

REPORT FROM THE POLLS III

**A CITY-WIDE SURVEY OF CONDITIONS AT THE POLLS
PRESIDENTIAL ELECTION
NOVEMBER 2, 2004**



A NYPIRG REPORT

**By Neal Rosenstein
With Joel Kelsey**

June, 2005

Credits

Report from the Polls III is a product of more than 130 New Yorkers who monitored conditions at the polls and surveyed voters on November 2nd, 2004 because of their commitment to better elections. First and foremost, we owe each of them our thanks.

The survey was developed and directed by the New York Public Interest Research Group (NYPIRG) with the help of independent expert researchers and members of the civic community. Surveyors came from a range of sources. These included: college students from campuses with NYPIRG offices; NYPIRG staff; law students with the group Just Democracy; civic organizations and civil rights groups active in election participation and education efforts; and from New Yorkers concerned about the integrity of the election process recruited through the media and internet. We'd like to specifically thank survey co-sponsors Common Cause/NY and the New York Civil Liberties Union. This report has been endorsed by: Common Cause/New York; Demos: A Network for Ideas and Action; and the Professional Staff Congress/CUNY.

Each of the participating poll monitor/surveyors was granted official 'Poll Monitor' status from the New York City Board of Elections. We thank the Board and their Executive Director John Ravitz for agreeing to place themselves under such scrutiny.

Report from the Polls III was written by NYPIRG Government Reform Coordinator Neal Rosenstein with editorial guidance from Joel Kelsey, Chair of NYPIRG's statewide Board of Directors. Training and deployment of survey monitors was directed by Joel Kelsey and Neal Rosenstein. NYPIRG's data analysis unit oversaw compilation and analysis of the survey results. Marty DeBenedictis of NYPIRG's Community Mapping Assistance Project designed the database and checked the data. Our thanks to Gary Zirpoli, Department of Biostatistics, University at Buffalo who assisted on aspects of our data analysis. Matt Benjamin and Peter Choi of Just Democracy and JoAnna Erenberg and Rachel Leon of Common Cause/NY recruited scores of volunteers. Our thanks to Professor Ron Hayduk for reviewing both the survey and report. This report and the survey form were designed by Li Howard. The report was edited by Neysa Pranger and Rebecca Weber.

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A City-Wide Survey of Conditions at the Polls Presidential Election • November 2, 2004

I. Introduction

For the third time in four years, civic groups mounted a massive Election Day survey to gauge how voters were treated in New York City. Surveyors, who were assigned to 174 randomly selected Election Districts across the city had two primary tasks:

- Ask 10 voters leaving each polling site to complete a questionnaire about their voting experience; and
- Ask the Board of Elections' "Poll Site Coordinator" at their site a simple three-part question concerning voting rights and the new identification requirements required of certain first-time voters.

We found troubling results at poll sites across the city that confirm what New Yorkers and the civic community have been saying for years – too many voters face too many problems on Election Day. Major report findings are highlighted in Table One, summarized in Section II and detailed in Section V.

In all, 1740 voters were surveyed about their election experiences at approximately 12% of the city's poll sites. Additionally, at 161 of the sites, Poll Site Coordinators answered our survey questions regarding new voter ID requirements. This sample also represents a significant fraction – 12% – of the city's 1,335 Poll Site Coordinators.

Table One

Survey Highlights

- Our *Voter Agony Index* found that 13% of voters surveyed experienced an "agonizing" problem at the polls such as a broken machine or chaotic poll site. In our survey, Manhattan fared worst on the *Agony Index* with 19% of voters reporting a major problem. Staten Island and Queens fared best at 7%.
- Forty five percent of Board of Elections' Poll Site Coordinators surveyed failed to correctly answer questions about new identification requirements required of certain voters.
- Six percent of voters surveyed were unjustly asked to produce identification at the polls on November 2nd.
- Five percent of voters surveyed relayed to surveyors that, while properly registered, they did not find their name in the poll books on November 2nd.
- Nearly half of all voters surveyed (48.6%) reported that Board of Elections workers failed to ask if they needed help in operating the voting machine, in violation of Board policy.
- While 93% of voters surveyed described their poll sites as either "calm and quiet" or "busy & orderly," 7% of voters described their polling sites as either "confusing" or "chaotic."
- Poll workers did a good job distributing paper (Affidavit) ballots to voters. Virtually all voters surveyed were offered this option if problems arose with their registrations.

II. Summary of Findings

The results of this survey confirm what many voters and civic groups have been saying for years; too many voters face too many avoidable problems at the polls on Election Day. The survey's major findings are summarized below and detailed in section III.

1. Thirteen percent of voters surveyed experienced an "agonizing" experience at the polls. Our *Voter Agony Index* for the November 2nd election found that 13% of voters surveyed experienced major, avoidable problems on Election Day. This included 4% of voters experiencing a broken voting machine and more than 7% describing their polling site as either "confusing" or "chaotic." In our survey, more than twice as many voters in Manhattan (19%) faced "agonizing" problems, compared to 7% of voters in Staten Island and Queens. (These problems are separate from those encountered by voters who were improperly asked for ID or didn't find their name in the poll site book.)

2. Only 55% of Poll Site Coordinators surveyed correctly answered a three-part question on identification requirements at the polls. Too many Poll Site Coordinators don't know the law when it comes to what types of identification can satisfy new requirements imposed on certain first-time voters. These staff people oversee site operations and are supposed to be more experienced, knowledgeable and better trained than their fellow Poll Inspectors (the workers who most voters interact with at their particular table/machine).

3. Too many Poll Inspectors are improperly administering elections. Poll Inspectors are the Board of Elections workers that voters interact with at their assigned Election District tables and when using the voting machines. Inspectors are responsible for "signing in" each voter, running the machines and determining which voters are directed to vote on paper/Affidavit Ballots. We found two troubling findings about Poll Inspector performance:

- **Six percent of voters surveyed reported that they were unjustly asked to produce identification at the polls on November 2nd.**¹ This percentage of voters is separate from the number legally required to do so under law
- **Almost half of voters surveyed (48.6%) reported that poll workers had failed to ask them if they needed help using the voting machine.** Failing to assist voters unfamiliar with the workings of the machine can lead to numerous problems including lost votes and longer lines. Poll Inspectors are required to ask each voter if they need assistance with voting.

4. Five percent of voters surveyed relayed to surveyors that, while properly registered, they did not find their name in the poll books on November 2nd. While there are a variety of reasons a voter's name may be missing from the rolls, the size of this percentage indicates a significant problem faced by voters on Election Day.

5. Poll workers did a good job distributing paper (Affidavit) ballots to voters. Almost all voters in our survey were offered this option if problems arose with their registrations. (While it's good news that voters are being offered Affidavit Ballots, often times other action is needed, such as directing voters to their proper poll site or table.)

¹ Survey respondents who reported they were asked to show ID were asked a series of detailed questions about when they first registered to vote in the city. These voters reported they had either previously voted in New York City or had registered before January 1st, 2003. Therefore, these voters should have been exempt from any ID requirement.

III. Detailed Findings

A. The New York City *Voter Agony Index*

Our *Voter Agony Index* found that 13% of voters surveyed experienced an 'agonizing' problem at the polls such as a broken machine or chaotic poll site. To create the index, we grouped some of the common problems faced by voters to gauge how many experienced major problems at the polls this past November 2nd. Our survey of voters found:

- Manhattan fared worst on the *Agony Index* with 19% of voters surveyed reporting a major problem.
- Staten Island and Queens fared best at 7%.
- Four percent experienced a broken voting machine
- More than 7% described their polling site as either confusing or chaotic.

In our survey, there was a significant disparity among the five boroughs. At least twice as many voters surveyed in Manhattan and Brooklyn faced agonizing problems as compared to Staten Island and Queens.

Borough	Agony Index
Manhattan	19%
Brooklyn	14%
Bronx	13%
Queens	7%
Staten Island	7%

It should be noted that the problems encountered by voters in our *Agony Index* are separate from the problems faced by voters who were improperly asked for ID or didn't find their name in the poll site book. The flip side of our *Voter Agony Index* is that a substantial majority of New Yorkers don't experience significant problems on Election Day. Their sites are well run and operated by some of the vast majority of hard working and informed poll workers.

