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Dear Fellow Missourians,

Fair and secure elections are the foundation of our representative democracy. Every eligible Missourian has the right to cast a ballot and have their vote counted. As Secretary of State, I am committed to safeguarding the integrity of our elections through commonsense efforts that increase security and accessibility in our voting system.

In 2008, Local Election Authorities and poll workers across the state prepared diligently for high voter turnout. Thanks to their efforts, a record 2.9 million Missourians cast ballots in the November Presidential Election. Over 24,000 poll workers assisted voters by checking them in, setting up electronic voting equipment, managing long lines and ensuring ballots were counted correctly. In fact, all three statewide elections in 2008 went smoothly, which is a tribute to the hard work of Missouri's dedicated local officials and devoted volunteers.

This report, entitled *Voters First: An Examination of the 2008 State and Federal Elections in Missouri*, takes a closer look at the common themes that emerged during the February Presidential Preference Primary, the August Primary and the November General Election. It takes into account reports that my office received from voters, poll workers, local officials, and the media pertaining to the 2008 elections in Missouri.

With this report, I hope to provide not only a detailed record of the successes and challenges of the 2008 elections, but also ideas about how we can continue to improve our elections system for all Missourians.

Very truly yours,

A handwritten signature in black ink that reads 'Robin Carnahan'.

Robin Carnahan
Secretary of State

Executive Summary of the 2008 Elections

The 2008 elections saw more Missourians participate than ever before, with over 340,000 registering to vote for the first time in the state and record-breaking turnout on November 4th. This report examines all three elections: the February 5th Presidential Preference Primary, the August 5th Primary, and the November 4th General Election. The findings of this report include an analysis of more than 300 separate issues reported to the Secretary of State's office, as well as information from Local Election Authorities, poll workers, and news stories from around the state.¹

Due to the diligent efforts of Local Election Authorities, polling places across Missouri were staffed with well-trained poll workers and supplied with enough ballots to meet the record turnout. Increased security checks on voting machines and expanded training for poll workers allowed a record number of Missourians to cast their ballots with confidence in a system that is accurate, fair and transparent.

There are areas in which Missouri election administration can be further improved to provide more confidence, convenience and privacy for voters. This report identifies opportunities to expand voter education efforts with regard to the primary election process and use of voting equipment. Military voters, in particular, are often unaware of opportunities available to expedite casting a ballot from overseas. Long lines, especially in urban areas, continue to be an obstacle for some voters. Additionally, voters were asked to present a photo or signature ID at some locations, despite not being required to under Missouri law. However, the number of such reports has decreased 50 percent compared to the 2006 General Election.

The most common issue reported during the 2008 election cycle related to the registration and eligibility of voters. Although over 500,000 Missourians updated their name or address before the November General Election, others reported that they were unaware of the requirements to update their address if they moved. Some voters reported that they believed they were properly registered but were not in the poll books on Election Day.

During all three elections, there were no reports of voter impersonation fraud. A statewide voter registration database allowed Local Election Authorities to verify the identity of new voters and ensure clean, accurate registration lists. Questionable registration applications were submitted in some counties but were identified before they were added to the rolls.

In summary, this report finds that Missouri's election system is secure and accurate; yet there is always room for improvement. Increased poll worker and voter education efforts, along with continued improvements to the voter registration system, will increase confidence and convenience for Missouri voters.

¹ Any issue reported to the Secretary of State's Office was referred to the appropriate local official for review and any action deemed necessary.

A. Registration and Eligibility

During the 2008 election cycle, the most common issue reported to the Secretary of State's Office concerned voter registration or eligibility. Local Election Authorities (LEAs) processed a record number of new voter registrations and address changes, with over 340,000 registering for the first time in Missouri before November 4th.

One out of every three issues reported during the 2008 election cycle concerned voter registration and eligibility.

On each Election Day, calls showed that many voters across the state were unsure of the process to register for the first time or update their address.¹ Even in situations where voters made efforts to register properly, there were still isolated incidents where their name did not appear in the poll book on Election Day.

Voters Who Move: Confusion Regarding Registration

During the 2008 election cycle, over 500,000 Missourians updated their name or address. Several voters, however, called to report that they were not aware of Missouri law regarding registration requirements. In Missouri, voters must update their address and vote at the polling place for their current address. If a voter moves into a new voting jurisdiction they must re-register.² The Secretary of State's Office regularly fielded calls from voters who had moved and wanted to know what steps they should take in order to vote.

To assist Missourians who had recently moved to a new address, the Secretary of State's Office mailed voting information and a registration application to all registered voters who also appeared on the USPS National Change of Address (NCOA) list.³ The mailing list included over 200,000 registered voters who, according to the postal service, had moved to a new address but had not updated their voter registration information. Nearly 25,000 registration applications were returned by voters, helping to ensure these Missourians could cast their ballot on Election Day.

During the 2008 election cycle, over half of a million Missourians updated their name or address.

