



Count Every Vote New Mexico
Albuquerque Municipal Election
2011 Election Report

October 2011

www.counteveryvotenm.org

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Executive Summary

In 2011, as in years past, a broad array of local and national nonpartisan organizations and attorneys came together to form New Mexico's nonpartisan voting rights coalition under the banner of Count Every Vote New Mexico (www.counteveryvotenm.org). This report details the work done by this coalition leading up to and during the 2011 Albuquerque municipal election.

During this election, the city used the state's new voting convenience center (VCC) model for the first time. Unfortunately, there were some significant problems with implementation that led to long lines, computer problems, and likely lost votes at some of the centers.

Certain counties plan to use this model during next year's election. Given that the scale of the 2012 election will be substantially larger, problems identified during the 2011 municipal election in Albuquerque must be described, and solutions must be developed, so these problems do not reoccur next year.

The following solutions are proposed:

- 1) Offer more extensive, interactive poll worker training, emphasizing computer use and emergency planning;
- 2) Conduct more extensive testing of the computer networks linking VCCs with the voter file;
- 3) Allocate more computers to each VCC;
- 4) Increase staffing at each VCC;
- 5) Post better signage inside and outside each VCC;
- 6) Choose sites with better parking; and
- 7) Implement better planning for bad weather;

Finally, the city's photo ID law should be applied in a manner that ensures qualified voters aren't arbitrarily denied the right to vote based on an excessively narrow interpretation of Albuquerque's city charter.

Background

Established in 2008 under the leadership of Common Cause New Mexico, Count Every Vote New Mexico (CEVNM) is a collaborative non-partisan voting rights program designed to monitor New Mexico elections and assist voters with the electoral process. The program brings together Hispanic, Native American, women's rights, disability, civic and legal groups in a project aimed at protecting the rights of all qualified New Mexicans to cast a ballot.

A new law went into effect in New Mexico in 2011 giving election officials within the state the option to consolidate precincts into voting convenience centers (VCCs). This new law essentially brings the model used during the early voting period in New Mexico to election day itself. In other words, under this model, qualified voters are no longer confined to voting at an assigned polling location. Instead, they may vote at the VCC of their choice on election day. This requires the use of a ballot-on-demand system in which poll workers print out a customized ballot for each voter on the spot.

Common Cause endorsed this model for three reasons. First, it gives voters more flexibility in choosing where to vote. Second, it cuts down on the need to issue provisional ballots, since many voters are issued these ballots because they show up on election day at a polling place that hasn't been assigned to them.

Third, the law concentrates election administration expertise at every vote center. Particularly in New Mexico's larger counties and cities, election day is an enormous administrative undertaking involving hundreds and in some cases thousands of poll officials. Consolidating precincts into voting convenience centers allows election officials to place their best and brightest administrators at *every* VCC, meaning there should always be at least one or two experts on hand to clarify election law and ensure that it's being properly followed.

The city of Albuquerque used this new model for the first time during the election on Tuesday, October 4, 2011.

Program Activity

During September 2011, CEVNM representatives met with the Albuquerque City Clerk to discuss election planning. Program representatives also attended city poll worker trainings.

During the weeks prior to election day, CEVNM recruited and trained volunteers to serve as observers. Numerous volunteers were recruited by the League of Women Voters of Central New Mexico. During the week immediately prior to election day, CEVNM held multiple in-person trainings to inform and equip volunteers for election day VCC-monitoring assignments. Working with national partners at the Lawyers Committee for Civil Rights Under Law, the program also made use of the voter information hotline, 866-OUR-VOTE. This line was operational on election day and the day prior.

The program deployed a team of volunteers around the city to monitor VCCs and help resolve problems at the polls. This field team consisted of 15 volunteers. On election day, CEVNM tracked volunteer and hotline activity from a command center at the Common Cause New Mexico office in downtown Albuquerque. We also shared information throughout the day with a nonpartisan poll-monitoring program operated from the University of New Mexico's political science department.

2011 Election Administration Problems

On election day, the city clerk set up 49 voting convenience centers around the city. Each site was allocated two computers for poll workers to use to look up voters on the AutoVote software system.

Some significant problems occurred throughout the day, including long voting delays at many VCCs, with some voters saying it took over one-and-a-half hours to vote. The long delays, combined with an excessively narrow interpretation of the city's voter photo ID requirement, meant that some qualified voters were almost certainly not able to vote during this election. For example, CEVNM volunteers observed voters leaving some VCCs in frustration because of long lines. Other CEVNM voters were

forced to vote on a provisional ballot because of absurdly narrow interpretations of the photo ID requirement by some presiding judges.

Below is a list of problems CEVNM identified. The sole purpose of publicizing this list is to ensure that the VCC implementation process that will occur in multiple New Mexico counties in 2012 avoids these trouble spots.

- 1) **Computer Training** – Several CEVNM observers noted on election day that some poll workers seemed unfamiliar with the AutoVote software and uncomfortable with computers in general. VCCs with computer savvy presiding judges, on the other hand, seemed to fare better on election day.

SOLUTION: Interactive trainings that give poll workers as much time as possible with the computer system will be essential. It would also probably be useful to filter out poll workers who are computer-phobic, either requiring them to take additional trainings or assigning them to non-computer-related tasks on election day.

- 2) **Emergency Training** – Many presiding judges and poll workers seemed ill-equipped to cope with the various computer problems that occurred throughout election day. In some isolated cases, voters were simply turned away by poll workers when computer systems went down.

SOLUTION: A major component of poll worker trainings should focus on problem-solving in emergency situations, such as when the computer network isn't functioning properly. This training must include a much more detailed explanation of how to use pre-printed ballots in instances where the ballot-on-demand system isn't working.