The *Agony Index* includes voters who reported: extended wait times of more than 20 minutes once reaching their table; confusing or chaotic poll sites; uninformed or disorganized poll workers; machine breakdowns; electioneering; harassment; or a disability access problem. Here are some selected samples of the agonizing difficulties faced by voters.

Confusing or Chaotic Poll Sites. Reported by 7% of voters. Here's one comment by our surveyor at the Methodist Home on Manhattan College Parkway. in the Bronx: "Upon speaking to the Poll Site Coordinator there were supposed to be 13 workers at the start of the day, but they were nine short. Everyone seemed to be doing their best to be helpful despite being understaffed."

Extended Wait Times of more than 20 minutes after voter reached their proper Election District table. Reported by 3% of voters. At Public School (PS) 44 on West 76th Street in Manhattan our surveyor noted "one extremely long line that people reported (waited hour and twenty minutes). Some chaos, bad physical layout."

Machine Breakdowns. Reported by 4% of Voters. In Manhattan at PS 3 on Hudson Street our surveyor noted: "One machine broke down two times and three voters left without voting because they felt that the paper ballots were not secure and might not be counted."

Electioneering. Reported by 1% of Voters. In Queens at PS 32 on 83rd Street, our surveyor took a voter complaint that: "ladies at table were telling him who to vote for." And in Manhattan at the George Washington Bridge Station Lobby, our surveyor took a voter complaint that: "language interpreter was telling people who to vote for."

Disability Access Problems Reported by 1% of Voters. In Queens at PS 133 our surveyor took this voter complaint: "Voter could not get wheelchair ... into the booth very easily, and the choices were listed so high that he could not read them himself. He also could not pull the levers because they were too high, and he was not strong enough to pull them."

B. Improper Knowledge of Identification Requirements by Poll Site Coordinators

Our surveyors sought to determine how the Board of Elections administered new identification (ID) requirements for certain new voters in two ways. Surveyors: A) Directly asked 161 Poll Site Coordinators important questions regarding voter rights; and B) Interviewed 1,740 voters after they cast their ballots about their interactions with Poll Inspectors and identification checks. We found troubling responses in both these areas.

Forty five percent of Board of Elections' Poll Site Coordinators surveyed failed to correctly answer questions about new identification requirements required of certain voters. Our surveyors asked Poll Site Coordinators the following: *"I have a question about the new identification requirements for voters that I was hoping you could answer. If a voter needs to show ID, would the following be considered valid: a current Costco card with the voter's name and photo on it; a current college student ID with the voter's name and photo on it; and a current NY State drivers license with the voters old address?"* The correct responses are that all three forms of ID satisfy the federal law's requirements for a current and valid photo ID^{2,3}.

- **Only 55% of Poll Site Coordinators surveyed answered all three questions about what constitutes valid ID correctly.**
- **Only 74% of Coordinators correctly answered that a current Costco card with the voter's name and photo constitutes valid ID.**
- **Only 88% answered that a current college ID card with the voter's name and photo constitutes valid ID.**
- **Only 78% answered that a current New York State Driver's License with the voter's previous address constitutes valid ID.**

Poll Site Coordinators are special positions created by the City Board of Elections to oversee operations at the city's poll sites. These staff members are supposed to be more experienced, knowledgeable and better trained than their fellow Poll Inspectors (the workers who most voters interact with at their particular table/machine.)

² 42 U.S.C. § 15483(b)(2)(A)(i)(II). The Help America Vote Act specifically allows for the use of any current and valid photo ID as satisfying ID requirements, regardless of whether an address is listed, in addition to other documents such as government checks and utility bills with the name and address of the voter.

³ May 9, 2005 phone conversation with Steve Richmond, General Counsel, NYC Board of Elections.

The survey's question to Poll Site Coordinators about the imposition of the ID requirement was meant to measure how the ID provisions were being implemented in sites across the city. Our intent was to gauge the Board's training efforts and evaluate whether the Board's policy NOT to provide detailed lists of sample IDs to poll workers would result in a lack of understanding of exactly what qualified as legitimate identification documents. Our results make clear that the Board continues this approach to the detriment of the voters it serves.

Besides the failure of nearly half of Coordinators to properly answer our three part ID question, our surveyors noted other troubling information such as the following position of a Coordinator at PS 19 on 99th Street in Queens noted by one of our surveyors: "Poll Site Coordinator claims that people need some form of ID with a current address if they are not in the poll book." That's just plain wrong^{4,5}.

Board of Elections statistics show the vast majority of Poll Site Coordinators attended a General Election training session last year. Ninety four percent of those Coordinators (1,338) who attended, passed training and worked the election. Five percent (68) worked but did not attend class and 1% (9) failed the test but were allowed to work at the polls⁶. Given the high percentage of Coordinators attending training, it is troubling that such a high percentage failed to understand how to properly administer the ID requirement. Faulty implementation of the Help America Vote Act (HAVA) could well lead to disparate enforcement of the law's provisions at poll sites across the city and ultimately, voters wrongly being forced to vote by paper/affidavit ballot.

While Poll Site Coordinator understanding of the identification requirement needs improvement, there is also good news concerning its' implementation. Only 2% of the 30,987 voters who were legally required to show ID at the polls were forced to vote by Affidavit Ballot because they failed to provide ID accepted by poll workers⁷.

⁴ 42 U.S.C. § 15483(b)(2)(A)(i)(II). HAVA specifically allows for the use of any current and valid photo ID as satisfying ID requirements, regardless of whether an address is listed, in addition to other documents such as government checks and utility bills with the name and address of the voter.

⁵ Only those voters whose names are listed in the poll book and flagged for ID are required to do so.

⁶ Board of Elections Document, Coverage Analysis by Position, General Election 2004, 2/15/2005.

⁷ Figures provided to Voter Coalition Groups at June 8, 2005 meeting with BOE Executive Director John Ravitz.

C. Improper Asking of Voter Identification by Poll Inspectors

Six percent of the voters surveyed were unjustly asked to produce ID at the polls on Election Day by Poll Inspectors. This percentage is separate from the 1.4% (30,987) of voters who were legally asked to produce ID under law⁸.

Poll Inspectors are the Board of Elections workers all voters interact with at their assigned Election District table. Inspectors' responsibilities include "signing in" each voter, administering the ID requirement, running the machine and determining which voters are directed to vote on paper/Affidavit Ballots. For this question, our surveyors asked 1,740 voters across the city about their interaction with Poll Inspectors and voting experiences.

Our survey of voters did not attempt to gauge the motivations of why poll workers asked for ID. However, we did give the opportunity for voters to provide additional information about their experiences. Sample comments noted by surveyors, from voters across the five boroughs who should have been exempt from ID requirements⁹ included:

- **Bronx:** At PS 70 on Marion Avenue a voter reported, "I was asked for picture¹⁰ ID."
- **Brooklyn:** At PS 58 on Smith Street, "voter produced ID voluntarily, because there was a sign instructing voters to have ID ready."
- **Manhattan:** At PS 167 on East 75th Street poll worker announced, "get out your ID." Voter simply used drivers license.
- **Queens:** At the Queens Botanical Gardens site, poll worker, "asked for voter registration card."
- **Staten Island:** At PS 13 on Hylan Boulevard, "voter took ID out of wallet without prompting because other people ahead in the line were showing ID. The worker did ask her to see the ID."

In addition to the survey, the NYPIRG/Common Cause New York Election Day Helpline received numerous calls about poll workers inappropriately asking voters for ID. Here's some of the comments taken by intake staff:

- **Bronx:** At PS 277 on St. Anns Street a caller reported that poll workers were asking everyone for photo ID reporting that it was the first thing asked when voters got to the table. There were "...no long lines. No one would answer why...asking everyone." The Coordinator said 'this is a very important election, we heard it on the radio, everybody's doing it, we got to do it. There's lots of immigrants here and some of them shouldn't be voting.'"

