Vote Philadelphia Transition Committee Report:
Recommendations for the incoming 2012 Philadelphia City Commissioners

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Presented to:

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Executive Summary

The proper administration of elections is the cornerstone of democracy. Making our elections reliable and publicly verifiable enfranchises voters and increases public confidence and participation in the political process. The election of Stephanie Singer and Al Schmidt as Philadelphia City Commissioners provides an opportunity for the City of Philadelphia to make election processes more accessible, efficient and transparent, driving growth among the local electorate. The new Commissioners established a transition team comprised of civic leaders from across Philadelphia---Vote Philadelphia--- to help them enter into office with a broader understanding of the current and potential practices for managing elections.   Vote Philadelphia is comprised of four committees working on key areas of importance to the Commissioners and to elections:

Law & Policy

The Law and Policy Committee reviewed all legal and regulatory matters currently affecting the City Commissioners Office and identified tactical and strategic policy matters to be addressed in the immediate and long term.   The Committee reviewed applicable law at the federal, state and local level, as well as legislation and litigation currently pending that could have an effect on the Board of Elections.   In particular, the Committee reviewed constraints placed on the Board of Elections by the Pennsylvania Election Code, which in important respects lags behind national best practices for election administration and suggests potential legislative reforms that will require engagement of the City Commissioners Office with state lawmakers.

Administration and Operations

The Administration and Operations Committee focused on a review of current and past City Commissioners Office practices based on publicly available documentation.   The Committee gave full consideration to the findings of the City of Philadelphia's Controllers' report for fiscal years 2007 and 2006, as well as other external studies.[1]
The Committee also reviewed budget, budgeting process, resource and staff history and ongoing requirements.   Finally, the Committee identified opportunities to improve constituent service and reduce costs.

Civic Engagement & Outreach

The Civic Engagement and Outreach Committee focused on identifying organizations and communities that comprise the eligible and future voting public in Philadelphia. The Committee offered ideas and models for building strategic partnerships, as well as

relevant points that may be useful in developing a strategic communication plan for the Commissioners on key issues for voters and election administration.

Best Practices

The Best Practices Committee focused on the global view of election systems and voter participation, identifying models, programs, and initiatives that have been tested and proven effective in other municipalities.   Best practices were identified and recommendations for implementation of effective programs were made.

The committees shared the goals of presenting the Commissioners with a guide on how to move the City of Philadelphia toward more efficient and transparent administration of elections, and providing a road map for improving the administration of the office. While each committee had a particular area of focus, some common themes where identified, among the most relevant being the needs for increased transparency, better engagement with eligible voters, and leveraging technology.   As a result, the respective sections in this report may cover similar ground, for example suggestions for improving the City Commission website and reviewing the current practices regarding alternative ballots.

Many Philadelphians from various backgrounds volunteered their time and knowledge to the gathering and reporting of these findings. Together the committee members of Vote Philadelphia present the following findings and recommendations.

Section One | Findings of the Law and Policy Committee

The Law and Policy Committee provides an overview of applicable law at the federal, state and local level, as well as legislation and past and pending litigation largely, though not exclusively, related to the Board of Elections. Its recommendations are especially informed by legal considerations.

FINDINGS AND RECOMMENDATIONS

Meetings notice and venue

- Publicize meetings more broadly than is required by law. Publish an agenda for each meeting, and solicit comments from the public in advance.

- When meetings are held at City Hall, ensure that they are held in an accessible space large enough to accommodate members of the public who may wish to attend.

- Hold public meetings, particularly those on matters of local interest such as polling place relocations, in the affected neighborhoods to encourage participation. Hold such meetings at times convenient for working Philadelphians.

- Consider recording meetings and making them available via webcast or cable-access.

- Post meeting minutes in a timely fashion.

Budget transparency

- Publish a detailed budget online.

- Publish information on operating plans going forward, and the likely costs associated with those plans.

Staff communications and resources

- Formally acknowledge that Ethics Rules apply to all employees, Civil Service and Exempt, and establish that the Board of Elections shall not give special treatment to family members or friends of the Commissioners.

- ○ Work with local law schools (including University of Pennsylvania, Villanova, Temple, Drexel, Widener, Penn State and Rutgers) to recruit law students as summer or semester interns. The County Board of Elections provides an excellent opportunity for law students interested in election law, who in return could provide help for special projects.

Campaign finance oversight

- ○ The Commissioners should explore ways to partner with the Board of Ethics and the Department of Records to create a single electronic filing system that satisfies the requirements of state law. Currently, state filings made to the City Commissioners must be notarized and filed in hard copy, while City filings for the Board of Ethics, which contain the same information, must be filed online through a system maintained by the Department of Records. State law requires that disclosures be filed "in the office of the [respective county boards of elections] with whom the candidate filed a nomination paper."[2]

- ○ Coordinate enforcement efforts with the Board of Ethics so that candidates are not subject to multiple enforcement actions for essentially the same offenses. The Board of Ethics has the power to adjudicate and issue large sanctions on its own authority. The Commissioners may only issue nominal late fees and refer likely violations for prosecution. However, certification by the Commissioners that all filings have been made is required before any elected official is sworn in or receives a salary.[3] This is a substantial "stick" not available to the Board of Ethics.

- ○ Continue consolidated trainings with the Board of Ethics for candidates and political committees.

Website changes

- ○ Determine the limits to which websites may be used under state law. For example, in some states, voter registration may be done online. Pennsylvania law seems to specifically anticipate electronic voter registration when it notes: "Nothing in this part shall prohibit the design and use of an electronic voter registration application which includes the applicant's digitized or electronic signature."[4] The Commissioners should seek an advisory opinion from the Secretary of State as to whether electronic registration is permissible and if so, build this capability into the website as another means of facilitating registration.

- ○ The Board of Elections website should prominently display links to other websites that help voters (i) register to vote, (ii) inform themselves about polling locations and other

election administration/design issues, and (iii) inform themselves about candidates– but in the latter case it should only reference non-partisan outlets.[5]

Poll Related Issues

○ Issue better guidance on the poll watcher certification process for both poll-workers and potential poll watchers, as this can create a lot of confusion at the polls. Watchers, who may challenge the qualification of voters, are required to be certified by the Board of Elections.[6] These challenges and certification of watchers are occasionally sources of conflict at polling places and it is important that poll-workers understand the legal requirements involved on both sides.

○ Increase the number of members of the Commissioners' staff conducting Election Day inspections to promote compliance with polling place checklists and the *Kerrigan* and *DOJ* settlements described below. Target these inspections towards polling places that were the subject of complaint (either to Committee of 70, or the Commissioners) or where known accessibility or language problems occurred in past elections.

Accessibility and Disability

○ Provide necessary training to Election Board workers and County Board of Elections staff to ensure voters with disabilities understand how to use the resources that are available to them prior to and during elections.   For example, Voter Assistance forms and Permanent Absentee Ballot requests are not widely known tools that are designed to assist voters with disabilities. North Carolina provides a good training program for this purpose.

○ Establish a volunteer committee which can delve deeper into accessibility and disabled voters issues. San Francisco has a good model for volunteer committees on accessibility.

○ Evaluate complaints as they pertain to access. Identify hotspots and develop model for addressing future complaints.

○ Develop a volunteer program to provide rides to polling locations for those who need travel assistance.

○ Confer with the Mayor's Commission on People with Disabilities (MCPD).

Alternative Ballots

○ The federal Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAA) (42 U.S.C. § 1973ee et seq.) generally requires polling places across the United States to be physically accessible to people with disabilities for all federal elections. Where no accessible location is available to serve as a polling place, a county must provide an alternate means of casting a ballot on the day of the election.

  ▪ This has been generally interpreted to allow persons with disabilities and individuals over the age of 65 to request alternative ballots as of right, without a showing that a polling place is inaccessible. Philadelphia has 167,492 registered voters age of 65 or older.

○ The City Commissioners should review current practice with respect to the use of Alternative Ballots, and consider whether there's an appropriate level of public awareness about them.

Language Barriers

○ Section 203 of the Voting Rights Act requires certain jurisdictions to provide language assistance to voters through the following means:

  ▪ Translations of written materials such as ballots, petitions, registration materials, and other information critical to exercising the right to vote.

  ▪ To the extent that the jurisdictions utilize technology to provide English information to voters, such as websites designed to educate voters, they must do the same for the covered languages.

  ▪ Oral assistance by bilingual employees and trained interpreters who staff poll sites and assist with voter registration.

  ▪ Outreach to local community-based organizations that work with and have a connection to the covered communities, including promoting the availability of language assistance at the polls, recruiting for bilingual poll workers, and assessing the efficacy of the jurisdiction's proposed language assistance plan.

  ▪ Publicity regarding the availability of bilingual assistance through notices at voter registration and polling sites, announcements in language minority radio, television and newspapers, and direct contact with language minority community organizations.[7]

○ City Commissioners should review its interpreter and translation resources and ensure continued investment in the program, including training and certification by professional interpreters and translation services.

○ Ensure that polling place signage is satisfactory, particularly with regard to Latino and Asian communities.

○ Create a mechanism for feedback, troubleshooting, and recruitment after every election cycle. And to this end, give thorough consideration to a report by the Asian American Legal Defense and Education Fund discusses these issues with regard to the 2010 mid-term election.[8]

○ It appears that interpreter call-in services provided by Global Philadelphia, and on-site translator services, have been modestly successful in addressing issues that led to a settlement with the Department of Justice, discussed below. Issues remain, particularly when a polling place used by non-English speaking citizens is moved and when poll workers are not adequately trained to use the service.

  ▪ Conduct outreach to community groups, e.g., Cambodian Association of Greater Philadelphia, Philadelphia Chinatown Development Corporation, to recruit workers who may have relevant language skills for particular sites. Target sites that have historic need for interpreters.

  ▪ Develop maps or spreadsheets of polling places and associated concentrations of non-English speakers so that when a polling place is moved, Commissioners will be aware of the need for signage in relevant languages.

○ The Government Accountability Office produced a report on Section 203 compliance related to bilingual voting assistance.[9] City Commission and County Board of Election staff should become familiar with this and other resources related to bilingual voting assistance. The Commissioners should set a goal of having the Philadelphia County Board of Elections become a model of world class services to non-English speaking voters.

Voter List Maintenance

○ Conduct analysis of voter list maintenance compliance.

○ Voter List maintenance is a much debated issue in academia and increasingly a source of litigation under the National Voter Registration Act (especially in last few years). The Commissioners should stay apprised of the evolving debate concerning this issue.

