

November 22, 2002

Mr. John Arntz
Department of Elections
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102



Re: Language Access Poll Monitoring Findings

Dear Mr. Arntz:

On November 5, 2002, Chinese for Affirmative Action (CAA), Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Chinese Progressive Association and Asian Law Caucus monitored 87 polling places in San Francisco to assess San Francisco's compliance with federal and state voting laws. The primary purpose was to assess San Francisco's progress in making voting accessible to Chinese and Spanish speakers with limited English proficiency. While CAA and ALC have previously monitored precincts with significant percentages of Chinese American voters, this is the first year our effort included precincts with high numbers of Latinos.

Poll monitors visited 87 precincts in San Francisco. Using data provided by the Department of Elections, we selected 51 precincts with significant numbers of Chinese-speaking voters and 36 precincts with significant numbers of Spanish speakers. We monitored a range of precincts, including those from which more than half the voters requested translated materials, to those from which only 4% of the voters did. The neighborhoods we monitored for Chinese language were Chinatown, Sunset, Tenderloin, OMI, Richmond, Russian Hill, Visitacion Valley, Bayview, Portola and SOMA. For Spanish language, monitors visited precincts in the Mission and Bernal Heights.

We were pleased to find that the Department of Elections made significant efforts to appropriately staff precincts. There is overall progress since our last monitoring effort in 2000. Key issues require resolution, however, to ensure that limited English proficient voters in San Francisco can meaningfully exercise their franchise.

Bilingual Poll Workers

Of 87 precincts monitored, 82 were staffed with at least one worker able to speak the required language. The three locations that lacked Chinese-speaking workers altogether were Precinct 3023/3026 at 1249 Jamestown Avenue in the Bayview and Precincts 3252 (811 Geary St.) and 3253 (525 Hyde St.) in the Tenderloin. The two that lacked Spanish-speaking workers were 3741 (2739 Bryant St.) in the Mission and 3939 (379 Coleridge St.) in Bernal Heights.

We found overall improvement in bilingual staffing between the 2000 election and this year. For example, in 2000, we found that 4 out of 46 (9%) of the precincts lacked bilingual Chinese workers, while this year only 3 out of 51 (6%) were missing bilingual poll workers. We acknowledge the progress made, and the challenges presented by recruitment of bilingual poll workers. However, it remains important for bilingual workers to be present at all the precincts that exceed the 3% threshold, the percentage at which California law requires active recruitment for bilingual workers.

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Another improvement this year was the number of bilingual workers at sites where over 10% of the voters needed Chinese language assistance. Having more than one bilingual poll worker can be essential during busy times and helps ensure that someone bilingual is available at all times. Out of 24 such precincts, 22 of them had 2 or more bilingual workers working (92%). The two precincts with only 1 bilingual Chinese worker were 3416 (747 Folsom St.) and 3021 (201 Williams St.).

Systematic Problems

Language Assistance Line

We surveyed many poll workers, particularly at those sites that had few or no bilingual workers, about what help was available for a monolingual voter when no worker was available who spoke his or her language. There were 24 precincts that did not know about the Department of Elections assistance line. Additionally, some of the locations that did know about available phone assistance had incorrect phone numbers at the Department of Elections.

A staff person at CAA tested the language assistance line on Election Day and received an English-only hold message for approximately 10 minutes. When someone did answer the phone, our caller was routed to the appropriate DOE staff member who answered her questions in Cantonese. Because this phone line is available to the public needing translated elections assistance, the recorded message should be in Spanish and Chinese as well as English. It would be better if separate, direct Chinese and Spanish lines were staffed on Election Day.

Voter Information Pamphlets

We found that 62 precincts (71%) did not have translated Voter Information Pamphlets, and many of those precincts lacked the information in English as well. Some of the precincts which did have the Voter Information Pamphlet were using the copy belonging to a poll worker. Many poll workers said that they did not receive the Voter Information Pamphlets this year with their Election Day materials, as they had in past years. It is important for this document to be available as a resource for voters. We received anecdotal evidence before election day that a number of registered voters never received their Voter Information Pamphlets at their home this year. It is even more vital that they be available at the polling place.

Problems with the Eagle and Ballots

Poll monitors discovered that 6 precincts out of 87 (7%) had Eagles that were completely nonfunctional for at least a portion of the morning. At least 14 other precincts reported serious problems involving ballots jamming and override problems. In a number of these cases, there were difficulties specifically with Ballot #3 which was repeatedly rejected at various precincts. One inspector referred to this as a "code bar" problem that they had just gotten a deputy to repair.

Other problems that were observed included confidentiality problems. Many voters had ballots that were rejected. The poll worker would review the ballot to try and identify the source of the

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problem. At a number of precincts, the poll workers fed in the ballots rather than the voter. While it seems that voters were permitted to feed the ballots themselves when they requested to do so, the general policy was one that did not promote confidentiality. Additionally, a number of poll sites were not making the blue confidentiality folders available to voters.

Serious Problems at Specific Precincts
Precinct No. 3410 At Clementina Towers

This location had the most problems of any of the sites we visited over the course of the day. The problems included but were not limited to insufficient numbers of bilingual poll workers. The site also had a long backlog of voters waiting, major problems using the Eagle, insufficient voting booths and pens, and a number of administrative irregularities. These problems together created a chaotic situation that clearly frustrated poll workers, likely deterred people from voting and may have prevented some ballots from being accurately counted.

