



# County of San Diego

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May 8, 2017

Ramesses Surban  
Poll Monitor Project Supervisor  
Southwest Center for Asian Pacific American Law  
P.O. Box 16409  
San Diego, CA 92176

Dear Ramesses:

We are in receipt of the Southwest Center for Asian Pacific American Law (SCAPAL) Election Day Observation report for the November 2016 Presidential General Election. I would like to thank you for providing this report of the observations made of San Diego County and reinforcing our mutual goal of ensuring access to our covered limited-English proficient (LEP) voting community. It is always our effort to ensure our vibrant and diverse community is provided with services needed to actively participate in elections. This was certainly demonstrated in this past election where we experienced the highest voter turnout in San Diego County with 1,346,513 voters participating.

San Diego Registrar of Voters (SDROV) is and has been committed to ensuring accessibility for all voters. We are encouraged that our high-level efforts are proving to make a difference for our voters. Where there were observations made by SCAPAL that appear services were lacking, we are committed to improving.

After reviewing the report, I appreciate the feedback provided; learning of the observations made; and would like to respond to SCAPAL's recommendations. As such, please find enclosed responses to each observed category. *Note: The hardcopy report was converted into an editable Adobe pdf file which may not have retained all the original formatting and content. Please excuse any conversion issues that you may find.*

As always, I look forward to working with SCAPAL and Asian Americans Advancing Justice – Los Angeles (Advancing Justice-LA) on furthering the ideal and health of our participatory democracy. I have enjoyed our strong working relationship and collaborations throughout the years.

Sincerely,

L. MICHAEL VU  
Registrar of Voters

c: Deanna Kitamura, Advancing Justice-LA, Voting Rights Project Director  
Michelle Lim, Advancing Justice-LA, Voting Rights Policy Advocate  
Lana El-Farra, Advancing Justice-LA, Voting Rights Coordinator



# SCAPAL



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March 6, 2017

Michael Vu  
San Diego County Registrar of Voters  
P.O. Box 85656  
San Diego, CA 92186-5656

Re: November 8, 2016 Presidential General Election  
Poll Monitoring Results and Recommendations

Dear Registrar Vu:

On behalf of the Southwest Center for Asian Pacific American Law (SCAPAL) and Asian Americans Advancing Justice - Los Angeles (Advancing Justice-LA), we would like to thank San Diego County and, in particular, the Office of the Registrar of Voters for the year-round efforts necessary to organize and oversee Election Day.

On November 8, 2016, SCAPAL and Advancing Justice-LA monitored 103 precincts in 13 cities and unincorporated communities throughout San Diego County. The attached report provides details of our observations, concerns, and recommendations from our poll monitoring observations.

We look forward to continuing to work with you and your staff in future elections to ensure access for all voters. Thank you for your time and attention to this important issue.

Sincerely,

Ramesses Surban  
SCAPAL  
Poll Monitor Project Supervisor

Deanna Kitamura  
Advancing Justice-LA  
Voting Rights Project Director

Michelle Lim  
Advancing Justice-LA  
Voting Rights Policy Advocate

Lana El-Farra  
Advancing Justice-LA  
Voting Rights Coordinator



# SCAPAL

## I. Project Overview

The Southwest Center for Asian Pacific American Law (SCAPAL), in partnership with Asian Americans Advancing Justice-LA (Advancing Justice-LA), conducted poll monitoring efforts for the November 8, 2016 presidential general election at 103 precincts throughout San Diego County. In general, poll monitors observed two precincts for an hour each, between either 7 a.m. to 9 a.m. or 5 p.m. to 8 p.m. Table 1 below details the location of these precincts within the County or City of San Diego. Please refer to Appendix A for a complete and detailed list of precincts monitored.

SCAPAL collaborated with the San Diego County Registrar of Voters to identify precincts with a high number of bilingual voters. The corresponding poll sites serving these precincts were then selected for monitoring based on volunteer availability.

With assistance from Advancing Justice-LA, SCAPAL trained poll monitors to observe the following aspects of their assigned precincts: general accessibility, physical layout, display of multilingual materials, quality of interactions between poll workers and voters, and any irregularities. Notably, poll monitors also evaluated compliance with both the federal language assistance provisions of Section 203 of the Voting Rights Act (VRA) as well as California Elections Code Section 14201.

