



MEMORANDUM

TO: Eileen Donoghue, City Manager *EMD*

FROM: Elliott J. Veloso, Interim Director of Elections
Christine P. O'Connor, City Solicitor

CC: City of Lowell Election Commission

DATE: February 24, 2022

RE: **MOTION RESPONSE: 1/25/22 by C. Scott/C. Robinson** – Request City Mgr. Prepare A Report With A Plan To Implement Multiple Polling Places In Each District, To Provide Adequate Poll Supplies, And A Timeline For Outreach In Multiple Languages That Will Be Sent to Residents Before The Next Election.

This communication has been prepared to provide a report regarding the City's polling locations, current poll supplies, and outreach in the City of Lowell for the elections in 2022.

I. Polling Locations

Pursuant to M.G.L. c. 54 §24 and the City's Charter, the City of Lowell's Election Commission ("Commission") has the authority to designate polling locations for the City's federal, state, and local elections. Last year's polling locations were in shaped in part by the unprecedented challenges of the COVID-19 pandemic. Chief among these was the delay in releasing the U.S. Federal Census data. This data is typically released early in the year, and is used to redraw electoral wards and precincts in Massachusetts communities. Due to the census data delay, new precincts could not be drawn, or adjusted to fit the new municipal districts. This resulted in the City's preexisting precincts being split between two or more municipal districts, making it impossible to verify that voters were receiving the correct ballot at their traditional precinct polling locations.

To address these issues and ensure that the municipal elections could be safely administered, the Elections Office and City worked closely with the Office of the Secretary of the Commonwealth ("SEC"), in centralizing polling locations to ensure the safe and secure administration of the election. A critical consideration in establishing polling locations is to ensure voter engagement in a safe and secure election process. The centralized polling locations as approved by the Commission and their expert Professor Charles Stewart ensured that the 2021 municipal elections were safe, secure, and led to verifiable results.

For 2022 elections, the Commission can designate as many polling locations as it sees fit within the City's boundaries. Their discretion, however, is governed by several considerations. First, state and federal laws and regulations restrict what buildings can be designated as polling locations. For example, 950 CMR 51.00 requires all polling locations be accessible to handicapped and elderly voters. M.G.L. c. 54, §24 prohibits alcoholic beverages from being sold in any portion of a building designated as a polling location.

Additionally, there must always be a demonstrated need being addressed with increasing the number of polling locations. As Michelle Tassinari, Director and Legal Counsel for the Elections Division of the SEC, noted in her communication regarding the City's 2021 municipal election:

“The fundamental question that should be answered before determining multiple voting locations is why? Is the effort to create additional voting locations to make it easier for certain voters to vote or is it to somehow just create sub-districts. In my opinion, you cannot create any plan for moving forward until this question is answered as it guides the further considerations ...

If the issue is just to make it easier to vote, is it really necessary create sub-districts for all councilor districts or just sub-divide the ones where there are challenges to accessing a polling place? District 4 is the one previously mentioned since it is split by the river. To create another polling place or “sub-district” north of the river and one south of the river could be done, but it is unclear whether similar division necessary in all districts.”

There are many areas in the City where voter accessibility is best served by maintaining preexisting polling places, given their centralized locations, handicap accessibility, voter preference, and promoting continuity and historic familiarity in voters for their traditional polling locations. For example, the Election Office's analysis of early voting during last year's municipal elections found that voters preferred voting in the Senior Center, the centralized early voting polling location during the day, over the satellite early voting polling locations set up throughout the City in evenings. See Election Office's Assessment of 2021 Municipal Elections in Response to City Council Motion 11/16/2021, C. Nuon, attached as **Exhibit A**. As the data shows, voter preference strongly favored early voting at the Senior Center which was centralized, maintained ample parking, and was familiar to voters who voted early in previous elections.

