



Five Easy Ways to Improve Local Elections

May 18, 2010 Primary Election Report

For more than a century, the Committee of Seventy has operated a Voter Protection Program during every primary and general election. Citizen volunteers recruited and trained by Seventy answer voters' questions and help resolve problems at polling places in Philadelphia and, in recent elections, throughout the region.

Through our use of the 1-866-OUR-VOTE hotline, voters report personal concerns, as well as alleged improprieties they observe. Seventy partners with national and local organizations, and with law enforcement agencies, to ensure that all eligible voters are able to cast a ballot.

Every election is different, depending on a variety of factors ranging from the significance of the races to the number of genuine contests to the interest of the electorate to the mood of the country. Yet there is one constant, as confirmed by incident reports received by Seventy during the May 18, 2010 primary: problems that occur time and time again.

This post-election report recommends five simple steps to improve the voting experience in Philadelphia, to the greatest extent possible, before problems occur. They are directed to the three City Commissioners who operate local elections:

- Bring the Elections Website into the 21st Century
- Clamp Down on Electioneering
- Take Charge of Finding Polling Place Officials
- Mandate Training of Polling Place Officials
- Invite Public Feedback – and Take it Seriously

1. BRING THE WEBSITE INTO THE 21ST CENTURY

The City Commissioners' website – www.phillyelection.com – is woefully inadequate, assuming the ordinary user can find it at all.

Minimal information is provided and its format is amateurish at best. The May 18, 2010 primary election results are available under an obscure heading with an incorrect year: "2009 Municipal General Unofficial Election Results." A "new" feature, Language Interpretation Services for Voters, dates from 2007.

City voters seeking the location of their polling places must connect to a Commonwealth of Pennsylvania website. And, as the volume of calls received by Seventy every Election Day confirms, voters relying on the City Commissioners for location changes are often left in the dark. Even the wife of the city's Voter Registration Administrator didn't learn that her polling place had changed until she showed up at the wrong location on May 18th.



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By comparison, the websites of the Commissioners' counterparts in other major cities, and in Philadelphia's suburbs, are far more comprehensive, useful and inviting. The Allegheny County Elections Division publishes "Election Day Experience Reports." Chicago's Board of Election offers voter links in 12 languages. Montgomery County provides maps of election districts and links to candidates' campaign expense report filings. Chester County supplies sample ballots.

The independent City Commissioners' office is not included in city government's massive information technology overhaul. But the expertise available within the city's Division of Technology should be able to assist in making the website respectable. At the very least, critical election information should be accessible on the city's website, where most voters would naturally look.

2. CLAMP DOWN ON ELECTIONEERING

The most common problem reported by voters to Seventy's Voter Protection Program volunteers is feeling besieged by campaigners and committeepeople at their polling places and, sometimes, inside the polls. The Pennsylvania Election Code bans this behavior, commonly referred to as "electioneering," within 10-feet of the polling place.

Most other states create a significantly larger campaign-free buffer zone to protect voters than Pennsylvania's 10-foot barrier – which the City Commissioners have interpreted strictly although the Election Code states that ten feet is a *minimal* requirement.

Short of a change in the state law, the Commissioners should aggressively enforce the current law to prevent intimidation and disruption of the voting process. It should not require a Common Pleas Court Judge to enjoin campaigns or Election Boards from blocking the entrance to polling places or interfering with voting, as occurred on May 18th in the Seventh Ward. Or Seventy's volunteers to remind people thrusting leaflets at voters entering the polls to back off.

The prohibition on improper electioneering – and the consequences for violations – should be included in the Commissioners' "Guide for Election Officers in Philadelphia County" that is distributed to all polling place officials under "Laws/Violations/Regulations". Although the law appears on the blue "General Information and Instructions" poster that must be posted at all polling places, the tiny print effectively makes this warning a meaningless deterrent. Judges of Elections should be required by the City Commissioners to enforce the electioneering barrier and to report non-compliance to law enforcement officials.

3. TAKE CHARGE OF FINDING POLLING PLACE OFFICIALS

Every election district in Pennsylvania must have an Election Board. Every Election Board is made up of five members, three elected (Judge of Elections, Majority Inspector, Minority Inspector) and two appointed (Clerk, who is appointed by the Minority Inspector and Machine Inspector, appointed by the County Board of Elections). Elected positions are on the ballot every four years.



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There are 8,240 individuals needed to cover Philadelphia's 1,684 divisions: 5,052 elected and 3,368 appointed.

Meeting this numerical goal is next to impossible, given that all five members of the Election Board must reside in the election district in which their polling place is located. In a city dominated by Democrats, finding a Minority Inspector can be difficult. (By law, each political party nominates one "Inspector of Election" candidate. The highest vote-getter from the majority party in the district becomes the Majority Inspector. The candidate with the second highest vote total – invariably the Republican – becomes the Minority Inspector.)

On May 18th, Seventy fielded five separate, but similar, complaints: Minority Inspectors named by court order (as typically happens when there are no GOP candidates on the ballot) were turned away at polling places by Judges of Election who refuse to accept the court order. Seventy received an additional 10 calls from divisions where officials were confused about who should be serving in the Minority Inspector position, in a few instances after more than one person showed up to assume this role.

