



The Committee of Seventy

Election Oversight Program

Election Report to Philadelphia Voters

For the November 6, 2007 Municipal Election

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INTRODUCTION

The Committee of Seventy conducts the oldest and largest local voter protection program in America. The goals of this program are the same as they were 103 years ago:

1. Ensure that every eligible voter is able to successful cast his or her ballot.
2. Minimize the opportunities for voting fraud and intimidation.
3. Make the voting process as simple and rewarding as possible in order to help increase voter participation over time.

In very general terms, the November 6th Election produced:

- A number of assorted Election Day problems, but no evidence of systematic difficulties such as fraud or inadequacies in machine operations.¹
- A high number of complaints about polling place accessibility from voters with disabilities and for voters with limited English proficiency.²

¹ This statement is not meant to minimize the problems. When taken together, they have the effect of discouraging voters from coming to the polls or returning when the next election rolls around.

² Of the 1076 polling places visited by Seventy volunteers, 269 did not meet one or more state and/or local accessibility requirement.

- A very disappointing level of turnout. Of the 992,500 registered voters in Philadelphia, approximately 272,000 cast votes for a turnout of about 29 percent. By comparison, 458,042 Philadelphians voted in last mayoral election in November 2003 for a turnout of 48 percent.³

The Committee of Seventy faced a challenge in recruiting volunteers for the 2007 Municipal General Election due to the overwhelming belief – substantiated by polls – that the presumptive mayor had already been chosen in the May 15th primary. While all seats on City Council were up for grabs, and two positions on the state’s highest Court were on the ballot, these contests historically do not generate significant voter interest.

Thanks to a solid corps of returning volunteers, coupled with aggressive efforts by Seventy’s staff and Board members, we were able to surpass our recruitment expectations. On the organizational side, we built on the success of our highly-structured program for the May 15th primary to produce an effective and well-orchestrated Election Day operation. Many of our national and local partners from May collaborated with us again in November, thereby enabling a continuity of voter protection services.

For the first time, Seventy’s program extended beyond Philadelphia’s borders. In collaboration with Rutgers University School of Law-Camden, 78 Seventy-trained volunteers monitored the polls in Camden County. We hope to use this as a model for replicating the Election Oversight program in other areas throughout the region.

This report is Seventy’s account of our work on Election Day.

However, statistics cannot completely capture the essence of Seventy’s role on Election Day. The presence of hundreds of identifiable voting rights advocates visiting polling places throughout the City – all wearing Committee of Seventy badges – acts as a deterrent to misconduct. Our volunteers help resolve many “minor” problems in the field that are not reported on a complaint log. Voters know they can turn to a Seventy volunteer if they need help.

In addition, our permanent staff, our volunteers and our **Citizen Access Center**—, which enables voters to find their polling place by internet— provide elections-related information and assistance to thousands of voters all year, every year.

CHARACTERISTICS OF THE NOVEMBER 6, 2007 MUNICIPAL ELECTION

Every election is different. Turnout varies significantly due to the competitiveness of the election, who is on the ballot, what positions are open for election, and what ballot questions are being voted on.

³ However, the November 2003 mayoral election was considered a much more competitive race in comparison to November 2007.

This November, Philadelphia voters faced:

- An unusually noncompetitive race for mayor, where a Daily News/Keystone poll released less than two weeks before the election (October 25th) showed Democratic candidate Michael Nutter leading his Republican opponent Al Taubenberger 83% percent to 8% among likely voters.
- A long ballot that included four ballot questions and several municipal offices, leading to over 54 voting options in total.
- Only one truly competitive City Council contest: a race for one of the two Republican “At-Large” seats between incumbent Jack Kelly and newcomer David Oh. After counting machine votes – as well as absentee, provisional and military ballot – Councilman Kelly defeated Mr. Oh by 122votes.
- Contentious contests for two seats on the Pennsylvania Supreme Court.
- Judicial retention elections for 24 Philadelphia and statewide judges, where these typically unnoticed races faced a campaign from PA Clean Sweep to unseat all incumbents.

ELECTION DAY BY THE NUMBERS

First call to Seventy (answered by a live person)	7:45 am
Last call to Seventy (answered by a live person)	9:48 pm
Number of Seventy Volunteers	285
Total Election Day Volunteers (including affiliated programs managed by the League of Women Voters and Vote for Homes and Rutgers Law - Camden)	approximately 436
Volunteer Training Sessions	16
Election Day visits to Seventy’s website	approximately 5,157
Election Complaints recorded electronically	139
Number of different polling places covered by field and legal teams	1,076 (more than 60%)
Number of routine or assigned visits to polling places by field volunteers throughout the day	1,533
Numbers of field reports received from volunteers	1,190

Types of Complaints	Percent
Required Voting Notices/Documentation Issues	4%
Denial of the Right to Vote	7%
Intimidation and Related Activities	9%
Hostile Voting Environment	9%
Electioneering and other Polling Place Issues	12%
Polling Place Accessibility	4%

Voting Machine Issues	9%
Problems with Location of Polling Place	21%
Pollbook Issues	7%
Issues with Polling Officials	12%
Others	6%

Complaints by Area	Percent
Center City East (Wards 2, 5, 14, 20, 30)	7%
Central Northeast (Wards 41, 53, 54, 55, 57, 64, 65)	8%
City Avenue (Wards 3, 4, 6, 24, 34, 44, 52)	16%
Fairmount Park East (Wards 8, 15, 28, 29, 32, 47)	10%
Far Northeast (Wards 56, 58, 63, 66)	4%
Germantown/Mt. Airy (Wards 10, 12, 17, 22, 50, 59)	9%
Kensington/Riverwards (Wards 7, 18, 19, 25, 31, 33, 37, 45)	2%
Northwest Philadelphia (Wards 9, 11, 13, 16, 21, 38, 43)	12%
Olney (Wards 23, 35, 42, 49, 61, 62)	11%
South Philadelphia (Wards 1, 26, 36, 39, 48)	12%
Southwest Philadelphia (Wards 27, 40, 46, 51, 60)	9%

