

***Off to a Good Start:
County Election Boards Make Strides
in November 2009 Election***

**Monitoring the League of Women Voters of Ohio's
Historic Election Lawsuit Settlement**

FINAL REPORT

June 2010



League of Women Voters of Ohio Education Fund

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Report written by Scott Britton, Project Manager
Based on data collected by local Leagues in Ohio

***The League of Women Voters of Ohio Education Fund gratefully acknowledges support
for this project from the Public Advocacy for Voter Protection Project
of the League of Women Voters (U.S.) Education Fund.***

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Summary

A historic election lawsuit settlement agreement in June, 2009, between the League of Women Voters of Ohio and the Ohio Secretary of State established new requirements for county boards of elections in the administration of general elections. Volunteers from local League of Women Voters affiliates across the state interviewed county election board staff in 22 Ohio counties in late 2009 and early 2010 to determine these counties' compliance with the terms of the settlement agreement.

Highlights and Conclusions

- The project succeeded in building positive – in most cases, stronger – relationships between local Leagues and county election boards.
- Responses indicate that county boards of elections are largely complying with the terms of the lawsuit settlement agreement.
- Counties that refused to meet for an interview – Hamilton, Madison, Medina, and Ross – missed an opportunity to demonstrate transparency, build a relationship with the League, and prove that they are in compliance with the terms of the settlement agreement.
- Recruiting and training competent poll workers remains a major challenge for county election boards.
- Full compliance with accessibility laws for voters with disabilities remains elusive.

Next Steps and Lessons Learned

The League of Women Voters of Ohio Education Fund should...

- Establish a consistent data-collection method, ideally an online survey with clear parameters for accepting quantitative information but with adequate space for collecting qualitative/narrative responses as well.
- Determine what, if any, evaluative questions – that is, questions that require the interviewer to evaluate the quality or veracity of the response – can be included so as not to rely solely on self-reporting by the county election boards.
- Continue offering some type of incentive for local League participation.

Introduction

Seeking to redress decades-old procedural defects in the way Ohio conducts federal elections, resulting in Constitutional violations, the League of Women Voters of Ohio, the League of Women Voters of Toledo-Lucas County, and more than a dozen Ohio citizens filed a historic, nonpartisan lawsuit against the State of Ohio on July 28, 2005.

The lawsuit alleged that then-Ohio Secretary of State J. Kenneth Blackwell, then-Governor Bob Taft, and their predecessors failed to protect the fundamental rights of eligible Ohio voters to cast a meaningful ballot, as required by the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. In addition, the complaint contended that Ohio did not meet its obligations under the Help America Vote Act. The lawsuit did not challenge the results of any past elections, but instead sought to bring about changes necessary to protect the rights of Ohio voters in future elections.

The complaint chronicled deficiencies in Ohio election administration over more than three decades, including widespread problems with election planning, voter registration, the absentee and provisional ballot processes, the training of poll workers, the organization of polling places and precincts, the allocation of voting equipment and resources, disability access, and voting technology and security. The complaint also alleged wide and constitutionally impermissible disparities among Ohio counties in their ability to protect and administer the right to vote.

The lawsuit sought the following results:

- Ensuring uniformity and consistency in Ohio election procedures, so that the opportunity to vote can be enjoyed equally by all Ohio citizens;
- Promoting pre-election planning so as to minimize errors and breakdowns in administering Ohio elections, and overcome past problems concerning inadequate equipment and resources at polling places, processing of provisional and absentee ballots, disability access, voting technology and security and other matters;
- Enhancing the recruitment and training of election officials and poll workers; and
- Instituting consistent data collection and monitoring of key aspects of election administration as a tool of accountability.

On June 16, 2009, the League and its co-plaintiffs reached a historic agreement with the State of Ohio to fix defects in the way Ohio conducts its elections. The landmark agreement in the case, now styled *LWVO et al. v. Brunner*, called for new institutional procedures in the electoral process. For a roughly five-year period, through January 11, 2015, the agreement is binding on the state to provide for uniformity and consistency in Ohio election procedures so that the opportunity to vote can be enjoyed equally by all Ohio citizens.

The settlement agreement covers such issues as pre-election planning, provisional and absentee ballots, poll worker training and recruitment, post-election reporting, voter registration, disability access, voting technology and security, and the statewide voter registration database. The eight Ohio counties with large urban centers (Cuyahoga, Franklin, Hamilton, Montgomery, Lucas, Stark, Mahoning, and Summit) bear a heavier burden under the terms of the settlement agreement.

Project Overview

The League of Women Voters of Ohio Education Fund took charge of monitoring the Secretary of State's compliance – and, by extension, compliance by the county boards of elections – with the terms of the settlement agreement. The League enlisted the support of local Leagues across the state to ensure that county boards had begun implementing the new requirements for the November 2009 general election. More than 20 local Leagues stepped up to this challenge, agreeing to arrange a face-to-face interview with county board staff (ideally both the director and deputy director to maintain partisan balance) for the first phase of what is envisioned to be a five-year project.

The League developed a toolkit and a 28-question survey (see appendix) to collect information from county election boards. These questions focused on those terms of the agreement where county boards held primary jurisdiction as the on-the-ground administrators of elections. These include:

- Poll worker performance, training, and recruitment;
- Access for voters with disabilities;
- Technology; and
- Precinct-level data in the eight counties with large urban centers.

