Florida Fair Elections Coalition
www.ffec.org • floridafairelections@yahoo.com

Assessment of Volusia's November 2012 General Election[1]
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By Mary K. Garber, Associate Director, FFEC

After each general election, FFEC produces a brief report that assesses how well Volusia County did in conducting its election. Usually, we don't address those problems that occurred statewide or in other counties in this report, but this year is quite different. Many of Volusia's problems were created or at least exacerbated by ill-advised actions by the state, including:

- Restrictions on third-party voter registration efforts that curtailed the number of new registrations early in the year and resulted in a deluge of registrations just before the book-closing date.

- A threatened voter purge in the months before the election, which took up valuable time and resources as well as planting the suspicion that noncitizen voting was rampant across the state.

- New requirements for all Floridians to provide original documents in order to acquire or renew drivers' licenses and state IDs, regardless of their age or length of time as a resident of the state. This directly led to far greater numbers of provisional ballots because many voters—especially women—could not obtain required photo IDs in a timely manner.

- New restrictions on changing address at the polls for voters moving from another county—a requirement that made the process of address changes needlessly complicated for Volusia's college students.

- Cutting the early voting period by one third—from twelve days to just eight—even though early voting was a popular choice for voters—especially minorities and younger voters. The impact was to create long lines at early voting that tended to dampen turnout by minorities and young people who more often vote at early voting.

[1] *This report was presented to the Volusia County Canvassing Board in letter form prior to the certification of the 2012 general election. While content has not been changed, some editorial changes have been made to format this document for posting to the FFEC website.*
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- An enormously long ballot—3 or 4 pages back and front—chiefly due to a large number of state legislature-sponsored constitutional amendments which were required to be printed in their entirety in both English and Spanish on an already very long general election ballot. This led to a myriad of election problems, including very long lines and inaccurate results.

Volusia's Problems—Long Lines and Inaccurate Results

While Volusia was negatively affected by all of the above-described state actions, it was most severely and visibly affected by the last two—the shortened early voting period and the enormously long ballot. The two factors worked together to produce long lines during early voting. The long ballot by itself, however, was sufficient not only to produce long lines but also to stress equipment and staff which impacted the accuracy of the results for both early voting and election day.

Other Volusia-specific factors also influenced wait times. These included equipment failures, insufficient allocations of equipment to serve demand, and a significant reduction in the number of polling places.

Long Lines at Early Voting and on Election Day

Like other Florida counties, Volusia experienced long lines—both at early voting and on Election Day. While waits in Volusia County were much less than in some counties in south Florida, they were still very long here.

*Early Voting***.** Waits were especially long during early voting, when voters at many locations consistently had to wait in line for 2 hours or more to cast their ballots. Unlike 2008, long lines were experienced on all days, at all times during the day, and at all locations. In 2008, it was possible for voters to go to a different location or wait until a different time or day to vote; that was not so in 2012.

Parking became a problem at nearly all of the early voting sites. This was brought to the attention of the canvassing board by the attorney for the Democratic Party who said that would-be early voters in Deltona were being waved away from turning into the parking lot without any instructions about alternatives for parking. At Ormond Beach Library, voters sometimes had to wait for others to leave in order to find a parking space. Clearly, parking spaces for disabled persons were not adequate to serve these voters.

Accommodating elderly and disabled voters was an issue at all sites as many voters were not physically capable of standing in line for such long periods. There did not seem to be a plan in effect to make special arrangements for these voters.

Election Day. Unlike 2008, when Election Day voting was perceived as relatively light after a morning rush, this year Volusia had long lines at many polling places for most of the day. This created the same problems as did the lines at early voting—insufficient parking and the need to accommodate elderly and disabled voters while they waited. Most poll workers were sensitive to the needs of voters, but some were not. For example, at precinct 602, rows of chairs were set

up inside the polling room, but voters were not allowed to sit in them. When a poll watcher asked why not, the poll worker at the door (who was seated, by the way) replied that the people should have voted early if they didn't want to stand in line (which, under the circumstances, made no sense). In some locations, voters were denied access to bathroom facilities.

What caused these long lines? Contrary to a statement by the secretary of state, long waits were *not* the result of extraordinary turnout. Turnout in Volusia's 2012 general election actually declined by four percentage points, from 75% in 2008 to only 71% in 2012. But more to the point, fewer ballots were cast during early voting and on Election Day in 2012 as compared to 2008. In 2008, more than 68,000 people voted during early voting. In 2012, that number declined to slightly over 61,000—a drop of more than 7,000. The number of Election Day voters also declined—from 134,807 to 110,837—a drop of about 24,000. So heavy turnout is not the reason why we experienced long lines.

