

Democracy North Carolina

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Wake-Up Call: Up to 50,000 NC Voters Silenced by New Rules, Confusion, Poor Preparation at the Polls

New voting restrictions and unprepared poll workers kept as many as 50,000 North Carolinians from voting in this fall's general election, according to an analysis by the elections watchdog group Democracy North Carolina.

Although most voters reported that casting a ballot was easy and election officials generally responded quickly to fix a broken machine, there is mounting evidence that a shorter early voting period, confusion caused by new election rules, and strong turnout pushed many Election Day polling sites to the breaking point.

Democracy North Carolina analyzed 500 reports from poll monitors in 38 counties and 1,400 calls to a voter assistance hotline. It found that voters in over a dozen counties stood in very long lines on Election Day, some for three hours. Monitors reported that thousands left without voting.

The analysis found that election officials were not prepared for the extra time voters needed due to the loss of straight-party voting, a provision that had allowed voters to mark one choice for all the candidates of a political party. Polling places were understaffed and underequipped, and many poll workers were confused about how to apply the new rules about provisional ballots.

"I have waited 1 hour 35 minutes just to get within an hour of the voting booth," said a hotline caller in Winston-Salem. "It's so sad that probably 25 percent of the voters gave up and left after the first hour or so of waiting."

The analysis cites local Republican and Democratic officials who complained about the long delays. "We had to snake the line so drastically around the [Taylors] precinct that it was up to a three-hour wait," said Wilson County Republican Party Chair Gary Proffitt.

Even after enduring long lines, thousands of voters were turned away because they were in the wrong precinct, the report says. It notes that nearly 6,000 voters cast valid out-of-precinct ballots in the 2010 midterm election, but less than 500 were accepted this year under the new rules.

Similarly, more than 21,000 voters successfully registered and voted on the same day during the 2010 early voting period, but that option is no longer available.

The analysis says election officials worked diligently to help voters, but it also cites field reports and hotline calls about poll workers mistreating voters with disabilities, not giving voters provisional ballots that likely would count, misapplying the ID rules, showing apparent bias against African American voters, and redirecting voters to the wrong precinct.

The report concludes the 2014 election "should be a wake-up call for intensified voter education, dramatically improved training of poll workers," and better equipped polling places. "If the 2013 law is not overturned, large-scale changes will be needed to avert a disaster in the 2016 presidential election."

Preliminary Report: Impact of Election Law Changes On Voter Turnout in North Carolina, 2014

Written and updated Nov.30, 2014, by Isela Gutierrez and Bob Hall*

“I have waited 1 hour 35 minutes just to get within an hour of the voting booth. Extremely long lines; very slow moving. Arrived at about 7:10 p.m. At 8:47 I am still about another hour away from the voting booth. It’s so sad that probably 25% of voters gave up and left after the first hour or so of waiting and more time to go. So many people had to leave.”

– Forsyth County voter at Sedge Garden Recreation Center

“We had to snake the line so drastically around the [Taylors] precinct that it was up to a three-hour wait. People were coming and said they would come back.”

– Wilson County Republican Party Chair Gary Proffitt

“I’ve been here all day and started counting. Over 300 voters who waited to get inside were then told to go elsewhere to vote. Many said they had voted here before and didn’t understand that they could no longer use out-of-precinct voting in their own county.”

– Poll Monitor at Chavis Community Center, Raleigh, Wake County

More than 2.9 million North Carolinians voted in the 2014 general election, but a preliminary review of 1,400 hotline calls, 500 poll monitor reports from across the state, and other data indicates that tens of thousands of citizens were blocked from voting, largely because of election law changes adopted in 2013.

The number of voters silenced because of the new law likely exceeds 30,000 and could reach 50,000 or more.

Despite unusually expensive campaigns, the final 2014 turnout rate of 44.4% was only slightly higher than the 43.7% rate for the 2010 midterm election. Most voters said casting a ballot was easy, and election officials generally worked quickly to fix the typical on-site crises caused by voting machines breaking down or a polling site running out of ballots. But there is mounting evidence that the strong turnout of the major parties’ base voters, the shorter early voting period, and the confusion created by the new voting rules pushed many Election Day polling sites to the breaking point.

