was waiting, a poll worker repeatedly offered to help her go inside and vote, persisting even after she explained her disability and her strong preference to vote from her vehicle. **Ultimately, J.M. waited nearly two hours in her hot car to vote curbside.** She left the polling place very, very upset about the way she was treated. To its credit, the Guilford County BOE was startled and dismayed by the length of J.M.'s wait and the poll worker's request that she leave her car despite her disability, and agreed immediately to reach out to the polling place to clarify the "correct procedure."

On Nov. 1st, Tom P., a volunteer providing rides to the polls in Charlotte, gave elderly, African-American voter D.C. a ride to the Hickory Grove Library Early Voting site. D.C. was recovering from hip replacement surgery, so asked a poll worker if she could vote curbside. The poll worker responded by asking if she could "stand in front of a voting machine." When she answered yes, D.C. was told that curbside voting was only available for voters who could not walk or stand. (In fact, before casting a ballot from their car, curbside voters are required to attest "[t]hat because of age or physical disability I am unable to enter the voting place to vote in person without physical assistance.") **Supporting herself with her cane, D.C. stood in the approximately 40-minute line to vote, until another poll worker noticed her struggle and offered her a seat inside the library where she could wait her turn. While she was waiting, D.C. observed a woman in a wheelchair being denied curbside too.** When contacted by Election Protection hotline staff about the issue, the Mecklenburg County BOE was dismissive of the complaint and suggested trying a different Early Voting location. Fortunately, they were much more helpful to those on the ground in Charlotte. Tom P. received an apologetic call from the Mecklenburg County BOE, and was told to speak to the site coordinator when he returned with the next group of voters. The site coordinator explained that the poll worker who denied D.C. was misinterpreting the curbside affidavit language to mean that if a voter could stand well enough to cast their ballot, they were not eligible to vote curbside, and reassured Tom P. that she had corrected the poll workers' interpretation for the future.

Recommendations

- ✔ **SBOE should review its curbside voting training materials, including any sample scripts for poll workers, and work with county officials to improve signage, wait times, and training for poll workers on curbside voting.** Any training should make clear that, by signing the affidavit, the voter is attesting under penalty of law that they have a disability that prevents them from entering the polling place without physical assistance, and poll workers should not attempt to evaluate or question the physical ability of voters, or pressure them not to vote curbside. Poll workers who repeatedly violate these basic curbside voting guidelines should face consequences.
- ✔ **SBOE should strengthen North Carolina Administrative Code 10B.0108, "Curbside Voting,"** so that it requires clear and easily visible curbside signage, a method for the voter to announce their arrival to precinct officials, and timely acknowledgement of the voter and delivery of voting materials, as recommended by Democracy North Carolina in the most recent rulemaking process.¹⁶



Excessively Long Lines

What is it?

For most North Carolina voters the wait at early voting locations and Election Day precincts is not onerous. But when excessively long lines do form at polling places, they are a major barrier to participation for working voters, who often do not have the flexibility to wait hours to cast their ballot or return multiple times during the day to see if the wait has decreased.

How long is too long for a voter to wait?

According to the 2014 Presidential Commission on Election Administration, a wait of more than 30 minutes is too long for any U.S. voter.¹⁷

Long voting lines are typically caused by a variety of factors, with no one universal cause or fix.¹⁸ They may be caused by an inadequate number of voting locations (during early voting or on Election Day), the way the polling place is set up (see pp. 18-19 for an example of this), insufficient staffing, not enough voting machines, broken equipment, a large number of voters coming at once, a long or confusing ballot, or a combination of these issues.¹⁹

Research has shown that long lines are typically concentrated at only a handful of precincts, suggesting that the factors contributing to them are specific to those precincts and generally not at play jurisdiction-wide.²⁰

Because ongoing analysis and proactive problem solving by election administrators are critical to preventing excessively long lines from discouraging voter participation, North Carolina election officials should use data to identify reasons that long lines formed at a particular precinct and work to resolve those issues for future election cycles. Some of those solutions may include deploying additional poll workers to a polling place, increasing voter check-in resources (equipment such as laptops and scanners, as well as staff), and adding voting booths or machines to polling places with a history of long lines. SBOE piloted this kind of data use in 2016, providing recommendations to counties on where additional resources could prevent long lines, based on an online tool developed by Massachusetts Institute of Technology faculty.²¹

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What happened in 2016?

In total, Democracy North Carolina and the Election Protection hotline received at least 61 reports (31 from Election Day) from 43 polling places in 13 counties about excessively

long lines. Many of the reports mentioned inadequate staffing, parking issues, and voters leaving without voting because of the wait time. The counties included Alamance, Bertie, Craven,

Cumberland, Duplin, Durham, Forsyth, Harnett, Johnston, Mecklenburg, Moore, Pasquotank, and Wake.

Particularly during the first and last few days of early voting, North Carolina voters encountered long lines and waits, ranging from one to five hours. While lines are not uncommon on those high turnout days in major election years, in 2016 they were exacerbated by politically-motivated decisions by county BOE members seeking to reduce access to early voting by limiting hours and sites.

