

# Democracy at Risk: The 2004 Election in Ohio

*Section X*  
*Ohio Election Protection Summary*



# OHIO ELECTION PROTECTION SUMMARY

**Julie Andreeff Jensen, Esq.**

---

## **Introduction**

This memo is a summary of the Election Day reports in the state of Ohio from November 2, 2004. As part of the Kerry – Edwards’s team in Ohio, I was sent to Cleveland to help run the GOTV efforts in Cuyahoga County. Approximately a week before Election Day, we established a voter protection team throughout the state of Ohio, with particular emphasis in the largest counties. Cuyahoga County was the first priority because it had the largest vote goal in the state and had the most targeted precincts where we anticipated problems outside of the poll locations which could prevent people from voting.

The purpose of the election protection team was to protect people’s right to vote, to answer any questions about the voting process, and to coordinate with the democratic challengers inside the polling locations. Each county structured their team slightly differently based on their resources and targeted polling locations.

In Cuyahoga County, we had approximately 301 targeted precincts. We recruited and trained 1,500 people the weekend before the election to serve as poll monitors outside these targeted precincts to protect people’s right to vote. Most of the targeted precincts were located in predominantly African American communities and poorer neighborhoods. At most locations we paired up a local person and an out of town person so that at least one of the two poll watchers would have local knowledge of the area and neighborhood. We held five separate trainings where we educated the poll monitors on election law, provisional ballots in Ohio, and anticipated problems or questions that could come up on Election Day.

We scheduled two shifts on Election Day; however the poll monitors could also work an entire day if they were available. We also created a supervisory structure based on the Ward structure of Cuyahoga County. Each Ward had two roaming supervisors who were responsible for an average of ten polling locations. They checked in with each location hourly, brought them food or additional supplies and reported back problems to Kerry-Edwards headquarters. We established a communications structure where the poll monitors reported directly to their supervisor, the supervisor reported up to one of six of our election protection staffers at Kerry- Edwards’s headquarters, and they then reported to me in the Boiler Room. Essentially, from 5:30 am until midnight on Election Day poll monitors reported problems and concerns at the polls. We were then able to respond quickly and remedy the problem.

Unfortunately, because each county created their own structure, there was no uniform procedure as to how to preserve reports after Election Day. Most of the Election Day reports were not saved or were not kept in a manner that would make them useful in

any way. The most complete set of reports thus far is from Cuyahoga County because I personally kept the poll watchers reports and the designated challengers kept their reports on what occurred inside the polls. After many attempts to find reports and pull together information, it became apparent to me that there was no way to recreate the reports from Election Day across Ohio. However, from the bits and pieces of information I have received from emails from county counsels, conversations with people who were in other parts of Ohio, and my personal experience - I have written a summary of the types of incidents that occurred on Election Day. In Cuyahoga County we created a mid-day report based on the number of reports we had received by 4:00 pm. Although this report is far from complete, I have attached that report for your review as a snapshot of what was happening on Election Day. I believe that report shows trends in the types of incidents that occurred and which areas were most affected. I briefly summarize it later in this memo.

Another very useful tool was the statewide data base of complaints and questions received on Election Day. We established a statewide toll-free number where people could call on Election Day to report problems. This report from the data base is lengthy but useful to show the types of incidents and the counties which experienced the most problems. Unfortunately, the information is not complete or perfect; but it does give us a glimpse of what was happening statewide on Election Day.

As my part of the DNC Ohio project I have summarized both Cuyahoga and the state-wide information for your review. I hope this information will be helpful for future campaigns in the state of Ohio or nationally. Some of the information contained in this report is anecdotal from my personal experience in Cuyahoga County on Election Day. Other parts of this report are based on paper copies of voter protection reports and the statewide data base.

### **Cuyahoga County – Cleveland and surrounding suburbs**

There was a significant amount of voter protection activity occurring throughout Election Day in Cuyahoga County. While the national news continued to report “no problems at the polls” what was actually happening on the ground was a different story.

I began to receive calls as early as 6:00 am from poll watchers worried that no one was yet at their polling location and they weren't sure if they would open up on time. The stream of calls didn't stop until approximately 10:00 pm. Even though the polls closed at 7:30 p.m., we still had long lines waiting to vote (especially in the African American precincts) and we were receiving calls about problems at these locations. We had a rapid response team on call to go to poll locations that had problems as well as local elected officials on call to be deployed to problem locations. At 7:30 p.m., I deployed all staff and rapid response teams into the field to the top five polling locations with long lines. Their goals were to make sure people stayed in line and they voted. I received calls from each of the five locations once our staff arrived, reporting that people were not leaving and that they would stay in line as long as necessary. Many of the staff handed their phone to people in line so I could speak with them directly and thank them

for staying to vote. They continued to reassure me they weren't leaving until their vote was counted.

