

REPORT ON BALLOT SHORTAGES AND PROBLEMS RELATED TO PRIMARY ELECTION 2018



September 26,
2018

Ad-Hoc Committee on Election Infrastructure

Commissioner Tom J. Berman, Co-Chair

Commissioner Nancy Quarles, Co-Chair

Commissioner Marcia Gershenson

Commissioner Adam Kochenderfer

September 26, 2018

To the Members of the Board of Commissioners

Dear Colleagues,

We are pleased to present this report and recommendations to the Oakland County Board of Commissioners for your consideration. Our charge, to conduct an in-depth assessment of the elections system infrastructure, processes and procedures relative to ability to manage the historically high levels of voter turnout, has been completed. We believe the recommendations provided within the report are fair and balanced.

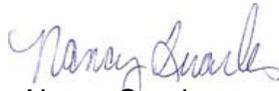
We wish to thank the Oakland County Clerk, the Oakland County Director of Elections and Oakland County's local city and township clerks, as well as the many precinct workers, voters and citizens, who provided valuable insight as we conducted this review.

The U.S. Supreme Court has ruled, "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." Let us work together to improve our elections in the spirit of ensuring every voter's voice will be heard.

Sincerely,



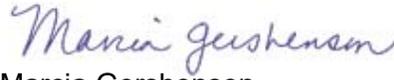
Tom J. Berman
Oakland County Commissioner, District #5



Nancy Quarles
Oakland County Commissioner, District #17



Adam Kochenderfer
Oakland County Commissioner, District #15



Marcia Gershenson
Oakland County Commissioner, District #13

cc: Secretary of State Ruth Johnson
Oakland County Clerk Lisa Brown
Oakland County Elections Director Joe Rozell
Oakland County Township and City Clerks
Oakland County Police Chiefs Association
Oakland County Homeland Security Division

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COMMITTEE SUMMARY

OVERVIEW

The Ad-Hoc Committee on Election Infrastructure has conducted an extensive review of the events of the August 7, 2018 Primary Election. The Committee sought and received input from election administrators, voters and other interested parties to gain a comprehensive understanding of the issues and consider recommendations for improvements to the Oakland County election system. The Committee received surveys from 48 local municipal clerks, 166 precinct election workers and 33 voters impacted by the events on Election Day. Two public forums were held at which information was shared by the County Clerk, Director of Elections, Board of Canvassers, local clerks, election workers and citizens.

EVENTS OF AUGUST 7, 2018 PRIMARY ELECTION

The combined survey data and reports submitted to the Committee were utilized to develop an analysis of the type and extent of the problems experienced on Election Day. Based on this information, we estimate **approximately 75 precincts completely exhausted supplies of ballots** during Election Day, requiring implementation of emergency balloting procedures. We further estimate **approximately 140 precincts experienced shortages but were successfully resupplied with ballots during Election Day**. The lack of available ballots can be attributed to long standing ballot ordering practices that were heavily reliant on historic voting behavior patterns. Certain municipalities, and precincts within municipalities, experienced unprecedented voter turnout growth, exposing an increasingly unpredictable political environment. Local clerks and precinct workers struggled to manage an increasingly widespread problem in the late afternoon and early evening hours, and **their actions taken during the crisis ultimately had a significant impact on delays experienced by voters**. Many valuable lessons about emergency preparedness and response can be gained from this experience.

RECOMMENDATIONS

FUND ADEQUATE BALLOT SUPPLIES AND WORK COLLABORATIVELY WITH LOCAL CLERKS TO DETERMINE APPROPRIATE NUMBER OF BALLOTS NEEDED IN THEIR COMMUNITIES

We recommend that the county budget be amended to authorize sufficient funding for the County Clerk to provide ballots for up to 100% of registered voters in future primary elections. We also recommend that the County Clerk develop a new procedure for ballot allocation that involves working collaboratively with local clerks to utilize their professional judgement regarding the needs of their respective communities and precincts.

UTILIZE TECHNOLOGY TO DEVELOP BETTER PLANNING TOOLS

We request that the Secretary of State provide county elections staff access to absentee voter data to improve election planning capabilities. We encourage the Elections Division to utilize this data to develop an absentee voter tracker program that can be integrated with historical voter data to assist with more accurate forecasting of voter turnout levels.

MINIMIZE BALLOT SPOILAGE

The County Clerk has investigated the unusually high number of spoiled ballots that occurred in some precincts in Oakland County. We recommend that the Clerk forward the results of this investigation to the Bureau of Elections and to the local clerks, along with any recommendations the Clerk may deem appropriate for addressing these issues prior to the next federal primary election.

The Committee supports approving the Clerk's request for \$25,000 for voter education directed at reducing the number of spoiled ballots in primary elections. We recommend that this campaign be targeted to the communities and precincts that experienced high ballot spoilage rates during the August 7, 2018 Primary Election.

We also recommend the State Legislature consider legislation returning the political party logos (vignettes) to the ballot design.