It should be noted that the settlement terms relating to technology did not result from the League's initial lawsuit, but rather from a separate suit filed by a third party who interceded in the larger suit and whose complaint was combined with the League's. Because the League became the chief plaintiff negotiator in the settlement, the League assumed responsibility for monitoring the terms relating to technology.

Other terms of the settlement agreement that fall under the purview of the Secretary of State and pertain to state-level election management will be explored directly with that office and are not the subject of this report.

Local Leagues were given the incentive of a \$50 stipend for completing an interview. The stipend, while appreciated by local Leagues, was not the prime motivating factor, as several local Leagues interviewed not only their county board but one or more election boards in adjacent counties, or worked together with another local League in the county to conduct the interview. In total, 22 county boards were surveyed (see below) by 18 local Leagues.

Counties Surveyed

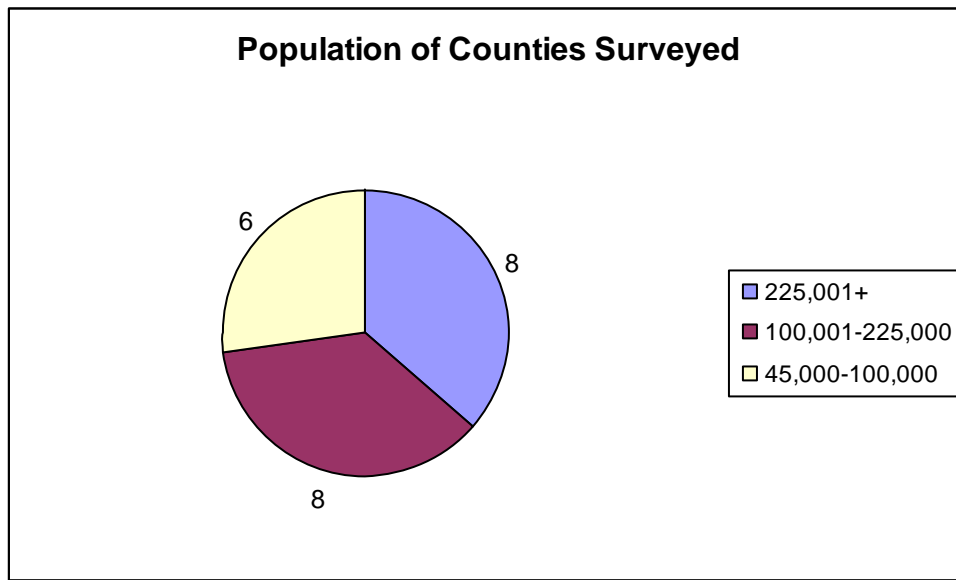
Included in this report are 22 counties of varying size. Of the "big eight" counties, Hamilton is the only county not included in this report because the board of elections there refused to participate in the interview, citing legal concerns.

Other county election boards that refused to participate are Madison, Medina, and Ross. In the case of Madison and Medina counties, no further action was taken because there was not a local League of Women Voters based in that county.

This report reflects responses from the following 22 counties:

Small Counties (population* 25,000-100,000)	Mid-sized Counties (population* 100,001-225,000)	Large Counties (population* 225,001+)
Adams Brown Geauga Seneca Union Washington	Allen Ashtabula Clermont Delaware Greene Miami Trumbull Wood	Butler Cuyahoga Franklin Lucas Mahoning Montgomery Stark Summit

*Population based on 2009 Census estimates (quickfacts.census.gov)



Local Leagues participating in the project include:

Akron Area
Ashtabula County
Bowling Green
Canton Area
Clermont County
Cleveland Area

Cuyahoga Area
Delaware County
Greater Dayton Area
Greater Youngstown
Hudson
Lima Area

Marietta/Washington County
Metropolitan Columbus
Oxford
Shaker Heights
Tiffin Area
Trumbull County

Special Considerations

When reviewing the findings presented in this report, readers should take into consideration a number of factors:

Not all counties were surveyed. The data in this report represent only a quarter of Ohio’s 88 county boards of elections. The 22 counties included in this report reflect a range of county sizes that could be interpreted as representative of the state as a whole. The project never intended to

comprise every Ohio county, but rather relied on local Leagues to build relationships with counties in their jurisdiction.

Many responses rely on self-reporting by county boards. The survey was designed so that a League layperson, without expertise in election administration, could collect data. It was not practical to expect local League volunteers to evaluate the responses provided by county boards. For such questions as “In how many instances did poll workers incorrectly complete the polling place reconciliation sheet?” and “Did the training expressly include *specific* information about provisional vs. regular paper ballots?” we rely exclusively on the responses provided by the county election personnel rather than on any independent evaluation. This is not to call into question the veracity of county election board staff but rather to put the data presented in this report in the proper context.

Different methods were used to collect data. Local Leagues had the option of submitting their responses in writing or using an online survey tool. The hand-written or typed responses were then entered into the survey tool by the project manager for purposes of data analysis. Except for the five questions requiring a narrative response, the online tool forced users to provide quantitative data (a yes or no response, for example, or a single number), whereas many of the hand-written submissions included qualified answers, a range of numbers, detailed notes, or an unclear response. Every effort was made to ensure that data were accurate and consistent.

