



A Report on Accessibility of Polling Places in the November 2005 Election: The Experience of New York City Voters

Administering elections in a jurisdiction as large as New York City, with more than four million registered voters, can present a myriad of logistical challenges for elections officials. Considering the challenges to administering such large elections there is always some concern that poor election administration practices will prevent voters that face linguistic, educational and other challenges from participating in the electoral process. In particular, there is concern that voters with a physical disability, voters considered part of new and emerging electorates (e.g. Asian and Latino voters) and Limited English Proficient (LEP) voters might be at risk of suffering disenfranchisement. Our experience in conducting voter education and protection programs has taught us that poor election administration practices are more likely to affect polling places serving precincts with a large share of ethnic voters, and that these practices create obstacles that impair the ability of voters to cast their ballot without undue burden. Voters in these precincts are more likely to:

- Not have the information to find their polling place or cast a ballot successfully;
- Visit a poll site that does not open on time;
- Enter a polling place that has not posted all required materials regarding voter rights and information about the election;
- Enter a polling place that does not have bilingual poll workers or provide materials in more than one language (other than English);
- Enter a poll site with a malfunctioning voting machine;
- Enter a poll site that does not have enough affidavit ballots;
- Find that their name does not appear on the voter roster.

To ensure that that such polling places in the November 8, 2005 New York City Mayoral Election were accessible to all voters, the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund in partnership with the New York Latino Research and Resources Network (NYLARNet) at the University at Albany, State University of New York, conducted an Election Day project to observe the accessibility of poll sites.

Methods

For this observational study, the Brooklyn and Queens boroughs were chosen as field sites. Specifically, multiple polls sites in two Assembly Districts for each borough were observed- Assembly Districts 51 and 52 in Brooklyn and Assembly Districts 35 and 37 in Queens. Further, we targeted election districts where Latinos comprised at least 10% of the registered voters. We conducted 75 surveys in 46 polling places across these boroughs; some sites were visited more than once throughout Election Day. Because we visited some sites twice, this study will examine results in terms of observations rather than in terms of polling places. Our efforts aim to evaluate elections administration overall as opposed to administration of each specific poll site visited by our observers.

Observers used two instruments, as there were two parts to this observational study. First, volunteers completed a checklist that aimed to measure the polling sites' accessibility. The first section in this part of the study dealt with structural issues at the polling place- signage, parking availability, etc. and the second portion focused on poll workers.

In addition to the checklist, observers were asked to conduct a voting experience survey as voters exited the poll site. Questions included in this survey sought to evaluate the experience voters had at the poll site. To ensure that the selection of survey respondents was as random as possible, observers were instructed to target every other voter that left the polling site. Participation in the survey was completely voluntary and confidential.

Polling Place Accessibility Study: Summary of Results N=75

I. Accessibility of Polling Place Locations

In order to help voters find the location of the polling place, election officials have created official signage that poll inspectors are required to post outside the site. According to our observers, visible signage demarcating the site as a polling place was found by nearly all observers (97.3%).

Polling places should not only be easy to spot but should also be easy to enter. Whether a polling place is physically accessible is an important factor to have a positive and encouraging voting experience. According to 96% of observers, there were no problems in locating the entrance of the polling site or in physically entering the site. Only two observers required help in entering the site.

Summary of Results

| | |
|--|--------------------|
| 1. Is there official signage that indicates that this is a polling place? | |
| Yes..... | 97.3% ¹ |
| No..... | 1.3% |
| Non-Response..... | 1.3% |
| 2. Were you able to follow the directional signs and enter the polling place with ease? ² | |
| Yes..... | 96.0% |
| No, required assistance..... | 2.7% |
| No..... | 0.0% |
| Non-Response..... | 1.3% |

II. Polling Place Set-Up and Capacity

Most polling places in New York City house more than one electoral district. Every election district is required to have at least one voting machine available for voters. However, a single voting machine per district often leads to congested polling sites where large numbers of voters must wait in line before they are able to cast their ballot. For this reason, a second or third machine can help make the voting process more expedient. According to findings, more than half (54.7%) of our observations found that electoral districts only had one machine available on Election Day.

Further, consolidating multiple electoral districts in a single poll site may make it difficult or confusing for voters to locate the appropriate Electoral District (ED) where they can cast their ballot. On Election Day, 90.7% of volunteers reported that polling sites visited had signs identifying each ED visibly posted.