The City Commissioners should be first in line to lobby for changes in state law to make it easier to fill Election Board slots. For example, if the jobs are predominately administrative, is it necessary for all Election Board members to live in the election district? Must all three positions continue to be elected?

In the absence of statewide reforms, the City Commissioners can markedly improve the process of filing Election Boards by:

- Encouraging citizens of both parties – through public service announcements and community outreach – to seek one of the three elected or two appointed positions instead of relying on ward leaders and committeepople.
- Maintaining a public database of individuals who have served on previous Election Boards and can be contacted well in advance of an election to work at the polls.
- Partnering with the School District of Philadelphia and non-public high schools to recruit exemplary high school seniors to serve as clerks or machine inspectors, as permitted by the Pennsylvania Election Code. This would serve the dual purpose of filling Election Board seats and encouraging the next generation of voters to become civically engaged.
- Following-up with individuals who indicate on new voter registration forms that they are interested in serving as poll workers on Election Day.

The Commissioners should follow the example of the Allegheny County Elections Division, which advertises the need for "civic minded volunteers to serve on Election Day [who are] comfortable with new technology and the ever changing election environment" and has an online application form. Interested citizens are contacted by a representative of the Elections Division. If there are no vacancies in an applicant's area, their information is retained for future elections.



4. MANDATE TRAINING FOR POLLING PLACE OFFICIALS

The long hours and low pay for the five officials required at every one of the city's 1,684 polling places often make it a thankless job. The Committee of Seventy commends the many citizens who perform this task year after year.

At the same time, too many polling place officials are unprepared for anything but basic voting techniques. During the May 18th primary, for example, Seventy's volunteers fielded complaints from nine divisions where the polling place officials did not know how to handle write-in votes

Election laws are complex and subject to change. Just before the 2008 general election, a federal court judge ruled that voters must be allowed to vote by paper ballot if half of the voting machines in their election district were broken. It is imperative that polling place officials are prepared to ensure that voters are not disenfranchised.

The Commissioners offer training – but they don't require polling place officials to attend. Even if they do participate in training, far too many officials seem to forget what they learned when it comes to Election Day. Written materials disseminated by the Commissioners' office are not helpful. The "Guide for Election Officers in Philadelphia County" is a densely-worded document in a newspaper format that is difficult to read.

The Commissioners should ensure that all polling place officials are properly trained before every Election Day. Like continuing legal education courses required of all active Pennsylvania attorneys, polling places officials opting for video training sessions should be required to electronically document their participation. A brief quiz on the process could help to reinforce the lessons taught in the training.

In addition, the Commissioners should replace their "Guide for Election Officers in Philadelphia County" with an easy-to-use, indexed manual. The manual should be available for downloading from the Commissioners' website so that polling place officials can absorb polling place rules and procedures well in advance of an election. The Commissioners' website should supplement the manual with "real-life examples" of problems that typically occur on Election Day.

5. INVITE PUBLIC FEEDBACK – AND TAKE IT SERIOUSLY

Philadelphians who don't travel in political circles are unlikely to know who runs city elections – and the Commissioners seem to prefer it this way.

The Commissioners hold weekly meetings leading up to every election, but the only regular attendees are representatives from the Committee of Seventy and a local Republican Party official. The Commissioners don't publicize an agenda or a schedule of meetings, which are inconveniently held



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during weekday mornings. The only “minutes” available are the unofficial notes published by Seventy on its website. By contrast, New York City’s Board of Elections posts online minutes of their meetings.

However, the most discouraging aspect of the Commissioners’ meetings is how participants are treated. The Chair of the City Commissioners, who does virtually all of the talking at meetings (the other two Commissioners are largely silent), is openly hostile to anyone who appears to register complaints or to suggest improvements to city elections. The clear signal is that feedback is unwelcome.

The Committee of Seventy urges the Commissioners to follow the example set by Mayor Nutter and City Council during the budget hearings and hold some evening meetings in neighborhoods around the city to solicit voters’ feedback and to raise public awareness about the role of their office. Hopefully the public exposure will drive a change in their behavior and attitude.

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These five steps recommended by the Committee of Seventy are not difficult or even particularly innovative. Rather they are common-sense approaches that we have developed after monitoring local elections and interacting with the City Commissioners for many years.

In full disclosure: Seventy has publicly supported professionalizing the management of city elections by eliminating the City Commissioners as an elected office. Of the ten largest cities in the United States, only Philadelphia has elected officials in charge of running elections.

Eliminating the City Commissioners – who are independently elected and not accountable to the mayor or City Council -- requires Council passage of an amendment to the Philadelphia Home Rule Charter, followed by a ballot referendum. Since this is not likely to happen before the Commissioners’ next election in 2011, they should take the opportunity to make their case for why they deserve to stay in office.

The public is increasingly demanding greater transparency and accountability from all parts of government. Now is an excellent time for the City Commissioners to live up to these expectations by putting these five recommendations in place so that the 2011 municipal elections run as seamlessly as possible.