PLAN FOR ELECTION DAY EMERGENCIES

We believe that the situation on Election Day could have been mitigated had there been a clearly understood, unified response plan prepared by election officials. We recommend that the Elections Division, in partnership with the Oakland County Clerks Association, offer to host a training session to discuss the creation and implementation of a unified response plan for future ballot shortages. We recommend that local clerks communicate the problems and successes they experienced on Election Day in this forum, and that the Secretary of State's Bureau of Elections be invited to participate to address questions and conduct any necessary training.

We are of the opinion, based on our analysis, that the Voter Assist Terminals (VATs) are not an appropriate means for managing ballot shortage emergencies at the precinct level except on a short-term basis. Therefore, we further recommend that this policy be communicated to precinct workers at their next available training sessions.

IMPROVE COMMUNICATIONS AND ELECTION DAY SUPPORT NETWORK

We believe opportunities exist to improve communications and resources available to election officials in the event of an emergency during an election in the future. We request that the Oakland County Clerks Association and Elections Division invite the Oakland County Chiefs of Police and the Oakland County Homeland Security Division to discuss opportunities for greater partnership and planning for emergencies. We also recommend that all polling locations be shared with emergency response and law enforcement officials.

EXPLORE SOUTH OAKLAND ELECTION DAY OPERATIONS CENTER

Reaching local clerks and precincts in a timely manner was another problem on Election Day. Having a presence close to the situation in the southern population centers of the county may be useful. In the long run, supplying an emergency ballot printer on site with quick access to these local communities may be more cost effective than over estimating on ballot orders.

PREVENT ELECTION EQUIPMENT FAILURES AND PROVIDE IMPROVED ELECTION DAY SUPPORT

We request that the County Clerk maintain timely, high quality customer service from the voting equipment vendor in advance of and during elections.

We request that the Secretary of State investigate the problems experienced in Oakland County polling locations with e-poll book failures and the failure in some precincts to continue utilizing e-poll books throughout Election Day.

EXPAND ELECTION WORKER TRAINING AND SUPPORT

We believe our election workers deserve and could benefit from additional coordinated training opportunities. In support of this goal, we recommend that local clerks and the Elections Division partner to offer ongoing election worker training, including more advanced preparedness training for precinct chairs. We suggest that these sessions be organized on a regional basis to be convenient for workers to participate. In support of these cooperative training programs, we recommend that the Board of Commissioners consider providing funding support for this potential initiative.

We also recommend that the Board of Commissioners consider creating a grant program to assist local communities with efforts to recruit new precinct election workers.

Finally, we recommend that the Elections Division and local clerks redouble their efforts in advance of the upcoming election to ensure all workers are properly trained to process voters who attend the polls without photo identification. We received multiple reports of problems experienced by voters who were turned away from the polls.

COMMITTEE REPORT

INTRODUCTION

On August 7, 2018, voters throughout Michigan came to the polls in record breaking numbers for a fall primary election. This historic surge in voter participation was particularly strong in Oakland County, as our countywide turnout climbed higher than in the neighboring counties of Wayne and Macomb¹. Within Oakland County, several communities and precincts were hardest hit with massive surges of voters coming to the polls. This civic awakening tested an elections system that has become accustomed to voters following long-established, predictable patterns of behavior. As Election Day unfolded and historic numbers of voters turned out, a crisis developed at many polling locations throughout Oakland County. As the available supply of ballots was exhausted by the unexpected turnout, the voting process was significantly delayed for many voters. Voting machine failures, high ballot spoilage rates and other errors compounded the impact of these problems on a system already under unprecedented stress.

At precincts where these problems were most severe, voters waited for an hour or more to cast a ballot, and some voters reported leaving the polls without casting a ballot. As administrators of elections, Oakland County's local clerks were under significant pressure to manage a crisis they had limited capability to prepare for. County elections staff reacted to the emergency by acting quickly to print and deliver emergency ballot supplies as the list of calls for help kept growing. On the front lines, there were hundreds of precinct election workers who took the brunt of a frustrated electorate and did their best to manage a very difficult situation. In many instances, the quick and appropriate actions of these individuals made all the difference in terms of protecting the rights of voters and getting the voting process back on track in precincts throughout Oakland County.

The right to vote is fundamental to our constitutional system of self-government. As Americans, we cherish our freedom to choose our own leaders by secret ballot, free from intimidation or obstruction. In our nation's history, these rights have been won and expanded through the courageous acts and sacrifices of brave individuals. We must be mindful that, for many of our fellow citizens, these struggles continue. This election brought many first-time and young voters to the polls. *We must work together to rebuild their confidence in the process.* Many voters were asked to cast their ballots in a way they are not accustomed to, and some continue to question whether all votes were counted. *We must communicate effectively to these voters that their voices were heard.* There is evidence that some voters were turned away from the polls or left the polls of their own volition because of excessively long lines and wait times due the ballot shortage. *We must work together to ensure this never happens again.*

In the immediate aftermath of the election, there was a period of intense debate and speculation about Oakland County's election problems in the media and at various public forums. Much of the resulting discussion proved to be unhelpful to the overall goal of strengthening the elections process or gaining a better understanding of what occurred. The Board of Commissioners determined the best course of action was to establish a committee to conduct a thorough and independent review of the issues and events related

¹ Macomb County 29.9%, Wayne County 27.4%. Of Michigan's most populated counties, only Washtenaw County (34%) matched or exceeded Oakland's turnout.

to the election. The Board determined this review must be completely free of partisan bias and determined it would appoint an equal number of members from each party.