A variety of documents were submitted as part of the data-collection process. The survey requested that only two documents be collected and submitted if available: a summary report of polling place reconciliation sheets and (for the eight urban counties only) a precinct-level data report. Submission of these reports was too inconsistent to merit analysis. At the same time, local Leagues submitted a variety of other documents (e.g., poll worker training manuals, brochures, provisional ballot reports). All documents will be submitted with the final report.

Results are presented without identifying specific counties. Because a primary goal of the project was to encourage local election boards and local Leagues to work more closely together and establish a collegial relationship, the League made it clear from the beginning that counties would not be singled out based on their responses. The project’s purpose is not to single out high-performing or poorly performing counties, but rather to offer a sense, generally, of how election boards are complying with various components of the settlement agreement.

Methodology

Local Leagues were provided with a 15-page toolkit shortly after the November 2009 general election. In addition to background information about the lawsuit and settlement agreement, the toolkit contained tips for managing the interview process, setting up the interview, sending the questionnaire to board personnel ahead of time, and instructions for completing the form.

The questionnaire only was shared with staff at the Secretary of State’s office.

The League hosted three conference calls – November 16, 17, and 23 – so that local League leaders could learn more about the process, listen to suggestions for handling questions that may

be confusing or sensitive, and ask questions of the project manager and state League leadership. Ongoing telephone and e-mail support was available from the project manager.

An initial deadline of January 15, 2010, was established for Leagues to complete the interview and submit responses. Many Leagues were not able to meet this deadline, and so it was extended to allow for maximum participation.

Local Leagues had the option of submitting reports in writing or using an online survey tool (Survey Monkey). Written responses were entered into the online tool by the project manager to facilitate analysis of the raw data.

A stipend of \$50 was provided for each local League or Leagues that conducted one or more interviews with county election boards.

Highlights and Conclusions

Based on data collected by local Leagues, a number of conclusions can be drawn. See the “Findings – Raw Data” section (starting on page 8) for a summary of results for each question in the survey.

The project succeeded in building positive – in most cases, stronger – relationships between local Leagues and county election boards. Every League that completed one or more interviews reported a positive experience, indicating that the relationship between the League and the county election board improved – or, in cases where the relationship was already strong, stayed the same – as a result of the interview.

Responses indicate that county boards of elections are largely complying with the terms of the lawsuit settlement agreement. It appears that the county boards are all familiar with their new responsibilities under the settlement agreement and have put in place systems to capture data and comply with new requirements. While the interview merely captured data reported by the county boards rather than evaluating the information, participating Leagues reported that county staff were not surprised by the questions and had ready answers. Many Leagues also noted that county staff were willing to share challenges and problems along with their successes, leading to confidence in the reliability of the data.

Counties that refused to meet for an interview – Hamilton, Madison, Medina, and Ross – missed an opportunity to demonstrate transparency, build a relationship with the League, and prove that they are in compliance with the terms of the settlement agreement. The Secretary of State declined to intervene, stating that each county election board operates independently and may choose to meet with community groups or not. Attorneys for the Secretary of State were reportedly instructed to make clear that these interviews were well within the League’s purview in ensuring compliance with the settlement agreement. In all cases, the interviews that did occur went smoothly and gave county election boards a chance to “show off” their systems and successes.

Recruiting and training poll workers remains a major challenge for county election boards. Generally, very good systems were in place for recruiting adequate numbers of poll workers

(including those from high schools, businesses, and colleges/universities), and for monitoring those poll workers on Election Day and responding to questions and problems. Not surprisingly, however, many counties face problems, even during a smaller off-year general election, in recruiting and training enough competent poll workers. Even though most problems reported by poll workers on Election Day are minor (see Question 9 responses below), most such problems – including many related to provisional ballots and reconciliation – result from poll worker error.

Full compliance with accessibility laws for voters with disabilities remains elusive. While the vast majority of counties report 100% compliance, and many report that great strides have been made since the 2008 election, it is clear from comments that full accessibility for voters with disabilities – whether it relates to voting machines or the polling location itself – has not yet been met in every county, in every polling place.

Next Steps and Lessons Learned

With the 2010 general election fast approaching, the next phase of this project will soon begin. Based on the experience gained from this first successful phase, the state League should consider making some changes to the process:

Establish a consistent data-collection method, ideally an online survey with clear parameters for accepting quantitative information but with adequate space for collecting qualitative/narrative responses as well.

Collect data as a percentage rather than as a stand-alone number. With counties of variable size, it is important for those questions requiring a numerical response to collect ratios or percentages. For example, it is not easy to interpret data when one county may incorrectly process 20 provisional ballots while another incorrectly processes 500. Both numbers may represent the same percentage of the total, but without knowing that information, the data can be misleading.