The Fourth Circuit's decision in *NC NAACP v. McCrory* to restore the full 17 days of the early voting period came just as county BOEs had completed the often-contentious process of adopting 10-day early voting plans. Following the federal court's ruling, county BOEs had to quickly adjust their early voting plans to accommodate the restored week. Unfortunately, the NC GOP called on Republican BOE members – who held two of the three seats on each county BOE – to blunt the court decision's impact by limiting early voting hours, particularly on Sundays, and by not opening sites on college campuses.²²

In over a quarter of North Carolina's counties, the Republican-majority BOEs adopted plans with fewer hours and sites during the first, restored week of early voting – for example, providing just one site during regular business hours for the first week, with additional sites (and more robust evening and weekend hours) available only for the last 10 days. Outraged by the clear intent to limit voting access, community members turned out in droves to county BOE meetings, particularly in Guilford, Mecklenburg, and Cumberland counties.²³

From the perspective of North Carolina's political parties, election administrators, and

non-partisan voting rights advocates, the stakes around the early voting decisions were very high. SBOE dedicated hundreds of hours of staff time to data analysis so that State board members considering contested county early voting plans could make data-driven, as opposed to political, decisions.²⁴ The final SBOE meeting to address and finalize dozens of contested early voting plans, held on September 8, lasted for over 12 hours.²⁵ In order to increase their chances of winning more generous plans, Democratic county BOE members from several counties felt compelled to retain counsel to represent them in front of the Republican-majority SBOE. Altogether, including SBOE attorneys, over a dozen attorneys were involved in the early voting process for the 2016 general election.

Although Democratic BOE members from the state's two most populous counties – Wake and Mecklenburg – successfully advocated (with the help of counsel) before the SBOE to open more than the single site proposed in the county plans for the first week, Mecklenburg still ended up with a drastically reduced early voting schedule for that week, as compared to previous presidential election cycles. The most extreme hours reductions during the first week of early voting were in Guilford (-660), Mecklenburg (-282), Brunswick (-165), Craven (-141), Johnston (-124), Robeson (-121), and Jackson (-113) counties. To be clear, statewide more early voting hours were offered in total in 2016 than in 2012, but not in the first week and not in all counties.²⁶

This cynical and partisan attempt to discourage early voting resulted in excessively long lines and dramatic reductions in early voting numbers during the normally high turnout first few days in those counties where early voting hours were slashed in the first week.²⁷

*Throughout the morning of Oct. 20, the first day of early voting, **Craven County voters waited two and a half to three hours to cast their vote at the lone early voting location.** Lines waned a bit around 2:30 p.m., but waits were still about one to one and a half hours. Poll monitors observed dozens of voters leaving the line after deciding that they just could not wait any longer. After hearing how long the wait was, some voters left the polling place without even getting out of their cars. Craven County BOE staff worked hard to reduce the length of lines, but having only one site open simply was not enough to accommodate the rush of voters during the first couple days of early voting.*

Guilford County is the state's third most populous county, but had only one site open for the first week of the 17-day early voting period. **Voters reported waits of over two and a half hours on the first day of early voting. Unsurprisingly, many voters had to leave the line without casting ballots due to the excessive wait time.** The effect on early voting numbers in Guilford County was stark. In 2012, over 60,000 Guilford County voters cast their ballots during the first five days of Early Voting. But in 2016, with only one site open, fewer than 7,800 were able to vote during the first five days.

While early voting numbers ultimately crept back up, undoubtedly some would-be voters who attempted to vote during the first week did not return to cast their ballot.²⁸ As Democracy North Carolina learned in our 2014 post-election research, there is no reliable way to capture the numbers or names of voters who simply leave the line or polling station without voting because they cannot afford the wait time.²⁹

The last two days of early voting are also traditionally high turnout days, as voters rush to cast their ballots early before it is too late.

The 2016 general election was no exception. Long lines with waits of one to three hours were reported in Mecklenburg, Cumberland, Forsyth, and Wake counties.

The waits were particularly dramatic at the North Carolina State University (NCSU) early voting site, which was a contested site to begin with – one Republican member of the Wake County BOE suggested eliminating the site altogether, and ultimately the Board selected a smaller, less convenient site than the one requested by students.

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Voters at the NCSU early voting location faced some of the longest lines in the state. **On Friday, Nov. 4, less than 30 minutes after the site's scheduled 7 p.m. close, there were still 470 people standing in a line that doubled back on itself seven times.** At that point in the evening, voters in the front of the line reported that they had already been waiting for about three and a half hours. According to NC law, any voter in line at the time the polling place closes must be allowed to vote.

On Nov. 4, the last ballot at the NCSU site was cast around 10 p.m. – three hours after the site’s official closing time. **On Saturday, Nov. 5, 15 minutes after the site’s scheduled 1 p.m. closing time, there were approximately 400 voters waiting in line with reported wait times averaging five hours.**

Despite a generous early voting period, many voters still prefer to cast their ballots in-person on Election Day. Since a majority of NC voters opt to vote early, Election Day precincts tend to be less busy than early voting sites,

generally allowing voters to get in and out in well under 30 minutes. However, in some cases prohibitively long lines still form – particularly at precincts that are also early voting sites, as in the case of the precinct described below.

