

Poll Watchers Report

For the

November 2, 2004
General Election

Prepared for

SAVE-Democracy of San Diego County

P.O. Box 468

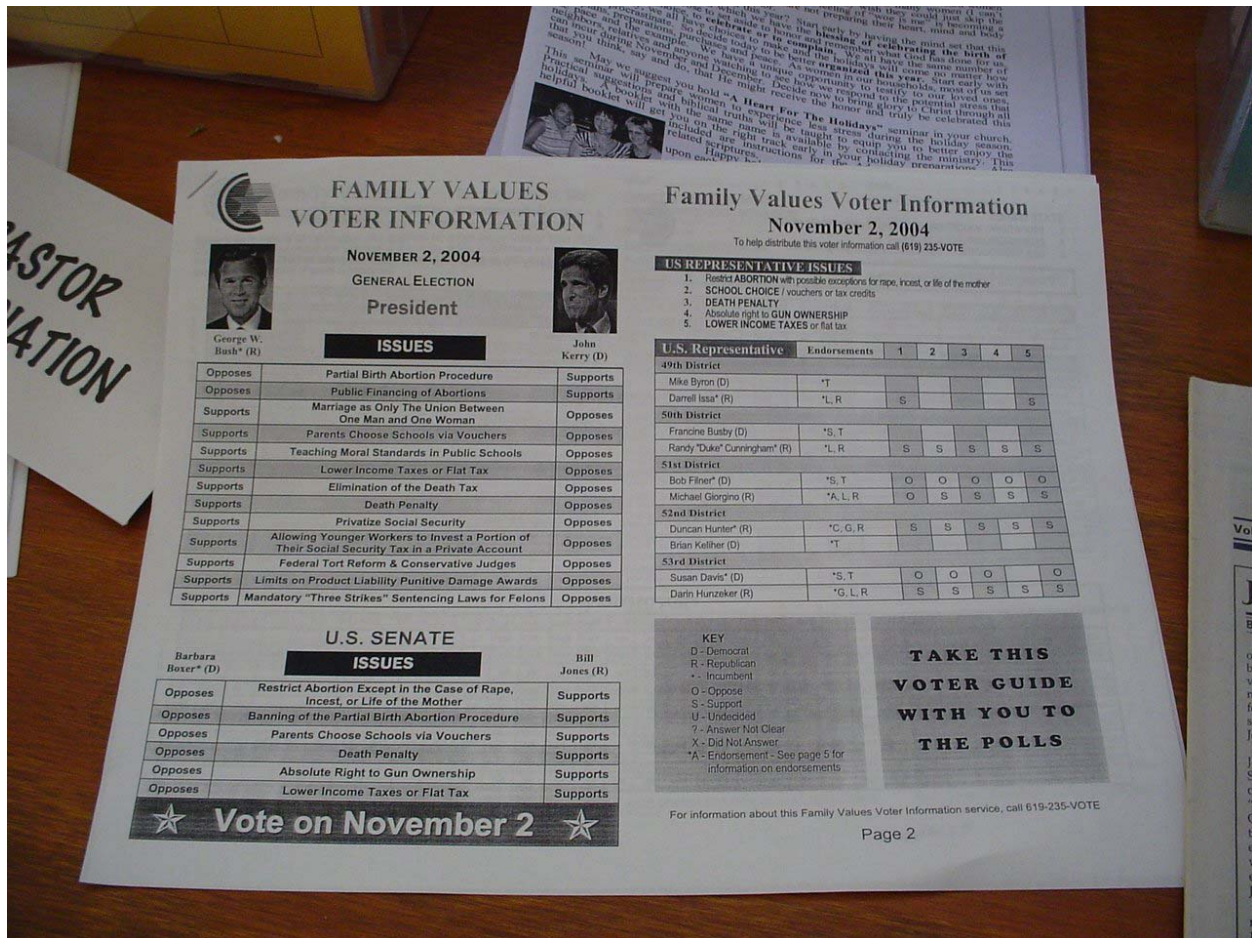
San Luis Rey, California 92068

By

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This "Family Values" voter guide was left on a table in plain sight of voters in a church polling place.

