

Improving Elections in Rhode Island: An Update



Nellie M. Gorbea
Secretary of State

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Overview and History

Elections are the foundation of our democracy. The single act of casting a ballot is fundamental to our democracy and critically important to making government accountable to the people it serves. Elections are a community endeavor with multiple levels of stakeholders. As elections officials, it is our job to ensure that elections in the state are accessible to all eligible Rhode Islanders, that the voting experience is smooth and without delay, and that voters can trust the integrity of every vote.

In 2016, the state held three statewide elections starting with the Presidential Preference Primary (PPP) in April, followed by the State Primaries in September and the November 8th General Election. In addition, elections officials implemented several new systems aimed at improving elections administration including new, state-of-the-art voting machines and online voter registration.

In February 2017, Secretary of State Nellie M. Gorbea convened a task force of state and local elections officials and Rhode Island voters to review pre-election, election day, and post-election processes. They published a report in April 2017 with 17 recommendations to improve elections in Rhode Island. These recommendations were based on their discussions of best practices, public feedback on current processes, and presentations from national experts.

This report offers an update on the progress made on each of the recommendations ahead of the 2018 elections cycle. To date, 10 recommendations have been completed and five recommendations are in progress. Two recommendations are on hold – one pending a Supreme Court ruling and the other pending a data analysis of the 2018 General Election.



Task force members listen to feedback from a voter at Francis J. Varieur School in Pawtucket

Elections Task Force Members

Secretary Gorbea thanks all members of the Elections Task Force for their collaboration on these recommendations including: Diane Mederos, Vice Chairwoman, Board of Elections; William West and Dr. Isadore Ramos, Commissioners, Board of Elections; Louis Cirillo, Town Clerk, Bristol; Louise Phaneuf, Town Clerk, Burrillville; Sonia Grace, City Clerk, Central Falls; Cheryl Fernstrom, Town Clerk and Karen Montoya, Deputy Town Clerk, Jamestown; Kenneth McGill, City Registrar, Pawtucket; Renay Brooks Omisore, Board of Canvassers, Providence; Patty Aylesworth, Director of Elections and Dottie McCarthy, Board of Canvassers, Warwick; Michele Murphy, Board of Canvassers and Cathy Brayman, Deputy Town Clerk, Westerly; Sheri Sweitzer and Pilar McCloud, Rhode Island voters.