At the Western Harnett High School precinct in Harnett County, there were long lines with waits of one and a half to two hours for most of the day.

Around 9 a.m., white voter N.D. waited in line for two hours and was then sent to a provisional voting line with another long wait; she had to leave, and told a poll monitor that she didn’t know if she’d be able to make it back. Around 4:30 p.m., another voter, A.J., reported that she had visited the polling place three times to try to find a shorter line, including first thing in the morning. A.J., a white voter, works outside of the county, so the weekday early voting dates didn’t work for her. She also tried to vote the last weekend of early voting and stood in line for 40 minutes, but then had to go. Her husband did cast his ballot that day, but it took him over an hour to do so. **To its credit, the Harnett County BOE was very concerned about the reported wait times and confused about why they were occurring, since there were several check-in stations at the precinct, which should have allowed the line to move quickly.**

Recommendations

✓ Using the same data-driven methods piloted by SBOE in the final decision-making on 2016 early voting plans, **state and county BOEs should maximize voting opportunities during the early voting period by offering multiple sites with extended evening and weekend hours at voting locations large enough to accommodate rushes of voters**, paying special attention to which kinds of voters are most likely to use early voting and identifying sites and hours most convenient for those regular early voters.

✓ Despite being nominated by local political parties, county BOE members must remember that early voting is a way to improve election administration and voting access for all voters. **Early voting access should not be used as a pawn in a partisan game of one-upmanship. In selecting sites, BOE members should**

listen to community members’ feedback about which sites are best. If Wake County BOE members had heeded the recommendations of students, faculty, and other NCSU community members to use the Talley Student Union, the crushingly long lines seen on campus during the last two days of early voting might have been avoided.

✓ **SBOE should report on the efficacy of its 2016 attempts to predict and reduce long lines using data**, including feedback from county BOEs on the usefulness of the analysis and next steps it is taking to improve on those efforts for 2018. And, **the NC General Assembly should allocate additional funding to SBOE for expanding its data analysis capacity**, as needed and requested.

Machine Breakdowns and Problems

What is it?

Voting in the 21st century is a far cry from the hole-punch or pull-lever methods of the past. Casting a ballot involves multiple machines, including computers, specialized elections software, scanners, tabulators, and touch-screen voting machines. Most voting machines in the nation, including in North Carolina, were purchased with an infusion of federal money following the 2000 election and its focus on “hanging chads.” Now in 2017, those machines are approaching (or beyond) their expected lifespan of 10-15 years, and election administrators nationwide are struggling to find funding to purchase new equipment or find replacement parts and software patches to keep their voting machines up to date.³⁰

Post-election reports of alleged Russian interference in the 2016 U.S. elections have ratcheted up concerns about the security of voting machines, particularly touch-screen machines.³¹ In North Carolina, as a result of 2013 and 2015 law changes, touch-screen voting machines that do not provide paper ballots (like those currently used in some counties) are scheduled to be removed from use in all counties by 2019 at the latest – a good thing in light of their vulnerability to hacking.³²

Touch-screen machines are also the culprits in cases when a machine “flips” or switches a voter’s selection. Typically this occurs when

the machines need to be recalibrated by poll workers, but may also be a sign of aging. Repeated malfunction after recalibration is an indicator that the machine needs to be removed from use.³³

Most North Carolina counties use optical scan machines to read and tabulate voters’ choices marked on paper ballots, especially on Election Day.³⁴ These machines are not vulnerable to hacking in the same way as touch-screens; they also provide a paper ballot back-up that can be used for recounts and to inform any post-election investigation of alleged irregularities. But, like any machine, they are vulnerable to breakdowns and user error, and need worn-out parts replaced. The latter poses a particular challenge for aging optical scan tabulators, since replacement parts may not be readily available.³⁵

Of course, for voters, who are typically unfamiliar with the details of voting machinery, any breakdown in the voting process – especially an interruption in the final, critical step of casting their ballot – is extremely distressing, even if the problem seems innocuous or easily understood to an election official familiar with the voting technology. Even worse, machine breakdowns cause voters to doubt that their ballot will be correctly counted, if at all.

“*...for voters, who are typically unfamiliar with the details of voting machinery, any breakdown in the voting process – especially an interruption in the final, critical step of casting their ballot – is extremely distressing...*”

What happened in 2016?

In the 2016 general election, Democracy North Carolina heard from dozens of voters and poll monitors in 28 NC counties about problems with voting technology and machines. We received at least 89 complaints (67 from Election Day) from 68 polling places about equipment problems or failures that impacted

voters. The counties included Alamance, Anson, Beaufort, Bertie, Bladen, Carteret, Cleveland, Craven, Cumberland, Durham, Forsyth, Gates, Guilford, Halifax, Harnett, Henderson, Johnston, Mecklenburg, New Hanover, Pasquotank, Pender, Polk, Robeson, Vance, Wake, Warren, Wayne, and Wilson.

