

# **Observations about Cuyahoga County Board of Elections Actions/Decisions which likely disenfranchise voters**

## ***Voter Registration***

### **Voter-registration cards**

- Problems With Voter-Registration Cards (did not specify that Birthdate was required; no return address on voter-registration card)
- Rejected voter-registration cards (missing birthdate)

### **Inadequate staff for processing voter-registration cards**

- Layoffs in spring 2004 (10 people)
- Failure to hire additional staff to process voter-registration cards, even when begged by manager of Absentee Dept, and backlog of voter-registration cards needing to be entered (see chart)
- Resignation of Absentee Dept mgr

### **Absentee Problems**

- Large number of absentee registrations not processed (“boxes not entered”)
- Large number of absentee ballots not received
- Hospitalized absentee voters not on hospital rolls
- Difficult to “get through” to BOE to check on status of absentee-ballot request

### **Voter-Registration Data**

- Voter-registration data known to be very “dirty” (DeLoitte and Touche study), but there was no effort to clean up the data—instead new voter-registration system from Diebold, DIMS, was installed 2 months before election (part of a package deal: Diebold DIMS and Diebold electronic voting systems).
- Bugs in DIMS re: handling of absentee ballots (system was designed for California, and did not “fit” Ohio absentee procedures)
- DIMS had difficulty finding voters – bugs in lookup facility
- DIMS database not designed appropriately—multiple entries in database of same individual (not “normalized”)
- Hundreds of long-time voters missing from voter-registration rolls (e.g. “husband/wife” pairs, where one was registered and the other was not)
- Hundreds of voters not moved over from old system to new DIMS system
- Last-minute use of temps for data-entry of into new DIMS system
- Many errors in data entry due to new voter-registration system, use of data-entry temps, and pressure to rush.
- Design flaws in “unforgiving” DIMS causing unnecessary data-entry errors-- “Fatal Pendencies”

- “Fatal Pending” voters not notified by mail
- Oct 28<sup>th</sup>, Sec G, P 28 (in Car Ads section) of Plain Dealer, there was a list of “fatal pending” voters.
- Phone lines jammed in days leading up to election—voters could not verify registration status, or check for their assigned precinct.

### **Cancelled Voters**

- Voters cancelled discriminately for not voting in last two federal elections – some were cancelled, while others were not
- Cancelled voters not notified
- Cancelled voters are not tracked in DIMS – only show as “Not Registered”
- When I requested “Cancellation Data”, I was told different stories (DIMS doesn’t track “cancellation data” was explanation of programmer. Director Vu said that it did.)
- I was not provided this data in a timely fashion – (data was held for 3 months before releasing)—Received in March 2005. Date on the file was December 2004

### ***Election Day***

#### **Provisional Voters**

- Difficult to “get through” to board to find precinct location
- Provisional voters were rejected in large numbers – a result of inadequate training of poll workers, inadequate voter education/signage, inability for people to reach BOE to find out their appropriate precinct due to jammed phone lines, etc.
- Rejected provisional voters not notified
- 2150 “Wrong Precinct” voters –1200 were in correct polling place.
- Public not allowed to watch provisional ballot evaluation process – could sit in chair 6 feet behind clerk, could not see computer screen.
- Anonymous employee reported “assistant director fudged the provisional numbers”

#### **Election Data on Central Tabulator**

- Public not allowed to see “configuration” of election on Central Tabulator before Nov 2004. After multiple requests, I was finally able to see “parts of the election configuration data”, after the fact, for the May 2005 election.

#### **Changes in Procedures on Election Night**

- Chaotic process of “picking up election judges, picking up voting equipment and results and bringing back to BOE ” – Taxis (Yellow Cab) – Taxi driver reported different procedure from previous years; chaos at BOE when picking up judges.