Voters waited in lines for one, two or three hours at polling places in more than a dozen counties. Election officials inside couldn’t keep up with problems; they sent people away without offering proper guidance or a provisional ballot and ignored curbside voters who gave up and left. The flood of voters in many locations simply overwhelmed an election system redesigned in 2013 to make voting harder, longer, less accessible – and tens of thousands of North Carolinians suffered the consequences. Others saw long lines or heard about the confusion and didn’t even try to vote.

“They sent me somewhere I had not voted [previously] and no provisional ballot was offered. I work and could not get to this new location on time.”

– Cumberland County voter at Cross Creek 22 precinct

Democracy North Carolina will continue to analyze the reports collected from our poll monitoring project, the largest nonpartisan effort in state history.* Regardless of whether the final number of silenced voters is 15,000 or 50,000, one fact is clear: The new rules for voting, along with the confusion and lack of preparation related to those rules, led the election process to become dysfunctional in too many ways, in too many places, and too many voters were harmed.

What caused the problems?

The answer is two-fold: First, the multiple changes in election rules had a significant impact on people's voting experience by adding new restrictions and taking away time-saving, convenient options that millions of North Carolinians had used. Second, poll monitor reports and interviews demonstrate that many election officials and voters were simply unprepared for the election law changes. Poor preparation led to confusion and insufficient, ill-trained staffing at polling places, excessively long lines, misapplication of the new law, and voters frustrated by being turned away from polling sites they had successfully used in previous elections.

Specifically, the three election law changes that created the most problems were:

1. **the repeal of same-day registration**, a provision that allowed qualified citizens to show identifying documents, register, and vote during Early Voting;
2. **the repeal of out-of-precinct voting**, which allowed voters to cast a valid or partly valid provisional ballot at different polling sites in their county on Election Day; and
3. **the repeal of straight-party voting**, which created backlogs inside the voting enclosure and longer lines outside as voters took longer to mark each contest on their ballot.

"I think both not having the straight-ticket and the longer ballot problem increased the time each voter spent at each machine." – Brad Overcash, chair of Mecklenburg Co. GOP

The ban on straight-party voting and a lengthy ballot is "not conducive to engaging the electorate." – Marc Friedland, chair of the Mecklenburg Democratic Party.

"Insufficient poll booths, poll workers, curbside poll helpers (people couldn't find place to park and waited long time for assistance), and parking spaces. With two precincts voting at the place, there was serious confusion as to which way to go, which line to get in."

– K. Hopson, poll monitor, East Regional Library, Durham.

How many voters were blocked by the new law?

The number easily exceeds 30,000 and likely reaches 50,000, according to Democracy North Carolina's initial analysis of reports from election officials, volunteer poll monitors, hotline operators and the media. And that's not counting the thousands who might have voted before Election Day if the Early Voting period had not been cut by a full week, from 17 to 10 days.

One way to measure the impact of the new election rules is by looking at the number of voters who used same-day registration and out-of-precinct voting during the last midterm election:

- In the 2010 general election, 21,410 citizens used same-day registration during Early Voting to register and become first-time voters in their county. In 2014, no one did this.

- In the 2010 general election, 5,756 voters cast out-of-precinct provisional ballots that counted at least in part. In 2014, only 455 out-of-precinct provisional ballots were accepted at least in part.

Bottom line: In 2010, these two provisions allowed 27,166 voters (21,410 + 5,756) to successfully cast ballots. But because of the new law only 455 voters were able to do so in 2014. That's a decrease of more than 26,000 votes.

We are not saying that exactly 26,000 voters lost their vote because of the loss of these two provisions, but that number helps indicate the scale of voters affected by their loss. And in a hot election like 2014, there's good reason to believe about as many people would miss the registration deadline or show up at the wrong polling place and want to vote, despite efforts to alert people about the change in rules.

Indeed, records from the State Board of Elections reveal that a similar number of voters in 2014 as in 2010 showed up on Election Day without a record of registration and cast a provisional ballot that did not count (5,500 to 6,500). Also, in 2014 and in 2010 virtually the same number of voters who had moved within the county, without alerting local election officials, showed up and cast a provisional ballot that fully counted as an "unreported move" voter (6,200 to 6,300).

It's not unreasonable to think similar numbers of voters in 2014 as in 2010 would use same-day registration and out-of-precinct voting – and straight-party voting, for that matter – if available.

Another way to estimate the upper limit of the impact of the election law changes is to recognize that if 2014 Election Day turnout followed the 2010 pattern, an additional 360,000 votes would have been cast – but that didn't happen. Here's the math:

In 2010, when Tea Party enthusiasm hit its peak in North Carolina, 961,000 votes were cast before Election Day (through mail-in and in-person early voting) and 1,739,000 more ballots were cast on Election Day, or 1.81 times the pre-election vote count.

