

THE ELECTION PROCESS IN PHILADELPHIA

A Study

With Recommendations

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INTRODUCTION

Currently, many voters in Philadelphia lack confidence in their election process. Election after election, problems have recurred which efficient administrative procedures could have resolved. These recurring problems -- and the fact that the same inefficient procedures which gave rise to these problems can increase the opportunity for intentional abuse of the election process -- have combined to generate a mistrust of the process among a substantial portion of Philadelphia's voters, many of whom are convinced that the process is fraud-ridden as well as inefficient.

Fraud was claimed before the Primary Election of May 16, 1978, when it was discovered that an inordinate number of absentee ballots had been filed. A subsequent investigation by the District Attorney's Office revealed a few isolated instances of illegality, but no pattern of fraud. Fraud was claimed before the General Election of November 7, 1978, when it became clear that the Registration Division was experiencing difficulty in processing the unusually high number of last minute registrations. A Federal court order was issued to insure that voters who had submitted proper forms before the deadline would not be disenfranchised as a result of subsequent clerical errors. Fraud was claimed on election day, when there were an excessive number of machine breakdowns in wards most likely to vote against the proposed charter amendment to permit the Mayor to run for a third term. The District Attorney impounded the City's voting machines, and conducted an examination of those machines in cooperation with Federal authorities. The resulting "Linerode Report" prepared by an independent expert pursuant to Federal court order found "no evidence of any attempt to deliberately rig"

the voting machines, but a "blatant lack of maintenance and sloppy final checkout of the machines, incompetent technical support on election day, and poorly organized distribution of the maintenance calls.... [T]he end result was the same - many voters were disenfranchised because of the intolerable conditions of the machines." (Emphasis added.)

Early in 1979, pursuant to the Election Code, the President Judge of the Court of Common Pleas appointed the Honorable Lawrence Prattis, Marvin R. Halbert and Paul Silverstein, Judges of the Court of Common Pleas, to serve as City Commissioners in place of the elected Commissioners for the May 15 and November 6, 1979 elections. This was required because the elected City Commissioners were running for re-election. The popularly held suspicions of fraud were of primary concern to the three judges, whose first innovation was to make all policy decisions with respect to the forthcoming election in regular thrice-weekly public meetings, at which any interested persons were urged to lend their assistance and offer their criticisms.

To meet the criticisms in the Linerode Report, and to prepare for an election involving more than 300 candidates for 29 offices, the judges took several extraordinary measures requiring an additional expenditure of \$1.4 million: Machines were leased to replace those that were broken beyond repair; all of the City's voting machines were given thorough maintenance and overhauling; special factory-trained mechanics were hired to handle maintenance calls for machine breakdowns on election day; and a second Democratic or Republican machine was placed in every division with more than 450 registered voters of the particular party, which necessitated the use of 1,009 more machines.

Recognizing that many of the traditionally used polling places could not accommodate a third machine, the judges undertook to locate new polling places throughout the City, and urgently requested the assistance of candidates and their representatives in accomplishing this task. Finally, to insure that the electorate could vote in an informed manner despite the unusually high number of candidates, the judges caused informational sheets to be printed which contained the names and lever numbers of every candidate. This information appeared in newspapers and on posters placed throughout the City.

For the District Attorney's Office, the Committee of Seventy and other experienced election day observers, the Primary Election of May 15, 1979 was relatively quiet and problem-free -- until after the close of the polls. Although there were machine malfunctions, their number was fewer, and their distribution different, than in the November, 1978 election. Anticipated problems attributable to the unusually large ballot did not develop.

However, after the polls closed, 25% of the City's divisions were having serious problems taking the count off their voting machines. Frantic calls to the District Attorney's Office, the Committee of Seventy and Central Election Court reported that the machines had failed to register large numbers of votes. Almost immediately after the problem was discovered, experienced election officials determined that the machines had in fact recorded the proper number of votes, but that because of a mistake in the printing of the Return Sheet for Jamestown model voting machines, local election officials were unable to determine which vote counters on the machines corresponded to which candidates. Once again -- fraud was claimed.

Judge Harvey Schmidt, presiding in Central Election Court, acted on his own motion to impound the machines and authorized the use of the services of a recognized public accounting firm to tabulate the votes. Despite the absence of any indication that the Shoup machines had been involved, petitions were filed seeking a recount of the Democratic Shoup machines. Although no recount was ordered, the three Judges ordered that all Shoup machines be opened for inspection by representatives of all primary candidates, and such inspection revealed no evidence of wrong-doing. Nevertheless, there followed the filing by counsel for Charles Bowser of a petition seeking a new Democratic Mayoralty election. Although Judge Schmidt dismissed this petition, finding no evidence of fraud (and a procedural deficiency in the petition), the belief that fraud tainted this election has remained.

