

CALIFORNIA

PROGRAM

In California, Election Protection organized field monitoring programs in San Francisco, Fresno, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties. Additionally, Election Protection ran three local call centers in Los Angeles, which received calls from Los Angeles and Southern California, and two national call centers in San Francisco, which received calls from Central and Northern California, as well as from seven other states.

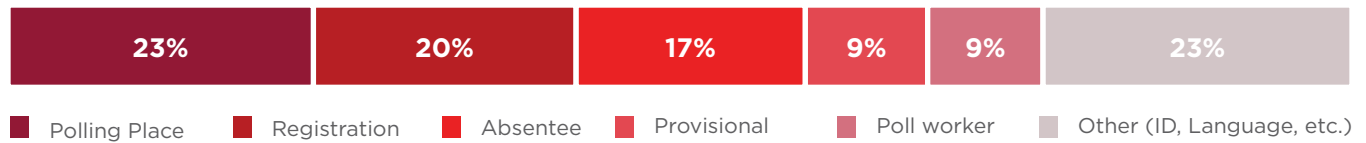
Major Election Protection reports in California included problems with provisional ballots, poll worker training, improper requests for voter identification, access to the polls, and voter intimidation.

BEFORE ELECTION DAY

Establishing Lines of Communication

In response to the inquiries and concerns expressed via the Election Protection Hotline and field programs, volunteers assisted voters by informing them of registration deadlines and requirements, looking up the location of their assigned polling place, and advising them how to check the status of absentee ballots. Prior to Election Day, local Election Protection leaders also met with county officials to voice concerns regarding the threat of intimidation by voter challengers, and Election Protection leaders were successful in working with the Secretary of State's office to clarify a conflict between California Elections Code section 14249 and the Help America Vote Act of 2002 ("HAVA") section 302(a)(2). Pursuant to the California Elections Code, a voter whose eligibility is challenged would have to take an oath prior to receiving a provisional ballot. Under HAVA, however, the only requirement for a challenged voter to obtain a provisional ballot is to execute a written affirmation in compliance with section 303(a)(2). In response to advocacy by Election Protection leaders, the Secretary of State's office issued a statement clarifying that the written affirmation prescribed by HAVA is the only requirement necessary in order for challenged voters to cast provisional ballots.

2012 VOTING PROBLEMS IN CALIFORNIA



ELECTION DAY

Provisional Ballots

When voting began, one of the most prominent problems reported to Election Protection in California was the overuse of provisional ballots. Election Protection field volunteers throughout the state observed poll workers issuing provisional ballots without first letting the voter know what was needed to cast a regular ballot. Some poll workers failed to inform the voter of their correct polling location or notify the voter that surrendering their “vote-by-mail” (absentee) ballot, if they had requested one, would allow them to vote a regular ballot instead of a provisional one. In East Palo Alto, voters were provided with provisional ballots at such a rate that the Hotline began receiving reports that the entire City Hall polling location had run out of provisional ballot envelopes before 10:00am. A poll worker in Los Angeles claimed not to understand the difference between a regular and provisional ballot, thinking that they were “pretty much identical.” Voters also widely reported that poll workers failed to explain the process by which provisional ballots are verified, therefore leaving voters confused about whether their vote would count. Election Protection volunteers informed voters of their right to cast provisional ballots and explained the process by which these are verified and counted. Election Protection also became aware that some poll workers turned voters away without allowing them to vote a provisional ballot. A voter in Sacramento reported to the same polling place where she voted during the last federal election, only to be told that she was not registered. The poll worker then denied the voter’s request for a provisional ballot, stating, “It’s not going to count anyways, so why bother?” Unfortunately, this voter was not able to return to the polling place before closing to request a ballot.

Voter Registration

Election Protection already received complaints from many voters who registered before the registration deadline, reporting that their names were not on the voter rolls, that they did not receive vote-by-mail ballots despite requesting them by the deadline, or that they were placed on the vote-by-mail list without having request such a change. A voter in Oakland,

who registered online in September, well before the registration deadline, contacted the County Registrar of Voters just before the election and was informed that he was not on the voter rolls. He was told that if he were to cast a provisional ballot it would likely not be accepted.