In 2014, with more people in the state and passions running high among loyal Democratic and Republican voters, a total of 1,174,000 ballots were cast before Election Day – an increase of 213,000 over 2010. But on Election Day, only 1,765,000 ballots were cast – an increase of only 26,000 votes over Election Day 2010.

If 1.81 times the 2014 pre-election votes were cast on Election Day, we would have seen 2,125,000 ballots (1,174,000 x 1.81) on Nov. 4 instead of 1,765,000 or an additional 360,000 votes (2,125,000 minus 1,765,000). Total turnout would be 49.8% – not a record, but a reasonable rate for a year with a closely contested Senate race.

While we are not saying 360,000 voters failed to cast ballots because of the new restrictions, it's worth noting the scale of this shortfall – and what might explain it.

Considering the thousands who were turned away for being at the wrong place, or who left or didn't try because of excessively long lines, plus the thousands who could not use same-day registration during Early Voting, we believe the range of 30,000 to 50,000 is a conservative estimate for the number of voters whose voices were silenced by changes to NC's election law.

Conclusion:

In the coming months, Democracy NC and other groups will be interviewing voters and studying various documents to explore the impact of the new law on voting in 2014.

One thing is already clear: The new law had real consequences. Polling officials and voters were not prepared for the complexity of the changes or the disruption they would cause. The confusion and delays over out-of-precinct voting, asking about IDs, and the loss of straight-party voting created the conditions that ultimately disenfranchised too many voters. State and county election officials worked diligently to fix many problems, but the combination of high voter interest and complex new voting rules produced excessively long lines and overwhelmed the under-resourced election system. Significantly, the media's collapse of the election law story into a he-said/she-said controversy about voter ID did little to prepare voters for 2014.

The 2014 election should be a loud wake-up call for intensified voter education, dramatically improved training of poll workers, larger staffs at polling centers, a well-resourced elections system, and policy changes that make the voting process more accessible, fair, and secure. If the 2013 law is not overturned in court, large-scale changes will be needed to avert a disaster in the 2016 presidential election.

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Addendum: Examples of challenges faced by voters:

Voters turned away because of elimination of out-of-precinct voting:

Our poll monitors reported thousands of incidents of voters turned away because of the elimination of out-of-precinct voting. In some cases, these locations were also Early Voting locations, or precincts were split or polling locations had changed; other factors may explain why voters were turned away, but many did not receive or understand the explanation.

- Durham County, South Regional Library: Our poll monitor took down the names and phone numbers of 56 voters out of hundreds who were turned away. Although the out-of-precinct voters were of all races, the majority were African Americans.
- Carteret County, Fort Benjamin Recreation Center: Many of the voters turned away said they would not be able to go to another precinct. A veteran suffering from PTSD said his “nerves were too bad” to make the trip to the other poll. Sadly, he was the victim of poll worker error. He had moved within the county and was at his old precinct; he should have been allowed to cast a valid provisional ballot at the old precinct.
- Lincoln County, Lincolnton South precinct: A poll monitor reported that she “observed a large number of voters, likely 30% or more, that came to this polling place and were told they were at the wrong location. . . . I asked many of them, as they left, why they had come to this location to vote. Almost all said they thought this was their polling place!”
- Pitt County, Greenville #7 precinct: Poll monitor reports, “Even with the relative low turnout here, dozens of voters have been sent to other precincts to vote.”
- Wake County, Chavis Community Center: Remember the 300 voters mentioned at the top of page 1 who were turned away? Follow-up research shows that at least two of the voters were actually in their proper precinct. Many of the others sent away did not vote.

Lack of clarity around “unreported moves” provision:

The rules around how to treat a voter with an “unreported move” within the county – the one circumstance where an out-of-precinct provisional ballot is still counted – were poorly understood and inconsistently applied.

We heard reports of voters in this category being shuttled back and forth between their old and new precincts before being allowed to vote and/or sent to multiple incorrect precincts, and of voters who were reporting properly at either their old or new precinct not being offered a provisional ballot, even when it was clear that the voter would not be able to get to the other precinct to vote.