This image was resized with Photoshop® to fit on this page. It looks a bit dark, and we left it that way to show that it has not been processed in any other way – we didn't even adjust the brightness.

I. INTRODUCTION

Over one hundred and fifty persons signed on with SAVE Democracy to participate in our San Diego County poll watching project for the November 2, 2004 General Election. Many others heard of our efforts and either called or mailed in observations of the election process. We offered North and South County training sessions. The attendance for the two sessions totaled over 130 participants. Persons who were unable to attend these trainings received materials via the Internet and traditional mail.

SAVE Democracy established two "hot lines" with access to attorneys and the Registrar of Voter's office. Each hot line had several people to take calls. This report is the result of information gathered from the hot line calls and reports our volunteers submitted over the phone, through the internet or by mail. We received information on approximately 175 precincts. Some details of the findings listed in this report are found in the appendices that follow. In the following sections quotes from poll watchers are italicized.

II. PROBLEMS WITH EQUIPMENT

- *Diebold machine junk. Can't get it to work.*
- *Optical scanner off for 4 hours - no tech. Called right away and again.*
- *Scanner broke down shortly after polling place opened. Scanner fixed before noon.*

A. Optical Scanners

The optical scanners proved unreliable. Of 126 optical scanners that were reported to us, a total of 42 were not functioning at some point during the day. This total includes both reports received by phone and by observation forms received from poll watchers. This means 33% of the Diebold optical scanners observed by our poll watchers malfunctioned at some point on election day.

Fortunately, San Diego was voting on paper, and voters in long lines of voters continued to vote in spite of scanner failures. But when a scanner was down, the unscanned ballots were not scanned until later when the voter had already left the polling place. This led to two major consequences that clearly deserve future study:

- If the scanner rejected the ballot and the voter was not present to correct the ballot, was that voter disenfranchised?
- Scanner failure may have caused both lost votes and security breaches when the voting machines were being repaired and memory cards replaced.

B. Voting Materials

A number of complaints concerned the shortage of supplies of pens and security sleeves. One clever poll worker took caps off the pens before giving them to voters. Upon leaving the voter would notice the missing cap and realize the pen went with the polling place.

There were a few complaints about the flimsy cardboard stands and booths. Some poll workers did not use the clips to secure the scanners and we know of one instance where the cardboard stand failed causing the scanner to fall. Voting booths were flimsy and some voters felt impeded in filling in the ballot by the shaky booth.

C. Communication Problems

Communications with the Registrar of Voters office on election day is still difficult. The poll workers were given cell phones, which is an excellent idea. However, many of these cell phones did not work. Even when workers called on cell phones that functioned, they often could not get through to the Registrar of Voters office to report scanner malfunctions or ask questions.

Many voters who called either got busy signals or were on hold listening to a message about how important their call was until they hung up. One person called and heard the message nineteen times in twelve minutes before getting through.

D. Other Problems

Some polling places were very limited in space and there was not enough room to accommodate voters, workers and foot traffic.

III. OVERT ELECTIONEERING WITHIN POLLING PLACES

- *A Family Values Voter Guide was left out on a table that was within view of the voters.*

A. Religion and Politics

Particularly disturbing was a prayer vigil held for George Bush. This vigil was held immediately outside one polling place in Encinitas. The "vigil group" also flew a large sign urging people to "Pray For President Bush". The Secretary of State's office was called. They in turn called the Encinitas police department to break up this demonstration.

At least four polling places from Vista to Chula Vista were observed to contain "Family Values Voter Information Guides" placed on tables inside the polling places. This is not something our poll watchers were instructed to look for, and other "Information Guides" may have been overlooked by our poll watchers. Most polling places reporting "Voting Guides" were located on church property.

In one precinct in Chula Vista a poll worker discovered “Family Values Voter Information Guides” and was disturbed by their presence. The poll worker removed the guides, yet would not report the name of the polling place since she “did not want to get these nice people in trouble.”