The problem with faulty voter rolls also affected those individuals who had voted in past elections. A voter in Ventura County (at the polling place located at 2520 Madera Circle, Port Hueneme, CA) who registered and voted in 2008, was not on the rolls in 2012 and was turned away without the opportunity to cast a provisional ballot. Similarly, a voter in San Mateo County (in Half Moon Bay) was told her name was not on the registration rolls, despite having registered and voted in 2010. A voter in Monterey Bay, who voted absentee in 2008 and 2010, did not receive his absentee ballot in 2012, and upon reporting to his polling place, he was told that his name was not on the voter roll. Likewise, a voter in Sonoma County (Camp Meeker) was not found on the voter roll at her usual polling place (Anderson Hall). In some California counties, polling places for certain precincts were closed by the counties, and voters had no option but to vote by mail or by provisional ballot at another precinct. This situation created confusion among voters.

Vote-by-Mail (Absentee Voting)

Although California allows any voter to register to vote by mail, voters encountered problems in the implementation of the vote-by-mail, or absentee voting process. A voter in Sacramento reported that about 20 voters at her polling place had to vote provisional ballots because they were told that they were on the absentee voter list, even though these voters did not request or receive absentee ballots. Similarly, a poll worker in San Mateo County (Redwood City, at McKinley Institute of Technology polling place) reported that approximately 20 out of 150 people from his precinct stated that they requested, but did not receive, absentee ballots. There were similar reports from voters in Riverside, Malibu, and other jurisdictions throughout the state. A California voter who was in Florida on Election Day was unable to return his ballot in time because he did not receive it in a timely fashion. A 99-year-old voter, committed to exercising her right to vote, had to be taken to the polling place in a wheel chair because her absentee ballot never arrived. The failure to provide absentee ballots in a timely fashion presented significant barriers and resulted in the disenfranchisement of out-of-state voters, voters with disabilities, and elderly voters.

Voters and volunteers also reported instances of poll worker misconduct and intimidation, as well as intimidation by third parties. In precincts throughout the state, including in Corona, Escondido (1130 Jackson Place), Fresno (2221 Kern Street), Los Angeles (3925 West 79th Street, 90045, and Wilshire Presbyterian Church Community Center), and Riverside, poll

workers improperly asked for voter identification before issuing ballots, even though the state has no such requirement. In some instances, voters were actually turned away for lack of identification (e.g. Our Lady of Victory Church polling place in Compton).

Voter Intimidation

In a polling location in San Diego County (728 Pepper Drive, El Cajon, CA), a Latino voter was called a racial slur by a poll worker who heard his Spanish surname. Another poll worker assisted this voter and provided him with a ballot. It is unknown if other voters were subjected to intimidating and discriminatory racial slurs that dissuaded them from casting a vote or returning for future elections. In San Bernardino (18021 Kenwood Avenue polling place), the polling place supervisor ordered two Latino Election Protection volunteers out of the premises, stating that he did not want anyone who did not speak his language there. The supervisor then stated that if the volunteers wanted to do anything about it, he “had a shotgun.” In Fresno (North Side Christian Church polling place), voters reported feeling very uncomfortable with comments made by the polling place supervisor, who was primarily targeting Latino voters and telling them, “I hope you are voting for the right person.” In both instances, Election Protection contacted the County registrars, who addressed the problems.

Also in Fresno County (at the Orange Cove polling place), challengers with Election Integrity, a Tea Party-affiliated group known for targeting minority voters with intimidation practices, stood approximately five feet from the ballot box and registration table and took notes as each voter announced his/her name and address to the poll worker. Voters reported feeling intimidated, but the poll workers refused to remove the challengers or limit the number of them allowed in the polling place. Instead, the poll workers accused the Election Protection volunteer of being union-affiliated and engaging in electioneering. They threatened the volunteer with arrest and imprisonment. However, the Election Integrity challengers were allowed to remain inside the polling place.