“VOTE FLIPPING” ON TOUCH-SCREENS

Democracy North Carolina began receiving reports as soon as the second day of early voting about touch-screen machines failing to record voters’ choices correctly. Reports that voters were having their selections switched or “flipped” came in from Alamance, Cumberland,

Guilford, Mecklenburg, New Hanover, Union and Warren counties. Most of the voters we heard from caught the error before finalizing and casting their ballot, but all were concerned about the ballots of others who might not have noticed the problem.

At the University Library early voting location in Mecklenburg, African-American voter F.A. reported that it took three times before the machine finally correctly recorded his vote in the presidential contest. He attributed the problem to an overly sensitive screen.

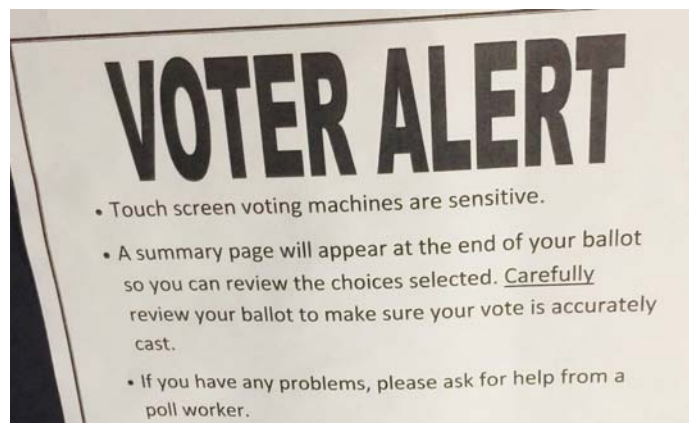
A black voter at New Hanover County’s Government Center early voting location reported that she had to select her candidate multiple times before the machine correctly recorded her vote; she figured it was an isolated incident, but then began to hear reports on the local news of other New Hanover voters having the same problem.

A white Alamance County voter, R.W., had her vote changed three to four times at the Mebane Arts and Community Center early voting site. R.W. caught it each time and was able to correct, but was disappointed by the poll worker’s nonchalant response when the problem was reported.

In a battleground state with ongoing litigation around voter suppression laws during a hotly-contested, high-profile election, North Carolina voters were already on edge. Word of electronic voting machines changing people’s votes spread like wildfire on social media and in local news reports, and many voters who had not experienced the problem first-hand called the Election Protection hotline just to make sure we were aware.

Ultimately, county and state election officials responded to the problem – purchasing styluses to compensate for extra-sensitive screens, placing signs (like the one at right) by touch-screen machines that urged voters to double check their choices before casting a ballot and to tell a poll worker immediately if there was a problem.³⁶ Nonetheless, it took several rounds of complaints from hotline volunteers and a letter and press statement from the NC NAACP to draw attention to this as a systemic problem

that was not merely the result of individual user error (poor eyesight, long fingernails, large fingers, etc.).³⁷ Despite the additional precautions, voters continued to report vote flipping on Election Day (in Alamance, Henderson, and Mecklenburg counties), but at that point poll workers and local election officials were experienced in addressing the problem quickly.



OPTICAL-SCAN TABULATOR ISSUES

Problems with voting equipment in 2016 were not limited to touch-screen machines. We received 34 reports of jammed or malfunctioning tabulators from 17 counties

across the state. Voters were most concerned when asked to place their paper ballots somewhere other than the tabulator.

At 8:30 a.m. on Election Day, the tabulator at the Cross Creek 21 precinct in Cumberland County stopped working, requiring voters to deposit their ballots in the emergency box. According to poll monitors at the location, voters were uncomfortable placing their ballots in the emergency box, and many opted to leave without voting rather than leave their paper ballots in the hands of poll workers to be counted “later.”

Voters in Gates County reported two incidents of jammed tabulators on Election Day. The first happened around 7 a.m. at the Gatesville Social Services Building precinct, where voters were asked to place their ballots in a large tub. The second happened around 6 p.m. at the Eure Volunteer Fire Department. According to the voter who called, the poll worker did not know how to fix the machine, so voters were instructed to leave their ballots in the emergency lockbox at the bottom of the tabulator. In both cases, there was enough concern about the machine malfunctions for voters to call and report them to the Election Protection hotline.

Wake County voter M.L. asked Election Protection volunteers to “please follow up to see whether paper ballots were being counted” at the Hodge Road Elementary School Precinct. She cast her ballot early Election Day morning, but the tabulator was not working. M.L. and other voters were asked to slip their paper ballots into a slot at the bottom of the machine. M.L. was especially concerned because the box didn’t have a sign or anything on it – she felt it was “almost like putting it in a shredder box.” Unable to put her ballot into the tabulator and see the number increase, M.L. didn’t feel confident that her and others’ votes were recorded.