One of our poll watchers took pictures of these guides within the polling place to show how close they were to the area where people were voting. The names of polling places with these guides have been reported to the attorneys. We highly recommend that the Registrar of Voters study and correct this problem. Poll workers need to be more aware of this kind of problem and church polling places need to be scrutinized more closely.

B. Other Electioneering

Our poll watchers encountered some poll and campaign workers attempting to deny the watchers their right to observe the election processes. A sad note is that in the grand majority of such incidents, we saw males trying to intimidate female poll watchers. At one precinct a poll watcher was confronted by a belligerent man wearing a Bush/Cheney button who insisted that she could not poll watch since she was non-partisan. This man was very aggressive towards the poll watcher and created a disturbance. The poll workers did exactly the right thing and called the police. He left before the police arrived, but did leave his card with name and phone number. This man actually contacted the police himself, but gave them a false name.

IV. POLL WORKERS

A. Helpful Workers

The vast majority of poll workers were efficient and helpful

- *The poll workers were very good and friendly. At the end (8:30 P.M.), they were in good spirits and working diligently.*

B. Problem Poll Workers

Some people do not seem to understand the difference between the right to a private vote and the public's right to observe the election process. **The public's right to observe elections must be made clearer to poll workers.**

In this regard, there were a few poll workers who proved to be uninformed about certain election rules and even fewer who were rude or hostile. Several poll workers were reported to the Registrar of Voters office for behavior that was totally inappropriate.

At one polling place the inspector refused to admit poll watchers into the polling place. An attorney was dispatched to the polling place. When she arrived, Federal Agents from the Department of Justice were there taking notes, but the inspector still would not admit poll watchers. Later in the day two representatives of a candidate for Congress arrived and they were admitted.

C. Provisional Ballots

- *A woman in line called to report that Marines were being turned away from a polling place all day. The Marines were being told the poll workers were too busy to take the time to process so many provisional ballots. A Congressional candidate went to this polling place and the workers agreed not to turn away any more soldiers.*
1. We received a number of phone calls from our poll watchers who knew that voters had the right to vote on a provisional ballot if they were not listed on the Voter Register. They were double-checking with us, and then informing poll workers that this right was specified in the California Voters Bill Of Rights.
 2. Long lines were common everywhere, but particularly long at colleges. There were extremely long lines at both UCSD and San Diego State University where people were waiting in line for 4 hours or more. With only one Street Index lines slowed considerably. At SDSU a poll worker told students that they could go to another polling place to vote if they were tired of waiting in a long line. We do not know if they were told that if they went to another polling place they would be voting on a provisional ballot.

V. OTHER OBSERVATIONS

- New location not posted at old polling place. Poll Watcher posted the new polling place and helped direct people to new spot.

A. Location of polling places

1. Not all polling places were clearly marked. There were reports of voters who were unable to find the correct polling place and therefore had to vote by provisional ballot at another polling place. Some polling places did have maps to other polling places, but these did not always include the proper map for the particular voter.
2. Signs directing people to polling places were, in some cases, too small and not placed in locations easily visible to traffic on main streets.
3. Polling places that had changed were not always posted with addresses and directions to the new polling place. We had several poll watchers who called the hot line, got the new address, put up signs and helped direct people to the new polling place.

B. Miscellaneous

1. One person reported that he did not see a list of write-in candidates posted. This is not something we asked people to look for, and more instances of this may have been overlooked by other poll watchers.
2. A poll watcher was at the Registrar of Voter's office on October 30, 2004. She reported that the list of write in candidates was NOT posted in the lobby where many people were filling out their ballots because it was crowded and voting booths were filled. She did not know if this list was posted inside the booths.

3. Some polling places were so crowded on Election Day that voters were filling out their ballots wherever they could. We had reports of a voter filling out his ballot on the stage at a school or others at tables in a coffee shop. This did not seem to disturb these voters. However, these voters would miss any information posted in voting booths such as lists of write in candidates.

VI. CONCLUSIONS

We would like to commend the Registrar of Voters and her staff for the many improvements made since the primary election in March. It is obvious to us that they have been receptive to some of our suggestions and we hope to continue this positive relationship. It is in this spirit of cooperation that we offer the following conclusions.

