

“We (still) have to fix that”¹

Common Cause Rhode Island

March 8, 2017

2012-2014

In 2012 many Rhode Islanders experienced problems at the polls. In response the House Oversight Committee of the Rhode Island General Assembly conducted a number of hearings on the subject. Common Cause Rhode Island prepared a report summarizing the problems, titled; “We have to fix that.”²

That report identified several specific problems Common Cause volunteers documented through observations and interviews at several dozen polling places throughout the state. Specifically, it identified problems with ballots being sent to the incorrect polling locations, and unacceptably long lines in several precincts. Common Cause diagnosed those symptoms caused by a number of factors:

- A high turnout presidential election
- Recent changes made to Rhode Island law
- Problems with how the election was administered
- A recent redistricting
- Other legal issues

Common Cause made several top-line recommendations as a conclusion to our report. They included:

- Providing greater notice to voters of changes to their polling locations
- Purchase new ballot scanners
- Modernize voter registration
- Reconsider decision to increase the cap on the number of voters per precinct
- Establishing a system of in-person early voting
- Examining and improving the usability experience of voters
- Expanding poll worker recruitment and training

In the years since “We have to fix that” was released, Rhode Island has made significant changes and improvements. Under the leadership of Secretary of State Nellie Gorbea the state

¹ Prepared for the Elections Task Force Meeting, March 8, 2017.

² Common Cause Rhode Island, “We have to fix that,” February 7, 2013, accessed on March 7, 2016 at, <http://commoncauseri.org/we-have-to-fix-that/>

purchased new election equipment from ES&S, passed and implemented online voter registration, and piloted the use of electronic poll books. The Board of Elections has implemented a new curriculum for poll workers and increased efforts to recruit additional workers.

One unexpected result of the 2012 Common Cause report was the #votelab at the Rhode Island School of Design. One of the Common Cause volunteers, Kelsey Lim, was a RISD undergraduate who, after witnessing significant problems at the Juanita Sanchez Educational Complex polling location decided to apply her training as a designer to questions of election administration. Kelsey Lim recruited a classmate, Keela Potter, and together they spent the summer of 2013 interning with the Board of Elections and evaluating their systems. In the fall of 2014 they recruited an instructor to teach a winter session course on design and elections titled #votelab.³ As a result the Board of Elections and Secretary of State's office implemented several design changes based on recommendations from the internship and class, as well as the American Institute of Graphic Artists Design for Democracy project.

2016

Once again Common Cause put significant effort into monitoring Rhode Island elections in 2016. We focused on all three elections; April's Presidential Preference Primary (PPP), September's Statewide Primary, and November's General Election.

Prior to the Presidential Preference Primary Common Cause became aware that Rhode Island had, as was usual practice, consolidated the number of polling locations by approximately 2/3rds (144 of 419) from what would be open for the General Election.⁴ This occurred despite the competitive races for both the Democratic and Republican nominations, and problems with insufficient numbers of polling locations in other states.⁵

Common Cause engaged in a significant social media and earned media campaign to highlight the importance of voters educating themselves about the location of their polling place. Despite our best efforts Common Cause volunteers and staff witnessed a number of problems:

- Significant lines at a number of polling locations (Swift Community Center in East Greenwich, Our Lady Queen of Martyrs and Leo Savoie Elementary School in

³ Jessica Hewitt, "Election Design Fellowship: Partnerships for Positive Change," *Civic Quarterly*, 2 (2014).

⁴ Ted Nesi, "RI will only open 1 in 3 polling places for primary," *WPRI.com*, April 20, 2016, accessed on March 7, 2016, <http://wpri.com/2016/04/20/ri-will-only-open-1-in-3-polling-places-for-primary/>

⁵ Mary Jo Pitzl, Ann Ryman, Rob O'Dell, "Long lines, too few polls frustrate metro Phoenix primary voters," *The Republic*, March 22, 2016, accessed on March 7, 2017, <http://www.azcentral.com/story/news/politics/elections/2016/03/22/arizona-primary-voter-turnout-long-lines/82125816/>

Woonsocket, Aime Forand in Johnston, and Summit Commons and Temple Beth El in Providence)

- Voters who showed up at their previous polling location with insufficient signage indicating the consolidation of precincts⁶
- A spike in provisional ballots, likely caused by voters who were unaware of the requirement to disaffiliate prior to election day
- Poor choice for accessibility of at least one polling location (Capitol Ridge in Providence)⁷
- Locked doors at one polling place (Kennedy Housing in Pawtucket)

As a result of our observations, Common Cause made a number of recommendations for improving our elections:⁸

- Adopt in-person early voting
- Purchase electronic poll books
- Fill vacancy on the Board of Elections
- Enact a statutory cap on the number of voters per polling place in the PPP

Between the PPP and the Statewide Primary in September Rhode Island Governor Gina Raimondo made two appointments to the state Board of Elections, the state purchased new election equipment and the state began a pilot program for electronic poll books.⁹ The September election went off without significant problems, including implementation of the new machines.¹⁰