- Voter list maintenance was one of the requirements of the *DOJ v. Philadelphia* settlement agreement in 2008 and should be reviewed to determine whether the City is in compliance with regulations in 4 Pa. Code Chapter 183, as well as Pa Department of State directives regarding database matching, Cancelled Voter Extract compliance, etc.[10] Additional comments on DOJ v. Philadelphia can be found in *Appendix A: Summary of Applicable Law*.

Immediate Legislative Agenda Items

- HB 934 (Voter ID) HB 934 would require all Pennsylvania voters to present non-expired identification issued by the U.S. government or the Commonwealth before being allowed to cast a ballot. HB 934 will cost Pennsylvania more than $11 million in the first year alone, with millions more every year after that.[3] It would place an unfunded mandate on County Boards of Election, leading to higher costs in training, overtime and printing related expenses.

- SB 1089 (Ballot Rotation) would require the printing of ballots for each ward, in which the relative positions of names for each nomination or office "shall be changed as many times as there are candidates for that nomination or office, and to the extent reasonably possible, a candidate's name shall not appear at the top of the list more times than the name of any other candidate."[11] SB 1089 places another unfunded mandate on the City Commissioners Office and has raised the concerns of civil service staff who expect the legislation will have a high cost related to printing, contracting, and overtime.

Long-Term Legislative Agenda Items

- Advocate and lobby for no excuse absentee voting. No excuse absentee voting is allowed in 28 states. Currently, Pennsylvania has some of the most strict absentee ballot requirements in the country.   Senate Bill 1171, introduced by State Senator Judy Schwank, would provide for no excuse absentee voting.[12] City Commissioners may consider submitting a letter of support for the legislation and should take a leading role in encouraging other Pennsylvania County Boards of Election to join in supporting the legislation.

- Advocate and lobby for no excuse early voting. This is allowed in-person or by mail in the majority of states. The period varies from a few days to almost two months before the election.

- As part of its recommendations to the City Commissioners Office, the Committee of Seventy noted that the current ban on electioneering in the Pennsylvania Election Code

is inadequate, and that the Commissioners should lobby the Pennsylvania Legislature for expanding the ban on electioneering to 100-feet from the current 10-feet ban.[13]

Section Two | Administration and Operations

The Administration and Operations Committee was established to examine the administrative processes within the previous City Commissioners Office, including a detailed review of human resources, budgets, and election mechanics and operations. Many of its findings are informed by the Philadelphia City Controller who found a number of problems during the course of conducting audits: lack of controls over the use of petty cash; duplicate payment of one invoice; mileage reimbursement for days employees did not work; checks that have been outstanding for up to eleven years; delays of up to two years in submitting reimbursement requests from the city's Director of Finance; non-adherence to city sick leave abuse and overtime regulations; lack of accountability for revenue; and neglect by two officials to submit State Financial Disclosure Forms. The following recommendations are made for consideration by the City Commissioners.

FINDINGS AND RECOMMENDATIONS

General Recommendations

- Establish a clear zero-tolerance policy for any activities that violate the City Charter, City and State Ethics regulations.

- All staff, including temporary election workers, should receive ethics training.

- Prepare and submit to the Finance Office supporting budget detail sheets for the current and all subsequent fiscal years.

- The paying of election officers for two positions while working the same hours at the same election location violates Section 8-301 of the Philadelphia Home Charter, therefore double payments should not be allowed for election activities.

- Stop issuing petty cash vouchers based solely on requests from polling place officials who claim they have not been paid.

- Formal procedures regarding requests for payments should be developed and implemented. These procedures should include but not be limited to:

- Having a centralized location to handle questions about receiving payment;

- Developing a standardized request form;

- Having the request form approved before a check is issued; and

- Establishing a verification procedure to determine whether individuals have been previously paid through the election payroll system.

Petty Cash

The Controller's audits cited a lack of accounting procedures and controls over petty cash. The City Commissioner should consider adopting some of the Controller's recommendations, including:

- Payments should only be made for eligible purchases and in the manner prescribed by the Finance Office's Standard Accounting Procedures (SAP).

- Parking tickets should not be eligible costs and travel reimbursements should be based on mileage accrued for official business.

- Care should be taken in processing vendor invoices so that duplicate payments are avoided.

- Reimbursement requests should be processed in a timely manner. Long delays in requesting reimbursement reduces the availability of cash resources as well as the likelihood that the Finance Department will honor such requests.

- Disbursements for which reimbursement has been denied should not be carried as reconciling items. Instead, payment should be sought from employees responsible for the denied reimbursement.

- There should be evidence of stop payment orders for situations where replacement checks are issued. Outstanding payments should be researched, and if unresolved, checks should be cancelled and funds transferred to the city's Unclaimed Monies accounts in accordance with the city's standard accounting procedures in SAP-4501 and SAP 7.1.3.b.

Bank and Fund Reconciliations

- To improve controls, per the Controller's recommendation, both bank and fund reconciliations should contain evidence, in the form of an initial and date, of supervisory review and approval.

Sick Leave and Absence Tracking

- Maintain leave and attendance records for all its exempt employees.

- Improve the management of leave; all employees should be required to fill out leave request slips.

Revenue Management

- Improve the revenue model for the Commissioners office, including the consistent charging for data requests.

- Improve the management of revenue for the office, including setting a goal of same day check processing.

Staffing

- Review current staff responsibilities and eliminate make-work hiring.

- Hire the best qualified candidate for the available positions.

- Work with civil service supervisors to develop need-based hiring, and to ensure new hires have the necessary skills for open positions.

- Reassess the practice of hiring full-time-temporary positions. Maintaining the current staff configuration or changing it could dramatically change the budget. It may be possible to perform the functions of these positions by a smaller number of full-time employees (or a smaller number of temporary employees) or by contract -- or not at all.

Overtime

- Review and better manage overtime. It may be more cost effective to add employees, and cost savings may be attainable through new management practices.

- Review employee work-time record keeping standards for the office. Timesheets should be available and certified by a supervisor.

Transportation Costs

- Review the entire transportation policy and activities for the office.

- Explore alternatives such as car sharing.

Budget

- Review class 250 expenditures, giving added attention to a full accounting of Polling Place Official Compensation.

- Review the current lease agreements of real estate utilized by the City Commissioners and County Board of Elections, and assess if there are opportunities for reducing costs and increasing operational efficiencies.

Poll worker recruitment

- Provide public service announcements, engage in community outreach, and provide support to Ward Leaders in developing a pool for the three elected and two appointed positions on the Election Board for a division.

- Create 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.

○ Publish information on the Board website regarding how poll-workers are selected and encouraging citizens to run for their local Election Boards.

○ Awards for poll-workers might offer a low-cost "carrot" approach to recruitment and retention. The Board could consider profiling or selecting poll workers and then using them in outreach to schools/community regarding public service and voting.

○ Buy "poll-worker pins" as a low cost reward for service. A pin should be awarded to each first-time poll worker if he or she serves in subsequent elections, he or she should receive a pin with the year of the election. Pins build loyalty and can be a source of pride for poll-workers. More information at www.electionpin.com.

○ Seek partners willing to produce/air public service advertisements to recruit poll workers. Direct interested citizens to the website and have a sign up page online where people can get more information and register for further follow up by Commission staff or referral to the Committee person responsible.

○ Review feasibility of applying for poll worker appointment via the website by establishing a system that shows all electoral districts and whether they are staffed with elected boards. If not, allow individuals to apply for appointment.[14]

○ In the long term, consider increasing poll worker salary, which is low by standards of East Coast peer cities, and has not been raised in 15 years. There is currently a suit pending in the Philadelphia Court of Common Pleas regarding this issue (see below). Assuming an Election Board member arrives a half hour before the polls open and leaves a half hour after (6:30AM–8:30PM), he or she is working at least a 14-hour day. Poll workers are paid either $95 or $100 per day. This works out to less than $7 per hour. Minimum wage in Philadelphia is the federal minimum: $7.25 per hour. State law allows poll workers to be paid between $75 and $200 per day. At this level of compensation, Philadelphia is on the low end of the scale for East Coast cities:

   ▪ New York City: Inspectors and Poll Clerks receive $200; $100 for attending a 6-hour training.

   ▪ Washington D.C.: Between $120 and $160 depending on position.

   ▪ Baltimore: Chief Judge receives $200; three other officials receive $150. A $75.00 bonus will be given to those attending class, passing the exam and working two elections.

Review training procedure/requirements

- Solicit information from poll-workers on how to improve election procedures. These are people who have had their boots on the ground, often for years or decades. Create a mechanism to receive anonymous feedback from poll-workers, either through the website or in hard copy, and encourage dialogue.

- Look for ways to provide incentives for follow-up training for poll-workers, which is not currently mandatory. Search for partners who might be willing to donate items such as movie rentals or restaurant coupons, and use those items to encourage attendance.

- Consider, as an alternative option to live training, an online video training followed by a short quiz to ensure completion. Passage of the quiz could trigger the training payment. While this option might not be ideal for older poll-workers, or those without internet access, it might help increase the number of trained poll-workers.

- Review manuals for voters and candidates and make them easily accessible via the website.

- Review materials, including the newspaper instructions, and checklist in "The Box" to ensure that they are as user-friendly and simple as possible.

- Incorporate anti-electioneering training for poll workers. According to the Committee of 70, "the most common problem reported by voters to Seventy's Voter Protection Program volunteers is feeling besieged by campaigners and committee people 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."[15]

- Use free web-based services and platforms such as veri[16], youtube, and facebook to share election board trainings and "frequently asked questions" videos and presentations. Trainings could be available on the internet and publicly accessible.

Grant Writing

- Consider creating a staff position, or assign a current member of staff to write grants. In addition to identifying and applying to grant opportunities from the federal, state, and local government, consider applications to foundations and private philanthropic organizations, including the Pew Charitable Trusts and the William Penn Foundation.

Website and Web-based services

Previously, the City Commissioners Office had multiple web sites in various formats that were not necessarily linked to each other. An end-user browsing the City's web site, www.phila.gov, and navigating to the City Commissioners link would have found a simple page of contact info for the office.

An externally hosted web site, phillyelection.com, provided more information to those who knew the URL. This included detailed information on election and voting information, as well as links to the PA Department of State for registration forms, etc. The layout of this web site was a basic list of links, rather than a variation of the modern phila.gov web sites.

