



## 2006 Poll Monitoring in San Francisco County

### SUMMARY OF RESULTS

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As part of ongoing efforts to monitor language services for limited-English proficient voters, CAA |Chinese for Affirmative Action/Center for Asian American Advocacy led a coalition of civil rights advocates in a citywide poll monitoring effort. Trained volunteers monitored nearly 100 polling places with the goal of identifying and addressing language barriers to voting. Participating agencies include, Asian Law Caucus, the Bay Area Immigrant Rights Coalition, Lawyers' Committee for Civil Rights of the San Francisco Bay Area and the Partnership for Immigrant Leadership and Action.

Specifically, poll monitors focused on assessing compliance with language requirements of the Federal Voting Rights Act<sup>1</sup>, the California State Elections Code<sup>2</sup> and San Francisco's Equal Access to Services Ordinance<sup>3</sup>. In San Francisco, Cantonese and Spanish-speaking populations meet all three thresholds for written voting materials. For oral language assistance at the polling place, Department of Elections (DOE) must provide bilingual poll workers who are fluent in Cantonese, Russian, Spanish, Tagalog or Vietnamese in selected polling places.

### SELECTION OF POLLING PLACES

Polling places were selected if they triggered the language requirements of the California State Elections Code<sup>4</sup> which requires placement of bilingual poll workers in precincts where 3% of the eligible voters have limited English skills and share a common language. Two-hundred and fifty seven (257) of the 561 polling places in San Francisco meet the state threshold for Chinese and 50 polling places meet the threshold for Spanish. In sum, well over half (54%) of all precincts in the City trigger the State's language requirements.

With 24 trained volunteers, we monitored 96 polling places. This included 70 polling places, each with at least 3% to a high of 49% of voters who requested Chinese language materials, and 26 sites with 3% to 8% of voters who requested Spanish language materials.<sup>5</sup>

Precincts were also selected according to the following criteria:

- Precincts with problems recorded during past poll monitoring efforts in 2004
- Neighborhoods with high number of problem precincts in 2004
- Greatest number of bilingual voters and/or low ratio of bilingual pollworkers

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<sup>1</sup> Section 203 of the Voting Rights Act requires jurisdictions with more than 5% or 10,000 eligible voters who are limited English proficient and share a common language to translate voting materials and provide bilingual assistance.

<sup>2</sup> Section 12303(c) of the CA State Elections Code requires local election officials to actively recruit bilingual poll workers in precincts where 3% of the eligible voters have limited English skills and share a common language.

<sup>3</sup> Chapter 91 of the San Francisco Administrative Code (Equal Access to Services Ordinance) requires that city departments must be able to communicate with clients in any primary language spoken by limited English proficient persons who make up at least 5% of the population served by the department or at least 10,000 residents citywide.

<sup>4</sup> Ibid.

<sup>5</sup> A higher threshold was set for precincts with Chinese language requests because of the far greater number of precincts citywide that met or exceeded the initial 3% threshold.

## **MONITORING PROCESS**

Poll monitors assessed the bilingual signage and availability of language assistance voting materials at the selected polling places. Each monitor also interviewed the inspector or poll worker at the polling place asking him/her the following questions:

- How many bilingual pollworkers were assigned to this polling place? What languages do they speak?
- If a bilingual pollworker is unavailable, what do other pollworkers do if a limited-English speaking voter needs help?
- Were any individuals not allowed to vote? What was the reason?
- Has any voter come to the wrong precinct to cast their vote? Was the voter directed to the correct precinct and provided with provisional ballot option?
- Did any voter have difficulty with Ranked Choice Voting?
- Did any limited-English voter have trouble understanding the translated signs or material? Which sign/material?
- Are there recurring problems faced by monolingual Chinese and/or Spanish voters that you needed to solve? How many people were affected?

## **POLL MONITORING FINDINGS**

### ***1. Lack of Bilingual Signage and Materials at the Polling Place***

An overwhelming majority of the polling places failed to provide bilingual signage and voting materials in Chinese and Spanish. Of the 96 precincts visited, 47 did not have the bilingual voter information pamphlet. It was also difficult for LEP voters to identify bilingual poll workers since 22 polling places had workers who did not wear name tags to notify voters of the availability of language assistance. 23 of the polling places did not have the table cards outlining the available multilingual services and 18 did not have table cards with bilingual messages of the Eagle optic scanner.

While most of the inspectors displayed the materials after our poll monitors mentioned the irregularity, a number of inspectors were unaware of the need to post bilingual signage and to make bilingual voting materials visible for LEP voters. There was even one inspector who told the monitor that it was “too early” to put the materials out and refused to do so.

There were also 25 sites where bilingual signage and materials such as voter information pamphlets, name tags, multilingual voter services cards and Eagle message cards were present at the respective polling places but were not clearly visible for voters. Monitors saw many of the bilingual resources hidden in stacks and nametags covered under clothing.