Another consideration as to the number of polling locations is the City's ability to equip, staff, and administer them. Every precinct must have a polling machine to process ballots from voters who check into the precinct to vote. Likewise, every polling location should have assigned one of the City's 36 electronic poll pads purchased with the approval of the City Manager, by the election office. These new poll pads were purchased through a grant award of \$114,000 by the Center for Technology and Civic Life (CTCL). The poll pads were used to check in voters for the first time in the City's municipal elections, and greatly expedited the processing of voters.

II. Polling Supplies

Prior to every election, the Elections Office reviews and plans to ensure that polling locations are amply supplied with the equipment and materials necessary to process voters on election day. Prior to an election, the Elections Office conducts inventories of the supplies it currently has on hand. These supplies are kept in the Election Office's secure vault. Elections Staff sort to make sure the supplies are intact and still functional, such as ballot marking pens, secure tabs, and cleaning supplies. Additional supplies are purchased to the extent necessary and to address polling location needs.

At least two weeks prior to an election, these supplies are sorted into individual boxes assigned to each polling location/precinct. DPW personnel then deliver these supplies to the polling locations prior to Election Day. On Election Day, poll workers utilize the kit to set up and administer the election. On Election Day, the City staffs a DPW employee to drive a supply truck throughout the day delivering additional supplies to polling locations on an as-needed basis. At the close of the polls, DPW workers pick up the supply kits and return them to City Hall. The kits are then sorted after the election to ensure that supplies are recycled to the extent possible for future elections.

Supply needs for polling locations vary with each election. In addition to the typical supplies that are purchased every year (ballot markers, paper rolls, secure tabs), supply purchases often result from improvements in election equipment and procedures. For example, the City's purchase of additional poll pads necessitated the purchase of additional extension cords and power strips for all polling locations. The Election Office and City administration shall continue to review and refine its supply plans to continue to ensure that polling locations have their supply needs met in every election. This overall process has resulted in providing all of our polling locations with sufficient supplies throughout Election Day.

III. Voter Outreach in 2022 Elections

In 2022, the City will have two state and federal elections, a primary in September and the general election in November. State and Federal elections are under the authority of the Secretary of State's Office. In addition to providing the ballots and COVID-19 poll worker supply kits, the SEC also performs voter outreach for educating voters. The SEC's outreach includes multilingual voter guides on the races and ballot questions, mailers, outreach through media outlets, social media, and other outlets, and other state issued materials. The City also makes available on our webpage and through other means, the state's materials for both state and federal upcoming elections.



EXHIBIT A

MEMORANDUM

TO: Eileen Donoghue, City Manager

FROM: Elliott Veloso, Interim Director of Elections
Christine P. O'Connor, City Solicitor

DATE: December 9, 2021

Re: **MOTION RESPONSE: 11/16/2021 by C. Nuon** – Req. City Mgr. Work With Election office and Election Commission to Provide an Assessment of Operations for the 2021 Election; Pre-Election Communication to the Public; Sufficiency and Efficiency of Early Voting Locations; Election Day Processes, What Worked and What Needs Improvement.

This communication has been prepared to provide an assessment of City operations for the 2021 Municipal Elections. As in previous elections, the elections conducted this year were safe, secure, and successful, despite the unique and challenging circumstances presented: the COVID-19 pandemic; the lack of U.S. Federal Census data necessary for reprecincting; and the implementation of the City's new "hybrid" municipal electoral system.

I. Pre-Election Communication to the Public

For the 2021 municipal elections, the City Manager's Office and Elections Office conducted its most extensive and robust outreach effort to date to promote voter registration, encourage voter turnout, and educate the public on the new municipal election system. Voter outreach was conducted across multiple venues and outlets, and included the following:

- The creation and maintenance of a separate website, yourlowellyourvote.org, dedicated to educating the public on the election system changes in Lowell. The website has provided information to voters in English, Spanish, Khmer, and Portuguese regarding the new election system and has been updated as the process of choosing and implementing the new system evolved. Throughout its lifecycle, the website has explained the reasons the new election system was established, a description of the new electoral districts, guides on what would be on the ballots, and important election dates, as well as guidance on polling locations, the availability of voting by mail and in-person early voting, and the ballot question. The website also contained interactive maps that voters could use to look up their address and see what district they are in.