Another external web site was phillyelectionresults.com, which provided live election results to those who knew the URL. Users could break down the results by ward and division, but that was the extent of the analytics. More importantly, the web site offered only the most recent election's results, and in a format that could not be downloaded or exported.

As of January 2nd, 2012, the City Commissioners link on the City's web site (phila.gov) provides a link to the existing phillyelection.com web site as well as a 'Coming Soon' section describing the preview of the new site, with a link to it: vote.phila.gov

This new web site is being designed in the style of the modern phila.gov web sites, and is intended to provide a wealth of information on elections and voting in an easy-to-navigate format. Long term goals for the new website should include:

- City Commissioners web site should have all information pages vetted, integrated, and translated to multiple languages.

- More tools should be integrated, including an up-to-date polling place and voter registration lookup tool, similar to that of the City of Chicago election website, chicagoelections.com.

- The website should have online voter registration capabilities, linked to the PA State online registration system under development with Pew Charitable Trusts.

- The 'Getting Involved' section of the Commissioners website regarding local election boards should be more interactive and engage interested viewers, offering immediate means of sign-up and training.

- An Election Analytics Tool section should be developed and offered as an API, allowing community organizations to build their own applications using data stored by the City Commissioners Office.

It should be noted that the Committee of 70 has also identified website improvement as a short term achievable reform, and has provided examples from several other municipalities including Allegheny County, Montgomery County, and the Chicago Board of Elections as examples of best practices.[17]

Election Logistics

- Consider making poll location petitions a part of the voter and election education program of the City Commissioners Office. While there are often complaints about the strange locations of Philadelphia polling places, there is a mechanism in place for changing a polling location should it be found the polling place is deterring voters. The City Commissioner's Office could advertise on their web page, through the press, during their public meetings, and when speaking to community organizations that there is a mechanism in place under current state law to change the venue for one's polling place should citizens have explicit concerns about their polling place location. This process, as described above, requires the signatures of no more than ten voters within a division and would allow the citizens raising the issue of a polling place chance to actively participate in the process of identifying a new polling place site within their voting district.

- The Commission should continue to work with voters, ward leaders, committee people, and when possible the elected Judges of Election in various divisions to identify potential polling place locations which conform to handicap accessibility standards set forth by the Americans with Disabilities Act. In his testimony of May 14, 2008 Philip Durgin, the Executive Director of the Legislative Budget and Finance Committee threw cold water on the notion that all polling places should be expected to be handicap accessible and in compliance with the Americans with Disabilities Act. According to Durgin, "in Philadelphia, the number of polling places would be extremely limited if voting was only allowed in handicap accessible schools and government buildings." During a correspondence with Julio Pena in the Commonwealth's HAVA office a member of the Best Practices committee was informed that Philadelphia—despite having just 111 polling places listed as "accessible," has been making strides to improve upon the accessibility of their existing polling locations.

- ○ City Commissioners should consider development or purchase of a full elections system turnkey solution, such as PollChief. PollChief Election Management Software integrates elements of mapping technology, registration rolls, telephony, data warehousing, bar coding, customization, and enterprise level programming. The solution includes Web Based Real-time Management; Communications Tools; Poll Entry Barcoding; Mapping; Mobility Software for Laptop/PDA; State Systems Integration.

Troubleshooting Polling Machine Malfunctions

- ○ The Commissioners should revisit guidance for poll-workers on steps that should be taken when a polling machine breaks down and there is a need for emergency paper ballots.

- ○ A complaint in recent elections has been that when there is a problem with a polling machine at a certain polling place, it occasionally takes a substantial amount of time for the machine to be fixed or a new machine to arrive. Meanwhile, registered voters who cannot afford to wait in line leave without voting.

- ○ This issue is governed by the Election Code, which states:

  - • If any electronic voting system . . . shall become inoperable during [an] election, it shall, if possible, be repaired or another machine substituted by the custodian or county board of elections as promptly as possible . . . but in case such repair or substitution cannot be made, paper ballots, either printed or written and of any suitable form, may be used for registering votes.[18]

- ○ The Commissioners should investigate whether an online system could expedite the resolution of machine issues. In addition to the phone bank and roving technicians, the Commissioners should investigate whether complaints could be submitted online or by email, and whether simple questions could be answered through a "chat" function or email.

- ○ Set a benchmark for the time it takes to do polling machine repair.

- ○ Revisit current practice and policy for what triggers the issuance of an emergency, i.e. the issuance of emergency ballots.

- ○ Review current practice for providing emergency paper ballots as a percentage of registered electors in a district.   Former Secretary of State Cortes' issued a guidance letter calling for the issuance of emergency ballots equal to 20 percent of the number of registered electors in that district.[19]

- Emergency paper ballots should be treated as regular (not provisional) paper ballots. No emergency ballot should be rejected because it is missing any information that may be required of provisional ballots, but is not required of qualified registered voters.

Election Incident Reporting Systems (EIRS)

- Allow voters to report election day incidents via web site, email, or text message. Azavea and Committee of Seventy developed a platform for election day activities that could be replicated or partnered with. Frontline SMS and other international models exist for election day incident reporting.

- Enhance EIRS program. Philadelphia currently relies from a combination of disparate sources for EIRS support. A better system run by the City Commissioners Office is essential to build confidence in the voting process.

- Explore possible knowledge sharing partnership with Election Incident Reporting System from voteprotect.org. The Election Incident Reporting System from voteprotect.org is a national scale voter protection system operated by a coalition of non-profit organizations.

- The City Commissioners Office should use current 3-1-1 and 4-1-1 system to the fullest extent possible; and Philadelphians should be able to call 3-1-1 with service complaints related to elections, voting registration, and election officers.

Performance Management

The City Commissioners Office has little to no procedures in place for Performance Management (PM). Performance Management is a general term for a system of monitoring and managing an organization's performance, to support a culture of continuous improvement and achieve operational excellence. One of the top goals of the new Commissioners is to develop a robust and model Performance Management and Accountability program for the office. There are many PM and accountability models in use today by many municipalities, including the City of Philadelphia. To this end, the following recommendations are made:

- Engage with PhillyStat, the City of Philadelphia's performance management program. During PhillyStat meetings, City leaders review departmental performance metrics and progress toward the Mayor's strategic goals. While the City Commissioners Office is a semi-autonomous row office that does not currently fall under the supervision of the

Managing Director, engaging with the PhillyStat team to borrow their metrics and accountability process may be useful for fast tracking an accountability program, and setting a path for further collaboration with City operating departments.

○ Review and revamp customer service standards and practices. Ensure there are traceable incoming and outbound calls and emails, and work toward the recording of phone calls to a dedicated customer service desk.

○ Integrate communication with the City's 3-1-1 office.

○ Consider the implementation of a simple accountability program such as the widely used results based accountability (RBA) model.[20] RBA is easy to learn and train, has many local experts, including a dedicated class at the University of Pennsylvania's Fels Institute of Government, and can be applied widely to a variety of tasks or to an entire system.

○ Do a complete staff policy review and ensure that there are clear and measurable outcomes and goals.

○ Employees should be fairly advised of any changes in expectations from the previous administration.

○ Train all staff at all levels on the accountability and performance goals of the City Commissioners.

○ Perform a regular technology and performance audit for the whole office.

○ Consider developing a process election ecosystem audits (EEA). EEAs are audits that take into account every aspect of elections, from start to finish. According to R. Michael Alvarez and his colleagues at the Caltech/MIT Voting Technology Project who developed the notion of EEAs have noted: "Election administration is a highly complex process that involves multiple actors all working to achieve the goal of running an effective election. One critical technique for gathering the performance data needed to improve election management is through comprehensive evaluations, which we refer to as election ecosystem audits (EEA). Accomplishing this goal requires election officials coordinating the efforts of contractors—from ballot printers to voting machine companies—third parties, like the US Postal Service who transport absentee ballots and the entities who agree to house polling places, and the poll workers who actually

implement the election at the polls. Managing this vast enterprise requires election officials to evaluate their election activities so that they can improve the implementation of the process over time."[21]

- ○ Civil Service Regulation 23 requires that performance reports must be prepared and filed for each permanent Civil Service employee at least once in every calendar year. The City Commissioners should require and have prepared for all Civil Service employees a current annual performance report in their employee folder.

Section Three | Community Engagement

The Community Engagement Committee examined opportunities for better informing the public of the election process and explored programs for engagement, education, voter registration, and election day support programs for voters. The Committee also sought to identify and review voter education and registration models that can inform engagement efforts in Philadelphia.

FINDINGS AND RECOMMENDATIONS

General Recommendations

- Develop a strategic communication and partnership plan to join efforts of grassroots movements to identify issues and concerns, and execute a plan that attacks the apathy and lack of voter participation head on.

- Identify any barriers to voting that may exist and provide tangible solutions to remove barriers.

- Partner with organizations that assist the Commission in ensuring that no voter suppression is taking place in the City of Philadelphia.

- Review and remove any barriers to voter registration.

- Maintain up to date database of voter lists and create real time updating of information to the nearest extent possible.

- Form strategic partnerships with leading local and national nonprofits, such as the League of Women Voters, Urban League, Esperanza USA, Committee of Seventy and other civic-minded organizations to maximize the Commission's efforts to provide information to Philadelphia's electorate.

- The Commissioners should strive to participate in town hall meetings being held in collaboration with existing organizations beginning in the first quarter of the year of 2012 informing voters of voter information.

- Consider partnering with entertainment venues, to promote voter engagement, particularly for the 18-30 year age groups.

- Utilize all social media (facebook, Google+, etc.) to give quick, accurate and critical information about elections.

- Collaborate with Philadelphia's public and private schools to incorporate a voter education component in the core curriculum.

- Create a comprehensive list of community groups that may assist in voter registration, including traditional voting advocacy organizations as well as organizations that may not have previously been engaged in voter education, such as community development corporations and civic associations.

Encourage voter registration

- The Commissioners should actively promote the registration of new electors and voting by registered electors.

- Conduct outreach to community groups.

- Pre-registration: develop a database that tracks youth and reminds them or their parents to register to vote as soon as they turn 18.

Younger Eligible Voter Engagement

Pursuant to state law, high school students who are 17 or above may serve as election clerks or machine inspectors so long as they have permission from their parent and principal.[22] These students are not limited to working in their own election district and may serve anywhere in the county. The City Commissioners could deploy a Young Elections Workers recruitment program to build the Election Board pool of workers, but also to help young voters learn about the election process. A targeted voter education and registration effort should be made for the 16-25 year old population. There are models across the country that successfully targeted this population.

