

Potential Benefits for Voters, but Standards and Protections Must Be In Place

**ALL VOTING
IS LOCAL**
Florida



Executive Summary



Legislators and state and county election officials have a responsibility to protect the right to vote and to ensure that policies and operational decisions do not prevent or discourage voters from casting a ballot. For decades, the federal Voting Rights Act played a vital role in protecting voters of color and holding public officials accountable, but the Supreme Court's 2013 decision in *Shelby County v. Holder* gutted key provisions of the law, making the efforts of voting rights advocates and watchdog groups even more essential.

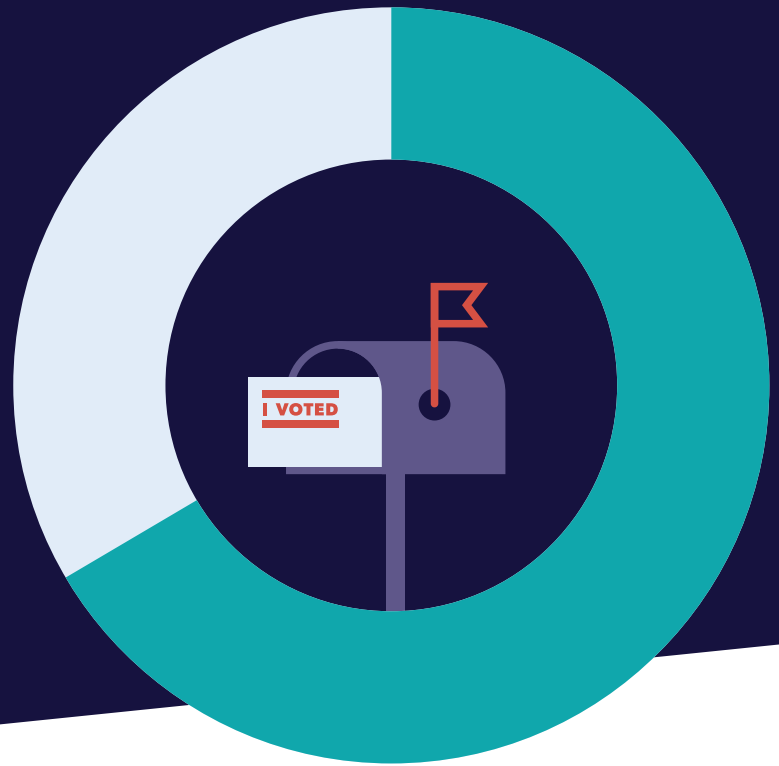
Some states have switched from precinct-based voting to countywide voting in vote centers, a reform with both promise and peril for voters. Vote centers free voters from the need to cast their ballots at a specific polling precinct near their homes, allowing them to vote instead at any vote center in their county.¹

State legislators and state and local election officials considering the adoption of vote centers to encourage participation and make elections more efficient should look to the experience of other states and the expertise of voting rights advocates and community-based organizations. While vote centers have demonstrated that they provide real benefits to voters and election officials, the implementation of any major change in voting procedures has the potential to disadvantage and disenfranchise voters of color and others, whether by ill intent, insufficient planning, or poor implementation.

This brief report draws on the experiences of several states to highlight both the promise of vote centers and the pitfalls to be avoided in their implementation. Vote centers must be introduced and implemented with clear standards for choosing equitable and accessible locations, structured opportunity for meaningful input from leaders of potentially affected communities, and robust voter education and outreach plans.

¹ Raymond H. Scheele et al., *Improving Election Administration with Vote Centers: Toward a National Model* (paper prepared for delivery at W. Pol. Sci. Ass'n, Mar. 19, 2009), <http://cardinalscholar.bsu.edu/bitstream/123456789/194945/1/wpsa09VancouverPaper.pdf>

Introduction



Hurricane Michael struck Florida's Panhandle shortly before the 2018 elections, causing widespread damage. In response, Governor Rick Scott issued an executive order giving election officials in seven impacted counties flexibility in running their elections.²

Voting rights organizations, including the Lawyers' Committee for Civil Rights Under Law, the American Civil Liberties Union Foundation of Florida, Common Cause, and the Advancement Project, responded with

a letter to state officials expressing concern that "a piecemeal, county-by-county approach may further confuse voters who are already overwhelmed in the aftermath of the storm."³

In Bay County, traditional precincts were replaced with six vote centers. A coalition of voting rights advocates, including the Lawyers' Committee for Civil Rights Under Law and the NAACP, noted that none of the vote center sites were easily accessible to Panama City's African American residents and urged the county election supervisor to reverse his decision not to keep an early voting site at the Glenwood Community Center in Panama City open on Election Day. "The civil rights organizations believe it especially cruel to misuse the occasion of a devastating hurricane as an opportunity to disenfranchise African American voters by compelling them to leave town if they want to vote," noted an NAACP press release.⁴ The groups also requested that trolley service hours be expanded, because voters dependent on public transit

might otherwise be forced to choose between giving up the chance to vote or remaining in line and finding themselves with no way home.

With Florida expected to again be a hotly contested battleground in the 2020 elections—with commensurate expectations for turnout—Governor Ron DeSantis signed an executive order on November 25, 2019, extending the state of emergency in Gulf and Bay counties and allowing county election supervisors to expand early voting and relocate or consolidate polling places in 2020.⁵ Bay County's 2020 plans include additional vote centers that are being called "super voting sites." While the locations of these appear to be more accessible than those used in 2018 there are serious concerns about inequities in the number of days of early voting offered at locations near communities of color. It is vital that early vote days and hours be expansive so that every voter can cast a ballot that counts. **[See map in appendix.]** As voting rights advocates continue to carefully monitor election administration decisions that might



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have a disparate impact on voters of color, local officials and advocates should evaluate how those decisions impact voters during the presidential primary election on March 17 to ensure that they do not negatively impact voters.

The *Tampa Bay Times* noted last year that more than two-thirds of Florida voters cast their votes in the 2016 presidential election early or by mail, rather than in person on Election Day, a fact that “has county elections officials thinking about making a big change in the future to move to regional vote centers.”⁶

The paper reported that more than two-thirds of county election supervisors who responded to a survey favored the

idea, which would require action by the state legislature.

Vote centers offer advantages for both voters and election officials, but these advantages must be implemented carefully and strategically to ensure that they make voting more accessible without disadvantaging some groups of voters.