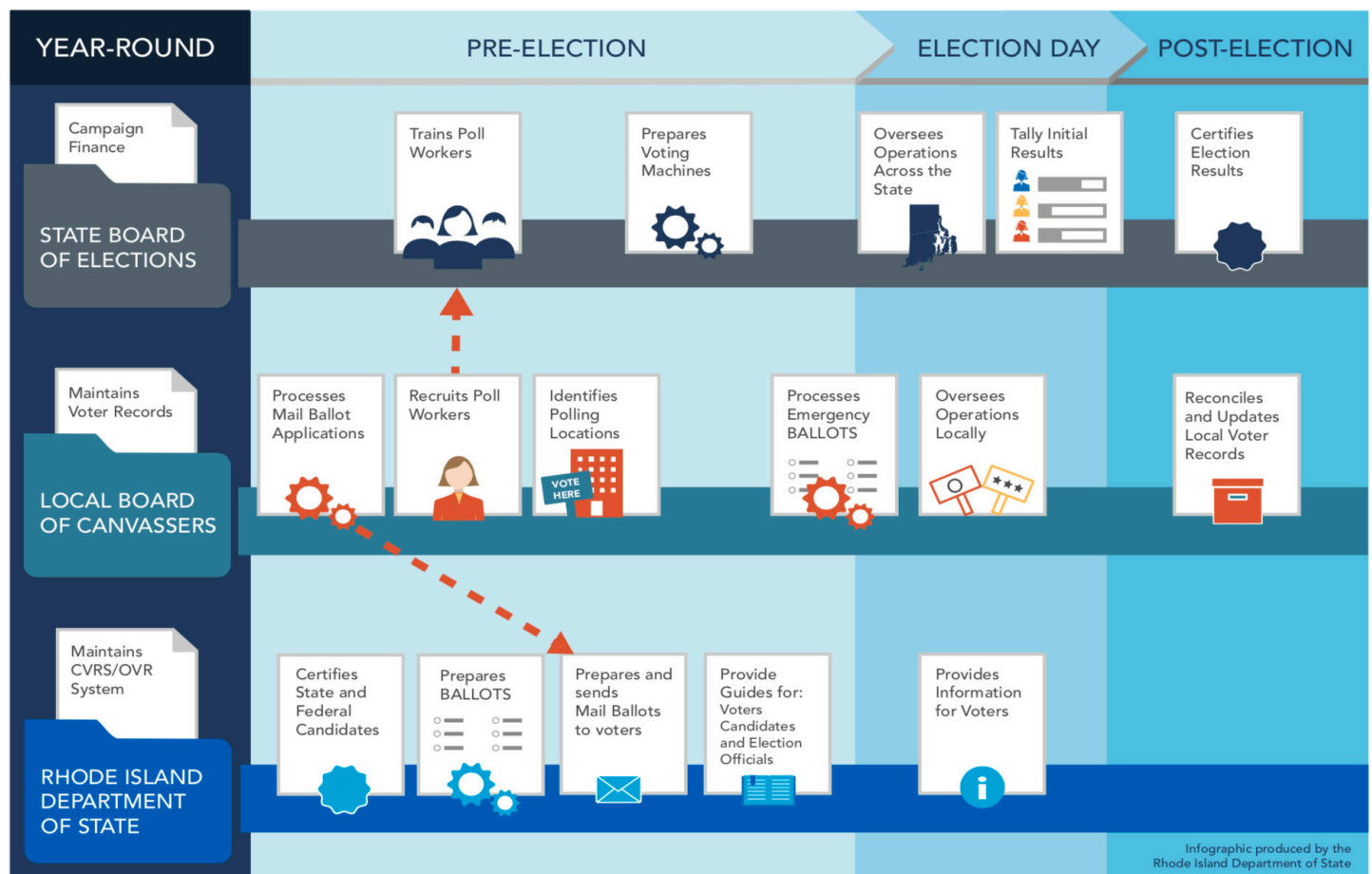
Pre-Election Day Observations

While major statewide elections happen every two years, the RI Department of State, the Board of Elections, and the 39 cities and towns collaborate for months of preparation and training to ensure every Election Day runs smoothly. The below illustration outlines this collaboration and different responsibilities for each entity.

Prior to Election Day, these three governmental entities work on maintaining accurate voter rolls, preparing mail ballots, designating polling place locations, and proofing ballots. The 2017 report outlined two major, new initiatives implemented to improve pre-election day process of voter roll maintenance: joining the Electronic Registration Information Center (ERIC) and the development of online voter registration.

ERIC is governed by the 22 member states and the District of Columbia and uses a variety of datasets including state voter registration and DMV records to determine the accuracy of states' voter rolls. ERIC provides reports that indicate which registered voters have passed away, moved within the state, moved to another ERIC state, as well as those voters who have multiple voter registration records in the same state.

With online voter registration, voters can now conveniently register to vote and update their voter registration information online at the Secretary of State's Voter Information Center. Online voter registration was launched on August 1, 2016 and nearly 31,000 Rhode Islanders have used the system to date.





Pre-Election Day Recommendations

While initiatives like joining ERIC and implementing online voter registration significantly improved the administration of elections leading up to Election Day, the Task Force identified a number of pre-election day issues and recommendations to address them. Below are the issues, recommendations and progress to date.





ISSUE: Inaccurate voter rolls

There have long been concerns that the state's database of registered voters is bloated. This is not a problem that is unique to Rhode Island. Oftentimes, when someone moves away or changes their address, they do not notify their local board of canvassers right away. This leads to inaccurate records on the voter rolls. Our goal is to identify these voters as quickly as possible and make it easier for cities and towns to remove these voters in a manner that complies with very specific state and federal laws established to protect voters' rights.

RECOMMENDATIONS

- 1** Passage of automatic voter registration (AVR) legislation to automatically register and update voter registrations of people who interact with the DMV.
- 2** Send mailing as prescribed in Rhode Island General Law (RIGL) 17-9.1-27 to voters who have not voted in last five calendar years.
- 3** Modify the Rules and Regulations for Local Boards of Canvassers to allow more frequent updating of voter registration records as they pertain to the National Change of Address (NCOA) program.
- 4** Expand matching criteria in the CVRS to include information such as driver's license number, address, and first name, allowing voters who change their last name to be identified as a matched voter.