Table 1

<u>Precinct Location</u>	<u>Precincts Monitored</u>
<b>San Diego County: Cities/Unincorporated Communities*</b>	
Bonita	1
Chula Vista	6
El Cajon	1
Escondido	3
Imperial Beach	2
Lemon Grove	1
National City	3
Poway	2
San Marcos	1
Santee	2
Spring Valley	2
Sweetwater	1
<i>Total*</i>	25
<b>San Diego City: Neighborhoods</b>	
Chollas Park	2
City Heights	4
Clairemont, East	1
Clairemont, North	1
Del Dios	2
Del Mar Heights	4
Encanto East	1
Encanto West	2



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<b>Linda Vista</b>	3
<b>Mira Mesa</b>	23
<b>Nestor</b>	2
<b>Normal Heights</b>	4
<b>Otay</b>	2
<b>Rancho Bernardo</b>	3
<b>Rancho Peñasquitos</b>	14
<b>Rolando Redwood</b>	3
<b>San Ysidro</b>	2
<b>Tierrasanta</b>	1
<b>University, North</b>	4
<b>Total</b>	80
<b>Overall Total</b>	103

\*Exclusive of Precincts within the City of San Diego

## II. Observations

The observations contained in this report derive from poll monitors' responses to questionnaires structured to assess each precinct's organization and activities. Poll monitors noted the presence of multilingual signs and materials both inside and outside the precinct. They also observed interactions between poll workers and voters and made note of any incidents observed. When necessary, some poll monitors made suggestions to the poll inspector, particularly concerning the display of multilingual materials.

Some questionnaires were not fully completed. Therefore, percentages provided below are calculated as a percentage of responses, rather than as a percentage of total precincts monitored. Percentage figures have been rounded as appropriate.

Lastly, seven precincts were observed twice and two were observed 3 times by different monitors. Thus, while the project observed a total of 103 precincts, 114 total instances of observations were recorded.

### A. Poll Site Setup

All monitors who began observations at 7:00 am reported their precincts ready to receive voters at that time. Each precinct displayed a sign to indicate that the location served as a polling place. Further, 96% of observers reported the display of directional and "Vote Here" signs translated in Spanish, Chinese, Tagalog, and Vietnamese.

Table 2, on the subsequent page, provides the precincts at which poll monitors observed other setup or organizational issues.



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Table 2

Precinct Number	Total Number of Precincts	Description of Problem
385910, 301200, 301200, 366600, 201300, 130610, 130620, 130690, 390500, 111360, 120110, 366700, 110690, 290410, 120110, 502200, 130330, 516000, 390710, 130320, 395190	21	Location too small to accommodate proper display of materials.
516610, 372600, 300000, 301200, 301200, 302800, 130190, 130200, 390710, 105420, 105420, 110560, 110620, 110680, 111360, 395190, 120110	17	Long line of voters resulting in a long wait to vote.
270200, 276100, 532370, 302100, 273900, 277620, 455210, 516000, 390710, 130320, 395190, 201100	12	Inadequate parking.
454510, 130380, 385610, 110680, 110350, 120380, 130190, 130200, 385910, 130330, 455210	11	Inadequate directional signs posted outside to guide voters to poll site.
516610, 442700, 370110, 532490, 130190, 130200, 385910, 270200, 276100	9	Layout of multiple precincts resulted in voter confusion as to correct precinct.
455250, 110310, 201100	3	Poll site inaccessible to voters with disabilities.

As Table 2 demonstrates, locations lacking adequate space to accommodate proper display of materials presented the most common problem observed by poll monitors. Remarkably, seven precincts contributed 21 of the 73 instances of observed issues in Table 2. That is, 7% of total precincts observed caused 29% of the most common setup/organization issues. These precincts are numbers 130200, 130190, 270200, 276100, 385910, 390710, 395190.