New York City law requires that every polling place have a police officer stationed there during poll hours (New York Election Law §8-104(6)). The officers' primary responsibilities are to oversee the opening and closing of the polling place as well as ensure the integrity of the vote.

¹ As explained in the Methods section, these numbers refer to the number of surveys, not polling places.

² NALEO Educational Fund observers were trained to assess "ease" as the ability to locate the entrance of a polling place without assistance and the ability to physically enter the polling place without having to be screened by anyone or without having to deal with physical obstacles (e.g. multiple flights of stairs, heavy doors, cluttered entrance ways).

As such, officers can, and should, remain on site for the entire time the polling place is open. According to our activity, we found that there was an officer present at the polling place for 86.7% of our observations. Further, the majority of NYPD officers were located inside the polling place (79.5%).

Accessibility to polling places for voters with a physical disability is a federally protected right under the Voting Rights Act of 1965 (VRA). For this reason, observers were trained to assess the accessibility of poll sites for voters that are wheelchair users. On Election Day, observers were unable to locate a wheelchair accessible entrance in nearly 10% of visits to polling sites. In addition, there was no accessibility sign posted at the entrance of the polling place for 10% of evaluations completed. Specifically, in 7 of the seventy-five checklists returned, observers were unable to locate a wheelchair entrance and/or find a wheelchair logo.

Surprisingly, nearly 70% of observers noted that there were no voters in line when they arrived to the site. However, the remaining 30% reported that there were voters waiting for their turn to cast a ballot. According to reports, observers encountered lines as short as four voters to as long as 45 voters.

Malfunctioning voting machines are a major, and rather unpredictable, obstacle to casting a ballot on Election Day. Faced with increasingly outdated voting technology, the city’s machines are at greater risk of breaking down resulting in delays or prevention of casting a ballot. In the visits to the poll sites, 88% had functioning machines. However, there were five reports that said polling places did not have fully functional voting machines.

In New York City, polling places are required to have an information table set-up displaying election-related materials and information. These materials include information about how to contact election officials, how to locate your correct poll site, etc. In addition to the information table, there should be a clerk present ready to answer questions or concerns voters may have. According to observer reports, 81.3% of the sites visited had such a clerk present. An information table and clerk were not available only for 4% of site evaluations conducted³.

Under provisions in Section 203 of the VRA, New York City elections officials are required to provide language assistance to limited English proficient (LEP) registered voters who speak a non-English language⁴. A primary and vital source of assistance comes from bilingual poll workers who can provide LEP voters assistance in their dominant language. While observers were able to identify at least one bilingual poll worker 85% of the time, eight reports returned stated that no bilingual workers were identified at that particular site.

Summary of Results

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| 3. Do any of the Electoral Districts have more than one voting machine? | |
| Yes..... | 37.3% |
| No..... | 54.7% |
| Non-Response..... | 8.0% |
| 4. Were there signs identifying each ED? | |
| Yes..... | 90.7% |
| No..... | 0.0% |
| Non-Response..... | 9.3% |

³ These percents do not add up to 100 due to incomplete checklists.

⁴ Languages covered by the VRA vary across geographic location and are determined according to demographic data obtained from the Census.

| | |
|---|-------|
| 5. Was there a New York City Police Officer stationed at the polling place? | |
| Yes..... | 86.7% |
| No..... | 12.0% |
| Non-Response..... | 1.3% |
| 6. Was the police officer posted inside the polling place or outside? | |
| Inside..... | 79.5% |
| Outside..... | 9.6% |
| Non-Response..... | 11.0% |
| 7. Is the polling place wheelchair accessible? | |
| Yes..... | 86.7% |
| No..... | 9.3% |
| Non-Response..... | 4.0% |
| 8. Was there an accessibility sign posted at that entrance (Wheelchair logo)? | |
| Yes..... | 81.3% |
| No..... | 9.3% |
| Non-Response..... | 9.3% |
| 9. Was there a line of voters when you arrived? | |
| Yes..... | 29.3% |
| No..... | 69.3% |
| Non-Response..... | 1.3% |

Voters in Line at the Polling Place

| | |
|-------------------------|------|
| Minimum per Line..... | 2 |
| Maximum per Line..... | 45 |
| Average per Line..... | 17.4 |
| Standard Deviation..... | 13.5 |

| | |
|--|-------|
| 10. Are all the voting machines functioning? | |
| Yes..... | 88.0% |
| No..... | 6.7% |
| Non-Response..... | 5.3% |
| 11. Did the polling place have a separate “Information Table” set up with a “Clerk” present to assist voters? | |
| Yes..... | 81.3% |
| No..... | 4.0% |
| Non-Response..... | 14.7% |
| 12. Are any of the poll workers wearing “badges, buttons, or stickers” identifying them as speaking a language other than English? | |
| Yes..... | 84.9% |
| No..... | 11.0% |
| Non-Response..... | 4.1% |

