

# VIRGINIA

## PROGRAM

The Virginia Election Protection program spanned four regions of the state, with field programs in Northern Virginia, the greater Richmond area, Charlottesville, and Hampton Roads. Hundreds of volunteers were on the ground in those regions, including Prince William, Fairfax, Albemarle, and Henrico Counties and the cities of Richmond, Norfolk, and Virginia Beach.

In Virginia, there were multiple areas of concern for voters both before and on Election Day, including a new law requiring voters to show identification, long lines, and absentee ballot issues.

## BEFORE ELECTION DAY

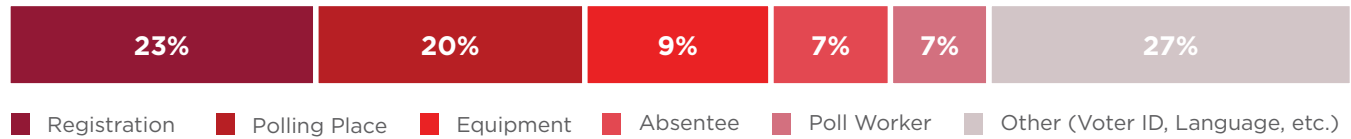
### *Virginia's New Voter Identification Law*

Virginia's new voter identification law was a serious concern going into the November elections. The new identification statute eliminated the prior law that allowed voters to prove their identity at the polls by signing an affidavit and replaced it with the requirement that voters provide one of several specified forms of photo and non-photo identification in order to receive a ballot. As jurisdictions in Virginia are covered by Section 5 of the Voting Rights Act, Virginia is required to submit any election law changes for approval to the Department of Justice for preclearance or file a lawsuit in Federal Court in Washington, D.C. seeking preclearance. The Department of Justice approved the new identification law in August 2012.

From the law's inception there was confusion over whether the identification law was a photo identification law, which it was not; to the contrary, there were many acceptable forms of non-photo identification available for voters to use, including voter registration cards, which were sent to the every registered voter in the state.

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## 2012 VOTING PROBLEMS IN VIRGINIA



### ELECTION DAY

#### *Voter Identification Confusion*

Working with voter outreach groups across the state, Election Protection volunteers worked tirelessly to ensure that voters got the word about the new identification requirement and its details. On Election Day, however, there were still problems, including reports of poll workers who insisted on photo ID. At the Cuffee Center in Chesapeake, Virginia, for example, voters reported being asked for multiple forms of identification, even after presenting a voter registration card (which should have been sufficient). The same problem was reported at other precincts across the state. In Centreville, meanwhile, one voter reported waiting in line for an hour and a half, only to be asked to show photo identification. He knew that non-photo identification was acceptable, but showed his driver's license nonetheless just because he had spent so much time in line and wanted to cast his ballot.

In response to the numerous reports of incorrect enforcement of the identification law, Election Protection volunteers were dispatched to these precincts to speak with poll workers and, where necessary, polling place chiefs who could address inaccurate information being disseminated by poll workers.

#### *Long Lines*

Identification-related confusion problems on Election Day paled in comparison, however, to the long lines that voters endured in Virginia. Lines exceeding three hours were not uncommon. In Virginia, polling locations are required to have at least one machine for every 750 voters. Precincts that used this absolute minimum faced the longest lines.

At one Arlington precinct, voters reported waiting up to four and a half hours to vote, and at Salem High School in Virginia Beach, a voter reported being in line from 8:45am until she finally got to cast her ballot after 3:00pm. It is extremely important to note that the long lines were only a symptom of much deeper election administration problems.

Long lines across the state were a result of insufficient resources, poor allocation of resources that did exist, and frequent breakdowns of aging voting equipment. At the Salem High School precinct in Virginia Beach, for example, there were only two poll workers checking identification, creating a bottleneck once voters reached the check-in table. At a polling place in Woodbridge in Prince William County with extremely long lines, it was reported that there were only six voting machines available. While Prince William County's population has greatly increased, it has not been able to buy new voting machines. Even more of a concern is the fact that the machines the County has been using since 2003 are aged and breaking down, leaving Prince William County with more voters and less machines. Prince William County was able to supply each precinct with the minimum number of machines required under law; however, the minimum was not enough and voters faced extremely long lines. In Hampton, one polling place had only a single working voting machine at one point on Election Day. Such issues were widespread, suggesting systemic issues with resource management across the Commonwealth.

#### *Absentee Ballot Problems*

Virginia also had several serious problems with absentee ballots. First, many voters reported poll workers turning away individuals who had received, but not cast, absentee ballots and then appeared to vote in person on November 6. Under state law, these voters should have been permitted to cast provisional ballots, which would have been counted with evidence that the absentee ballot was never submitted.

One voter who had been medically discharged from the military only two weeks before the election reported being turned away because poll workers said his absentee ballot had already been mailed to him. There were also problems with voters requesting but never receiving their absentee ballots, or not receiving them until it was too late to return them in time for them to be counted.

Finally, many voters who tried to utilize in-person absentee voting were misled about the requirements for doing so. Although Virginia requires voters to provide an excuse to cast an absentee ballot in person before the election, which is not technically "early voting," voters who asked about options to vote early were at times turned away on this technicality. In both Chesapeake and Prince William Counties, voters reported seeking more information about "early voting," only to be told it did not exist in Virginia, without explanation that the in-person absentee option existed. Essentially, they were turned away based on semantics. As soon as Election Protection learned of this problem, volunteers contacted local officials who retrained workers at these locations.