**RESPONSE: SDROV maintains a specific set of standards before selecting polling places. The main standards are those mandated by Federal and State law, while others are imposed as a result of years of experience in selecting sites. At times, we receive feedback from voters or from interested organizations regarding the suitability of a site. As a result of this feedback, we reexamine the location to determine the merits of the concern. If correct, a determination is made on whether there exists a more suitable location in the pool of locations we have on file and, if not, attempts are made to identify and recruit another site, within the precinct. If there are no other alternatives, the facility may need to be used or voters will be assigned to a location outside the precinct. To this end, we can provide a copy of the comprehensive survey tool used in San Diego County should you request. We would also invite SCAPAL and Advancing Justice-LA to join the SDROV Office in understanding the diligent process in which sites are surveyed and selected.**

**We would like to share with you more specifics on our thoughts and findings of the precincts SCAPAL observed:**



**1) It may be beneficial for both our organizations to understand observation criteria such as what constitutes “long lines”, “long wait”, and/or “inadequate”? For example, of the 12 voting precincts that were deemed to have inadequate parking, we are unaware of any standard other than those guidelines provided by federal and state agencies.**

**2) It is our finding that 2 of the 3 precincts (i.e. 110310 and 2011100) listed as “inaccessible” are accessible according to the standards outlined by Federal and State law. We agree with SCAPAL’s observation that precinct 455250 is inaccessible. In this case, we will continue to actively seek and recruit an accessible polling place in accordance with the Secretary of State’s Accessibility Guidelines and corresponding survey tool/checklist.**

**Note: Precinct 105420 is referenced twice under the “long line of voters” section.**

## **B. Availability of Multilingual Materials**

As a preliminary matter, we applaud the ROV's efforts in providing language assistance and multilingual assistance to limited English proficiency ("LEP") voters on Election Day. We recognize the difficulty in ensuring the presence of multilingual assistance at every San Diego County poll site with an LEP voter.

That said, Section 203 of the VRA mandates certain jurisdictions to provide language assistance in the form of translated voting materials and bilingual poll workers. San Diego County must provide language assistance in Spanish, Chinese, Tagalog, and Vietnamese. Pursuant to California Elections Code Section 14201, San Diego County must also post copies of translated ballots and ballot instructions in Japanese, Khmer, Korean, and Hindi at specified precincts. Table 3 illustrates the availability of materials in these languages.



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Table 3

Description of Material*	Percentage of Precincts Displaying as Required
<b>Voter Bill of Rights</b>	94%
<b>Sample Ballots and Supplements</b>	88%
<b>Ballots</b>	87%
<b>Provisional Ballot Envelope &amp; Instructions</b>	86%
<b>Voter Help Cards</b>	83%
<b>Official Statewide Voter Information Guide</b>	81%

\*Must be displayed in Spanish, Chinese, Tagalog, and Vietnamese pursuant to VRA.

The display of Official Statewide Voter Information Guides scored the lowest for compliance with the VRA's requirements. This may have occurred due to a combination of low supply, high voter consumption, and the amount of space required to visibly display this material.

Under Section 14201, the copy of ballot and ballot instructions were required to be posted in Korean, Khmer, Hindi and Japanese at targeted precincts. 53% of the expected facsimile ballots were missing (10 of 19 responses):

- o 38% of the precincts targeted for Korean were missing a copy of the ballot and ballot instructions in Korean (3 out of 8 responses). The precincts **missing** were 115060, 120010, 120080.
- o 75% of the precincts targeted for Khmer were missing a copy of the ballot and ballot instructions in Khmer (3 out of 4 responses). The precincts **missing** were 290100, 276100, 270200.
- o 50% of the precincts targeted for Japanese were missing a copy of the ballot and ballot instructions in Japanese (2 out of 4 responses). The precincts **missing** were 120080 and 120010.
- o 67% of the precincts targeted for Hindi were missing a copy of the ballot and ballot instructions in Hindi (2 out of 3 responses). The precincts **missing** were 130810 and 130200.

Access to multilingual materials for LEP voters requires a combination of both availability and visibility. As noted previously, proper display of multilingual materials presented an issue at over 20% of observed precincts due to limited space.

Overall, observed precincts scored an average compliance rate of 87% across these six types of materials, which, while commendable, leaves room for improvement.