A confluence of factors is likely to blame. First, the fact that the state legislature cut the number of days allotted for early voting from 12 to 8 certainly contributed to the long lines. With regard to Election Day lines, a contributing factor to that situation was undoubtedly the fact that Volusia County consolidated precincts following redistricting. The number of precincts was cut from 179 to 125, with even fewer polling places, as these often accommodated several precincts. So while there were 24,000 fewer Election Day voters, there were also far fewer places to serve these voters.

But perhaps the single greatest factor in the long lines was the extraordinarily long ballot—three or even four pages, back and front, depending on whether the voter also lived in a municipality that had candidates and issues on the ballot.

The eleven constitutional amendments placed on the ballot by the state legislature were the main culprits in producing an excessively long ballot. Not only were there a large number of amendments, but they were also included in their entirety—in both English and Spanish. Most of the amendments were soundly defeated. Also, contributing to the ballot length was the fact that a few years ago, the supervisor of elections convinced many of the municipalities to put their elections on the general election ballot to save money, instead of having these elections in odd-numbered years.

To make matters worse, within a couple of hours after the start of voting, the newly acquired Accu-Vote OSX scanners began experiencing so many paper jams and displaying such ominous messages about possible uncounted ballots that it became necessary to stop using the machines and put the ballots in the emergency bin. Why did the machines begin jamming? A product advisory issued in March 2011 by the vendor indicates that the new scanner has problems with processing multi-page ballots. The following excerpt explains the problem:

> *When a voter's ballot consists of more than one card, and the voter inserts one card of their ballot into the Accu-Vote OSX unit, and then inserts the second card too quickly, the following message can be displayed: Paper jam detected, uncounted ballot jammed in reader. See election official….*

If the second card remains in the path of the scanner's ballot sensor for more than 3 seconds, the message described above will be displayed and remain displayed on the LCD until the card is removed and the "Reset Scanner" option is selected.

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It is our understanding that this is what happened and this is the message that was displayed. In this election, we had not only a second card, but a third and sometimes a fourth to insert. Once the scanner jammed, it took intervention by one of the workers to reset the machine. Meanwhile, the lines were backing up.

Another problem caused by the long ballot was the need to empty the ballot bin beneath the scanner frequently. Many poll workers were surprised to discover that they frequently needed to stop voting, remove ballots, and place them in sealed ballot bags. Of course, the fact that voting had to stop caused delays. Further, removing voted ballots before closing creates security issues. Any handling of ballots introduces the possibility of ballots being lost or not being properly secured.

Another contributing factor to the long lines at the beginning of early voting was the failure to allocate sufficient equipment to the early voting sites. Each site opened up with only one scanner even though it was widely expected that the first Saturday in early voting would be one of heaviest of the early voting period. Voters at Daytona Beach Library on that first day told us that once they had marked their ballots, they had to stand in another line for more than 45 minutes to insert their ballots into the scanner.

To the elections office credit, they solved the problems quickly by sending out another scanner to each site and instructing poll workers to tell voters to wait a second before inserting their second and third cards. Of course, this process of waiting before each page of the ballot greatly increased the length of time it took for each voter to insert his ballot into the machine. Once a second machine was provided, things moved along much more quickly, although even the additional equipment could not make up for the increased voting times. The fact that it took so much longer for each voter to cast his ballot seems to have been one of the most important factors in producing long lines during early voting.

Other equipment failures during early voting also caused delays. At one point, Daytona Beach had only one operational EVID to check in voters. In Ormond Beach, the ballot-on-demand printer ran out of toner. Poll workers were surprised to find that no additional toner cartridges had been included with their supplies.

Polling places on Election Day used the more reliable Accu-vote OS machines; however, poll watchers told us that these machines also experienced problems with paper jams. No doubt, voters attempted to insert ballot pages too quickly. Some polling places that served several precincts had only one scanner, which turned out to be inadequate for the turnout. This was the experience at the Chisholm Center, a location in Deland serving a principally African American population.

Consequences of Long Lines

Long waits depress turnout—this is an indisputable fact backed by a mountain of statistics and academic studies. All of us who were at early voting and the polls observed for ourselves that

many voters left without voting—some waited in line for hours before leaving, others saw the line and declined to wait, and surely many others simply heard about the problems and decided that they did not have either the time or the stamina to wait for long periods of time.

