



## **Latino Voters Face Significant Challenges at Polls During Election 2006**

Lack of information and poor election administration presented significant challenges to the millions of Latino voters who cast their ballots this November 7, and impaired their ability to easily cast their ballots and decide the future of their families, communities, and the 110<sup>th</sup> U.S. Congress.

On Election Day, the NALEO Educational Fund, in collaboration with other national and local organizations (Lawyers Committee for Civil Rights Under Law, National Council of La Raza, Lawyers Committee, and Mexican American Legal Defense and Educational Fund), was able to document and resolve numerous problems encountered by voters on Election Day. On the ground, NALEO in collaboration with local organizations monitored nearly 300 (293) polling places in three states (California, New York, and Texas). Additionally, through our 1-888-Ve-Y-Vota voter information and protection hotline, we provided Latino voters with information and encouraged them to go to the polls.

### **Summary of Problems Reported from the Field**

As a result of our Election Day effort the NALEO Educational Fund documented nearly 100 reports of problems encountered at polling places by poll monitors. The majority of the sites visited were in precincts with significant Latino voter registration.

*Nearly 25% of the problems reported occurred as a result of inadequate language assistance available to Spanish-speaking voters at the polls. Under the federal Voting Rights Act (VRA), certain jurisdictions are required to provide language assistance to Latino U.S. citizens. Reports include lack of bilingual poll workers present to assist monolingual Spanish-speaking voters and a lack of translated election materials visibly displayed for voters to read and review.*

- ☑ In Staten Island, New York, poll monitors encountered several polling places where no board-appointed translators were present. (In New York, the Board of Elections must appoint bilingual translators to assist any Latino voters who need such assistance). At one site, the poll inspector that our monitors interviewed chose not to accept the provided translator. The inspector mentioned that he did not believe there were enough Latinos in the precinct to warrant a translator, and also mentioned that Latinos were not likely to have the correct “papers” for voter eligibility. Staten Island Latino registered voters comprise 8% of the borough’s registered voters.
- ☑ Across Southern California, in counties like Los Angeles, Orange, and Riverside, there were numerous reports of polling places that did not have bilingual poll workers on-hand to assist monolingual Spanish-speaking voters. In other instances, poll workers had failed to properly display translated election materials.

***Another quarter of the reports involved problems with being able to effectively cast a ballot. Reports included: incidents of being improperly asked to present identification; being denied provisional ballots; and a lack of emergency paper ballots during voting machine malfunctions.***

- ☑ Just two and a half hours after polls opened, poll monitors and voters at Orange County polling sites began to report incidents of E-Slate voting machines being out of service. In these instances, voters should still be allowed to cast their ballots on “Emergency Paper Ballots.” However, in several instances poll workers reported an insufficient supply of emergency ballots to satisfy the demand for these ballots.
- ☑ In the city of Houston in Harris County, Texas, a voter reported a complaint through our 1-888-Ve-Y-Vota hotline of being denied a ballot of any kind. The voter stated that he was turned away because his/her name did not appear on the voter roster and he was unable to produce a proper form of identification. Poll workers at the site allowed the voter to leave without offering a provisional ballot. Minutes after receiving the report, staff at volunteers at the NALEO Educational Fund responsible for monitoring and resolving these complaints were able to confirm with election officials that the voter was listed in the Harris County database as an active voter.

***Voting technology issues comprised about 23% of reports received. Many of these problems were due to malfunctioning voting machines, and improper equipment set-up. Frequently, overwhelmed election office staff were unable to promptly respond to our reports.***