**RESPONSE: We are encouraged by the high rating given in this observed category. Our poll worker training team takes great effort and precious time to ensure our *volunteer* poll workers understand the importance of displaying translated election materials. This is supplemented and reinforced through additional poll worker notifications and materials, as well as, through the conduct of bilingual poll worker orientations in each federally covered language.**

**In addition, in each statewide election, our Language Services Coordinators conduct a similar site observation program as SCAPAL. This provides us with the ability to rate the level of performance of our pre-election efforts, determine its effectiveness, refine future training efforts and correct any compliance issues on the spot.**

**As part of their observation checklist, they do observe whether translated voting materials are displayed. In addition, they do cover those observations made in Section C, "Poll Worker Attendance and Bilingual Poll Worker Availability".**

**The materials you have outlined in these precincts were not "missing". The materials were provided, however, they were not displayed. If calls were made to SDROV's Observer Hotline, we appreciate this instant feedback as SDROV's 301 Field Support Representatives would have addressed this concern while making their assigned routes throughout the day.**

**We agree with SCAPAL that improvements can be made.**

### **C. Poll Worker Attendance and Bilingual Poll Worker Availability**

Every well-trained bilingual poll worker is a crucial asset on Election Day since they help ease the voting process for LEP voters. We applaud the ROV for its efforts in recruiting, deploying, and dispatching bilingual poll workers. We acknowledge the difficulty of recruiting adequate bilingual poll workers for Election Day.

With that in mind, under VRA Section 203, the ROV must staff selected precincts with a minimum number of poll workers fluent in one or more of the following languages: Spanish, Chinese, Tagalog, and Vietnamese.

Additionally, California Elections Code Section 12303 requires county elections officials to make "reasonable efforts" to recruit bilingual poll workers for any precinct achieving the threshold in the following languages: Hindi, Japanese, Khmer, and Korean. Table 4 tabulates the precincts that did not meet these requirements and/or recommendations at the time of observation.





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Table 4

Required Language	Precincts Lacking a Poll Worker Fluent in Required Language	Total Number of Precincts
Spanish	462500, 302800, 435020, 130030, 130300, 130560, 515690, 110560, 110690, 110000, 110150, 110690, 111380, 130320	14
Vietnamese	110680, 435020, 130810, 111360, 110560, 110150, 110600, 455210, 111180, 111380, 171200, 130320, 455250	13
Tagalog	110680, 372600, 435020, 110560, 502200, 106400, 110150, 501510, 130320	9
Chinese	435030, 130620, 110560, 110620, 273900, 201100	6
Recommended Language	Precincts Lacking a Poll Worker Fluent in Recommended Language	Total Number of Precincts
Korean	120110, 120010, 120080	3
Khmer	276100, 290410, 290100	3
Japanese	120110, 120080	2
Hindi	130190	1

Combined, poll monitors noted that precincts did not comply with bilingual staffing requirements or recommendations in 51 instances.

37% lacked at least one poll worker fluent in a recommended or required language (38 out of the 103 precincts observed). Precinct number 110560 appears in the above table four times, while precincts 435020, 110150, and 130320 each appear three times. These four precincts, while making up only 4% of the observed precincts, accounted for 25% of the instances of observed issues in Table 4. Notably, three of these four precincts (110560, 110150, and 130320) lie along the 1-15 corridor, just south of SR-56, and are within less than a two-mile radius of each other.

**RESPONSE: Overall, 95% (1,825 of 1,920) of the original *volunteer* bilingual poll worker allocation we planned to assign to a precinct served on Election Day. For specific precincts, this meant that more than one *volunteer* bilingual poll worker was assigned to a voting precinct for a given language. From our post-election review, SDROV staff recruited and trained 2,289 bilingual poll workers – 24.2% over the original allocation.**

**SDROV documents show there were less than the 51 instances of bilingual *volunteer* poll workers who were not able to serve on Election Day. These documents show 22 such instances. After reviewing SCAPAL's Table 4, please note SDROV's findings in the following chart:**