Our committee was tasked with: *“...conducting an in-depth survey of the ability of the elections infrastructure system within Oakland County to manage the historically high levels of voter turnout. The committee shall seek input from voters, poll workers, election administrators, candidates, and other relevant individuals regarding events that occurred during the administration of August 7, 2018 election.”* To conclude our work, we were required to issue this report, which summarizes our findings and recommendations, to the full Board of Commissioners within 45 days of our appointment. We are pleased to report that we have concluded our review and are prepared to present a series of recommendations for improving the election process in Oakland County.

COMMITTEE PROCESS

Michigan has a de-centralized system of administering elections that requires the involvement of several layers of individuals in the election process. The Committee felt it was important to gain the perspective of as many participants as possible to: 1) understand what occurred on Election Day; and 2) obtain extensive and valuable feedback regarding potential improvements to the system. The Committee believed it was important to reach out directly to voters for first-hand accounts regarding their experiences at polling locations across the county.

In support of these goals, Board staff were instructed by the Committee to forward surveys to all local clerks that administer federal elections in Oakland County. As a follow up measure, staff conducted phone interviews with local clerks that did not respond to the survey. With the cooperation of local clerks, surveys were also distributed to precinct workers. To reach voters impacted by issues at the polls, an online portal was established on the Board’s website that allowed constituents to submit “Voter Incident Report” forms. News releases announcing the opportunity for voters to report their experiences via the online portal were sent out to local media outlets countywide on August 9 and August 28, 2018. Additionally, social media advertisements were placed in communities identified as experiencing severe ballot shortages.

The Committee also held two open forums – on August 30 in Pontiac and September 12 in Southfield – that offered an opportunity for a thorough, open dialogue regarding election issues. We wish to thank Oakland County Clerk Lisa Brown, County Elections Director Joe Rozell, as well as the members of the Board of Canvassers, the many local township and city clerks, election workers and citizens who attended and offered valuable insights during these public sessions.

In response to our outreach efforts, 48 of the 52 local clerks that administered the primary election returned surveys or responded to phone interview requests; 166 precinct election workers returned surveys, and 33 voters completed Voter Incident Reports via our online portal. The Committee actively sought information about issues at precinct locations and disruptions to the voting process to gain a better understanding of how widespread the problem was and how it was managed. The integration of the information provided by Oakland County voters, precinct workers and local clerks supplied the Committee with a valuable snapshot of what occurred during the August primary election. These insights provided a unique, multi-layered perspective that informed our approach when making practical policy recommendations for a stronger elections system our voters can rely upon.

COMMITTEE STATEMENT

The purpose of our review and recommendations is to build a stronger elections system for future elections in Oakland County. The goal of this process was not to assign blame for the issues that arose in the last election to any individual or office, so no such determination will be made by the Committee or found in this report. While we conducted a thorough review of what occurred, our aim in this effort was to gain insights from that experience, not to second guess the decisions of others with the benefit of hindsight.

We must also recognize that the Board of Commissioners is not in the business of conducting elections, a very complex task in which many complicated issues can potentially arise. To the greatest extent possible, we have attempted to perform a thorough review of this intricate process in a very limited time frame. We respect the independent nature of the offices of the election administrators at the state, county and local level. Nonetheless, significant problems emerged in the most recent primary election that must be addressed. It is our position that involved parties share the goal of ensuring that our elections are run effectively and efficiently. This committee believes our elections are better run and our communities are stronger when all parties work together in a collaborative and transparent manner to solve problems.

BACKGROUND INFORMATION

OVERVIEW OF MICHIGAN'S ELECTION ADMINISTRATION PROCESS AND ROLES

Michigan has a decentralized, multi-layered election administration system that relies upon a great deal of cooperation and communication. From the Secretary of State to the local precinct inspectors, everyone must carry out their duties correctly for the election process to function effectively. The election administration responsibilities of the **Oakland County Clerk** include: printing ballots, supplying state mandated election materials for polling locations, selecting voting machines, managing computer processed election returns and election inspector training for communities with populations under 10,000. The **Clerk's Election Director** is the chief administrative officer charged with carrying out these duties.

Local clerks serve on the front lines of administering elections in their communities. They select and train election inspectors; maintain, test and prepare election equipment; oversee the absentee voting and election day polling process and maintain accurate voter registration files. All township clerks are elected officials. City clerks are either elected or appointed officials, depending on their respective city charters. Village clerks do not conduct federal elections. **Election inspectors or precinct workers** are the citizens appointed in every precinct that are charged with: issuing ballots to registered voters, setting up supplies and utilizing voting equipment, ensuring the election is conducted in accordance with applicable laws and regulations, assisting voters, verifying registration and managing crowds. The first three (3) election inspectors must be at least 18 years of age. Additional inspectors may be 16 or 17 years old. Inspectors are required to be politically balanced by major partisan identification "as nearly as possible."