Sources of Complaints Logged into EIRS	Percent
Calls from Voters	84%
Calls from Seventy's Volunteers	6%
Calls from Polling Officials	4%
Calls from Poll Watchers	4%
Calls from Undisclosed Caller	2%

Disposition of Election Day Complaints Logged into EIRS	Number
Resolved at Polling Place by Field Team	19
Referred to Philadelphia Board of Elections	25
Referred to Philadelphia District Attorney's Office	2
Referred to Seventy's Attorneys in Central Election Court	1
Helped over the Hotline	28
Resolution Unavailable	64

Problems as Reported in Committee of Seventy Field Reports	
Problems with Polling Place accessibility	45%
Problems with physical setup or location of polling place	18%
Problems with the Poll Book	5%
Problems with the voting machines	15%
Denial of the right to vote and related problems	1%
Electioneering	10%
Personnel problems	3%

Intimidation of voters or polling officials	1%
Other problems not listed above	2%

PROBLEMS ON ELECTION DAY

With 1,681 polling places to cover, many problems can arise on Election Day. The statistics included here are based on our tracking of electronic complaints and analysis of the paper field reports.

The most common problems were:

- * **Voting machine issues:** Mostly related to polling officials having difficulty opening and operating the machines.
- * **Competitive issues:** Electioneering within 10 feet of the polls, misconduct by watchers, unattributed and misleading campaign literature.
- * **Accessibility issues:** Wheelchair accessibility, ballot size, polling place location and condition.
- * **Polling place issues:** Due to last minute appointments, discrepancies with polling place staffers, coupled with poll location problems led to several confused and uncooperative city workers.

In most cases, our volunteers were able to address the issues and diffuse the disputes amicably at the polls. Most problems result from people not knowing or not understanding the applicable law, so an impartial person advising them is usually enough to resolve a situation.

In the more serious cases, a referral was made to law enforcement – the District Attorney for suspected state law violations.

HIGHLIGHTS OF SEVENTY’S NOVEMBER 6TH PROGRAM

The heart of Seventy’s Election Oversight program has always been our hotline and citizen field volunteers. We rely on feedback from the volunteers in order to improve our program for future elections. Improvements on November 6th included:

- * **An Upgraded Volunteer Manual-** Long overdue changes were made to modernize the Legal and Citizen Field Team manuals to allow for a more informed and better trained volunteer body.
- * **Record Number of Legal Volunteers:** Including allied programs, Seventy had the benefit of over 430 Election Day volunteers. With the help of law firms, especially **Dechert LLP**, we were able to dispatch the largest number of trained legal support into the field. Law students added to this strong attorney presence, with the **University of Pennsylvania Law School** contributing

close to 60 volunteers and our first Seventy-trained volunteers from Widener University School of Law's campus in Wilmington, Delaware.

* **Growing Beyond Philadelphia** – Collaborating with New Jersey's Rutgers University School of Law - Camden on the Election Oversight program allowed Seventy to establish its first presence outside of Philadelphia. Our 78 volunteers were able to cover a large portion of Camden County.

* **Live Electronic Mapping** - With the generous pro bono help from **Avencia Incorporated**, Seventy was able to continuously update maps showing the location of all reported complaints. This enabled citywide, ward-wide or district-wide problem trends to be quickly recognized and responded to. The information was compiled and analyzed so that we could stay on top of what was going on throughout Election Day.

* **Strong Election Court Representation** – In partnership with the **Lawyers' Committee for Civil Rights Under Law**, an experienced legal team was recruited to represent Seventy's program in Central Election Court. Just one example of the importance of Seventy's presence was our ability to seek redress in Election Court for a voter who was improperly refused the right to vote by a Judge of Elections – notwithstanding the fact that the voter was in line at 7:58 p.m. Seventy's insistence that all voters eligible to vote should be allowed to do so was crucial in an election that saw a City Council race separated by seven votes after the machine votes were tallied.

* **Improved Computerized Intake of Complaints** - Using the Election Incident Reporting System (EIRS) built by the Lawyers' Committee and first used in May 2007, Seventy refined its ability to quickly relay complaint information electronically so that the appropriate remedial action could be taken.

* **Communication Advances** - We piloted a new initiative that took advantage of Blackberry mobile devices to facilitate communications between the field volunteers and our command centers at Seventy and DLA Piper. Seventy's Regional Team Leaders sent e-mails with EIRS reports to Legal Teams in the field to expedite the response time to complaints called in by voters.

MAJOR PARTNERS

Community Partners who significantly helped to recruit volunteers:

- Dechert LLP
- Philadelphia Bar Association
- University of Pennsylvania Law School
- Rutgers University School of Law -Camden
- Morgan, Lewis & Bockius LLP
- DLA Piper
- Congreso de Latinos Unidos

- Special People in Northeast, Inc. (SPIN)
- Liberty Resources, Inc
- Villanova University School of Law
- Temple University Beasley School of Law
- Widener University School of Law – Wilmington Campus

Technology Partner:

- Avencia, Inc.

Voting Rights Partners:

- Lawyers' Committee for Civil Rights Under Law
- League of Women Voters of Philadelphia
- Advancement Project
- Vote for Homes! Coalition

CONCLUSION

Overall, thanks to our field and office volunteers, our partners, the Philadelphia Board of Elections supervisors and staff and many other concerned citizens, Seventy's November 6th Election Oversight program was very successful. We intend to continue to make improvements as we head toward the April 22, 2008 primary.