
League of Women Voters Of McLean County: Election Study 2008

By the
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Executive Summary

The most common ways to register to vote (including address changes) in McLean County in 2008 were with a voter registrar or at the **Drivers License Facility (DLF)**. Aside from possible delays in processing at the election authorities, registration failure may have happened if the DLF did not follow through with those who wished to register. Aside from going to the election authority, voters can register with deputy registrars, who are trained and tracked by the separate election authorities. Some deputies reported problems in dealing with the election authorities. Our study compares deputy registrars' service at Normal and Bloomington public libraries.

Mail-in registration forms have more potential pitfalls than DLF or registering with voter registrars. Besides illegibility or missing voter information, problems may arise from confusing directions as to what ID information needs to be provided and where the form should be sent. Only registrants who did not provide adequate ID on the form should be required to show it at the polls, but computer programs in BEC erroneously flagged all mail-in voters who were first time registrants in 2008 as required to show valid ID at the polls. Delays in processing mail-in registrations might mean that people who registered do not appear on the voting rolls.

Lack of coordination and differing procedures at **CC (County Clerk's Office)** and **BEC (Bloomington Election Authority)** in 2008 meant that some voters were not successfully registered after moving from the CC into the BEC jurisdiction. One controversial way to purge is by using voter cards. If these are returned as unforwardable or with a forwarding address outside the jurisdiction, voters might be placed on the inactive list, but only after a form has been sent out so that the voter can confirm the change. Questions arise as to the timing of such probes with respect to upcoming elections.

Although most general election voting in 2008 proceeded with little wait time, long lines hampered voters at some early voting locations and at a few precincts on Election Day. CC judges took longer to resolve problems than BEC judges because CC judges had to call downtown more frequently to resolve problems, and the line was usually busy. Judges reported very few problems with election machines and praised the binders they had, which contained quick problem-solving guides and explicit procedures to open and close the polls. Issues arose with some judges in BEC who did not seem mentally fit enough for the job, and with the use of provisional ballots. Although none of the interviewed BEC judges complained about their training, some CC judges did.

Our study tried to ascertain the main reasons voters who wanted to vote in 2008 did not succeed in doing so. We report on explanations from the election authorities as well as particular cases the election judges encountered. As many as a quarter of absentee ballots were either never received, never returned, or not returned on time. Many voters in our county who thought they had registered at the DLF were not on the voter rolls. Finally, about 2/3 of provisional ballots cast in McLean County in 2008 could not be counted for lack of proper registration or identification.

League recommendations 1-9 recommendations are based on this study and gauged to improve registration and polling procedures in McLean County.

League Recommendations

- 1. Voters should have a convenient way of verifying that they are registered to vote; and encouraged to check this before election day if they have moved, changed their name, or have registered to vote for the first time.** CC voters can check their status on the County Clerk's website. All Illinois voters can now use the website for the Illinois Voter Registration System www.elections.state.il.us, which just came online in 2009. It would help to educate the public better about these options.
- 2. Voters are entitled to a notice of the disposition of their voter registration (incl. address changes) also when they have not registered successfully (National Voter Rights Act, NVRA).** This is the current policy of CC and BEC. It is especially important for mail-in registrations.
- 3. A notice should be sent to the voter before certain purges are made.** When a voter card is returned as undeliverable or with a forwarding address, the NVRA requires a notice to be sent to advise voters that their registration will become inactive unless they return a card in a separate envelope with an explanation. Further in NRVA: "if the registrant has changed residence to a place outside the registrar's jurisdiction... information concerning how the registrant can continue to be eligible to vote [should be sent]." This is the current CC and BEC policy.
- 4. Driver's License Facility procedures for registering voters should be monitored for compliance with NVRA.** The DLF is a crucial link in the voter registration process in McLean County.
- 5. All the public libraries in McLean County should have at least one person who is a deputy registrar. This should be advertised so that it begins to be common knowledge.** Normal Public Library should imitate the program at Bloomington Public Library. A small sign at the information desk could indicate "Voters Registered Here."
- 6. Voter registration materials, not just name change forms, should be available at polling places on Election Day.** People who are not casting provisional ballots and not on the registered voter list can be provided with mail-in forms so they can vote in the next election.
- 7. Election Judge Training:** All election judges should be trained to redirect voters who come to the wrong polling place; to know when to assign a "federal ballot only" or a provisional ballot. Those not mentally fit for the job should retire; and judges should rotate jobs at the polling place.
- 8. Voting Supplies:** Precincts or polling places that have a record of long lines need to be provided with adequate space and a sufficient number of voting stations on Election Day. An adequate number of voting machines needs to be supplied for off-site early voting.
- 9. Waiting at the Help Desk:** CC Election judges should not have to call the central office as often or wait as long on the phone for information. The CC line in 2008 was very frequently busy, whereas BEC judges were able to resolve most issues without calling. Resources need to be provided to minimize calls; or new phone lines need to be opened.

Part One: Voter Registration Report

1. A. National Perspective

“Registration remains the largest source of problems for voters,” a Harvard professor testified on Capitol Hill earlier this year. In the November 2008 election 3% of voters nation-wide reported that they “attempted to vote but could not or did not.”¹ It is possible for applications to be misplaced or for voters to be registered in multiple jurisdictions. The volume of new registrant towards the end of registration period can overwhelm local election offices. The National Campaign for Fair Elections notes that 40% of all uncounted provisional ballots nationwide are rejected because of two main problems: registration forms are submitted on time, but not processed on time; and there are errors in data entry of the voter’s information.² In election office budgets in the US, typically 1/3 of the money is devoted to the care and maintenance of accurate registration lists.³ Because of built-in problems of voter registration systems in the U.S., it is hard even for the most conscientious election authorities to do everything right all the time. The system “forces elections officials to implement costly quality control measures and data entry systems to decipher hand-written applications and process them under unreasonable time constraints.”⁴ Since states each have their own laws concerning registration requirements and since local election officials are allowed to have their own procedures for managing voter lists, voter registration varies across states and counties.

Help America Vote Act (HAVA. 2002) requires states to develop a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level. This has not yet been accomplished in Illinois, where each election authority has total control of its voter list on the aggregate data base misleadingly referred to as the State Data Base of Illinois Voters. HAVA requires the statewide list be coordinated with other agency databases within the state.

1. B. Registering in McLean County

McLean County is one of only eight countries in Illinois that has more than one election jurisdiction.⁵ The **Bloomington Election Commission (BEC)** was approved by voters on Nov. 3, 1914. The **County Clerk’s office (CC)** handles registration and voting for the Town of Normal and the rest of the

¹ Steven Ansolabehere for the Cooperative Congressional Election Survey, Hearing March 11, 2009.

² Jonah Goldman, Director, National Campaign for Fair Elections, Lawyers’ Committee for Civil Rights Under Law; Testimony before the[U.S.] Senate Committee on Rules ad Administration, March 11, 2009.

³ Cited by Ansolabehere, from Caltech/MIT Voting Technology Project.

⁴ Goldman.

⁵ *Pantagraph*, “Why does Bloomington have its own election commission?” by Mary Ann Ford, 10.29.08.

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County. In this report we cite the election authorities in both jurisdictions and compare procedures where it seems relevant. Each election authority in Illinois has a great deal of discretion in how to deal with registration and voting matters. There have been problems in the past regarding transferring voter records between the two offices.⁶ While it is excellent that voters in the CC jurisdiction can check online to make sure they are on the voter rolls, voters ought to be better informed of this possibility. Voters can also call BEC or CC to confirm registration status.

There are four ways to register to vote in McLean County, including first time registration, change of name, and change of address:

1. Register at the BEC or the CC in the Government Building in downtown Bloomington, up to the closing date for registration for a coming election; or during grace period voting.
2. Register at the Department of Motor Vehicles (DLM) in connection with driver's license application, renewal, or a change of address on the license.
3. Register with a Deputy Registrar, at various locations and times.
4. Register by mail. Forms are available at website of BEC and CC. Mail-in forms and assistance in filling them out are to be provided at "all offices in the State that provide public assistance; all offices that provide State-funded programs primarily engaged in providing services to persons with disabilities..."(NVRA Sec. 7)

It is clear that method #1 is the most secure for the voter. Problems that have occurred in our county with the other methods are noted below.

1. C. Voter Registration Statistics

From: Bloomington Election Commission, 2008

	From Driver's License Center	Mailed to Bloomington EC	Grace Period Reg.	In person Reg.*	Total
New Reg.	3,034 (46%)	1,266	235	2,072	6,607
Failed Reg.	(41)	(46)	(0)	(110)	
Address Ch.	1,521	566	132	1,401	3,620
Name Ch.	343	27	27	735	1,132
Duplicates	[497]	1	1	[210]	
Canc./Transf.	381	2	0	1,437	1,820
TOTAL	5,279 (40%)	1,862 (14%)	395	5,645 (42.8%)	13,179

*Includes those who registered with a deputy registrar or at the BEC office.