- Philadelphia is home to more than a dozen two- and four-year colleges. The Commissioners should work to build relationships with these colleges, to assist with voter registration effort on campus, to promote voting and to recruit poll-workers. Until last year, the federal Election Assistance Commission offered significant grants to

establish programs to recruit college poll watchers. There may be other public or private sources of funding for such projects.

○ Civic and Voter Education Programs in Philadelphia schools. Create program for spring voter registration as soon as possible so that more high-school students will register to vote. For those who will not be old enough to vote in the Spring election, the program should capture information to remind them to register when they become age-eligible. In addition, the program should recruit students as poll-workers.

○ Target high school juniors and seniors for voter registration, poll worker training, and election education.

○ Work with the Philadelphia School District to hold educational and voter registration rallies at every local high school.

○ Develop a mock election program in partnership with the School District, individual schools and teachers.

○ Develop a High School Elections Ambassador program to recognize students who lead civic engagement projects focused on getting out the vote.

○ Consider paying students and/or developing a program to elect students for Judge of Elections and Inspector positions.   Dozens of cities, such as Denver, Colorado, San Francisco, California and Arlington, Virginia have implemented programs that pay students for election work while introducing them to electoral process. Some non-profits take it a step further with paid "civic engagement" interns, such as the program from MassVotes.

○ State election law should permit youths not yet old enough to vote to "pre-register" to vote. Pre-registration would not entitle a youth to vote but would enable the City Commissioners to automatically transfer the individual to the voter registration rolls when the individual becomes age-eligible. In the interim, the City Commissioners should develop a system and mechanism to capture information of youths and remind them to register to vote when they become age-eligible.

Making Elections Work for Seniors

○ The Commissioners should partner with senior advocacy organizations to promote the use of absentee ballots for seniors who have difficulty getting to the polls.

○ Just over 70 of the 1,687 voting divisions in the City of Philadelphia are rated as being FH—or Fully Handicap Accessible by Americans with Disabilities Act standards. The current alternatives set forth by the City Commissioners for voters who are either

physically handicapped or over the age of 65 suggest that these citizens either vote via absentee ballot or appear in Room 142 at City Hall on Election Day to cast an alternative ballot or emergency alternative ballot. It should not be taken for granted that Philadelphians over the age of 65 or those facing a physical disability are aware of these options. A program of outreach and promotion in partnership with senior advocacy organizations could be implemented to ensure seniors who want to vote can do so.

Alternate Balloting

○ The federal Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAA) (42 U.S.C. § 1973ee et seq.) generally requires polling places across the United States to be physically accessible to people with disabilities for all federal elections. Where no accessible location is available to serve as a polling place, a county must provide an alternate means of casting a ballot on the day of the election. [23] The Commissioners should promote the use of alternate balloting as a way of raising voter participation. Additionally, they should consider developing a system to automatically reach voters as they become eligible for alternate balloting.

Suggestions for increasing voter turnout

○ Research best practices in non-partisan voter turnout – e.g., reminders of upcoming Election Day in utility bills and through other service points of contact with the City.

○ Target areas where statistical analysis shows low turnout for remedial efforts. Make data from such studies available online in graphic form.

○ Work with a non-profit to commission a study to determine why Philadelphians don't vote or don't vote regularly, and identify changes to current practices that are most likely to increase voting activity.

Potential partnerships (groups/stakeholders)

○ Make connections with other City or non-profit agencies to improve awareness and turnout.

○ Conduct outreach with community organizations and other non-profits engaged in providing election assistance. Hyperlink these groups on the website.

○ Involve City agencies that deal with target populations such as the Youth Commission, Commission for the Elderly, Veterans office, Commission for the Disabled, LGBT Advisory Committee, etc.

- Conduct outreach to ethnic/minority community groups such as the Cambodian Association of Greater Philadelphia and others. Create an ethnic/minority group liaison position and assure that there are translation services available in the Commissioners' office.

- Designate someone in the Commissioners' office as a liaison for third-party voters and independents.

- Increase communication with Pittsburgh and other cities in the state to learn about their best practices and to share information.

Surveys

- Routinely survey voters on their experience and what improvements could be made in the election process. This will help if the Commissioners ever need to make the case for new equipment, funding, etc. and provide the feedback that is otherwise impossible to obtain from visiting polling locations. New York City and Oakland, CA have good working models of survey programs. Poll workers could collect these to help minimize costs.

Volunteers

- Implement a robust volunteer program. While groups like the Committee of Seventy have started volunteer programs for Election Day Protection, some cities do year round volunteering. Austin has a "Volunteer Deputy Registrar" program which boasts a 97% voter registration rate. Indianapolis has a non-partisan program for rides to the polls.

Voter Bill of Rights

Several municipalities have adopted a core set of principles which dictate what a voter should expect when they arrive at the polls. The "Bill of Rights" would likely be a simple outline of many of the laws already in place, but presented in a way that shows this administration has a different way of doing business.

- Draft a Voter Bill of Rights that works for Philadelphia. A Voter Bill of Rights, such as the California model are broadly defined.[24] Others, such as Chicago and Minnesota, are a bit more specific, and speak to potential issues that can arise at the polls.[25]

New American Voter Education

There are several model programs already in place in Philadelphia to register and educate new Americans about the voting process.   For example, the Pennsylvania Immigration and Citizenship Coalition (PICC) demonstrated a successful model for voter engagement with new Americans that has registered over 18,000 voters since 2010.[26]

- ○ Engage in new Americans outreach through non-partisan partnerships.

- ○ Engage with organizations like PICC or the Welcoming Center for New Pennsylvanians who can help educate new citizens on the electoral process and push voter registration. Similar programs exist in other municipalities, including Sacramento.

- ○ Beyond Federal Civil Rights Law requirements, provide voting materials in additional languages. For example New York City provides five languages.

- ○ Reach out to civic organizations that focus on specific regional ethnicities to help overcome cultural and language barriers to engage potential voters.[27] It is vital that very clear ground rules be established for these types of programs to ensure non-partisan compliance.

Section Four | Best Practices

The Best Practices Committee explored election operations in other municipalities as well as the latest literature to determine the state of the art in the field. The Committee focused on several key areas: identifying performance management and government accountability measures that can be integrated into the Philadelphia City Commissioners office and the County Board of Elections; enhancing transparency in the electoral process; improving the accountability and standards by which voter information is managed and disseminated; and improving the systems management of elections and election data in the City of Philadelphia. The Committee also examined technology broadly as it pertains to data presentation, elections, logistics, and voter engagement.

FINDINGS AND RECOMMENDATIONS

Data Access and Transparency

The City Commissioners have a great opportunity to immediately impact the transparency of elections by making voting and election data more accessible to the public. Increased usability of election data encourages public scrutiny of the City Commissioners Office and local elections, provides essential tools for election watchdog groups, and helps voters better understand the electoral process. The following recommendations focus on the use of data to enhance elections in the City. Convenient access to publicly available data is an essential component of building the public trust and working with knowledgeable partners in the administration of elections.

- Engage the City's Office of Innovation and Technology (OIT) to participate in the OpenDataPhilly project.

- Consider hiring a user interface (UX) expert to audit the user experience of voters and other visitors to the phillyelections website.

- Consider extending transparency of data to the Commission's budget using open data models. An excellent model to use for the City Commissioners transparency initiative is OpenSpending project of the OpenKnowledge Foundation. OpenSpending presents financial information from many different countries and sources. Users can choose a dataset to explore or visit their Spending Blog, where spending stories are highlighted and methods of analyzing financial information are provided.

- Develop relationship with the Bureau of Commissions, Elections and Legislation in order to better support national election reform efforts such as the Pew Upgrading Voter Registration or the Voting Information Project.

- Join national efforts at transparency such as VerifiedVoting.org, even when PA is not participating, to help Philadelphia lead in the transparency movement for the Commonwealth.

- Publish election results in form that works for users.   Election results should be accessible in as many formats as possible.

- In addition to publishing downloadable spreadsheets, consider providing interactive visualization tools for users. For example, visualization software might be used to produce a heat map of election problem hot spots, or to estimate best routes to a voting location for voters.

- Allow data to be used for application programming interface products (APIs) which enable public users to build applications based on election data.

  - An example of an API that has already been developed in this manner is the phillyvoter service.[28]

  - Data can be used alongside Google Maps API to help determine polling place locations, including estimated time of travel to the poll from a current location.

- Consider collaboration with Code for America 2012 fellows around data publication and usability. Philadelphia has been named a Code for America city for 2012 and will have 3 fellows assigned to it. Code for America is a national non-profit comprised of web technologists, city experts, and technology industry leaders. Their fellowship program places excellent programmers into cities to work on signature projects. An example of a possible collaboration is engagement in the philly.changeby.us project, a project developed by the Philadelphia Code for America team in which suggestions for government improvement projects are submitted by the public and shared directly with city office managers.

- Engage the Open Source Digital Voting Foundation (OSDV) regarding its source code for its prototype election system. OSDV is supported by Mitch Kapor, co-founder of the Electronic Frontier Foundation and Heather Smith, director of Rock the Vote. The OSDV has an eight-year roadmap to produce a comprehensive, publicly owned, open source electronic election system. The system will be available for licensing to manufacturers or election districts, and will include a voter registration component; firmware for casting ballots on voting devices (either touch-screen systems with a paper trail, optical-scan machines or ballot-marking devices); and an election management system for creating ballots, administering elections and counting votes.

Geospatial Technology

Mapping has become an increasingly important part of making data accessible to the public. Not all data managed by an election commission is inherently geographic – training and staffing polling places, management of physical assets, counting of ballots, campaign finance, voter registration and ensuring the integrity of an election are not necessarily geographic activities, but most activities have a geography component and many can be enhanced through the application of geographic data analysis, management and visualization.

Geospatial or Geographic Information Systems (GIS) technology is useful throughout the election cycle. GIS is useful in the administration of elections, providing an essential tool for county staff to set up and staff polling locations, manage polling location information networks, and identify and notify voters of their nearest polling location. During elections, GIS can be used to track voter turnout, and voting methods, as well as for analyzing election results from the data collected at polling places and precincts.

The City Commissioners should consider the management of GIS data in two tiers: Managing Data Internally and Publishing Data Externally

Managing GIS Data Internally

- Develop relationship with existing GIS Services Group within the Office of Innovation & Technology

- Develop in-house expertise by using Desktop GIS for managing polling places and drawing precincts.