⁶ Paul Edward Parker, "In RI, lines, polling place changes, cause confusion," *Providence Journal*, April 26, 2016, accessed on March 7, 2017, <http://www.providencejournal.com/news/20160426/in-ri-lines-polling-place-changes-cause-confusion>

⁷ James O'Leary, "Couple casts votes for 70 years but misses primaries due to moved polling place," WPRI.com, April 28, 2016, accessed on March 7, 2017, <http://wpri.com/2016/04/28/ri-aims-for-smoother-voting-process/>

⁸ Common Cause Rhode Island, "Common Cause calls for immediate improvements to voting in Rhode Island," April 27, 2016, accessed on March 7, 2017 at, <http://commoncauseri.org/common-cause-calls-for-immediate-improvements-to-voting-in-rhode-island/>

⁹ Jennifer Bogdan, "Raimondo appoints two to R.I. Board of Elections," May 5, 2016, *Providence Journal*, accessed on March 7, 2017, <http://www.providencejournal.com/article/20160503/NEWS/160509884;>

Michelle Smith, "Rhode Island voters to see new machines at polls Tuesday," *Associated Press*, September 11, 2016, accessed on March 7, 2017, <https://www.apnews.com/e4c99b2d9994455693884cda32e7b089>

¹⁰ Jennifer Bogdan, "R.I. primary: new voting machines appear to pass test," *Providence Journal*, September 13, 2016, accessed on March 7, 2017,

For the General Election in November Common Cause once again had a significant field effort with volunteers deployed around the state as well as a telephone hotline. Through the volunteers, hotline, and social media efforts we documented many problems, including:

- Significant lines in more than a half dozen polling locations (Francis School in East Providence, Kickemuit Middle School in Warren, Jamestown Recreation Center in Jamestown, Fallon School, Curtis Elementary and Varier Elementary School in Pawtucket, and Nathan Bishop Middle School, Temple Beth El and Summit Commons in Providence)
- Problems with the new optical scanners (Francis School in East Providence, Varier School in Pawtucket, Mt. Pleasant High School, Trinity Academy for the Performing Arts, Providence Water Supply Board, Webster School, DaVinci Center in Providence, Common Fence Point in Portsmouth) including machines that stopped operating for significant periods of time because of stickers handed out by at least one write-in campaign and ballots that were curling and not feeding into the scanners properly (Kickemuit Middle School in Warren and Schneider Arena in Providence)
- Problems with the handling of voted ballots because the scanners were operating slowly or were broken in several polling places (Summit Commons in Providence and Francis School in East Providence)
- Missing names from a poll book at Edgewood Highland Elementary School polling place in Cranston
- A different ballot being used in North Kingstown from the ballot used for machine certification¹¹

The clear majority of Rhode Islanders did not face problems at the polls. However, our volunteers witnessed an unacceptable number of precincts where at least some problems occurred. Because of our observations from 2016, Common Cause reached several conclusions about election administration in Rhode Island.

Rhode Island has a difficult time estimating turnout and in turn deploying resources strategically. That happened in the PPP when the state and municipalities underestimated the number of polling places needed in certain communities and neighborhoods. The decision to consolidate the number of precincts was made months before the PPP and without any public input or sufficient public notice.

<http://www.providencejournal.com/news/20160913/ri-primary-new-voting-machines-appear-to-pass-test>

¹¹ James Bessette, "Septic program approved in NK after recount," *The Independent*, November 18, 2016, accessed on March 7, 2016 at, http://www.independentri.com/independents/ind/north_kingstown/article_6fc5441a-8791-5bfd-b172-6abecdaf6cbd.html

Rhode Island has a difficult time with high turnout elections and must be careful implementing significant changes during presidential election years. In 2012 Rhode Island was coming off a redistricting that resulted in many precincts being changed and consolidated. In 2016 Rhode Island implemented new optical scanners. In both instances the high turnout election, coupled with the changes, created significant difficulties in some locations.

Finally, Rhode Island does not have in place any protocols for assuring the public that votes are being counted as cast. We are overly reliant on the subcontractor charged with programming the optical scanners and running the election management software without sufficient processes in place.

Based on our evaluation of the 2016 election Common Cause recommends:

- Adoption of **in-person early voting**: giving voters an opportunity to exercise their right to vote their convenience, while allowing election administrators an opportunity to assess turnout and make necessary adjustments. This would reduce the burden created by the drastic increase in the use of mail ballots.
- Adoption of **automatic voter registration**: continued modernization of our voter registration system will, over time, lead to more accurate voter rolls. That will allow election administrators to better estimate the actual number of registered voters per polling place and allocate resources accordingly.
- Adopt a system of **post-election audits**: a system of post-election audits will maximize the probability of finding discrepancies between votes as cast and counted. When properly implemented the audits will lead to the correct outcome.
- Adopt best practices for **poll worker training and recruitment**: including higher pay, and possibility split shifts.
- Fully implement **electronic poll books**: in addition to increasing the efficiency of processing voters at the polling place, proper implementation of electronic poll books will reduce the administrative burden on municipalities and lead to more accurate reconciliation of polling places.
- Cap the **size of precincts** and deploy additional resources strategically.