In some situations, Missouri law allows those who have moved to vote even if they did not update their address before Election Day. If a voter moves within their county or city jurisdiction, they may update their address on Election Day provided they go to their

current polling place or a central location. If a voter moves to a new jurisdiction after the registration deadline, they may cast a ballot for federal and statewide issues from their new jurisdiction.⁴

Unfortunately, a handful of incidents were reported in which poll workers were not aware of these procedures. Frustrated voters called to report they waited in line at multiple polling places, only to be turned away. A St. Louis County voter "waited in line for two hours" at her old polling location. After she signed the poll book, poll workers directed her to her new polling place. She was then informed she would not be able to vote because she "already signed the book." Another voter, who moved after the registration deadline, was "told by St. Louis County that he needed to vote in St. Charles, and St. Charles told him that he needed to vote the "short" ballot in St. Louis County." In Jasper County, a

¹ Election Day Call Logs, appendix pg. 139-173

² Missouri statute, Section 115.135, RSMo

³ National Change of Address mailer, appendix pg. 33-34

⁴ Missouri statute, Section 115.277, RSMo

voter went to his “old polling location and was directed to [his] new location,” but the “new location sent him back to the old location.”

Although rare, these calls highlight the importance of poll worker training. If a voter is not listed in the poll book, they may cast a provisional ballot. Under Missouri law, provisional ballots will only count if cast at the correct polling place or a central location, so it is essential that voters understand this requirement.⁵ In November, one voter reported that individuals at his polling place who were not in the poll book were “being sent away without a chance to vote a provisional ballot.”

“One woman thought when she changed her address at the post office that included voting.”
- November 4th Poll Worker

Education Efforts by Local Election Authorities

Across the state, LEAs reported that they expanded their voter education efforts compared to previous elections. Radio ads, articles, speaking engagements, emails, mailings and newspaper flyers all focused on making sure voters knew how to check their registration and where to go vote. Buchanan County created public service announcements to run on local television, sent out emails to all county and school employees, and ran a flyer in the local newspaper. St. Louis City mailed each registered voter a sample ballot and Election Day information. Other counties reported similar programs.

List of Registered Voters

In preparation for the 2008 election cycle, the Secretary of State’s Office continued to work closely with LEAs to ensure voter rolls were accurate. Missouri’s first statewide voter registration database has been used since 2006. The Missouri Centralized Voter Registration system (MCVR) automatically compares the information of each new registrant against state and federal databases to confirm the identity of the voter. Since its implementation, the statewide database has enhanced the ability of LEAs to remove duplicates, deceased persons and felons from the rolls.

LEAs follow the National Voter Registration Act (NVRA) while conducting their list maintenance activities. NVRA contains specific safeguards to ensure eligible voters are not improperly removed from the rolls during this process. The Secretary of State’s Office routinely provides reminders and training to LEAs, as well as monitoring their list maintenance activities.

Over 340,000 voters registered for the first time in Missouri during 2008.

During the 2008 election cycle, over 340,000 new voter registrations were processed by LEAs in addition to the 500,000 address or name changes. Despite improvements made in the voter registration system, approximately two dozen voters called to report that they were not listed in their poll books when they

believed they were properly registered to vote. Of these, five voters believed that they had registered at the Department of Motor Vehicles but their registration was not correctly processed. A Nodaway County voter reported “she asked to be registered when she got her Missouri driver’s license, but documents indicated she said ‘No.’” In response to this issue, one LEA remarked that the questions asked by the DMV can be confusing to voters: when asked “Are you registered?” many voters will answer “yes” without realizing they need to re-register in their new county.

⁵ Missouri statute, Section 115.430, RSMo

Four voters reported that they were not able to cast a ballot because they were incorrectly listed as convicted felons in the poll books. One LEA confirmed that a voter’s name matched that of a convicted felon and was incorrectly removed from the rolls. The LEA “got it straightened out... and changed in the computer. I called [the voter] back and they were allowed to vote.” In another case, a LEA reported that the local parole officer was contacted, and they “assured the clerk [the individual was] not eligible to vote.”

A few voters reported they were not in the poll book because, they believed, their registration was accidentally transferred to another county when a voter by the same name registered. In February, a Greene County voter reported they “cast a provisional ballot” when they were not in the poll book. The LEA confirmed that their “information had accidentally been transferred to Kansas City where another voter with the same name was registered,” and “affirmed that the caller’s vote would be counted.” In St. Louis County, a voter reported that he was “dropped from the voting records” when he moved to St. Louis City because he “shares his name with his son.” The voter reported that the LEA “verified” that the son’s registration was updated “on the date that the father moved,” rather than registering the father to vote.

Identifying Questionable Registration Applications

Before the November 4th election, the LEA in Jackson County identified questionable voter registration applications that had been submitted. Due to the diligent efforts of election officials and the safeguards built into the Missouri Centralized Voter Registration system, these applications were identified before they were placed on the voter rolls. The Secretary of State’s Office immediately recommended that the questionable applications be forwarded to the Jackson County Prosecutor and the United States Attorney.⁶ The same recommendation was given when other questionable applications were identified in Clay County and Kansas City.

Questionable applications were identified before they were added to the voter rolls.

Anyone who knowingly submits a falsified voter registration application faces strict penalties under Missouri law. Anyone found guilty of this election offense faces a felony charge that includes permanently removing an individual’s right to vote, imprisonment up to five years and a fine of up to \$10,000.⁷ The Secretary of State’s Office supports legislation that will increase penalties for these crimes and provides for stricter oversight of the voter registration process.