- Boost voter registration by leveraging geographic targeting techniques that maximize impact of voter outreach.

Publishing GIS Data Externally

Polling locations are not openly published by the Commission. Currently, the Committee of 70 submits requests for them before every election and then, in order to use them on maps, needs to assign map coordinates to each address. This process of assigning map coordinates to a text address, for example "1234 Market St", is known as "geocoding". The Commission should, as a first step, make available lists of polling places that include address, zip, ward, division, building name (if relevant), latitude and longitude (or other map coordinate pair) as a spreadsheet or shapefile within a given number of weeks prior to every election.

○ In the short term, publish polling place locations as downloadable, geocoded data.

○ In the mid- to long term, develop or link to the Committee of 70 Online Citizens Guide and enhance this feature with a Google Maps API integration that includes a walking route, the estimated time and distance to a poll, and even the "street view" so voters know what the poll location looks like.

○ Add a Polling Place lookup service to the City Commissioners website.

Mobile Technology

In 2008, an estimated 1.9 million U.S. citizens did not vote because they didn't know where to go. 93% of Americans have a mobile phone. A text message reminder on Election Day increases the likelihood of voting by 4-5%.[29] 40% (230,000) of Philadelphia households are without internet access.[30] 250 million Americans carry mobile phones.[31] Taken together, these key facts point to the need to have a robust mobile technology program for voter education, registration, and election management.

○ Consider using SMS text technology to educate and remind voters. Below are several examples of SMS and other mobile technologies applied to voting. Some standout examples of SMS technology applied to elections include:

▪ Mobile Commons text platform, a private mobile marketing firm, released a service in October 2010 that allows voters to send a text message to 30644 to find out where their polling place is.

▪ phillyvoter is a privately developed, free and available platform that provides polling place information by phone in the County of Philadelphia.

▪ Clarity Mobile, from SOE Software, is a smartphone application for looking up voter information, polling place locations, and election results. SOE Software sells the mobile application to election boards that can provide voters with a way to confirm their registration, find their polling place, and see live election results from their smartphone. Clarity Mobile is used by 525 jurisdictions in 19 states.

▪ VoterHub is a location-specific voting information program for smartphones from AT&T Politics 360. The platform provides polling place location search with

directions; voter registration information; information on early and absentee voting; an election calendar, and; a list of candidates on your ballot.

○ Partner with WHYY and other local media outlets to develop an election news aggregator in a mobile apps format.[32] An election news aggregator can keep voters updated by aggregating news, editorials and multimedia from various news sources. It can also allow users to check poll numbers, candidate pages and state updates.

Appendix A: Summary of Applicable Law

SUMMARY OF APPLICABLE LAW

The powers of the City Commissioners are established by the Pennsylvania Election Code, and limited by requirements of federal law and the US Constitution.[33] The Commissioners, sitting as the Board of Election, have responsibilities both for the "conduct" of elections, and as "supervisors" of state campaign finance requirements. In its role conducting elections, the Board must comply with a significant body of state election law, as well as the requirements of the Voting Rights Act and the Constitution. In its campaign finance role, the Board is charged with upholding state disclosure requirements, a role that overlaps with that of the Board of Ethics and creates confusion for candidates. This memo will provide the broad outlines of the requirements of the various bodies of law applicable to the Board, focusing on specific or emerging situations where appropriate.

<u>Conduct of Elections</u>

The responsibilities and powers of the Board of Election are substantial, and spread across hundreds of provisions of the Election Code. The central powers and responsibilities of every county Board of Election are contained in the Election Code at 25 P.S. § 2642. The more central of these and the substantive sections that define them are:

    a. Registration of voters
- Appeals from denial of voter registration application – 25 Pa.C.S. § 1330
- Approval of registration applications – 25 Pa.C.S. § 1328
- Challenges to registration – 25 Pa.C.S. § 1329
- Qualifications to register – 25 Pa.C.S. § 1301
- Street lists and public information lists – 25 Pa.C.S. §§ 1403 and 1404
- Voter removal programs – 42 U.S.C. §§ 1973gg-6(c) and 1973gg-6(d); 25 Pa.C.S. § 1901

    b. preparation and maintenance of polling places
- Definition of "polling place" – 25 P.S. § 2602(q)
- Preparation of polling places (generally) - 25 P.S. § 2730
- Regulations in force at polling places – 25 P.S. § 3060
- Selection of polling places – 25 P.S. § 2727
- Temporary polling places – 25 P.S. § 2728

    c. provision of polling place equipment and all other supplies for elections;
- Provisions related to electronic voting machines 25 P.S. § 3031.12

d. receipt and determination of the sufficiency of nomination petitions and papers;
  ■ General provisions related to nomination petitions – 25 P.S. § 2911
  ■ Contents of nomination papers – 25 P.S. § 2912
  ■ Filing fees – 25 P.S. § 2914
  ■ Examination of nomination papers – 25 P.S. § 2936
  ■ Objections to nomination papers – 25 P.S. § 2937

e. preparation of ballots;
  ■ Electronic voting system ballots and ballot labels – 25 P.S. § 3031.16
  ■ Form of official election ballot - 25 P.S. § 2963
  ■ Form of official primary ballot - 25 P.S. § 2962
  ■ Number of ballots to be printed - 25 P.S. § 2967
  ■ Specimen ballots – 25 P.S. § 2967

f. employment of Board of Election staff;
  ■ Employees of county board of elections – 25 P.S. §§ 2643 and 2647

g. certification of appointment for poll watchers;
  ■ Appointment of poll watchers – 25 P.S. § 2687

h. issuance of rules, regulations and instructions necessary for the guidance of Board staff, elections officers and electors;

i. instruction and organization of election officers in their duties;
  ■ Vacancies in local election boards – 25 P.S. § 2675
  ■ Oaths of local election officers – 25 P.S. §§ 2677 – 2680
  ■ Pre-election duties of local election board (generally) – 25 P.S. §§ 3048 and 3049
  ■ Pre-election duties of local board (electronic voting systems) – 25 P.S. § 3031.10
  ■ Qualifications of local election officers – 25 P.S. § 2672

j. provision of absentee and provisional ballots;
  ■ Provisions related to absentee voting: 25 P.S. § 3146
  ■ Qualified absentee electors defined – 25 P.S. §§ 2602(w)
  ■ Federal provisional voting requirements – 42 U.S.C. § 15482
  ■ State provisional voting requirements – 25 P.S. § 3050(a.4)

k. preparing and publishing required notices and advertisements;
  ■ Publication of notices (generally) – 25 P.S. § 2606
  ■ Explanation of ballot questions – 25 P.S. § 2621.1
  ■ Notice of November elections – 25 P.S. § 3041

l. certification of election results
  ■ Computation of unofficial election night returns – 25 P.S. § 3151
  ■ Dissemination and reporting of unofficial election night returns – 25 P.S. § 3152

- Official computation and canvass of election returns – 25 P.S. § 3154
- Manner of computing write-in votes – 25 P.S. § 3155

m. maintenance of records
  - Absentee ballot records – 25 P.S. § 3146.9
  - County election records (generally) – 25 P.S. § 2649
  - Federal election records retention - 42 U.S.C. § 1974
  - Preservation of nomination petitions, certificates and papers – 25 P.S. § 2943
  - Preservation of campaign finance reports – 25 P.S. § 3259(4)
  - Record of ballots – 25 P.S. § 2971
  - Voter Registration Records (generally) – 25 Pa.C.S. § 1405; 4 Pa. Code § 183.12
  - Voter Registration Records (cancelled voters) – 25 Pa.C.S. § 1904(a)

In addition, the Board of Election has substantial powers of oversight to ensure that elections are conducted honestly, efficiently, and uniformly and may conduct investigations of election fraud, irregularities and violations.

Campaign Finance Authority

The Commissioners' role in the regulation of campaign finance has changed in the last five years by the passage of City-specific campaign finance limits, and the creation of the Philadelphia Board of Ethics, which has authority to enforce those limits. The Commissioners however, are still responsible for overseeing state disclosure laws. Currently, the overlapping campaign finance requirements of the City and state law create significant confusion for candidates. This section will briefly provide an overview of the responsibility of the Commissioners under state law, and how this interacts with the role of the Board of Ethics.

The state's Campaign Finance Reporting Law (CFRL)[34] does not contain any limitations on the amount of campaign contributions that may be made to candidates. The Commonwealth does require candidates for office, political committees (broadly construed), and lobbyists, to register with the Commissioners, provide records of contributions of more than $50, as well as expenditures made by the campaign and debts incurred. Individuals who make independent expenditures of greater than $100, expressly advocating the election or defeat of a clearly identified candidate, are also required to file disclosures. The Commissioners, whose office predates the recently imposed limits under the Philadelphia Code, are responsible for providing a filing system, ensuring that required disclosures are made, that non-compliant candidates are informed of violations, and to collect fines for lateness allowed by the CFRL.[35] Reports required under state law are to be sworn statements and "any willfully false, fraudulent or misleading statement" constitutes perjury and is punishable as such.[36] The Commissioners are to report apparent violations of the filing requirements "to the appropriate law enforcement authorities."[37] This has been interpreted to mean the Philadelphia District Attorney. A review of recent City Commissioner minutes and news reports suggests that the relationship between the Commissioners and DA in recent years has not been strong, with the Commissioners

claiming they have referred violations, and the DA's office claiming that no correspondence has been received.[38]

Deadlines

Pre-election reports required under state law must be filed by the second Friday before the primary, general or special election, or 15 days before the election, whichever is earlier.[39] After the pre-election report is filed, through the election, candidates who receive contributions of $500 or more from a single entity are required to report those contributions within 24 hours of receipt. The statute states that the Commissioners are to confirm the substance of such report.[40] No later than 30 days after the election, candidates are to file a post-election report complete through the 20 days after the election.[41] Finally, all candidates must file an annual report on January 31st of each year, which must be complete through December 31 of the prior year.

