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February 8, 2005

Steven Rodermund  
Registrar of Voters  
P.O. Box 11298  
Santa Ana, CA 92711

**Re: November 2004 General Election: Poll Monitor Results and Recommendations**

Dear Mr. Rodermund:

First and foremost, on behalf of the Asian Pacific American Legal Center (APALC), we would like to commend Orange County and in particular your office for the year-round work that goes into organizing and overseeing Election Day. This year, APALC conducted its most extensive poll monitoring effort to date. Such a widespread study was undertaken in order to further continue our partnership with Orange County to ensure equal voting access for all citizens.

The attached report details our observations, concerns and recommendations from our poll monitoring of this past November 2, 2004 general election. Our main goal is to ensure that all language minorities receive the bilingual assistance that is afforded to them under Section 203 of the Voting Rights Act.

We appreciate the commitment from you and your staff to keeping the channels of constructive dialogue open, and look forward to working with you in the future.

Sincerely,

Eugene Lee  
Poll Monitor Coordinator, Voting Rights Unit

Kathay Feng  
Director, Voting Rights Unit

Center for Asian Americans United  
for Self Empowerment

Orange County Asian Pacific Islander  
Community Alliance

Cc: Secretary of State Kevin Shelley  
David Becker, U.S. Department of Justice, Civil Rights Division, Voting Rights Section  
John Trasvina, U.S. Commission on Civil Rights,  
Gracia Hillman, Election Assistance Commission  
Dennis White, Orange County Registrar's Office  
Terry Ao, National Asian Pacific American Legal Consortium

## Background of Our Poll Monitoring Efforts

Asian Pacific American Legal Center (APALC) conducted poll monitoring of 29 poll sites in five different cities in Orange County on November 2, 2004. Poll monitoring was conducted in areas with large APIA populations, including Garden Grove, Westminster, Irvine, Santa Ana, and La Palma. APALC also opened its hotlines to voters needing assistance in Chinese, Korean, Khmer, and Vietnamese. These efforts were coordinated with many other organizations, including the community organizations of APIA Vote!<sup>1</sup> and the voting rights organizations of CalVEC.

Within these areas, poll sites were selected for the November 2004 election poll monitoring based on precincts with the largest number of requests from APIA voters for language assistance.

APALC poll monitors were trained to observe the physical layout of a poll site, the quality of interactions between poll workers and voters, the number of requests of voters needing special assistance, and any other irregularities noted. Poll monitors observed poll sites for a period of one hour between the hours of 7 am to 9 am. Our volunteer pool this year varied from college students to volunteers from community organizations.<sup>2</sup>

### I. Observations & Recommendations: Written multilingual materials

APALC observed that many LEP voters came to the polls looking for bilingual materials on the candidates and propositions. Unfortunately, if LEP voters came to a site where materials were not displayed, they had no way of knowing how to vote. APALC commends Orange County for providing multilingual materials to sites in sufficient quantities to ensure that the sites would not run out of materials by the end of the day. However, we urge the County take steps to ensure that every site that receives multilingual materials displays them in visible and accessible areas.

**Lack of multilingual materials present:** By and large, sample ballots and instruction cards in languages other than English were displayed and/or posted in and about the polling place/voting booth. The availability of these materials was, in many cases, critical to enabling voters to vote. Nonetheless, we strongly urge the County to provide extra copies of sample ballots and include translated voter registration forms in poll worker kits. Voters at poll sites tend to walk off with sample ballots, and unless the County provides poll sites with additional copies of sample ballots, poll sites will run out of sample ballots.

<u>City</u>	<u>Site</u>	<u>Evaluation of materials at site</u>
Garden Grove	Living Springs Christian Fellowship	No bilingual sample ballots.