⁶ Letter to Jackson County Board of Elections, appendix pg. 121

⁷ Missouri statute, Sections 115.631, RSMo and 115.155, RSMo

B. Voting Equipment

Equipment-related issues were rare during the 2008 election cycle. When concerns were reported, most occurred because poll workers and voters were continuing to adapt to the operation of the electronic voting machines, which are relatively new in Missouri elections. November 4th was the first time Missourians cast a vote for President using the new technology. Post-election audits and multiple recounts have consistently shown that Missouri's new voting technology is reliable and accurate.

November 4th was the first time Missourians voted for President using the new voting machines.

New Voting Technologies

As part of the Help America Vote Act (HAVA), Missouri Local Election Authorities (LEAs) completed phasing out the remaining punch-card voting systems in 2006. The vast majority of Missouri's 116 voting jurisdictions now rely on paper ballots as their primary voting method. Paper ballots are counted by an optical scan machine.

Federal law also requires each polling place to have one voting system accessible to individuals with disabilities, such as a direct-recording electronic machine (DRE).¹ DREs record votes using a digital touch screen, and are equipped with large-text or audio options for the visually or physically impaired. In Missouri, all DREs feature a voter-verified paper audit trail (VVPAT) so voters are able to double-check a paper record of their vote before it is cast.²

Expanded Education Efforts

In preparation for the 2008 election cycle, the Secretary of State's Office developed and distributed additional resources to improve the security of voting equipment across the state. A manual for LEAs, "Best Practices for Voting System Security," includes recommendations for the secure storage and use of voting machines.³ Additionally, the Secretary of State's Office provided poll workers with step-by-step videos and manuals for the set-up, start-up, troubleshooting, and shut-down of voting machines. More than 6,000 poll worker guides were distributed across the state.⁴

Post-election audits and multiple recounts have shown Election Day vote totals are accurate.

Increased Security Checks

In order to increase voter confidence during the high-turnout November election, the Secretary of State's Office filed a rule to strengthen the post-election audit procedures.⁵ Audit rules require comparison of electronically tabulated results with a hand recount of votes in randomly selected precincts in each county to ensure the

accuracy of voting equipment. The new rules increased the number of precincts audited after every election from one percent to at least five percent, giving Missouri one of the most stringent audit standards in the country.⁶

Post-election audits have confirmed that Election Day vote totals were accurate. To alleviate the

¹ HAVA, 2002, 42 USC 15481

² Map of Voting Systems Used in Missouri by County, appendix pg. 199

³ Best Practices for Voting System Security, appendix pg. 131-134

⁴ Training Materials for Poll Workers, appendix pg. 87

⁵ Proposed Audit Rule, appendix pg. 135-137

⁶ 15 CSR 30-10.110.

financial burden on Missouri's counties, any increase in cost associated with the revised audit rule was eligible for reimbursement by the Secretary of State's Office.

Election Day Issues

In 2008, there were 12 reports of optical scan machines that were not functioning properly. In these cases, ballots should have been placed in a predetermined, secure location by poll workers. Voters reported in some cases that poll workers instructed them to put their paper ballots in a variety of places, such as “with the provisionals,” “in an envelope,” “in a pile under the machine,” or “in a cardboard box.” Several voters confronted with this situation expressed concern that their vote would not count. All poll workers should be trained on procedures for securely storing paper ballots if an optical scan machine is not functioning. Poll worker training on procedures to follow in the event of a non-functioning machine is essential for voter confidence and ballot security.

Poll worker training on procedures in the event of a non-functioning machine is essential for voter confidence.

“Many voters became frustrated because they thought they could save time by using the touch screen, but found that it actually took longer.”

- Johnson County Poll Worker

A few isolated incidents were reported concerning touch-screen DRE machines. In November, a Boone County voter reported that a DRE machine displayed “error – incomplete ballot” when he attempted to cast his vote. In St. Louis County, a voter reported that a DRE would only let her vote on ballot issues and not candidates. Another St. Louis County voter reported that a DRE “flipped” her

vote. However, she could see the error printed on the paper trail and was able to “easily correct it” before casting her ballot. The Secretary of State's Office only received one report of a non-functioning voter-verified paper trail from a voter in Kansas City.

The number of reports of voting equipment issues decreased significantly from 2006. There were 20 percent fewer reports of equipment issues in November 2008 compared with the General Election in November 2006. This suggests poll worker training and voter education efforts have been successful.

Accuracy of Voting Equipment

Elections in Missouri are often close, with some contests being decided by very narrow margins. Missouri law provides that any candidate who was defeated by less than one percent of the votes cast shall have the right to a recount of the votes cast for that office.⁷ During the 2008 election cycle, there were several close contests that resulted in the defeated candidate requesting a recount. Following procedures developed by the Secretary of State's Office, all LEAs in Missouri participated in the recount process in 2008. Vote totals from recounts closely mirrored the vote totals reported on election night, with most changes resulting from a closer examination of individual ballots to determine voter intent.

⁷ Missouri statute, Section 115.601, RSMo

C. Ballot Issues

Concerns about ballots were the most common issue reported to the Secretary of State's Office during the August primary election. By contrast, very few reports of ballot issues were received in February or November. Voters participating in the August primary reported being confused or upset that they were required to select only one political party's ballot in order to vote.