The Board of Ethics

The Board of Ethics was created by amendment to the Philadelphia Charter in May 2006. The City Charter authorizes the Ethics Board to "administer and enforce all provisions of this Charter and ordinances pertaining to ethical matters, [including] conflicts of interest, financial disclosure, standards of governmental conduct, campaign finance matters, prohibited political activities, and such additional related matters as the Council may from time to time assign to the Board . . . The Board shall conduct its enforcement activities either by bringing enforcement actions in the Court of Common Pleas or, if authorized by Council by ordinance, administratively adjudicating alleged violations and imposing civil penalties and other remedies for violations."[42] Council provided such authorization in Code § 20-606, which assigns the Board the power to promulgate regulations to implement and interpret ethics rules and render advisory opinions; receive financial disclosure statements; conduct investigations into "any matter related to the Board's responsibilities," conduct adjudicatory hearings and impose monetary penalties (capped at $200 per violation for specified Code violations and $300 for violation of specified Charter provisions).

Philadelphia Campaign Finance Requirements

Candidates for elected office in Philadelphia, with the exception of judges, who are considered state candidates and employees, are subject to campaign finance restrictions and disclosure requirements contained in the Philadelphia Code. The Pennsylvania Supreme Court recently held that the City's campaign finance limits are not preempted by current state law.[43]

The following chart contains the basic contribution limits:

Contribution from:	To a candidate in an election year	To a litigation fund	To a candidate post-candidacy
An individual	$2,600	$2,600	$2,600

A Political Committee or Corporate Form	$10,600	$10,600	$10,600

Board of Ethics filings are accepted by the Department of Records, which allows filings either to be made as text files, or via an online filing system called Campaign Finance Smart Client. There are comprehensive filing instructions available at the Department of Records website.[44] Once all required information has been entered, a candidate files the report online with the Department of Records. He or she may also print the reports in the format required for submission to the City Commissioners.

Unlike the City Commissioners, the Board of Ethics has authority to issue sanctions itself, either by filing an action in court, or by administratively adjudicating alleged violations. The Board may impose a maximum penalty for a single violation of the campaign finance law of $2,000, however where multiple violations are shown, the penalties may be compounded (IBEW Local 98 was recently fined $10,000 due to campaign violations that occurred during the Democratic primary).

Federal Civil Rights Laws

There are two main routes to challenge election laws and the conduct of elections: either the Equal Protection Clause of the 14th Amendment, or Sections 2 and 5 of the Voting Rights Act of 1965 (VRA).[45]

The Equal Protection Clause

Current Equal Protect Clause challenges arise in several election-related contexts. The first is a situation in which a jurisdiction has imposed a seemingly neutral voter-qualification to "protect the integrity and reliability of the electoral process," that is claimed to impose more of a burden on some potential voters than others.[46] In this context, the Equal Protection Clause has been interpreted to require a balancing test weighing the interests put forward by the state against the burden imposed by its rule.[47] These cases are frustrating because the Court has not enunciated a clear means of determining when the burdens outweigh the benefits, leaving it to courts to apply their judgment given the facts at hand. The Court has only noted that "[h]owever slight that burden may appear . . . it must be justified by relevant and legitimate state interests sufficiently weighty to justify the limitation."[48]

These situations typically arise as a result of legislation that creates a voting qualification. For example, in a 2008 case, the Supreme Court upheld Indiana's mandatory voter identification law, which was claimed to affect poor and elderly Indianans more than others. The Court held that the state's asserted interest in preventing voter fraud outweighed what it viewed as a minimal burden on individuals without identification.

To avoid challenge, the Commissioners should attempt to ensure that where a state law or regulation creates a burden on the right to vote, it is carried out with sensitivity towards individuals for whom the regulation creates a disproportionate barrier to voting.

A second potential context in which Equal Protection Clause claims may arise is where a jurisdiction's election law requirements are applied in an arbitrary or inconsistent manner, as where ballots cast in different districts within one jurisdiction are subject to different standards or qualifications. Such a claim was at the center of *Bush v. Gore*, where it was alleged that an "intent of the voter" standard for determining whether a vote had been cast constituted a violation of Equal Protection because it was applied differently in each recounting district. While there was significant disagreement about what should be done to remedy the violation, the general principle that the Equal Protection Clause mandated a "minimum requirement for non-arbitrary treatment of voters" commanded seven of nine votes on the Court.[49] To take just one example, in a recent case from Ohio, the Sixth Circuit held an Equal Protection violation had occurred where one group of ballots cast at the wrong precinct was counted, while another group of ballots cast at the right polling place but the wrong table, (because two precincts were combined), was not counted. The Court wrote that "the Board . . . chose to consider evidence of poll-worker error for some ballots but not others, thereby treating voters' ballots arbitrarily, in violation of the Equal Protection Clause." [50]

While the borders of this line of cases are still being clarified, courts have been willing to find Equal Protection violations where the means of election administration treats votes cast in different parts of one jurisdiction differently. Thus, to avoid challenge, it is important that the Commissioners work to ensure that poll-workers are properly trained in the requirements of state law and conduct elections uniformly across the City. The issue becomes particularly acute when a close election mandates a recount.

The Voting Rights Act

As noted above, the VRA contains two main provisions. Section 5 applies only in certain covered jurisdictions, which do not include Philadelphia. Section 2, however, applies nationwide and, as described below, Philadelphia is a covered jurisdiction under Section 2 for Spanish. It requires that:

a. No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or [because of membership in a language-minority group], as provided in subsection (b).

b. A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members

have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Section 2 has been amended by Congress a number of times, frequently in response to decisions by the Supreme Court that attempted to limit its scope. In 1982, Congress responded to a Court decision in *City of Mobile v. Bolden,* by clarifying that plaintiffs can prove a violation of Section 2 by showing that, "under the totality of the circumstances, a challenged election law or procedure [has] the *effect* of denying a protected minority an equal chance to participate in the electoral process."[51] As the Court later explained, "[T]he essence of a §2 claim is that a certain electoral law, practice, or structure interacts with social and historical conditions" to cause unequal voting power.[52]

The Senate Committee on the Judiciary issued a report to accompany the 1982 legislation. In that report, it suggested several factors for courts to consider in the "totality of circumstances" analysis, including the history of official voting-related discrimination in the political subdivision; the extent to which voting is racially polarized; the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; and whether there is a lack of responsiveness on the part of elected officials to the particularized needs of minority group members. These factors continue to define the contours of litigation under Section 2.

In the past decade, the majority of Section 2 cases brought by the Department of Justice have been of three types. The first are traditional racial-gerrymandering claims that minority voters are either being packed into one district, or divided into numerous districts (referred to as cracking) to dilute voting strength. The second type are challenges to at-large voting systems, which turn a county or town into one district, and can make it difficult for minority groups to elect candidates in commensurate numbers to their proportion of the population. Because the Commissioners have no redistricting authority, these first two claims are should not concern the Board. The third type alleges violations of VRA Section 203, which requires voting districts to provide materials and translation services to accommodate non-English electors. Philadelphia was subject to a suit of this sort by the Department of Justice in 2006, as discussed below. There have also been a handful of claims that the means by which officials conducted elections discriminated against a minority group on the basis of race, although these have typically been flagrant cases.

Recent Cases and Legislation

Kerrigan v. City of Philadelphia (disability accessibility)

In 2007, six handicapped residents of the City brought suit against the Board of Elections and the City Commissioners, claiming that a quarter of the City's 1600 polling places were not accessible to persons with mobility impairments who cannot readily walk up and down steps, in violation of provisions of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973. The question in the case was whether the ADA required the City to take additional steps

to provide individuals with disabilities equal access to the many polling places that lack ramps or other features that allow persons with disabilities to easily enter. The case focused on persons who use wheelchairs. The City argued that many districts lack any accessible buildings and that citizens with disabilities could still vote using the mail-in alternative ballot program. Before the conclusion of the case, the City and the parties came to a settlement requiring the City to hire a private firm in conjunction with the Department of Justice (DOJ), to conduct a survey of every polling place in the City and make recommendations for temporary or permanent improvements in accessibility.[53] The Board of Elections could then either undertake the improvement or hold a hearing on disputed recommendations. Appeals from decisions made at these hearings may then be brought before a federal Magistrate Judge. The settlement remains in force through March 31, 2013.

Grubel v. County Board of Elections (poll worker pay)

This class action was brought by a group of election officers from throughout Philadelphia, alleging that the current pay scale for poll workers does not comply with the Philadelphia 21st Century Minimum Wage Standard Ordinance (Ordinance).[54] That Ordinance requires certain covered employers, including the City and its agencies, to pay 150 percent of the current federal minimum wage. Because the federal minimum wage at the time the complaint was filed was $6.55 per hour and Election Board officers were required to work at least 14 hours on each Election Day, the plaintiffs claimed they should be compensated at least $137.55 per day. The Board currently compensates Election Board officers at a set rate of either $100 or $95 per day, depending upon the individual's position.

The plaintiffs seek an award of back-pay for each class member, pre-judgment interest on the back-pay, reasonable attorneys' fees and costs, and an order requiring the Board and City to comply with the Ordinance in the future. The City has argued that the Ordinance is preempted by the Election Code, which allows a range of compensation for election workers but specifically grants the Board the authority to determine such compensation.[55] The Philadelphia Court of Common Pleas dismissed the case on jurisdictional grounds in 2009 but was reversed by the Commonwealth Court.[56] The case is now back in CCP for the resolution of the City's remaining preliminary objections.

This case obviously has significant ramifications for the finances of the Board of Elections. The current federal minimum wage is $7.25, meaning that if the Ordinance applies, it requires poll workers to be paid $10.88 per hour for the 14 hours the average poll worker works, instead of roughly $6.78 for Inspectors.

DOJ v. City of Philadelphia (language accessibility)

On October 13, 2006, the Department of Justice filed a complaint against Philadelphia, under Sections 203 of the Voting Rights Act, for failing to establish an effective Spanish bilingual

program and for denying limited-English proficient voters their assistor of choice. VRA Section 203 applies to covered jurisdictions comprised of: (1) more than 10,000 citizens or more than five percent of the population are members of a single-language minority group, and where (2) the illiteracy rate of language minorities is above the national illiteracy rate. Philadelphia has been covered since 1992 for Spanish.[57]

As such, the City is required to "provide[] any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, . . . in the language of the applicable minority group as well as in the English language."[58] In addition, Section 203 requires that the information be effectively disseminated to covered language minority groups. Communication can be facilitated by posting public notices, publicizing the availability of language assistance materials through mainstream and ethnic media, and providing bilingual poll-workers at polling places who can assist voters.