- In addition to the yourlowellyourvote.org website, the City of Lowell website also provided helpful voter guides and information both on the front page and in the Elections office pages. As in prior elections, the Elections Office web pages contained valuable resources to voters, such as election calendars, polling location guides, downloadable applications for absentee and vote by mail ballots, sample ballots, and electoral district maps.
- The City Manager's Office prepared, and sent two voter guides to the City's voters, containing information on the City's new hybrid election system, the districts, the ballot question, and other resources. These guides also included detailed maps of the City's new electoral districts.
- The Elections Office sent postcard notices out to voters regarding their polling locations for the 2021 municipal elections. These notices alerted voters as to their municipal district and polling location for the 2021 municipal elections. The notices were trilingual in English, Spanish, and Khmer.
- The City coordinated with the Secretary of State's Office to proactively mail out vote by mail postcard applications for the general election in November to all of the City's registered voters to make the process easier for voters who wanted to apply for a vote by mail ballot.
- The City expanded on the use of multimedia platforms for voter outreach. City information notices on important dates, polling location changes, early voting and vote by mail, and other important events were posted and broadcast on the City's Twitter, Facebook, and YouTube accounts.
- The City expanded on its use of instructional videos to promote further voter outreach and engagement. The City Manager's Office and Elections Office prepared videos in English, Spanish, and Khmer educating voters on the new election system and resources available. The City Manager's Office and Elections Office also prepared a video guide on how to fill out a voter's absentee/vote by mail ballot and timely returning it to City Hall. These videos were placed on the City's website as well as its Twitter, Facebook, and YouTube accounts. These videos were also broadcast on LTC.
- Electronic billboards were set up at City Hall, the Senior Center, and other high traffic areas to advertise early voting and the Municipal Election. These electronic billboards supplemented A-frame signs that were also set up in high traffic areas throughout the City advertising the dates of the Municipal Preliminary and General Election. New signs were also prepared for each polling location to highlight polling location entrances, with each location also provided with an A-frame to house the signs outside voter entrances.

The City Manager's Office, Elections Office, and Law Department will continue to promote outreach efforts across a variety of mediums and platforms to further educate voters, promote voter registration, and encourage "get out the vote" efforts for future elections.

II. Assessment of Early In-Person Voting in 2021 Municipal Elections

A. Early In-Person Voting

The 2021 municipal elections were the first time that Massachusetts authorized the use of early in-person voting for local municipal elections. State law currently only authorizes early in-person voting for state and federal elections. Due to the ongoing impacts caused by the COVID-19 pandemic, the state legislature for the first time permitted the use of in-person early voting for all local elections in Massachusetts for 2021.

The City of Lowell has been recognized as a community leader in the prior promotion of early in-person voting, being awarded a gold star by the SEC in 2016 for promoting accessibility of early voting in those state elections. In light of the opportunity afforded by in-person early voting for a municipal election, the Elections Office, in coordination with the Manager's Office, Law Department, and Senior Center set up a system where early voting was held at both a centralized polling location during the day and at satellite locations around the City during the evening. The hours for early in-person voting were expanded to 8:00 AM to 8:00 PM for the early voting period, including weekends.

The authorization of early in-person voting in the 2021 municipal elections allowed for the collection of data of actual voter participation for the first time. Based on the clerk's reports generated each day of early voting, 383 voters took advantage of early in-person voting prior to the September 21, 2021 Preliminary Election and 825 voters took advantage of early voting prior to the November 2, 2021 Municipal Election.¹ Based on poll worker observations and the data collected, the Lowell Senior Center was the most popular choice for early in-person voting for both the Preliminary and Municipal Elections compared to the satellite locations.