Voters disenfranchised because of elimination of same-day registration:

Voters of all races and party affiliations were unable to vote early in the 2014 General Election because of the elimination of same-day registration. In many cases, voters who moved between North Carolina counties thought they had successfully transferred their registration by informing the board of elections in their old county of their move. They were not aware until it was too late that they also had to register all over again in their new county in order to vote.

Others thought that they had properly registered, only to learn that administrative mistakes had resulted in their registration being lost, misfiled or improperly removed from the voting rolls – all without the backup of same-day registration. For example, Jerron of Beaufort County went to an early voting location with his mother but was told his name didn’t appear on the voter rolls. They both recalled him registering at the DMV office but that record did not reach the Beaufort County Board of Elections. If same-day registration was still legal, Jerron could have simply registered again right there and voted, but that option was gone. Angry and confused, he left without his voice being heard.

Still others, like a retired Marine who moved from Onslow to Wake County, simply did not realize that the election law changes passed in 2013 included a repeal of same-day registration. He was very upset to realize that he could neither vote in Onslow County or Wake County because he missed the 25-day deadline to register.

Voters leaving polling places because of long lines:

Voters in Wake, Durham, Dare, Guilford, Wilson, Mecklenburg and other counties reported long wait times throughout the Early Voting period. On Election Day, poll monitors reported wait times ranging from one to two hours or more in counties across the state, but particularly in Durham, Forsyth, Wake, Guilford and Mecklenburg counties, especially toward the end of the day. County election directors attributed the lines to higher than normal turnout, the lack of straight-party voting, and the length of the ballot. Below are quotes from voters recorded by our volunteer poll monitors:

- Ivy Community Center, Durham County: “The line was way too long. Each line was all the way back up to the wall and moving very slowly. I could not wait.”
- Sedge Garden, Forsyth County: “I have voted at this precinct for the last five years and this is the longest I have ever seen the lines. Usually voting takes place in a bigger room and with more voting machines. I don’t know if it was because of the Senate race or other issues, but several hundred were in line at 7:30 p.m. I was the last and as I write this I have another hour or so wait. Can you offer more evening early voting?”

Lack of curbside voting or very long wait times:

Despite the federal mandate to provide accessibility for voters with a disability, poll monitors and voters reported a lack of curbside voting or very long wait times for curbside voting at precincts across the state:

- At one polling place in Halifax County, a mother and daughter who came to vote together had to leave before the 100-year-old mother could vote curbside. The daughter said they were “unable to wait to vote because her mother was hurting and wanted to go home.”
- The poll monitor at the H. J. McDonald precinct in Craven County reported “long waits for curbside voters (one hour) and also long waits for voters in line.”
- Similarly, the monitor at the Mayco Bigelo Center in Alamance County reported “long waits for curbside voting.”
- At Druid Elementary in Mecklenburg County, a poll monitor reported that “[t]here is no one available to help disabled voters and a lack of parking for them. We have seen at least 8 people with canes or walkers walking from the distant parking lot to vote. One voter used a cane and was unsteady on her feet. She had to park in the lot and walk approximately 100 yards to vote. Upon leaving, she fell off the curb. I helped her up.”

Problems with voting machines incorrectly recording votes:

We received many reports of voting machines incorrectly recording votes – specifically switching votes for Democratic candidates to votes for Republican candidates – in both Wilson and Guilford counties. Throughout Early Voting, Wilson County voters consistently reported having to vote three times before the machine would correctly record their vote.

Lack of clarity around which ID rules were currently in place:

Election Day poll workers tended to default to the not-yet-implemented 2016 photo ID rules when asking voters to provide identification – insisting on seeing a photo ID instead of one of the still acceptable non-photo alternatives, or refusing a student ID as an acceptable form of identification.

Differences in the ways voters of color were asked about IDs:

We also received multiple reports from voters of color in different counties alleging that they were asked about ID differently than their white counterparts.

- In one case, in a Northern Piedmont county a poll worker asked an African American voter to produce her photo ID before voting. When the voter refused, explaining that the photo ID law was not yet in effect, the poll worker laughed and produced the form for her to receive her ballot – but did not ask the next three white voters who came into the polling place for their ID in the same way. When the African American voter asked about the discrepancy, she was told it was because the poll worker “knew those voters.”

** Isela Gutierrez is associate research director and Bob Hall is executive director at Democracy North Carolina. They coordinated a poll monitoring project with Ignite NC and Common Cause that deployed over 350 volunteers to 38 counties on Election Day and also helped coordinate a statewide voter assistance hotline throughout Early Voting and on Election Day.*