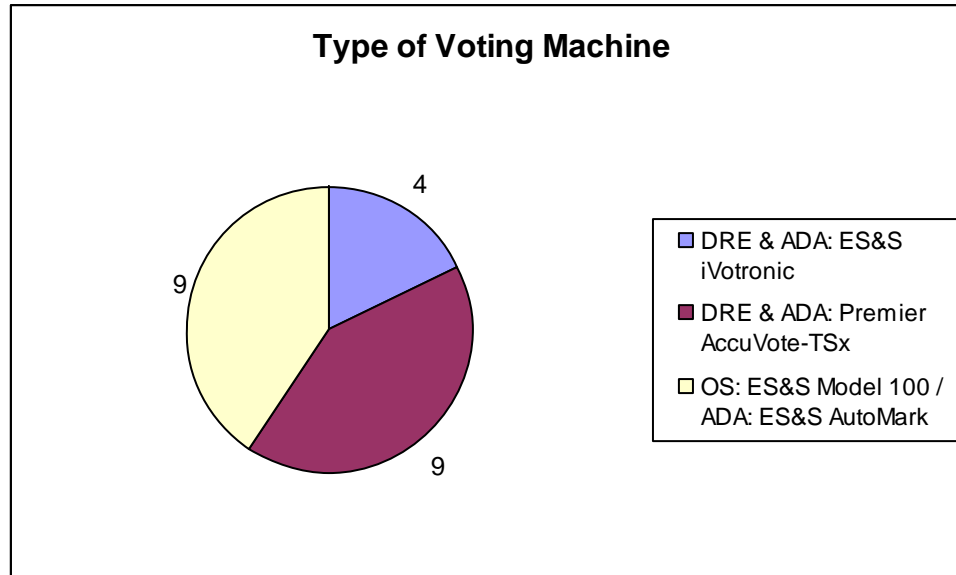
Determine what, if any, evaluative questions can be included so as not to rely solely on self-reporting by the county election boards. For these responses to be meaningful, and to ensure full compliance with the terms of the settlement agreement, the League must be willing to verify and evaluate the practices of local election boards. Some local Leagues – Greater Youngstown stands out – already conduct regular oversight of poll worker training or act as observers as votes are being counted after the polls close. The League will have to determine to what extent local League volunteers can evaluate and/or independently verify the election board's responses.

Continue offering some type of incentive for local League participation. The stipend offered a useful incentive for local Leagues, but not surprisingly, most Leagues were “not in it for the money.” Some Leagues suggested that such close contact with their county election board should have been part of the League's mission from the beginning, rather than something instigated by a lawsuit. At the same time, local Leagues can always use additional funds to support local programming. If offering cash stipends for participation in future phases of this project is not feasible, the state League should determine what incentives – monetary or otherwise – will secure long-term buy-in.

Findings – Raw Data

Question: What type of voting machine is used in the county?

Note: This question was included only on the online survey, not on the questionnaire distributed with the toolkit

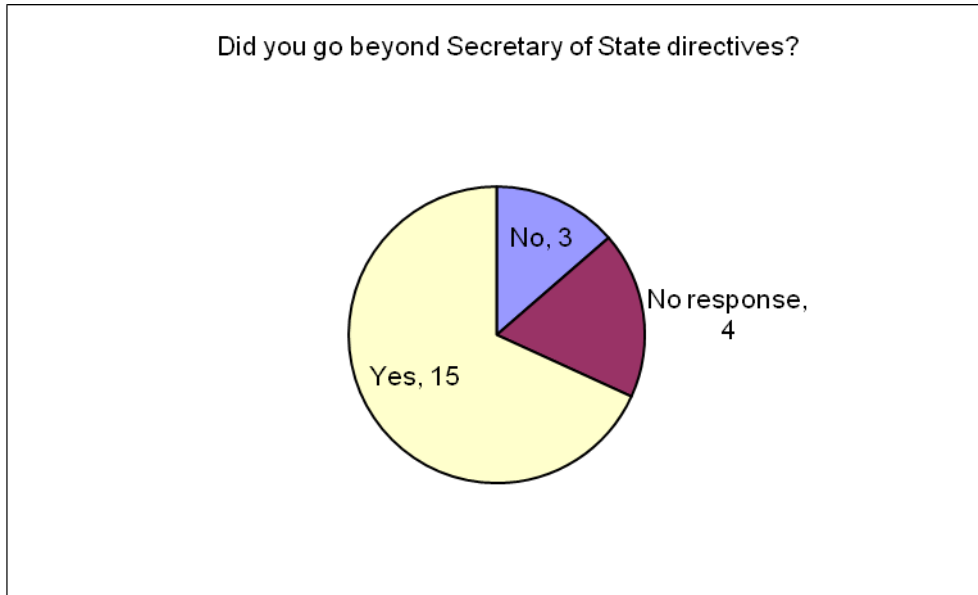


Voting machine definitions:

- DRE stands for Direct Recording Electronic, i.e., an electronic voting machine;
- ADA indicates the alternate voting machine available for voters with disabilities (ADA is the Americans with Disabilities Act);
- ES&S iVotronic is a voting device made by a company called Election Systems & Software;
- OS stands for optical scan, a voting device whereby voters indicate their choices directly on a paper ballot that is then “read” by machine;

Information about the various types of voting machines listed here can be found at the Secretary of State’s website, <http://www.sos.state.oh.us/>.