1. The Diebold optical scanners proved unreliable. Of 126 optical scanners that were reported to SAVE Democracy, a total of 42 scanners were not functioning at some point during the day. This total includes both reports received over the phone and observation forms received from poll watchers. This means 33% of the Diebold scanners observed by our poll watchers malfunctioned at some point on Election Day.

This calls to attention these major concerns:

- A voter may not be present when the ballot is scanned and therefore is unable to correct a ballot rejected by the scanner. There were several reports of scanners destroying a ballot fed into them and the voter was no longer present to vote again.
- How secure are the votes that were cast before the scanner broke down?
- Were any votes lost due to memory card failure?
- How expensive are these machines to repair and maintain?

It is troubling that San Diego County continues to use Diebold equipment which has experienced wide-spread failures in both the Primary and General Elections. In addition, the number of failures of the Diebold system across this country has been well documented.

We recommend replacing Diebold equipment with a more reliable voting system, with public participation in the replacement process. There are many technical experts in San Diego County who would be willing to be involved in this process.

2. Voting machines that fail need to be repaired or replaced quickly. As discussed earlier, repair times varied from five minutes to not at all. It is unclear whether all votes that were scanned after the voter left the polling place were counted.

3. We recommend that the Registrar of Voters reconsider the placement of polling places in houses of worship. It is disturbing to find electioneering materials in polling places, particularly churches. During training, poll workers need to be made aware of the possibility of inappropriate materials being placed in polling places and the need to remove such materials.
4. **All** poll workers should be trained, not just the Precinct Inspector and the Assistant Inspector. If something happens to the one of the persons trained, the others on the team may be left without the resources necessary to operate their polling place. Some people may pick up on parts of the training that others may not hear or comprehend.
5. Try to mix the ages and political parties of persons serving on one team. Age and experience can help the younger members, while knowledge of computers or machinery may help the older workers. Mixing persons of differing political parties also helps keep a balance and perception of neutrality. Mixing political parties is mandatory in some states.
6. Some polling places contained two precincts. People often waited a long time in the wrong line. A list needs to be posted where people can see in which line they are to wait.
7. College campuses should contain many more polling places. There were too many voters and not enough polling places on campuses in this election. At SDSU there were only two polling places that we know of for the entire campus. It does not help to encourage young people to become voters if they must wait in long lines for more than four hours.
8. The Department of Motor Vehicles seems to have had a problem getting registrations into the Registrar of Voters Office. This needs to be worked out between the two agencies before the next election. There were many people who had to vote provisionally due to the DMV's failure to provide completed registrations forms to the Registrar of Voter's office in a timely manner.
9. Not all polling places were clearly marked. There were reports of voter s unable to find the proper polling place and going to another, but then having to vote on a provisional ballot. Signs need to be larger and poll workers should be instructed to place them in locations visible from main streets.

A1. Observed Optical Scanner Malfunctions

ZIP Code	Location	Recorded Scanner Downtime	
		Hours	Minutes
92028	Fallbrook	13	
92054	Oceanside	6	
92126	Miramar	6	
91902	Bonita	5	30
92037	La Jolla	5	
92024	Encinitas	4	30
92014	Del Mar	4	
91950	National City	4	
92105	City Heights	3	30
92122	University City	3	30
92024	Encinitas	2	30
92121	Sorrento Valley	2	30
92139	Paradise Hills	2	15
92024	Encinitas	1	30
92119	San Carlos	1	30
92101	Centre City		30
92115	Rolando / Talmadge		30
92024	Encinitas		15
92084	Vista		15
92111	Linda Vista		15
92129	Rancho Penasquitos		15
92109	Crown Point		10
92122	University City		10
92019	El Cajon		5
92028	Fallbrook	No Recorded Downtime	
92028	Fallbrook	No Recorded Downtime	
92028	Fallbrook	No Recorded Downtime	
92028	Fallbrook	No Recorded Downtime	