<sup>1</sup> APIA Vote! is a pan-Asian and Pacific Islander American coalition of community-based organizations in Los Angeles and Orange Counties. The coalition includes: Asian Pacific American Legal Center, Cambodian Association of America, Center for Asian Americans United for Self Empowerment, Chinatown Service Center, Filipino American Service Group, Inc., Korean American Coalition, Korean Resource Center, Little Tokyo Service Center, National Korean American Service & Education Consortium, Orange County Asian Pacific Islander Community Alliance, Organization of Chinese Americans, and South Asian Network.

<sup>2</sup> Los Angeles organizations that assisted with poll monitoring and hotlines include: Asian Pacific Policy & Planning Council, Korean Resource Center, Liberty Hill, Little Tokyo Service Center, National Korean American Service & Education Consortium, Orange County Asian Pacific Islander Community Alliance, Organization of Chinese Americans, South Asian Network and Search to Involve Pilipino Americans. Additionally, students from the following schools also volunteered: CSU Long Beach, CSU Northridge, CSU Los Angeles, Pomona College, UC Irvine, UCLA, UCLA Law School, and University of Southern California.

Garden Grove	(14009/14012) Garden Grove Community Center (Room B) (14034/14032)	No bilingual hotline cards.
Irvine	College Park School (59026/59110)	No bilingual hotline cards or registration forms.

**Display & accessibility of multilingual materials:** Multilingual materials were not displayed at many locations. Many poll sites that did display multilingual materials placed them in places that were hard for voters to see and/or reach the materials.

City	Sites needing improvement	Evaluation of materials at site
La Palma	Lopez Residence (11353/11357)	Bilingual materials should have been placed near the poll worker table.
Garden Grove	Dr. Walter Ralston Intrm School (14035)	Bilingual materials were placed on back table and not visible. Also, table was incredibly disorganized, so voters would have had to really search to find the materials. Bilingual instruction cards, hotline cards and registration forms were not seen.
Garden Grove	Morningside School (14317/14257)	Bilingual materials were displayed behind poll worker table so that materials were obstructed from voters' view by poll workers.
Westminster	Fire Station #66 (39237)	Bilingual materials were stacked so that they were not visible.
Westminster	Strong Tower Worship Center (39239/39366)	Bilingual materials (sample ballots and voter info guides) were not visible because they were placed behind poll workers; English versions were stacked on top of bilingual materials.
Westminster	Strong Tower Worship Center (39609)	Not all bilingual materials were displayed until poll monitor requested that they be displayed.
Irvine	Colony Community Clubhouse (59124/59139)	Bilingual materials were laid out on a couch which was below eye level and not particularly visible to voters. Poll site had no hotline cards or registration forms.
Irvine	University High School (59042/59049)	Bilingual sample ballots were displayed behind poll workers and were not easily accessible. Bilingual hotline cards were not visible.

**Recommendations:**

- ❑ Mandate full compliance with the requirement to display multilingual materials. The County should also explain to poll workers, and test them on, the importance of providing bilingual assistance in trainings. This message should be incorporated into the live training sessions along with a demonstration of proper setup of poll sites with appropriate language materials.
- ❑ Allocate sufficient written multilingual materials to all precinct locations.

**II. Observations & Recommendations: Oral Bilingual Assistance**

The Orange County Registrar's Office has noticeably increased its recruitment of bilingual pollworkers / interpreters. However, there continues to be a vital need to recruit more experienced and assertive bilingual poll workers. In the November 2, 2004 general election, as many as one-third of APIA voters voted for the first time. In future elections, the challenge for the County will be to recruit qualified bilingual poll workers in sufficient numbers to accommodate the continuing influx

of voters with bilingual assistance needs as well as provide them with a basic orientation to the voting process. At the same time, APALC acknowledges that Orange County can only meet its burden through the coordination of outreach through community-based efforts. As such, our community remains committed to assist in your efforts.

**Precincts lacking bilingual pollworkers:** Of the 29 Orange County sites surveyed, 28 had at least one pollworker bilingual in an Asian language. The following sites did not have any oral Asian language assistance present or needed additional bilingual pollworkers. Those with an asterisk were observed to have a strong need for oral bilingual assistance.