## **Election Workers**

- Special Inspectors not “balanced” (D/R) teams. Supposedly one inspector per polling place.
- Emergency training by Special Inspectors night before election – meeting was chaotic – some “inspector” badges were pilfered
- Republicans knew of emergency Special Inspector training before Dems and were comfortably seated by the time the Dems began arriving at the BOE.
- In my polling place, there were 4 Special Inspectors – all hostile to Democratic Challenger (Lovegren)
- Harrassment of Dem Challengers by Special Inspectors (was told he’d call the police if I didn’t sit down)
- Harrassment of voters by poll workers (e.g. Edna Diffler)
- Some voters were told that they couldn’t use certain voting booths because they were “for republicans only”
- “Unidentified visitors” were seen inside of polling places and followed by astute challengers. (Pat and Debbie)
- Unable to obtain accurate lists of special inspectors, with party affiliation and assigned polling place
- Busiest precinct (twice as large as other 6 precincts) within polling location was assigned handicapped poll worker who could not process voters quickly.
- Some voters reported that their poll worker did not give them the opportunity to correct their “spoiled” ballot.
- Some voters were encouraged to vote at the wrong precinct—told “not to worry” - that their provisional vote would count.

## **Voting Equipment / Poll Workers**

- Precinct twice the size of others was assigned the same number of polling booths as others.
- Broken voting equipment at beginning of day.
- Voting equipment not sufficient to handle demand in some precincts (e.g. 5 working machines for 1200 registered voters)
- Inability to reach BOE to ask for more voting equipment (phone lines jammed)
- Could not reach supervisor to request more equipment (I believe he was a “plant”)
- Special inspector did not act quickly in response to my requests for more equipment
- Delays in responding to requests to repair voting equipment and/or supply additional equipment
- No accurate tally of voting equipment used on election day
- Reports showing “planned” equipment did not reflect “actual” – e.g. showed 10 machines planned, when there were only 6 deployed, 1 of which was broken.

## ***Post Election***

### **Access to Public Records and Meetings**

- Very difficult to get public records—though some was provided on a timely basis, other requests still have not been fulfilled (see Public Records Status report-pending)
- BOE's "policy this election cycle" of providing data in a "processed" format (PDF), making the data more difficult to analyze.
- BOE's "policy" -- excessive fees required for data (\$25 per electronic file); policy was changed eventually.
- Intentional stalling / stonewalling re: public-records requests.
- Failure to meet with citizens/activists/professionals regarding purchase of electronic voting machines.
- Unjustified / illegal denial of public records --
  - Was told "there are no computers" used in Cuyahoga BOE
  - Was told "our computers have no reports"
  - Was told "does not exist at this agency"
  - Was told "this is not public – it is part of contract negotiations with Diebold"
  - Was told "there are no reports that show 'rotation' information" and then "there is a Rotation Report"
  - Was told "this data is not available at the precinct level", then found it on a website.
  - Was told "this data is not available", then found it from another manager.

### **Recount**

- Recount was a sham.
- To-be-recounted "random" precincts were picked in advance, according to some established criteria which have not yet been revealed (though requested months ago).
- Some of these precincts had their ballots hand-counted in advance of the recount (Investigation pending—subpoenas already issued)
- Recount volunteers in the computer room were not allowed to stand close enough to see the screens—had to use binoculars.
- Recount volunteers were ordered out of the building for lunch break. Upon their return, there were items missing from the voting assemblies.

### **Post Election Analysis (very incomplete list)**

- Some precincts had excessive numbers of votes for third-party candidate.
- Some precincts had very low or very high turnout rates.
- Inner-city precincts had high provisional rejection rates.

## **Board Meetings**

- Despite reports of disenfranchised voters—missing registrations, incorrectly rejected provisional voters, etc.—board voted unanimously to certify election results.
- Board meetings were sometimes delayed, sometimes preventing citizens from speaking.
- Executive sessions called at inappropriate times and for inappropriate reasons (e.g., intentionally excluding Lovegren from speaking out against their decision to “reaffirm” their DRE decision.)

## **Decision to “go with” Diebold DRE’s**

- Board made decision to “go with Diebold DRE’s in February 2004”, but did not publicly announce their decision (e.g. April 2004 Town Hall Meeting on Electronic Voting) until nearly one year later, after which point they claimed that they “already made the decision and plan to go with that decision. Period.” “Case closed.”
- Board has not taken care to complete a thorough decision analysis re: the Voting System decision. They have ignored many factors: risk, cost, benefits. Their cost analysis ignored almost all operating costs. Their decision is clearly an example of “contract steering.” They have resisted providing me with “justification documentation”, saying that this information is “part of contract negotiation” and therefore “not public.”