Federally Required Language	SCAPAL OBSERVATIONS: Precincts Lacking a Poll Worker Fluent in Required Language	SDROV FINDINGS: Precincts <u>With</u> Poll Workers In Required Language	SUMMARY	NOTES
Spanish	462500 302800 131130 110000 111380 130320 110960*	135020 130300 130560 515690 110560 110690 110150	7 of the 14 listed were not lacking the bilingual poll worker (BPW)	*110690 was an incorrect precinct; assumption is number was transposed
Vietnamese	435020 111360 110560 110150 110600 455210 171200 455250	110680 130810 111180 111380 130320	5 of the 13 were not lacking the BPW	
Filipino	435020 110560 502200 106400 501510	110680 372600 110150 130320	4 of the 9 were not lacking the BPW	
Chinese		435030 130620 110560 110620 273900 201100	6 of the 6 were not lacking the BPW	
<b>State Languages</b>				
Korean		120110 120010 120080	3 of the 3 listed were not lacking the BPW	
Khmer	290410 290100	276100	1 of the 3 was not lacking the BPW	
Japanese		120110 120080	Neither of the 2 listed lacked the BPW	
Hindi		130190	The 1 listed did not lack the BPW	

**SDROV respectfully noted:**

1. Precinct number 110560 appears in the table ~~four~~ two times.
2. Precinct number 435020 appears ~~three~~ two times
3. Precinct number 110150 appears ~~three~~ one time
4. Precinct number 130320 appears ~~three~~ one time

#### **D. Interactions Between Voters and Poll Workers**

Most poll inspectors and poll workers were cooperative with the poll monitors. However, a few ignored poll monitors' suggestions or otherwise refused to cooperate with the poll monitor. Further, monitors observed a number of other issues related to the interactions between poll workers and voters. Table 5 summarizes these issues.

**RESPONSE:** We appreciate receiving feedback that most poll inspectors and poll workers were cooperative with poll monitors.

The concerns raised may be due to the training that our *volunteer* poll workers receive. Poll workers are instructed NOT to respond to requests or instructions that are given by anyone other than the Poll Worker Hotline operators or a SDROV representative wearing an identifying badge. Throughout Election Day, poll workers receive (although well intended) requests and/or suggestions from numerous observers. Poll Workers are trained to ask the observers/monitors to call the Observer Hotline with any concerns, and will then respond to official instructions from the SDROV or designated representative. This ensures uniform instructions and accurate compliance across all voting precincts and poll workers.



Table 5

Precinct Number				Total Number of Precincts	Description of Problem
505700, 462500, 276100, 130620, 120110, 110520, 395090, 467300	516610, 302100, 301200, 130690, 290410, 106340, 395190, 467300	372600, 302100, 301200, 130710, 532370, 200700, 432600, 201100, 110310, 201100, 120380, 115400, 270200, 130230, 130610, 366700, 276100, 366700, 200700, 499510, 501510	462040, 155250, 130560, 130810, 106400, 516000, 466300, 120380, 270200, 130610, 366700, 200700, 499510, 501510	29	Poll worker passively waited for voters to request assistance rather than actively offering assistance.
455250, 155250, 276100, 111360	110310, 115030, 105420, 366700	201100, 115400, 130230, 130610, 366700, 200700, 499510, 501510	120380, 270200, 130610, 366700, 200700, 499510, 501510	14	Poll worker did not cooperate when requested to wear bilingual identification badge.
270200, 499510	276100, 501510	366700, 200700, 499510, 501510		6	Poll worker unnecessarily requested identification from voter.
130620	366700, 130330			3	Poll worker did not cooperate with monitor's request to appropriately display translated materials.
155250	110000			2	Poll worker failed to offer provisional ballot to voter whose name did not appear on voter roster.

Poll monitors uniformly remarked that poll workers treated voters with respect, despite remaining passive rather than actively offering assistance. In five of the six instances in which poll workers unnecessarily requested voter identification, they did so in order to verify the spelling of names or to increase ease and convenience. Of note, monitors at Precincts 270200 and 276100 observed poll workers who both refused to wear bilingual identification badges as well as unnecessarily requested voter identification.

In addition to improperly requesting voter identification, poll workers at Precinct 36670 also refused to display some translated materials; in addition, the poll inspector at this precinct did not allow the monitor to observe other translated materials. Poll workers at Precinct 130620 told the monitor that his request to appropriately display translated materials "disrupted the voting process." At Precinct 130330, poll workers reasoned that they had no need to display translated materials since voters in prior years had not requested them.