The principle function of the **Board of Canvassers** is to bring closure to the voting process by receiving the balloting materials that were sealed on election night in the individual precincts, and conducting a thorough

review to ensure the vote count is correct and the election was conducted properly. Any outstanding issues on election night are managed through a public process under the oversight of the Canvassers. The Board of Canvassers consists of two (2) Republicans and two (2) Democrats recommended by the political parties and confirmed by the Board of Commissioners. The **Secretary of State** is designated as “chief elections officer” over all the above, and is responsible for maintaining the state’s Qualified Voter File.

PREPARING FOR THE ELECTION – ORDERING AND ALLOCATING BALLOT SUPPLIES

Michigan law grants authority and responsibility for printing and preparing ballots for a federal election to county clerks. Oakland County Clerk Lisa Brown, consistent with the longstanding practice of her predecessors, delegated those responsibilities to the County Elections Director, Joe Rozell.

Decisions regarding ballot ordering must comply with state laws, which provide the guidelines for the minimum number of ballots to be printed per precinct in each election. The law requires ballots for 100% of registered voters in a precinct for a federal *general* election. Due to historically low turnout levels, the law sets a much lower bar for a federal *primary* election. In these elections, the minimum standard is no less than 25% more than the total number of voters who participated in the primary election in each precinct four (4) years prior.

After the last primary election, many questions were raised regarding why Oakland County failed to supply precincts with ballots for 100% of registered voters. The decision to order less than 100% was entirely consistent with long-standing, standard Oakland County practices, and is common among nearly all election administration officials. The primary motivation of these election administrators is simply to eliminate unnecessary waste and to save taxpayer funds. Oakland County has conducted 33 separate elections during the current decade. Of those elections, 21 resulted in a 20% or lower voter turnout. For all the scrutiny and criticism, the County Clerk’s office received about their ballot order following the most recent election, they likely would have faced tremendous criticism over the years if millions of dollars in taxpayer funds went in the recycle bin in the form of unused ballots.

The Elections Director has the unenviable task of attempting to forecast voter behavior months in advance of an election on a precinct by precinct basis. When this forecast is accurate, the taxpayers save a lot of money and everything runs smoothly. When the forecast is inaccurate, people are often quick to forget the other times when the Elections Director was right. In a county as large as Oakland, it is a massive undertaking to monitor and forecast voter turnout in 52 communities and 516 precincts. Historic voting patterns, balanced with informed decisions regarding local political factors, has provided a solid foundation for building these forecasts for many years, but it is not an exact science. Shifting absentee ballot requests can give an early indication of an upcoming increase in voter activity. However, the political dynamics in the country and Oakland County are changing very quickly. **In the future, election officials will need to shift from a mindset of forecasting to a focus on preparedness.**

BALLOT SHORTAGES – RESEARCH & ANALYSIS

EXTENT OF BALLOT SHORTAGES

The integration of information from the County Clerk, Elections Director, Board of Canvassers, local clerks, precinct workers and voters provides the clearest picture available regarding the extent of the ballot shortage issues on Election Day.

Shortages Resupplied with Ballots

In these instances, the supply of ballots was exhausted and subsequently resupplied. Primarily this situation was addressed by local clerks delivering ballots previously reserved for absentee voters or ballots that were originally printed to test voting equipment. In addition, the Elections Division printed and delivered emergency ballot supplies to relieve these shortages. Fortunately, voters realized little to no delays in these precincts as clerks and election workers managed to stay ahead of the impending problems. **From the data provided, we estimate approximately 140 precincts reported ballot shortages and were resupplied on Election Day.**

In the days that followed the election, there was a great deal of attention focused on the negative aspects of the relationship between some elections officials, but these numbers tell a different story. Once Election Day began, county Elections Division staff worked tirelessly to assist local clerks by delivering emergency ballot supplies and providing support within the capabilities of their limited resources. While no doubt a stressful process, our local clerks stepped up to the challenge and ensured thousands of ballots were delivered to precincts ahead of the curve. Working together, our election officials contained and managed a problem that potentially could have negatively impacted voters in as many as 25% of county polling places.

Total Exhaustion of Ballot Supply

The problems voters experienced on Election Day were most severe when the precinct had completely exhausted their supply of ballots, requiring poll workers to utilize emergency ballot procedures. Disruption to the voting process varied dependent on whether the precinct was resupplied with photocopied ballots or voters were processed using a voting machine primarily designed to assist voters with disabilities. **Periods of complete exhaustion of ballot supplies occurred in approximately 75 precincts according to survey data and reports submitted to the Committee.**

REASONS FOR BALLOT SHORTAGES

There are several reasons the Committee identified as having contributed to the lack of adequate ballot supplies on Election Day.