⁶ See Purgings of Voter Registration Lists on p. 12 of this document.

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From: McLean County Clerk, 2008

Voter Registrations/Address Changes/ Cancellations 2008

Jan.	Feb.	Mar.	Apr.	May	Jun.	
2,041	750	1,017	946	2,017	747	
Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Year Total
1,813	4,312	5,858	5,584	2,836	1,033	28,954

1. D. Motor Voter Registration

*Summary: The most common way people in McLean County registered to vote in 2008 was in person, either at the **Drivers License Facility (DLF)** or with Deputy Registrars. Everyone who goes to DLF to get a license, renew a license, or update the address on the license must by law be asked if they wish to register to vote. Therefore it calls for an explanation when people who recall registering there are later told they are not on the voting list. Aside from delays in processing there may be some failing of DLF employees to follow through on those who want to register.*

History of Motor Voter in Illinois

After the **National Voter Registration Act (NVRA)**, also called The Motor Voter Law, became law in 1993,⁷ the LWV of Illinois (LWVIL) worked in the Illinois General Assembly on laws to implement it. A string of suits were filed to force Illinois to comply. The League challenged the first solution passed in Illinois, which was a two-tier system where persons registering under Motor Voter could vote only in federal elections. If they wished to vote in local and state elections they had to register a second time. The League prevailed in its suit to get rid of two-tier voting in October 1996. As Illinois attempted to meet NVRA requirements, further problems arose. In response, the Secretary of State convened an advisory committee in 1999 to evaluate implementation of NVRA in Illinois and recommended improvements. The LWVIL election laws issue specialist served on the advisory committee. After the committee report was issued in November 2000, some of the recommendations were implemented in 2001. The Secretary of State's staff continues to make changes in its administrative procedures based on that report. Monitoring NVRA implementation remains a League priority.

Motor Voter in McLean County

The importance of Motor Voter registration is clear in the statistics from McLean County cited above. In 2008, about 40% of Bloomington voters used the DLF to register, re-register after address changes, or transfer voter registration (corresponding data was not provided by CC). Of first-time voters in Bloomington, 46% registered this way. County Clerk Peggy Ann Milton estimated that 60% of voters registering in her jurisdiction used the DLF.

When interviewed by the LWV election study committee, Charlene Stanford, Executive Director of BEC,⁸ and Milton were of the opinion that the main reason people were not on the registered voter list⁹

⁷ This paragraph based on information from the League of Women Voters of Illinois publication: "Where we stand, 2007-2009 Program."

⁸ Charlene Stanford retired from office in 2009, but was in charge BEC for the entire 2008 calendar year.

⁹ This does not include people who go to the wrong precinct initially; they are all registered voters.

was because they thought they had registered at the DLF, but they were mistaken. Milton: “many people believe when they change their address officially with the Driver’s License Facility that their voter record is automatically updated, when they need to sign a separate form to accomplish that.”¹⁰ Stanford had a similar idea: “voters continue to believe that changing their address with the Secretary of State at the Driver’s License Facility also automatically changed their voter registration.”¹¹ However, it is clearly stated in the NVRA that: “Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver’s license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved...” (Sec. 5). Our Study Group posed this as one of the follow-up questions after our first interview. Stanford answered that applicants might decline when asked “Do you want to register to vote at this address”; or they might refuse to sign the automatically generated form; or they might change their address on line, which would not automatically give them the opportunity to register to vote.¹²

If motor voter registration is as often a problem as claimed by Stanford and Milton in their initial interview with our Study Group, it seems that more explanation is necessary. Since the DLF forms are computer generated print-outs, legibility is not at issue. Missing information on these forms cannot be the problem either; all the information necessary to register the voter is included on the form (although the form is not identical to voter registration forms used by deputy registrars). It is possible that not everyone who applies for a driver’s license or who goes to renew a license is asked if they wish to register, as the federal law requires (NVRA Sec. 5). DLF employees must check off “NO” or “YES” to voter registration before they can finish processing with the person’s license. If people are asked and say “yes,” they need only to sign to complete the process. A list of all those who said “YES” is generated that the election authorities can later compare to the signed paper forms they receive. The DLF should be monitored as to their compliance with NVRA, to be sure that all the client are asked in the way specified by law whether or not they wish to register to vote, and that voter signatures are obtained if the voter said “yes” to the question: “Would you like to register to vote?” A DLF form without the voter’s signature cannot be processed by the election authorities as a new registration; at BEC, address changes are generally processed even if there is no signature.

What happens to a DLF voter registration after it is collected at the DLF? The Department of Motor vehicles sends the forms to each jurisdiction except for McLean County registrations. Current BEC Executive Director Paul Shannon (interview 9.8.09) stated that while all McLean County registrations are picked up by BEC, forms from people who live elsewhere are mailed to the appropriate election authority in Illinois. A print-out of DLF registrants is automatically generated for each day at the DLF, ordered by zip codes and in the order of registration time. BEC checks the forms they receive against the list automatically generated at the DLF; therefore it would immediately be evident if any forms were missing. This means it is virtually impossible that forms being mislaid at the DLF or in transit between the DLF and BEC would lead to people’s registration not taking effect. BEC sorts the DLF list by separating out all Bloomington city addresses and sending the rest to CC for registration.

¹⁰ Interview of Peggy Ann Milton, McLean County Clerk, 3.13.09.

¹¹ Interview of Executive Director of BEC, Charlene Stanford, 3.5.09.

¹² “Follow-up Questions,” May 11, 2009.

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Provided that voter registration is properly handled by DLF employees, including obtaining the voter's signature, what could have happened when voters say they registered at the DLF before the registration deadline, but their names do not appear on the voting list? The only explanation besides DLF errors or the erroneous memory of the would-be voter is that because of a long delay at the election authority in processing the registration, the election took place before the registration was completed. This should not happen because of mandated turn-around times for processing registrations, but it still is possible. In that case, the voters in question are still eligible to vote and should use a provisional ballot. The unsolvable problem remains that the burden remains on the voters to prove registration. They can do this only if they have retained the registration receipt the DLF gives and bring it with them to the polls. If the election authority has not registered them by election day, there would be no other way for voters to prove within the 48 hours allowed that they had indeed registered. The DLF should instruct registrants to retain the receipt and contact the election authority if their registration hasn't been confirmed within 2-4 weeks. Since voters may not know they should receive a voter card mailed to them that confirms registration, they may not be aware that the registration was not completed.

The LWV has officially recommended that Motor Voter registrations be transmitted electronically to the proper election authority; the time saved this way would lead to less delay in processing these registrations. However, in Illinois, a "true" signature is required on the DLF form. Because the signature is the basis for voter identification at the polls, state law requires the clearest and most original form.

1. E. Register by Mail

*Summary: The National Voter Rights Act recommends that state and local government offices provide mail-in forms or have deputy registrars. Registering by mail has potentially more things that can go wrong than DLF registration or deputy registrar registration. Since the applicant fills out the form, it can be hard to read or be missing some of the required information. Our investigation discovered that instructions for the mail-in forms of **CC (County Clerk's Office) and BEC (Bloomington Election Commission)** have lead to confusion as to what form(s) of ID are required. Whether first-time voters must provide and ID at the polls or are prohibited from voting absentee may be unclear. Although it was true in the past, first-time mail-registered voters are currently not required to show an ID at the polls.*

In our county, voter registration drives may use deputy registrars, mail-in registration forms, or both. Mail-in forms are available online at the websites of BEC and CC. Because the forms are completed by hand by the applicant and mailed to the election authority,¹³ sometimes legibility is a problem. Also, required information is sometimes omitted, such as a birthdates or signature. If voters do not always supply the information needed to avoid having to show an ID at the polls, this may be due in part to the confusing directions that are provided on the forms or on the websites of BEC and CC. If there are problems with mail-in registration forms, BEC as well as CC say they notify the registrant.

¹³ Deputy Registrars are required to write in the information for the voters they are registering; the voters write only their signature. If there is any problem with legibility, the election authority can easily get in touch with the deputy registrar, who must sign all the registrations he or she takes.