PROGRESS

-  **Complete.** Automatic Voter Registration (AVR) legislation was passed by the General Assembly in 2017 and will be rolled out in Spring, 2018.
-  **On hold.** Due to the Supreme Court case *Husted v. A. Philip Randolph*, we have not sent the mailing as prescribed in Rhode Island General Law (RIGL) 17-9.1-27.
-  **In Progress.** Our draft rule/regulation amendment has been sent to legal counsel and is currently under review.
-  **Complete.** We have expanded the matching criteria in the CVRS. Voter records are now matched against: last name and date of birth; first name and date of birth; and/or driver's license number.



Pre-Election Day Recommendations

ISSUE: Antiquated and inefficient emergency mail ballot system

Due to the busy lives we live, it is often difficult for people to vote during normal business hours. Currently, Rhode Islanders can vote in-person during a 20-day period prior to Election Day under the emergency mail ballot statute. The language in the statute states that a voter must have an emergency circumstance to vote early, however, in 2016 the Board of Elections eliminated the need to have an “emergency” to cast a ballot during this period. Over 15,000 voters cast an emergency mail ballot in 2016 (up from over 5,600 in 2012) showing demand for more voting options. Unfortunately, the increased number of voters casting emergency mail ballots creates stress on state and local elections officials as well as uncertainty with the public regarding the integrity of the process.

RECOMMENDATION

- 5** Pass in-person early voting to allow voters in the 20 days leading up to an election, to go to a location designated by their city or town, check-in on an electronic-poll book and cast their ballot just like they would on Election Day.

PROGRESS

- In Progress.** Our early voting legislation is currently before the General Assembly. We have received city/town council support from Central Falls, Foster, Glocester, North Kingstown, Pawtucket, Providence, and Westerly.

ISSUE: Inadequate paper poll book process

Rhode Island voters have historically checked in on paper poll books on Election Day. Approximately 20 days before the election, cities and towns begin the process of preparing the paper poll books. They run time-consuming reports to initiate the process and must either print them on their own or use a printing vendor to do so. Paper poll books are hundreds of pages, making them unwieldy and hard to use.

At the polling places, the paper poll book check-in process is cumbersome. Voters are separated into lines by last name leading to some voters waiting longer than others simply due to the spelling of their last name.

RECOMMENDATION

- 6** Fund the statewide implementation of electronic poll books. Electronic poll books allow poll workers to quickly find voters by scanning their driver's licenses/State ID cards to pull up a voter's record. Electronic poll books also eliminate the need for local elections officials to manually scan ballot applications that are signed by each voter using the paper poll book system.

PROGRESS

- Complete.** After a successful pilot program in 2016, electronic poll books will be used, statewide in the 2018 election cycle. Since the 2016 election, electronic poll books have been used in all Title 17 elections and most local financial meetings.



Pre-Election Day Recommendations

ISSUE: Ballot Coding Error

The towns of Foster and North Kingstown saw inaccurate election results on Election Night due to an error during the coding of ballots and set up of the voting machines. In Foster, spacing changes in the race heading caused results for the Town moderator and Clerk races to be reported inaccurately. In North Kingstown, results for one local question were reported inaccurately due to changes in the oval position on the ballot.


The Department of State works to design ballots with the voting machine vendor Election Systems & Software (ES&S). When ballots are created, there are four versions: official ballots, mail ballots, test ballots, and sample ballots. Official ballots are sent to the polling places, mail ballots are sent to mail ballot voters, test ballots are used to test the voting machines to ensure accuracy, and sample ballots are sent to cities and towns for posting. All four ballot styles are expected to be identical.

As the ballots are generated, they are proofed for accuracy by state and local elections officials. Any necessary changes to the ballot design or layout must be made on all four ballots styles (official, mail, test, and sample ballots). In the cases of North Kingstown and Foster, ES&S did not make the necessary changes to the test ballots in those communities causing a discrepancy between the test ballots and the official ballots. The issues were minor but even the smallest changes affect the way the results are reported.

RECOMMENDATION

- 7 Create a single master ballot file to send to the printer. The printer will split the file into the four ballot styles to ensure that all four ballot styles are identical. This will eliminate the possibility of the ballot issue occurring again. It will also streamline the ballot proofing process so that only one file will need to be adjusted when necessary, not four.

PROGRESS

-  **Complete.** The Department of State worked with the voting machine vendor to create a master ballot file. This eliminates the possibility of different ballots being coded on the voting machines and prevents the 2016 ballot issue from occurring.

The first convening of the Elections Task Force discusses how to improve pre-election day procedures.