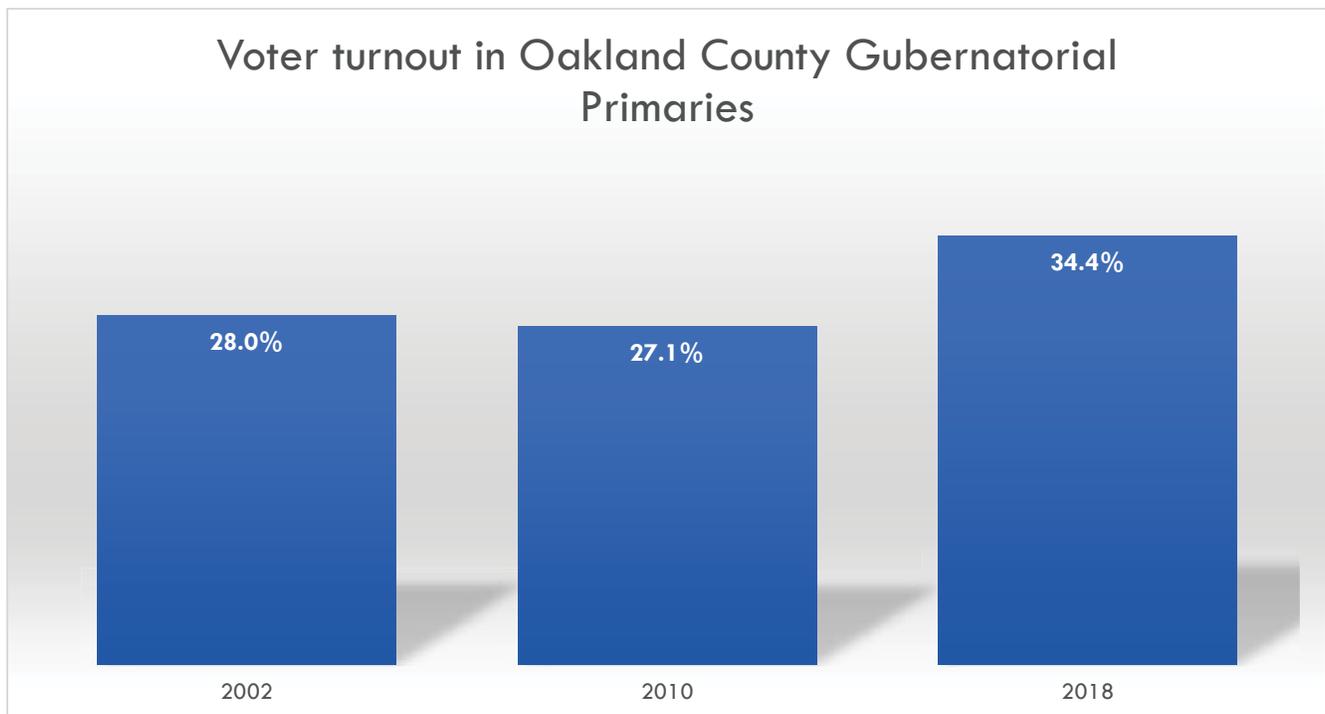
Forecasting Ballot Needs for 516 Oakland County Precincts

While we have the benefit knowing the outcome of the election and turnout numbers, the timeline of planning and ordering ballot supplies starts months prior to Election Day. The ballot order is placed in late May/early June because ballots must be delivered by county clerks to local clerks by June 23 to meet absentee voter deadlines. Precinct and absentee ballots are the same, but local clerks are given the option

Report on ballot shortages and problems related to primary election 2018

of having their allocation of absentee ballots be pre-folded for mailing for their convenience. A ballot for one precinct is not transferrable to another, as candidates down to partisan precinct delegates are specific to each precinct. As a result, the allocation of ballots to precincts is a critical step in this process. As the election draws closer, the Elections Director has the option of supplementing the order of ballots as necessary.

In developing his forecast for ballot allocations, Mr. Rozell shared with the Committee that he utilized the 2010 primary election as his initial benchmark for planning for this election. As the last primary featuring an open gubernatorial race (no incumbent candidate in either party's primary for Governor), this was a reasonable basis to plan for the upcoming election. Mr. Rozell explained that he then adjusted his plan based upon additional factors, including the open congressional primary elections in the county and the national political environment. As you can see below, the near exact voter turnout rate in 2002 and 2010 demonstrates a very consistent voter turnout level pattern.



As the election drew closer, early warning signs of high turnout came in many forms and Mr. Rozell supplemented his ballot order. Many local clerks contacted the Elections Division requesting additional ballots due to increased activity among absentee voters, spoiled ballots and the mood of the electorate. In total, the Elections Division ordered 437,000 ballots – the equivalent of one ballot for approximately 46% of Oakland County's registered voters. The additional ballot order proved insufficient to meet demand as the increase in turnout was not distributed evenly among Oakland County's precincts. While only 324,000 or 34% of voters came to the polls on August 7, 2018, they often came in highly concentrated geographic pockets of surging turnout growth. In other areas of the county that traditionally have experienced high voter turnout, these numbers did not follow the trend and in some instances even dropped.

ballot jumped from 357 to 1,219, a 241% increase in voter turnout. In the City of Royal Oak, 10 precincts experienced turnout increases of 300 to 500 voters.

Human Error

Problems occurred in precincts on Election Day that may have compounded or been the source of the ballot shortages in some precincts. During the process of conducting the canvass of votes, the County Clerk, Elections Director and Board of Canvassers took a closer look at many of these issues. These issues are broadly categorized as “human error.” They are mistakes made by either election officials or voters that contributed to the depletion of available ballots.