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Each election authority in Illinois makes its own decision of many procedural matters. For instance, the Register by Mail forms of BEC and CC are not identical in the *directions* they give for filling out the form (although the actual forms are identical). Four significant differences involve important information: 1) whether one must vote in person the first time one votes; 2) what ID to include when mailing the form; 3) under what conditions would the voter be required to show an ID at the polling place; and 4) which IDs qualify.¹⁴

The SBE website provides the correct information about mail-in forms.¹⁵ First, no photo ID is required. Second, only one piece of identification (of the specified kind) is required to register by mail.¹⁶ For instance, a driver's license number (or state ID card number) or the last four digits of the Social Security number are adequate, and no other ID need be provided to register or to cast a ballot. Third, first time voters who registered by mail are neither automatically required to show ID at the polls nor are they prohibited from voting absentee. "If you do not present a required form of identification *either at the time of submitting your mail-in registration or at the time of voting [emphasis added]*, you may vote a Provisional Ballot."¹⁷ No ID should be necessary even for a first-time voter unless that person did not send in the required ID (not including a copy of a photo ID) with the mail-in registration. The BEC mail-in registration is then in error in the statement that "If you register by mail, you must vote in person the first time..." (see footnote 18). The CC form is correct in its language: "If you do not provide the information required above, then you will be required to provide elections officials [with it] the first time you vote at a voting place or by absentee ballot." Fourth, if the mail-in application does not provide adequate ID, the registrant "shall be notified by the election authority that the registration has not been fully completed and that the person remains ineligible to vote by mail or in person until such proof is presented."

The CC form instructs the applicant to mail the form to the proper election authority, and gives the website where the addresses of the election authorities in Illinois can be found. The BEC form states that "Residents of Bloomington should mail to: Board of Elections, P.O. Box 2400, Bloomington, IL 61702," although this would not help residents elsewhere in McLean County (see footnote 14).

Unlike the SBE, which finds a driver's license number is sufficient ID, there is an information page on the website of each election authority (separate from the mail-in registration form) that requires the applicant to include a photocopy or some ID form. On the BEC site we read: "Note: if you register by mail please send a copy of your identification forms [plural!] with your application to register to vote."¹⁸ This was incorrect, since no copies of anything are needed if one provides the driver's license number or

¹⁴ On reviewing the initial draft of our "LVW Election Study 2008," BEC changed its mail-in registration form so that it is now identical to the one posted on the State Board of Elections website. Still, this does not solve all problems.

¹⁵ Illinois Election Code, quoted in this paragraph, can be accessed via the Illinois State Board of Elections website.

¹⁶ If one does not have a driver's license number or Social Security number, one can use "a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the person's name and address." (Election Code, 10 ILCS 5/4-105).

¹⁷ Illinois Voter Information, SBE website. Compare the Election Code, 10 ILCS 5/4-105.

¹⁸ The BEC website has now been corrected (see footnote 14) to read: "If you register by mail, please follow directions on identification to be sent with the application" so that it conforms to the SBE example.

the Social Security number. Also, only one form of ID is required (see previous paragraph). In a follow-up interview, BEC Director Shannon insisted that ID evaluation of mail-in registrants was a judgment call for the election authority. BEC requires a photocopy of the driver's license or Social Security card before processing any mail-in registration, although the directions on the mail-in form do not state this. On the CC website page, there is the following note for those using the mail-in form: "Please include a copy of a current, valid, photo ID ..." ¹⁹ On the application itself, no photo ID is required. Also, since student ID cards have pictures on them, but no address, they would not "count" as a valid ID. Here the application form is correct, whereas the separate direction is incorrect and misleading.

Election judges for BEC and CC have names marked on the voter rolls of voters who are required to show proper identification. Only a few mail-in registrants would appropriately be on this list, not everyone who registered by mail. Stanford mentions as one problem with mail-in registration forms is failure of the voter to bring the necessary ID to the polls when they vote. ²⁰ This seems to imply that ID is necessary for many or most of mail-in registrants. However, the SBE states that mail registration voters need not vote in person or show ID at the polls if they "submit with [their] mail-in registration form [their] driver license number, state ID number, the last four digits of [their] social security number, *or* one of the forms of ID listed below." ²¹ Even if such voters eventually do get to vote, the ID issue could cause unnecessary delay at the polls.

In accordance with the SBE principle that "Voters are entitled to notice of the disposition of their voter registration application," ²² both CC and BEC deserve praise for having the right procedures in place to notify mail-in registrants of problems. Milton noted that about 30% of mail-in registrations have problems, yet only about 10% actually don't get registered at all, due to efforts of CC staff to contact the people and straighten out problems. According to Milton, the CC "sends the mail-in registration back with a letter explaining what corrections and/or additions need to be made." ²³ Stanford reported that BEC tries to notify applicants by mail that information is missing from the application so it can be rectified. These clarification procedures might delay processing until after the closing date for registration. Because of problems with mail-in forms, voters who use them should always verify their registration status two weeks to one month after mailing.

As for public agencies that should make mail-in registration forms available, NVRA has the following provisions:

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION- (1) Each State shall designate agencies for the registration of voters in elections for Federal office.

¹⁹ On reviewing the initial draft of LWV Election Study 2008," County Clerk Milton noted the that information page here will be "edited to include wording 'if applicable' or 'see instructions on Illinois Voter Registration Application' to avoid potential confusion." From letter of Sept. 18, 2009 to the League of Women Voters.

²⁰ Interview 3.5.09.

²¹ The forms listed by the SBE are: "a current valid photo identification, a utility bill, a bank statement, a government check, paycheck, a government document." (SBE website, Illinois Voter Information)

²² "Guide for Election Authorities for Nov 4, 2008 election."

²³ "Follow-up Questions," 7.9.09.

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- (2) Each State shall designate as voter registration agencies--
 (A) all offices in the State that provide public assistance; and
 (B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

The following Illinois Law cited by **Illinois State Board of Elections (SBE)** seems in conformance with NVRA: “persons wishing to register to vote may do so at the following locations, provided they are conducting business at such offices: Department of Public Aid offices, Department of Public Health offices, Department of Mental Health and Developmental Disabilities offices, Department of Rehabilitation Services offices and military recruitment offices.” An editorial in the New York Times (April 10, 2009) noted that “in recent years compliance [with NVRA] has fallen sharply.... According to the report by Project Vote and Demos, the number of people registering from public assistance agencies fell 79% from between 1995-1996 and 2005-2006.” The same editorial calls for better enforcement of NVRA.

Our Election Study Group checked at the following facilities about the availability of voter registration: County Health Department, Department of Employment Security and Department of Rehabilitation Services, all with offices in Bloomington. At the Health Department, only WIC clients are given voter registration forms. According to the information desk at the Department of Employment Security, clients are neither routinely asked if they want to register to vote, nor are they provided with mail-in voter registration forms. At Rehab Services, all clients are asked if they want to register to vote every time they come in for an office appointment.

1. F. Deputy Registrars

Summary: Illinois law requires precinct committeemen to be deputy registrars. It also states that a written request to the election authority is needed before deputy registrars can be appointed elsewhere, such as public libraries, labor organizations, or state certified civic organizations. Some deputy registrars have reported problems when working with local election authorities. Our study compared how deputy registrars serve to voters at Normal Public Library and Bloomington Public Library.

Over 40% of voters in Bloomington registered this way in 2008, but the statistics do not allow us to say how many registered at the election authority as opposed to off-site with deputy registrars. The NVRA states that “Voter registration agencies ... **may include** [emphasis added]—(i) State or local government offices such as public libraries, public schools”; the State Board of Elections (SBE) specifies that precinct committeemen are appointed as deputies; these are not mentioned in NVRA. There is no requirement in NVRA that libraries or schools submit a written request if they want to have designated voter registrars. But Illinois Law, cited by SBE, states that written request is required:

“Upon written request the election authority may also appoint the following as deputy registrars: 1) the chief librarian*, 2) principals of any high school*, 5) Employment Security director*, 6) president of a corporation*, 7) members of labor organizations, 8) state certified civic organizations (* = or their delegates).” It is interesting that corporations, labor organizations, and state-certified civic organizations are mentioned here, as these groups are not specifically mentioned in NVRA.

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Deputy registrars are certified for a two year term beginning December 1 of the even-numbered year and ending November 30 of the next even numbered year; after expiration they need to complete another training session. Our study interviewed librarians at Bloomington Public Library and Normal Public Library who were deputy registrars. The Bloomington head librarian invited the interviewer to a staff meeting.

Librarians in both places very much approved of how the training sessions were run; they knew when it was time to retrain in order to continue to be deputy registrars.

	<u>Normal Public Library</u>	<u>Bloomington Public Library</u>
<i>How many librarians are deputies</i>	In 2000 there was only 1, through LWV. Now there are three or four. Not coordinated by head librarian.	For many years there has been cooperation between BEC and head Librarian. All adult services librarians and all who work at the help desk are registrars.
<i>Training</i>	At CC, with other non-library people. Current certification had expired.	On-site training at library, already re-certified in Jan. 09.
<i>Reg. Forms</i>	Always go to CC to obtain forms. No problem to get these. When returning them, we have to wait while a clerk peruses the forms. Need to make a special trip even to return 1 or 2 forms to get them in on time.*	Registration forms are brought over by BEC people; they call to make sure the library has enough. Before an election BEC comes frequently to pick up forms. Library has a stack of pre-addressed manila envelopes to mail in forms at other time.