III. Accessible Voter Information at the Polling Place

As previously mentioned, New York City Elections Code requires all poll sites to post and display various articles of election-related information (e.g. voter bill of rights and instructions on how to use the voting machine). On Election Day, observers were instructed to document whether certain materials were available and, more importantly for our study, whether they were available in a language other than English (e.g. Spanish).

Our findings are detailed in the table below. In at least 80% of observations returned, the required information was displayed at least in English. However, the consistency of posted materials decreased when it came to other languages required by the VRA (Spanish and some Asian languages). Information displayed at the voting table was most inconsistent, with serious deficiencies in multilingual materials. For instance, multilingual information on Help America Vote Act identification requirements in Spanish was reported to not be displayed in 33 of 55 observations at the poll place (60%).

| Language Accessibility of Educational and Informational Signage at the Polling Place | | | | | | |
|---|------------------------|-----------|----------------------|-----------|------------|-----------|
| | Displayed ⁵ | | Spanish ⁶ | | Asian | |
| Posted Up | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> |
| Voter Bill of Rights Poster | 83.6% | 16.4% | 94.8% | 5.2% | 89.7% | 10.3% |
| How to Use Voting Machine Poster | 91.7% | 8.3% | 95.2% | 4.8% | 50.0% | 50.0% |
| Ballot Face Card | 88.2% | 11.8% | 86.5% | 13.5% | 42.3% | 57.7% |
| How to Use Machine Card | 98.6% | 1.4% | 93.5% | 6.5% | 53.2% | 46.8% |

| At the Table | | | | | | |
|----------------------------------|-------|-------|-------|-------|-------|-------|
| HAVA Identification Requirements | 89.6% | 10.4% | 40.0% | 60.0% | 38.2% | 61.8% |
| Voter Rights Flyers | 90.0% | 10.0% | 92.7% | 7.3% | 85.5% | 14.5% |
| Election District Referral Slips | 89.9% | 10.1% | 78.9% | 21.1% | 78.9% | 21.1% |
| Affidavit Ballot Instructions | 87.0% | 13.0% | 79.2% | 20.8% | 41.5% | 58.5% |
| Voter Cards | 94.0% | 6.0% | 35.1% | 64.9% | 26.3% | 73.7% |

As voters in these precincts are more likely to find that their name is not on the official voter roster, they are more likely to have to cast an affidavit ballot. For this reason, it is crucial that voters have a clear understanding of how an affidavit ballot should be cast. However, instructions about voting through the use of an affidavit ballot in Spanish were missing in 20.8% of site visits and Asian language instructions were missing in 58.5% of visits.

A commonly found item was a poster instructing voters how to use the voting machine, written in English (91.7%). This is rather important information, especially for new voters, low propensity voters and LEP voters. Surprisingly, it was reported to be available more often in Spanish (95.2%). However, it was available less often in an Asian language (50.0%). Across

⁴ In addition to documenting the availability of signage in multiple languages, observers were asked to note whether information was posted in general, regardless of the language. The “Displayed” column represents the share of polling places that did and did not post each article of information surveyed.

⁶ The total number of responses differs for each of these pieces of information due to non-response to certain portions of this section of the survey. Included in these calculations are only surveys that provided complete answers.

the board, observers documented a serious lack of translated election information available to Asian LEP voters.

IV. The Voting Experience: An Exit Survey of NYC Voters on Election Day

Although a visual assessment of the set-up and traffic at poll sites on Election Day can provide valuable information about the accessibility of elections, the primary measure of accessibility is voter satisfaction. In addition to observing polling places for their accessibility, volunteers were trained to survey a random set of voters as they exited the poll site.

A total of 473 surveys were completed on Election Day. It is important to note that while the respondent sample was diverse, no LEP Asian voters were surveyed due to the limited language abilities of observers. In terms of ethnicity, the sample we obtained was rather diverse - 18.0% Black, 30.9% Latino, 40.1% White, 7.5% Asian, and 3.4% belonging to another ethnic group.