ZIP Code	Location	Recorded Scanner Downtime
92057	Oceanside	No Recorded Downtime
92107	Point Loma	No Recorded Downtime
92109	Pacific Beach	No Recorded Downtime
92114	Encanto	No Recorded Downtime
92115	Rolando / Talmadge	No Recorded Downtime
92115	Rolando / Talmadge	No Recorded Downtime
92115	Rolando / Talmadge	No Recorded Downtime
92115	Rolando / Talmadge	No Recorded Downtime
92115	Rolando / Talmadge	No Recorded Downtime
92116	Kensington	No Recorded Downtime
92126	Miramar	No Recorded Downtime
92126	Miramar	No Recorded Downtime
92139	Paradise Hills	No Recorded Downtime
92139	Paradise Hills	No Recorded Downtime

A2. OVERT ELECTIONEERING AT THE POLLING PLACE

Religious

Encinitas

A prayer vigil was held immediately outside a polling place. The polling place was located on church property. The people participating in the vigil were displaying a "Pray for President Bush" sign and were showing a family values video within ten feet of two polling places. The Secretary of State was called, who in turn called the Encinitas police.

Vista

Within a polling place, "Family Values Voter Guide" pamphlets were found on a table by the door.

Bonsal

Within the polling place, "Family Values Voter Guide" pamphlets were left on a table within view of the voters.

Chula Vista

A poll worker spotted "Family Values Voter Guide" pamphlets inside the church polling place where she was working. She put them away before voters could see them. She chose not to report the incident because the church "people were so nice".

Political

Solana Beach

A poll watcher was confronted by a Republican poll watcher. He wore a Bush/Cheney sticker on his shirt. He was a bully and very nasty. He asked the poll watcher what party she was working for. When she told him she was non-partisan, he told her that she could not be there. Poll workers at the polling place told him that she had as much right to be there as he did. He continued to argue. The Poll workers told him to leave. He left his card and said he was calling the police, which he did.

When the police arrived, they said that the man did call, but gave them a name different from the business card he had left at the polling place.

Poll workers told a poll watcher there was a very large Bush/Cheney sign hanging from an apartment above the church polling place. The workers talked with the people in the apartment, but since it was 100 feet from the polling place there was nothing they could do about it.

San Diego

The registrar's representative reported that at another precinct, a Democrat poll watcher was wearing a big Kerry badge and became indignant when told she had to take it off.

The Registrar of Voter's Office, October 30, 2004

Security personnel at the Registrar's of Voters Office told the various campaigners listed below to stay on the sidewalk outside the property. Instead of remaining on the sidewalk, the campaigner's behavior can be seen below.

A man had been behaving in an obnoxious manner towards a bus driver left and returned with a pile of Bush signs and peel-off labels. He walked up the driveway holding his signs up and approaching the car windows which of person's in line on the property. The poll watcher went to security which told the man to go back to the sidewalk. He said he was just checking to see if he was registered. Security personnel again told him to keep the signs on the sidewalk.

A group of supporters for one of the mayoral candidates went up the driveway with one 4 X 8 sign, and a variety of smaller signs. They set them up on the driveway, about 40 feet from the tent. The poll watcher told the campaigners they had to stay off the property. Security told them to go. They didn't. The poll watcher went in and talked with Sally McPherson, again. Security came in and verified that they were on the driveway. After that, the campaigners stayed outside the property.

One campaigner was harassing people. Complaints by the poll watcher caused the harassment to cease. Even after they made this campaigner go outside, he would go up to car windows as people waited to come into the crowded driveway and would scream at the people in the cars to vote for Bush.

A large, intelligent man with his poll-worker ID went to the man and told him that he would have to move a hundred feet away from the driveway if he accosted voters since, in theory, some of the people in line were dropping off their absentee ballots from their cars.

When two men who looked like they were from the middle east walked in to vote, the man shouted that they looked like terrorists.

Eventually, he quieted down, but two of the women from the Donna Frye campaign were uneasy being near this man, he was calling, "Pretty Lady" and saying obnoxious things. They moved over to the side of the driveway where the poll watcher was standing.

Two police cars were parked on the center divider. The two policemen were standing there, chatting. There were no people jaywalking and they served no purpose in front of the driveway, on an island that goes significantly past the driveway.