The transition to vote centers often leads to relocation and dramatic reductions in the number of polling sites, both of which can disrupt democracy. “Democracy Diverted: Polling Place Closures and the Right to Vote,” a September 2019 report from The Leadership Conference Education Fund, identified important considerations regarding the implementation of vote centers.⁷ It included this warning from Beth Stevens, director of the Voting Rights Program at the Texas Civil Rights Project:

Voters often don’t hear that a beloved polling location near their home has closed until Election Day, forcing them to make disruptive changes on the spur of the moment to work schedules, childcare plans, and transportation arrangements. Even when they do

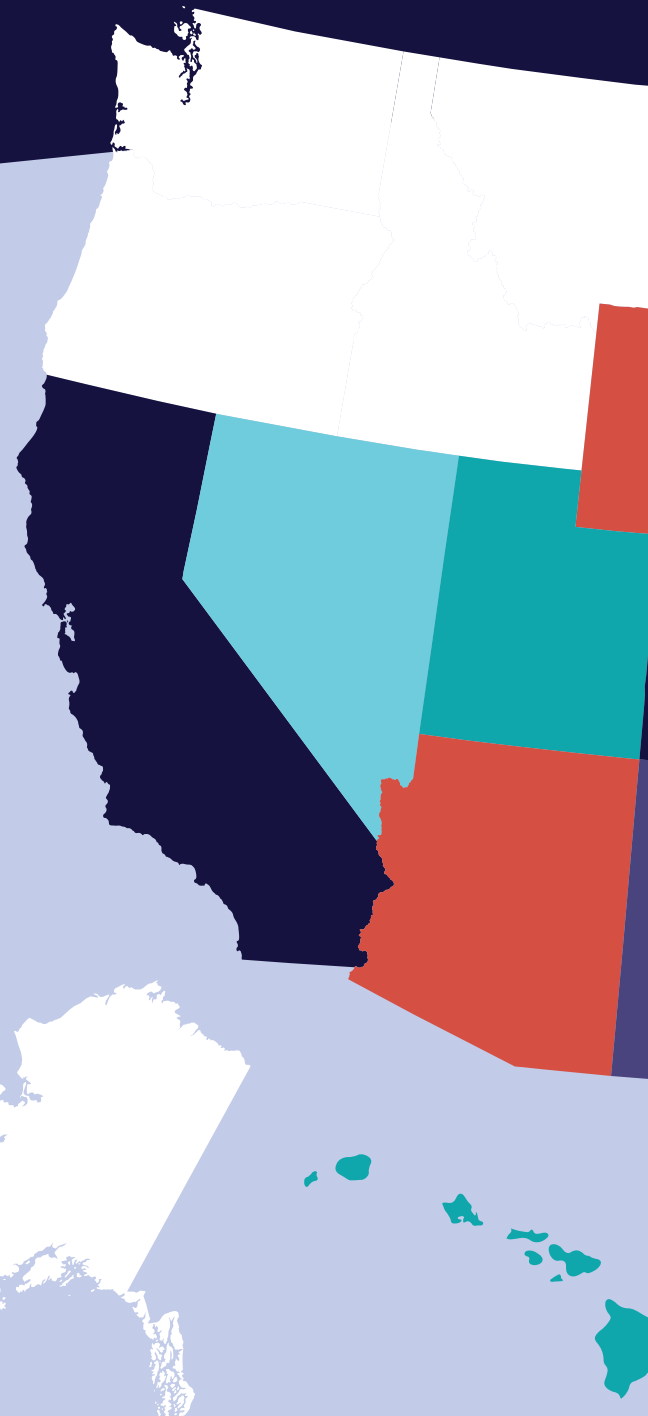
hear about it ahead of time, voters may have to choose between going to a new polling place significantly further away and working enough hours that day to put food on the table—an impossible choice that no one should ever have to face. And it’s a choice that usually falls on the most vulnerable voters, thereby reinforcing existing power structures and sending a message to these voters that they are less important than others in the eyes of their government.

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- 2 Miles Parks, “Florida Election Officials Working To Make Voting Possible For Panhandle Residents,” National Public Radio, October 22, 2018
 - 3 Letter from voting rights organizations to Secretary of State Ken Detzner and other election officials, October 19, 2018, accessible online at <http://www.commoncause.org/florida/wp-content/uploads/sites/8/2018/10/Florida-Letter-Re-Hurricane-Michael-and-Midterm-Elections-10.19.18.pdf>
 - 4 “NAACP Unites in Demand to Make Panama City Florida Polling Sites Accessible to Hurricane Victims,” NAACP Press Release, November 6, 2018, accessible online at <https://naacp.org/latest/naacp-unites-demand-make-panama-city-florida-polling-sites-accessible-hurricane-victims/>
 - 5 “Governor Ron DeSantis Issues Two Executive Orders, Expands Early Voting in Bay and Gulf Counties,” News Release from the Governor’s Office, November 25, 2019, accessible online at <https://www.flgov.com/2019/11/25/governor-ron-desantis-issues-two-executive-orders-expands-early-voting-in-bay-and-gulf-counties/>
 - 6 Steve Bousquet, “Vote centers: The next big thing in Florida elections?” *Tampa Bay Times*, June 4, 2018
 - 7 “Democracy Diverted: Polling Place Closures and the Right to Vote,” The Leadership Conference Education Fund, September 2019, accessible online at <https://civilrights.org/democracy-diverted/>