### ***2. Lack of Bilingual Pollworkers at the Polling Place***

For precincts with Cantonese language requirements, the Department of Elections provided adequate bilingual staffing at most of the sites. At Spanish language polling places, however, two of the busiest sites did not have Spanish bilingual poll workers. Monitors observed 3 sites where more bilingual poll workers were needed to serve the large numbers of LEP Chinese and Spanish speaking voters.

If a LEP voter goes to a polling place that did not have a bilingual poll worker, poll workers are instructed to contact the DOE multilingual hotline which provides Arabic, Cantonese,

Mandarin, Russian, Spanish, Tagalog and Vietnamese language assistance on Election Day. However, poll workers at 37 of the sites were not aware of the multilingual hotline at the Department of Elections. The poll monitors asked the poll workers or inspectors what they would do if a LEP voter came into their site and they did not have a bilingual poll worker. Rather than calling the DOE hotline for the voter, they told our monitors that they would “speak very slowly” to the LEP voter or tell the voter to call a friend. One poll worker told the monitor that voters must bring their own translator. Several poll workers directed voters to go to another polling place.

### ***3. Unqualified Inspectors***

Voters and poll workers rely on inspectors to provide guidance and accurate information at each polling place. While there were inspectors who were helpful and informed of the correct voting protocols, there were, unfortunately, inspectors who were rude and impatient to voters or could not help poll workers with their assigned duties. There were even a couple of inspectors who were unaware of the language capacity of their bilingual poll workers. Thirty-seven (37) poll workers indicated they were unaware of the availability of telephone language assistance through the Department.

### ***4. Voters Turned Away***

Due to the change of polling places during this election, there were voters who went to the wrong polling place. Poll workers are trained to first try to locate the voter’s correct polling place. If the voter does not want to go to the correct site, the poll worker should redirect to voter to the correct precinct and also offer the voter a provisional ballot. At least 8 of the polling places had poll workers who did not provide this information to voters.

There were also 2 sites that did not open on time and 1 site that did not have any provisional ballots available at the site.

### ***5. Ranked Choice Voting***

Ranked Choice Voting was implemented for the offices of Assessor-Recorder, Public Defender and five of San Francisco’s eleven supervisorial districts. The DOE provided a trilingual card with a list of messages produced by the Eagle and their meanings. The card also provides standardized responses for the poll worker to tell the voter if their ballot was rejected by the Eagle machine because the voter marked too many candidates in one column or did not mark all three columns. At 18 of the sites the card was missing. Although some poll workers who had the card tried to use the information on the card to explain to voters the Eagle messages, at 30 of the sites voters were still confused.

### ***6. Other Problems***

Other common problems included Eagle machines shutting down for extended periods of time and poll workers incorrectly removing stubs before voters arrive. A number of other polling places faced one of the following problems:

- Space was so cramped that materials could not be properly displayed or allow enough room for voters.
- Location was difficult to find due to construction near the site or the lack of directional signage to the polling place.
- Space was not ready or equipped with basic items like a table.

## ***7. Re-visited Problematic Polling Places***

Since all of these problems were observed in the early morning of Election Day, we were able to inform the Department of the irregularities. When we went back to the 9 most problematic sites later in the day, many of the problems had not been resolved. Voter information pamphlets and name tags of bilingual poll workers were still not visible or in the polling place. Most of the poll workers were also still unaware of the multilingual hotlines available at DOE.

In several positive instances, after we alerted the DOE of the inappropriate behavior of one inspector, he was replaced by another inspector, fortunately allowing voters subsequent to our initial visits the opportunity to vote without encountering the previous inspector's rude, disrespectful behavior. In addition, the two polling places that did not have Spanish speaking poll workers in the morning had the necessary bilingual poll workers available when monitors re-visited the sites.

## **PRELIMINARY RECOMMENDATIONS**

Virtually all of these problems observed by our poll monitors are tied to the training that clerks and inspectors receive prior to Election Day and the materials that are prepared and packed for each polling place. Clerks and inspectors are critical resources for all voters, especially those in need of language assistance. The efficacy of their training and consistent voter outreach are integral to ensuring LEP voters can meaningfully exercise their right to vote. The following are preliminary recommendations for the Department of Elections (DOE) to consider in order to improve bilingual services for LEP voters in the next election:

- Increase the permanent staff dedicated to poll worker training efforts
- Increase the permanent staff dedicated to minority voter outreach efforts
- Ensure that all bilingual materials are included in every polling place package and that inspectors are trained to display all materials for voters.
- Develop clear signage and other methods beyond nametags to indicate bilingual poll workers are available to provide language assistance.
- Continue to improve poll worker and inspector trainings by including an evaluation of their understanding of voting protocols.
- Establish criteria to select qualified inspectors for each polling place.

CAA will be presenting these findings and recommendations to the Department of Elections and will work to ensure that these identified problems be resolved by the Department to ensure full access in subsequent elections.

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