

Democracy at Risk: The 2004 Election in Ohio

Section XI
Statewide Data Collection



STATEWIDE DATA COLLECTION

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We were asked to gather data from all 88 Ohio county boards of elections on a wide variety of subjects relating to the 2004 general election: (1) voter registration, voter turnout, and election results, (2) absentee ballots cast, (3) provisional ballots cast and provisional ballots counted, (4) the number of voting machines/booths in each precinct, (5) the number of poll workers in each precinct, (6) sample ballots from each county, (7) reports of problems with voting machines, (8) problems with long lines at polling locations, (9) the number of official challengers present at polling locations and the number of challenges filed against voters, and (10) the changes that had taken place in precinct boundaries since 2002.

A. Summary

In most cases, the process of collecting this data was a challenge. Although I have included below a discussion of each data set, there were four principal reasons for the general difficulty: (1) in nearly all cases, the data had to be collected from each county board of elections individually (the Ohio Secretary of State maintains very little of this information centrally), (2) there is great variation in the record-keeping practices from one county board to the next – many simply did not keep records on the information we sought, while others only tracked the data county wide rather than precinct by precinct, (3) of the records that the county boards do keep, the vast majority are not maintained in a form that can be distributed electronically, requiring labor-intensive data entry by hand, and (4) the level of cooperation from the boards of elections in producing the data varied significantly.

Although we can offer some suggestions to the Secretary of State and the boards of elections for improving the collection and retention of election data, the level of autonomy granted the boards, combined with a significant variation in the staffing and resources available at the county level, suggest that the challenges presented in this study will persist into the future.

B. Challenges to Data Collection

1. Registration, Turnout, and Election Results

This is one of the few data sets that the Secretary of State's office collects centrally. Although it took them until the end of March 2005 to compile the data from the November 2, 2004 election, the Secretary of State provided a single Excel file with registration, turnout and election results from all 11,572 Ohio precincts. Although there were a few errors in the data from the Secretary of State, having a single spreadsheet with

data from all 88 counties dramatically simplified the process of data collection and assimilation. This spreadsheet was uploaded to the collaborative website.

We did receive from most county boards an abstract of this data, but most were only able to provide the information in hard copy. The documents received prior to the arrival of the data from the Secretary of State were also uploaded to the collaborative website. Those received after were superfluous and, therefore, not uploaded. Note: had we been required to rely upon these hard copy forms, the work would have been onerous.

2. Absentee Ballots

Although most county boards maintained absentee voter information in some form, only 20 counties collected the data on a precinct-by-precinct basis (having the data broken out by precinct was critical to its utility in the analysis of the quant team). Eleven counties provided data broken out by race (showing the number of absentee ballots cast for each candidate or issue), but, of these, only four also provided this information by precinct – the others were only county-wide results. Fifteen counties provided no information whatsoever (as they did not record absentee ballots separately from regular ballots). Where available, the data received was uploaded to the collaborative website.

3. Provisional Ballots

Although the county boards demonstrated a somewhat better track record in collecting data on provisional ballots than on absentees, fewer than half tracked the total number of valid provisional ballots on a precinct-by-precinct basis. Only 20 counties tracked the number of invalid provisional ballots precinct by precinct. Where available, the data received was uploaded to the collaborative website.

The Secretary of State's office did ask each county to provide county-wide totals for both provisional ballots cast and provisional ballots counted, so we do have this data; however, it does not provide the level of granularity sought in this study. A spreadsheet with the countywide provisional totals was uploaded to the collaborative website.

4. Voting Machines/Booths

We were able to collect information on the number of voting machines/booths allocated to each precinct from all but 10 counties. Where counties provided a precinct-by-precinct spreadsheet showing machine/booth allocation, these documents were uploaded to the collaborative website. Where counties provided only formulas, the information was included in a spreadsheet cataloging all documents (entitled "Document Matrix"). This matrix was uploaded to the collaborative website.

There is, however, an important caveat to make with respect to this data. In some counties, the board of elections responded to concerns over long lines in certain precincts by distributing additional machines during the course of Election Day. Virtually none of the counties that distributed additional machines kept track of the precise number of machines distributed, the polling locations they went to, or the time the machines were distributed.

Although it appears that the number of additional machines distributed was relatively small, we do not have data to show precisely how many machines were present in each precinct at all times during the election.

5. Poll Workers

Ohio law requires that the county boards of elections provide at least four poll workers for each polling location (two from each major political party). As a result, there was not a great deal of variation among the counties in this practice.

Some counties assigned additional poll workers to precincts with larger numbers of registered voters, and some assigned an additional worker to help direct voters in polling locations where more than one precinct was voting in the same physical location.

In a few instances, counties provided spreadsheets showing the precinct-by-precinct assignments of poll workers. These documents were uploaded to the collaborative website. In most cases, however, county boards provided formulas and/or total numbers of workers assigned. This information was incorporated into the Document Matrix.

6. Sample Ballots

All but 17 counties provided sample copies of the ballots used in the 2004 general election. Where possible, these documents were scanned and uploaded to the collaborative website. Some sample ballots could not be uploaded because of their size, but we do have hard copies on file.

7. Problems with Voting Machines

With only a few minor exceptions, county boards of election did not track information concerning problems with voting machines. Most counties responded to our inquiries by indicating that they had no reports of major problems and/or that they had only reports of minor problems (e.g., a burnt light bulb on a punch card machine). This information was incorporated into the Document Matrix.

In nearly all of these cases, it was clear that the response was based not upon formal reporting but upon the anecdotal recollection of the director or deputy director of the board of elections.

For those counties that use direct recording electronic voting machines (DREs), we did ask permission to have access to DREs used in the 2004 general election and to the computer source code used in therein. The county boards declined these requests, citing security concerns.