⁸ Figures provided to Voter Coalition Groups at June 8, 2005 meeting with BOE Executive Director John Ravitz.

⁹ Survey respondents who reported they were asked to show ID were asked a series of detailed questions about when they first registered to vote in the city. These voters reported they had either previously voted in New York City or had registered before January 1st, 2003. Therefore, these voters should have been exempt from any ID requirement.

¹⁰ 42 U.S.C. § 15483(b)(2)(A)(i)(II). HAVA specifically allows for the use of any current and valid photo ID as satisfying ID requirements, regardless of whether an address is listed, in addition to other documents such as government checks and utility bills with the name and address of the voter.

- **Manhattan:** At Julia Richmond High School a caller reported: "Inspector made everyone show ID. When he was showed paperwork that stated this was not procedure he said 'I don't care.'"

Identification checks at the polls can lead to numerous problems that are magnified when checks are improperly implemented. Among these are: 1) voters who "fail" poll workers' requests for ID are not allowed to cast their ballots on machines and instead are directed to fill out Affidavit Ballots, a timely process that takes up poll worker time and lengthens lines at the polls; 2) Affidavit Ballots are difficult for many voters to correctly complete, leading to many disqualified votes from qualified voters; 3) having certain voters produce ID at the polls, but not others, can lead to confusion at sites and raise public skepticism about the impartial administration of elections; and 4) purposeful and selective use of the ID requirement by poll workers can intentionally disrupt or suppress voter turnout.

As a result of the HAVA certain first time voters who registered by mail were required to show identification for the 2004 elections¹¹. According to the Board of Elections, 30,987 New Yorkers who showed up at the polls were subject to the requirement in 2004¹². Unfortunately, our survey found that an additional six percent of voters surveyed were improperly asked to produce ID. (That would mean more than 140,000 additional city voters if extrapolated city-wide.) Our survey asked voters: "*Were you asked to show ID at the polls today?*" If voters answered yes, surveyors asked a series of additional questions regarding the voter's registration history to determine whether the request was justified (see Appendix I, Incident Report Sheet: ID Problems).

As previously noted, this survey also found that many Poll Site Coordinators did not have a full understanding of the law's ID requirements. The failure to adequately train poll workers could directly account for the improper request to produce IDs. The training rates for Poll Inspectors are disturbingly low. In 2004 one out of every four Poll Inspectors (5,366 or 24.6%) either failed to attend mandated training before the General Election or attended training, failed their exam and were still allowed to work.¹³

¹¹ The Help America Vote Act required certain first time voters who registered by mail and failed to have their social security number or drivers license number that they entered on their application form verified in an existing state database to present ID at the polls. In New York State the 'first time voter' provision has been interpreted to apply to voters registering in their particular county, (or in the five boroughs of New York City) for the first time, regardless of whether they were previously registered in New York State.

¹² Figures provided to Voter Coalition Groups at June 8, 2005 meeting with BOE Executive Director John Ravitz.

¹³ Board of Elections Document, Coverage Analysis by Position, General Election 2004, 2/15/2005.

- Twenty one percent (4,667) of Poll Inspectors did not attend mandated training classes before the General Election.
- Three percent (699) of Poll Inspectors attended training, failed their poll worker test but still worked during the General Election.
- Only seventy five percent (16,463) of Poll Inspectors both attended training and passed their poll worker test for the General Election.

The Board of Elections must do a better job training and recruiting qualified poll workers. These "front line" employees play a crucial role in ensuring the smooth and fair administration of our elections.

It should be noted that some poll workers may request ID with the desire to ease the "signing in" process of voters when they approach the table. For example, instead of verbally asking voters their name, some poll inspectors find it easier to read the information off of an ID to assist them in finding their entry in the poll book. This practice is contrary to their training and a probable violation of state law. In our recommendations section we outline numerous suggestions that the city and Board of Elections can take to ease crowding at the polls and ensure that sufficient numbers of qualified poll workers work on Election Day. This will help ensure the smooth and proper running of the site without impinging on voters' rights.

Our survey was not able to determine how many voters were incorrectly directed to fill out affidavit ballots on the premise that they failed an ID check. Fortunately, the Affidavit Ballot envelope indicates the reason for its use, including a box identifying HAVA ID requirements as the trigger. It is essential that the Board of Elections commit to conducting a detailed analysis of whether any voters were incorrectly directed to complete an Affidavit Ballot for each election. Such an analysis can be used to identify poll sites and poll workers improperly implementing ID requirements.

D. Voters' Names not Found in Poll Book

Five percent of voters surveyed relayed to surveyors that, while properly registered, they did not find their name in the poll books on November 2nd. Three percent of voters that visited the polls on Election Day, who had previously voted from their current address did not appear in the poll book on November 2nd. An additional 2% of new voters who affirmed having registered before the deadline did not find their names at the polls.

While there are a variety of reasons a voter's name may be missing from the poll book, the size of this percentage indicates a significant problem faced by voters on Election Day. Some problems may be due to voter error and some to mistakes in the Board's data entry system and production of poll books. Others may be due to mistakes made by poll workers at sites who directed voters to wrong locations. Whatever the reason, the fact that such a large percentage of voters faced this problem is troubling.

Every year, we hear complaints from voters who are sent to the wrong poll site by poll workers themselves. Here's one example called in to NYPIRG from voter Jeremy R:

"On Election Day, I showed up at the site I'd voted from in the past at Baruch College on East 23rd Street. The site wasn't there anymore so I found one on East 22nd Street that I'd voted at in the past and waited on a line that wound out onto the street - about an hours wait. I asked a poll worker if I was at the correct location. After 20 minutes or so and asking more and more poll workers they looked up my name in a book and told me to go to a different site on 23rd. There were no signs outside of the site, but found it in the American Sign Language Institute. After waiting again at that site I gave my address and was told it wasn't the correct one, but they didn't know where I should go. They sent me to someone they said was in charge of the site. He said I was at the wrong site and after looking in the poll book he was also unable to tell me where to go. I ended up filling out an Affidavit Ballot. The Board of Elections later sent me a letter telling me that my vote wasn't counted, not even for President. The irony is that later on, when NYPIRG looked up my site using the poll site books, my correct site was on West 20th, something no one ever told me that day."

Every voter who shows up at the wrong site or wrong table within the correct site on Election Day can cause considerable delay and increases the likelihood that their vote may not be counted. Associated problems include:

- Voters at the correct ED are not allowed to cast their ballots on machines and instead are directed to fill out affidavit ballots, a timely process that takes up poll worker time and lengthens lines at the polls.
- Affidavit ballots are difficult for many voters to correctly complete, leading to many disqualified votes from qualified voters.
- Many voters complain that they are directed by poll workers to incorrect ED tables within the correct site, leading to longer lines, increased frustration and the possibility that the voter is directed to fill out an Affidavit Ballot.
- Many voters are directed by poll workers to incorrect poll sites to cast their votes. These voters' Affidavit Ballots are disqualified.
- Many poll workers fail to check whether a voter whose name does not appear in the poll book is at the correct site or table. This failure can likely lead to voters at the wrong site having their Affidavit Ballot disqualified due to poll worker failure. It can also lead to unnecessarily increasing lines and wait time while an Affidavit Ballot is filled out at the wrong ED within the correct site.

Improved poll worker training on these issues could help alleviate wait times and aggravation for would-be voters.

Every year large numbers of voters complain that their name did not appear in the poll book at their ED (their assigned machine/table at their poll site). For voters who have been voting at the same location for years, the absence of their names is often particularly upsetting or confusing. There are however a number of valid reasons why a voter would not find their names at their accustomed location. These include:

- The voter has approached the wrong table at their site.
- The poll site for the voter's Election District has changed.
- The voter was never registered because their registration form was incomplete, mailed after the deadline or improperly entered into the Board's database under another name or address.
- Voters not enrolled in a party attempt to vote in a Primary Election (not applicable for General Elections).

E. Broken Machines

One out of twenty five voters surveyed (4%) experienced problems with broken machines. Problems ranged from completely non-functional machines to ones that were still being used but had certain levers inside that were broken.

