

**Roundtable of the Council of the District of Columbia,
Committee on Government Operations and the Environment
October 8, 2010**

Testimony of Steven Carbó, Senior Program Director, Demos

My name is Steven Carbó, and I serve as Senior Program Director at Demos. We are a national, non-partisan research and advocacy organization established in 2000 and headquartered in New York City. Demos' Democracy Program works with policy makers, advocates and scholars around the nation to improve our democracy, voting and elections. Allow me to thank the Chair and members of the Committee for this opportunity to share our impressions of the September 14 primary election, and to commend the Council for introducing a number of very progressive election reforms in 2010.

Demos partnered this year with political scientists at four leading universities (Rachel Cobb, Suffolk University; Thad Hall, University of Utah; Jan Leighley, American University; Costas Panagopoulos, Fordham University) and the Lawyers Committee for Civil Rights Under Law on a multi-part study of the primary election. First, we placed a number of volunteers at polling places throughout the District during high volume periods to observe the voting process there. I will summarize our observations at eight precincts in Wards 2, 3, 4, 5, 6, 7 and 8, during the first several hours after the poll opened and the last several hours before the polls closed.

Second, we polled 241 voters exiting from polling places. I will share some preliminary findings from that effort.

Third, we prepared a pre- and post-election survey of pollworkers who worked the primary election. That research is ongoing.

And last, we participated in an Election Protection initiative on September 14 that fielded attorneys at the polls to assist voters with questions and to ensure that all voters knew their rights. I include here summary findings provided by the Lawyers Committee for Civil Rights Under Law, which led the effort.

We and our partners were able to take note of a number of issues that arose during the primary election. At Demos, we were particularly interested in observing the District's implementation of same day registration. Research since the 2000 election shows that allowing individuals to both register and vote on election day and during early voting periods may be the single most effective means of increasing voter participation.

Polling Place Observations

The DC Board of Elections and Ethics confronted a formidable challenge in implementing a whole variety of election changes in a high-profile, high turnout primary election. Based on our observations at ten precincts, we find that the District performed fairly well. Most voters were able to cast a ballot. Pollworkers conducted themselves professionally, maintaining their composure under sometimes stressful conditions and providing helpful assistance to voters. Polling places were clearly marked and easy to identify. And the polls were well arranged, with designated greeters at the entrance and clearly demarked areas for checking voter registration records, distributing ballots, processing special ballots, and voting.

But problems did develop. Malfunctioning hardware and software, inadequate poll worker training, and insufficient public education and voter instruction disrupted the vote in several locations.

First, voting equipment simply did not perform as expected in a number of polling places. Ballot scanners broke down in two precincts, requiring that voters who elected to vote by optical scan machines deposit their completed ballots into an auxiliary slot for later tabulation. Many voters refused, fearing that their ballots would go uncounted, and queued up at the touchscreen machines. The end result was long lines, since only one touchscreen machine was available at each precinct. The sole touchscreen machine at another poll site broke down at least twice. Pollworkers were apparently given inadequate set-up instructions.

The other equipment breakdown we witnessed concerned the e-pollbooks and barcode scanners deployed for special balloting. Special ballot clerks were issued these devices in order to check whether a voter was registered to vote in a different precinct, and to enter the registration data for new registrants. The scanner, designed to read the barcodes on the reverse side of DC driver's licenses or ID cards, would obviate the need for manually inputting data.

These devices failed in at least three precincts. Special ballot clerks were unable to enter new registrants into the District's computerized voter registration database after they filled out voter registration cards because of machine malfunction or because the passwords needed to operate the devices were incorrect or could not be located. The barcode scanners were often inoperative, requiring special ballot clerks to type into the e-pollbook each individual's identifying information in order to search for existing voter registration records.

The end result of these two system failures were delays. Lines of voters waiting to be processed by the special ballot clerks developed in higher-volume precincts. While most voters were able to register to vote and cast a ballot in approximately twenty minutes or less in most observed precincts, the wait extended to 50 to 60 minutes in one Ward 7 poll site. The waits were compounded by the fact that only one e-pollbook was issued per precinct. Voter registration and other balloting procedures could have proceeded much more quickly had the second special ballot clerk also been issued an e-pollbook.