- 3) **Stress-testing the System** – The computer network seemed poorly equipped to handle the increased strain placed on it from the 49 VCCs on election day. Apparently, several different types of connections to the city networks were used, and this caused some connectivity failures. CEVNM observers also noted several instances in which digital signature pads stopped working.

SOLUTION: The Bernalillo County Clerk's Office plans to conduct substantially broader stress testing of their own VCC network system before it is used on election day in 2012. This should largely eliminate the technical problems that plagued this election.

- 4) **Allocation of Computers** – Several VCCs did not have sufficient computers to process incoming voters in a timely manner. Each VCC started election day with two computers. An additional computer was added to some particularly busy sites later in the day.

SOLUTION: It would be advisable to have at least four computers per VCC with extra hardware, including printers, readily available to be delivered to especially busy VCCs.

- 5) **Additional Staffing** – Several VCCs seemed to be understaffed. Poll workers complained to CEVNM observers throughout the day that they were sinking under unmanageable workloads and were unable to take bathroom or food breaks.

SOLUTION: Staffing should probably be doubled at most sites.

NOTE: With regard to points #4 and #5 above, the Bernalillo County Clerk's office will implement a sophisticated scalability plan next year that should help avoid a situation in which any one VCC gets bottlenecked due to limited staffing or hardware. This plan will involve assessing pre-election day projections as well as heavy VCC-monitoring on election day itself so

that the capacity to ramp up voter processing at VCCs is accomplished in a quick and efficient manner.

- 6) **Better Internal Signage** – Although several VCCs experienced long lines throughout the day, other VCCs remained largely empty. CEVNM observers spent much of their day directing voters in long lines to nearby VCCs with no lines.

SOLUTION: Each VCC should contain a large map with locations of nearby VCCs. This map, should also be available in a handout that can be passed out to voters. This way, if a site becomes too crowded, voters will quickly be able to locate the nearest VCCs so they can redirect themselves to an alternative voting site. As noted above, the Bernalillo County Clerk's office is developing plans to monitor lines at VCCs throughout election day. This monitoring process could help redirect voters to VCCs that are less busy.

- 7) **Better External Signage** – Some VCCs were located in large complexes such as EXPO New Mexico or large public high schools. Some of these sites didn't have adequate signs indicating the specific locations of the VCC.

SOLUTION: Large "Vote Here" signs with arrows should be posted extensively throughout these large complexes.

- 8) **Better Parking** – Some sites seemed to offer inadequate parking. This was especially true at certain public schools, which were in session on election day.

SOLUTION: Election officials should prioritize VCC sites with adequate parking.

- 9) **Foul-Weather Planning** – Albuquerque experienced some significant rain on election day. At some sites, sign-in tables were located directly inside the VCC, meaning that long lines extended into areas exposed to rain.

SOLUTION: Most of these sites could have been rearranged so that more people could line up inside buildings while waiting to be processed. For example, sign-in tables could be located away from the entrance, leaving more internal space for voters to line up. Also, some VCCs were housed in rooms that were too cramped for the purpose. These sites should not be used in 2012.

A Note on Voter Photo ID

Common Cause has advocated against voter photo ID requirements based on the likelihood that such requirements would prevent qualified voters from casting ballots. National polling has shown that a large percentage of the population doesn't own a photo ID. These often include the elderly, Native Americans, Hispanics, students, the disabled and low-income voters. In addition, other members of the public aren't in the habit of carrying photo ID with them. For this reason, it is Common Cause's belief that such laws are astronomically more likely to prevent legitimate voters from voting than they are to increase the integrity of the election process.

Unfortunately, the city of Albuquerque has a voter photo ID requirement embedded in its charter. This potentially creates significant confusion since statewide elections in New Mexico do not require voters to show photo IDs.

Although we believe this is a deeply misguided law, we understand that it must be followed. Alarming, however, CEVNM observers witnessed some instances in which the city's voter photo ID law was

applied in an absurdly narrow manner. This meant, to consider one of several reports, that a voter with a middle initial on her driver's license but no such middle initial in her voter file was not allowed to vote on a regular ballot.

It must be emphasized that this narrow interpretation of the law is not required by the language of the city charter itself. It is CEVNM's position that poll workers should be trained to apply the law in a more common sense manner. This means that if it's clear from other information provided by the voter – such as a registered address or a date of birth – that the voter is who she says she is, then she should be allowed to vote on a regular ballot. This should be the case whether or not her photo ID lists her name in a manner that's a letter-by-letter match with her name as listed in the voter file. In other words a person with "Bob" on his driver's license and "Robert" in his voter file should still be able to cast a ballot when the other information available, such as his birth date, address, etc., are all a match.

In the future, this broader, more reasonable interpretation of the city's ID requirement should be a central part of the city's poll worker training programs prior to election day. The training should include examples to ensure that poll workers aren't turning away valid voters.

As an aside, it should be noted that CEVNM volunteers observed multiple instances on election day in which poll officials experienced difficulties examining voter IDs. In the future, it might be useful to screen out visually impaired poll workers from being assigned to this task.

Final Thoughts

Most of the problems that occurred on October 4 were preventable. Consequently, CEVNM remains in favor of the Voting Convenience Center concept. We note that some county clerks who plan to use this model in 2012 were present in Albuquerque for this election and have assured us they will be able to avoid similar problems next year. We share their confidence. With some additional planning and testing, we believe this model will make the election process in New Mexico more accessible and user-friendly to voters, especially those living in higher-density urban areas.