One of the more frustrating experiences for voters is to show up at their poll site only to find that their voting machine is broken. While the Board has made strides in recent years to better maintain their fleet of aging lever machines, too many voters face inoperative or partially functioning machines on Election Day. Our surveyors noted a wide variety of problems identified by voters including:

- **Bronx:** "Machine was broken so instructed to use paper ballot."
- **Bronx:** "Light kept going on and off, hard to see."
- **Brooklyn:** "Machine was too old. Button wouldn't let the push-door open to (cast) write-in vote. Voter was offered paper ballot."
- **Manhattan:** "ED 19 machine broken, the other ED 19 had sticky buttons."
- **Manhattan:** "One machine broke down two times and three voters left without voting because they felt that the paper ballots were not secure and might not be counted."
- **Queens:** "Couldn't pull down one lever...but was able to vote for remaining candidates."

The Board of Elections downplays the seriousness of the problem with the city's machine fleet by citing that only 14,531^{14,15} Emergency Ballots were cast by voters unable to use a machine on Election Day. However, other Board statistics show that 6% of the city's machines underwent necessary repairs on Election Day (487 machines out of 7,694 total)¹⁶. An additional 99 "trouble calls" about machines were classified as due to "Unnecessary Problems Caused by Voter" or "Unnecessary Problems Caused by Inspectors." As our survey found, machine breakdowns clearly affect far more voters than the 14,531 claimed by the Board for the following reasons:

- Many voters leave the site with the intention of returning later in the day in the hope their machine will be fixed.

¹⁴ 2004 General Election, Statement and Return of the votes for the office of President and Vice President of the United States. Board of Elections web site document.

¹⁵ Testimony of John Ravitz, Executive Director Board of Elections in the City of New York before the New York City Governmental Operations and Finance Committees, May 23, 2005.

¹⁶ Untitled BOE document detailing machine trouble calls and emergency ballots cast.

- Many voters choose to wait at the poll site until their machine is fixed.
- Approximately 1,500¹⁷ of the city's Election Districts with large numbers of voters were required to have two machines¹⁸ for the 2004 Presidential Election. If one machine was broken, voters were able to switch to the other, at the risk of dramatically increased wait times.
- Voters cast ballots on partially functioning machines that are awaiting mechanics or have not been taken out of service.

Voters should not be faced with the dilemma of whether to wait for the machine to be fixed, come back later in the day, vote on a partially functioning machine or to vote on a paper "Emergency Ballot." Part of the problem lies in maintaining and setting up 40-year-old machines with thousands of moving parts. While the promise of the introduction of a new voting system is expected for the 2006 elections, structural changes will be needed to ensure the machines are well maintained and operated correctly on Election Day.

¹⁷ May 27, 2005 Letter to NYPIRG from NYC BOE.

¹⁸ NYS Election Law § 7-203.

F. Poll Worker Instructions: Problems Inside the Booth

Contrary to Board policy, Poll Inspectors are failing to ask voters entering the booth if they know how to use the voting machine¹⁹. Our monitors asked voters: *"Before you voted, did a poll worker ask if you know how to use the voting machine?"* **A disturbing 48.6% of voters responded that poll workers had not done so.**

Voters unfamiliar with the workings of the machine can lead to numerous problems including lost votes and longer lines. New voters and those with limited reading skills are at greatest risk of jeopardizing their votes. This is another instance where Poll Inspectors are disregarding their training and Board procedure or have not been trained. As a result, votes are invariably lost and lines lengthen.

G. Affidavit Ballots: Good News Outside the Booth

Poll workers do a good job distributing paper (Affidavit) ballots to voters. Almost all voters were offered this option in our survey if problems arose with their registrations.

Affidavit Ballots are supposed to be distributed to voters for a variety of reasons including when a voter at the correct table does not find their name in the poll book or a voter required to show identification is unable to provide documents accepted by poll workers.

While it's good news that voters are being offered Affidavits, often times other action is needed, such as directing voters to their proper site or table.

¹⁹ Poll Workers Manual 2004: "**Ask** the voter if s/he knows how to use the voting machine and refer voters who are unsure to read the voter card instructions or provide instructions to the voter yourself. **Warn voters not to pull the voting handle to the left before voting with the levers and to leave the levers pushed down after making his or her choices.** (Emphasis in original document.)

IV. Background

Every year, New Yorkers head to the polls to cast their votes in federal, state and local elections. For the majority of these voters, their trip to the polls is unexceptional: they arrive at their polling site; head to a table with courteous poll workers who locate their name in a poll book; and cast their ballot on a working voting machine.

Unfortunately, far too many voters have a different experience: they discover their names are not in the poll book, their polling site has changed; confused poll workers send them to wait on line after line (or from site to site); or broken machines, poorly trained poll workers and long lines await them. While these problems occur in off-election years at dismaying rates, the system typically fares its worst in Presidential election years, when turnout is highest.

This past year the problems faced by voters were compounded by the failure of the New York City Board of Elections' two primary means of communicating with the public: both the Board's website and voter hotline broke down on Election Day leaving many voters in the dark about whether they were registered, where to vote and unable to complain about problems at the polls.

New York City is no stranger to troubled elections. A number of civic and community organizations have been working to focus attention on the problems faced by voters for years. The Citywide Coalition for Voter Participation, a broad non-partisan coalition of labor, civic, community advocacy and civil rights groups facilitated by NYPIRG and Common Cause/NY has worked to monitor and improve election administration here in New York City and State. NYPIRG, the Citywide Coalition and a second effort by many of the same organizations – New York State Citizens Coalition on HAVA Implementation – have:

- **Conducted massive surveys of conditions at the polls in 2001 and 2002.** These surveys, with hundreds of voters rating their own Election Day experience, highlighted problems faced by voters city-wide and helped lay the groundwork for this year's effort. One of the major findings in Report from the Polls I & II was that many poll workers gave out misinformation that can disenfranchise voters (copies of the reports may be found at www.nypirg/goodgov/elections/pollreport02).
- **Provided an Election Day Helpline for voters seeking assistance and/or wished to lodge complaints about conditions at the polls.** The helpline, sponsored by NYPIRG and Common Cause/NY offers voters such basic information about the location of their polling sites and also chronicles problems at the polls such as broken machines which are forwarded to Board of Elections executive staff for remedial action. This past Election Day the helpline received more than 3,000 calls and served an even more vital service due to the breakdown of the Board's website and phone system. Attorneys at the New York Civil Liberties Union also handled calls from voters who had problems at the polls.

- **Pressured the State Legislature and City Council for important changes in State Election Law and the administration of elections.** Coalition groups such as the Brennan Center for Justice Citizens, Union, Common Cause/NY, Demos, the New York City and State League of Women Voters, the New York Civil Liberties Union, NYPIRG and the Women's City Club of New York have lobbied elected officials and provided definitive research into implementing new federal election mandates. We've held numerous media events to focus attention on election-related issues and offered expert testimony at a wide range of forums (a collection of coalition documents on implementation of the Help America Vote Act can be found at www.nypirg.org/goodgov/hava).
- **Successfully pressed Mayor Bloomberg to focus on Election Day problems.** Earlier this year, Mayor Bloomberg appointed a special task force to focus on the election process. The Task Force is currently pursuing a number of initiatives, including pushing the Board to modernize its' website and phone system, along with managerial changes to Board operations. Unfortunately, much of their work has been conducted behind closed doors with limited public input. Coalition groups continue to monitor and weigh in on their work.
- **Met with the New York City Board of Elections to press for changes and improvements in election administration.** Coalition groups have met with the Board's executive staff on numerous occasions to press for proper implementation of HAVA (see below) in an effort to limit the law's disenfranchising impact on voters on Election Day. While there was agreement with the Board regarding many facets of the implementation of HAVA, the Coalition had considerable disagreement with the Board's decision not to provide poll workers and voters with detailed information about the law's ID requirements.