Question 3: Did you (i.e., the elections board) go beyond Secretary of State directives in monitoring and assessing poll worker performance on Election Day?



Questions 4-8: Poll worker retraining, removal, and reappointment

Note: This question presented some confusion because in practice poll workers are seldom if ever retrained on Election Day; some interviewers interpreted this to mean retrained from the previous election in time for Election Day. Nor are poll workers retrained immediately after Election Day; training most often occurs just prior to the next election. The responses to these questions were not helpful because they were not collected as percentages of the whole; there was no way to represent the data in a useful fashion.

Question 9: How many problems were self-reported by poll workers? How many of these do you consider minor? Major?

Number of Counties	Number of Problems
12	No response
3	0
3	1-10
1	11-100
3	101-750

Most problems were minor. Responses and examples provided:

- Lots of problems reported. 80% minor, 20% major (most called into board and taken care of). Examples: voter votes in wrong precinct; poll worker encodes wrong ballot when split school district and voter votes with wrong ballot.
- Major problem: One poll worker was removed because he had a knife. Other problems: Calls to the phone bank generally requested help in four areas: Help with the scanner, a problem with the polling location, a procedural question, or a request for supplies.

- One left precinct book behind. One filed worker's compensation claim for radiation burns allegedly caused by lights in gym. Poll workers wanted more breaks. Poll workers didn't like working with someone or snitched about the person.
- Most calls received from poll workers were for minor things like paper jams in the printer. About 15 major problems occurred, necessitating replacement of the machines because printers didn't work or touch screens malfunctioned. "County had a higher rate of printer failure than other counties whose machines have printers as original equipment. Our machines had to be retrofitted with printers."
- Poll workers were able to self-report using "suggestion pages" provided to them. Good suggestions have been received and implemented. An example of this is the use of A-B-C tabs in the signature books.
- Some minor problems: not enough provisional ballots; more were delivered.
- Any problems were resolved on Election Day. Most were minor; one precinct had a problem with campaigners inside the 100-foot designated distance from the polling area, but they moved to the proper distance. (A complaint was filed, but the complainants didn't show up for the hearing.)
- It's a problem to recruit poll workers, especially stand-bys, because of work commitments. Need to have a stipend available for stand-bys. We have good feedback loop and poll workers are open in reports. Solve problems when they occur by contacting supervisor. Good two-way communication. Only minor problems.
- Machine problems, tapes; rovers fixed.
- All minor – missing information.
- Problems were minor relating to calibration of machines or dealing with provisional ballots.
- All were minor and involved machine malfunctions that were easily repaired by poll workers (the high school students were put in charge of the machines and did a great job).
- They didn't give us a count, but stated workers do report problems. Most problems are due to the voter trying to vote in the wrong precinct. They contact the Board of Elections office where the problems are sorted out and the voter is given direction to the correct precinct. Other voters try to vote who are not registered. The Director and Deputy did not believe they had major problems.
- Most were minor such as voter not in the book, whether to vote provisional or regular. The most major was that 2 machines had problems but there were extra machines to use so no time was lost.
- The poll workers themselves reported most problems that occurred. All problems that were reported were minor. No major problems were reported in the 2009 election. Thus, there were no examples to cite or list.
- The poll workers do self-report problems when they arise, but no complaints or reports came in last election. They both [director and deputy director] said simultaneously that there were no instances to count or report.
- They had so few problems that they found it difficult to remember any examples. The most common concerns such as paper jams or people loitering at polling locations would be self-reported by workers calling regarding procedures. All problems were minor in 2009.

Question 10: In how many instances did poll workers inappropriately handle or process provisional ballots, including incorrectly providing provisional ballots?

Number of Counties	Number of Instances
6	No response
5	0
8	1-50
1	51-100
1	101-500
1	501-1,000

Note: One large county reported 800 instances, or 8% of total provisional ballots counted. (This single county accounted for 20% of all provisional ballots issued across the state.)

Question 11: In how many instances did poll workers incorrectly complete the polling place reconciliation sheet?

Number of Counties	Number of Instances
4	No response
6	0
7	1-10
4	11-50
1	100+

Question 12: Did the numbers reconcile? If no, how far off was each precinct? (Collect a report if possible.)

Number of Counties	Response
1	No response
18	Yes
3	No

According to the League's elections specialist, Peg Rosenfield, polling place reconciliation sheets rarely reconcile the first time. Responding counties reported only minor differences (off by 1 or 2 in most cases); only two counties reported a differential of greater than 2. Several counties furnished reports of the discrepancies for examination by the League.

Question 13: How many polling places: a) Did not open by 6:30 am? b) Did not close by 7:30 pm?

Number of Counties	Polls Opened/Closed...
1	No response
19	On time
2	Late

Note: No county reported a significant number of polling places that did not open or close on time; in fact, only two counties indicated that any polling places were late and in these cases there were understandable reasons for this being the case.

Question 14: Did the board use the poll worker training materials and instructions issued by the Secretary of State (Directive 2008-77)? Did you add any local materials or instructions?

Number of Counties	Used SOS Materials
21	Yes
1	No

Number of Counties	Added Local Materials
20	Yes
2	No

Question 15: Did the training expressly include *specific* information about provisional vs. regular paper ballots?