*CC Deputy Registrars are instructed to return completed forms "within seven days of the day on which they are completed" (Packet of information for deputy registrars, conforming to SBE regulation: "completed registration forms must be returned for processing within 7 days of completion."). This exceeds the NVRA standard: "a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official *not later than 10 days after the date of acceptance.*"

Librarians at both libraries think that a public library is a great place to have deputy registrars. In addition to the fact that library hours make it convenient for anyone to register in the evening (when BEC and CC are closed), the same ID one would use to get a library card can be used to help register a person to vote. If additional information is needed, a person can easily return on another day, whereas voter registration drives are often only for one day at a time. Normal librarians noted that quite a few newly naturalized citizens registered to vote with them. They also have registered lots of students. Once when a professor at ISU casually mentioned that people could register to vote at Normal Public Library, the librarians were inundated with students wishing to register. Increasing public awareness of libraries as registration sites would benefit our community.

The two election authorities of our county have slightly different policies about deputy registrars. Peggy Ann Milton, the County Clerk, notes if a group has fewer than 10 people to be trained, they come to the CC for training; if more than 10 the CC travels to their location. If time permits, reminders are sent about the need to re-certify every other year. BEC trains registrars at their office or on site by request

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and sends a letter to the organization sponsoring registrars about 30 days before the deputy registrar term ends. Individuals can also be trained at BEC as deputies by request.

For identifying who was a deputy registrar, those who went to BEC gave their names, which were checked against a list. Milton noted that those who went to CC provided an ID and were found on a list of certified deputy registrars. Milton provided our Study Group with a list of precinct committeemen on the deputy registrar list, as well as a separate list that included only registrars from two organizations: State Farm and Heartland.²⁴ When requesting voter registration forms, two deputy registrars from LWV were asked for a letter from the League President to certify that they were League members (one of these women was herself League President, and had to return home to type herself a letter). This is allowed under Illinois guidelines: “election authorities may require that any designee requesting to be appointed as a deputy registrar file a letter or signed statement of authorization from the designating officer of the organization”²⁵ Milton clarified that CC requires a letter from the umbrella organization when applying to become a deputy registrar, but not for picking up forms: “no one has ever needed a letter from their organization [to pick up registration forms].”²⁶ League members who have been trained by Milton as deputy registrars for a number of years do not recall ever being instructed to bring a letter from League to identify themselves when requesting voter registration forms.

Our study interviewed a small number of deputy registrars other than the librarians above (two from LWV; one from a labor union; two from NAACP). All of those interviewed, whether trained by BEC or CC, praised the training sessions they had. Those from the labor union and NAACP had no problems getting additional forms; they showed ID and were found on the deputy registrar list. In returning forms to CC however there were some problems. One who had registered many students at Watterson Towers had used student IDs for voter identification. He was told (quite correctly) that student IDs were not valid. That same deputy registrar had filled in the required information on the card for the registrant, having the registrant sign afterwards. He was told that he was not supposed to fill in the information (this is incorrect; the deputy registrar is required to write in all the information on the form). He did not like the way he was treated at CC. Another deputy registrar had omitted some necessary information on the registration forms, so they could not be accepted. Luckily he was able to track down all but one of those registrants and get the missing information so the cards could be processed.

1. G. Purging of Voter Registration Lists

Summary: Maintaining accurate voter lists involves taking people off the rolls who file duplicate registrations, move out of the jurisdiction, register in another jurisdiction, or are deceased. Problem arose during 2008 regarding voters who moved from the CC into the BEC jurisdiction; this was due to differing procedures and a lack of cooperation between CC and BEC. One controversial way to purge is by using voter cards that are returned to the election authority as undeliverable or with a forwarding

²⁴ Terms for deputy registrars had expired on 11/30/08, and Milton said they were in the process of being updated.

²⁵ “Deputy Registrar Guidelines,” issued by Illinois State Board of Elections.

²⁶ Interview with Milton, 3.13.09.

address. Questions arise as to the proper timing of voter probes with respect to upcoming elections and whether voters who are being put on the inactive list ought to be notified before that happens.

Updating registration lists includes not only adding new voters and changing names or addresses on current voters, but also taking people off the rolls. Names may be removed for deceased persons, those who transfer registration to another election authority, duplicate entries, and those whose voting address cannot be confirmed. “Studies of jury lists and drivers’ license lists find as much as 20% of the names on these data bases are no longer valid, either because a person has moved or died.”²⁷ Methods and processes for purging, like voter registration laws, deputy registrar regulations, and other election area decisions are different in every state of the union. Even within Illinois each election authority establishes its own routines for managing and purging voter registration lists, within broad guidelines of Illinois State laws and Federal law such as NVRA and **HAVA (Help America Vote Act, 2002)**. In general, the NVRA requires a notice to be sent before names are put on an inactive list. This notice is different from the standard voter card, which goes out to all voters every other year, and triggers BEC and CC to place a voter on the inactive list when it is returned as undeliverable or with a forwarding address.

If a voter “has not voted in an election during the period beginning on the date of the notice and ending on the day after the date of the second General election for Federal office,”²⁸ that voter can be suspended (purged), but only if the proper notice has been sent. Changing residences or failing to vote alone is not enough reason to purge unless the registrant confirms that change in writing or has failed to respond to a notice, with a “postage prepaid and pre-address return card, sent by forwardable mail” together with a notice that if the card is not returned, confirmation of the registrant’s address may be required before the person is permitted to vote in a federal election (NVRA). Stanford did not speak of “notices” such as described in the NVRA as being sent out for any reason. The procedure Milton outlined is correct: if a forwarding address on the voter card “was outside McLean County, an R26 form is sent to the voter for verification that the voter moved outside the jurisdiction. Once this information is verified, the voter is purged...”²⁹

HAVA (Help America Vote Act, 2003) gives the states the responsibility for defining, maintaining and administering the official voter registration list. States may do this in various ways. For example Michigan localities submit voter information, but the State has ultimate authority for adding or deleting voters in the database. In Kentucky the state has authority to remove registrations while localities have the authority to add and update registrations. In 2008 the state data base of registered voters was finally up and running for the first time in Illinois (this was mandated by HAVA). This is an improvement and creates a basis for further reforms. According the SBE, the state data base of registered voters in Illinois is entirely compiled by local election authorities. State officials have no role in adding, deleting, or updating records. They also have not established procedures for eliminating duplicates. According to

²⁷ Ansolabehere, for the Cooperative Congressional Election Survey.

²⁸ See NVRA, Sec. 8. Stanford provided the following example “If a voter was placed into inactive status in Feb. 09, he will remain on the inactive list until after the Nov. Election of 2012...” (Follow-up Questions, 5.11.09).

²⁹ “Follow-up Questions,” 7.9.09.

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the LWV-US, it is desirable for state election officials to have a more active role in maintaining accurate voter lists.

During her interview with our League Study Group, Milton reported that CC works on purging the city of Normal voters in odd years and the rest of McLean County in even years. However in the mailing description column for 2008 purges, Normal #7 polling place appeared, where all the other destinations were outside of Normal (i.e., Anchor, Bellflower, Chenoa, Gridley...). This was later explained as a polling place address change rather than part of the purging for Normal.³⁰ Our Study Group requested statistics on how many voters were purged from the rolls during 2008. Data supplied by CC lists probe cards (voter information card which, if returned as undeliverable or with a forwarding address provide a basis to suspend the voter) going out in 2008 in the months of April, May, August, September, October, November and December of 2008, but none in June or July.

The data sheet labeled "Elections -- Purge – 2008 Purge" that Milton provided our Study Group³¹ showed the number of card mailed out each day between April 28 and December 30, 2008. Adding up the voter cards sent out each month, we have the following totals:

4/28-29:	1,787	July	0	Oct.	5,354
May:	22,939	Aug.	2,871	Nov.	2,980
June:	0	Sept.	1,200	Dec.	808

All the 2008 purges were completed in May 2008, which explains why the number is so high in that month. By federal law, all mail probe cards must be completed 90 days before the close of registration for an upcoming election. This means that in 2008, no such cards should have been sent out in between mid-August and the election in November.

BEC sends out voter cards (used as a basis to purge if returned as undeliverable or with a forwarding address) only in odd-numbered years. Since 2008 is an even numbered year, BEC figures list only "cancelled/transferred,"³² that is only those who registered elsewhere because they moved out of BEC jurisdiction or are deceased, not those whose voter cards were returned as unforwardable or with a forwarding address. In the CC jurisdiction, voters whose mailed voter cards are returned as undeliverable or with a forwarding address outside the CC jurisdiction (including BEC addresses) are placed in a suspended file for two years before they are purged.