- ☑ Los Angeles County, California, implemented a new Precinct Ballot Reader (PBR) device in order to comply with the requirements of the federal election reform legislation, the Help America Vote Act of 2002. The PBR was an enhancement to the county’s Opti-Scan Ink-A-Vote voting system. In accordance with HAVA’s requirements, PBR’s scan voters’ ballots, and let them know if they have over voted or completely left their ballot blank. If a problem is determined through the scanning, the voter should have the opportunity to review and correct their ballot. Throughout the day, voters at polling places across the county reported instances of malfunctioning PBR units. As a result, some voters encountered long lines, and in several instances, frustrated voters left the polling place without voting. PBR unit malfunctions also resulted in ballots being placed directly in the ballot box without being scanned and thus not allowing voters to verify their ballot.
- ☑ In the city of Santa Ana in Orange County, California, we received a report that five of eight E-Slates voting machines assigned to a polling place were offline and out of service. Monitors at the site expressed strong concerns about insufficient emergency paper ballots in the multiple languages required by the VRA.
- ☑ At a polling place in the city of Chicago in Cook County, Illinois, the *touch screen* voting machines were down for over an hour. Poll workers at the site failed to offer voters, who had been waiting nearly an hour, a provisional ballot. The report indicated that poll workers were not aware that provisional ballots could be used as

emergency ballots in instances where voters could not or would not wait for touch screen machines to be made available.

***Nearly 15% of the calls reported were due to inaccessible polling places and late openings.***

- ☑ At another location in Staten Island, New York, poll monitors encountered several poll sites with no signage identifying them as polling places. In one instance, the main entrance to the polling place was not only difficult to find, but was locked. To gain entrance, poll observers were forced to knock repeatedly.
- ☑ In Los Angeles County, poll monitors in the field reported several incidents of late opening polling places. In the city of El Monte, voters were unable to enter a poll site due to scheduled construction. According to reports, the polling place was obstructed by large construction materials. After visiting the site, construction workers had taped off the entrance to the polling place with yellow “caution” tape. While signage properly identified the site as a polling place, voters could not enter the building and no poll worker was stationed outside to direct voters to an alternate entrance at the rear of the building.

### **Summary Report from 1-888-Ve-Y-Vota Hotline**

During our campaign to inform and protect the Latino vote in this critical election, the NALEO Educational Fund’s hotline assisted nearly 3,000 callers. Callers from 23 states were able to obtain information about voting and the election from live bilingual operators.

On Election Day, trained operators from the NALEO Educational Fund and the National Council of La Raza (NCLR) assisted nearly 1,000 callers, by providing last minute information about the election, polling place directions, and documenting reports of voting irregularities. This Election Day effort revealed important challenges to electoral participation faced by U.S. Latinos.

***Latino voters continue to face significant challenges in obtaining accessible information about the election, candidates, and their polling place.***

- ☑ Nearly 80% of the calls received on Election Day were from Latino registered voters who did not know the location of their polling place.
- ☑ Close to one third of the registered voters who called the hotline reported not having received any official information about the election from elections officials.
- ☑ As part of our research, the NALEO Educational Fund contacted 46 Secretaries of States – only 13 reported that they mail information about the election (e.g. sample ballots, Voter Guides) to all registered voters. Those states included: Alabama, Alaska, Arizona, California, Colorado, Kansas, Montana, Nevada, New Jersey, Oregon, Rhode Island, Utah, and Washington.

***There is a great need for educating eligible Latinos about the voter registration process.***

- ☑ 23% of all the calls received throughout the campaign were from callers with questions about: where and how to register to vote; re-registering to vote; and verifying voter registration status.

Initial reports from the November election suggest that our nation will continue to see significant increases in Latino turnout. Thus, while Latino voters will continue to play a key role in our democracy, it is clear that our community still faces disparate challenges to becoming full participants in the American political process. Despite reforms like those enacted by HAVA and language minority protections under sections of the recently reauthorized VRA, Latino registered voters requiring language assistance at the polls often times found themselves alone and struggling to exercise their right to cast a ballot in this week's historic election.

The NALEO Educational Fund and its partners urge election officials, newly-elected leaders, and the Department of Justice to continue to make fair and accessible elections a priority over the next two years. As documented by our efforts, reforming the U.S. electoral process is a work in progress and is critical for the future of American democracy.