The Help America Vote Act: One of the major motivations of this survey was to gauge the impact of the Help America Vote Act (HAVA) on city elections. In October, 2002, President Bush signed HAVA into law. The new law allocates nearly \$4 billion in federal funds with the stated goal of improving elections and voting procedures. One of the major impacts in New York is the imposition of a requirement that certain first-time, mail-in registrants provide photo or other documentary evidence of identity either when they register or when they vote. Those voters satisfying poll workers requests for ID are entitled to cast their ballots on the voting machine, those who do not are supposed to be offered the opportunity to vote on a Provisional (Affidavit) Ballot. There has been widespread concern that the ID provision unfairly targets low income, urban and voters of color along with new citizens and young voters because they are less likely to possess one of the key forms of identification called for in federal legislation, a valid drivers license. Indeed, in NY State, while some 93% of those 18 and over outside of the five boroughs possess driver licenses, only 52% of New York City residents do²⁰.

The inherently discriminatory impact of HAVA's ID requirements can be further amplified if administered unfairly by local boards of elections. The subjective imposition of ID requirements raises the potential for de-facto or intentional disenfranchisement of significant numbers of voters on Election Day. This survey's findings clearly demonstrate the need for the Board of Elections to review their training efforts.

²⁰ Sources: NYS DMV NYS Driver Licenses on File 2000 & US Census Bureau Report - New York: 2000, Summary Population and Housing Characteristics

V. The Report

On November 2, 2004, our trained surveyors spread out across the city to monitor conditions at the polls. One hundred and thirty two volunteers each surveyed at least one Election District across the city. These surveyors had two primary tasks:

- Ask 10 voters leaving each polling site to complete a questionnaire about their voting experience; and
- Ask the Board of Elections' "Poll Site Coordinator" at their site a simple question concerning voting rights and the new identification requirements required of certain first-time voters.

In all, 10 voters from each poll site at 174 randomly selected Election Districts across the city completed questionnaires about their election experiences (at approximately 12% of the city's poll sites.) Additionally, at 161 of the selected poll sites, Poll Site Coordinators answered surveyor questions regarding new voter ID requirements. This sample represents a significant fraction – 12% – of the city's 1,335 Poll Site Coordinators.

The survey was based on a randomly chosen set of Election Districts and represents a statistically accurate impression of conditions at poll sites across the city. Unfortunately, our sample size does not allow for a borough by borough comparison beyond our *Voter Agony Index*. For more information, please refer to the methodology section of the appendix.

The survey was developed and directed by the New York Public Interest Research Group (NYPIRG) with the help of independent expert researchers and members of the civic community. Surveyors came from a range of sources. These included college students from campuses with NYPIRG offices across the five boroughs, NYPIRG staff, law students with the group Just Democracy, civic groups active in election participation and education efforts, and from New Yorkers concerned about the integrity of the election process recruited through the media and internet.

Poll Monitors participating in the survey had official 'Poll Monitor' status from the New York City Board of Elections. We thank the Board and their Executive Director John Ravitz for agreeing to place themselves under such scrutiny. We will be providing the Board with data concerning problem poll sites following the release of this report.

We have supplemented the statistical results of the survey with voter comments taken by our Poll Site Monitor/Surveyors and from the NYPIRG/Common Cause New York Voter Helpline which logged 3,000 calls from city voters this past November 2nd. Over the course of Election Day problems encountered by our monitors or received by the Helpline were phoned in directly to the executive offices of the Board of Elections.

VI. Recommendations

We have focused our recommendations on common sense reforms that can be undertaken by the Board of Elections or city. While substantial legislative reform is needed in Albany, there are many initiatives that could be undertaken here in the city in time for this year's municipal elections.

Improper Identification Checks

The Board of Elections must redouble efforts to ensure that voters are not selectively and improperly asked for identification. The Board should also publish and distribute to all poll workers, and have available at the polls, an extensive and inclusive list of acceptable IDs that can be used by voters. The Board has refused to do so. Our survey of Poll Site Coordinators demonstrates that the Board's current laissez-faire attitude is not working. We have included such a list in Appendix C.

Modernization of the Board of Elections

Allow voters to access their poll site and other info online. The poor design of the Board of Elections website has meant that voters can not find out the location of their poll site, a sample ballot or even if they are registered online. While it is embarrassing that the Board of Elections website crashed the day before and on Election Day, it has been more embarrassing when it is up and running.²¹ Advocacy groups have been calling for these improvements for years. Modernization efforts are underway by the city and Board of Elections, but while the Board plans to place a poll site finder online, there are no plans for a voter to find out if they are registered or what their sample ballot looks like. That's a mistake and missed opportunity.

No more busy signals on Election Day. This past November, the Board's Helpline crashed, leaving voters unable to reach the Board with requests for poll sites, other inquiries or to report problems at the polls on Election Day. To their credit, this year the city has offered to fund a new call center for the Board and to take routine voter calls placed directly to the 311 system. Questions still remain about how this will be implemented however. For example, the Board is resistant to having calls forwarded to 311 if their own lines are at capacity. To reject this would be a disservice to voters. The Board should be held directly responsible if voters are not able to reach their Helpline on Election Day.

²¹ Here's one of our monitor's comments on their attempt to get their poll site location through the email poll site request feature on the BOE's web site: " I emailed the BOE on E-Day asking where my poll site was to see how long it'd take to get a response. I got an email response on Feb. 28 saying the info would be coming to me via US Mail within the next few weeks-and never got anything in the US mail."

Poll Worker Performance

The Board of Elections must do a better job training and recruiting qualified poll workers. These "front line" employees play a crucial role in ensuring the smooth and fair administration of our elections and compliance with voting rights protections. Professional outside trainers should be employed to conduct classes and administer poll worker tests - those who fail should not be allowed to work at the polls. To ensure adequate numbers of qualified workers the city should offer comp time for non-essential city employees to work the polls. Special efforts must be made to recruit qualified translators and fully train poll workers on disability access requirements and voting rights mandates.

The central Board of Elections must be given more control and accountability over the hiring of poll workers. The patronage system for hiring Poll Inspectors is a State Election Law issue that needs to be changed in Albany. Meanwhile, the Board of Elections has announced creation of new four-person HAVA compliance teams in each of the city's Assembly Districts. Each team would have two Democrats and two Republicans. The idea of having roving HAVA specialists is a good one, but it's essential these poll workers not be chosen as patronage hires, selected by their respective County Leaders as the bulk of poll workers are. Instead, responsibility should lie with the Central Board to recruit, train, discipline and deploy these teams. The central board can then be held accountable for their success or any problems that may arise with them.

Better Notification and Information for Voters

Better design of the Board of Elections confusing poll site notification post card. While the content and information on the card is mandated by State Election Law, more resources need to be given to the Board of Elections to ensure better graphic design or to supplement this mailing with a more specific poll site card.

Voters need more frequent notice of their poll site location. State Election Law does not require voters to be notified of their poll site before each election. Voters typically receive their only poll site notification in August, more than two months before the General Election and far in advance of when most voters are paying attention to the election. The city should fund, and the BOE ensure, that every voter receive a supplemental poll site card listing poll hours and basic info before every General Election.

Old Voting Machines & A New Voting System

The decision on what type of voting system New York will buy should not be left in the hands of the patronage-ridden Board of Elections. The city should permanently reinstate the Elections Project, a non-partisan body of technical experts to oversee the contracting process for a new voting system, modernize the Board and ensure public participation in these efforts. A high profile and independent chair should be selected to oversee the process.

Public input is needed on any new voting system. Before selecting a new voting system, the city or Board of Elections should create a Voting System Authorization Panel including representatives from communities under jurisdiction of the Voting Rights Act, civic, disability and civil rights organizations, independent security experts, youth and seniors representatives and academics.

Additional resources to hire and retain qualified mechanics are needed. Base pay for mechanics is \$24,937²². With any increased resources should come a reorganization of the Board's patronage system that controls the hiring (and disciplining) of nearly all board employees including technicians. A serious overhaul of the Board's hiring practices for selection of mechanics is essential given the upcoming switch to a new voting system.