In her interview Stanford spoke about the coordination between the CC and BEC as being "uneven." She stated that as a courtesy, a county clerk will normally register voters even if they live in a city that has its own election commission, like Bloomington does; but the McLean CC refused to do so. In response, Milton said her office never refuses a registration, but that she has legal grounds to refuse to

³⁰ Letter to LWV, Sept. 18, 2009.

³¹ Interview 3.13.09.

³² See the "cancelled/ transferred" column in BEC's report on p. 5 of this report. The CC report on p. 5 includes voter registration, address changes and cancellations in one category. New voter cards for already registered voters who have not re-registered or changed address are listed in the Purge information above.

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accept address changes for jurisdiction changes,³³ although our Study Group could find no law that would prohibit an election authority from passing on such information. Other problems Stanford saw at CC were delays in processing address changes. Sometimes changes were not processed for months, when Stanford thought they ought to have been completed in 24 hours for voters moving to another county in Illinois. Stanford requested that these cancellations be placed in the BEC pick-up box, so that they could be forwarded to SBE sooner.³⁴ This clearly causes delays in processing.

For those who move from McLean County to the city of Bloomington, Milton has agreed to “send all election-related correspondence she received with a Bloomington address—including voter registration, absentee ballots and address changes – to the BEC to sort.”³⁵ Milton stated this agreement was in the process of being discussed with BEC, CC and the States Attorney’s office prior to Rep. Dan Brady’s request to have SBE investigate reported problems with transferring voter records between BEC and CC³⁶: “Brady said some Twin City voters told him after the Feb. 5 primary that they were denied the right to vote or had cast a provisional ballot because they were not on voter rolls—even though they had completed the necessary paperwork after moving from Normal to Bloomington. He received similar complaints from voters attempting to cast early ballots.”³⁷

According to the agreement between CC and BEC, BEC must go downstairs to pull records from the County Clerk’s files. There is one time in the week when BEC is allowed to access the file, at 10am Fridays. Stanford said that “normally such records would be pulled by CC and conveyed to BEC. We have tried to get a written agreement concerning this so that the voters of McLean County can be better served. We have been unable to do so.”³⁸

When our group learned that SBE had no standard recommended procedures for purging voters (whereas the League did have recommendations), we sent messages back to Charlene Stanford and Peggy Ann Milton with questions as to exact procedures they had in place. Stanford and Milton replied to these questions in writing. Before eliminating a suspected duplicate voter registration, BEC staff are required to match name, birthdates, and one other criterion. When information from another election authority states there is a new registration elsewhere, BEC verifies a record of previous registration. These cancellations contain birthdates, gender, driver’s license number and Social Security number—they use as much of this information as possible to determine the validity of a cancellation. Only voters who move outside McLean County or who are deceased are cancelled without first being placed in inactive status. Milton replied that her office verifies first, middle, and last name, date of birth, and either the driver’s license number or the Social Security number.

³³ Interview 3.13.09. “Per BEC request CC will notify the individual [s]o they can register at CC ... CC then puts it in the BEC pick-up box.” Letter to LWV, 09.18.09.

³⁴ As Goldman noted in his testimony on the New York SBE: “The State Board had to spend countless staff hours sorting these forms and forwarding them to the correct local office.”

³⁵ “County Clerk, Bloomington Commission reach deal on voter records,” *Pantagraph*, 10.28.08.

³⁶ Letter to LWV, 09.18.09.

³⁷ “County Clerk, Bloomington Commission reach deal...” *Pantagraph*, 10.28.08.

³⁸ Interview 3.5.09.

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BEC purges voters from June to early September in odd numbered years only (we recall that Milton explained that ½ of the purges were done in 2008). New voter cards are sent to the voters of approximately 12 BEC precincts each month. When voter cards are returned as not deliverable, they are placed into inactive status. “Often when we receive new registrations the cards are returned with forwarding addresses or may be undeliverable due to a missing apartment number or [because] the voter has moved. We live in a fairly transient location and this happens many times during any given year.”³⁹ Only those who move outside McLean County or who are deceased have their registration cancelled.

Milton pointed out that voters in the suspended file appear on the voter lists for federal elections, since they are still able to vote the Federal Ballot (but their names would not be on the lists for local election).⁴⁰ In contrast, Executive Director Shannon of BEC noted that if voters are inactive, but they reside at the same address, they should vote the full ballot, not the federal ballot. Further he stated that there is no “federal list” of voters. All voters are on a local voter list by precinct of residence.⁴¹(Interview 9.8.09)

Part Two: Analysis of Voting

2. A. Voter Turnout

	McLean County/ Normal				
	Absentee Ballots issued	Absentee Ballots returned	Early Vote Ballots	Total Voted Ballots	% active voters voted
2008 Primary	553	403 (73%)	653	21,411	40.27%
2008 General	980	833 (85%)	5,371 (12%)	42,577	73.16%
	Bloomington				
2008 Primary			1,050	16,676	45.87%
2008 General			5,730 (17%)	33,557	77.97%
Primary plus General election: Absentee/Grace/Early votes requested :				7,173*	
Primary plus General election: Absentee/Grace/Early votes returned and counted				7,058 (98%)	

³⁹ Follow- up Questions, Stanford, 5.11.09.

⁴⁰ Follow-up Questions, Milton, 7.9.09.

⁴¹ Paul Shannon took over as Executive Director of the Bloomington Election Commission in 2009; this is from an interview with him (9.8.09).

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* BEC was asked to provide statistics for 2008 primary and General election on how many absentee ballots were requested and how many were returned and counted. The answer was given in the terms stated above, which are not directly comparable to the figures given by CC. We assumed this was a total for primary plus General election.

Voter turnout for the General election of 2008 in McLean County/ Bloomington looks very respectable, with 73.16%/ 77.97%. Though early voting still represents a small percentage of total votes cast, experts expect this percentage will grow. It helps relieve crowding at the polling places on election day, but Milton doubts that more people are voting because of it. But why don't more of the "active voters" (those whose registration is currently valid) turn out to vote? Some don't vote because they are not interested or because they are unfamiliar with the candidates. However, nationwide, 13% of registered non-voters cited the following reasons: "Lack of ID, not registered, failure to receive an absentee ballot, and disallowed at the polls."⁴² Sadly, "problems arising from voter authentication are not appreciably smaller than eight years ago."⁴³ We will document how examples of those problems occurred in McLean County in 2008.

****Statement on validity and completeness of data from Election Judges:***

Unless otherwise noted, information from judges in letters 2.B-H comes from a survey of Election Judges in BEC and CC, conducted by members of the League of Women Voters of McLean County. The CC provided the "2008 General election Judge of Election Suggestion List," which bundles comments of several judges from more than one precinct, is cited as such. BEC did not provide a comparable list because Stanford said the comments were given only with the understanding that they were confidential. Though our Study Group surveyed judges from many different polling places, neither all judges nor all precincts were covered. 26 CC judges from 16 different polling places⁴⁴ (32% of polling places) were interviewed. 58 BEC Election Judges were surveyed, from 20 polling places (95% of polling places). No claim is made to account for all difficulties of all voters at all polling places in the County; it is just a sampling. No attempt was made to make the judges' survey "scientific" or "representative." We interviewed judges who we were able to contact easily by phone and who agreed to participate in the survey. Finally, we had four different people taking interview information, and not everyone got the same information from every judge, though there was a questionnaire we all used that had the same questions on it.

2. B. Absentee Voting*

Summary: The difficulty with absentee ballots resides in the time limits for requesting these and receiving them in time to be counted; as well as in possible delays in processing requests.

Nationally, the most common reasons given for wanting to vote but being unable to are: "sick or Disabled (19.6%), Out of Town (15.1%), and Requested but Did Not Receive Absentee Ballot (13.6%)."⁴⁵ The rate of return of absentee ballots returned was less than ideal for CC, as it also is nationally. The question remains as to why the BEC rate of returned and counted ballots is so much higher (better than 98%) than CC's and so much better than results being reported nationally. Rather than how many ballots

⁴² Steven Ansolabehere, for the Cooperative Congressional Election Survey, Congressional Hearing March 11, 2009.

⁴³ Anselobehere.

⁴⁴ There are usually two or more precincts at one given polling place.

⁴⁵ Anselobehere.

were requested, the statistics for our County tell us only how many were issued. Requests might not be acted on because they arrive past the deadline for such requests; or because the information on the ballot request did not correspond to the information in the registered voter list. A comment on a Paragraph article gives an example: "A friend of mine sent his request for an absentee ballot months ago. No avail."⁴⁶ Stanford notes the following reasons for unreturned ballots: returned to late to count, returned by the Post Office as undeliverable, or canceled because some voters ended up voting instead in person.⁴⁷ To this account we need to add the ballots besides those sent overseas that were not returned because the requested ballot arrived too late with the voter.

