

How can we prevent long lines from disenfranchising voters in this year's election?

The 2004 and 2006 general elections in Maryland were accompanied by very long lines, with voters in some locations waiting for hours to vote. Many left without voting and were thereby disenfranchised. This year's hotly contested presidential race is expected to cause a record turnout at the polls in November. In addition, many new voters are being drawn into the process, with a high rate of new voter registrations this year. The best way to ensure an efficient election and to avoid disenfranchising voters would be for the State Board of Elections to authorize the use of emergency paper ballots to prevent or reduce long lines.

High turnout will mean long wait times.

- Voters tend to arrive at the polls at peak voting hours, generally before and after the work day and at lunch time.
- Our current voting system has a limited capacity to serve large numbers of voters simultaneously and very little flexibility for expansion.
- Other methods of easing polling-place congestion, such as early voting and no-excuse absentee voting, have been blocked by the courts
- In the 2004 presidential election with high turnout, many Maryland voters encountered wait times exceeding 2 hours in the morning on their way to work.
- A recent study predicts that many Maryland polling places could again experience wait times of greater than 2 hours this November (see next page).

Long wait times prevent many voters from voting.

Often work or family schedules or health problems do not allow voters to spend hours waiting to vote. As a result, many voters may leave without having the opportunity to cast a ballot or decide not to go to the polls when they hear news stories of long lines.

Emergency paper ballots could prevent or reduce long wait times.

- The simplest and least expensive way to handle peak demand would be to increase voting system capacity by offering "emergency ballots" to voters when wait times become excessive.
- Emergency paper ballots are already supplied to every precinct for use in cases of court-ordered extended voting hours or in emergencies such as power outages that make all the voting machines inoperable.
- Procedures are already in place for the use and counting of emergency paper ballots and election judges are (or should be) already trained to handle them. They were used successfully in the 2006 and 2008 Primary Elections.
- The State Board of Elections could easily rule that a wait time greater than a specified amount authorizes offering emergency ballots to voters who don't have time to wait.

If full participation is the goal of our elections, the State Board of Elections needs to establish realistic procedures for handling high turnout. An election is not successful if some voters are not able to vote. Using emergency paper ballots would be the simplest and least expensive way to ensure that voting proceeds smoothly for all voters.

How long will Maryland voters have to wait on Election Day?

The formation of polling place lines depends on the interplay among the number of voters, the number of voting machines, and the time each voter takes to vote. It is a process similar to that which occurs on highways during rush hour. Traffic flows smoothly as long as traffic density is low. As volume increases, traffic gradually slows until, at some concentration, it locks up and cars accumulate into long lines that can take hours to clear.

Physicist William Edelstein has applied mathematical queuing simulation to voting dynamics in Maryland. Dr. Edelstein studied an average precinct with 10 voting machines and 1500 actual voters (a turnout of 75%). He found that if each voter takes an average of 4.6 minutes to vote, all precincts will have wait times of more than 15 minutes at some point during Election Day and 0.1% of precincts will experience wait times of more than an hour. But small variations in voting times can cause large changes in wait times. An average voting time of 5 minutes would mean that 10% of precincts would have a wait time of more than an hour at some point during the day, and a voting time of 6.3 minutes would cause wait times longer than 2 hours in nearly all precincts.

With at least two controversial ballot questions on ballots statewide this November and additional ballot questions in many counties, voters may need considerable time to mark and review their ballots. This, combined with high turnout, is likely to cause long lines.