Number of Counties	Response
22	Yes
0	No

Question 16: Did the training expressly include *specific* information about voter ID requirements?

Number of Counties	Response
22	Yes
0	No

Questions 17-22: Outreach to high school seniors, businesses, and colleges/universities for purposes of recruiting poll workers

Number of Counties	Conducted Outreach to...
15	High school seniors
7	Businesses
12	Colleges/universities

Success in these recruitment efforts varied. Some counties did not track the number of individuals recruited from each institution. Others did not even attempt to recruit because they

had adequate poll workers on hand (and their needs were not as great during the off-year election). Counties recruited from 3 to 1,500 high school seniors; from 1 to 40 businesses with from 40 to 443 business employees total/per institution; and from 1 to 3 colleges/universities, with from 1 to 12 college/university students per institution.

Question 23: How might the League of Women Voters – at the local or state level – be helpful to the board in recruiting and training poll workers?

Responses varied widely, from “no help needed” to several specific recommendations:

- Volunteer as workers. Sponsor meeting where board staff comes and recruits. Sponsor public service announcements about volunteering. Encourage Leagues to take on recruitment as a project.
- Correspondence to members.
- Encourage members to participate as poll workers
- There were no suggestions made for LWV help in recruiting poll workers. The League's monitoring of poll worker training and our written comments about this were reported to be helpful.
- The League has always issued a voter guide that has been helpful with voter education. An adequate number of poll workers currently exists.
- Put link/contact information on our website and in the Voters Guide for anyone interested in being a Poll Worker
- LWV is a great source for recruiting poll workers. We could provide a direct link to the BOE application for poll workers on League websites.
- The issue is to maintain a substitute/stand-by team of poll workers. LWV could help publicize this need and seek state support. Training poll workers takes time and resources. It is not cost-effective to train high school or college students who only serve one year and then move on.
- The League of Women Voters could increase public awareness by PSA announcements in the media and continue to identify and refer interested candidates to the BOE.
- LWV could help in recruiting poll workers for each precinct – possibly by leaning on the parties to provide workers.
- Approach universities to adopt a policy granting excused absences from class for working at the polls. Help develop and evaluate training session for adult learners. Help recruit poll workers at universities and schools.
- Voter education with basic voting rights and procedures. Both the Director and Deputy Director requested the League to assist with basic voter education. They both commented on the very basic need for voters to take the responsibility to keep their voter registration current and up to date. Both commented that if a larger majority of voters took the initiative to keep their registration current, the volume of provisional ballots would plummet.
- As League members are attending other functions, can encourage participation in election process. Training is completed in-house – but League can encourage the use and review of our Board's website for worker training and the SOS has web training information also.
- Probably 7 or 8 League members serve as poll workers. The local League could be used to recruit more poll workers.

- Mailing out fliers asking for poll workers; recruiting poll workers among members and friends.
- Word of mouth and by passing out flyers from the SOS's office.
- I don't think they need help from anyone.
- LWV members could help non computer literate poll workers to take the online training from the state. Also, keeping the issue in the news about needing poll workers would be helpful. Schools could close school for the day or have teacher in-service day on Election Day so schools could be used for polling locations.
- The Board of Elections requested that we put out an e-mail blitz to our membership to let our members and their families know that they still need workers for the upcoming May primary election. Our VOTER editor did do that immediately, and we put an announcement to that effect in our April edition of the VOTER. We have also posted it on our website. I think we have good rapport now and shall continue to try to keep open lines of communication with our local Board of Elections.
- [This county has] no LWV. I told them about us, and offered to return if they hear of any people wanting to start a chapter in their area.
- The League would help the BOE with timely recruiting of qualified poll workers. The BOE especially needs Republicans, but also good workers of any party.

Question 24: How many polling locations did not comply with accessibility laws? (For example, voting locations that are easy to get to and use, help for people who are blind, accessible voting machines.) Did you collect any comments from voters with disabilities about polling sites or voting machines?

All counties but one reported 100 percent compliance with accessibility laws, but it was clear from narrative responses that there remained room for improvement. In the case of the single county that went on record (a mid-sized county), 20 polling locations were reported as not complying; the problem appears to relate more to accessible voting equipment rather than site accessibility. At those 20 sites, poll workers took ballots to voters at the curb with proper two-party compliance. Only six county boards collected comments from voters with disabilities, but several counties provided additional information on this issue. All comments collected are noted below:

- BOE uses accessibility checklist from state. Uses as many public buildings as possible. 2008: Assessed every polling place – brought noncomplying spaces into compliance through grants. State audits done. One voter is in wheelchair. No criticisms reported.
- At the previous election a vision-impaired voter complained that the emblems on the ADA machine were difficult to identify.
- They were very proud of their accessibility. They showed me a drawer with each polling place in a separate file that contained pictures of the polling areas, including doors, ramps, parking, signs, etc. to show that each was accessible.
- BOE has tried to raise poll worker awareness re: ADA requirements and being sensitive to the needs of those with disabilities. All of the polling places have been assessed for compliance with ADA and some make temporary modifications for Election Day (such as sign placement or designated parking).
- All polling places are ADA compliant.