Philadelphia entered a settlement agreement in exchange for dismissal of the complaint, and subsequently, after complying with a number of its requirements, entered an amended settlement in 2008, effective through July 2009.[59] The settlement agreement, among other things, required the Commissioners to maintain an effective bilingual program, including bilingual interpreters and alternative-language information; to allow limited-English proficient voters to utilize assistors of choice; to provide alternative-language information.

Although the City is no longer bound by the provisions of the settlement agreement, and by most accounts the programs established under its provisions have been effective, they are only effective when there are adequate resources to assist voters with limited English proficiency. For this reason, the issue should be reviewed annually to ensure Section 203 compliance. These efforts should include not only the Spanish-speakers but also should focus on Chinese, Korean, Vietnamese, Russian and French speakers, as well as any other identifiable language minorities.

Banfield v. Aichele, Commonwealth Court, Docket No. 442 M.D. 2006 (formerly *Banfield v. Cortes*)

This long-running case was initially brought in 2006 by a group of plaintiffs from across the state, challenging the decision by former Pennsylvania Secretary of State Pedro Cortes to certify Direct Recording Electronic voting systems (DREs) for use in Pennsylvania elections. As the name suggests, DRE systems record votes directly to a memory card without producing any paper trail that would allow the voter to verify that his or her vote was accurately recorded and allow election officials to audit the accuracy of election results. Philadelphia employs a DRE system manufactured by Danaher Controls called the ELECTronic 1242 Voting Machine. The system records votes in six memory chip locations, but does not produce any contemporaneous printout or other paper record of the vote, thus it could be affected by a decision requiring such an output.

The plaintiffs allege that these DRE systems, which are now in wide use across Pennsylvania, are unreliable and susceptible to tampering, citing a series of suspicious or inexplicable election

outcomes when DRE machines were used, as well as significant expert testimony as to the vulnerability of such systems.

More specifically, they claim that the systems do not comply with statutory requirements of election voting systems that they "provide for a permanent physical record of each vote cast;" and that they be "suitably designed and equipped to be capable of absolute accuracy, which accuracy shall be demonstrated to the Secretary of the Commonwealth."

In 2007, the Commonwealth Court, in a decision sharply critical of Secretary Cortes' decision to certify the DRE systems, allowed the case to proceed to trial. Judge Rochelle Friedman, who authored the opinion, noted the certification was the result of "deficient examination criteria" that "do not approximate those that are customary in the information technology industry for systems that require a high level of security."

After significant legal maneuvering, both sides recently filed motions for summary judgment, which will allow the Court an opportunity to decide whether to require the Secretary of State to conduct a comprehensive reexamination of the voting systems certified for use in the state. The Court could essentially foreclose the possibility that DRE machines would be certified in this process.

The Pennsylvania Supreme Court has thus far declined to hear appeals of various intermediate decisions, but given the potential magnitude of a decision to require reexamination and the overall complexity of the case, it could well end up hearing an appeal upon entry of a final decision by the Commonwealth Court. It seems unlikely that either an order for reexamination by the Secretary of State or a subsequent appeal to the Supreme Court will result in a requirement that Philadelphia purchase new machines in the short term, but this case is clearly worth following.

Voter Identification Bill (HB 934)

The Help America Vote Act (HAVA) requires that any voter who registered by mail and who has not previously voted in a federal election show current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Voters who submitted any of these forms of identification during registration are exempt, as are voters entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.[60]

Roughly half of the states in the country (27) go beyond the requirements of HAVA and mandate that voters show some form of identification every time they vote. Of these 27 states, three approaches are taken. The least restrictive approach, adopted by 16 states, is to require some form of identifying document short of a government issued ID. These usually include utility bills and paychecks. At the other end of the spectrum, eight states have enacted strict photo-ID requirements. Under these systems individuals can vote via provisional ballot if they

do not have an ID, but they must return to the poll with ID within a set number of days to have their cote counted. Of the eight states, five passed their strict ID requirements in 2011. An intermediate position taken by seven states is to allow voters who are unable to show photo ID to vote if they can meet certain other criteria. In some states, a voter with ID can vouch for a voter without. Others ask a voter without ID to provide personal information such as a birth date, or sign an affidavit swearing to his or her identity.[61]

The Pennsylvania House passed a strict photo-ID requirement in June 2011, which would allow voting only after showing a government issued ID. The Senate's State Government Committee approved an amended version of HB 934, and after brief consideration by the full Senate, the bill was sent to the Appropriations Committee for further consideration where the bill awaits further action.

The most recent version expands the types of documents that would be acceptable to include, in addition to state and federal issue IDs, valid student, armed forces and employee IDs, as well as IDs issued by nursing homes and assisted-living facilities. All such documents would be required to contain a photo of the individual, his or her name written "substantially" as found in the poll book and, with certain exceptions, the ID may not be expired. If voting by absentee ballot, individuals must provide either their driver's license number or the last four digits of their social security number. The bill requires the Department of Transportation to issue free government ID to any person who claims he or she needs such an ID for the purpose of voting.

Senate State Government Committee Chairman Charles McIlhinney has suggested that the bill must be signed by Governor Corbett by the beginning of February to ensure the changes are practiced if not enforced in the April 24 primary elections and in place for next year's general election.

The bill requires the Department of Transportation to issue free government ID to any person who claims he or she needs such an ID for the purpose of voting. PennDOT estimates that 3.9 percent of the voting population of the state does not hold a state-issued ID. It is unclear whether Philadelphia exceeds the state average. Although all costs of providing free identification cards would be born by the state, the bill, if passed, would entail costs to the City for training poll-workers on compliance.

On December 24th, the Department of Justice declined to grant "pre-clearance" to a South Carolina Voter ID law, which would have gone into effect, on the ground that these laws disproportionately suppress turnout among eligible minority voters in violation of the Voting Rights Act. While the DOJ does not have the power to review Pennsylvania election law changes, this action could eventually require further Supreme Court consideration of Voter ID laws.

APPENDIX B: NOTABLE ELECTION OFFICE MODELS

The Committees of Vote Philadelphia performed an international review of election management models to inform the findings and recommendations in this report. Some of the notable models are listed below with key points regarding each.

MUNICIPAL MODELS

Maricopa County, Arizona County Recorder and Election Offices
http://recorder.maricopa.gov/web/elections.aspx
- Highly professional and moderate (non-partisan) office
- Collect data to document success
- Online voter registration "Am I registered?" feature
- Webcast of election day ballot tabulation
- Online campaign finance submissions
- Online registration lookup
- Online district lookup
- Online election results lookup
- Online polling place locator is directly linked to polling place conduct document
- Interactive district maps - precincts, congressional, council, legislative, justice, school, supervisor districts
- Dedicated voter outreach web site

Vancouver, British Columbia City Clerk Elections
http://vancouver.ca/ctyclerk/elections/
- Clean design and simple layout
- Mobile app for iPhone
- Where do I vote? Tool
- Facebook/Twitter
- Elections online with tables and maps (not interactive)

Chicago Board of Election Commissioners
http://chicagoelections.com/
- Clean, simple home page
- Voter engagement w/ forums, video
- Lookup registration status
- Multi-lingual
- Interactive maps for new state/congressional districts
- Links to other regional election commissions as well as state

STATE MODELS

State of Texas Secretary of State Elections Site
http://www.sos.state.tx.us/elections/
> - Not particularly attractive or well-organized web site, but good example of state
> commission that set strong central standards and database, developed software and
> data and pushes these resources down to local commissions
> - Online Election Results
> - Strong education program aimed at teachers and students (Project V.O.T.E.), including
> curriculum materials
> - Online poll worker training

.

State of Minnesota Secretary of State Elections Site
 http://www.sos.state.mn.us/
> - Election results available online for any race in past 12 years, including special elections
> - Registration: online PDF forms but no online registration
> - Online Registration Lookup "Am I registered?" feature
> - Online polling place finder - includes both tabular lookup based on address as well as
> maps that support Google, Bing and Yahoo

.

State of Virginia Board of Elections
http://www.sbe.virginia.gov/cms/Index.html
> - Check your voter registration status
> - Polling Place Lookup
> - Election results - online, but static content for each election

State of Delaware Election Commissioner Site
http://elections.delaware.gov/
> - Online voter registration
> - Election Results - downloadable files only
> - Voter registration driven by DMV and elections combined in a single data warehouse

State of Wisconsin Government Accountability Board Site
http://gab.wi.gov/
> - Campaign finance, elections, voting, ethics and lobbying all handled by single agency
> - Election Results - downloadable files only
> - Election Statistics - downloadable reports for each election
> - Online Registration Status lookup

Elections Saskatchewan

http://www.elections.sk.ca/

       - Voter education and engagement

       - Targeted to young people

New South Wales Election Commission

http://www.elections.nsw.gov.au/

       - SMS Election Reminder Service

       - Facebook and Twitter accounts

NATIONAL MODELS

UK: About My Vote - http://www.aboutmyvote.co.uk

       - Clean, clear, comprehensive; the how, what, and why of voting at all legislative levels

       - Good information for special populations

       - Find official by postal code

Australia Election Commission - http://www.aec.gov.au/

       - Online address change and registration

       - RSS feed for news and changes

       - Email mailing list

OTHER MODELS

Afghanistan National Democratic Institute (NDI)

http://afghanistanelectiondata.org/

       - Strong visual design

       - Downloadable data as XLS and CSV

       - Interactive data stored in Fusion Tables

       - Map tiles as base maps

       - Election Data as interactive map

       - Sortable, interactive data displays, ballot distributions

       - Simple demographics for each district and its voter turnout

       - Election irregularities as interactive map

Pew/Google Voting Information Project (VIP) is now in use in 40+ states – the program provides polling place lookups and other services – this is an attempt to construct a national database from a diversity of state sources where the federal election commission has not fulfilled this role.   http://votinginfoproject.org/

Pew Upgrading Voter Registration
http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=51334
> - New project aimed at closing the gap between people holding state id's and those registered to vote. 90% are in DMV databases, but only 75% of those are registered. Opportunity to target outreach to the other 25% in order to close the gap.
> - IBM partnership for data matching software
> - Currently in 20+ states but PA is not one of them
> - Polling place lookup for Philadelphia
> - Elected official lookups
> - Information on voting in Philadelphia

Azavea Local Election Example
 http://sample.azavea.com/KIFLocal/
> - Online mapping and analysis tool that uses Philadelphia data – including maps, tables, scatter plots, data dictionary, user accounts (for saving analyses) and downloadable data
> - Assembles data from both Campaign Scientific and the PA State Election Commission
> - Would not recommend using this specific technology - technology is not contemporary and the workflow is not adapted to elections results specifically.