To be clear, poll workers do not appear to have done anything wrong in these instances. The optical scan tabulators are designed with a built-in, emergency lockbox on the side or bottom of the machine in case of such a problem. Poll workers are instructed to place ballots in a secure location until the ballots can

be fed into a working tabulator. However, for voters, the experience of having their paper ballot placed in a mysterious box and being told it will be counted “later” was very disconcerting – particularly in an election cycle marked with claims of “rigging” and “fraud” from candidates at the top of the ticket.

E-POLL BOOKS IN DURHAM COUNTY

In addition to the issues listed above, Durham County experienced another kind of voting system failure on Election Day, when problems with its electronic poll book software (“e-poll books”) led to a county-wide shift to paper poll books. The Election Protection hotline first began receiving calls from Durham County voters, poll monitors, and campaigners around 8 a.m. on Election Day.

The shift to paper caused long lines and slowdowns at Durham precincts, but even more disruptive, many precincts ran out of the paper Authorization to Vote (ATV) forms that every North Carolina voter must sign prior to receiving their ballot. With e-poll books, poll workers are able to print out individualized

ATV statements with the voter’s name. But when using the paper poll books, they must peel off a label from the poll book and manually affix it to the paper ATV form. Unfortunately, most Durham County precincts had only a limited supply of paper ATV forms available for emergency use, which quickly ran out when the e-poll book system was taken down early in the morning on Election Day. In response, Durham County government employees were mobilized to deliver needed ATV forms and other supplies, while some polling places sent someone out to purchase tape or glue sticks to affix the labels to the paper forms.

The Glenn Elementary School, Bethesda Ruritan Club, Ivy Commons, North Regional Library, and

East Regional Library precincts were among those that ran out of the paper ATV forms, stopping voting altogether at these precincts. Voters were asked to “come back later” to cast their ballots. At the Bethesda Ruritan Club and Glenn Elementary precincts, poll monitors reported vote stoppages of up to an hour and a half.

Democracy North Carolina was so concerned about Durham County voters who had been disenfranchised by the vote stoppages and related delays that it asked the SBOE to extend the county’s voting hours. When SBOE staff argued that it did not have the statutory authority to do so, Democracy North Carolina, represented by the Southern Coalition for Social Justice, asked the Wake County Superior Court for a one-hour extension of voting and to allow the Durham County BOE office to function as a “super precinct,” where any voter in the county could cast their ballot.³⁸

In a 6 p.m. meeting, the SBOE voted to keep eight Durham County polls open beyond the normal 7:30 p.m. closing time to accommodate those who may have been unable to vote.³⁹ Around the same time, and in light of the SBOE’s decision to extend voting in the eight most impacted Durham County precincts, Wake County Superior Court Judge Don Stephens ruled that a countywide extension was not necessary.

Over a year after the 2016 election, it is still unclear what caused Durham County’s e-poll book problems. A September 2017 article in The New York Times suggested that hacking of the vendor that provided Durham County’s Election Day e-poll book software might have been the cause, although the article included no evidence to back up the claim; the SBOE continues to investigate.⁴⁰

Recommendations

- ✓ **SBOE should complete vendor certification as soon as possible – the first step in enabling county BOEs to purchase new equipment to replace aging machines.** Currently, the vendor certification process is being held hostage to the partisan wrangling over which political party controls the state elections agency. With litigation still pending over the changes to the agency structure made by the NC General Assembly in early 2017, there are no State board members in place, and therefore no one who can approve certification of vendors. SBOE staff should flag any other barriers to vendor certification, so that advocacy groups and policymakers eager to assist with updating North Carolina’s voting equipment understand the full picture.
- ✓ **SBOE should request from the General Assembly state funding to assist with voting equipment and other elections costs – currently borne exclusively by counties.** H655, one of the few bipartisan elections bills filed in the 2017-2018 session, is a good start. It would provide up to \$500,000 in matching grant money to NC counties for updated voting machines.
- ✓ **SBOE should continue its investigations into what went wrong with e-poll books in Durham County, reveal the results to the public, and develop proactive protocols for poll workers and county election officials in case of any future, dramatic system breakdowns.**
- ✓ **Bring new machines and voting technology on gradually and allow for testing in a low turnout election or a selected precinct, so that county election officials and poll workers have the time they need to become familiar with the equipment before a high-interest, high-turnout federal election.** Introducing new, untested voting technology in the 2018 general election is a recipe for disaster.

Poll Worker Conduct

What is it?

Poll workers play a critical and under-appreciated role in our elections. They are the people who actually implement the voting rules and procedures created by elections officials and lawmakers.

In North Carolina, there are different types of poll workers with different responsibilities. Those with the most authority at the polling place are called judges. Each Election Day polling place has three judges – one chief judge and two assistant judges – who are prohibited by law from all being with the same political party. The county BOEs appoint judges for two-year terms from lists submitted by county Republican and Democratic parties. Judges are required to receive training, and are responsible for maintaining polling place order, ensuring that election rules are being followed, and assuring the integrity of ballots cast and counted at that polling place.

Other kinds of NC poll workers include election assistants and help desk workers (the people who provide provisional ballots and trouble shoot any voter problems). These individuals are typically identified and hired by the county BOE without involvement from the local political parties, and are not required to receive the same kind of training as judges.