Table 1: Preliminary Election Early Voting Numbers

Date of Early In-Person Voting	Central Location (Senior Center)	Satellite Location	Total Voters
September 8, 2021	24	10 (Greenhalge)	34
September 9, 2021	15	17 (Greenhalge)	32
September 10, 2021	25	23 (Greenhalge)	48
September 11, 2021	22	0 (JG Pyne)	22
September 12, 2021	23	14 (JG Pyne)	37
September 13, 2021	29	9 (Lowell High)	38
September 14, 2021	42	13 (Lowell High)	55
September 15, 2021	27	13 (CBA)	40
September 16, 2021	27	1 (CMAA)	28
September 17, 2021	45	9 (CMAA)	54
TOTAL:			383

¹ Breakdowns of the number of voters who voted at the central location versus the satellite locations are included in Tables 1 and 2 of this report.

Table 2: Municipal Election Early Voting Numbers

Date of Early In-Person Voting	Central Location (Senior Center)	Satellite Location	Total Voters
October 20, 2021	43	12 (Pawtucketville)	55
October 21, 2021	53	17 (McAvinnue)	70
October 22, 2021	37	34 (Greenhalge)	71
October 23, 2021	44	10 (Greenhalge)	54
October 24, 2021	48	45 (JG Pyne)	93
October 25, 2021	77	26 (JG Pyne)	103
October 26, 2021	51	25 (Butler School)	76
October 27, 2021	53	21 (Lowell High)	74
October 28, 2021	81	26 (Morey)	107
October 29, 2021	86	36 (Daley)	122
TOTAL:			825

The Senior Center’s popularity likely stems from a number of factors, including its centralized location, the availability of ample parking, the prior familiarity with voters regarding its use as an early voting polling location, and individual voter preference. It is uncertain whether the state legislature will expand in-person early voting for future local/municipal elections. Unlike for state and federal elections, Massachusetts currently does not provide reimbursement to communities for the costs incurred conducting early in-person voting for municipal elections.

B. Election Day Voter Participation

Based on the election results, over 12,145 voters participated in the November 2, 2021 Municipal Election. Examining voter turnout data for municipal elections over a ten year cycle, the 2021 municipal election had the second highest voter turnout, with only 2017 being higher. (See Table 3). That these higher numbers occurred during the first time implementation of a new voting system is encouraging, and will hopefully be the start of increased voter engagement in municipal elections over the next ten year cycle.

Table 3: Voter Participation in Municipal Elections

Municipal Election Year	Number of Voters who Participated
2011	9946
2013	11581
2015	10780
2017	13981
2019	11075
2021	12145

C. Vote by Mail Ballot Voting

The 2021 municipal elections were also the first time that Massachusetts authorized voters to apply for vote by mail ballots for municipal elections. Under state law, Massachusetts only allows voters to vote by mail through the use of an absentee ballot, under which the voter must

provide a statutorily permissible reason that he or she will be unable to vote at the polls in person. Due to the COVID-19 pandemic, Massachusetts authorized vote by mail voting for the first time in the State Primary and State Election in 2020. Unlike absentee ballots, voters can request a vote by mail ballot without needing to provide a reason. Due to the continuing impacts caused by the ongoing pandemic, Massachusetts extended vote by mail ballots for all municipal elections in 2021.

In conducting the first municipal election where universal vote by mail ballots have been authorized, the Elections Office faced certain logistical challenges with its implementation. The short timeframe between the preliminary and municipal elections, which has been in use since the 1920s, never contemplated the possibility of early in-person voting and vote by mail ballots. Unlike in state elections, the City of Lowell also had to coordinate the translation and production of all trilingual ballots, and for the first time there were eight different ballots for a municipal election due to having eight City Council districts. These concerns do not occur in state elections, where the SEC produces the ballots and covers all translations and costs needed. All of these issues resulted in a truncated schedule to get out vote by mail ballots to voters in time for the Municipal Election.