- There was one location that did not have the sign posted regarding the \$250 fine for parking there if the car did not have a handicapped sticker. Comments: Use of “temporary” cones designating handicapped parking spots is inadequate or unclear.
- The BOE assisted some precincts with additional ADA signage. They did not receive any comments, complaints, or reports from voters with disabilities; however, they did note that they are aware that a number of disabled voters voiced a preference to utilize absentee ballots, even with the ADA capabilities of the facilities and the DRE machines.
- In the future a few polling locations will be changed because of greater accessibility.
- No one complained; a disabled voter successfully voting was pictured in the local newspaper. This was exciting for the BOE director because the special machines are not often used.
- Disabled voters especially liked the Automark handicap machine.
- In those cases where there was not full compliance, poll workers took ballots to persons in vehicles with proper two-party cooperation. The Board had ordered new equipment to correct this [lack of compliance]. It arrived only two days prior to the 2009 election. The problems became minor as they got everything in place.
- They have had a person who helped to set up appropriate facilities. They have heard no complaints from handicapped voters.
- A “few” are not fully accessible, but they do accommodate to meet voters’ needs. Absentee voting helps their handicapped population stay active in voting process. They’ve not heard complaints from handicapped nor from family members. They are working toward 100% compliant facilities, but they aren’t there yet. They use township or government buildings whenever possible. They encourage and promote the handicapped use of absentee ballots.

Questions 25-26: Voting machines and equipment

Number of Counties	Reported...
22	Accounting for machines
0	Missing equipment
11	Malfunctioning equipment

Note: There did not appear to be any correlation between the type of voting machine used in the county and the occurrence of malfunctioning equipment; therefore, no judgment could be made regarding which types of equipment may be less likely to break down.

Questions 27-28: Precinct-level data per the Election Data Collection Grant Program

These questions applied only to the eight counties with large urban centers, of which only **seven** – Cuyahoga, Franklin, Lucas, Mahoning, Montgomery, Stark, and Summit – are included in this preliminary report.

Number of Counties	Reported...
6 out of 7	Will submit data as required
5 out of 7	Shared data with the League

Note: Counties indicated that this information is available on the Secretary of State’s website and, in some cases, on the county board website.

Local League Satisfaction Survey

Because some Leagues interviewed multiple counties or worked together with other local Leagues, a total of **15** satisfaction surveys were completed.

The contents of the toolkit were...	
10	Very helpful
5	Helpful
0	Not very helpful
0	Not helpful at all

After the interview, our relationship with the election board...	
10	Improved
5	Stayed the same
0	Worsened

The interview was useful...	
15	Yes
0	No

The following local League observations of the board of elections have been edited only to remove any county-specific references.

- Strong efforts at continuous improvement. Current budget cuts may create problems.
- It took quite a few calls to schedule the interview. Staff were prepared and cooperative and apologized for the delay.
- Our relation with the BOE here has been quite good.
- We have had a long-standing relationship with the board of elections. The interview gave us the opportunity to learn more about specific duties of the staff who were interviewed. We felt that they were very open and forthcoming with us. They shared problems as well as successes. It was very helpful for all of us, League members and board of elections staff, to have the questionnaire ahead of time.
- As a new president I was glad to have this opportunity to meet the directors. They were very pleasant and did not seem to mind the questions. I really feel our Board of Elections did a pretty good job. Their biggest problem seems to be getting qualified poll workers. With the need for so many workers, there are bound to be a certain number who are unqualified or simply there “for the money.” They have and use 50 plus people who are ready to “sub” on Election Day and fill in for whatever reason. They also make a point to have an experienced worker at each polling place plus a file containing info on what to do for each situation.
- The BOE seems to go well beyond SOS directives. The Deputy Director suggested we take the training as the best way to know what they are doing.

- Budget cuts could cripple the operation completely – plus absentee ballots and the possibility of Libertarian and Green ballots will stretch their money to the breaking point.
- We have always had confidence in our board and have maintained a good working relationship. The interview reinforced but didn't change this.
- We were very positively impressed by the professionalism and enthusiasm exhibited during the interview. The board takes the voting machines to area high schools to train students as part of their poll worker recruitment. They described the continuous efforts given to training. Smaller counties do not have the year-round staff to undertake some of the activities on an ongoing basis.
- The Board of Elections seems to be run in a very professional and highly responsible manner. The Director and Deputy Director run a very well-trained, experienced department which appears to serve the voters very well. They appear to stay informed of any changes or directives from the Secretary of State and implement them in a timely manner. They appear to meet or exceed the minimum standards.
- The Board has always been very professional and gone beyond Secretary of State directives. The League has a good relationship with the Board.
- Staff were very welcoming and open. They were happy to help and hope the League can help recruit poll workers. They are not happy with the amount and complexity of the work poll workers have to perform.
- The BOE runs a "tight ship." They follow regulations; they attend training; they have good relationships with office staff and poll workers.
- This was a very positive experience and we learned a lot. It should have been done before as a gesture and not in response to a lawsuit.
- The director was very cooperative and forthcoming with information. The deputy was wary at first and wondered if an attorney should be present. I always asked for his input after each statement by director. He relaxed and began to offer info.
- Staff seem to be a very friendly and team-oriented set of leaders. They both enthusiastically answer together and finish each other's sentences.