Most poll workers serve only on Election Day, staffing North Carolina's 2,700-plus precincts.

In the 2016 general election, 26,250 poll workers received nominal pay to work what is, at minimum, a grueling fourteen-hour day. (Election Day polls are open for 13 hours – from 6:30 a.m. to 7:30 p.m. – and poll workers must also set up and break down the polling place before and after voting; half-day shifts are not allowed on Election Day.)

Because being a poll worker is so time-intensive, retired seniors most often fill the role; 58% of those who worked the polls in 2016 were age 60 or older. Only 6% of North Carolina's 2016 poll workers were in the prime digital-native age between 26 and 40, a fact that may affect poll workers' overall comfort level with using and troubleshooting basic voting technology.⁴¹

Many voters express gratitude for poll workers' service when calling the Election Protection hotline. On the flip side, a lot of the problems reported to the hotline stem from the failure of a poll worker to clearly communicate the reasons behind their action or decision to the voter – for example, why a new voter in the county needs to show an ID when the previous person in line did not, or why a person who has accompanied a voter to the polls is not eligible to provide assistance to the voter. When voters have negative experiences with poll workers, it can lead them to question the fairness and efficacy of the entire elections system.

“*When voters have negative experiences with poll workers, it can lead them to question the fairness and efficacy of the entire elections system.*”

What happened in 2016?

The Election Protection hotline and Democracy North Carolina poll monitors received at least 129 reports (97 from Election Day) from 92 polling places in 38 counties about negative or frustrating interactions with poll workers, mainly focused on rudeness and

misunderstanding of election rules.⁴² Counties included Alamance, Brunswick, Buncombe, Cabarrus, Carteret, Catawba, Chatham, Cleveland, Craven, Cumberland, Davidson, Davie, Durham, Forsyth, Gaston, Guilford, Halifax, Harnett, Henderson, Iredell, Johnston,

Lee, Martin, Mecklenburg, Nash, New Hanover, Onslow, Orange, Pender, Pitt, Polk, Robeson, Rowan, Union, Vance, Wake, Wayne, and Wilson.

The impact of poll workers' critical role is reflected in voter stories throughout this report (see pp. 6 and 7-8). Additional examples are also detailed below.



RUDENESS AND BIAS

Poll workers are the first, and often only, election staff who interact with the majority of voters. As such, they serve an important customer service function. When poll workers are rude or exhibit blatant bias, it can result

in voters leaving without casting their ballot, mistrusting “safety net” options like provisional ballots, and feeling confused and suspicious about the motivation behind the poor treatment they received.

A.W., a white, Craven County voter, had to vote provisionally when she went to vote on Election Day, but was discouraged from doing so by the poll worker who told her, “It’ll just get thrown away.” Fortunately, the poll worker was wrong. While A.W.’s provisional ballot did not count in the 2016 general election, it did get her registered for future elections.

S.S. voted on Oct. 21 at the Agricultural Center Early Voting site in Pitt County. While she was there, a Latina who did not seem to speak English well asked the poll worker a question. The poll worker did not respond, instead talking to other workers, until the Latina voter ultimately left without voting. On Oct. 24, another voter at the same location witnessed a similar dynamic (though it is not clear if it was the same poll worker or voter). A Latina voter came in and asked if they had a Spanish interpreter. The poll worker said no and offered no further information or assistance. After the Latina voter left without voting, the poll worker said, “When I was in school we didn’t have any Spanish people around.” The voter who called the hotline was outraged. She said she could not believe that the poll worker would “say that out loud in front of everyone” and was disappointed that the poll worker did not even attempt to communicate with the voter. When it received the latter complaint, the Pitt County BOE said it would call the site and noted that “it sounded like a little sensitivity needs to be there.”

On Election Day, a Democracy North Carolina poll monitor stationed at the Wildwood Forest Elementary School precinct in Wake County reported several complaints from voters about a poll worker named Sheila. After setting up a

confusing zig-zag line that was slowing down the voting process, Sheila belittled voters who had trouble navigating the line, saying words to the effect of, “What are you, a first grader? It’s not that hard. Get in line.” To its credit, the Wake County BOE immediately recognized this as inappropriate behavior and agreed to follow up with the polling place.

MISUNDERSTANDING ELECTION RULES

In addition to being the on-the-ground representatives of North Carolina’s elections system, poll workers are also often its gatekeepers; they have significant influence

over who gets to vote and who is turned away. When poll workers misunderstand or misapply election rules, they run the risk of disenfranchising eligible voters.