Election Day Observations

In the Summer of 2015, Secretary Gorbea convened a task force to begin the process to procure new, state-of-the-art voting equipment. By the Spring of 2016, the State had signed a contract and the new equipment was deployed to Rhode Island, including voting machines and ballot on-demand printers. In a short time frame, the Board of Elections prepared the machines for use in the September and November elections.

The State also modernized the voter check-in process at a limited number of polling places in September and November by using electronic poll books. The General Assembly appropriated funding for an electronic poll book pilot program that allowed for voters in 37 polling places in September and 57 polling places in November to check-in on iPads. As previously mentioned, electronic poll books streamline the voter check-in process for poll workers and voters.



DS200 voting machine deployed statewide in 2016 to replace machines purchased in 1997.

Pre-Election Day Recommendations

Voters across the state benefited from initiatives to modernize elections, however, the November Election Day saw some problems arise at a number of polling places that resulted in unacceptably long wait times. Below are the issues, recommendations and progress to date.

ISSUE: Not enough polling places open on Presidential Preference Primary (PPP) Day

In 2011 and 2012, the state underwent redistricting, resulting in the redrawing of voting district lines in response to the decennial Census. At roughly the same time, the General Assembly approved legislation that increased the number of constituents served by each polling place. This reduced the number of polling places from 490 to 420.

Historically, only about 1/3 of the State's polling places are open for the PPP. In 2016, this reduction was based on the already reduced number of polling places. Couple this with the second highest voter turnout in Rhode Island PPP history (25% in 2016) and the result was confusion and delays for voters.

RECOMMENDATION



Re-examine the consolidation of polling places for presidential preference primaries using metrics that include the competitive nature of the primary, polling place size, and registered vote totals.

PROGRESS



On hold. The Board of Elections will review polling place performance data after the 2018 General Election, and use current best practices to make an informed decision about the number of polling places to open in April 2020.



Election Day Recommendations

ISSUE: Long wait times at certain polling places

In During the November 2016 Election Day, voters at certain polling places waited an unacceptable amount of time to cast their ballot, some more than two hours. The Presidential Commission on Elections Administration (PCEA) indicates that a voter should not have to wait more than 30 minutes to cast their ballot. Long lines were reported in East Providence, Jamestown, Pawtucket, Providence, and Warren. A review of Election Day processes indicated a variety of factors, many that will be addressed below, that resulted in long lines at certain polling places in 2016.

Long lines at polling places can also be symptomatic of larger issues ranging from the population density of certain communities to polling place location and setup. Whatever the underlying cause, research has shown that long lines discourage voting, decrease voter confidence, and impose a monetary cost on voters.

RECOMMENDATIONS

9

Implement best practices on queuing theory by partnering with experts. Specifically, the Board of Elections and local elections officials should work with the URI School of Engineering to identify ways to better structure polling places to improve the flow of voters and the overall voting experience.

10

Pass legislation clarifying the number of voting machines at each polling place to ensure the Board of Elections has the authority to send more than one voting machine to a polling place.



Gretchen A. Macht, Ph.D., Assistant Professor – Sustainability & Human Systems Engineering at the University of Rhode Island School of Engineering discusses ways to improve Election Day operations at the second convening of the Elections Task Force.

PROGRESS



In Progress. Secretary Gorbea worked to identify a private grant to help fund a collaboration with Professor Gretchen Macht, Ph.D, Assistant Professor – Sustainability & Human Systems Engineering at URI. The Board of Elections is working with Dr. Macht to analyze data from 2016 General Election and recent special elections to improve polling place layouts and determine where additional voting machines are needed.



Complete. Legislation was passed in 2017 that clarifies the law to ensure the Board of Elections can pro-actively allocate more than one machine to certain locations based on the number of registered voters at the polling place, number of ballot pages, and size of a polling place.



Election Day Recommendations

ISSUE: Poll worker readiness and capacity

Technicians hired by the Board of Elections are trained to handle all machine malfunction issues, but communication breakdowns between poll workers and these technicians were cited by voters as increasing tensions. For example, poll workers at the Varieur School contacted their local technician to assist with a voting machine. By the time technicians got to the polling place, a line had formed and voters had become impatient. The issue was minor and could have been fixed by poll workers under the direction of the technician.

RECOMMENDATION

11

The acquisition of new voting equipment and electronic poll books gives the Board of Elections the opportunity to restructure poll worker training on Election Day operations. Further, local elections officials, boards of canvassers and poll workers should be trained to handle minor machine issues to avoid having to wait for a technician.