More Resources and Accountability for the Board of Elections

The Board should be included in the Mayor's Management Report and required to provide meaningful statistical evaluations of its performance. Questions like the average time it takes for a mechanic to fix a broken voting machine after it was reported and how many poll workers failed to attend training classes should be tracked and made public. While the Board needs adequate and increased funding to do its work, the city must also make sure that money is spent wisely.

The Board should provide more analysis of its' performance to the public. For example, the Board of Elections should conduct and publish a detailed analysis of whether any voters were incorrectly directed to complete an affidavit ballot for each election because of ID requirements. Such an analysis can be used to identify poll sites and poll workers improperly implementing ID requirements. Other breakdowns should include the number of affidavit ballots completed by voters at the wrong poll site, a mistake easily attributed to a failure of poll workers to direct the voter to the right location.

²² Testimony of John Ravitz, Executive Director Board of Elections in the City of New York, before the New York City Governmental Operations and Finance Committees, May 23, 2005.

APPENDIX A:
ELECTIONWATCH/NEW YORK
SURVEY FORM

ELECTIONWATCH/NEW YORK: ELECTION DAY MONITORING PROJECT

Please Print

Surveyor Name: _____ If Student, List Campus: _____

Contact Phone: (____) _____ Contact Email: _____

Enter the name & address of the poll site you'll be monitoring: _____

Enter the site and write down the numbers for one of the ED/ADs inside.

If more than one ED at site, list the one closest to door: AD__ ED__

Thanks for participating in the ElectionWatch/New York Election Day Monitoring Project. Before you go to a polling site, you should read this short review of the most important things to know:

Please fill out the information above, as soon as you get to your site. You'll then be filling out the general "Election Day Survey" on the second page of this packet for 10 voters at your site. You only need to fill out pages three and/or four — "Incident Report Sheets" — if there was a problem concerning ID or the voters name was not in the poll books. Please read the reporting sheets over, and familiarize yourself with the questions before heading to the polls. Practice reading each of the survey questions out loud.

Problems or Questions? In case you have any questions or if you identify problems on Election Day that you believe need immediate attention call our Election Helpline at 212.349.6460. It's very important for you to only survey your assigned spot. If you are unable to do so you must call in to the number above.

Submitting your results: We need your survey results as soon as possible, preferably on Election Day, November 2nd. Submit each of your survey responses only once — you only need to submit the first two pages of each completed survey if you did not need to fill out pages three and four. There are three ways to submit your form. The best way is online at: www.nypirg.org/monitoring. The password for entering your data is: "protection." Please retain submitted forms in your possession (don't throw them out). If you do not have web access you can mail or drop off forms to: NYPIRG, 9 Murray Street, New York, NY 10007, Att: ElectionWatch

This survey is designed to find out if voters' rights are being violated and to see if voters in different parts of the state are being treated differently from one another. Your participation is key to us determining what is happening to voters across the state. Even if you don't experience any problems, we need you to submit your forms in order to make comparisons with what happened to other voters. This survey is being coordinated by the New York Public Interest Research Group, Inc. We thank you for your valuable participation.

Identify yourself to voters who are exiting the poll site and ask if they would answer a few questions about their voting experience. Use this survey to collect the answers from 10 voters at your poll site. Do not choose your interviewees. Ask the first voter who exits the polls to participate and continue to ask the next available voter until you have completed 10 forms. (When no voters are exiting the polls, distribute you Election Protection Voter Rights Flyers if available.)

"Hi, my name is _____. I'm a poll observer with the ElectionWatch/New York Project. We're here to monitor conditions at the polls. Can I ask you a few questions? I won't be asking who you voted for. It will just take a couple of minutes."

If the voter asks for more information about who we are:

"ElectionWatch/New York is a non-partisan effort by groups like NYPIRG, Common Cause/NY, the NY Civil Liberties Union & Just Democracy that will be monitoring conditions at the polls today across the city. We'll be using the information collected to try and stop abuses from occurring at the polls today and to advocate for long term protections of voters' rights."

If someone questions your right to be conducting the survey, point out that your activity is allowed more than 100 feet from the poll site entrance. Note that certain surveyors will have poll site monitoring certificates that allow them to be inside the poll site. (You'll know if you have this certification.)

ELECTIONWATCH/NEW YORK: ELECTION DAY SURVEY

Surveyor (your) Name: _____

AD _____ ED _____

1. Were you asked to show ID at the polls today? Yes___ No ___
(If YES, Fill out an ID Incident Report Sheet after completing this one.)

2. Was your name not in the poll book today? Yes___ No ___
(If YES, Fill out an ID Incident Report Sheet after completing this one.)

3. Before you voted, did a poll worker ask if you knew how to use the voting machine? Yes___ No ___

4. Did you experience any problems at the polls such as:
a. Voter Harassment Yes___ No___
If Yes, Explain:

b. Electioneering (Electioneering includes any kind of campaigning including political literature, banners or buttons or soliciting votes within a 100 foot radius from the entrance to the poll site.) If Yes, Explain: Yes___ No ___

c. Machine Breakdown. Yes___ No ___
If Yes, Explain:

d. Non-English Language Assistance Problem Yes___ No ___
If Yes, Explain:

e. Disability Access Problem Yes___ No ___
If Yes, Explain:

f. Did you experience any other problems when you went to vote today? Yes___ No ___
If Yes, Explain:

5. How would you describe the polling site overall? Circle one
A) Calm & Quiet
B) Busy but Orderly
C) Confusing
D) Chaotic
E) Other (Describe at left)
F) Don't Know/Unsure

6. How would you describe the poll workers at your site? Circle all that apply
A) Helpful/Courteous
B) Unhelpful/Uninterested
C) Frenzied/Overworked
D) Uninformed/Disorganized
E) Other (Describe at left)
F) Don't Know/Unsure

7. Once you reached your table, how long was your wait on line to vote? Circle one
A) Less Than 5 Minutes
B) 5 to 10 Minutes
C) 10 to 20 Minutes
D) More than 20 Minutes
E) Don't Know/Unsure

Politely Ask to Collect Info Only if they Report a Problem

Voter Name _____ Voter Contact Phone (____) _____
(If no name given write down Voter A,B,C etc...)

Voter Home Address _____ Apt # _____

Borough/County _____ New York, Zip _____

Is Voter Willing to Talk With a Representative of the Media? Yes___ No ___

ELECTIONWATCH/NEW YORK INCIDENT REPORT SHEET: ID PROBLEMS

Surveyor (your) Name _____

AD ____ ED ____

Write Down Voter Name Again Here _____

(If no name given rewrite down Voter A,B,C etc...)

"First, I need to get some quick background information about your registering to vote."

1. Was this year the first time you ever registered to vote? Yes___ No ___

2. Was this the first time you registered to vote in this borough/county? Yes___ No ___

3. How did you register to vote from your current address? *Circle one*
- A) Completed and submitted a form at a government agency like DMV
 - B) Filled in a form with a group and they submitted it
 - C) Mailed in a voter registration form
 - D) Other (Please describe):
 - E) Don't know/Unsure

4. Do you remember when you first registered from your current address? *Circle date*

- A) After January 1, 2003
- B) Before January 1, 2003
- C) Don't know/Unsure

5. So, you were you asked to show ID when you went to vote. Yes___ No ___

Which of the following applies? *Circle all that apply*

- A) The poll worker asked me to produce a "picture ID."
- B) The poll worker stated they would only accept a drivers license and/or social security card.
- C) The poll workers verbally informed me of at least 5 forms of valid ID.
- D) The poll worker showed me written information about what forms of ID were valid. (List samples from list here if possible:)
- E) Other (Please describe):
- F) Don't know/Unsure

Describe what else happened:

6.a If your ID was accepted, were you then allowed to vote on the machine? Yes___ No ___

6.b What was your accepted ID: A) Drivers License B) Student ID C) Other (write below)

6.c Did you offer any ID that the poll worker said was unacceptable? Yes___ No ___

If Yes, please list ID and explain:

7. If your ID wasn't accepted, or you had no ID, or if your name wasn't in the poll book, were you offered a paper ballot (also called an Affidavit or Provisional Ballot)? Yes___ No ___

8. Did you have any difficulties with the paper ballot process? Yes___ No ___

If Yes, explain:

**ELECTIONWATCH/NEW YORK
INCIDENT REPORT SHEET: AFFIDAVIT PROBLEMS/NAME NOT IN POLL BOOK**

Surveyor (your) Name _____

AD _____ ED _____

Write Down Voter Name Again Here _____

(If no name given rewrite down Voter A,B,C etc...)