- *Discovery of Un-Opened Ballots*

The Board of Canvassers, County Clerk and Elections Division reported to the Committee that in approximately five (5) precincts, packs of unopened ballots were discovered during the canvassing process. These packs of 100 uncast ballots may have helped these precincts avoid ballot shortages altogether or at least helped significantly reduce voting delays.

- *Ballot Spoilage*

A contributing factor to ballot shortages was an abnormally high rate of spoiled ballots in some precincts. Numerous precincts recorded 100-200 spoiled ballots, reducing the number of available ballots for the remaining voters in these precincts.

PLANNING AND RESPONSE - ELECTION DAY EMERGENCIES

RESPONSE TO BALLOT SHORTAGES

The elections system in Oakland County was placed under intense strain on August 7, 2018. In any crisis, strengths and weaknesses are exposed. The management of this election emergency was a valuable opportunity to assess the response at all levels, gain insights and provide recommendations for building a stronger election system.

When a precinct completely exhausts their supply of ballots, there are limited options available to continue the voting process. The lack of a uniform response resulted in varying degrees of success eliminating delays for voters.

While we found many examples of county, local and precinct election officials stepping up to make a difference on August 7, 2018, there are two (2) that we would like to highlight for the purpose of demonstrating the value of quick, appropriate action and planning for emergencies.

To illustrate the value of quick implementation of proper emergency balloting procedures, we wish to commend the City of Ferndale and their City Clerk, Marne McGrath:

As has been noted in earlier in this document, no community had a larger surge in voter turnout growth by percentage. By early evening, six (6) of nine (9) Ferndale precincts had completely exhausted their supply of ballots. The City Clerk, Marne McGrath implemented emergency balloting procedures, mobilizing staff to assist with photocopying and delivering ballots out to precincts (even Mayor Dave Coulter was called into service). The photocopied ballots immediately addressed the problem at polling locations. The number of photocopied ballots cast by voters throughout the evening required three (3) days to process after Election Day. It is evident that Ms. McGrath and her elections team made all the difference in ensuring countless Ferndale voters had their voices heard.

In an emergency, there is no substitute for solid preparation and good planning. Local clerks are put in a difficult position when planning for an election because they can't determine how many ballots are ordered for their community. The City Clerk in Royal Oak, Melanie Halas, was determined to be prepared for the election regardless of how many ballots she received:

Melanie Halas, City Clerk of Royal Oak, noticed a sharp increase in absentee ballot activity in her community. She requested more ballots from the County but, even with the late supplemental order, she didn't feel comfortable that the supplies were adequate to meet demand. Increasingly concerned, Ms. Halas took matters into her own hands a week prior to the election and established an effective back-up plan by copying numbered ballots onto blank ballot paper ordered for VAT machines (see below). By noon on Election Day, Ms. Halas reported most precincts had exhausted their supplies, requiring implementation of her back-up plan. It is apparent, for much of Election Day, a large portion of the City of Royal Oak's precincts relied upon Ms. Halas' back-up plan ballots to continue operating. Her foresight and determination saved the day in Royal Oak.

The Committee solicited and received comments from many voters and election workers that were impacted by ballot shortages. It is noteworthy that in these two municipalities, which experienced the combination of surging voter turnout and near complete exhaustion of ballot supplies, we received only positive feedback regarding their management of these issues. It is not possible to share all the positive examples of individuals who demonstrated exemplary leadership and quick thinking on August 7, 2018.

A brief explanation of emergency balloting procedures when ballot supplies are exhausted:

- *Voter Assist Terminal (VAT)*

Voter Assist Terminal (VAT) machines are ballot marking devices designed to assist voters in need of special accommodations for hearing, visual, physical and other disabilities. Voters make selections on a computer and the machine prints a ballot after the voter has finalized their choices.

- *Photocopy Duplication*

Local clerks utilized an original or sample ballot from the precinct to produce photocopies. When a voter casts their ballot on a photocopied ballot it cannot be processed by the ballot tabulator. The ballot is placed in a secured auxiliary bin under the tabulator. These ballots are tabulated and added to the vote totals during the canvassing process. While less than ideal in some respects, this emergency balloting procedure is the only appropriate means to end the disruption at the precinct and ensure all voters can be accommodated. We received questions about this process and voters

expressed concerns regarding whether ballots were counted. The Secretary of State's Election Official's Manual provides instructions to local clerks for photocopy duplication as the recommended procedure when a precinct exhausts their supply of ballots.

Invariably, many of the worst problems experienced by voters were in precincts where voters cast their ballots on the VAT machines. While helpful to keep a precinct operating for short periods, the VAT is clearly not appropriate as the sole balloting device for a precinct. The time interval for each voter to utilize the machine essentially limits a precinct to processing approximately 15 to 20 voters an hour. Extended reliance on the VATs resulted in long lines, individuals leaving the polls without casting a ballot and incredible stress on precinct workers.

We cannot account for every precinct and situation, but much of the feedback we received from local clerks on this issue related to conflicting directions and communication problems on Election Day. A memo sent that morning from the Elections Division provided direction to utilize the VAT and to order emergency ballot supplies in the event of shortages (see below). Unfortunately, ballot shortages became widespread, overwhelming the Elections Divisions' limited staff. Clerks reported they had trouble reaching Elections staff on the phone. Some clerks took measures into their own hands at this point, and others continued to seek help from the County.