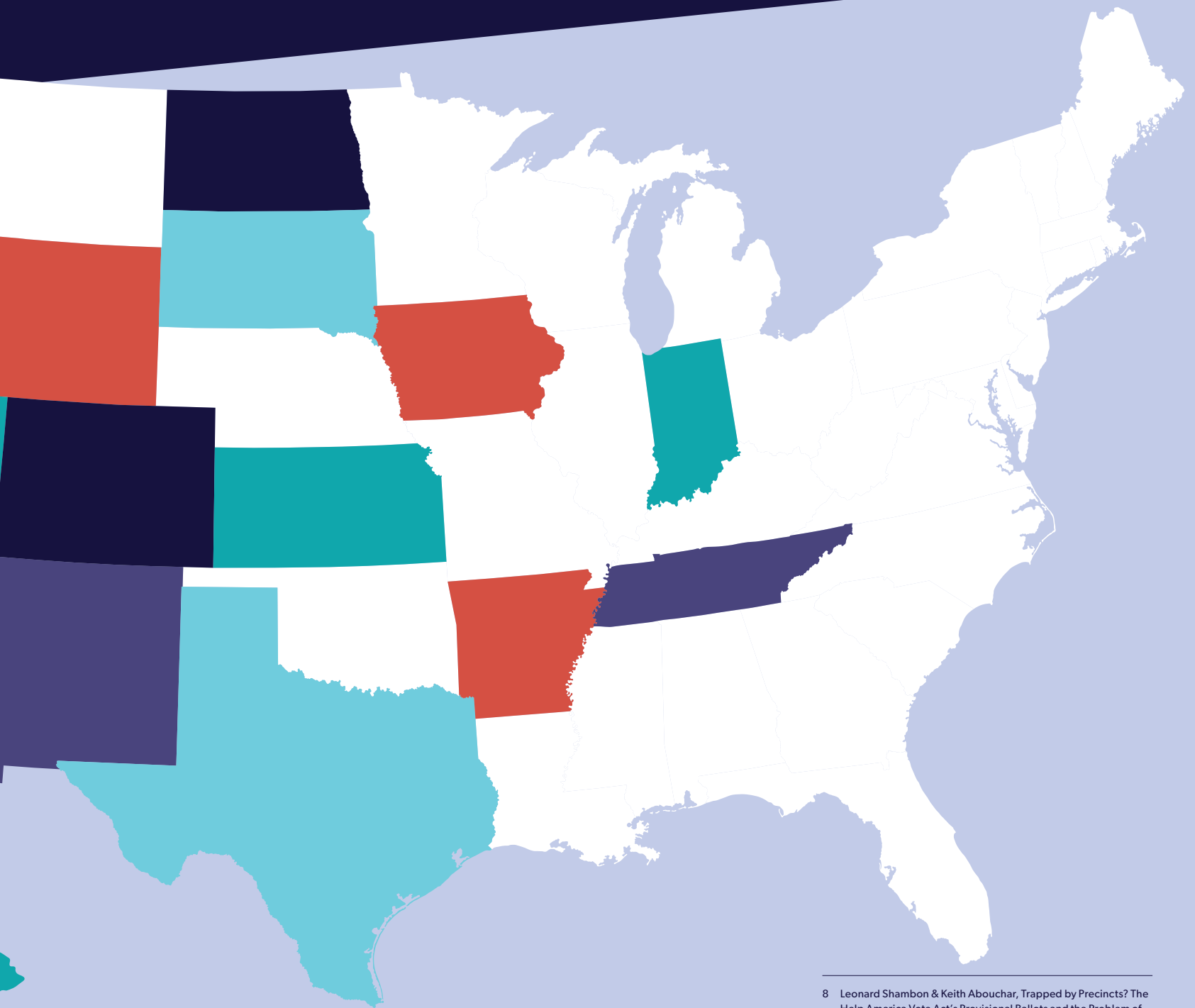
A Very Brief History of Vote Centers

In 2003, Colorado's Larimer County pioneered vote centers, consolidating 140 precincts into 22 countywide vote sites . All voters could choose to vote at any of the centers. The county reported 95% turnout of registered voters in that election, with no end-of-day lines.⁸

The vote center model has been spreading since then. According to the National Conference of State Legislators, 16 states now permit local jurisdictions to use vote centers on Election Day: Arizona, Arkansas, California, Colorado, Hawaii, Indiana, Iowa (for some elections), Kansas, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, and Wyoming. Additional states may use countywide vote centers only during early voting.



A shift to vote centers can cause confusion if changes are not well explained and well publicized in advance of and on Election Day, especially if traditional polling places are closed.



8 Leonard Shambon & Keith Abouchar, Trapped by Precincts? The Help America Vote Act's Provisional Ballots and the Problem of Precincts, 10 N.Y.U. J. Legis. & Pub. Pol'y 133 (2006)

Vote Centers in Texas and Arizona

Texas Vote Centers



Texas first authorized the use of vote centers, which Texas law refers to as countywide polling, in 2006. The Texas Election Code allows the secretary of state to select six counties with a population of 100,000 or more and four counties with a population of less than 100,000 to begin participating in a Countywide Polling Place Program (CWPP) during a given election cycle. If the secretary of state designates a county's participation as "successful," the county may continue to use countywide polling places in future elections. Counties are considered successful once they have conducted a public hearing allowing an opportunity for input, unless they have received complaints supported by evidence. Through this process, the number of participating counties has reached 6 this year.

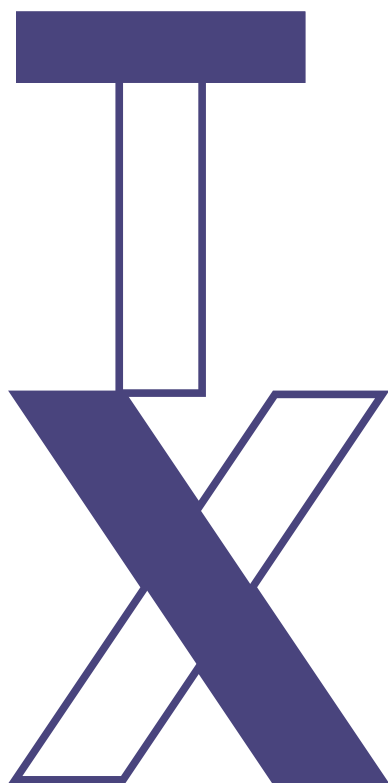
Counties participating in the program are strongly encouraged by the state election office to create advisory committees to provide feedback on voting locations, and each county is required to explain how it chose its voting locations, but discriminatory impact is not one of the metrics, and counties are not required to ask voters of color about their thoughts on the changes to their polling places.⁹

Texas uses standards to establish an equitable distribution of vote centers based on population. State law requires that participating counties have at least one countywide polling place in each commissioner's court precinct—Texas's version of a board of county commissioners. The law also requires that the number of countywide polling places within one precinct not exceed more than twice

the number of countywide polling places located in any other precinct.

In June 2019, *The Texas Tribune* reported on the widespread shift to countywide voting, noting that 2020 "could be the first major election during which the state's five largest counties, where 42% of registered voters lived in the last election, will allow residents to cast their ballots at any polling location on Election Day."