Attached you will find an incidents report, which was completed around 4:00 pm on Election Day. This report gives an accurate but incomplete look at what was occurring in Cuyahoga County. As you will see, most of the problems were focused around either slow lines at the polls due to poor preparation and training of poll workers or by broken voting machines. However, there clearly were other major concerns worth noting, including the unwarranted requirement of identification. In addition, there were some very significant intimidation and harassment techniques reported, but they were generally not widespread.

In the incident report there is a list of Wards. These were the Wards which contained the 301 targeted polling locations in predominantly African American and other minority communities. If you look at the incident reports broken down by Wards, it is interesting to note that Ward 5 and Cleveland Heights have double the number of incident reports than any of the other Wards. In both Ward 5 and Cleveland Heights, African Americans make up 95% of the voting population. It is no surprise that the incident reports are significantly higher in those two Wards even with such a small sample size. We had a significant voter protection presence in both of these locations reporting back problems, and I believe they can be attributed to the high voter turn out in these areas despite the high volume of reported problems.

There was an ebb and flow to the kind of reports we received throughout Election Day. From approximately 6:00 am until 12:00 noon most of the reports we received concerned malfunctioning machines and not enough booths open. Over the next two hours, the incidents reports slowed a bit, but by 3:00 pm we were again flooded with reports from the field. The calls after 3:00 pm concerned different types of incidents. We started to hear much more about potential voter intimidation tactics and very long lines within the African American community. At exactly 4:00 p.m., two separate black outs occurred at two different African American churches in Cuyahoga County. Once we were informed of the blackout, we supplied flashlights and voting continued. A staff member from the city was carefully coordinating with our reports. She was able to have the power back on in less than 15 minutes.

We also received reports of confusion whether people were at the right polling location. In downtown Cleveland, African American voters were told to go to one church, then when arrived there told to go to another church. The voters were bounced between the two churches until they finally got frustrated and were planning to go home. They complained to our poll monitor who reported the incident. We were then able to get the Mayor to go to the location to straighten out the situation. In addition, media arrived at the location; things settled down and there were no further problems reported from that polling location.

Long lines were the most reported problem in Cuyahoga County on Election Day. At some of the Black churches in Cleveland, there was up to a three hour wait to vote. There were many reasons for the long lines – the most common reason was that there were not enough machines at the polling locations. Machine malfunction was also a contributing factor. At some of the large African American churches, only half of the voting machines used previously were functioning on Election Day.

Anecdotally, there are plenty of examples from Cleveland which might be relevant to this report. I have selected the following incident to illustrate how the election protection team functioned and the effectiveness of the communications structure. At approximately 4:00 p.m., we received in the boiler room complaints that Willow Elementary precinct had lower than expected turn out. We began to receive calls from people who lived in this precinct reporting that the reason people were not coming out to vote was because someone had been in the neighborhood telling them that if they had outstanding parking tickets, warrants, or child support payments, they would be arrested if they tried to vote. Our poll monitors confirmed that some of the people arriving at the polls had told them about the rumors as well. As this was reported from the poll monitors through the structure up to me, I was able to respond. This area is a predominantly African American precinct, and I felt it would take a person recognizable in the black community to get these people back out of their houses to go vote despite the rumors. I spoke with our boiler room in Columbus and told them I needed the best African American surrogate they could get to come to Cleveland and go door-to-door in the precinct where Willow Elementary was located. Within an hour, the Reverend Al Sharpton was flown into Cleveland and went directly to this polling location and the surrounding neighborhood to encourage people to come out and vote. Within an hour of his arrival, there was an hour long line at Willow Elementary. Reverend Sharpton was very effective in getting the turn out in that community up to our expectations and we all appreciated the help on the ground.

### **State-Wide Reporting**

The Ohio voter protection statewide hotline was established to answer questions and report problems especially in the counties which did not have such an extensive voter protection team as Cuyahoga County. The hotline received complaints from 60 of the 99 counties in Ohio. Approximately 860 reports were called into the hotline according to the data base provided to me by Eric Greenwald.