Long lines also have a much greater impact on some populations than others—long waits affect the elderly more than the young, the disabled and sick more than the able-bodied and healthy, workers more than retirees, and caregivers and parents more than those without those responsibilities. This disproportionate impact means that long lines in themselves can serve to skew election results in favor of certain candidates or issues.

Long lines also create a number of related concerns—many of which were discussed above—such as the need for additional parking, special accommodation for elderly and disabled voters, available restroom facilities, and other public health and safety issues.

Inaccurate Vote Counts Caused by Jamming

The excessively long ballots not only had a negative effect on voters, they also stressed the voting equipment and tested the patience and skills of poll workers. While there were fewer in-person voters in 2012 than in 2008, the scanners had to process nearly three times the number of ballot cards.

This was particularly a problem with the new Accu-Vote OSX machines, which specifically had been found to have a problem with multi-page ballots. But even the reliable old Accu-Vote OS machines jammed frequently, given the high volume of use.

These jams led to inaccuracies in the vote counts. This became clear in the recount that was conducted in the school board tax referendum. It is usual in a recount to come up with slightly different totals for the candidates. This is due to the fact that optical scan machines vary in their sensitivity. The machine must be sensitive enough to pick up votes, even if they are marked very lightly or in some non-standard way (checks or Xs rather than darkening the oval), but not so sensitive that they pick up every stray mark as a vote. So when ballots are re-run on different machines, they may pick up a vote on a ballot that was originally read as having no vote. That is relatively common. Less common and considerably more worrisome is that sometimes a machine will read a vote for a different candidate than was the case for the first time around. Generally, these errors are small and don't affect the outcome. But they can happen, and that is why recounts are necessary in close races. Sometimes machines are not working properly, and sometimes these errors may be more prevalent in areas that favor a particular party, candidate, or issue.

What is not expected in a recount is to find significantly different numbers of total ballots cast in the recount from the original count. But that is what happened in the recount of the school board tax referendum. According to the supervisor of elections, the recount recorded 66 fewer votes for "yes" and 79 fewer votes for "no" than in the original count. Presumably, the figures were also lower for undervotes, but we don't have those figures. While these are significant numbers, the actual number of miscounted ballots was much higher.

Why? Because the recount of the precinct ballots showed us that sometimes there were fewer ballots in the recount than had originally been counted and sometimes there were more. The

explanation was fairly obvious—when ballots jammed, it wasn't always clear to poll workers whether or not the ballot had been counted. When the recount came up with fewer ballots than the original count, it was because some ballots had probably been counted twice; that is, the poll worker re-inserted a jammed ballot that had already been counted by the machine. When the recount came up with more ballots than the original count, it was likely that jammed ballots were not counted by the machine nor re-inserted by the poll worker.

If these mistakes are simply added together, the number of miscounted ballots will necessarily be understated. Obviously, if you double-count a ballot in one precinct and fail to count another ballot in a different precinct, you will end up with a result that shows no change in the number of total ballots, but there are two mistakes, and results will be different because the two ballots are not identical.

We know the number of miscounted ballots for Election Day, thanks to the recount. Although the net effect was to reduce the total votes counted by 34, the actual number of miscounted ballots was 102. So the actual number of miscounted ballots was likely much higher than the 145 ballot difference in the totals for yes and no.

We know that this did not affect the outcome of the school board tax question nor is it likely that it affected the outcome of any other races on the ballot; however, it is certainly possible that it could have. We in Volusia County should know that very small differences in vote totals can make all the difference in the world. Our experience this time should serve as a warning to us and to other jurisdictions that jammed ballots can lead to inaccurate results. Paper jams are much more likely to happen with multi-page ballots so we need to make sure that ballots are not excessively long. Further, when there are paper jams, we need to verify that our counts are accurate--by rescanning ballots if necessary.

Other Problems--Overvoting

When the scanners went down at early voting, ballots had to be put in the emergency bin to be scanned later by poll workers. By law, optical scan machines are required to provide protection against certain types of common voter errors called overvotes. When the voter tries to insert an overvoted ballot into the machine, it spits it back and the display indicates that the voter has overvoted (made too many selections) in a particular race. The voter is then given a new ballot and the chance to correct his previous mistake. When the optical scan fails, voters are not present when their ballots are scanned and, thus, don't have an opportunity to correct their ballots. Of course, people who vote by absentee ballot also do not have the advantage of overvote protection. For that reason, any of those ballots that are rejected by the optical scanner are inspected by the canvassing board for intent. So all voters either have overvote protection or the opportunity to have their ballots inspected for intent—except those voters who show up to vote when the voting machine isn't working.