The second significant problem that we observed on September 14 was inadequate pollworker training. More specifically, a number of special ballot clerks were confused about who was eligible to vote in the District's closed primary election. Some allowed out-of-precinct voters who had registered as Independents or who had not selected any party affiliation to register anew as a Democrat and/or cast a ballot in the Democratic primary. I observed one registered Republican, unhappy with the lack of contested races on the Republican ballot, register as a Democrat at the polls and cast a ballot in that party's primary. For harried special ballot clerks, allowing Independents, unaffiliated voters, or other partisans to change or select their party affiliation at the polls was the route of least resistance.

I also observed a misapplication of the District's 30-day residency requirement. I overheard a voter inform a special ballot clerk that she had moved from Virginia into the District of Columbia less than a month ago. She was nevertheless allowed to register to vote and cast a ballot at the polls. The 30-day residency requirement might be better communicated to pollworkers in future training sessions and elections.

The third issue that became apparent on September 14 was that many voters were confused about the rules governing the District's primary elections. As I noted above, many registered Independents and unaffiliated voters, and at least one Republican were surprised to find that they could not cast a ballot in the closely-contested Democratic mayoral primary. Some who were more vocal about their disappointment were allowed to go ahead and cast a Democratic ballot.

The public might have been better served by clearer notice of the consequences of non-affiliation or the selection of one party over another (in the instance of pre-election registration) on the voter registration form, by clear public education announcements in the run-up to primary elections, and by prominent posting at the polling place of the rules governing the District's primary elections.

I should also mention that signage at the polls could in general be improved in the future. The one large sign about the rules and procedures for voting that we saw posted in each precinct was too crowded with information, in small font, to serve as effective notice.

Exit Polls

Volunteers on September 14 surveyed 241 voters as they exited the polls. The results are currently being analyzed. However, I can share several preliminary findings. Very few respondents reported problems with the voting equipment or the ballots that prevented them from voting. Eighty percent reported that things were run very well or fairly well at the polls. Poll workers performance was rated at similarly high levels. And same day registration allowed eight percent of voters surveyed to cast a ballot.

Election Protection

The most widely reported problems fielded by the Election Protection program were broken voting machines, which in most cases were alleviated by the use of paper ballots. Lack of access to some poll sites also developed.

Some specific incident reports included the following:

- Ward 4, Precinct 62 (Shepherd Elementary School).
The polling place opened late because voting machines were not working (poll workers did not have machine activation codes). Voting machines were operating by 7:40 a.m. Voters were initially able to vote by paper ballot.
- Ward 8, Precinct 126 (W.B. Patterson Elementary School).
Voter cards inserted into machines allowed voters to choose wards 2, 4 or 7. Precinct 126 is in Ward 8. This problem persisted until 8:30 a.m.
- Ward 7, Precinct 103 (Plummer Elementary School).
Voting machines were inoperable.
- Ward 2, Precinct 141 (Frank D. Reeves Municipal Center).
Front desk security guard required a photo ID of voters entering the Frank D. Reeves Municipal Center, although photo ID is not always required to vote in the District. The polling place was located inside. The Board of Elections and Ethics was contacted and the problem was resolved.
- Ward 3, Precinct 50 (Chevy Chase Community Center).
Poll workers were not accepting Comcast bills as identification. Photo IDs are not required in certain circumstances, so that a bill showing a person's name and current could suffice. The problem was resolved after contact with the Board of Elections and Ethics.

In closing, I would reiterate that the DC Board of Elections and Ethics was presented with a formidable challenge in implementing a variety of elections changes all at once in one high-profile mayoral primary election. I am personally aware that the dedicated staff there worked extremely hard since the Council's adoption of the omnibus election reform bill to prepare for the primary election. Most voters were able to cast ballots on new voting machines. Many were able to participate because of they could register and vote and the polls. And pollworkers were generally very helpful in assisting voters to navigate through new systems and procedures.

But problems did develop with the new technology and the new procedures. And the restrictions that apply to voting in the District's primary were not adequately understood by poll workers and voters alike. Our polling place observations and the problems cited by the Election Protection campaign clearly identify areas of improvement needed for the November 2 general election.