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September 14, 2017

**CAMPAIGN FOR ELECTION REFORM AND MODERNIZATION WILL
CONTINUE DESPITE COMMONWEALTH COURT DECISION**
Better Government Advocates Press Need to Reform City Commissioners Office

PHILADELPHIA, PA – The Commonwealth Court of Pennsylvania ruled this week that Philadelphia’s City Commissioners are not required by state law to be replaced when proposed amendments to the Philadelphia Home Rule Charter are on the ballot, leaving the door open to major conflicts of interest in election oversight.

“We’re disappointed in the Court’s decision,” said Committee of Seventy CEO David Thornburgh, “But this particular lawsuit focused on just one of many serious problems with the Office of the City Commissioners. The campaign to reform local elections in Philadelphia must move forward.”

The organizational petitioners in the lawsuit, the Committee of Seventy and Philadelphia 3.0, are also part of the 14-member Better Philadelphia Elections Coalition, launched in May 2016 to highlight the ineffectiveness, inefficiency and conflicts of interest within the Office of the City Commissioners – an agency that better government and voting rights advocates agree must be transformed to address problems that have persisted since its creation in 1951.

Ineffective Administration and Voter Disenfranchisement

Philadelphia’s history of challenges in administering smooth, inclusive elections has been well-documented by advocates, journalists and in court settlements for decades. Most recently, a report released in May 2017 by Keystone Votes, a statewide coalition of voting rights advocates, found that more than 17,000 on-time, valid applications were not processed until just over a week before the November 8, 2016 general election. This rate was more than 8.5 times higher than the statewide average, and nearly 20 times higher than Allegheny County, the second-largest county in the

Commonwealth. Late-processing of registrations can create challenges for voters at the polls, and might raise issues with compliance with voting protections in federal law. (Find the report at: www.keystonevotes.org/newsroom)

This follows a long pattern of troubling revelations that highlight the inadequacies of the current structure:

- In 2006, the U.S. Department of Justice sued the City Commissioners for failing to provide sufficient election-related materials and assistance to Spanish-speaking voters. The Commissioners reached a settlement agreement in 2007 requiring that the city ensure equal access for Limited English Proficiency voters.
- The Commissioners in 2009 settled another lawsuit with the Department of Justice to give disabled Philadelphia voters greater opportunity to vote at their polling places rather than by alternative (mail-in) ballot. Only a handful of the city's hundreds of polling places were fully accessible for disabled voters.
- During the November 2012 presidential election, more than 27,000 city voters were forced to use provisional (paper) ballots, leading to post-mortem reports from the mayor's office, the Pennsylvania Department of State, the City Controller and city elections staff; several different factors contributed to the breakdown.
- The Asian American Legal Defense and Education Fund filed a complaint in 2014 against the city after documenting language access challenges for Asian American voters going back to 2007. Notably, only a handful of Asian language interpreters were trained and assigned to polls for the November 2012 presidential election.

Inefficiency and Waste

Philadelphia is the only jurisdiction in the country with multiple elected officials whose sole job is to oversee elections, inevitably producing redundancies between the three Commissioner's offices, each with its own staff. Commissioner Chair Anthony Clark, in particular, has drawn intense scrutiny during his tenure for not showing up to work and for taking advantage of the controversial DROP retirement program. The Commissioner Chair is paid more than \$138,000 a year, and Clark stands to receive a nearly \$500,000 lump sum payment upon leaving office, in addition to a \$10,000-a-month pension. Meanwhile, thousands of poll workers are paid between \$75 and \$100 for 14-hours of work on Election Day (an additional \$30 is awarded for attending an optional training).

As the Pennsylvania Intergovernmental Cooperation Authority (PICA) noted in 2009, Philadelphia County's election administration spends \$9.18 per voter, almost twice the median (\$4.68) of Pennsylvania's 15 largest counties. Citing the cost of the office, PICA called for the elimination of the City Commissioners in addition to the city's other row offices.

Persisting Conflicts of Interest

With regard to the now-dismissed lawsuit, Philadelphia's City Commissioners have overseen numerous

elections in which proposed changes to the Home Rule Charter would have an impact on their office. The most consequential proposal in recent years would have eliminated the requirement that City officials resign their current office before running for another; voters disapproved this proposal in 2007 and again in 2014. Looming in the future is a possible ballot question that, if approved, would create a system to match with public funds small-dollar contributions to candidates for City office, including those running to be City Commissioners.

However, the type of conflict of interest potentially involving proposed Charter amendments is only one of several created by the elected Commissioner positions. As elected officials, Commissioners are also politicians, and in that capacity are free to organize voters and donate money to influence the outcomes of elections they are simultaneously tasked with overseeing. Most recently, a sitting Commissioner contributed to the campaign of now-state representative Emilio Vasquez, who won a controversial special election for the 197th state House seat. The results are being contested in federal court, and the trial begins this week.

Seven of 17 Commissioners over the past 65 years have also retained their partisan roles as ward leaders, including current Chairman Clark. Partisan politics have repeatedly influenced the actions of the City Commissioners, most recently in 2010 when Deputy City Commissioner Renee Tartaglione, daughter of nine-term Commissioner Marge Tartaglione, was caught engaged in illegal campaign activity. These issues have plagued the office since its inception. Two of Philadelphia's first three Commissioners were found to have taken advantage of their public office, one convicted of mail fraud involving a contract with a ballot printer and the other caught taking kickbacks from a voting machine contractor.

Create a New Philadelphia Board and Department of Elections

To finally address the long-standing ineffectiveness, inefficiency and wide-ranging conflicts of interest in the status quo structure of election oversight in Philadelphia, the Committee of Seventy and Philadelphia 3.0 urge City Council to create a new Department of Elections led by a professionally-accredited Election Director appointed by the Mayor and with oversight provided by an appointed, non-salaried and bipartisan Philadelphia Board of Elections.

“We must bring Philadelphia in line with every other major jurisdiction in the country. And we must remedy the longstanding problems that have plagued the Commissioners Office truly since its inception. The only way to do this is through structural reform of the Commissioners Office” stated Ali Perelman, Executive Director of Philadelphia 3.0. “Without reform, we cannot be certain every eligible voter will have the chance to cast a ballot or that elections will be administered free of conflicts of interest”

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The Committee of Seventy is an independent nonprofit advocate for better politics and better government in Philadelphia and the Commonwealth of Pennsylvania. For more information, see www.seventy.org.

Philadelphia 3.0 is a nonprofit committed to reforming local politics through electoral work and issue advocacy. Our goal is a modern and effective government. For more information, see Philadelphia3-0.org.