City	Site	Language Needed
Irvine	Arnold Beckman High School (59002/59152)	
Irvine *	University High School (59042/59049)	Vietnamese

**Signs indicating availability of interpreters:** At several poll sites, signs indicating the availability of interpreters were not supplied or posted, or bilingual poll workers did not wear bilingual name badges. Because many voters with limited English proficiency (LEP voters) are intimidated by the voting process and hesitant about communicating because they know their English speaking ability is limited, the posting of signs and wearing of badges is an important indication that lets them know they can expect assistance.

City	Site	Comments
Garden Grove	School District Offc/Staff Dvlpmnt Rm (14037)	Bilingual availability signs should have been posted in the area before voters reached check-in table instead of after check-in table.
Irvine	Myford Elementary School (59141/59142)	Bilingual name badges were lying on poll worker table, but poll workers were not wearing them.
Irvine	Canyon View School (59089/59093)	Poll workers needed more bilingual name badges.

**Qualitative differences between precincts:** Generally, pollworkers were active and effective in aiding voters needing special or bilingual assistance. This is a credit to Orange County's efforts to design effective trainings and ensure close to full attendance at trainings. Nonetheless, in a few instances, poll monitors observed voters who obviously needed language assistance or were struggling to communicate in English but were left unassisted by pollworkers.

City	Sites needing improvement	Evaluation
Garden Grove	Cantwell Residence (14059)	Bilingual poll worker had problems understanding voters' names. Two poll workers did not show up.
Westminster	Strong Tower Worship Center (39239/39366)	Vietnamese-speaking poll workers were not active.
Irvine	North Park Clubhouse (59132/59147/59148)	Bilingual poll workers were isolated to the side because there was not enough space at the main poll worker table. Poll workers were passive in their approach to helping voters.

**Recommendations:**

- ❑ Emphasize in trainings the emergency procedures and number to call in the event a bilingual pollworker is needed, but none is available.

- Encourage bilingual poll workers/interpreters to wear badges indicating language ability in the next County election.
- Emphasize in poll worker trainings the need to actively assist voters with language or other barriers to voting.

### **III. Observations & Recommendations: Poll workers**

We are pleased by the steps taken by the County to foster education and awareness of all precinct workers about the importance of language assistance. The County’s practice of making follow-up calls before the last week of training to inspectors and workers who have not yet attended class has proven effective. This has translated into more knowledgeable pollworkers who generally display a greater understanding of the importance of assisting voters with bilingual needs.

**Accommodating Limited English Proficient (LEP) voters:** Inspectors were generally well informed of the voting process and how to handle LEP voters. We did, however, encounter a few problem inspectors and poll workers whose conduct should be carefully reviewed by the County. The following are examples of inspectors and poll workers who were reluctant to help, were unaware about how to help, or suspicious of either their bilingual co-worker or LEP voters.

City	Site	Complaint
Westminster	Strong Tower Worship Tower (39239/39366)	Poll inspector ( [REDACTED] ) would not let poll monitor look at bilingual materials. Poll inspector was unfriendly and uncooperative.
Santa Ana	Rosita School (68189/68190)	The poll worker handling check-in was vicious and would not let poll monitor anywhere near the check-in table.

### **IV. Observations & Recommendations: Other concerns**

#### **Precinct sites that were too small or where confusion resulted from multiple precincts:<sup>3</sup>**

City	Site	Problem
Garden Grove	Excelsior School (14047/14603)	Poll site needed more space for voters.
Irvine	Plaza Vista Elementary School (59035/59097)	Poll site was too small and too many people were cramped in one room.

#### **Recommendation:**

- The County should find larger poll sites for locations that have multiple precincts or should split consolidated poll sites into multiple poll sites.