In Illinois, one must have a legitimate reason for requesting to vote absentee. Acceptable reasons include those who are physically incapacitated or hospitalized; college or university students temporarily residing away from their home precinct; persons who expect to be absent from McLean County on Election Day, including those in our armed services. Uniformed services voters who are abroad have often had difficulty receiving and returning their ballots on time to be counted.⁴⁸ Both BEC and CC websites have application forms for absentee ballots. CC has a chart with dates for when absentee ballot application are first accepted; and when the last day to mail these is; one can also vote absentee in person.

The voting that took place at nursing homes was done by absentee ballot. BEC Election Judges who were assigned on the day before election day to help those who had already applied for an absentee ballot fill it out praised the process, including the voting set-up at the homes and the help of the Nursing Home staffs. Two cases were mentioned of nursing home residents not being able to vote when they wanted to: one resident wanted to vote early but it seemed her application was not submitted; she finally did get to vote because she was transported to the polling place on election day. Since the other lady who wanted to vote was not on the list, she was unable to vote. The SBE states that "if admitted to a health care facility not more than 14 days before the election, [you can] obtain an "Application for Ballot for Qualified Voter Admitted to Hospital, Nursing Home or Rehabilitation Center." These voters must vote with their home precinct, not the precinct of the health facility. According to its website, BEC maintains a list of permanently disabled voters for automatic absentee balloting.

2. C. Waiting in Line to Vote*

Summary: Despite the heaviest turnout in at least 20 years, most voting proceeded with little wait time. During the early voting period, some voters at State Farm and Bone Student Center had long waiting periods. These could have been alleviated by more voting machines (requested but not granted)

⁴⁶ Written on Oct. 28, 2008, 5:10 PM in response to the *Pantagraph* article, "County Clerk, Bloomington Commission reach deal on voter records." 10.28.09.

⁴⁷ Stanford, Follow-up Questions, 5.11.09.

⁴⁸ Sec. 706 of HAVA provides that states "may not refuse to accept or process ... any otherwise valid voter registration application or absentee ballot application submitted by an absent uniformed service voter .. on the grounds that the voter submitted the application before the first date in which the state otherwise processed them."

and better authentication procedures. In November, the longest wait times were when the polls opened and near closing time. Of the polling places surveyed, the longest lines, with waits sometimes of 45 minutes, were reported by judges at Bone Student Center (CC), Trinity Lutheran School (BEC), and Lafayette Club (BEC) polling places.

Problems with early voting were reported for CC judges at State Farm, Bone Student Center. There were larger than anticipated crowds during early voting at State Farm. The polling places of BEC and CC shared the same space, thus could observe and compare how things were going. There was one line for each jurisdiction. BEC judges reported that though at first lines were slow, everything went smoothly after that. However, CC judges reported that wait times were significantly longer for their voters than for BEC voters. CC tried to alleviate this problem by allocating one person per off-site polling place to stay on the phone consistently with one judge. Two circumstances are responsible for the difference:

1) CC judges had to call the downtown office for every voter to get registration data and voter authentication,⁴⁹ whereas BEC judges could get that information from their palm pilots, and did not need to call anyone;

2) CC had only two Election Judges at that location, whereas BEC had four. The number of CC judges was not increased during the early voting period to address this problem, however the number of judges at the downtown location of the CC office were increased. Also the tech department at CC is checking into an automatic connection via laptop or other venue for the next election cycle.

At Bone there were problems early voting as well as at the November election. Judges doing early voting reported very long lines, with students waiting one or even 2 hours to vote. It took about 5 minutes for each voter to read instructions and vote on a machine, so that each machine could only handle 15 voters per hour.⁵⁰ Judges had only two machines; they requested more but were told there were no more. Milton had mentioned in our interview with her that because extra machines had been sent to State Farm, none were available for ISU. An Election Judge at Bone said that he was told that no more machines were available because they were being prepared for the Election Day voting. For the November election there was sometimes a wait time of 45 minutes, though 15 minutes was more the usual.

An Election Judge at BEC center reported that this office was very busy, with people often lined up back to the elevator. Still there were no long waits. The last day of early registration was the most hectic.

Some polling places in CC and BEC had long lines on election day in November. The longest lines were when the polls first opened (at many polling places, 75 or more people were lined up before the doors opened), and two hour before polls closed. Despite the heavy turnout (much bigger than in other Presidential elections in the memory even of a judge who had been one for the past 30 years), things

⁴⁹ Milton responded that CC has requested a direct data line through their IT department to speed things up, but this could not be done because of IT regulations at the time. CC is checking into a solution for future off-site voting locations.

⁵⁰ Unlike election day voting, early voting requires a machine to produce the correct ballots because voters from all different precincts are in one line.

usually went smoothly, with a wait of no longer than 15 minutes in BEC and CC jurisdictions. One judge (Normal #7) noted that Blair House [as a polling place] was too small, which led to a back-up.⁵¹ Judges at Normal #27 and Old Town #1&2 (Downs) reported: “Very backed up, too many people in precinct, not enough voting areas.”⁵² There was however sometimes a long wait of voters at the Help Desk for CC locations (see “Help Desk” below). Many precincts in both jurisdictions reported no problems with waiting. The longest lines, with waits sometimes of 45 minutes, were reported by judges at Bone Student Center (CC), Trinity Lutheran School (BEC), and Lafayette Club (BEC) polling places. Waits exceeding 15 minutes were reported by Allin #1 (CC), and a couple of BEC polling places (#7, 23). Judges at several locations said that more voting booths would have helped shorten lines. #35 (BEC) requested and received these, and lines went down.

2. D. The Help Desk: Redirecting Voters not on the Precinct List*

Summary: It took longer and was more difficult to resolve voter problems in CC precinct than in BEC precincts. This was owing to the necessity to call downtown for most of the help desk cases in CC precincts. Some precincts had large numbers of first-time voters, which put more strain on the help desk personnel. CC judges requested maps with all precinct borders clearly marked and more phone lines (they currently have maps of the precinct they serve plus the precincts surrounding it).

A poll watcher at Parkside Elementary (CC) reported that three or four voters were required to go to the CC office downtown to resolve voting status; they all returned to Parkside to cast their ballots. We can only speculate on the reason for this; perhaps they preferred this to waiting while the Election Judge called downtown. There was no report from BEC judges of people who were sent downtown to resolve problems and returned to cast ballots.

CC Election Judges routinely complained that it was hard to get through to the downtown office (lines were busy)⁵³; and once they got through there were long waits while the office tried to find a solution. One judge said: “It might take 30 minutes to get an answer for one voter.” An Election Judge at Bone Student Center noticed that frequent calls had to be made to CC because voters were not on the voting rolls, but claimed they had registered. Typically their registration was confirmed, but they were inconvenienced by waits of 15 minutes. He wondered why it was that so many who were registered were not on the polling place list.

CC judges also complained that voters expected them to use their own cell phones or borrow a cell phone; Milton replied that land lines are provided at all locations and her office certainly does not require judges to use cell phones.⁵⁴ Judges in some precincts requested more landline or cell phones.⁵⁵

⁵¹ “2008 General election Judge of Election Suggestion List.” From CC; BEC did not provide such a list.

⁵² “2008 General election Judge of Election Suggestion List.” From CC.

⁵³ A comment made by judges in the following precincts: Normal 1, 6, 7, 9&21, Chenoa 2, Bloomington 2, Downs 1, Morton 1, Randolph 1, Hudson 2 (“2008 General election Judge of Election Suggestion List”).

⁵⁴ Letter to LWV, 09.18.09.

⁵⁵ Normal 1&2. Gridley 1 (“2008 General election Judge of Election Suggestion List”).

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Several CC judges requested more materials on site to help redirect voters: “need a list of all precinct locations and map to tell voters how to get to their polling place/ need more detailed maps, need to know boundaries [of precincts].”⁵⁶ While the only resource CC judges claimed they had to resolve problems for voters not on the precinct list was to call downtown, BEC judges said they used maps provided to them, showing all the precincts to help voters find the correct polling place. If that was not helpful BEC judges also had a palm pilot they could use to look up voter names outside their precinct. Perhaps the judges in Normal precincts 2&9 knew about the resources BEC judges have; for they requested “laptops to do look-ups.”⁵⁷ Many problems were thus resolved without calling BEC. One BEC judge noted that the ballot style was not given on the palm pilot, so that she had to call to get this information—she though perhaps in future, this could be added to the palm pilot data.

Estimates of voters not on the list who came to the polling precincts in November ran as follows:

BEC: 20-40 voters: Precincts #2, 11, 21, 22, 13, 15/31, 24, 26/17.

BEC: 50-100 voters: Precincts 23, 5/7, Union St. Baptist Church.

BEC: 0-15 voters: all the rest of the precincts

CC: 40 at Normal West High School; #22 “quite a few”; #3 “lots of students” ; Chenoa 01 “about 12 first time voters”; Bone Student Center “dozens of new voters”; another judge estimated 45. The rest of the judges, from some of the other precincts, gave estimates of 10 or less.