The most common issue reported during the August Primary Election was concern about ballots.

Party Ballots in Primary Elections

In Missouri primary elections, voters may only make selections on one party's ballot, and they must tell the poll workers their choice of party in order to receive their ballot.¹ A voter can request a non-partisan ballot if there are issues or candidates to be voted on which do not have any party affiliation, such as local or statewide ballot measures.²

Voters reported two concerns with the party ballot selection as required by Missouri law in primary elections. Some felt it was a violation of their privacy to publicly declare which ballot they would like. In February, a voter in St. Louis City was “humiliated and upset” when he changed his mind and asked for a Green Party ballot and “the poll workers laughed at him.” During the August election, several voters called to report they felt uncomfortable publicly stating their party preference.

Additionally, several voters expressed concern that they had to choose one party's ballot because they wished to support candidates from different parties in specific races. A caller from Reynolds County was “upset that he could not vote in the Republican Governor's primary and the Democratic Sheriff's primary.”

During primary elections, poll workers must manage many different ballots in one polling place and carefully determine the correct ballot for each voter. In August, there were three incidents where voters reported receiving incorrect ballots. In St. Genevieve County, poll workers accidentally distributed the incorrect ballot to 19 voters. A polling place in Andrew County ran out of Republican ballots and some voters received the wrong ballot. This resulted in 119 voters not having the option to vote on a local water issue.

In Cole County's 4th Ward, 144 voters were given ballots for a neighboring precinct. A candidate for a county-level office lost the election by seven votes. Four weeks later, a special election was held to allow those 144 voters an opportunity to cast the correct ballot.³

Printing Enough Paper Ballots

Missouri law is explicit about the minimum number of ballots Local Election Authorities (LEAs) are required to provide. For a primary election, each polling place is required to have a minimum of 50 percent more ballots than the number of votes cast in the previous similar primary election.⁴ Despite record breaking turnout in the February Presidential Preference Primary, most counties were prepared

¹ Missouri statute, Sections 115.397, RSMo and 115.770, RSMo

² Missouri statute, Sections 115.397, RSMo and 115.770, RSMo

³ “It’s a Deal: Candidates will have Run-Off Race for Commission Nomination.” *Jefferson City News Tribune*, August 19, 2008

⁴ Missouri statute, Section 115.393 RSMo

and ballot shortages were only reported in Osage County. In August, there were no reports that polling places ran out of ballots.

Despite record turnout, no polling places ran out of paper ballots in the November General Election.

For a general election, each polling place is required to provide a minimum of 33 percent more ballots than the number of votes cast in the previous similar general election.⁵ Due to the record turnout expected, many LEAs printed additional paper ballots. On November

4th, there were no reports that polling places ran out of paper ballots. Callers reported that polling places in Dunklin County and Platte County were running low; however, LEAs from those counties confirmed that the polling places finished the day with enough ballots for all voters.

Absentee Ballot Issues

In 2008, 421,970 absentee ballots were cast in Missouri. Of these, 414,780 were counted. The two primary reasons ballots were not counted were because they were not notarized or were not received by the statutory deadline. Under Missouri law, absentee ballots must be received by the LEA by the time polls are closed on Election Day.⁶

A few questions and concerns about the absentee ballot process arose during the two primary elections and the November election.

The majority of these calls concerned voters who were ill or hospitalized on Election Day. In most of these cases, the LEA reported that they dispatched a bi-partisan team to the hospital to allow the voter to cast an absentee ballot.⁷

Several reports were made to the Secretary of State's Office from Missourians who requested absentee ballots but did not receive them in time to return them to their LEA through regular postal service. Some of these voters chose to pay express shipping charges for their ballots.

Other calls concerned voters who had received their absentee ballot but wished to vote in-person on Election Day. If a voter brings their absentee ballot to the polls, the poll workers can spoil the absentee ballot and allow the voter to cast a regular ballot. In November, one voter drove over two hours to her voting jurisdiction to vote in person but forgot to bring the absentee ballot she received by mail. This individual was not allowed to vote at her regular polling place and was directed to the Board of Elections' Office, where she was able to vote.

Military Voting

Members of the military and their families reported several challenges when attempting to cast their ballots. The largest obstacle they cited was the amount of time necessary to mail an absentee ballot overseas.

Under Missouri law, members of the military serving in areas declared "inaccessible" by the Secretary of State (such as hostile fire and combat zones) can securely cast their ballot by email or fax.⁸ This

⁵ Missouri Statute, 115.247, RSMo

⁶ Missouri Statute, 115.293, RSMo

⁷ Missouri Statute, 115.287, RSMo

⁸ Missouri Statute, 115.291, RSMo

option includes those serving in Iraq, Afghanistan, or Kosovo. In previous elections, many reported they were unaware of these options. In the 2008 election cycle, the Secretary of State's Office placed great emphasis on working with the military community to improve service members' knowledge of the voting process and increase participation.⁹

These efforts appear to have paid off. In the 2004 General Election, only 59 percent of the absentee ballots requested by military or overseas voters were returned to Missouri. In the 2008 General Election, this increased to 79 percent of the requested ballots. In comparison, over 95 percent of the regular absentee ballots (not including military or overseas) were returned in the 2008 General Election.