Despite these issues, production and mailing of vote by mail ballots was successful. Nearly six thousand City voters requested vote by mail ballots, or close to half of the total number of residents who ultimately voted in the Municipal Election, proving that this option is widely valued by voters. The only issue noted was approximately fifteen voters reported receiving ballots with a wrong label on the return envelope. This issue was an isolated one, and had no impact on the integrity of the voting process or the elections. New ballots were sent to those voters when the issue was detected.

It is again uncertain whether the state will expand in-person early voting and vote by mail ballots to future municipal elections. However, the City Law Department and Elections Office will be looking into extending the time between the Preliminary Election and Municipal Election to accommodate the potential for in person early voting and vote by mail. Extending the time between the two elections will enable greater efficiency and preparedness for elections.

III. Election Day Voting Procedures, Polling Locations Setup, and Implementation

A. Unprecedented Challenges

The 2021 Municipal Elections presented a set of unprecedented challenges to the administration of the City's elections. The continuing COVID-19 pandemic required the reinstatement of additional safety procedures employed in the 2020 elections to ensure the health and safety of voters, poll workers, and City personnel. The City also had to implement a brand new hybrid electoral system for the first time in its history, which was complicated by the delay in the release of U.S. Federal Census data preventing the redrawing of the city's electoral wards and precincts prior to the municipal elections. Existing precincts were split between one or more municipal districts, making it impossible to check in voters at traditional polling locations. Without the ability to check in voters by their precinct and know which correct ballot they should receive, centralizing the polling locations was necessary.

B. Polling Location Changes

To address these challenges, the Elections Office and City worked closely with the SEC, which supported the City's original plan establishing centralized polling locations in order to ensure the safe and secure administration of the election. The City's outside expert Professor Nathaniel Persily also approved of the use of centralized polling locations. The critical consideration at all times in the establishment of the polling locations, both in the Election Commission's original plan and in the final eleven polling location plan provided by the Election Commission's expert Professor Charles Stewart and approved by the Election Commission, was ensuring at all times voter engagement in a safe and secure election process. This has always been and continues to remain the top priority of the Elections Office. Circumstances often require the Elections Office and Commission to strike a balance between promoting voter access and ensuring integrity in the process, especially in the face of the loss of the use of the City's traditional precincts due to the pandemic.

By implementing the centralization of polling locations, the Election Commission and Elections Office was able to ensure that the 2021 Municipal Elections were conducted safely, securely, and efficiently.

C. Setup

The Elections Office designed the setup of polling locations for quick and efficient processing of voters in a safe environment. All polling locations in the elections were set up with multiple poll pads to process in voters, enabling the elimination of long wait lines for voters. Multiple AccuVote ballot processing machines were set up to process ballots to ensure system redundancy and allow for continuous ballot counting and processing in the event of a voting machine issue. The day before the election, DPW workers transported poll booths, equipment, supplies, and AutoMARK machines to the eleven polling locations. Deployment and pickup of equipment by DPW workers was smooth, with no major issues reported during either the Preliminary or Municipal Election. Poll worker setup of polling locations during both elections was smooth and orderly. To account for the new Poll Pads deployed to this election, additional extension cords and power strips were included in poll worker supply kits to ensure maximum flexibility in powering up the poll pads, AccuVote machines, and AutoMARK machines. Setup of the equipment in the morning was uneventful, and all equipment was ready for use at the opening of the polls. Likewise, LPD officer deployment of voting equipment to polling locations and back to City Hall at the end of the night was smooth, with no major issues reported.

Overall, the 2021 Municipal Elections were uneventful in terms of the smooth setup and operation of all equipment. That the setup of the polling locations was so smooth is testament to the hard work and dedication of the City's poll workers, Elections Office, DPW, LPD, and City staff.