The *Tribune* also reported that the shift "carries the potential to transform Election Day voting by making it more accessible in a state where more than 2 million voters wait until that day to cast their ballots." The report characterized the vote centers trend as promising: "Instead of waiting in potentially long lines at their assigned voting sites, voters in large swaths



of the state would be freed from precinct boundaries in order to gain a multitude of polling place options.”

Dallas County is among those approved for the 2020 elections. County officials noted that 3,000 ballots were rejected in 2018 because people had voted in the wrong precinct. The 2019 November constitutional amendment election was scheduled as a test run before the 2020 election cycle.

During the first year a county transitions to vote centers, it is permitted by law to reduce the number of polling places to no less than 65% of the number of precinct polling places that would otherwise have been in place. After the first election cycle using countywide polling, counties can further limit the number of locations to no less than 50% of the number of precinct polling places that would otherwise be located in the county.

Voting rights advocates assert that these numbers are too low. The League of Women Voters of Texas (LWV) has expressed warnings that countywide centers “may disenfranchise poor, disabled, or elderly voters, and any person with transportation issues, as the consolidated polling places may be farther away.” On the other hand, the LWV praises the ability of voters with long commutes to cast a ballot near their workplaces.

Jeronimo Cortina and Brandon Rottinghaus of the University of Houston found that changes to a registered voter’s polling location

make a voter less likely to turn out than those voters assigned to a polling place to which they are accustomed. Hispanic voters, the study found, were “significantly less likely than other racial groups to abstain [from voting] if [their polling location is] reassigned.”¹⁰

The authors conclude: “Increasing the absolute distance between precinct voting locations and vote centers decreases the probability of voting.”¹¹ They found that distance has a particular impact on participation by Hispanic voters:

*This decrease [in the probability of voting] is even more apparent among Hispanic voters in urban counties that over the past years have experienced significant growth of the Latino population. As Hispanic voters become a larger share of the population and a greater proportion of the voters with each passing election cycle, the impact of how counties arrange their voting administration will be more significant.*¹²

The authors also reported that changing voting locations may cause disproportionate harm on voting by people in racial and ethnic minority groups.

As The Texas Tribune reported¹³ in July:

The switch from precinct-based voting locations to countywide vote centers is often followed by closures and consolidations of polling places both for logistical and cost-saving

reasons. Because the criteria for those changes is typically based, in part, on traffic at each voting site, community leaders and voting rights advocates are wary that could translate to more polling location closures in areas with predominantly Hispanic, black and lower-income residents, who participate in elections at lower rates than white and more affluent Texans.

“Our concern is to make sure that we increase the likelihood of people voting,” James Douglas, head of the NAACP branch in Houston, warned the Harris County Commissioner’s Court earlier this year. “This ought not be about money.”

Houston’s Harris County also adopted countywide voting this year; election officials chose to keep all 700+ voting locations open with voters able to cast a ballot at any of them.

In 2020, voting advocates opposed legislation that would change the formula counties use to locate polling places, saying that its focus on registered voters “could favor whiter neighborhoods with historically higher registration numbers.” One former lawmaker said the legislation would lead to “a pattern of closing voting centers in voting rights-protected communities.”

⁹ Texas Secretary of State, “Election Advisory No.2019-01,2019, Opportunities to Use Countywide Polling Places,” January 2, 2019.

¹⁰ Jeronimo Cortina and Brandon Rottinghaus, “‘The Quiet Revolution’: Convenience Voting, Vote Centers and Turnout in Texas Elections,” paper presented to the Election Sciences, Reform, and Administration Conference, University of Pennsylvania, 2019.

¹¹ Ibid.

¹² Ibid.

¹³ Alex Ura, “Many Texans’ votes are lost when they go to the wrong polling place. Counties see countywide vote centers as an answer,” The Texas Tribune, July 25, 2019

Vote Centers in Texas and Arizona

The Arizona Vote Center Experience



Arizona voting rights advocates assert that vote centers may be valuable for a state that doesn't count any ballots that are voted in the wrong precinct. But Arizona also provides a cautionary tale about the importance of standards and careful implementation. Activists warn that any major changes in voting procedure can be used for nefarious ends by ill-intentioned election officials, which requires clear standards from the legislature and transparency and accountability from county decision-makers.

Maricopa County is Arizona's largest county, and the fourth most populous in the nation. The county's shift to a vote center model in the March 2016 presidential primary was "badly bungled" by election officials, in the words of *The Arizona Republic*, with the visible result of hourslong lines and frustrated voters. As part of the move to vote centers, the county had dramatically reduced the number of voting locations from more than 600 to just 60, and some were not able to keep up with the number of voters.

A Brennan Center study of the 2016 Maricopa presidential primary found that Latino voters faced disproportionately long wait times. "Across heavily Latino census tracts, the average wait time at the closest voting center was more than four hours," according to the report. Vote centers with longer wait times tended to have fewer resources, such as poll workers and electronic poll books, per voter.

With the preclearance provisions of the Voting Rights Act having been

dismantled by the Supreme Court, there was no Justice Department review of how changes would affect protected voters. Some heavily minority areas were left with no polling places.

The Leadership Conference Education Fund's 2019 report on polling place closures noted about other Arizona counties:

In 2014, Graham County, which is 33 percent Latino and 13 percent Native American, closed half of its polling places when it converted to vote centers. In 2012, Graham had 18 polling sites; today, it has half that—six vote centers and three precincts. Cochise County, which is 35 percent Latino, closed nearly two-thirds (65 percent) of its polling places when it converted to vote centers, falling from 49 in 2012 to 17 in 2018. Gila County, which is 16 percent Native American and 19 percent Latino, closed almost half of its polling places; it had 17 in 2018, down from 33 in 2012.

Many counties justify the transition to vote centers by rightly pointing out that the widespread adoption of vote-by-mail has diminished the need for physical polling places. Yet the state has given voters little in the way of explaining the process of voting, providing safeguards to protect voting rights, or making recommendations about how to transition to vote centers in ways that do not discriminate against voters of color or voters with limited English proficiency. State law gives counties broad leeway to implement vote centers as they see fit; as a result, some have converted entirely to vote centers, some have maintained traditional voting precincts, and others have adopted a hybrid model.