⁹ Carnahan Highlights Importance of Military Voting, appendix pg. 57

D. Poll Worker Recruitment and Training

Having enough well-trained poll workers helps to ensure that every eligible voter can cast a ballot, individuals receive the assistance they need, and security procedures are strictly followed. More than 20,000 poll workers are needed to run a statewide election in Missouri. Local Election Authorities (LEAs) are responsible for appointing and training poll workers for their jurisdiction.¹ Since 2006, the Secretary of State's poll worker recruitment initiative has identified more than 5,200 potential poll workers for LEAs across the state.²

24,839 Missourians served as poll workers on November 4th.

Recruitment

In 2008, the Secretary of State's Office expanded its poll worker recruitment initiative and focused on recruiting "tech-savvy" Missourians to serve alongside long-term poll workers. Through a partnership with over 60 institutions of higher education, the Secretary of State's Office reached out to students from across the state.³ Over 1,700 students served as poll workers in 2008. Some counties, such as Phelps, used every student poll worker that volunteered. In St. Louis County, over 395 college students and 150 high school students served on Election Day. The Secretary of State's Office provided grants to LEAs which were used to pay for more than half of the student poll workers statewide.⁴

Some LEAs worked closely with local businesses and community organizations to recruit enough poll workers. Jackson County partnered with the City of Lee's Summit to identify city employees with computer skills who would like to serve on Election Day. The LEA in Lafayette County found poll workers to operate the electronic voting machines by partnering with a local association of computer employees. Additionally, Buchanan County organized an adopt-a-precinct program with civic organizations. LEAs across the state found creative ways to reach out to their communities and find the volunteers needed to run smooth elections.

Training

While Missouri's 116 LEAs are responsible for training and paying their poll workers, the Secretary of State's Office developed and provided materials for each poll worker across the state. Poll worker trainings typically occur four to six weeks prior to Election Day and last from two to eight hours. Materials by the Secretary of State's Office and the University of Missouri Extension were provided to all LEAs to assist with poll worker training.⁵

"It was great to have college students working at the Presidential election. They were sharp and very versatile. I hope they will continue to be recruited as poll workers."

- November 4th Poll Worker

In 2008, the Secretary of State's Office provided over \$772,000 to LEAs for the purpose of training and compensation of poll workers, voter assistant specialists, polling place troubleshooters and student poll workers.⁶

¹ Missouri Statute, Section 115.087 RSMo

² Democracy is on the Line: Be a Poll Worker, appendix pg. 88-92

³ Poll Worker Recruitment in Missouri Higher Education Institutions, appendix pg. 86

⁴ Poll Worker Grant Programs, appendix pg. 85

⁵ Missouri Statute, Section 115.103, RSMo

⁶ Poll Worker Grant Programs, appendix pg. 85

In addition, poll workers across the state were provided with a list of the “Ten Things Every Missouri Poll Worker Should Know.” More than 30,000 of these guides were distributed to LEAs and used in poll worker trainings before the November 4th Election.⁷ This reference guide contained information on the most common issues faced by poll workers on Election Day. Important details such as acceptable forms of identification and contact information for their LEA appeared on the card.

Some LEAs developed advanced training tools and programs for their poll workers. In St. Louis County, the LEA produced an instructional video and provided it on the palm pilots used in each polling place. In Boone County, poll workers set up a mock polling place and practiced scenarios that might occur while assisting voters. To encourage extra experience with voting machines, St. Louis City encouraged poll workers to come to the central office at any time during the weeks before Election Day to receive hands-on training from a staff member with working equipment.

Election Day Issues

The important role that poll workers play in the elections process cannot be overstated. Election Day issues such as voter privacy, use of voting equipment, and procedures for voters who do not appear in the poll book are all affected by poll worker training.

“I did not know... the amount of stress I would feel under the wire, but the County Clerk really helped me feel better.”
- Cape Girardeau Poll Worker

Many voters praised poll workers. A St. Louis County voter reported that despite a four hour line, “all the poll workers and everyone are being nice and doing the best they can.” A Wright County voter found her county’s election staff “friendly and helpful” while assisting her with the absentee process. In Pettis County, poll workers were described as “organized and friendly” as they managed the line in their polling place.

Some Election Day issues might have been avoided with more thorough poll worker training. In Jasper County, callers were concerned that voters were being sent away without being given the option to vote with a provisional ballot. In St. Louis County, a voter reported to the Secretary of State’s Office that a poll worker stood over her while voting on a DRE to see which party’s ballot the voter chose. A voter in Osage County reported that poll workers were socializing rather than assisting voters.

On Election Day, there were instances of poll workers asking voters for photo IDs or two forms of ID. While improvements have been made, continued emphasis on poll worker training is imperative to ensure voters are only required to present one form of acceptable identification as defined by Missouri law.

Poll Worker Feedback

Poll workers were asked to complete a post-election survey on training, polling place problems, and suggestions for future poll workers.⁸ Responses to the survey varied greatly from jurisdiction to jurisdiction. Overall, 49 percent reported they received enough training to be prepared for Election Day. An additional 33 percent responded that they would have liked more, while others reported that the training was longer than necessary.