An officer decided to ticket people parked along the curb and did ticket a few. The poll watcher then walked to the officer and pointed out the absence of "No Parking" signs. One of the officers wrote a few more tickets until Sally McPherson talked with him. Some time later the tickets disappeared from the car windshields. After that, when people would ask him if they could park there, the officer would say, "Yes".

A3. POSITIVE CONDUCT BY POLL WORKERS

Vista

It was a huge polling place, maybe 20 booths. The poll watcher arrived between 7:30 and 7:45 A.M. The voters were cheerfully greeted at the door by the inspector who explained the process to each newcomer. The line was short and many booths were occupied. These poll workers are to be commended. I noticed seals had not been placed on the scanner and they thanked me profusely and immediately found the seals and placed them in position. A very good operation.

Crown Point

The Poll workers were very friendly and helpful. The workers went out of their way to be accommodating.

Fallbrook

Poll workers were very nice, helpful, efficient, and knowledgeable.

Oceanside

The poll workers were very well trained and helpful. One poll worker devoted time instructing voters how to use the scanner. A well set up polling place, plenty of voting stations well-spaced apart.

Hillcrest

This polling place was super-organized and everything went exceptionally well.

Fallbrook

The poll workers were very good and friendly. At the end, (8:30 P.M.), they were in good spirits and working diligently.

La Jolla

A poll watcher describes a number of problems occurring at the polling place, optical scanner down and so on and makes the following statement, “ **The poll workers were very helpful and were very friendly and welcoming to all the voters.**” *High praise, especially considering the circumstances.*

Bonita

The poll workers were consistently helpful, cheerful, and calm, even when the optical scanner didn't work and they were busy.

Rancho Santa Fe

The poll workers were friendly

The Registrar of Voter's Office, October 30, 2004

A poll watcher at the Registrar of voters stated, "Kudos to Sally McPherson, the Registrar of Voters. She was hands-on, caring, and had such a polite staff." But, there were a lot of complaints from "early voters" who had to wait over a half hour to get their name called. People were told that everyone could vote early, but they had to sign a blue paper saying it was an emergency and they couldn't vote on Election Day.

A4. PROBLEMS ENCOUNTERED BY POLL WATCHERS

Oceanside

Inspector refused to admit poll watchers into the polling place. Two groups tried and police were called by poll worker. Federal Agents from the Dept. of Justice were there taking notes, but the inspector still would not admit poll watchers. Early in the afternoon an attorney was dispatched to this location. Late in the day, two Byron volunteers went to this location and were admitted.

Marines were being sent from the Democratic Club of Oceanside-Carlsbad campaign office to this polling place all day. At Mid-afternoon the Oceanside-Carlsbad office received a call from a voter, in line, informing the office that Marines were being sent away without being allowed to cast a provisional ballot. The Marines were being told to find another polling place.

The reason given for turning away the Marines, the polling station was too busy to hand out provisional ballots. The Marines were told that taking the time to handle their provisional ballots would mean other voters would not be able to vote, since the lines were too long. Late afternoon, a Congressional candidate and his wife went to this polling place to object to the turning away of U.S. Marines. He identified himself as a Congressional candidate and was told no more Marines would be turned away.

La Mesa

Woman in charge of polling site would not proceed with closing until poll watcher left. Poll worker did not allow the poll watcher to see totals at the closing of the polls. Poll watcher, "had to leave to not cause any trouble for myself."

Rancho Penasquitos

A poll worker was very upset with our poll watcher. The first poll worker verbally assaulted the second making a scene in front of other poll workers and voters. The poll worker said he was going to call the police to have the poll watcher removed. She was not interfering with the voters and was far away from the workers' table. She hadn't looker over workers' shoulders nor talked to anyone unless spoken to.

Earlier, this poll watcher reported another incident to a representative from the ROV office. The Poll watcher spoke with Lilia at the ROV office who was very nice according to the unhappy poll worker.

Mira Mesa

A poll worker was angry and refused to post the final vote totals. The poll worker had not posted results in past elections, could not find in her instructions any directions to post the results now.