Switching to vote centers doesn't necessitate fewer polling places. Navajo County, which is almost half Native American and home to three Native American reservations, converted all of its polling places to vote centers while keeping almost every one of its voting locations open.¹⁴

After the 2016 primary fiasco, Maricopa County returned to precinct voting but is now using a hybrid model for this election cycle, with hundreds of precinct-based polling locations and 40 vote centers. That could potentially be a “best of both worlds” model, but it could also lead to confusion about where voters can and cannot vote, especially given that some vote centers are co-located with traditional precincts. Frequent

changes in voting procedures can confuse poll workers, as well as voters, and can discourage participation.

Another problem that Arizona vote centers have faced is being prepared with enough of the right types of ballots to accommodate voters from across the county. Arizona voters cast paper ballots, rather than voting on computer screens. This means a vote center must either have every potential ballot on hand—a near impossibility in a place like Maricopa that would have to provide up to 9,000 different ballots—or must use a print-on-demand model that prints out a correct ballot for each voter who checks in. Maricopa's print-on-demand model made it vulnerable; if a printer stopped working, the center ground to a halt. That is now being addressed by having redundant printers in each location and other mobile units ready to be deployed as needed.

14 “Democracy Diverted: Polling Place Closures and the Right to Vote,” Leadership Conference Education Fund, September 2019



Potential Benefits of Vote Centers

Vote centers are growing in popularity because they can benefit voters and election officials.



Reduce 'Lost' Votes

Most importantly, vote centers can reduce the number of voters who have their ballots rejected for voting in the wrong precinct.¹⁵ Registered voters casting votes in the wrong precinct or jurisdiction is the second-most cited reason provisional ballots—which are given to voters in the wrong location—go uncounted.¹⁶ The vote center model allows voters to cast a ballot in any location in the country, regardless of their registered voting addresses.



Make Voting Easier

By allowing voters to cast their ballots near their workplaces or along their commutes, vote centers benefit people who find it difficult to get to a precinct near their homes during voting hours.



Make Voting More Efficient

Vote centers in larger spaces can use flexible layouts that are tailored to accommodate bursts in turnout at certain times of day (known as "rushes"). This can reduce lines and wait times to vote.¹⁷

Counties must conduct racial impact analyses and solicit community input and feedback on the potential impact of polling place closures and relocations on Black, Latino, Native American, and Asian American voters.



Save Tax Dollars

If election officials use vote centers to reduce the number of polling locations, they may be able to save money on technology, staff, and other Election Day expenses.^{18,19}

¹⁵ Shambon & Abouchar, *supra* note 2

¹⁶ EAVS Deep Dive: Provisional Ballots, U.S. Election Assistance Commission, (Jun. 7, 2018) <https://www.eac.gov/documents/2018/06/07/eavs-deep-dive-provisional-ballots/>

¹⁷ Justin Levitt, “Fixing That”: Lines at the Polling Place, 28 J. L. & Politics 465 (2013)

¹⁸ Benefits of the Vote Center Model, Larimer County, <https://www.larimer.org/clerk/elections/resources/history-vote-centers/benefitsvote-center-model> (last visited July 8, 2019).

¹⁹ Raymond H. Scheele et al., Improving Election Administration with Vote Centers: Toward a National Model (paper prepared for delivery at W. Pol. Sci. Ass’n, Mar. 19, 2009), <http://cardinalsolar.bsu.edu/bitstream/123456789/194945/1/wpsa09VancouverPaper.pdf>.

Allow Focus on Quality, Not Quantity, of Poll Workers

Recruiting poll workers takes a significant amount of time and effort, and training poll workers well is essential to a smooth-running election operation, especially as new technologies are adopted. Theoretically, if fewer polling locations are used, fewer poll workers and poll watchers would be needed, allowing election officials to focus less on recruitment and more on qualifications and training.^{20,21}

²⁰ Shambon & Abouchar, *supra* note 2

²¹ Benefits of the Vote Center Model, *supra* note 7

²² Scheele et. al., *supra* note 19

²³ That Kousser, Eric McGhee and Mindy Romero, “Say goodbye to your local precinct. Voting in California is about to change dramatically,” *Los Angeles Times*, May 31, 2019

²⁴ *bid.*



Boost Turnout

Some locations using vote centers have experienced significant increases in turnout and early voting, but there are no studies demonstrating conclusively that voter turnout is affected by vote centers.²² Researchers reported last year in the *Los Angeles Times* that there was a greater increase in turnout for the 2018 midterm elections in the five counties that adopted vote centers than in counties that did not.²³ They also reported that “it appears that the turnout of young voters, Latinos, and Asian Americans rose more in the counties that had adopted the reform than in those that hadn’t.”²⁴

Potential Drawbacks of Vote Centers

If vote centers are not implemented equitably, they could result in the disenfranchisement of voters of color. This is especially true if a jurisdiction closes many traditional precinct locations as part of a move to vote centers. The Leadership Conference Education Fund's 2019 "Democracy Diverted" report declared that on vote centers, "the jury is out."²⁵

The report found that 1,688 polling places were closed between 2012 and 2018 in 757 counties that were once covered by Section 5 of the Voting Rights Act. "Though not inherently discriminatory, these polling place closures occurred in states and localities with past histories of racial discrimination in voting," the report noted. "And some took place amid a larger constellation of efforts to prevent voters of color from electing the candidates of their choice, such as enactment of stricter voter identification laws, restrictions on voter registration, and voter purges."

The report also noted that "Arizona and Texas are the only two states formerly covered by Section 5 that have adopted clear programs to convert to the vote center model. In both states, many counties

aggressively reduced voting locations immediately after Shelby. Without Section 5, racial impact analyses are no longer conducted to fully assess the impact of vote centers on Black, Latino, Native American, and Asian American and African American voters."

"Vote centers don't have to be a problem. They're a problem when people can't get to them and when they don't run right," according to Myrna Perez, deputy director of the Brennan Center's Democracy Program. "There are plenty of states that use vote centers and don't have issues. That's why it requires an on-the-ground inquiry and very specific planning, and someone being able to explain why this can be done in a nondiscriminatory way."²⁶

²⁵ "Democracy Diverted: Polling Place Closures and the Right to Vote," The Leadership Conference Education Fund, September 2019, accessible online at <https://civilrights.org/democracy-diverted/>

²⁶ Tierney Sneed, "Arizona's Voting Problems Are More Complicated Than They Look," Talking Points Memo, March 28, 2016.