⁷ Ten Things Every Missouri Poll Worker Should Know, appendix pg. 95-96

⁸ Poll Worker Survey Responses, appendix pg. 81-84

The most common suggestion from those who volunteered to be poll workers regarded communication from LEAs. Many volunteers who were not needed to work on Election Day were never contacted. Those volunteers reported feeling that they should have at least received notice that their name had been received by their LEA. Others reported frustration when they were contacted only one day in advance to work on Election Day.

E. Polling Places Issues

Over 25 percent of the calls received by the Secretary of State's Office during the 2008 election cycle concerned privacy, electioneering, challengers/watchers, accessibility, inclement weather, and other polling place issues.

Privacy Concerns

Privacy concerns were relatively rare during the 2008 election cycle, representing only four percent of the calls received by the Secretary of State's Office. When issues did arise, they concerned either the physical layout of the polling place or the conduct of poll workers.

In February, a St. Louis County voter reported that “poll workers told her to block the screen with her body, instead of moving DREs to allow for privacy.” During the November election, two Jasper County voters reported their polling places did not allow for privacy while voting and that voters may “be peer pressured” to vote a certain way.

Several voters were concerned that poll workers were looking at their voted ballots. One Sullivan County voter reported the poll workers “were wandering around the polling place and looking over her shoulder as she was voting.” Voters in Jackson and St. Louis Counties reported that poll workers looked at their ballots while helping the voters insert them into the optical scan machine.

“If their ballot was not accepted by the machine... we are not supposed to look at their ballots but sometimes that is not possible.”

- Greene County Poll Worker

Electioneering

Confusion about electioneering laws was reported in all three elections, but was most prominent during the August primary. The majority of the concerns involved electioneering within the 25 foot boundary set by Missouri law.¹ Incidents were reported at 12 polling places in both rural and urban areas across the state.

Other concerns involved electioneering on private property. Under federal and Missouri law, a property owner may choose to not allow any electioneering even outside the 25 foot limit. Staff from the Douglas County Clerk’s Office reported that electioneers set up a table blocking the driveway of a polling place located in a private home and refused to leave at the homeowner's request.

Local Election Authorities (LEAs) in several counties also reported that they required voters wearing campaign buttons or shirts to cover them while in the polling place.

Challengers in Polling Places

Some confusion existed about the presence of challengers in polling places. Overall, calls concerning this issue were extremely rare, but voter reports as well as news stories suggest challengers and watchers were more common in the 2008 election cycle than in the past. To place challengers in a polling place, the chair of each county committee of each political party named on the ballot must notify the LEA “no later than four business days before the election.”² Challengers may report to

¹ Missouri statute, Section 115.637 (18), RSMo

² Missouri statute, Section 115.105, RSMo

election judges or the LEA if they believe a Missouri election law has been or will be violated.³ If a challenger becomes disruptive, hostile, or otherwise interferes with the process of voting, elections officials may ask them to leave the polling place.⁴

Long Lines and Polling Place Management

During the November election, long lines were reported in several counties. The vast majority of these reports came from St. Louis County voters who reported waits between two and four hours. The non-partisan St. Louis Voter Protection Coalition later reported that there were 13 polling places with wait times over 5 hours.

“I would love to see Missouri have early voting like other states do. That would solve many problems for not only poll workers but for voters as well.”

- Jackson County Poll Worker

At a Velda City polling place in St. Louis County, voters waited up to seven hours to cast their ballot. According to media reports, workers set up a table and chairs for food instead of setting up six additional voting booths to help alleviate the polling place congestion.⁵ After becoming aware of the problem, the LEA dispatched five Election Board employees and representatives to address the situation. By 5:30 p.m., a second room was opened and the six additional privacy booths were put to use.

In the morning on November 4th, long lines were reported at a few Kansas City polling places. The LEA reported that the pages in some poll books were not in the correct order which slowed the voting process. The Board sent additional poll workers to assist with the long lines and another set of poll books were printed as soon as possible.

In the post-election survey, poll workers from multiple counties commented that the alphabetic method that was used to separate the poll books into multiple lines created issues on Election Day. A poll worker from Christian County reported, “the A-F line and the Q-Z lines were practically empty and the H-P line was backed out the door.” Another poll worker from St. Charles County reported, “A-L went fast and the L-Z line was out the door! We could not speed it up as there is only one book for each line.”

Accessibility

Missouri voters have benefited greatly from polling place enhancements over the last several years. Over \$750,000 has been distributed by the Secretary of State’s Office for wheelchair ramps, handrails, doorways and other physical renovations to make sites more accessible for Missourians with disabilities.

“[We received] many thanks from the people we serviced with curbside voting. One man broke down in tears, thanking me, after he completed his ballot.”

- St. Charles County Poll Worker

In February, inaccessible polling places were reported in Washington and St. Louis Counties. In August, one inaccessible polling place was reported in Dent County. In November, there were no reports made to the Secretary of State’s Office that polling places were physically inaccessible. Two

³ Missouri statute, Section 115.105, RSMo

⁴ Missouri statute, Section 115.111, RSMo

⁵ “Food Table Displaced Voters in Velda City,” *St. Louis Post Dispatch*, November 6, 2008

complaints were received about voters with disabilities not being allowed to vote curbside.