*When Davidson County voter J.L., a Latino, attempted to use Same Day Registration at the Thomasville Public Library, poll workers told him that he would have to provide a photo ID in order to verify his identity. J.L. had a paystub from his employer, a utility bill with his current address, and his vehicle registration – any of which should have been sufficient to register and vote on the same day. When J.L. asked to speak to the person in charge of the polling site, poll workers again told him he would need photo ID and that the documents he had provided were insufficient. The voter asked poll workers to call the Davidson County BOE, who corrected the misinformation. J.L. was ultimately able to register and vote, but only because he knew the rules and was confident enough to assert himself. One of the most concerning elements of this story is the timing. This incident occurred on Nov. 4 – 16 days into a 17-day early voting period – begging the question: **How many other Davidson County voters were wrongly turned away and disenfranchised by poll workers who did not correctly understand the law?***

*When multiracial, Guilford County voter A.S. went to vote early at the Jamestown Town Hall location, **a poll worker turned her away because her voter registration status was “Inactive.” “Inactive” is a designation that suggests a voter may have moved without updating their address or may not have voted in several years – but they are still a registered voter.** Fortunately, A.S. called the Election Protection hotline and learned that she was entitled to vote her regular ballot. She returned to the polling place and successfully voted.*

*In late September, the State Board of Elections changed its rules about cell phone use in the polling place to allow voters to use their phones to retrieve or review any list of their ballot choices, but not to text, call, or take a photo. Unfortunately, it appears that many poll workers did not get the memo. We received calls from voters in Forsyth, Brunswick, Cabarrus, Nash, Chatham, Wake, and Durham counties saying that poll workers told them that they could not use cell phones. **In Chatham County at the Andrews Store Road precinct, a voter was told that her ballot would be confiscated if she attempted to use her phone. In Durham County at the Eno River Unitarian precinct, one poll worker loudly chastised a voter for attempting to use his phone. In Wake County, a poll worker berated a first-time voter at the Lynn Road Elementary School for attempting to use her phone to access her list of choices.***

R.S., a Latina, was at the First Baptist Church Ministry Center early voting site in Johnston County, helping people outside the polling place and explaining Same Day Registration – mainly to voters of color. Many of the voters, who were older with

*physical disabilities or needed language assistance, asked R.S. to come in and help them. Under NC law, any voter with a disability or difficulty reading (including those who have difficulty reading English because it is not their first language) are able to ask for help from anyone except their employer or union agent. **R.S. helped multiple voters at their request, until a poll worker told her that she could not come in anymore because she'd "been inside too many times."** Chagrined, R.S. left as requested, but then a site manager called her back in after a voter asked for R.S.'s help. When contacted, the Johnston County BOE agreed to call the polling place and ask the site manager to make sure that all poll workers understand assistance rules.*

Recommendations

- ✓ **SBOE should establish a minimum standard for poll worker training** – ideally, requiring all non-judge poll workers to receive the same training as judges. Using a uniform method developed by SBOE, **county BOEs should also incorporate a test into poll worker training** to confirm that poll workers have basic knowledge of election laws and rules, especially those that pertain to problem areas identified in this report.
- ✓ **SBOE should develop a “Code of Conduct” for North Carolina poll workers, similar to the one developed in the 2016 general election for polling place observers and outside monitors.** The code of conduct should stress the importance of (1) courtesy, respect, and sensitivity toward all voters regardless of age, race, language, gender, and ability; (2) clear communication; (3) efficiency and convenience; (4) basic knowledge of NC election law and administrative guidance; and (5) commitment to ensuring that all eligible voters are able to cast ballots. Failure to abide by this code should be cause for dismissal.
- ✓ **Increase and expand state and county efforts to recruit younger, more diverse, culturally competent, and tech-savvy poll workers.** In doing so, state and county BOEs should partner with community groups like those who participated in 2016 Election Protection work, who are deeply invested in the intricacies of the voting process. First steps could include an assessment of current barriers to poll worker service and a meeting with interested stakeholders to begin brainstorming shared solutions.
- ✓ **State and county election officials should work together to provide a clearer pathway to becoming a poll worker for unaffiliated voters.** Currently, each county BOE handles requests to become a poll worker differently; some refer volunteers to their local political party, others have an online sign-up process. Streamlining and clarifying the process for unaffiliated voters in particular will improve the ability of counties to attract new poll workers and that of interested outside groups to promote poll worker service as a critical form of civic engagement.



Conclusion

Over a year out from the 2016 general election, democracy in the U.S. and North Carolina is facing intense scrutiny from all sides. Unfortunately, much of the public attention focuses on the most dramatic extremes – fear of widespread, unproven, voter fraud and election hacking by foreign governments dominate the headlines. As Democracy North Carolina has documented, these inflammatory claims, especially regarding voter fraud, are often invoked to advance a political agenda, rather than improve our elections system for all voters.⁴³

But, apart from these heavily publicized topics, our findings demonstrate that much more granular problems disrupt the rights of voters to participate in elections – problems that state and county elections agencies have the power and responsibility to address. Concerned policymakers should focus on solving the kinds of ground-level, “nitty-gritty” election administration challenges identified in this report, rather than chasing politically convenient claims.

Democracy North Carolina (along with many of our Election Protection partners) is known for educating and encouraging voters, as well as engaging vigorously in the current debate about what our election laws and structure should and could be. With this report, Democracy North Carolina hopes to make visible the laws and rules that encourage voting access, highlight the ways voters and our democracy are harmed when those rules are not followed, and provide recommendations aimed at making the voting process work more smoothly for our democracy’s most important participants – voters.