Potential Problems

Poll Place Consolidation Can Create Transportation Hurdles for Voters

The creation of a vote center often means the elimination of many traditional, smaller polling sites located in or near communities. “Geographic accessibility to a polling location plays a significant role in voter turnout,” according to a study done by scholars at the University of Houston, which found that increasing the driving distance and driving time between voters’ homes and their polling locations takes a greater toll on turnout for voters in rural counties and Latinos in Texas.²⁷



Transition Confusion

Voting is a habitual activity. People who are asked to vote at a different polling place than they are accustomed to are more likely not to vote. A shift to vote centers, especially if traditional polling places are closed, can cause confusion if changes are not well explained and well publicized in advance of and on Election Day.²⁸



Dependence on Technology

Vote centers may require more-sophisticated technology than traditional precinct-based locations. Vote centers typically rely on e-pollbooks that are tied to a centralized voter registration database and are updated in real time. That means vote centers are dependent on the reliability of the central technology, its links to each vote center’s technology, and the setup and training of poll workers on the use of new technology.²⁹ Locations that print paper ballots on demand for each voter’s precinct are vulnerable to serious disruptions if the printers are not reliable; voting officials must ensure technological redundancy to minimize the impact of localized failures.

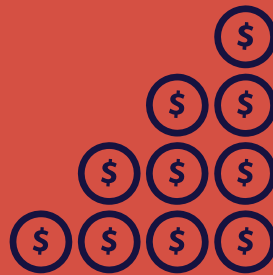
Notoriously, implementation of vote centers in Denver in 2006 was hampered by technological problems, including inadequate server capacity of the voter registration database.³⁰

The creation of a vote center often means the elimination of many traditional smaller polling sites located in, or near, communities.



Planning Uncertainty

Election officials have traditionally been able to make judgments about the needs for equipment, ballots, and poll workers based on historical levels of turnout in each precinct. A shift to vote centers serving broader population areas may initially make it more difficult for election officials to forecast and plan properly for turnout.³¹



Transition Costs

Jurisdictions using vote centers face upfront costs for computers, printers, e-pollbooks, and high-speed internet connections at polling locations.³² This requires preparation and appropriate budgeting in advance of the transition to vote centers.



Data Issues and Measuring Compliance

Implementation of vote centers should include a clear plan for data collection that will enable election officials and researchers to evaluate their impacts on voter turnout, increased efficiency, and the reduction of lost votes.

27 Jeronimo Cortina and Brandon Rottinghaus, "The Quiet Revolution: Convenience Voting, Vote Centers, and Turnout in Texas Elections," University of Houston, paper presented to the Election Sciences, Reform, and Administration Conference, University of Pennsylvania, 2019. Accessible online at <https://cpb-us-w2.wpmucdn.com/web.sas.upenn.edu/dist/7/538/files/2019/06/Cortina-and-Rottinghaus-ESRA-2019-Paper.pdf>

28 "Vote Centers," National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx>

29 "Vote Centers," National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/vote-centers.aspx>

30 Susan Barnes-Gelt, Opinion, "What Went Wrong in Denver," *Denver Post*, November 10, 2006, <https://www.denverpost.com/2006/11/10/what-went-wrong-in-denver/>

31 Scheele et al, *supra* note 19

32 Scheele et al, *supra* note 19



Standards and Best Practices

With the potential for disenfranchisement in mind, state legislators and county election supervisors should adopt clear standards to ensure that counties' adoption of vote centers is done in a way that safeguards voting rights and prevents discriminatory impacts against voters of color or voters with limited English proficiency.

Counties must conduct racial impact analyses and solicit community input and feedback on the potential impact of polling place closures and relocations on Black, Latino, Native American, and Asian American voters. Counties must also solicit input on the impact to people with disabilities and students.

Further, any jurisdiction's conversion to vote centers should be piloted in off-year elections or primary elections when lower turnout offers a lower-risk opportunity to road-test new equipment and procedures.³³

Choosing Locations

Voting rights advocates argue that state laws should require counties to demonstrate that changes in voting locations would not violate provisions of the Voting Rights Act.

To limit the potential disincentives that come with changing poll locations, officials should consider keeping all traditional polling places open while allowing voters to cast a ballot at any of them. That is the model being adopted by Harris County, Texas, for its initial use of vote centers.

If election officials choose to consolidate precinct locations into a smaller number of vote centers, they must be equitably distributed so that no community, particularly historically disenfranchised groups, is disproportionately impacted by the changes. In order to ensure this equity is achieved, election officials should actively engage community leaders in site planning. In Texas, for example, the secretary of state's office strongly encourages counties to form vote center advisory committees that include "members from local political subdivisions, precinct officials, and organizations that represent minority voters and voters with disability."³⁴

Election officials must plan and implement a large-scale public information campaign to inform voters of new polling places and explain the concept of vote centers, utilizing media, social media, and direct voter outreach.

Other considerations for site selection include these:

► **Transportation.** Officials must choose sites that are accessible to people who depend on public transportation as well as those who travel by car, with consideration given to travel times and hours of operation of bus and other transit. In Larimer County, Colorado, county vote centers were placed near where most residents live and next to highways that commuters use (e.g., the populous town of Fort Collins and I-25, which is a major highway). In urban areas, vote centers should be positioned near heavy traffic areas, larger residential areas, major employers, and city bus routes. In rural areas, vote centers should be positioned at recognizable community landmarks or the same locations as prior precinct polling places.

► **Accessibility.** Sites must meet state and federal requirements for accessibility. Public buildings and commercial sites are required to be compliant with the Americans with Disabilities Act and have sufficient space and parking to accommodate large numbers of voters. Among options worth considering: shopping malls, grocery stores, community centers, large meeting rooms, public libraries, city/county government buildings, schools, and gyms. Low-cost modifications may also make inaccessible polling places accessible.

► **Sufficient Space.** Sites should have large enough room or hallway space to set up equipment, voter check-in stations, and space for voters to wait in line, as well as sufficient parking spaces and area for ingress/egress available for a large quantity of voters.

► **Power Supply and Site Infrastructure.** Sites must have high electrical power capacity to serve the greater number of machines,

computers, printers, and other technology used at consolidated vote centers. They must have or be equipped with necessary telecommunications and server capacity to handle the demands of vote center technology.