Access to the polls is an integral component of the Voter's Bill of Rights, which is prominently displayed in each polling place.⁶ Voters are encouraged to ask for assistance from an election judge or person of their choice if they have any physical disability which hinders their ability to independently vote a ballot, cast a ballot on an accessible voting system (i.e. equipped with an audio ballot), or request curbside voting or a more accessible polling location if needed.⁷

Before the election, the Secretary of State's Office created and mailed an educational pamphlet to over 300,000 Missourians with disabilities.⁸ This mailer informed Missouri citizens about curbside voting, permanently disabled absentee list and other opportunities available to help make sure every voter has an opportunity to cast their ballot.⁹

Inclement Weather

On February 5th, the date of Missouri's Presidential Preference Primary, 23 weather-related deaths were reported in the neighboring states of Arkansas, Kentucky, and Tennessee.¹⁰ While no deaths were reported in Missouri, voters across the state faced

tornadoes, flooding, heavy rains, sleet and snow as they traveled to cast their ballots. LEAs acted quickly, prioritizing the safety of voters and poll workers while also ensuring election results would remain secure. During the day, road crews from the Department of Transportation were dispatched to several areas to clear roads to polling places. LEAs in rural areas developed contingency plans to avoid a delay in reporting election results after the polls closed.¹¹

Voters and poll workers in the February Presidential Primary faced flooding, tornadoes, and winter storms across the state.

When tornado warnings were issued, the LEA in Christian County shut down the polls until the warnings had passed.¹² In Platte County, the LEA coordinated with local television and radio stations to direct voters to a new polling place after a transformer blew at one location.

Some voters in Greene County had to step through two inches of water to cast their ballot, as the heavy rains created flooding inside the polling place on Election Day.¹³ Polling places in Worth and St. Louis Counties briefly lost power, but outages were not long enough to cause major delays. The weather also caused at least two polling places to open later than regularly scheduled, as the workers in charge of opening the buildings could not get to the locations on time.¹⁴

During the August election, only one weather-related issue was reported to the Secretary of State's Office. Temperatures in Kansas City reached 93 degrees, and a polling place located at an elementary school did not have air conditioning. Poll workers used a fan to attempt to cool the building.¹⁵ There were no weather-related issues reported in November.

⁶ Voter's Bill of Rights, appendix pg. 71

⁷ Missouri statute, Section 115.436, RSMo

⁸ Your Vote, Your Voice, appendix pg. 59-62

⁹ Missouri statute, Section 115.284, RSMo

¹⁰ "Severe weather kills 23 in Arkansas, Kentucky, Tennessee." *CNN.com*, February 6, 2008

¹¹ "MO: Heavy Turnout Despite Wintry Mix." *Washington Post*. February 5, 2008

¹² "Christian County Voters Told to Take Cover." *KSPR News*. February 5, 2008

¹³ "Hickory Hills Voting Place Flooded." *KSPR News*. February 5, 2008

¹⁴ "Voting Goes Smoothly Here for Super Tuesday." *St Louis Post-Dispatch*, February 5, 2008

¹⁵ "Voters Find no AC at One Polling Place." *KCTV 5.com*. August 5, 2008

F. Misinformation, Intimidation and Fraud

While most aspects of the 2008 elections ran smoothly, there were some reports of voter misinformation and intimidation. As in previous elections, no instances of voter impersonation fraud were reported to the Secretary of State's Office. Questionable voter registration cards were identified in a few Missouri counties before the election, but local election authorities (LEAs) identified these applications before they could be added to the voter rolls.¹

Voter Identification Issues

The most common type of voter misinformation reported to the Secretary of State's Office concerned the types of identification voters may show at the polls. Missouri law requires voters to show one type of identification before casting their ballot. Acceptable forms of identification include:

The 2008 Election Cycle was free of reports of voter impersonation fraud.

- ID issued by the Federal Government, state of Missouri, or a local election authority;
- ID issued by a Missouri institution (public or private) of higher education, including a university, college, vocational or technical school;
- A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- Driver's license or state identification card issued by another state.²

If a voter does not possess any of these forms of identification, they may still cast a ballot if two supervising election judges, one from each major political party, attest that they know the voter.³

Voters in several counties were wrongly requested to present a photo or signature ID. Voters from jurisdictions including Jasper, Jackson, Callaway, Boone and St. Louis Counties reported they were not allowed to vote despite presenting utility bills or a voter notification card. Over 65 percent of the reports were from St. Louis County.

Compared to 2006, there were over 50 percent less reports of voters being asked for photo ID during the General Election.

The number of voter complaints suggests improvement in poll worker education since the 2006 election. On November 4th, 2008, the Secretary of State's Office received 10 reports of this issue, less than half the number of complaints concerning identification that were received in 2006.

Voter Intimidation

Voter intimidation was not a widespread problem during the 2008 election cycle. However, some voters did report cases in which they felt intimidated while voting.

In February, a St. Louis County voter felt a radar trap employed in close proximity to a polling location at the Assembly of God Church in Richmond Heights was an attempt to intimidate voters.