PROGRESS



In Progress. The size of each training class has been reduced to a maximum of 40 attendees for better hands-on training. Some training responsibilities may be transferred to local boards so that poll workers can be trained closer to Election Day.

ISSUE: Poll worker recruitment

Local communities regularly struggle to find adequate staffing for Election Day.

RECOMMENDATION

12

Expand recruitment of poll workers through businesses, schools and organizations.

PROGRESS



Complete/Ongoing. All Voter Information Events, including high school events, include the recruitment of poll workers.

ISSUE: Tracking of technicians and spare voting machines on Election Day

Currently, there is no mechanism to know exactly where technicians and spare voting machines are on Election Day. This can be problematic if there is a sudden need for assistance or a spare voting machine. Understanding where all Election Day assets are can maximize efforts to respond to issues as quickly as possible.

RECOMMENDATION

13

Implement best practices learned from the private sector including the use of global positioning systems (GPS) to identify exact locations of technicians and spare voting machines for the most efficient use of all machines.

PROGRESS



In Progress. The Board of Elections will hire 120 technicians to support approximately 420 locations in the November 2018 election. The Board is also researching the ability to track technicians by GPS to make election support visits more efficient.



Election Day Recommendations

ISSUE: Voting equipment performance

The state's new voting equipment is widely regarded as state-of-the-art and currently used by hundreds of jurisdictions throughout the country. However, on Election Day, some polling places experienced paper jams with the DS-200 voting machines. It was determined that paper weight and user error were the primary causes of these jams. The paper weight specifications for the new voting machines are lighter than the paper used for the old voting machines. In certain polling places, voters handled their ballots while in line for long periods of time, some folded their ballots while waiting. This degradation of the paper ballots increased the potential for the voting machine to jam when trying to process the ballot.



DS200 voting machine with new green arrow to better indicate where to insert ballot.

In addition, some voters could not identify the correct spot in the voting machine to place their voted ballot. Public testimony also indicated that some voters tried to force multiple pages into the machine at once, resulting in the machine to jam. Poll workers were not always monitoring for proper ballot insertion.

RECOMMENDATIONS

14

Working with ES&S, the Board of Elections should test heavier paper stock to ensure ballot stability on Election Day.

15

Clearly mark the slot in which voters should place their voted ballot by posting signs and stickers on the machine.

16

Work with voting equipment vendor to ensure that machines are operating at optimal performance. This includes installing the latest firmware updates to maximize processing speed.

PROGRESS



Complete. It was determined the best course of action is to continue using the same paper stock that was certified with the voting system. Allowing the use of more than one voting machine at certain polling places, the paper ballots will be less likely to incur damage before being inserted into the voting machine.



Complete. At the Board of Election's request, ES&S provided green arrow labels to be affixed to each DS200 near the ballot insertion slot, and Board staff has completed the installation.



Complete. After consultation with ES&S, digital storage of full PDF ballot scans has been disabled to improve tabulation. Board staff last year submitted a list of improvement requests to ES&S.



Post-Election Day Observations

A part of the elections process that is often overlooked is the work that takes place after the votes have been cast and outcomes determined. After Election Day, local elections officials spend many days and weeks reconciling voter records to ensure voting records are accurate and to ensure persons only voted once in the election. If voting irregularities are identified during this process, they are brought to the proper authorities for further investigation.

As we stated earlier in this report, improvements also can be made in the post-election process. Conducting a formal post-election audit establishes a transparent mechanism for voters to have confidence in the results of the election.

Post-Election Day Recommendations

ISSUE: Lack of post-election audits

Twenty-nine states and the District of Columbia require a post-election audit to ensure that equipment and procedures used to count votes during an election worked properly. This process is done by hand counting election results, usually by a random sampling of precincts. Rhode Island is one of 17 states across the country that does not require post-election audits by law.

RECOMMENDATION

17

Pass post-election audits legislation to audit election results after an election and before certification. During a post-election audit, paper records are checked against the results produced by the voting system to ensure accuracy.

PROGRESS



Complete: Post-election audit legislation passed the General Assembly in 2017. Rhode Island became the second state in the country to authorize **risk limiting audits**. These audits use statistics to determine how many ballots need to be hand-counted to verify Election Day results. The closer the margin of victory, the more ballots are hand-counted. The Board of Elections staff is currently developing a risk limiting audit program for Rhode Island, with a pilot audit targeted for November 2018.



Board of Elections Vice Chair Diane Mederos discusses election and post-election day recommendations at the second convening of the Elections Task Force.