Azavea Election Prioritization Example
http://sample.azavea.com/DT_Elections/
> - Mix several demographic characteristics in order to prioritize outreach efforts
> - Was originally designed for campaigns but could be adapted for registration outreach and other education efforts.

DistrictBuilder
> - Designed for legislative redistricting, but could be adapted for precinct and ward re-drawing, but would likely need some modifications
> - Open source
> - Developed by Philadelphia based company (Azavea)

Spanish Elections (2011) Visualization
 http://datos.rtve.es/elecciones/autonomicas-municipales
> - Developed by Vizzuality

- Slick, interactive design
- Developed using a mix of open source tools

Ushahidi
http://ushahidi.com/
- Open source toolkit for recording events
- Originally developed around election incidents
- More recently being applied to crisis mapping
- If Commission were to get involved with election protection activities, this is a strong option for election incident reporting
- Not a strong visualization platform

Open Spending
- Project of the Open Knowledge Foundation (based on UK)
- Visualization of expenditures
- Not a geographic data project, but have never seen it used for election commission and could enable Philadelphia to be a model
- Open source software
- Also offered as a hosted service with OKFN

COMMUNITY ENGAGEMENT MODELS

High School Outreach - Paid Models
- San Francisco model- pays students $122 to serve as poll workers at their precinct.[62]
- Tarrant County (Arlington, TX) has a similar model to San Fran for age 16 and older.[63]
- Denver also has a model of student pay.[64]

High School Outreach - Non-paid Models
- Massachusetts Young Civic Leaders Program provides paid internships for community and civic engagement.[65]
- Franklin County (Columbus Ohio) Kids Voting Voice Newsletter seeks to have kids involved in the process at an earlier age.[66]
- Texas Project V.O.T.E. mock elections and other school resources available for teachers and students sponsored by Texas Department of State.
- Marion County (Indianapolis) Y! Vote is classroom level engagement by the City Clerk and her outreach team.

Mobilizing Young voters

- Rock the Vote- has many resources for engaging young voters, though many initiatives can be seen as ways to engage in a partisan or issue-oriented fashion. Focus tends to be on presidential elections.
- Sacramento Get Up, Stand Up- a series of programs available for youth outreach including training and mock elections.

Other Youth Programs

- Duval County (Jacksonville) Freedom Award- for young voters engaged in voter outreach and registration.
- Virginia Beach Kids & Parents Corner- education and games geared toward younger children.

Ethnic Outreach

- Chinese American Voters Education of San Francisco- organizes bilingual voter registration drives and voting machine education.
- New York Immigration Coalition, and Immigrants Vote!, a New York State coalition of immigrant voter education and mobilization.
- Sacramento partnership with immigration to encourage new registration
- New York City Elections Office model- Many materials available in five languages, as well as, interpreters at some designated polling places.

Accessibility Outreach

- Committees on Accessibility
- San Francisco model – Voting Accessibility Advisory Committee has a minimum of five members (50% or more must represent elderly or disabled populations) which focuses on five areas including outreach, compliance, monitoring, and volunteer recruitment.
- North Carolina Accessibility Training- provides a video and other resources on training poll workers on accessibility issues and informing disabled voters of resources and rights.
- Charlotte County, Florida Senior Outreach- presents to senior centers and senior housing facilities.

Absentee/Military Ballots

- Tracking absentee ballots

- Albuquerque/Bernalillo County allows you to track your ballot (something PA state does, but not the City)
Most cities (like Philadelphia) leave absentee ballots in the hands of the State.

Easing Poll Access
- Universal voting (voting at any polling place)
- Albuquerque Consolidated Voting Centers
- Allows Albuquerque voters to cast ballots at any of 49 polling locations. Some quirks have been reported.
- Mobile voting
- Travis County (Austin, TX) allows for voting in grocery stores and malls.

Ex-offender outreach
- Virginia Voter Restoration Project- advocates to remove onerous ex-felon restrictions on voting and helps with necessary forms to restore ability to vote.
- Looking for programs which let ex-offenders know they are eligible.

Voter Surveys
- New York City Model- Asked voters a series of 13 questions at the polls about their voting experience.
- Alameda County (Oakland) Election Office- Surveys of poll workers, voter, etc.

Civic Engagement
- Massachusetts Non-Profit model, MassVotes
- Provides civic organizations the resources needed to organize, register, and educate voters.
- Their non-profit partnership arm is particularly intriguing.
- San Francisco Community Outreach- gives information on presentations along with a community calendar.
- San Diego Community Outreach calendar- fairly self-explanatory
- Cuyahoga County (Cleveland, OH)- has Outreach Personnel available to attend community fairs, senior centers, etc.
- Franklin County (Columbus, Ohio) Champions of Democracy- encourages civic groups to help staffing poll workers for election day.
- Southwest Voter Registration Education Project, Talking About Los Angeles – civic dialogue about issues facing Latino voters in Los Angeles.
- Ventura County Adopt-a-Poll- allows civic organizations to adopt a polling place by placing all election workers. This allows for shifts as well.

Volunteer Programs

- Indianapolis Friends of Democracy- A division of the City Government which recruits volunteers for everything from rides to the polls to speaking at senior homes and civic associations.
- Tarrant County (Arlington, TX) Volunteer Deputy Registrar- Assists volunteers with more formal role within Clerks office for voter registration. Fulton County (Atlanta) has a similar program.
- Travis County (Austin, TX)- claims 97.84% registration rate with their Deputy Registrar program. A video shows responsibilities of the Deputy Registrar.
- Fulton County Volunteer voter education- broad spectrum of programs.

Miscellaneous Programs

- Maryland Rumor Control- helps dispel rumors about restrictions to voting.
- Fresno Help for the New Voter- tells new voters what to prepare for.
- Johnson County Kansas Corporate Outreach- encourages businesses to have employees work as poll workers on election day and sponsor polling places.
- Louisville Clerks *Civic Pride Newsletter*- updates to voters on elections and other issues and voteroutreach.org, the accompanying website.
- Shelby County (Memphis) facebook page- linked from main website.
- Oakland County, Michigan Election Office- email reminders of upcoming elections. St Louis has a similar program.

INTERVIEWS AND GENERAL REFERENCES

INTERVIEWS

David Becker, Director of Election Initiatives, Pew Charitable Trusts, Center on the States#

Michael McDonald, Director, United States Elections Project, Director, Public Mapping Project, Professor, George Mason University

Azavea Cicero Data Team, Developers and managers of Azavea's Cicero API product (which incorporates election, legislator and legislative boundary data for several countries) requires that our staff review election commission web sites throughout the world in order to maintain a current database.

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[4] 25 Pa. C.S. § 1327(a)(4)
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alternative-language information; and to undertake a program of voter list maintenance. On June 4, 2007, the U.S. District Court for the Eastern District of Pennsylvania entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009. http://www.justice.gov/crt/about/vot/litigation/recent_nvra.php

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[30] *40% of Philadelphia households without Internet access.* (September 2011). http://technicallyphilly.com/tag/philadelphia-freedom-rings.

[31] CTIA Wireless Association, cited in http://www.cmpmobile.com/mobile-101/mobile-marketing-statistics/.

[32] An example of this is the *NY Times Election 2012 App*. http://elections.nytimes.com/2012/mobile/app.

Appendix A: Summary of Applicable Law

[33] 25 Pa C.S. § 1203.

[34] 25 P.S. § 3241.

[35] 25 P.S. § 3252. Fee is $10 per day excluding weekends and holidays, plus an additional $10 a day for the first six days overdue to a maximum of $250. The fee is to be paid by the candidate personally not from campaign funds.

[36] 25 P.S. § 3249.

[37] 25 P.S. § 3259(7).

[38] Holly Otterbein, *City Commission Says 19 candidates, 4 on Council, Failed to Pay Campaign-Finance Fines*, http://www.philly.com/philly/news/politics/20111013_City_Commission_says_19_candidates__4 _on_Council__failed_topay_campaign-finance_fines.html

[39] 25 P.S. § 3246(d).

[40] 25 P.S. § 3248.

[41] 25 P.S. § 3246.

[42] Philadelphia Home Rule Charter § 4-1100.

[43] *Nutter v. Dougherty, 938 A.2d 401* (Pa. 2007).

[44] Available at http://www.phila.gov/records/pdfs/CampaignReports/Campaign_Finance_Users_Guide_Rev_A5.pdf

[45] 42 U.S.C. § 1973.

[46] *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 189-190 (2008)

[47] *Crawford* at 190.

[48] *Crawford* at 191.

[49] *Bush v. Gore*, 531 U.S. 98, 105 (2000).

[50] *Hunter v. Hamilton County Bd. of Elections*, 635 F.3d 219, 243 (6th Cir. 2011)

[51] *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986). *See also, Johnson v. DeGrandy*, 512 U.S. 997 (1994).

[52] *Gingles* at 47.

[53] The full text of the settlement is available at http://www.ada.gov/philadelphia/philadelphiasa.htm.

[54] Philadelphia Code Chapter 17-300.

[55] 25 P.S. § 2682.2

[56] 12 A.3d 497 (Pa. Commw. Ct., 2011)

[57] 67 Fed. Reg. 48,871, 48,871-77 (July 26, 2002).

[58] 42 U.S.C. § 1973aa-1a(b)(2)(A)(i).

[59] http://www.justice.gov/crt/about/vot/sec_203/documents/phila_amend.pdf

[60] These requirements are incorporated into the state Election Code at 25 P.S. § 3050.

[61] For more information, see the National Center for State Legislatures page on Voter ID legislation at http://www.ncsl.org/default.aspx?tabid=16602. For a best practices guide on Voter ID requirements published by the Election Assistance Commission, go to http://www.eac.gov/assets/1/workflow_staging/Page/62.PDF.

APPENDIX B: NOTABLE ELECTION MODELS

[62] http://www.sfgov2.org/index.aspx?page=839

[63] http://tcweb.tarrantcounty.com/evote/cwp/view.asp?a=771&q=477032

[64] http://www.denvergov.org/clerkandrecorder/ClerkandRecorder/ElectionsVoting/VoterInformation/Get_Involved/StudentElectionJudges/tabid/441938/Default.aspx

[65] http://massvote.org/projects/young-civic-leaders/

[66] http://vote.franklincountyohio.gov/assets/pdf/kids-voting-newsletter-spring-2011.pdf