Franklin County received the most reports with 187, followed by Cuyahoga with 122, Hamilton with 100, Montgomery with 77, and Summit with 66 reports. The following is a break down of the types of reports received by the hotline and how many total complaints were reported throughout the day from all of the counties. I have also attached an excel spreadsheet which I created listing all of the counties, how many reports were received, and then broken down by how many of each type of report were received. Please refer to the spreadsheet for more complete data.

Provisional Ballot Issues	149
Long Lines/delays	123
Poll worker problems	120
Mechanical problems	112
Intimidation	95
Identification required	41
Absentee ballot issues	28
Nader on ballot	11
Other	181

Below is a brief explanation and summary of each category to lend a better understanding of what these numbers represent.

### Provisional ballot issues

This category includes all reports of voters who were in the wrong location and were denied their right to vote by provisional ballot; reports that entitled voters were not offered provisional ballots; reports of locations that ran out of provisional ballots; reports that stickers to seal the provisional ballots were missing; and reports of concerns that the integrity of provisional ballots had been compromised because they were not handled as legally required. What was apparent from the reports was that many of the poll workers for the BOE did not understand the provisional ballot rules, and therefore, many mistakes were made when offering or failing to offer voters provisional ballots.

### Long Lines/Delays

This category basically covers calls from voters reporting that the lines were longer than an hour. At some locations in Cuyahoga County and Franklin County, the lines were up to three hours long and people were leaving their polling locations. When we received reports that people were leaving their polling locations, we canvassed those precincts again to encourage people to come back out to vote. Most of the reasons for long lines dealt with broken voting machines – whether punch card machines or optical scanners. Also, incompetent poll workers for the BOE were largely to blame for slowing down the lines.

### Poll Worker Problems

This category, as just mentioned, includes reports about poll workers not understanding the rules, slowing down the lines, sleeping on the job, or behaving unprofessionally and belligerently towards voters. One of the biggest improvements that could be made for the next election would be systematic training for poll workers to be organized by an outside unbiased organization rather than by the BOE.

## Voting Machine Problems

This category includes a wide variety of problems reported throughout the day. There were several different types of voting machines depending on the particular county in which one votes. However, there were wide spread problems throughout the state with mechanical failure – whether it was an optical scanner malfunctioning in Toledo or a punch card not lining up properly, as was the case in Cuyahoga County.

In addition, reports were received that touch screen voting machines were malfunctioning at certain locations. For instance, voters reported in Franklin County that if you touched the screen to vote for John Kerry, the vote would automatically jump to the other party.

In the counties which used punch card machines, like Cuyahoga – we received reports that the cards were not lining up properly, so that it was difficult to tell if they had voted for the person for whom they intended to vote. In addition, the chads were not punching all the way through, leaving some hanging. Another problem involved the chads that did detach from the cards, if the trays were not emptied regularly, the chads would pile up in the tray beneath the machines causing the machines to jam. To help reduce these problems - each targeted polling location in Cuyahoga County had a sample punch card machine outside of the poll as a tutorial on how to properly punch a card all the way through however problems still occurred. .

Voting machine problems caused slow downs at the polls, which contributed to long lines.

## Intimidation

This category includes a wide range of reports from pro-life groups standing outside the polling locations screaming “baby killers” at Kerry supporters, to voters being told if they have outstanding parking tickets or child custody payments, they will be arrested at the polling location. Approximately 50% of all the reports of intimidation were in the largest three counties – Cuyahoga, Franklin and Hamilton. While it is difficult to tell from the data base in which precincts these incidents occurred because there is a lot of incomplete information – it is fair to say that most of these incidents occurred in the minority precincts of the three largest cities.

Another example of intimidation involves a report from in Lima, Ohio that police were towing cars that had Kerry signs or stickers in the window. Lima is a heavily republican area, and leading up to the campaign, we had several incidents of intimidation including the vandalizing of a car belonging to a young woman who had introduced Elizabeth Edwards at an event in Lima. Bush won Lima with 67% of the vote.

## Identification

Ohio's election law is very clear that it rarely requires identification for voting on Election Day. Only a tiny fraction of new voters are required to provide their id. However, on Election Day there were many voters who were improperly required to provide their i.d. at the polls. The 41 reports received on the hotline do not accurately represent how wide spread the problem was of unlawfully requiring voter i.d. on Election Day. Not only did it slow down the lines, but it also confused voters and made them wearier of the process.

## Absentee ballot problems

This category includes reports from voters who said they requested an absentee ballot but never received one in the mail. On Election Day, many of them attempted to vote at their polling location because they did not receive their absentee ballot. Many of these people were told to vote by provisional ballot instead or were not allowed to vote at all. When we received reports that voters were turned away, we attempted to guide these individuals to the BOE and have them vote there, in hopes that their vote would more likely be counted.

