

# Long Lines and Suppressing the Vote

## SLIDE 1 (TITLE SLIDE)

### SLIDE 2

There have been a number of complaints over the years about suppressing the vote in particular precincts (based on demographics and thus expected political party choices).

There were complaints in Ohio in 2004 (I think) about selective under-allocations of precincts (in Columbus? Cincinnati?)

There were certainly complaints in Maricopa County Arizona (Phoenix) after the Presidential Preference Primary in 2016. I was called in as an expert witness on long lines, resources, and the queueing theory that explains what happens when there are too few resources.

And there were complaints in Georgia, in the 2018 General Election, that minority precincts were shortchanged in resource allocation.

The usual complaint is that minority precincts, which can be expected to vote Democratic, are shortchanged by Republican officials as a way of suppressing that vote.

Several studies (including some done by the Brennan Center for Justice of the NYU Law School) have shown that wait times for voting in minority precincts are generally longer than wait times in white precincts.

Studies have also shown that electronic voting equipment like Direct Recording Electronic (DREs) helps to generate longer lines.

## SLIDE 3

Many of the complaints have to do with Direct Recording Electronic (DRE) voting computers, because they are known to help cause long lines.

Part of this is inherent in the nature of voting computers

Part of this is due to the fact that expanding capacity with DREs is very expensive and thus very hard

Which means that counties can knowingly, indirectly, or subversively suppress the vote by not having enough equipment

With hand-marked paper, and one optical scanner per precinct, it costs \$5500 to go from one scanner to two and double the capacity.

With DREs or BMDs, the same dollars might only increase capacity from six computers to seven, or about 17%

This will make it easier for counties to "cry poor" and not have enough computers to get rid of long lines.

## SLIDE 4

I will make the statement up front.

South Carolina has some of the longest lines in the country.

We have used voting computers for more than ten years.

The state has just decided to buy a new set of voting computers.

But the funding was less than was asked for

So the state is buying fewer computers than would be required by state law or standard practice and asking the counties to make up the difference

My own county of Richland, where I sit on the Election Commission, will have to ask for \$365,000 for more equipment. This is about 20% of the county's entire budget for one year.

Since we know that having insufficient resources will lead to longer lines,

And since we know that longer lines suppress the vote and suppress the minority vote disproportionately,

WE SHOULD EXPECT LITIGATION ON THE ISSUE OF CIVIL RIGHTS

## SLIDE 5

We actually have data from a complaint that went the other way from the norm.

The results are somewhat different, but the analysis, and the ability to conduct the analysis, is important.

And there are two lessons to be learned:

One, that shortages of resources probably do cause significantly lower turnout.

Two, that trust in elections is probably significantly enhanced if all the data is made available for analysis by people other than the officials who conducted the election in the first place.

Richland County South Carolina is about 250 thousand voters, second or third largest county in the state, home to the state capital and to the University of South Carolina.

It is about 50-50 white/black and is the largest county in the state that consistently votes Democratic. Greenville, the largest, votes Republican. Charleston, the third or second largest, flip flops. Together these three counties are about 30% of the total of registered voters.

Unlike many other famous news-story locations in the deep south, Richland has a solid A-A power base. More than half the legislative delegation, and the county council, and the city council of Columbia, are A-A.

There was a penny sales tax referendum on the ballot in 2012. The tax had been voted down in 2010.

The tax passed in 2012, and the conspiracy was that the precincts that had voted against the tax in 2010 were shortchanged in voting computers as a way to suppress the "no" vote and allow the tax to pass.

The tax was clearly viewed as something that would benefit lower-income (thus statistically more A-A) residents more than it would benefit affluent (i.e., statistically white) residents.

## SLIDE 6

We had lines up to seven hours in Richland in 2012.

Polls closed at 7pm. We had 29 votes after midnight, with the last vote shown here from the event log at 17 minutes and 59 seconds after midnight, more than five and one-quarter hours after the polls closed.

I had a colleague in my department who was voting for the first time as a new citizen. His comment was that it cost him nearly 150 dollars in babysitting costs to be able to vote that day.

We cast more than 12 percent of the votes after closing. This is an astonishingly high number.

Miami got more press, but with 29 votes cast AFTER MIDNIGHT, we probably had many of the last hundred or so votes cast in the Eastern Time Zone that night.

If I knew who they were, I would buy them an ample supply of their favorite "beverage". The dedication to democracy of citizens like this is part of what makes America great.

## SLIDE 7

Was there a conspiracy?

The lawsuit went all the way to the state Supreme Court before being tossed out.

We are STILL hearing repercussions and accusations of a conspiracy.

The county hired an attorney to do a study. The attorney hired me. I did the study.

Full disclosure: I made about 3500 dollars for doing the study, charging my official university hourly rate that I would charge to any granting agency. I did not charge the kind of rates normally associated with "experts".

BOTTOM LINE: I found nothing that I could call a smoking gun.

## SLIDE 8

The newspaper reporter DESPERATELY wanted a story. We spent three hours in my office with his asking questions from all possible angles. None of them seemed to pan out.

OFF THE RECORD: This is the deep south. Was there an underlying racial prejudice in the accusations of biasing an election in favor of lower-income A-A residents? Quite probably, yes.

Did I see a bias?

No.

49 precincts voted "yes" in 2010 and got fewer in 2012  
40 precincts voted "no" in 2010 and got fewer in 2012  
9 precincts got more  
26 precincts got the same number

## SLIDE 9

What did I see?

The county election director had never done a major election, much less a quadrennial election, ...

In a 50% A-A county in the re-election year of an A-A president

The previous director had been in place 25 years or more, and no doubt had much of his institutional memory in his own head.

But there seem to have been few questions asked about what to do.

And ...

We went into a quadrennial election with **one-third** of our voting computers still in the warehouse.

I would suspect a major management failure ...

But no conspiracy ...

## SLIDE 10

The data does not support the notion that there was a conspiracy.

I have looked at this data in MANY different ways.

I just don't see a correlation with any conspiracy theory.

## SLIDE 11

NONETHELESS, damage to our democracy has happened.

## SLIDE 12

Some analysis (Pettigrew) has suggested that long lines in one election lead to lower turnout in the next (and later?) elections, and that minority populations are more susceptible to this than others.

I don't actually see this in the rebound to 2014, at least not by comparison to Greenville and Charleston.

But certainly it would seem that the long lines in 2012 caused a significant voter suppression in that year.

And maybe our overall turnout is suppressed because people stay away due to an expectation of long lines.

## SLIDE 13

If we imagine that Richland would have fallen about 2/3 the way between C'ton and G'ville counties, then at a 56% turnout rate there would have been TWENTY THOUSAND more votes cast.

That's a big number.

It's about 15% plus or minus fewer votes than we probably should have had.

Whether it was intentional or not, I believe the effect is clear.

## CLOSING

What I have presented is the analysis of what was claimed to be a voter suppression action (that was actually contrary to what is usually alleged).

What I found then is that this was PROBABLY not intentional, but was just a very VERY large management mistake.

(I will add that the kind of analysis I have done has led to four election directors losing their jobs in the last ten years. We seem to have a difficulty in learning from our past mistakes.)

**TAKEAWAYS:**

Whether intentional or not, the effect of suppressing voter turnout is almost undeniable.

The ability to have third party analysis of the election data would seem crucial to improving confidence; when accusations are made against officials, they can't be the ones claiming to do an "impartial" analysis.

We need to thank South Carolina for being the most transparent state in the nation in terms of making all the data available.