### E. Troubleshooting Response

SCAPAL applauds the ROV's use of the Election Day Observation Hotline. The Hotline allowed SCAPAL to immediately report to the ROV issues observed by the monitors. The ROV Hotline



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staff demonstrated patience and attentiveness during the numerous calls made by SCAPAL throughout Election Day.

ROV staff appeared to make note of each of SCAPAL's reports. However, because the monitors observed precincts only for an hour at a time, SCAPAL cannot determine whether the troubleshoot calls generated a response from the elections office or the efficacy of any response.

**RESPONSE: We appreciate the positive feedback and reassure SCAPAL that our trained Field Support Representatives handle each known issue as quickly and effectively as possible. If the issue has not been satisfactorily resolved, the issue is escalated for higher resolution. We invite SCAPAL to attend one of our future six hour (4 hours onsite and 2 hours online) Field Support Representative trainings.**

### III. Recommendations

In conclusion, while the ROV has undertaken reasonable efforts to meet the needs of LEP voters, our observations reveal that additional critical steps must be taken to ensure that all voters have the ability and access to exercise their right to vote.

#### 1. **Increase Bilingual Poll Worker Attendance and Maintain a Reserve Pool**

Bilingual poll workers provide a critical service on Election Day due to their ability to guide LEP voters through the voting process. We acknowledge the great steps the ROV has taken to recruit and deploy bilingual poll workers as evidenced by a number of precincts staffed by bilingual poll workers even in the absence of VRA requirements or Elections Code recommendations. Further steps, however, must be taken to increase attendance since **more than a third of precincts lacked a bilingual poll worker as required or recommended.** We suggest the ROV recruit a larger pool of bilingual reservists in order to prepare for bilingual poll workers who fail to appear on Election Day and to ensure that the bilingual worker pool does not deplete prior to the evening rush.

**RESPONSE: We agree with SCAPAL's recommendations and are continuing our efforts to vigorously recruit a larger pool of *volunteer* bilingual poll workers.**

#### 2. **Provide Translated Language Assistance Request Forms**

Given the importance of language assistance in elections, voters must have the ability to easily request language assistance. That **over a quarter of precincts had poll workers who passively waited for requests for assistance** further underscores this need. To that end, we strongly recommend that the ROV develop and make available, either online or at polling sites, language assistance request forms fully translated in VRA and Elections Code languages.

**RESPONSE: We agree with posting online a translated request form in the county's federally covered languages. The translated request form has been available on SDROV's website since 2009. The request can be found on SDROV's homepage at [sdvote.com](http://sdvote.com). Specific link to the form can be found [HERE](#).**

**Poll Workers are trained and instructed not to assume whether a voter requires language assistance. SDROV relies on the display of translated signage and election material to communicate to the voter that language assistance is available. These translated materials include the Posted Items Display Panel, Voter Assistance Poster, Voter Bill of Rights Poster and poll worker name tags.**

**3. Increase Space to Display Translated Materials**

Precincts must either increase in size or contain sufficient display-areas to properly exhibit translated materials. **Over a fifth of observed precincts did not appropriately display materials due to inadequate space.** In the future, the provision of adequate space to allow for the proper display of translated materials must constitute an important element in the ROV's selection of polling sites.

**RESPONSE: In concept, we agree with SCAPAL's recommendations that additional space should be sought to display translated materials.**

**4. Improve Poll Worker Language Assistance Training**

The ROV must bolster its efforts to strengthen poll workers' understanding and tolerance of the diverse language needs of San Diego County voters. Poll workers at **more than an eighth of observed precincts refused to wear bilingual identification badges** when requested to do so. Poll workers at one precinct felt empowered to exercise their own discretion in deciding whether to comply with the requirement to display translated materials. Greater awareness of the importance of the role of multilingual assistance in the exercise of voting rights would decrease poll worker reticence in performing their duties as required.

**RESPONSE: We agree with SCAPAL's recommendation and will continue to reinforce this with our *volunteer* bilingual poll workers.**