► **Hours of Availability.** Property owners must be willing to open the building for poll worker use at least the evening prior and morning of Election Day and keep it open until after the polls are closed.³⁵ Some sites can offer expanded hours for early and Election Day voting. For example, a study found that in Tippecanoe County, Indiana, in 2008, placement of early voting vote center sites in grocery store locations allowed vote centers to be open nine hours per day for nine days, even on Sundays, substantially boosting early voting rates.³⁶

► **Data Collection.** Local election officials must have a clear plan for data collection that will enable them to evaluate the impacts of vote centers.

Ballot and Poll Worker Requirements

Vote centers' reliance on new technology and procedures requires a strong focus on recruitment of computer-literate poll workers, who must be adequately trained to operate computer check-in stations and e-pollbooks, with clear procedures to deal with technological problems as they arise. This includes protocols for immediately deploying backup plans in the event of a disruption, so that voting is not slowed or halted.

All ballot styles must be available at countywide vote centers. This necessitates that each ballot style be either printable on demand, displayable on Direct Recording Electronic equipment (DREs), or stored and secured as hard copies at the vote center.

Poll workers should be actively recruited for computer literacy and offered specialized training for computer check-in stations and e-pollbooks.

Notifying Voters

Election officials must plan and implement a large-scale public information campaign to inform voters of new polling places and explain the concept of vote centers, utilizing media, social media, and direct voter outreach.

Officials must mail information about new voting procedures and locations to all registered voters, but that by itself is insufficient. Information

should be disseminated through all available means, including local media outreach, public service announcements (PSA) and paid advertising on radio and through social media, service agencies, partnerships with community based organizations, and reaching impacted voters by phone and text message.

On Election Day, information about and directions to new polling places must be visibly posted at any traditional precinct site that has been closed.

In California, after the 2016 passage of the Voter's Choice Act, five counties adopted vote centers in 2018, and another 10 are preparing to do so for 2020.³⁷ The secretary of state's office is working with Voter's Choice California, a coalition of civil rights groups, advocates for effective government, and community-based organizations promoting effective implementation of the law. In September 2018, Voter's Choice California published a report on strategies for voter education and outreach, which evaluated the experience of the four counties that launched the program in the 2018 primary election.³⁸

The report's authors observed that "the more frequently a voter encounters a message about the new way of voting, the more likely they will take the time to learn their new voting options and develop their own plan of how they will vote." The report highlighted the value of collaborative partnerships between county election officials and community organizations in the development and distribution of materials and conducting in-person outreach at community meetings.

Among the strategies one community used to reach voters about the Voter's Choice Act (VCA):

- ▶ Dropping VCA information flyers in grocery bags, or distribution bags at a local food bank.
- ▶ Partnering with a movie theater to run a PSA while people wait for their movie.
- ▶ Reaching out to local transit agencies to advertise VCA information at bus stops and on the buses.
- ▶ Asking local businesses to post VCA information posters in store windows.
- ▶ Running ads in the local newspapers, especially in ethnic media newspapers or circulars.
- ▶ Leveraging other government offices to provide VCA information, such as announcing the VCA in utility bills.
- ▶ Using SMS text messaging platforms to reach registered voters on their personal cellphones.
- ▶ Providing rides to vote centers by partnering with local transportation agencies or partnering with shared ride programs.
- ▶ Partnering with trusted community organizations to be the messengers to underrepresented communities.

Conclusion

Vote centers represent a promising election reform that can simultaneously benefit voters and election officials, may boost voter participation, and can reduce the number of voters who lose the opportunity to cast a ballot and have it counted because they show up at the wrong precinct or cannot make it to their own precinct on Election Day. Like any change in voting procedures, a shift to vote centers has the potential to help or to harm some groups of voters, so vote centers must be implemented with clear standards for choosing equitable and accessible locations, structured opportunity for meaningful input from leaders of potentially affected communities, and robust voter education and outreach plans.

Moving to a model of countywide polling places becomes a problem only when voters cannot get to the new sites and when the sites are not run well. There are many examples of states that use vote centers without issues. This is why it is critical that the state require local election and county officials to gather input from affected communities and incorporate that input into their planning so that vote centers can be implemented in a nondiscriminatory way.

The ongoing expansion of vote centers nationally, as well as the Florida governor's executive order allowing their use in some counties during the 2020 election cycle, requires vigilance on the part of voting rights advocates and a commitment to transparency and accountability by election officials. Vote centers must not be allowed to become vehicles for discouraging participation by voters of color, whether by design or negligence.

33 Shambon & Abouchar, *supra* note 2

34 Texas Secretary of State Election Advisory, <https://www.sos.state.tx.us/elections/laws/advisory2019-01.shtml>

35 Polling Place & Vote Center Management, U.S. Election Assistance Commission, https://www.eac.gov/assets/1/6/Chapter_9_Polling_Place_and_Vote_Center_Management.pdf

36 Raymond Scheele, Joseph Losco, Sally Jo Vasicko, "Assessing and Evaluating Indiana Vote Centers: The Development of a National Model," a report to the Pew Center on the States Making Voting Work Initiative.

37 "About California Voter's Choice Act," California Secretary of State Office, <https://www.sos.ca.gov/elections/voters-choice-act/about-vca/>

38 "Strategies for Voter Education and Outreach Under the Voter's Choice Act," Future of California Elections, September 2018, accessible online at <https://voterschoice.org/wp-content/uploads/VCA-Report-1.pdf>

Appendix

Bay County, Florida: 2020 Super Vote Sites

Bay County Map: Dots indicate where voters are located in relation to vote centers and public transit lines. The sites appear to be well situated in relation to voters. However, they are only offering one day of early voting at a site in a predominantly black community while offering eight days at other sites.