2. E. Machine Problems*

Summary: Judges reported that although they had definitely had machine problems in elections prior to 2008, usually everything went without a hitch this time around. The election authorities need to be credited with improved performance in this area. BEC judges almost all reported that there were no problems with either voting machines or counting machines in 2008. There were a few more problems reported by CC judges.

BEC and CC use different voting system vendors. CC uses Diebold. BEC uses ES&S Automark and Model 100 (optical scanners plus ballot markers). The only machine problems reported by BEC judges interviewed were: 1) Automark problem with touch-screen voting machine; 2) Trouble with one optical scanner; judges had to restart it, then it worked. Here is a list of problems reported at CC polling places:

- 1) Normal #10: unclear instructions made setting up touch-screen voting a long process, but only one voter used it. In April a counter repeatedly rejected ballots erroneously, even after repair man came. It was hard to get it to work each time, which caused the waiting line to increase. November: One person was only able to vote federal because the machine didn’t permit further voting, although that person was properly registered—that judge said judges had not be trained to deal with this problem.

⁵⁶ Bloomington 1, Normal 9, 18, 20, 22, Hudson 2 (“2008 General election Judge of Election Suggestion List”).

⁵⁷ “2008 General election Judge of Election Suggestion List.” From CC. BEC did not provide such a list.

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- 2) Chenoa #1, Bloomington #1: Had problems with touch screen, need more specific instructions.⁵⁸
- 3) Old Town #1&2, Funks Grove: Need instructions on how to feed over-vote and remove bar for OS machine.⁵⁹
- 4) Normal #14: Fine in November, but in April: voting machine set with wrong precinct information. Got a call from CC before the polls opened. We used emergency drop-in until the machine was fixed at 10 am.
- 5) Normal #22: Touch-screen would not print zero tape. Instructions to fix this from downtown were not successful. A representative was sent to repair it. Because he did not have a card he needed to fix it, he left and never returned. This was OK because no one used the machine.
- 6) Allin #1: Trouble with touch-screen, but he got along without it. Someone came out to fix it and thought it was fixed, but it was not. "We would like more help with the machinery. Someone should be there during setup for precincts that have a history of problems. After fixing the machine, the repair person should not leave until we are sure that it works."

2. F. Judges' Training and Procedures at Polling Place*

Summary: Judges in both jurisdictions praised the binders with folders to address problems and explicit lists for procedures to open and close polling places. Although none of the interviewed BEC judges complained about their training, some of the CC judges did. Problems were indicated with provisional ballots in BEC and CC and in BEC with judges who did not seem mentally fit enough.

There is a difference in procedure for selecting judges in CC and BEC. Lists of election judges, ordered in rank of preference, are provided by precinct committeemen and approved by party chairs, the County Board, and the Circuit Court for CC. Because the precinct committeemen generally do not respond to BEC's requests, BEC recruits their own election judges. CC and BEC judges use binders with easy to follow checklists for opening and closing the polls, controlling ballots and vote tallies, and other procedures and laws that regulate their activity. Sample forms of affidavits for provisional ballots and name changes are also in the binder. Judges liked the binders very much for their exemplary organization and ease of use. Judges agreed that the November 4 was a long tiring day; suggestions included more Election Judges so that judges could take breaks; and delivered dinners (though delivered lunches were appreciated). At times disagreement among judges lead to delays, but usually judges praised the teamwork of workers at their polling places.

A number of BEC judges expressed concern that some of their fellow judges had memory problems that made it hard for them to do certain tasks; some judges suggested that judges be required to take a simple test whenever retrained to make sure they are sharp enough for the job ahead. The election authorities expect election judges to make suggestions for improving elections on a written form with which they are provided. This includes notifying BEC or CC about any judge that was not up to the job; if someone objects to a judge they can be removed, but sometimes judges hesitate to come forward with such complaints. In our Study Group's phone conversations, it was clear that some judges were

⁵⁸ "2008 General election Judge of Election Suggestion List." From CC. BEC did not provide such a list.

⁵⁹ "2008 General election Judge of Election Suggestion List."

mentally confused enough to inhibit their performance as Election Judges. On another subject, one BEC Election Judge asked, why were there nine things to check (authentication process) for each voter in the Primary election? The program was slow to change screens in order to get all the information. This was really time consuming, and was not done for the General election. BEC director Shannon clarified that this authentication procedure, through a computer program called “ask ed,” was used in the Spring 2007 election, but since it did cause so many delays, it was not used again. Therefore it was not used in April 2008.

As for judge training, Milton is proud of the training program her office developed for election judges; the SBE stated that CC’s power-point presentation was a good model for other election authorities to use. CC judges voiced the following criticisms of their training sessions:

- 1) One judge said he had no formal training ever. CC seemed to him desperate to get another judge. [note: the political parties select the judges; see paragraph two above.]He was told other judges would tell him what to do. Another judge said “I did not feel adequately trained.”
- 2) One judge said it was her first year, and that she “did the training on-line.”
- 3) One judge noted that it would help to change the physical set-up in training so judges can all see well—and to coordinate trainers, since one presumes to know what another one has covered.
- 4) One judge would prefer to rotate positions every two hours or so to reduce stress and facilitate learning. [Note: this was the practice at some BEC precincts; CC also instructs judges to rotate positions]
- 5) One Allin judge and one Chenoa judge said more help with machinery would be good. Maybe more hands-on training. There has been past trouble too, not just in 2008.
- 6) Normal #10& #15 Arrowsmith: Organize content of training classes better.⁶⁰
- 7) Normal #10: Provisional voting needs to be explained better.⁶¹

Although provisional ballots are clearly explained during training sessions, not all Election Judges seem to have a good understanding of them; and it is a bit complicated. Many judges said this was not their area and they did not know the rules well enough to give these out. [CC instructs judges to call the office before giving out a provisional ballot if not 100% sure that it is appropriate.] Others gave misleading or mistaken criteria for giving out provisional ballots.

Some judges claimed they did not know or learn about the Provisional Ballot during their training:

“I don’t remember what to do about them”; “I had no training in that area” (BEC)

“I did not work in that area and do not know when it was appropriate to hand them out” (BEC)

Some thought they were required to get clearance by election authority before giving out a provisional ballot (2 judges in CC and 3 judges in BEC claimed this). Some expressed the correct view that judges should try not to turn anyone away, to give a Provisional Ballot to anyone who insists on voting but is not on the list (2 judges in CC and 3 judges in BEC stated this).

2. G. Problems with Precinct Voter Lists*

⁶⁰ “2008 General election Judge of Election Suggestion List.” From CC. BEC did not provide such a list.

⁶¹ “2008 General election Judge of Election Suggestion List.”

Summary: In our Election Judge interviews, we found one example of a voter who was erroneously purged from the voting rolls; and a good number who suspected that registration forms were not processed in time for the election. Two judges alleged they found voters they knew were long deceased were still on the rolls. Some voters who said they registered at the DLF found they too were not on the list (See p. 6 of this study).

Keeping official voter lists up to date is a massive challenge; election jurisdictions across the US have problems with faulty data entry, mistaken removal of long-time voters, dual entries needing verification, and dead voters still on the rolls. Another problem is registrations submitted on time, but not processed in time for the election.

Although none of the BEC judges voiced this idea, several judges in the CC jurisdiction thought that first-time voters had registered, but did not come out on the lists because of delays in processing. Such voters might be given Provisional Ballots.

- 1) A judge at Chenoa #1 said there were about 12 first-time voters on election day in November who were not on the precinct list.
- 2) Bone Student Center: a judge reported that “there were dozens who had registered several months earlier who were not yet in the system.”
- 3) Judge claimed 4-5 at her polling place had registered with the DLF but were not on the precinct list.
- 4) Judge at Normal #20 said that two people were not allowed to vote because they were not registered, as established first by a call to CC office.
- 5) One Normal judge shared his own 2004 experience with being denied the right to vote: it had motivated him to become a judge himself! When he went to vote, he had been living at the same address for the past 5 years, but was told he was “suspended.” He could only vote the Federal ballot. When he later complained to Milton at her office, she told him he was the only one of 4000 voters of his precinct with such a problem; that his interest in the problem meant he would make a good Election Judge, so he should consider becoming one (which he then did).
- 6) Danvers #1: Judges requested better updated voter addresses and wondered about missing applications for new voters.⁶²

Two Election Judges commented on the presence of dead voters on their precinct list. The CC judge said: “We write in deaths on the precinct lists, but the names keep showing up” (Bellflower). The BEC judge said “Too many deceased people are on the voting lists.” Milton noted that the names of the deceased cannot be purged until proper notification, the official death certificate, is received; the most recent update was 2007.⁶³

2. H. Denied the Vote*

⁶² “2008 General election Judge of Election Suggestion List.” From CC.