When the poll watcher returned to this polling place after the matter had been resolved the worker responded angrily upon seeing the watcher, "**The totals are up over there.**"

The optical scanner at this polling place had not worked for half the day, until it was finally repaired about noon. During this time of machine failure, the poll workers erroneously allowed voters to fold their ballots to fit into the ballot box. Many of these folded ballots were not capable of being scanned.

San Diego

The Poll watcher was not allowed to enter the polling place prior to its opening, making it impossible to observe the zero count. Somewhat surprised, the poll workers were somewhat skittish initially at the presence of a poll watcher, but were very receptive during the poll watchers later visits.

Rancho Penasquitos

A poll worker was very nasty personally to another poll worker. A rover witnessed the poll workers misconduct. During two trips the poll watcher asked to view the optical scanner, but was refused.

Mira Mesa

A poll watcher reported the Hotline that the scanner at this polling place was not working and voters were said to being restless, irritated. The scene was said to being on the verge of becoming chaotic. The Hotline operator called the ROV's office and reported the call. The ROV representative immediately dismissed the possibility of the polling place becoming chaotic seemingly without interest in following up the report.

Solana Beach

The poll worker wished to work on the street index and took it away from the poll watcher. After 20 minutes, finishing the work on the index, the poll worker refused to return the street index. No other poll watchers were present wishing to use this index. The poll watcher told the poll worker that the street index was a public document. The poll worker replied as to not being comfortable with the poll watcher having the street index for such a long time.

SDSU: 5500 Campanile Dr., Casa Real Room.

While poll watching at polling sites **283010** and **294800** the watcher noticed a large number of SDSU voters arriving.

The poll watcher was told that long lines had formed at the SDSU polling places. A poll worker had announced to the student voters standing in line, that beyond a certain point in the line, it would be better for the students to go to another polling place. It was recommended to the voters that they travel off-campus to polling sites 283010 and 294800. How many students gave up after being in line for hours and then being told it might be best to leave for another polling place we do not know? One young student told our poll watcher how excited she had been to register the day after her 18th birthday. After waiting in line for hours she was quite frustrated and was not sure if she wanted to go through this voting experience again.

Needless to say, poll workers at the 283010 and 294800 polling place site were unhappy with the reality of having to handle so many time-consuming provisional ballots.

Rolando & Talmadge

Poll workers were not offering provisional ballots to voters. The poll watcher suggested to the poll workers that they offer provisional ballots to those not on the rolls who wanted to vote. The poll workers told the poll watcher to “butt out” and to stop being obnoxious. The poll watcher called upon her husband to help her with the poll workers. The husband and talked with the poll workers and the issue was resolved.

A5. FIFTEEN QUESTIONS WE ASKED POLL WATCHERS AND THEIR ANSWERS

Except for Question 4, the data below covers only forms returned and not phone calls received.

	Question	Answer	
		% Yes	% No
	<u>As the Polls Open</u>		
1	Location of the polling place moved?	4.3	95.7
2	Did the precinct open on time?	94.0	6.0
3	Did you see the voting machines zero print out? If yes, were the counts all zeros?	69.8 100.0	30.2 0.0
	<u>During the Day</u>		
4	Did any voting machine break down?	33.3	66.7
5	Did any polling places run out of ballots?	3.8	96.2
6	Were there very long voter lines at any time?	61.8	38.2
7	If a voter made a mistake before casting a ballot, was that voter given a new ballot?	100.0	0.0
8	Were voters able to cast a provisional ballot if their name was not listed on the voting rolls?		
9	Were voters able to return a completed absentee ballot at the precinct?	100.0	0.0
10	Were voters able to ask questions about election procedures and to observe the election process?	100.0	100.0
11	Were any voters listed on the voting rolls made to show their IDs?	35.1	64.9
12	Were any police or security vehicles or personnel stationed near the polling place?	7.4	92.6
	<u>As the Polls Close</u>		
13	Did the polling place close early?	4.7	95.3
14	Were voters able to cast a ballot if they were in line at the polling place prior to the close of the polls?	98.8	1.2
15	Were the precinct totals posted at the polling place?	93.8	6.2