CAA's poll monitor arrived at Precinct 3410 at 8:50am and departed at 10:30am. Upon his arrival, there were 4 poll workers, including 1 who was Chinese-speaking. The inspector on site and our poll monitor both repeatedly phoned the Department of Elections requesting additional support. In response, 2 additional Chinese poll workers and a field deputy were sent to the precinct.

The poll monitor observed that this site was overly busy the entire time he was there. Because a line consisting of many monolingual Chinese voters had built up early, the poll workers were unable to catch up before the poll monitor's departure, despite the additional staffing which arrived. During the time that the poll monitor was at this precinct, there were between 10-20 voters waiting at most times.

This precinct serves a large number of elderly voters, including many monolingual Chinese speakers that required assistance. There were insufficient poll workers to assist them. It was a challenge for poll workers to keep those waiting in a line, and some people did jump the line while others chose to leave rather than wait. One bilingual poll worker at times yelled instructions in Cantonese at the large group waiting in order to try and maintain some order or to explain instructions. In an effort to try and speed up the process, the inspector at times gave ballots out to voters when no voting booths were available. Voters were spread throughout the room, including on the floor, which later led to a pen shortage.

Many voters struggled with the voting process, and the poll monitor observed that the bilingual workers often had to help several people at once and that voters needed extensive assistance. It is clear that a number of voters did not understand how to vote correctly, and the inspector showed the monitor spoiled ballots where voters had voted for the wrong number of candidates or selected the "write-in" box without entering a candidate's name. Frequently, voters spoiled ballots and needed new ones. Our monitor observed the rejection of many completed ballots by the Eagle. In many of these cases, the inspector was unable to override the ballots. The inspector voiced frustration that voters sometimes left before they could be asked to complete and cast new ballots, or they would not understand his request. For over an hour, there was a stack of ballots next to the Eagle that had yet to be entered or that had been rejected.

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Other administrative irregularities observed included: several voters were provided sets of ballots with non-matching numbers, and because people were cutting the line and at times the line dissolved into a mass, it also appeared that there were times that the voters could have received ballots without signing the voter listing.

All of these problems would have been lessened if the Department of Elections had assigned additional staffing to this precinct. According to the Department of Election's numbers, of the 720 voters registered to vote in this precinct, 229 had requested Chinese language materials (32%). Eric, the inspector at this location, said that he had worked this polling location in past years and had previously asked the Department of Elections for additional bilingual workers. Also, on the day of the election, if more bilingual or even more regular poll workers were quickly sent to this location once it was clear that there were problems, the severity of the problems would have decreased.

Poll Worker Hostility Toward Language Access Requirements

At Precinct 3214 (1401 Broadway St.), our poll monitor observed friction between the 2 Chinese-speaking poll workers and the non-Chinese-speaking inspector. The inspector and another worker named Daranne told the monitor that the Chinese-speaking poll workers were advising the voters how to vote.

The monitor observed an incident when a Chinese woman voting asked her husband for help. A bilingual poll worker saw that the woman needed help and pointed at the ballot. At this time, the inspector said "That is illegal, see what is happening," to the monitor. The monitor asked the bilingual poll worker what had happened afterward, and the poll worker explained that "she had questions about instructions regarding voting for up to 3 candidates and that she could not read the Chinese characters." When the monitor relayed this information to the poll inspector, the response was "Well, why are they here? They shouldn't be here voting if they can't even read in their own language."

At Precinct 3715 (3416 19th St.), the poll monitor asked a poll worker about the lack of Spanish Voter Information Pamphlets available. The worker responded, "If they don't speak English, then they shouldn't be voting in the United States of America."

These comments show a lack of understanding about bilingual voting rights and the responsibilities of election officials. Increased training must help all poll workers understand the rights of limited English proficient voters.

Voter Unable To Vote Because of Communication Problems

A poll worker at Precinct 3708 (1656 15th St.) reported to a poll monitor that one voter left the polling place due to communication problems. When questioned by the monitor, the poll worker who was interviewed did not know about the language assistance line available at the Department of Elections. This was a very busy polling location, and the monitor noted that there were several other difficulties at this site. There were instances when voters could not get the

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voting machine to work and became frustrated with it. Also, the monitor believed that one of the poll workers was telling the voters how to vote.

Recommendations

The Department of Elections has continued progress in staffing the polls with bilingual workers. Our recommendations will help the City continue to make progress in complying with the Voting Rights Act, and it will help all citizens in San Francisco to exercise their right to vote. Many of our recommendations are similar to those we offered in our 2000 report.

1. Continue to increase the number of bilingual poll workers on election day.
2. Respond to the serious problems that occurred at Precincts 3410, 3214, 3715, 3708.
3. Emphasize the bilingual requirements in poll worker training and highlight the availability of phone assistance for limited English proficient voters.
4. Send translated Voter Information Pamphlets to polling places so that they are available to voters as needed.
5. Ensure that the Eagles are operational and that poll workers receive adequate training to use them properly.

We appreciate your cooperation with our monitoring effort, and look forward to your responses and continued efforts to improve the voting opportunities of all San Franciscans.

Very Truly Yours,

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Chinese for Affirmative Action

Gordon Mar
Chinese Progressive Association

Eva Paterson
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CC: San Francisco Elections Commission
The Honorable Willie L. Brown, Jr., San Francisco Mayor
Tom Ammiano, Board of Supervisors, President
John Mott-Smith, Office of California Secretary of State, Elections Division Chief
Kevin Shelley, California Assembly Member
David Becker, United States Department of Justice