"First, I need to get some quick background information about your registering to vote."

1. So your name was not in the poll book today, is that correct? Yes___ No ___

2. Was this year the first time you ever registered to vote? Yes___ No ___

3. If this is not the first year you registered to vote from your present county/within NYC, do you remember when you first registered to vote from the address listed above? *Circle date*

A) After January 1, 2003 B) Before January 1, 2003 C) Don't know/Unsure

4. Have you ever voted before from your current address? Yes___ No ___

5.a If your name was not in the poll book, did a poll worker either offer to, or actually check to see if you were at the correct site & table? If "No" skip to 5.d Yes___ No ___

5.b If Yes to above and the poll worker checked and you were at the right table, but they still could not find your name, were you: *Circle one*

A) Given a Paper Ballot B) Other (write below) C) Don't know/Unsure

5.c If the poll worker checked and you were at the wrong table were you: *Circle one*

A) Redirected to Correct Site/Table B) Given Paper Ballot at that table C) Other (write below) D) Don't know/Unsure

5.d If your name was not in the book and a poll worker did not check to see if you were at the right site/table, were you offered a paper/affidavit ballot? Yes___ No ___

6. If offered a paper ballot, did you have any difficulties with the process? Yes___ No ___

If Yes, explain:

APPENDIX B:
ELECTIONWATCH/NEW YORK
POLL MONITORING
SUPPLEMENTAL SURVEY
FORM

**ELECTIONWATCH/NEW YORK: ELECTION DAY MONITORING PROJECT
POLL MONITORING SUPPLEMENTAL SURVEY**

Please Print

Surveyor Name: _____

Contact Phone: (____) _____

Contact Email: _____

Enter the name & address of the poll site you'll be monitoring: _____

Enter the site and write down the numbers for one of the ED/ADs inside.

If more than one ED at site, list the one closest to door:

AD__ ED __

Thanks for participating in the ElectionWatch/New York Election Day Monitoring Project. This is a supplemental survey designed for poll monitors to ask of the Poll Site Coordinator at your assigned site. Most but not all sites will have a coordinator who acts as a supervisor for operations at the site. This brief survey is designed to find out if they answer a question about new ID provisions at the polls correctly. This survey is meant to be done in addition to the ElectionWatch/NY survey of voters at your site. Before you go to your assigned polling site, you should read this short review:

Remember, as a poll site monitor you are not allowed to interfere with operations at the poll site. Your monitoring certificate allows you to monitor Election Day operations, it does not allow you to intervene in the voting process in any way. You should not counsel or address voters in any way while they are in the poll site.

Enter the poll site and introduce yourself using the questionnaire script on the reverse of this form. This supplemental survey is designed to identify the Poll Site Coordinator and to ask him or her a question regarding voters rights and new ID requirements. We'll also ask you to briefly observe and monitor conditions inside the poll site.

If someone asks for more information about who you are, please reply: "ElectionWatch/New York is a non-partisan effort by groups like NYPIRG, Common Cause/NY, the NY Civil Liberties Union & Just Democracy that is monitoring conditions at the polls today across the city."

It is not your right to correct the Poll Site Coordinator or any other individual at the poll site. The information you collect will be used in the advocacy community's efforts to identify problems and press for any needed improvements in poll site operations. If you find what you believe to be a particularly troubling problem inside a poll site that may require immediate intervention, call survey headquarters at (212) 349-6460 and ask to speak with a survey coordinator.

Please fill out the information above, as soon as you get to your site. It should match the information you enter at the top of your voter survey forms. Please read the questions on the reverse of this supplemental survey and familiarize yourself with the questions before heading to the polls. Practice reading each of the survey questions out loud.

Problems or Questions? In case you have any questions or if you identify problems on Election Day that you believe need immediate attention call our Election Helpline at 212.349.6460. It's very important for you to only survey your assigned spot. If you are unable to do so you must call in to the number above. Thanks again for your valuable participation.

Submitting your results: We need your survey results as soon as possible, preferably on Election Day, November 2nd. The responses to this supplemental survey are entered separately from the results of the voter survey you'll be conducting outside the polls. There are three ways to submit this form: The best way is online at: www.nypirg.org/monitoring. The password for entering your data is: "protection." Please retain submitted forms in your possession (don't throw them out.) If you do not have web access you can mail or drop off forms to: NYPIRG, 9 Murray Street, New York, NY 10007, Att: ElectionWatch

**ELECTIONWATCH/NEW YORK: ELECTION DAY MONITORING PROJECT
POLL MONITORING SUPPLEMENTAL SURVEY**

Supplemental Survey Instructions

Overview: Familiarize yourself with the questions below. Enter the site and ask a poll worker or police officer if the site has a Poll Site Coordinator. Assuming it does, locate and introduce yourself to the Coordinator. The Coordinator functions as a supervisor for the site and poll workers. Some sites have two Coordinators. Speak with the first one introduced to you. If both are present answering your question, note it below.

Show your poll site monitoring certificate to the Coordinator (or any poll site worker who asks to see it). Inform the Coordinator that you'll be asking voters survey questions outside of the poll site. If s/he questions your right to do so, point out bullet #2 on the letter on the reverse of your certificate. This letter is from Board of Elections Executive Director John Ravitz and establishes your right to conduct a voter survey, even within 100 feet of the poll site. You should not ask questions of voters in the poll site however, or interfere with the voting process in any way.

Ask the Coordinator if s/he will answer a question you have about the new ID requirements. Fill out the information below as soon as you finish your conversation. If the Coordinator asks you to wait, please do so for five minutes. If still unavailable, conduct your 10 voter surveys and attempt to get the Coordinator to answer your question after they are completed. If there is no coordinator at your site, skip question one below.

Sample Script: Introducing yourself to the Poll Site Coordinator

"Hi, my name is _____. I'm a poll monitor with the ElectionWatch/New York Project. We're here to monitor conditions at the polls. I'll be spending most of my time outside surveying voters. Show your poll monitoring certificate. Can I ask you a question first? It will just take a minute."

Ask the following question:

1) I have a question about the new identification requirements for voters that I was hoping you could answer. If a voter needs to show ID, would the following be considered valid:

A current Costco card with the voter's name and photo on it. Yes___ No ___ Don't know/Unsure ___

A current college student ID with the voter's name and photo on it. Yes___ No ___ Don't know/Unsure ___

A current NY State drivers license with the voters old address Yes___ No ___ Don't know/Unsure ___

If the Coordinator declines to answer your question check this box:

Thank the Poll Site Coordinator and return outside of your site to conduct your voter surveys.

2) At what time did you ask the above question?

Time: ____:____ am/pm

3) Briefly observe operations inside the poll site for a minimum of five minutes. Does the site appear to be operating smoothly without any problems? Yes___ No ___ Don't know/Unsure ___

If the site does not appear to be operating smoothly, explain here:

APPENDIX C: METHODOLOGY

Appendix C Methodology

I. Overview

To measure citywide voting conditions during the November 2, 2004 Presidential Election in New York City, the New York Public Interest Research Group organized a survey to be conducted at randomly selected polling sites across the city.

On November 2, 2004, our trained surveyors spread out across the city to monitor conditions at the polls. 132 volunteers each surveyed at least one Election District across the city. These surveyors had two primary tasks:

- Ask 10 voters leaving each polling site to complete a questionnaire about their voting experience; and
- Ask the Board of Elections' "Poll Site Coordinator" at their site a simple question concerning voting rights and the new identification requirements required of certain first-time voters.

In all, 10 voters from each poll site at 174 randomly selected Election Districts (EDs) across the city completed questionnaires about their election experiences. These Election Districts were located at approximately 12% of the city's polling sites. Additionally, at 161 of the selected poll sites, Poll Site Coordinators answered surveyor questions regarding new voter ID requirements. This sample represents a significant fraction – 12% – of the city's 1,335 Poll Site Coordinators.