In August, the Secretary of State's Office received a single complaint about automated telephone calls

¹ Letter to Jackson County Board of Elections, appendix pg. 121

² "Acceptable IDs to Vote" Polling Place Poster, appendix pg. 65

³ Missouri statute, Section 115.427, RSMo

(“robo-calls”). In November, voters reported several robo-calls and text messages sent to voters that contained incorrect information about Election Day. The text messages told voters that, “due to long lines, Obama supporters are asked to vote on Wednesday.” All information about the text messages and calls was forwarded to the U.S. Attorney for further investigation.⁴

Several voters called the Secretary of State’s Office to report electioneering or polling place challengers and watchers. These voters were unsure if these situations were instances of voter intimidation. The calls included reports of campaign materials within the 25 foot limit and candidates talking to voters in line. Both electioneering and polling place challengers are legal under Missouri law, but must not interfere in the voting process. Electioneers must stay 25 feet away from the entrance to a polling place and may be asked to leave polling place property. Challengers may only make challenges when they believe an election law has been violated, and must report this to the election judge rather than confronting the voter.⁵ If a challenger becomes disruptive, election judges may ask them to leave the polling place.

Voting Fraud

As in previous elections, there were no cases of voter impersonation fraud reported to the Secretary of State’s Office from anywhere in the state.

During the 2008 election cycle, one instance of attempted absentee fraud was reported. A voter in St. Louis City voted and cast his mother’s absentee ballot after she recently passed away. The ballot was identified by the LEA and was not counted.⁶ The individual was convicted of two felonies, submitting incorrect information on an absentee ballot and elections fraud.⁷ This single instance showed that the security checks in place are effective at keeping Missouri elections fair and free of fraud.

⁴ Carnahan Responds to Text Messages Spreading False Election Day Information, appendix pg. 185

⁵ Missouri statute, Section 115.105, RSMo

⁶ “Man pleads to using dead mother to vote,” *Columbia Daily Tribune*, April 12, 2008

⁷ “Voter fraud nets home confinement,” *St. Louis Post-Dispatch*, July 18, 2008

Recommendations

Registration and Eligibility

- **The Missouri General Assembly and Governor should:**
 - Continue to fully fund the current state law that provides incentives for local election authorities to maintain clean and accurate voter registration lists.
 - Increase the maximum penalty for those who misrepresent themselves on voter registration applications.
- **Local Election Authorities should:**
 - Continue to perform list maintenance activities, including regular removal of deceased voters from the rolls.
 - Continue to coordinate with LEAs across the state to properly update the registration of voters that move to a new address.
- **The Secretary of State's Office should:**
 - Expand access to voter registration solicitor training materials.
 - Explore ways to increase portability of voter registration for those who move by partnering with state agencies and local election authorities.
 - Continue to monitor the list maintenance activities of local election authorities and provide reminders and training to assist with these activities.

Voting Equipment and Ballots

- **The Missouri General Assembly and Governor should:**
 - Pass legislation that will allow every Missouri voter the option of voting on either a paper ballot or an accessible voting machine.
 - Increase access for military and overseas voters by allowing secure electronic transmission of unvoted ballots to those serving in combat zones, and providing additional time for the return of absentee ballots by all military voters.
 - Increase the maximum penalty for persons who commit absentee voter fraud.
- **Local Election Authorities should:**
 - Enhance training for poll workers on procedures for handling and securely storing paper ballots, especially when an optical scan machine is not functioning properly.

- Continue to educate voters and poll workers about the use of new voting systems.
- **The Secretary of State's Office should:**
 - Update and continue to provide training materials for local election officials and poll workers on set-up and use of voting systems.
 - Continue to provide funding for any increase in cost to LEAs from enhanced security checks of voting systems.
 - Expand efforts to educate Missourians overseas or serving in the military about their voting options.

Poll Worker Recruitment and Training

- **The Missouri General Assembly and Governor should:**
 - Allow citizens who serve as poll workers on Election Day to receive time off with pay just as if they were serving on jury duty.
 - Establish a tax credit as an added incentive for citizens who serve as poll workers.
- **Local Election Authorities should:**
 - Explore offering split shifts for poll workers so citizens can serve for one half a day rather than the full 14-16 hour days now required of poll workers.
 - Enhance poll worker training before Election Day, including specialized training for poll workers serving as polling place troubleshooters and voter assistance specialists.
- **The Secretary of State's Office should:**
 - Continue to update and enhance uniform statewide poll worker training materials.
 - Continue recruitment of more poll workers, especially individuals with technological expertise, through business, government, and educational institution partnerships and the "Democracy is on the Line: Be a Poll Worker" initiative.
 - Continue distribution of grants to LEAs to provide for additional poll workers.

Polling Places

- **The Missouri General Assembly and Governor should:**
 - Allow early voting in Missouri to increase convenience for voters, lessen the burden on poll workers, and reduce polling place lines on Election Day.
 - Extend the prohibition on electioneering materials from 25 to 100 feet from a polling place.

- Increase penalties for those who knowingly disseminate misinformation or intimidate voters.

- **Local Election Authorities should:**

- Increase the number of privacy booths and voting stations at each polling location to help alleviate long lines.
- Use uniform statewide voter education materials, such as the polling place packets distributed in 2008.
- Set up and arrange voting equipment and booths to ensure voter privacy.

- **The Secretary of State's Office should:**

- Update and continue to provide polling place packets and voter education materials similar to those distributed in 2008.
- Continue to provide grants to local election authorities for polling place improvements that will increase the accessibility of polling places for Missourians with disabilities.