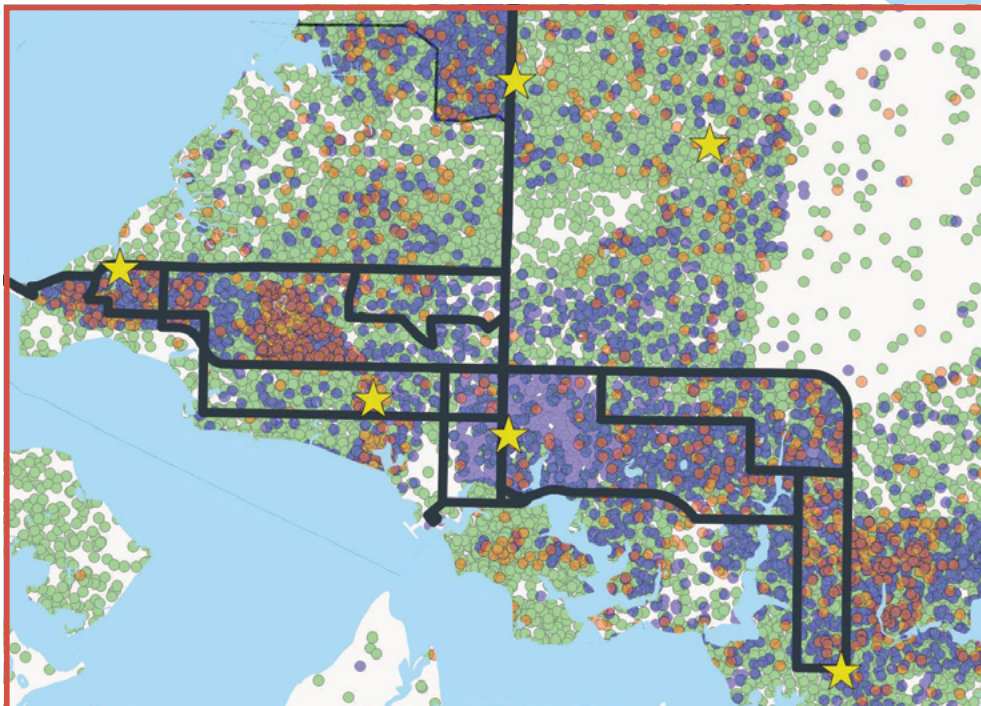
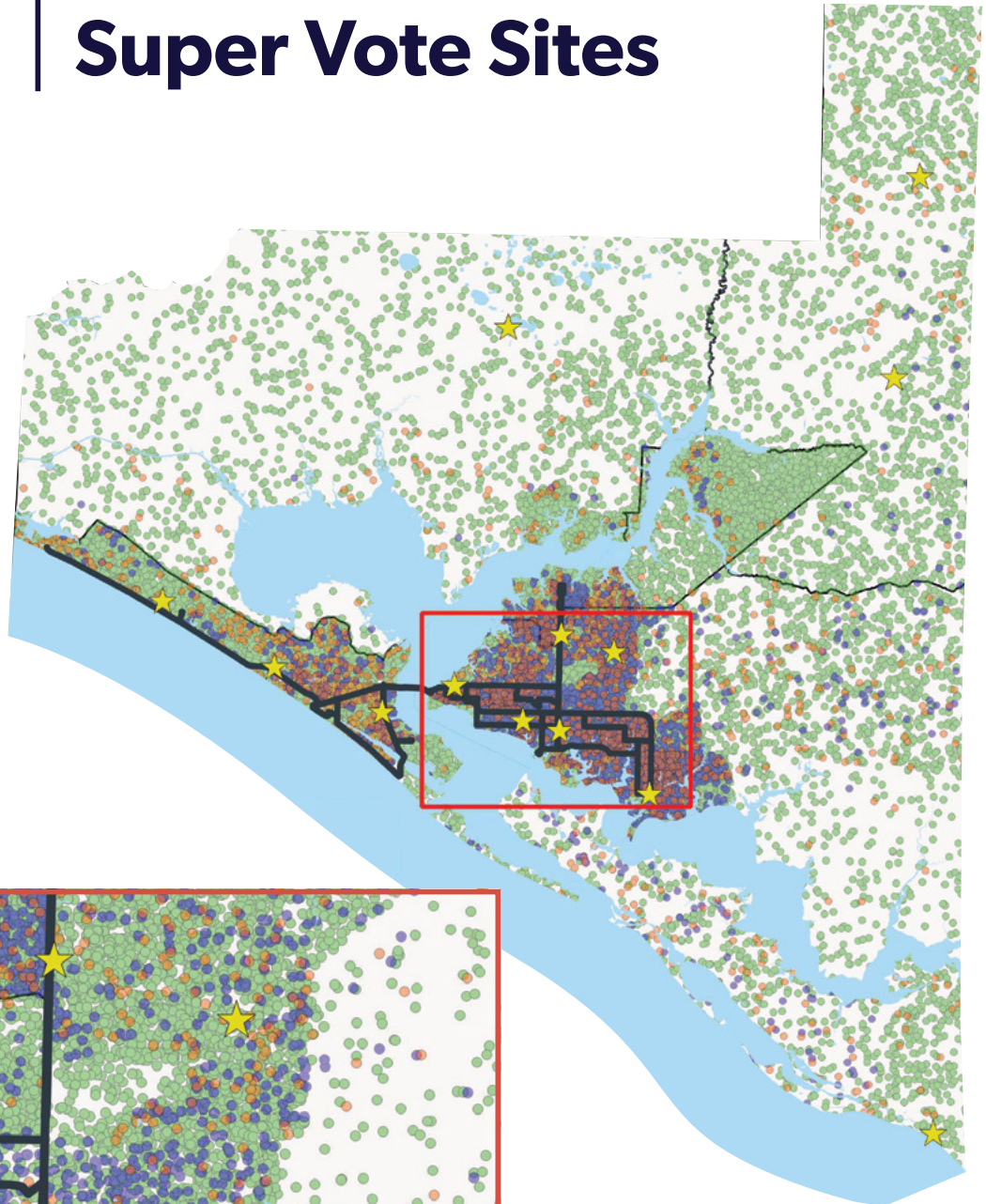
★ **Super Vote Sites**

— Trolley Lines

○ Latino: 1 dot = 5 people

○ Black: 1 dot = 5 people

○ White: 1 dot = 5 people





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All Voting is Local fights to eliminate needless and discriminatory barriers to voting before they happen, to build a democracy that works for us all. It is a collaborative campaign housed at The Leadership Conference Education Fund, in conjunction with the American Civil Liberties Union Foundation; the American Constitution Society; the Campaign Legal Center; and the Lawyers' Committee for Civil Rights Under Law. For more information about All Voting is Local, visit <https://allvotingislocal.org> and follow us on Twitter @votingislocal.

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If vote centers are not implemented equitably, they could result in the disenfranchisement of voters, whether intentioned or not.