**Miscellaneous precinct site problems:** The following miscellaneous problems were observed.

City	Site	Problem
Garden Grove	Living Springs Christian Fellowship (14009/14012)	Poll workers were hard of hearing and had poor vision.
Garden Grove	School District Offc/Staff Dvlpmnt Rm	Poll site was not accessible to voters with

<sup>3</sup> In the reports completed by APALC poll monitors, our monitors drew diagrams of the layout of the poll sites observed by them; APALC is willing to provide these diagrams to the County upon request.

	(14037)	disabilities. Entrance to poll site was too small and there were not enough voting booths. Poll site was too small and difficult to find.
Garden Grove	Garden Grove Community Center (Room B) (14034/14032)	Poll site was small and did not seem accessible to voters with disabilities. One of the machines did not work and was not set up. There was a line of 50-75 voters extending out the door and outside the building.
Garden Grove	Dr. Walter Ralston Inrm School (14035)	Voting booths for voters with disabilities seemed to be set up too high.
Garden Grove	United Methodist Church (Garden Grove) (14036)	Poll site was very noisy because of the many people standing in the poll site. Crowds of people stood in front of the voting booths.
Garden Grove	Sunnyside School (14601)	Poll site was located in a school multi-purpose room; many children were running around and standing next to the check-in table. Poll site was loud. The cardboard voting booth was not set up until 8:15 am.
Garden Grove	Cantwell Residence (14059)	Poll site lacked directional signs for check-in process. Two poll workers did not show up.
Garden Grove	Morningside School (14317/14257)	Poll site was located in a school multi-purpose room that was not ideally suited for poll site use.
Westminster	Strong Tower Worship Center (39239/39366)	Poll workers handling check-in were incompetent. Poll site was getting packed such that one could not tell which people in the room had checked in on the roster and which people had not checked in.
Irvine	University High School (59042/59049)	Poll site opened up late at 7:10 am. Poll site needed larger, clearer signs. Many voters had problems working the voting machines.
Irvine	Oak Creek Elem School (59048/59092)	Poll site experienced long lines and waiting times.

**Precinct sites with problems regarding voter ID or provisional ballots:**

City	Site	Problem
Garden Grove	Living Springs Christian Fellowship (14009/14012)	Most of the voters (90%) were asked for ID.
Westminster	Strong Tower Worship Center (39239/39366)	Poll workers were asking all voters for proof of residence. Poll monitor had to inform poll workers that voters who had requested absentee ballots could vote provisionally.
Santa Ana	Rosita School (68189/68190)	Three voters were turned away without being given provisional ballots because their names were not on the roster; after these three voters, poll workers gave out provisional ballots. One voter (elderly Asian American man) was required to show ID when he dropped off his absentee ballot.

**Mailing of sample and absentee ballots:** APALC has met with several community organizations that maintain voter assistance hotlines to review the typical concerns raised by callers. The tardiness in receiving translated sample and absentee ballots was a consistent problem raised. Center for Asian Americans United for Self Empowerment (CAUSE) received phone calls from 9 voters who did not receive sample ballots and 16 voters who received

sample ballots in a language other than what they requested. Our poll monitors also received reports from voters of late mailings of absentee ballots at the sites listed below. In addition, community organizations raised the concern that LEP voters did not request in-language materials because the cards mailed by the County to LEP voters which they could fill out to request language assistance were in English only.

City	Site	Problem
Garden Grove	United Methodist Church (Garden Grove) (14036)	Korean American voters stated to poll monitor that they inadvertently threw away the absentee ballots they received in the mail because the absentee ballots were in English.
Westminster	Fire Station #66 (39237)	Many voters voted provisionally because they did not receive their absentee ballots in the mail.

**Recommendations:**

- ❑ We ask that the County adjust its production schedule of translated materials so as to ensure materials will be mailed earlier.
- ❑ The County should send request cards to voters that are multilingual instead of just in English so that LEP voters can actually request translated materials.
- ❑ APALC and other community-based organizations can carry extra translated sample ballots to assist with distribution and to carry on Election Day to poll sites in need. However, a system of County trouble shooters should be in place to cover Orange County more thoroughly on Election Day.