We also initiated discussions with the vendors that provide DREs to Ohio counties in an effort to obtain source code and access to sample machines. In each case, the vendors expressed serious concerns about the need to protect the security of the code. In some cases, vendors pointed out their extreme discomfort with providing this sort of access to a partisan organization and suggested we try to form a bi-partisan coalition through which to submit the request.

8. Problems with Long Lines at Polling Locations

Again, with only a few minor exceptions, county boards did not track information concerning the length of time voters spent waiting in line to vote on Election Day. Most counties responded to our inquiries by indicating that there were no reports of significant delays at the polls (or that there had been only scattered reporting of delays). This information was incorporated into the Document Matrix.

In these cases, it was fairly clear that the response was based not upon formal reporting but upon anecdotal recollection of the director or deputy director of the board of elections.

9. Challengers and Challenges

Here as well, most counties did not keep records of challengers present at the polls or the number of voters challenged. Although poll workers are supposed to collect credentials from challengers and keep records on challenged voters, it appears that this was done only in rare cases.

(It is worth noting that the political parties seeking to assign challengers to polling locations were required to register the names and voter registration information of those challengers with each board of elections prior to Election Day. This information is generally available, but by no means does this definitively show where challengers were actually present. In many cases, duplicate names were submitted as challengers for multiple polling locations, and there were surely many challengers registered who did not actually work on Election Day.)

As to the number of voters challenged, the vast majority of counties reported that no challenges were filed. Only a few counties reported actual challenges filed (some of those were pre-election day). Only eight counties reported having no records on the question of challenged voters, but it is reasonable to assume that many of the counties reporting no challenges did not actually have a mechanism for retaining records when challenges do take place.

10. Changes in Precinct Boundaries

More than half of the counties in Ohio undertook at least some change in the way their precinct boundaries were drawn between 2002 and 2004. These changes presented some problems to the process of collecting and analyzing data, as the demographic data to be used in our study predates these changes.

In the majority of counties that had made such changes, the modifications were only precinct mergers and/or splits. These changes were not nearly so problematic as those instances where the precise boundary lines between two or more counties were re-drawn street by street to accommodate population changes.

It is worth noting that, among the boards of elections reporting no changes in precinct boundaries, there were several counties that later reported (in response to follow-up questions) that they did, in fact, change some precinct boundaries between 2002 and 2004. In some cases, the changes were quite substantial. This discovery only came about as the quantitative team began to notice problems with the data that indicated a change in boundaries. Some of those responding only realized that these changes had taken place when asked about the creation or disappearance of specific precincts in their county.

A very small number of counties maintain geographic shape files that make it possible to re-orient the demographic data according to current precinct boundaries. Where counties do not maintain such files, it is virtually impossible to reconcile the data.

There is a document on the collaborative website that summarizes the precinct boundary activity in each county since 2002.

C. Recommendations for the Future

There are a few means through which the process of collecting and analyzing the data used in this study might be made easier in the future. It is important to note, however, that these recommendations are either speculative and/or require the cooperation and investment of resources on the part of the Ohio Secretary of State and county boards of elections.

1. Pre-Emptive Public Records Requests

In some cases, county boards of elections were unable to provide some of the data sought in this study because they simply did not have any expectation that people might be asking for this information. To the extent it is possible to anticipate the need for specific data sets, it may make sense to submit requests for the information *before* the election actually takes place.

Public records statutes in Ohio require officials to put forth “reasonable” efforts to comply with records requests. Thus, although we could not expect the county boards to implement complicated data collection systems in response to such pre-emptive requests, making the expectation for record retention clear would, at minimum, alert the boards to the need and obligate them to exert at least reasonable efforts to that end.

With respect to provisional and absentee ballot data, reasonable efforts are likely all that would be required to make accurate record retention possible. The same may well be true with respect to reporting of problems with voting machines, delays due to long lines, and challenges to voters.

2. Improvement in Statewide Standards for Record Retention

In those limited cases where the Secretary of State required the county boards to produce data (voter registration, voter turnout, election results, and county-wide provisional totals), our process of collecting data was dramatically simplified, and the data was very easy to use (entirely in electronic format).

It is worth noting that, in so doing, the Secretary of State frequently had to work directly with the vendors to gather this information, as many of the county boards do not actually control the electronic records created during the tallying process.

In virtually all other areas of record retention, the county boards were left to their own devices and methods. As a result, the quality and format of data varied significantly from county to county.

This was generally a function of the county’s size and the resources the board of elections had available. In the smaller counties, the board of elections staff consisted only of the director and deputy director. In such cases, it is often difficult to find a staff member with the technical expertise necessary to generate data reports in electronic form.

To the extent that there was consistency from one county to the next in the manner of record keeping, it was generally related to the fact that the counties in question shared the same vendor. As a result, they tended to use the same forms and reports.

Should the Secretary of State implement stronger (or at least more thorough) standards for record retention, it should only be a matter of working with the very small number of

vendors who provide election services to Ohio county boards of elections to establish a higher degree of consistency and usability of data. Even a matter as basic as requiring that each county board of elections post election data on their website would dramatically simplify the process of collecting, analyzing and verifying critical information in the democratic process.

Obviously, such changes in record retention practice are entirely up to the Secretary of State (or the Ohio legislature). It may, however, be worth submitting recommendations in the hope that they would be taken seriously.

As a final thought, in lieu of changes implemented from the Secretary of State's office, it may be possible in the future to work more directly with the vendors. Based upon conversations with some county board staff members and with some vendor representatives, it may be possible to submit requests for records directly to the vendor. It is important to note, however, that this would require the permission of the board of elections in question and may well require payment of a non-trivial fee (based upon what the vendor would bill to the board of elections).