“Ballot Supply – It's important to monitor your ballot supply throughout the day to make certain the supply is adequate based on your individual precinct turnout. Please notify us as soon as possible if you need additional ballots printed. Also, remember, the touch writer (VAT) can print blank ballots if necessary and you can use any blank test or folded ballots as well until we are able to bring you additional ballots.”

Clerks ran into a variety of problems in their attempts to quickly generate copies of ballots. Ballots are large and do not fit on standard copy machines. Different clerks employed successful and creative solutions to overcome these barriers. We believe training and sharing knowledge gained from this experience would be valuable for all concerned in the event this situation should re-occur.

Ballot transportation problems were also addressed in survey information. Traffic jams proved an impediment to speedy delivery of back-up ballot supplies in some instances. We hope that in future emergencies, law enforcement and emergency services personnel are fully utilized to assist in the delivery of emergency election supplies.

Elections are a critical government service and interruptions to the voting process should be considered an emergency worthy of significant planning and public resources.

RECOMMENDATIONS

1. FUND ADEQUATE BALLOT SUPPLIES AND WORK COLLABORATIVELY WITH LOCAL CLERKS TO DETERMINE APPROPRIATE NUMBER OF BALLOTS NEEDED IN THEIR COMMUNITIES

Oakland County's local city and township clerks serve on the front lines of election administration in their respective communities. As we move forward to meet the challenges of this rapidly changing political

environment, we will need an elections system that is flexible and capable of responding quickly to developing trends. Local clerks have their finger on the pulse of their electorate and are best equipped to monitor changes within local precincts. They are an underutilized resource and can be tapped to improve the process of accurately allocating ballot order amounts and ensuring we are prepared for future elections. Our elections are best conducted on the basis of mutual respect, excellent communication and teamwork. The Committee believes Oakland County’s centralized process of determining ballot allocations no longer represents the best model, despite the advantages to the County for controlling costs and managing the process.

The Committee recommends that the Board of Commissioners approve an amendment to the budget to ensure funding is available to order ballots for up to 100% of registered voters in every precinct in all future primary elections. Further, we request that the County Clerk develop a new policy and procedure for ballot allocation that involves working collaboratively with local clerks to utilize their professional judgement regarding the needs of their respective communities and precincts.

2. UTILIZE TECHNOLOGY TO DEVELOP BETTER PLANNING TOOLS

While this election exposed the potential pitfalls of an overreliance on past election data, there is also evidence that careful observation and analysis of past data can provide “early warning signs.” Absentee ballot requests are often utilized as a leading indicator of turnout for an upcoming election by election administrators. With the benefit of time to study data closely, we can see some of this evidence leading up to the 2018 primary.

Percentage Increase – Absentee Ballots Cast in 2010 Primary to Absentee Ballots Requests/Issued for 2018 Primary Election	
Ferndale	167%
Highland Township	65%
Auburn Hills	46%
Oak Park	59%
Rochester Hills	36%
City of Southfield	22%

A broken link exists in our current process that is limiting the usefulness of this data. The individuals tasked under state law with ordering ballots, county clerks and their staff, lack direct access to absentee voter data. As the process currently works, local clerks monitor changes and communicate with their county clerks to request supplementary orders. Far too often there are opportunities for communications to break down. We believe the Secretary of State should grant direct access to absentee voter data to assist county elections officials with forecasting turnout and planning ballot orders.

If Oakland County is granted access to this data, we must recognize the task of matching up this data with the historic voting patterns of 516 precincts would be daunting. We believe technology can provide a smart solution to this dilemma. A tool that tracks absentee ballot activity integrated with precinct level statistics would have the potential to assist in the process of forecasting election turnout levels and planning ballot order needs.

We request that the Secretary of State provide access to absentee voter data to county elections staff to improve election planning capabilities. We encourage the Elections Division to utilize this data to develop an absentee voter tracker program integrated with historical voter data to assist with forecasting turnout levels and improve election planning.

3. MINIMIZE BALLOT SPOILAGE

The County Clerk conducted a review of the results of the canvass and the precincts with an abnormally high ballot spoilage rate. The results indicated that spoilage rates for a typical August primary election are around 2%. This is due primarily to voters who “split their ticket” and vote in more than one party primary. In this election, certain precincts had very high spoilage rates of 10% to 22%. Some voters in these precincts were found to have spoiled as many as four (4) or five (5) ballots.

In isolating these precincts, the County Clerk identified many of the contributing issues: unusually high percentage of first time primary voters, missing voting instructions and a large number of voters surrendering absentee ballots at precincts, opting instead to vote in person.

The County Clerk has requested that the Board of Commissioners approve \$25,000 in funding for a voter education campaign targeted at minimizing ballot spoilage in advance of the next federal primary election. The proposal stated potential marketing materials might include stickers on the newspapers delivered by US mail, bookmarks and posters for libraries and community centers, and Public Service Announcements.

A local clerk that experienced high spoilage rates shared with the Committee that a significant contributing issue in her community was a change in state law that required the removal of the party logos (vignettes) at the top of ballot.