Surveyors came from a range of sources. These included college students from campuses with NYPIRG offices across the five boroughs, NYPIRG staff, law students with the group Just Democracy, citizen members of Common Cause/NY, representatives of civic groups active in election participation and education efforts, and from New Yorkers concerned about the integrity of the election process recruited through the media and internet.

All data was visually inspected for accuracy and completeness. Survey responses were analyzed at the citywide level and at the borough level for the creation of the Voter Agony Index.

This survey supplements the statistical results of the survey with voter comments taken by our Poll Site Monitor/Surveyors and where identified, from the NYPIRG/Common Cause New York Voter Helpline that logged 3,000 calls from city voters this past November 2nd. Over the course of Election Day problems encountered by our monitors or received by the Helpline were phoned in directly to the executive offices of the Board of Elections.

II. Detailed Methodology

Survey Design & Implementation

The survey was developed and directed by the New York Public Interest Research Group (NYPIRG) with the help of independent expert researchers and members of the civic community concerned with electoral participation and administration.

The survey was based on a randomly chosen set of Election Districts and represents a statistically accurate impression of conditions at poll sites across the city. In order to ensure that a representative sample of voters was chosen, we deployed surveyors by ED rather than by poll site because of the fluctuating number of EDs contained within different poll sites. While the number of election districts per poll site varies widely, with some poll sites having 10 or more EDs located within, the number of voters in EDs is set in election law and relatively uniform.

Each surveyor/monitor underwent a two-hour training that: explained relevant sections of New York State Election Law and provisions of the federal Help America Vote Act; reviewed each question on the survey and possible answers; detailed the methodology surveyor/monitors were expected to take at their designated poll site; reviewed basic survey techniques; explained their roll as surveyors and responsibilities as official Poll Site Monitors; and reinforced the need to be respectful of voters and relevant law; detailed protocols for how surveyors should submit their data; and answered questions from volunteers.

Surveyors were instructed to first enter their site and introduce themselves to the Poll Site Coordinator and Election Officials using a prepared script (see Appendix B) and to present their Poll Monitor Certificates for inspection along with a letter from Board of Elections' Executive Director John Ravitz detailing the rights and limitations of Monitors. (Poll Monitor status had been granted to NYPIRG representatives by the New York City Board of Elections.)

Following a prepared script, surveyors were directed to ask the Poll Site Coordinator a three part question on whether certain documents would be considered valid for the purposes of satisfying identification checks at the polls. If the Coordinator was unavailable at that time or could not be found, surveyors conducted general observations of the poll site, noted the time and were instructed to try to find the Coordinator after conducting their voter surveys. In our sample, there were eight instances in which two randomly-selected Election Districts corresponded to a single poll site. In these cases, Poll Site Coordinator responses to the three-part documentation question were recorded only once. Furthermore, in several instances, Poll Site Coordinators were either unavailable or unwilling to respond to surveyors' documentation questions; these poll sites were dropped from consideration in this report. In total, this report then reflects 161 recorded observations within the Poll Site Coordinator portion of the survey.

Surveyors were then instructed to approach ten voters departing the poll site. The identifying of voters was facilitated by Poll Monitor status that allowed our surveyors to be within 100 feet of the poll site. Surveyors were instructed not to conduct surveys within the site itself or to interfere with the conduct of the election in any way. Surveyors were instructed to identify themselves to voters and to "Ask the first voter who exits the polls to participate and continue to ask the next available voter until you have completed 10 forms." In three instances, voter traffic was not sufficient to complete 10 response forms, and these Election Districts were dropped from consideration in this report. In two other cases, surveyors were not allowed by Poll Site Coordinators to survey voters, and these Election Districts were also removed from consideration in the report. In all, the voter survey portion of this survey then reflects the experiences of 1740 voters from 174 randomly-selected Election Districts.

Submission of Data

Surveyors were asked to submit their completed forms promptly. Surveyors could submit their data online via a password protected website, or to drop forms off or mail them to NYPIRG's main offices. Received hard copy forms were entered into NYPIRG's database.

Processing of Data

After data entry was completed, the observations taken were converted into a spreadsheet format and visually inspected for completeness and accuracy. "ID Problems" and "Name not in Poll Book" survey responses were individually reviewed to help determine accuracy of voters' initial responses.

Analysis of Data

Analysis of the Poll Site Coordinator survey was conducted separately from the voter survey. Because our sample pool was driven by Election District rather than by poll site, poll sites representing more Election Districts than the average were disproportionately more likely to be included in the random selection. We felt that this sampling method would most accurately capture the experiences of the average New York City voter. Citiwide Poll Site Coordinator responses (161 poll sites sampled out of 1335) are accurate within plus/minus 8% at the .05 level. Due to sample size, we did not analyze Poll Site Coordinator responses at the borough level.

Unlike the (virtual) Simple Random Sample (SRS) method which shaped the Poll Site Coordinator sample in our survey, we used One-Stage Cluster Sampling (OSCS) to select our pool of 1740 New York City voters. By surveying multiple voters at each randomly-selected site, OSCS provides a more economical method of sampling a large number of respondents with a limited team of surveyors. Under this system however, confidence intervals invariably widen as a lower degree of statistical independence among voters within each cluster may affect results. Furthermore, this loss of precision varies by question within the survey. These aspects of the voter portion of our survey should be taken into account when inferring sample results onto the entire voting population.¹

Unfortunately, our sample size does not allow for a borough breakdown of data beyond our *Voter Agony Index*.

¹ Cochran, W.G. (1977): *Sampling Techniques*, 3rd edition, New York: Wiley.

APPENDIX D:
SUGGESTED LIST OF ACCEPTABLE
FORMS OF IDENTIFICATION

New York State Citizens' Coalition on HAVA Implementation

Acceptable ID for First-Time Voters Who Register By Mail

Current and valid photo identification should include all forms of photo ID. Examples include:

1. Driver's License
2. Non-driver's identification
3. Passport
4. Student identification cards with photo
5. Credit or automated teller cards with photo
6. Employee Identification cards with photo

A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Examples include:*

7. Voter registration cards/notice issued by the Board of Elections
8. Electronic Benefit Transaction (EBT) cards or Department of Social Services (DSS) cards
9. Public housing identification cards, lease and rent statements and agreements, or rent statement agreements provided pursuant to subsidized housing programs
10. Social Security Administration card, check or benefits statement
11. Student identification cards, tuition statements or bills from public colleges and universities (SUNY and CUNY schools)
12. Insurance cards issued pursuant to government administered or subsidized health insurance programs (*e.g.*, Medicare or Medicaid cards)
13. Copies of correspondence or bills from a federal, state or local government
14. Discharge certificate, release papers, pardons, or other official documents issued to the voter in connection with the resolution of a criminal case, indictment, sentence or other matter, in accordance with state law
15. Discount cards issued by public transportation authorities or providers to senior citizens or persons with disabilities (*e.g.*, Access-a-Ride cards)
16. Identification cards issued by government homeless shelters and other temporary or transitional housing facilities
17. Utility bill or correspondence from a utility company relating to an account or establishment of an account dated within the last three months (including bills or correspondence from a gas, electric, telephone or cable provider)
18. Bill or letter from a home heating oil or propane supplier or delivery service relating to such an account
19. Statement or correspondence from a financial institution to a person with an established relationship with such institution, including a bank statement, investment account statement, brokerage statement, pension fund statement, dividend check or such other notice or letter relating to an existing account or investment
20. Any document or statement provided to a taxpayer evidencing income or eligibility for a tax deduction or tax credit (including W-2 Forms, IRS tax statements, NYS tax statements)
21. A paycheck or paycheck stub
22. Military identification or "Sheriff's ID"
23. Marriage license or Certificate of Domestic Partnership
24. Hunting, fishing or trapping license
25. Firearm permit
26. Government employee identification
27. Unemployment insurance statement

* Many of these documents also qualify as photo ID.