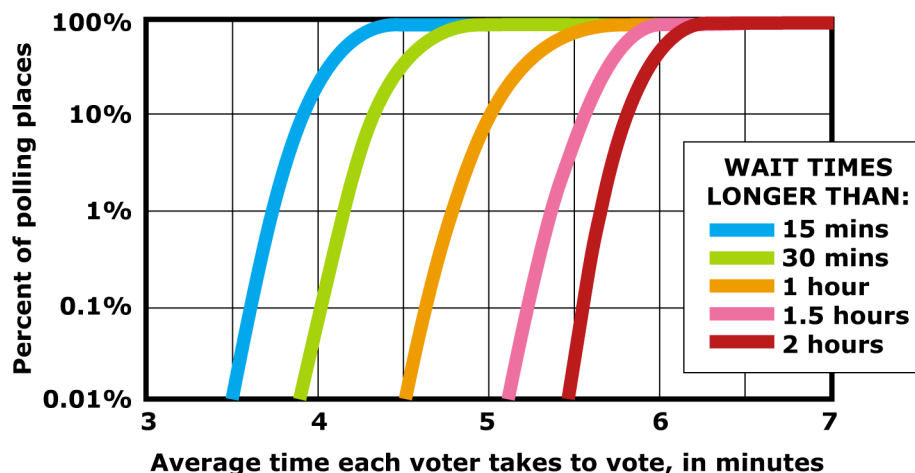


Figure 1: The science of “queuing theory” shows that if each voter takes more than 6 minutes to vote, nearly every precinct in Maryland will have a wait time of more than 2 hours at some point on November 4.

For more information, see: W. A. Edelstein, “Why Computer DRE Voting Machines Cause Long Lines—Why Paper Ballot/Optical Scan Can Prevent Lines,” testimony to Maryland Task Force on Voting Irregularities, January 24, 2008, <http://www.saveourvotes.org/legislation/2008/sb-392-2008testimony-edelstein.pdf>

How do Maryland elections officials plan to prevent long wait times?

The State Board of Elections and local elections officials are aware of the likelihood of long wait times in November. These are the solutions they have proposed:

- Reduce the time needed to vote by handing out sample ballots to voters waiting in line so they will be better prepared when they arrive at the voting machines.
- Encourage voters to vote at off-peak hours.

While these ideas may help, mid-day voting may not be practical for voters who work far from their homes and polling sites. More effective solutions are needed.

The Attorney General supports using emergency ballots to reduce long wait times.

Maryland Attorney General Douglas Gansler stated on National Public Radio that he supports this solution and feels it is a practical plan to implement this fall. In an appearance on WAMU radio's "Kojo Nnamdi Show" in May, Attorney General Gansler said:

"The notion of emergency paper ballots is something that has been tossed around and is a great idea, in my view. There's three things that are incumbent upon having them. First of all it should be understood that these emergency paper ballots would not be provisional ballots. They'd be different than provisional ballots because they're not provisional in any way, shape, or form. What would happen is you'd have to make sure that there were enough emergency paper ballots available. Second, there would have to be a uniform, systematic structure on when you would use them. That is, how long does the line have to get before the emergency paper ballots would then be used, so it's uniform throughout the state. And third, when... and how they would be counted." (Listen at: <http://wamu.org/programs/kn/08/05/01.php>)

Why does the State Administrator of Elections object to this solution?

Maryland's State Elections Administrator Linda Lamone has raised several concerns about using emergency paper ballots for this purpose. Here are our responses to them:

- 1. #9-101 of the Election Law Article does not permit multiple voting systems to be used in polling places. It also does not permit a voting system that has not been certified for polling place voting to be used in a polling place. Accordingly, paper ballots cannot be deployed to polling places to serve as a second voting system to accommodate lines since that would constitute a second, uncertified voting system.**

Emergency paper ballots are an existing part of the voting system and are already certified and used in the polling place. They do not constitute a separate voting system.

- 2. State Board of Elections (SBE) and the local boards of elections (LBEs) would need to develop guidelines and procedures to instruct election judges on when to issue paper ballots, where they should be deposited, how to secure the ballot bag, how to account for the ballots, and how to set up the polling places to accommodate paper ballot casting.**

The SBE and LBEs already have procedures in place for the use of emergency paper ballots, since they are already used in emergency situations and during court-ordered extended voting hours. They were used in Montgomery County and Baltimore in the 2006 Primary Election and statewide in the 2008 Primary Election.

- 3. SBE would need to develop and the LBEs would need to implement an election judge training curriculum.**

Since emergency paper ballots are currently used, election workers are — or should be — already trained in the procedures for their use and proper handling.

4. SBE and its vendor would need to make technical changes to electronic pollbooks so the system can differentiate between a voter receiving a voter access card versus a voter receiving an optical scan ballot.

Emergency paper ballots were used successfully with electronic pollbooks in the 2006 and 2008 Primary Elections.

5. Since there has been no voter outreach on the use of optical scan ballots, SBE will have to develop and implement a voter outreach campaign (voter education is a requirement under the Help America Vote Act whenever a central count optical scan system is deployed).

The method of marking and counting an emergency paper ballot is identical to that of marking and counting an absentee or provisional ballot, so no separate voter outreach is needed beyond that already offered to provisional voters at the polls.