## Nader on ballot

There were several calls from a handful of counties who reported that Ralph Nader's name was still on the ballot. A month or two before the election, the Ohio courts ruled that Nader's name was to be removed from the ballot within a reasonable amount of time. In a few select counties where ballots had already gone to print, Nader's name was allowed to remain on the ballot, but they were required to put a conspicuous sign up in the poll informing voters that Nader was not to be considered a candidate running for president.

## Other

This category contains a hodge-podge of reports filed throughout the day which do not fit into any of the above categories. Some of the examples include reports that the polls were not open on time or were closed at 7:30 p.m. and the voters in line were not allowed to vote; power outages; electioneering activities which occurred within 100 feet of the door of the polling location; polling locations running out of ballots; Bush signs found inside the polling location; pencils found inside the polling booth; and poll workers for BOE failing to post the list of persons who had already voted at the three pre-set times throughout the day.

## **Conclusions**

It was apparent while preparing for Election Day during our GOTV efforts, that the differences from county to county, whether administrative incompetence or the type of voting machine in use, made it inherently more difficult for people to vote. The wide variety of rules and procedures caused a lot of confusion. The voting rights and protection team was intended to quell some of the confusion and provide a source of information which voters could trust and feel confident they were getting accurate information. I believe we accomplished that goal and, in turn, saved many potentially lost votes during the last election. But we can do better.

I passionately believe that a consistent voting rights and protection team should be in each battleground state, and the program should be started even earlier than it was during the last election cycle. However, a strict system of recording reports on Election Day and a follow up system for reporting the results needs to be in place. This past cycle was the first time such an elaborate system was put into place to protect people's right to vote. Now we must build off of that foundation and capture the information we learn on a national level so that we may have better and more complete data to analyze following the next election.

We had extensive resources available to us in Cuyahoga County – hundreds of volunteers, sample punch card machines, umbrellas, ponchos for rain, and even identifiable voting rights jackets and credentials. This investment allowed the voting rights team to be the most organized, credible, and effective team in presidential history. I strongly encourage the same commitment be made for future election cycles.

In addition, I believe there should be a systematic method of recruiting and training competent poll workers to work on Election Day. Better trained workers would speed up the voting process, eliminate long lines, and give people a level of confidence when they vote that their vote will be counted.

<b>INCIDENT CATEGORIES</b>	<b>NUMBER OF INCIDENTS</b>	
<i>TOTALS AS OF 3:42 PM</i>		
Slow Lines due to poor training, understaffing, misinfo	19	25.00%
Down voting machine	18	23.70%
Require ID	10	13.20%
Misc*	7	9.20%
No dem challenger	5	6.60%
Damaged cards/ diff punch	4	5.30%
Late Opening	3	3.90%
Unjust requirement of provisional ballot	3	3.90%
No materials inside polling place	2	2.60%
Back and forth between polling locations	2	2.60%
No provisional ballot	1	1.30%
No new registered voter list	1	1.30%
Voter machine not being used	1	1.30%
*Examples: insufficient signage, not handicap accessible, street traffic,		
<b>TOTAL</b>	<b>76</b>	<b>100.00%</b>
<b>WARD INCIDENT COUNTS</b>		
Ward 1	5	8.60%
Ward 2	3	5.20%
Ward 3	1	1.70%
Ward 4	5	8.60%
Ward 5	9	15.50%
Ward 6	1	1.70%
Ward 7	0	0.00%
Ward 8	3	5.20%
Ward 9	2	3.40%
Ward 10	1	1.70%
Ward 11	2	3.40%
Ward 12	0	0.00%
Ward 13	3	5.20%
Ward 14	0	0.00%
Ward 15	4	6.90%
Ward 16	0	0.00%
Ward 17	0	0.00%
Ward 18	1	1.70%
Ward 19	0	0.00%

Ward 20	0	0.00%
Ward 21	0	0.00%
Ward H (Cleveland Heights)	10	17.20%
Ward I (East Cleveland)	2	3.40%
Ward J (Euclid)	2	3.40%
Ward P (Maple Heights)	1	1.70%
Ward A (Beechwood)	1	1.70%
Ward S (Shaker Heights)	1	1.70%
Ward O (Lyndhurst)	1	1.70%
<b>TOTAL as of 3:45pm</b>	<b>58</b>	<b>100.00%</b>