The coming 2018 midterm elections will offer all of those invested in the quality and integrity of North Carolina’s election system the opportunity to learn from and address challenges from previous cycles, always with the goal of improving our state’s elections and the practice of democracy.

A full list of the recommendations made in this report can be found in the appendix.

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Appendix

Full List of Recommendations for Improving the North Carolina Voter Experience

Out-of-Precinct Voting (OOP)

- ✓ **State and county BOEs should improve consistency in poll worker use of the existing protocol for OOP voting.** SBOE currently provides detailed training documents for poll workers that include the correct OOP protocol mentioned above.¹¹ However, the complaints we received from voters and poll monitors make clear that not every precinct official respects OOP as a safety net for voters, or understands that the choice to vote provisionally out-of-precinct lies with the voter, not poll workers.
- ✓ **Assess whether poll worker reticence to provide OOP provisionals reflects their personal concerns or even misgivings of county election officials about how OOP is used in their county.** Any administrative concerns underlying poll worker behavior should be surfaced, evaluated, and addressed by state elections officials, in the interest of promoting consistent implementation of the law.

Curbside Voting

- ✓ **SBOE should review its curbside voting training materials, including any sample scripts for poll workers, and work with county officials to improve signage, wait times, and training for poll workers on curbside voting.** Any training should make clear that, by signing the affidavit, the voter is attesting under penalty of law that they have a disability that prevents them from entering the polling place without physical assistance, and poll workers should not attempt to evaluate or question the physical ability of voters, or pressure them not to vote curbside. Poll workers who repeatedly violate these basic curbside voting guidelines should face consequences.
- ✓ **SBOE should strengthen North Carolina Administrative Code 10B.0108, “Curbside Voting,”** so that it requires clear and easily visible curbside signage, a method for the voter to announce their arrival to precinct officials, and timely acknowledgement of the voter and delivery of voting materials, as recommended by Democracy North Carolina in the most recent rulemaking process.¹⁶

Excessively Long Lines

- ✓ Using the same data-driven methods piloted by SBOE in the final decision-making on 2016 early voting plans, **state and county BOEs should maximize voting opportunities during the early voting period by offering multiple sites with extended evening and weekend hours at voting locations large enough to accommodate rushes of voters**, paying special attention to which kinds of voters are most likely to use early voting and identifying sites and hours most convenient for those regular early voters.
- ✓ Despite being nominated by local political parties, county BOE members must remember that early voting is a way to improve election administration and voting access for all voters. **Early voting access should not be used as a pawn in a partisan game of one-upmanship. In selecting sites, BOE members should**
- listen to community members' feedback about which sites are best.** If Wake County BOE members had heeded the recommendations of students, faculty, and other NCSU community members to use the Talley Student Union, the crushingly long lines seen on campus during the last two days of early voting might have been avoided.
- ✓ **SBOE should report on the efficacy of its 2016 attempts to predict and reduce long lines using data**, including feedback from county BOEs on the usefulness of the analysis and next steps it is taking to improve on those efforts for 2018. And, **the NC General Assembly should allocate additional funding to SBOE for expanding its data analysis capacity**, as needed and requested.

Machine Breakdowns and Problems

- ✓ **SBOE should complete vendor certification as soon as possible – the first step in enabling county BOEs to purchase new equipment to replace aging machines.** Currently, the vendor certification process is being held hostage to the partisan wrangling over which political party controls the state elections agency. With litigation still pending over the changes to the agency structure made by the NC General Assembly in early 2017, there are no State board members in place, and therefore no one who can approve certification of vendors. SBOE staff should flag any other barriers to vendor certification, so that advocacy groups and policymakers eager to assist with updating North Carolina's voting equipment understand the full picture.
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Poll Worker Conduct

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- ✓ **SBOE should develop a “Code of Conduct” for North Carolina poll workers, similar to the one developed in the 2016 general election for polling place observers and outside monitors.** The code of conduct should stress the importance of (1) courtesy, respect, and sensitivity toward all voters regardless of age, race, language, gender, and ability; (2) clear communication; (3) efficiency and convenience; (4) basic knowledge of NC election law and administrative guidance; and (5) commitment to ensuring that all eligible voters are able to cast ballots. Failure to abide by this code should be cause for dismissal.
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- ✓ **State and county election officials should work together to provide a clearer pathway to becoming a poll worker for unaffiliated voters.** Currently, each county BOE handles requests to become a poll worker differently; some refer volunteers to their local political party, others have an online sign-up process. Streamlining and clarifying the process for unaffiliated voters in particular will improve the ability of counties to attract new poll workers and that of interested outside groups to promote poll worker service as a critical form of civic engagement.

Endnotes

¹ Election Protection. (2017). About Us. Retrieved from <https://www.866ourvote.org/about>

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ABOUT DEMOCRACY NC

Democracy North Carolina is a nonpartisan organization that uses research, organizing, and advocacy to increase voter participation, reduce the influence of big money in politics and achieve a government that is truly of the people, by the people and for the people. Learn more about our work at democracync.org.





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