According to our study, nearly all voters surveyed in Brooklyn and Queens reported having been able to cast a ballot on Election Day. Further, only 6.1% of voters spoken to (23 of 379)⁷ say they had not received sufficient assistance in their preferred language (some Asian or Spanish) at the polls. In November 2005, the affidavit ballot was not used as an alternate form of recording one's vote in the election. None of the respondents to our survey reported casting a vote through the use of an affidavit ballot.

The following is a summary of other key findings:

- 36.5% of LEP voters surveyed said information at the poll site was not displayed in easy to read places (LEP speakers comprised 17.6% of voters surveyed)⁸.
- 6.1% of total respondents said they did not receive language assistance from poll workers.⁹ Of those that stated they did not receive assistance or information in their preferred language, 26.1% were Spanish speakers and 56.5% spoke an "other" language. "Other" languages are likely to be Asian languages, as a good portion of the voters surveyed reported being Asian.
- Of Spanish speakers surveyed, 88.3% reported receiving assistance in their preferred language. In other words, 11.7% of Spanish speakers did not receive assistance in their preferred language.
- Our survey found that a small fraction of voters, 2.0%, were prevented from voting (9 of 459 voters).
- When looking at voters that reported not receiving assistance in their preferred language, 30.4% were Latino, 26.0% were Asian, and 17.4% were another non-white race.
- A majority of first-time voters in the city of New York identified themselves as a race/ethnicity other than white (74.4%). Of these new voters, 44.2% were Latino voters.
- 67.4% of Latino participants cited Spanish as being their primary language.
- Nearly half of Asian voters identified a language other than English as their primary language (48.6%).¹⁰

⁷ See footnote 6 above.

⁸ We deemed respondents who stated their primary language to be something other than English to be LEP voters. While there are some limitations to this approach, we feel it was the best available way to identify LEP voters. However, we are aware that some voters whom we identified as being LEP voters may be in fact fluent in English as well as another language.

⁹ It is unknown whether poll workers made an attempt to provide assistance to voters. Our questions merely measure the level of satisfaction with the service received at the poll site.

¹⁰ Asian was not included as a language answer choice. The only choices were English, Spanish and Other.

- In regards to the quality of customer service experienced at the polls, voters reported high levels of satisfaction with service received. On a scale of one to ten, with ten being courteous and helpful and one being unprofessional and rude, 95.1% of respondents answered with a five or higher.

V. Conclusions

With the exception of the availability of multilingual materials, observers did not document any widespread and consistent pattern of poorly administered polling sites, which could result in pervasive disenfranchisement. Observations and surveys documented by observers underscore an ongoing need for strong enforcement of multilingual assistance and information.

Election Day observations revealed an inconsistent provision of multilingual materials at the voting table and, in some cases, among materials posted on the walls of the poll site. Considering the findings of our concurrent exit survey, which demonstrated that a significant share of voters at these poll sites were LEP voters, serious efforts must be made to increase the level of language accessibility in the boroughs of Brooklyn and Queens.

While multilingual material availability is already a lawful requirement on behalf of the NYC Board of Elections, it seems as though enforcement of these laws is lacking. The Poll Worker's Manual created by the NYC Board of Elections should be required reading for all poll workers before being allowed to work during an election.

During poll worker training, it should be made clear that displaying multilingual materials is key in creating a welcoming and informative environment for voters who may not be English proficient. While we are confident that poll workers are educated in regards to the display of these materials, the importance needs to be underscored so that correct and complete display is not overlooked on Election Day. Further, while the VRA is mentioned in the manual, there is no discussion on the importance of fulfilling the requirements of section 203 of this act. Because the VRA is the most important legislation in regards to minority voting rights, poll workers need to be aware that its enforcement is vital to ensure that all voters have full access to their polling place on Election Day.

As stated earlier, we trust that poll workers are all aware of the need to display multilingual materials at the polling place. However, from our experience in working with Elections officials on the training of poll workers across the country, we know that some poll workers may cite lack of available space as the reason why they do not post all required materials on Election Day. For this reason, the Board of Elections should create a standard guide as to how materials are to be displayed in a manner that is space efficient as well as clear for voters. This visual guide would help poll workers better prepare the poll site and this would also eliminate poll worker concerns over the lack of space available.

As we continue our efforts to ensure that elections in the city of New York are accessible to all voters, we look forward to working with election officials, community organizations, and other elected and appointed officials. It is the expectation of the NALEO Educational Fund and NYLARNet that the results and findings of this study will help identify not only areas of concern in the administration of elections but also areas of success that can provide election officials an objective gauge of best practices.

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