D. Election Improvements

Since coming under the auspices of the Law Department, a number of transformative changes have come to the City's Elections which have resulted in safer, more efficient, and more enjoyable voting experiences for voters and poll workers alike. These improvements include the

hiring and diversification of the City's poll workers and translators, increased voter registration drives, comprehensive review of the City's election policies and procedures to ensure state law and regulations, review of all polling locations to ensure ADA compliance, adoption of a trilingual ballot in English, Spanish, and Khmer for all elections, and recognized leadership from the state regarding ensuring accessibility for early voting.

This commitment to constantly improving the administration of the City's elections continued with the municipal elections this year. In addition to carrying forward the improvements previously made in past elections, the Elections Office implemented the following improvements in 2021:

- The Director of Elections, with the approval of the City Manager Office, secured the purchase of electronic Poll Pads for all of the City precincts. These poll pads were purchased through the use of grant money obtained by the Interim Director of Elections from the Center for Technology and Civic Life (CTCL). The \$113,975 CTCL grant was the largest ever awarded to the Elections Office.
- The poll pads were effective in processing voters on Election Day. Poll workers expressed support for their use in checking in voters when compared to check-in books. Additionally, voters and poll workers liked the voter look-up function in the poll pads, enabling a polling location to look up all voters, not just voters that vote at the polling location. As a result, a voter was in the incorrect polling location has their correct location and address listed in the poll pad, allowing poll workers to immediately direct them to the correct location. This feature saved a great deal of time and work for poll workers and support staff at City Hall in looking up voters and directing them to polling locations. Call volume at the Elections Office and the phone bank set up on Election Day to assist with voter inquires was markedly reduced as a result. The City will look to employ these poll pads in future elections.
- The Elections Office continued to expand its poll worker training program to incorporate online training videos. This year, the Elections Office website has a dedicating training materials section, where poll worker who could not attend in-person training could watch a four-part video training series. The Election Office website also contains downloadable poll worker training handouts, guides, and examples of the paperwork that poll workers will be using on Election Day.
- The online training materials and presentations have received praise from not only poll workers but other communities. The Clerk from the City of Westfield contacted the Elections Office requesting copies of the handouts and model Clerk's Report, desiring to adopt similar forms for her community's use in future elections. She also praised the Elections Office's website, expressing particular admiration of the training materials electronically available for poll workers.
- The Elections Office continued its efforts to improve accessibility for handicap voters at our polling locations and throughout the voting process. This year, the Elections Office worked in coordination with the Disability Commission on initiatives to improve handicap access.

- The Elections Office aided the Disability Commission in identifying equipment it could purchase with its funding to further assist handicapped voters at the polls. The Disability Commission is currently seeking to purchase privacy tables and screens for handicapped voters.
- Through joint cooperation between the Elections Office and the Disability Commission, the 2021 elections were the first where an ASL translator was on site at Lowell Senior Center during an early in-person voting day to assist deaf voters at the polls. The City of Lowell is believed to be the first community in the state to ever offer this service to deaf voters during early voting in a municipal election. The Elections Office plans to work with the Disability Commission to offer similar ASL translator coverage during early voting for future elections.
- The COVID-19 pandemic has placed additional burdens on handicapped voters at polling locations. Deaf voters who rely on lip reading can be hampered at polling locations due to the wearing of masks. In response to voter issues at the Preliminary, the Elections Office, with consultation with the Disability Commission and the SEC, instituted new procedures and trilingual signs at polling locations in the Municipal Election to enable deaf voters to signal to poll workers their need for assistance. The assistance signs for deaf voters were available in English, Spanish, and Khmer and will be employed in future elections.
- The City implemented COVID-19 safety procedures at its polling locations to ensure that voters and poll workers could be as safe as possible on Election Day. Supplies of masks and face shields were made available to poll workers and voters, along with setups to encourage social distancing.

The City Manager's Office, Law Department, and Elections Office remain committed to making the City's elections as safe, efficient, and convenient as possible for the City's voters. Based on feedback from this year's elections, the Elections Office will continue to implement new practices and procedures to make future elections even better.