Appendix

Interview Form and Cover Letter



**LEAGUE OF WOMEN VOTERS®
OF OHIO EDUCATION FUND**

17 South High Street, Suite 650 • Columbus, Ohio 43215
Phone (614) 469-1505 • Fax (614) 469-7918
www.lwvohio.org

November 2009

To the Director and Deputy Director of the Board of Elections:

Your local League of Women Voters is reaching out to you at the request of the League of Women Voters of Ohio Education Fund (the League) to schedule a meeting. The purpose of the meeting is to discuss aspects of the 2009 general election relevant to the June 2009 federal Settlement Agreement in *LWVO et al. v. Brunner*.

The League has the responsibility to monitor the settlement agreement over the next five years. We invite you to review the enclosed interview form and then sit down with your local League of Women Voters representative(s) to discuss it. The state League will aggregate responses from county boards across the state and share the information with the Secretary of State.

The interview addresses requirements delineated in the Settlement Agreement, signed by Secretary Brunner in June 2009. We hope that you will look at this in the same way our state and local Leagues do: as an opportunity for your local League of Women Voters to build and maintain a close, collegial relationship with you.

For 90 years the League of Women Voters has worked to register and educate voters, and to improve the election process to help ensure that every eligible voter votes and that every qualified vote is counted. We appreciate that you, too, share that goal and thank you for your service to the voters of your county.

Sincerely,

A handwritten signature in black ink that reads "Meg G. Flack". The signature is written in a cursive, flowing style.

Meg G. Flack
President

Enclosure

Interview Form

Name of League Interviewer(s): _____

Name of Local League(s): _____

Date of Interview: _____

Name(s)/Title(s) of Board of Elections Personnel: _____

All questions apply to the November 3, 2009, General Election.

Section I: Overview	
1. How did the election go? Any surprises? Challenges?	Narrative (use separate page)
2. What, if any, changes or new procedures did you implement for this election?	Narrative (use separate page)
Section II: Poll workers	
A. Poll worker performance	
3. What methods did you use to monitor and assess poll worker performance on Election Day? Did you go beyond Secretary of State directives?	Narrative (use separate page) Yes No
4. How many poll workers were retrained on Election Day?	
5. How many poll workers were removed from duty on Election Day?	
6. How many poll workers were removed from duty after Election Day?	
7. How many poll workers were retrained after Election Day?	
8. How many poll workers were reappointed after Election Day? Specifically, how many poll workers were: a) Fired? b) Promoted? c) Demoted?	
9. How many problems were self-reported by poll workers? Follow-up: How many of these do you consider minor? Major? Give some examples.	Narrative (use separate page)
10. In how many instances did poll workers inappropriately handle or process provisional ballots, including incorrectly providing provisional ballots?	
11. In how many instances did poll workers incorrectly complete the polling place reconciliation sheet?	
12. Did the numbers reconcile? If no, how far off was each precinct? (Collect a report if possible.)	Yes No
13. How many polling places: a) Did not open by 6:30 am? b) Did not close by 7:30 pm?	
B. Poll worker training	
14. Did the board use the poll worker training materials and instructions issued by the Secretary of State (Directive 2008-77)? Follow-up: Did you add any local materials or instructions?	Yes No Yes No
15. Did the training expressly include <i>specific</i> information about provisional vs. regular paper ballots?	Yes No
16. Did the training expressly include <i>specific</i> information about voter ID requirements?	Yes No

C. Poll worker recruitment	
17. Did the board reach out to high school seniors when recruiting poll workers?	Yes No
18. How many high school seniors served as poll workers?	
19. Did the board reach out to businesses when recruiting poll workers?	Yes No
20. How many businesses agreed to give their employees time off to serve as poll workers? How many employees ended up serving?	
21. Did the board reach out to colleges and universities when recruiting poll workers?	Yes No
22. How many colleges and universities agreed to assist with poll worker recruitment? How many students ended up serving?	
23. How might the League of Women Voters – at the local or state level – be helpful to the board in recruiting and training poll workers?	Narrative (use separate page)
Section III: Access for voters with disabilities	
24. How many polling locations did not comply with accessibility laws? (For example, voting locations that are easy to get to and use, help for people who are blind, accessible voting machines.) Follow-up: Did you collect any comments from voters with disabilities about polling sites or voting machines?	Yes No
Section IV: Technology	
25. Did the board keep an accounting of all voting machines and other equipment distributed to precincts?	Yes No
26. Did any equipment turn out to be missing? Did any equipment turn out to be not working correctly?	Yes No Yes No
Section V: Special questions for Cuyahoga, Franklin, Hamilton, Montgomery, Lucas, Stark, Mahoning, and Summit counties only:	
27. Have you, or will you, submit precinct-level data for the November 2009 general election consistent with the reporting requirements of the federally funded November 2008 Election Data Collection Grant Program?	Yes No
28. Will you provide the League with a copy of that data (in the same format in which it was provided to the Secretary of State)?	Yes No

*The League of Women Voters of Ohio Education Fund
encourages the informed and active participation of citizens in government
and works to increase understanding of major public policy issues.
The League is where hands-on work to safeguard democracy leads to civic improvement.*



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