6. SBE and LBEs will have to increase the quantity of optical scan ballots ordered for the election.

The SBE and LBEs already plan to supply plenty of emergency paper ballots. In an email to William Edelstein, the SBE's Nicole Trella stated, "SBE orders a sufficient quantity of emergency ballots equal to the estimated polling place voter turnout for the election with any adjustments for hotly contested races."

7. Additional supplies will have to be ordered, such as voting booths and ballot bags for securely maintaining and transporting voted optical scan ballots.

Folding cardboard privacy screens are inexpensive and easily set up if additional ballot marking stations are needed. In the 2006 and 2008 Primary Elections, emergency ballots were secured and transported in the same bags as provisional ballots. If that is not deemed practical for this election, it should be noted that any equipment purchased for securing and transporting paper ballots would also be usable in the future when the state moves to an optical scan voting system after this November's election.

8. The cost of issuing paper ballots when lines grow long at polling places will undoubtedly exceed the \$100,000 cost of leasing additional voting units.

The additional voting units the state is planning to lease will merely account for new voter registrations to bring the ratio of voters per machine into compliance with the amount specified by state regulations. These additional units will likely have minimal impact on long lines such as those experienced in 2004 when the state was in compliance with the rule.

9. The costs associated with issuing paper ballots include printing ballots, purchasing supplies such as ballot receptacles, increasing election judge training costs, and developing and conducting a voter outreach program.

Please see 3, 5, 6, and 7 above. Ballot printing, election judge training, and voter outreach would not require any new expenditures beyond those already budgeted for this election. Supplies such as cardboard privacy screens and secure ballot storage bags will be needed for future elections when the state moves to an optical scan voting system by 2010.

10. Such a change would greatly increase the complexity of the election, confuse election judges, and distract local election officials from their important pre-election preparations.

Developing effective contingency plans to prevent voter disenfranchisement is an essential aspect of preparing for a successful election. Failing to plan adequately for the high voter turnout expected in this year's election would be inexcusable given the amount of lead time elections officials now have to prepare for this potential problem.

SAVE Our Votes calls upon the State Board of Elections to:

- 1. Issue a regulation** authorizing the use of emergency paper ballots when wait times exceed a specified amount.
- 2. Set up procedures** for determining when wait times exceed that amount.
- 3. Instruct election judges** in those procedures and in the proper handling and use of emergency paper ballots.
- 4. Supply any additional materials** needed to implement these requirements, such as a sufficient number of cardboard privacy screens to establish as many ballot-marking stations as space would allow in each polling place. Ideally, we would recommend about half as many as the number of voting machines in the precinct.

How would we determine when wait times are too long?

The State Board of Elections would set the procedures for triggering the use of emergency paper ballots, but here are three possible ways to do it:

- 1. Count voters:** Set up a formula, such as multiplying the number of functioning voting machines by 5. When the line of waiting voters exceeds that number, all voters in line could be offered the opportunity to vote on paper, beginning with those who have been waiting the longest.
- 2. Use smart cards:** Provide a specified ratio of voter access ("smart") cards per voting machine (for example, 5 per machine). When all available smart cards have been issued to voters waiting in line, offer emergency paper ballots to voters in line behind them.
- 3. Measure wait times:** Beginning at 7:00 am when the polls open, hand the last person in line a brightly colored index card that says "7:00 am." Repeat this every 10 or 15 minutes, handing out a card with the current time marked on it to the last voter in line. If the voter holding the card has not yet reached a voting machine when the desired maximum wait time has elapsed (for example, 45 minutes), they and anyone in front of them in line could be offered an emergency paper ballot. Continue this until the wait times are less than the maximum allowable wait time, and repeat it whenever long lines begin to accumulate again.

Long wait times are generally only a problem during peak voting hours before and after the work day or when equipment failures or other problems reduce the number of available voting machines. These procedures would probably only be needed at those times.

**Prevent voter disenfranchisement in November.
Use emergency paper ballots to reduce long wait times.**

SAVEOurVotes
SECURE•ACCESSIBLE•VERIFIABLE ELECTIONS FOR MARYLAND

For more information, please contact:

William Edelstein: w.edelstein@gmail.com (410) 336-6100 (cell)
Rebecca Wilson: rebecca@saveourvotes.org (202) 716-3759 (cell)
Robert Ferraro: ferraro@saveourvotes.org (301) 661-2989 (cell)