⁶³ Letter to LWV, 9.18.09

Summary: Usually registration problems are behind these problems, but sometimes procedural issues cause it (unintentional undervoting, failure to correctly advise those who went to the wrong polling place). Many of the voters below should have been issued a provisional ballot, but did not receive one; an issue for the training of Election Judges.

The National Cooperative Congressional Election Survey has calculated that in 2008, about 1% of voters nationally “actually tried to vote but failed because of administrative problems.”⁶⁴ This might seem like a small amount but for the 768,134 ballots cast in McLean County (CC plus BEC jurisdictions) it amounts to 761 people. If you were one of those, you were pretty unhappy. LWV has enunciated the following policy: “States must not turn away a voter who asserts he or she is eligible to vote on Election Day without giving that voter the opportunity to cast a provisional ballot. Regardless of circumstance, states must provide the opportunity to vote rather than turn the voter away.”⁶⁵

Examples of ballots denied in CC precincts:

- 1) Allin 01: “One voter who said she registered at the Department of Motor Vehicles was turned away and left, disappointed.” [If this was a first-time registration or change of address that was not processed in time for the election, this voter is out of luck. Still, a Provisional Ballot should have been given]
- 2) Bone Student Center: “One Election Judge tried to vote early, but her registration had been lost. She was in the system as an unregistered voter, so she could not vote.” [Under federal law, this voter should have been given a Provisional Ballot (NRVA, HAVA)]
- 3) Normal #20: two people were not allowed to vote because they were not registered; this was established after a phone discussion with the CC office.
- 4) In November a couple of voters who moved out of Normal were denied a provisional ballot. These two were effectively disenfranchised; their vote in a Bloomington city precinct could not be counted.⁶⁶
- 5) “I changed my registration in Feb and now no one can find it. Only realized this because I was going to be out of town on election day and went to vote early. I was told I was out of luck and cannot vote in this election. I have filed a complaint with the state election board.”⁶⁷

Example of ballots denied in BEC precincts

- 1) “One young woman put an empty ballot by mistake into the counter, and then asked “When do I mark my ballot?” We told her she had already submitted it and we could not retrieve it or give her a second ballot. She was upset. We called the State Attorney’s office. She was unable to cast a ballot.” [Counting machines spit out ballots that are over-voted, so voters can resubmit them; but an unmarked ballot will be tallied.]

⁶⁴ Ansolabehere, Congressional Testimony, 3.11.09.

⁶⁵ Safeguarding the Vote, “What can be done to assure state-wide databases work for voters?” July 2004 LWV-US publication.

⁶⁶ Stanford interview, 3.5.09.

⁶⁷ *Pantagraph*, 9/28/2008 reader comment on the story “County Clerk, Bloomington Commission reach deal on Voter Records.”

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- 2) In another precinct, a voter “came to vote too late in the day. It turned out he had to rush back to Normal to vote, but there was not time enough to get there before closing. He was not given a provisional ballot either.” [He should have been granted a Provisional Ballot]
- 3) On early voting day at a Nursing home, one resident asks “How come I didn’t get a chance to vote?” She was very alert. No one could answer her. Only people who had signed up in advance to vote were allowed to do so.” [Nursing home residents need to request an absentee ballot]

2. J. Provisional Ballots*

Summary: Federal Law requires that provisional ballots be given to all those who believe they are registered voters; however some judges interviewed saw them only as “a last resort.” BEC has a segment on their website explaining common circumstances that would give rise to a provisional ballot. Since only about 1/3 of these counted in our county during the 2008 General election, those whose provisional ballots were not counted need to be added to the column: “Denied the Vote.”

CC: General election: Provisional Ballots: 202 submitted; 67 (33%) counted.

BEC: General election: Provisional ballots: 217 submitted, 78 (36%) counted.

Provisional ballots are generated by registration problems. As an example, “in Los Angeles County, 85% of all provisional ballots that are rejected are not counted because of registration problems; additionally 28.6% of the provisional ballots that are counted were cast because of questions about registration status.”⁶⁸ In our county, directions for distributing these are complex and seemingly contradictory at times. Many Election Judges do not understand at all how this works; those who want these are often steered to the help desk at the polling place, away from a particular judge. The process of deciding which voters will get a provisional ballot, and filling these out takes time and slows down election day voting. After election day, the election authorities need to determine whether each one is valid: also a time-consuming, therefore costly, endeavor. Provisional ballots are mandated by the Federal Government. Milton was quoted in the *Vidette* in 12/1/2004 to say “If someone is in the polling place and they believe they are registered to vote in that polling place, but we don’t have them on the voter rolls, they [can] vote.” But she stressed that “if they cannot prove within two days they were truly registered that vote will not count.”

Milton’s statement accords with the statement in the Illinois State Board of Elections website: “The additional information must be received by the election authority no later than the close of business on the Thursday following the election.” This same site states that the purpose of provisional voting is, besides ensuring that all qualified voters are allowed to vote, “to correct any error made during the registration process, to update voter record, and to register voters for future elections.” Thus if a voter voted provisionally in 2004 and it did not count (this happened to 50 voters in 2004 and 274 voters in

⁶⁸ Jonah Goldman, Director, National Campaign for Fair Elections, Lawyers’ Committee for Civil Rights Under Law; Testimony before the[U.S.] Senate Committee on Rules ad Administration, March 11, 2009.

2008), this should not happen again, for the person will be correctly registered by doing the provisional ballot.⁶⁹ However, voter registration forms were not available at either BEC or CC polling places.

BEC judges “are trained to use the affidavit to vote for address changes and the new registration form for name changes. They are also allowed to accept the voter’s wallet voter ID card with the address change completed on the back; this is attached to the judge’s report.”⁷⁰ CC judges’ procedure seem similar; they can only update registration for changes of address or name within McLean County during Grace Period Voting, unless the changes fall within the permitted guidelines on the ballot entitlement sheet, in which case “they are allowed to vote by affidavit and the change is made from the affidavit after the election.”⁷¹ The reason voter registration are not kept at polling places is, according to Milton, that “the voter has to meet the registration deadline and traditionally judges are not deputy registrars.”⁷² It could however be argued that voters should be able to register at polling places so that they could at least vote in future elections; and that mail-in registration forms would be appropriate in view of the fact that election judges are not necessarily deputy registrars.

In the opinion of Edward B. Foley, Professor of Law, Director, ElectionLaw@Moritz, “HAVA (Help American Vote Act, 2002) requires every state to let all individual cast a provisional ballot if they are willing to affirm that they believe themselves to be registered voters, as presumably would occur if there was an unlawful or otherwise erroneous purge. The relevant provision is 42 U.S.C. 15482(a).” Some Election Judges however said they had to check with CC before handing out a provisional ballot; that it should be “a last resort.” Another reason for giving out a provisional ballot in Illinois is for first-time voters who might be required to provide an ID. We note again that according to the SBE, no ID should be necessary at the polls unless a registrant failed to provide proper ID with the registration form. If an ID is required, voters have two days to bring it to the appropriate Election Authority at the Government Center so that their provisional ballots will be counted.

Stanford said “Provisional ballots have been a great help to voters and to Election Judges.”⁷³ On the BEC website, the following circumstances are the most likely for using provisional ballots:

- Your name does not appear on the list of registered voters for this precinct.
- You are required to show identification because you registered by mail but did not bring your ID to the polling place on election day.⁷⁴

Proof of registration could be the receipt given when people register in person; or a voter card that a person received in the mail as a result of registering. Another possibility is that voters who were on the inactive or suspended list could demonstrate they were incorrectly placed there.

BEC Exec. Dir. Shannon added the following clarifications about the use of provisional ballots in an interview (9.8.09): Election judges need to call the election authority before handing out a provisional

⁶⁹ When asked whether voters at the polling place are able to update registration Stanford answered “we have a form available for name changes .. but not for general change information.” Follow up questions 5.11.09.

⁷⁰ Stanford, 5.11.09.

⁷¹ Milton, Follow-up Questions, 7.9.09.

⁷² Milton, 7.9.09.

⁷³ Interview, 3.13.09.

⁷⁴ This appears to be inaccurate. If the proper ID was included with the mail-in registration, no ID should be required for voting on election day.

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ballot for several very good reasons. One is to ascertain the correct ballot style (for the proper precinct). If the voter does not vote in the right precinct, the ballot will not count. A second reason is that election judges should do what they can so that a voter can vote a regular ballot rather than a provisional one; and a phone call might produce that result. Thirdly, if a voter has moved, the provisional ballots can only be counted in the new precinct; voting provisional at the old precinct means their ballot will not be counted. Since provisional ballots were first implemented only three years ago, there is an ongoing training problem for election judges. To help judges review procedures, BEC is putting together an on-line training course.