

November 26, 2008

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VOTER ACTION UPDATE

Since our founding in early 2005, Voter Action has believed that the work of creating a meaningful democracy must include increased citizen oversight of and engagement in the electoral process. On November 4, 2008, we saw this ideal realized as voters and election commissioners across the nation participated in the process at new levels. Our election protection efforts -- collective and individual -- helped voters exercise their fundamental right.

The following is a preliminary overview of how thousands of voters across the country were impacted by this work.

Brief Post-Election Summary

Through our Watch the Vote 2008 Project, Voter Action carried out an extensive election protection effort in key battleground states across the country on Election Day. With the support of volunteer monitors and legal support working out of our Seattle and New York headquarters, we reviewed data from InfoVoter Technologies being fed by two national hotlines: the [MYVOTE1 hotline](#) and the [CNN hotline](#) (877-GOCNN08). This volunteer base identified problematic trends, as well as unique and specific problems in polling locations. We then worked with state leaders, on the ground volunteers, election officials and legal partners to resolve a variety of issues as they were reported through the hotlines and from the field.

- With this monitoring, and with the support of volunteer lawyers from law firms such as Anderson & Kreiger; Emery Celli Brinckerhoff & Abady; and Garcia & Vargas, Voter Action was able to reach out to local and state election officials in a number of states to further report these voting problems and to seek remedies on Election Day. Our press release issued during the election on this election monitoring activity can be found [here](#).
- Citizens from a variety of backgrounds became a key component in reclaiming their elections process and in working with local elections officials in order to serve the voters and deal with problems on Election Day. Voter Action partnerships with state-based groups in New Mexico (Voter Action networks and volunteers), Colorado (through a partnership with Common Cause), Maryland (Save Our Votes), Pennsylvania (Voter Action networks, volunteers and Common Cause), North Carolina, Indiana, and Florida (through Common Cause), created on-the-ground verification networks that assisted in following up on data reported to the hotlines. In New Mexico alone, there were over 120 volunteers recruited covering six counties. These volunteers also identified voting problems from the field, reporting back to Voter Action State Leaders and headquarters in order to resolve the problems encountered by voters in these states.
- Examples of our Election Day protection work include: accessing dry ballots for a polling location so that they could be scanned and people could continue to vote (NC); clarifying voting rules and regulations regarding absentee and provisional ballots (NM); ensuring voters were able to vote on paper ballots when machines were down (PA); providing

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voters and poll workers with advice on how to find voters' names in the county voter rolls when there was exclusion in the state database (NM); addressing voter intimidation tactics towards Hispanic voters (CO); and alerting the public safety board when a polling location was shut down because of a gas leak (PA). This on-the-ground verification network served as a critical resource for our overall election protection work and helped to demonstrate the value of citizen oversight of our election process.

- In addition to these efforts on Election Day, Voter Action remains committed to identifying election successes and areas for improvement on a state-by-state basis relying on the information collected through this program.

Prior to Election Day

- On October 23, 2008, Voter Action, along with the Public Interest Law Center of Philadelphia and the New York law firm of Emery Celli Brinckerhoff & Abady, filed a federal lawsuit in Philadelphia on behalf of a coalition of civil rights groups and individual voters seeking emergency paper ballots for Pennsylvania voters when 50% or more electronic voting machines break down in any precinct in the state. Following an eight hour evidentiary hearing on October 28, 2008, Federal Judge Harvey Bartle III, the chief judge for the US District Court for the Eastern District of Pennsylvania, ruled in favor of our clients, which included the NAACP State Conference of Pennsylvania and voters who had reported to the MYVOTE1 hotline (866-MYVOTE1) about long lines and machine breakdowns during the April 2008 primary election in Pennsylvania. The ruling serves as important court precedent for the constitutional principle that the burden of long lines in an election can amount to a deprivation of the fundamental right to vote.

[Voter Action press release announcing this court victory](#)
[The court's 25 page ruling](#)

For examples of media coverage of this court action and victory, see the following links:

“Lawsuit Is Filed Over Ballot Rule in Pennsylvania,”

The New York Times, October 23, 2008

http://www.nytimes.com/2008/10/24/us/politics/24ballots.html?_r=1

“Judge says Pa. must provide paper ballots,” *Philadelphia Inquirer*, October 30, 2008

http://www.philly.com/inquirer/local/20081030_Judge_says_Pa_must_provide_paper_ballots.html

“Chaos Looms Over Pennsylvania Vote,” *American News Project*, October 31, 2008

<http://americannewsproject.com/videos/166>