We recommend that the County Clerk forward the results of the ballot spoilage investigation to the Bureau of Elections and respective local clerks along with any recommendations for improvements. The Committee supports approving the Clerk’s request for \$25,000 for voter education directed at reducing the number of spoiled ballots in primary elections. We recommend that this campaign be targeted to the communities and precincts that experienced high ballot spoilage rates during the August 7th Primary.

We also recommend the State Legislature consider legislation returning the political party logos to the ballot design to promote clarity for primary voters and prevent related spoilage.

4. PLAN FOR ELECTION DAY EMERGENCIES

The lack of a clear, unified plan in the event of ballot shortage emergency was evident on Election Day. As a result, an opportunity to recover quickly in some communities and precincts was lost and voting delays were exacerbated. Many opportunities to learn from this experience, develop plans, policies, improved communication and training exist.

We recommend that the Elections Division offer to host a session, in partnership with the Oakland County Clerks Association, to discuss a unified response plan for ballot shortages. We recommend that local clerks discuss problems and successes they experienced on Election Day and that an invitation be extended to the Secretary of State's Bureau of Elections to address questions and conduct any necessary training. It is also our recommendation that VAT machines are inadequate and inappropriate as the sole emergency balloting device upon the complete exhaustion of ballot supplies except for short term periods. We recommend this policy be communicated to election workers during their next training sessions.

5. IMPROVE COMMUNICATION AND ELECTION DAY SUPPORT NETWORK

Communications breakdown brought to light questions about our overall preparedness for any number of emergencies that may occur on an election day. We strongly encourage the Elections Division and Oakland County Clerks Association to explore opportunities to build a stronger relationship with law enforcement and homeland security officials to develop a disaster response plan and gain a better understanding how their emergency planning/response tools could be used to assist elections officials.

We request that the Oakland County Clerks Association and Elections Division invite the Oakland County Chiefs of Police and the Oakland County Homeland Security Division to discuss opportunities for greater partnership and planning for emergencies. We also recommend that all polling locations be shared with our emergency response and law enforcement officials.

6. EXPLORE SOUTH OAKLAND ELECTION DAY OPERATIONS CENTER

Reaching local clerks and precincts in a timely manner was another problem on Election Day. Having a presence close to the situation in the southern population centers of the county may be of assistance. In the long run, supplying an emergency ballot printer on site with quick access to these local communities may be more cost effective than over estimating on ballot orders.

To assist with the rapid deployment of staff and resources on Election Day, we recommend that the County consider creating an additional operations center in southern Oakland County. We further recommend that the Elections Division assess the viability and cost of installing an additional ballot printer at this location.

7. PREVENT EQUIPMENT FAILURES

Ballot shortages were not the only source of problems at polling locations. Many precincts experienced a variety of issues with voting machines and election equipment. In some instances, these issues led to interruptions or delays in the voting process.

We request that the County Clerk maintain quality and timely customer service from their voting equipment vendor in advance of and during elections.

Numerous precincts also experienced problems with e-poll books. This equipment is maintained and serviced by the Secretary of State. E-poll book failures delayed voting in several precincts. In addition, numerous precinct workers ceased using their e-poll books during the process of conducting the election. The failure to maintain a complete record of voters who cast ballots in these precincts is a significant discrepancy worthy of note.

We request that the Secretary of State investigate the problems experienced in Oakland County polling locations with e-poll book failures and the failure in some precincts to continue utilizing e-poll books throughout Election Day.

8. EXPAND ELECTION WORKER TRAINING AND SUPPORT

It is evident we are blessed with many dedicated election workers who are passionate about the election process and protecting the rights of the voters in their communities. They have offered a tremendous amount

of insight through their surveys. While many expressed disappointments in the events of the day, the clear majority expressed a strong desire for this process to move forward in a productive way rather than remaining focused on the past.

The job of being an election inspector is becoming increasingly complex as more technology and rules are introduced into the process. Non-traditional voters and unpredictable voter behavior will be testing their abilities in new ways. Our traditional approaches to election worker training may need to be adjusted to meet these challenges.

We believe our election workers can be aided through additional coordinated training opportunities. In this support of the goal we recommend that local clerks and the Elections Division partner to offer ongoing election worker training, included more advanced preparedness training for precinct chairs. We suggest that these sessions be organized on a regional basis to be convenient for worker to participate. In support of these cooperative training programs, we recommend that the Board of Commissioners consider providing funding support for this program.

It is increasingly challenging to find young people willing to serve in the role of precinct worker. At a time when the position is becoming more physically and mentally demanding, as well as more technologically dependent, it is important we bring new people into the process.

We recommend that the Board of Commissioners consider creating a grant program to assist local communities with efforts to recruit new precinct election workers.

The primary results indicated an unusually large number of first-time and young voters came to the polls for a mid-term election. We received several troublesome reports on our portal about potential voters being turned away at the polls due to photo identification issues. If correct, in each of these instances poll workers failed to follow proper procedures and the voter's rights may have been compromised.

We recommend that the Secretary of State, the Elections Division and local clerks redouble their efforts to ensure precinct workers understand the correct procedures to assist voters who attend the polls without photo identification.