The time has come to undertake the steps necessary to end the administrative inefficiencies which have fueled allegations of fraud. Philadelphians must examine the entire election process. We can no longer continue to deal with problems as they arise. We must create a system which encourages the electorate to vote, serves the electorate fairly, discourages abuse, and reacts swiftly and justly when abuse occurs. The day-to-day functions of the City Commissioners' Office must be carefully analyzed. Amendment of the City Charter and Election Code for the purpose of improving the election process must be considered.

This election process Study is the beginning of the full-scale review which we recommend. In examining the City Commissioners' Office we have sought to develop specific recommendations for change in current procedures which would reduce errors and prevent the opportunity for malfeasance.

The bulk of this Study describes the problems we discovered and makes specific recommendations to resolve them. Our recommendations are divided into those which can and should be implemented no later than November 6, 1979; those which should be implemented no later than November, 1981; and those which require legislative change by the General Assembly.

MAJOR RECOMMENDATIONS*

To Be Implemented No Later Than
November 6, 1979

- A Registration Division Hot-Line to handle election day problems of binder error.
- A streamlined, more accurate filing system for election expense accounts.
- A streamlined procedure for absentee voting by prisoners.
- Printing proofs should be required to be signed by the Voting Machine Supervisor as well as the Chief Clerk, and countersigned by at least one Commissioner.
- Improved training sessions for local election boards and improved procedures for insuring attendance.
- Improved procedures for voting machine maintenance.
- Improved procedures for receiving complaints of machine malfunctions on election day and dispatching mechanics.

To Be Implemented No Later Than
November, 1981

- Computerization of the Registration Division.
- Computerization of Election Division records.
- Purchase of new voting machines, one type of machine throughout the City.

* Listed within each category in the order in which they appear in this Study.

Recommendations Requiring Legislative Action

- The selection process for choosing who runs the election should be examined in order to determine the best method for insuring that elections are administered by persons who are highly qualified and totally divorced from partisan political activity.
- Full scale revision of the Election Code should be undertaken.

BASIC PROBLEMS AFFECTING ALL DIVISIONS
OF THE CITY COMMISSIONERS' OFFICE

The operations of the City Commissioners' Office are unique in that almost all of its functions are specifically defined by the Election Code of Pennsylvania. The manner in which these functions are carried out is left to the individual administrators of the system. It is essential that any person or group of persons chosen to administer this process (a) be completely familiar with the requirements of the Code, and (b) apply sound business principles to design the most efficient means for meeting these requirements. Because the present process for selection of the Commissioners does not ensure that the individuals administering the election process are qualified by experience and training to carry out these basic tasks, the entire system has deteriorated from general mismanagement.

Problems relating to specific divisions of the City Commissioners' Office are discussed in the body of this Study. The following basic problems permeate the entire system:

- No written operating manual exists to define the duties and lines of accountability within each division, or within the operation of the City Commissioners' Office as a whole.
- There is no specific allocation of responsibility for particular tasks. Errors that occur cannot be earmarked to a particular employee or administrator and recur from year to year.
- No productivity records are kept, so allocation of resources is not done on a rational basis.
- Many provisions of the 1937 Election Code are antiquated and require extensive revision.
- Management decisions which should be based on sound, objective standards are dictated instead by political feasibility.

RECOMMENDATIONS

- . A written manual such as is employed in virtually all other jurisdictions must be developed for each Division of the City Commissioners' Office. The manual should list all of the statutorily defined duties of the division and describe in step-by-step detail the manner in which these duties are to be carried out by the division. The manual should also allocate responsibility for each operation.
- . Productivity records should be developed and regularly evaluated to promote economy and efficiency.
- . Antiquated provisions of the Election Code which interfere with or prevent modern, efficient operation should be repealed or amended.
- . The process for selection of persons administering the system should be examined to determine which process is most likely to insure a qualified administration.

THE REGISTRATION DIVISION

The Registration Division of the City Commissioner's Office currently supervises the registration and certification of voters, prepares and distributes district registers (registration binders), maintains voter registration records, prepares street lists of the names and addresses of all registered electors on a district by district basis, and investigates possible registration-related fraud. Whether an election will be carried out smoothly depends in large measure on the ability of this division to evaluate, file and update millions of pieces of registration-related paper.

Recommendations For Implementation No Later Than November 6, 1979

Problem:

There are several problems concerning the voter who discovers on election day that his registration certificate is not in the binder which has been delivered to his polling place. Such a voter has two alternatives available to him if he wishes to vote: First, he can telephone the Registration Division, confirm that his duplicate certificate ("dupe") is in the central file, and require that an employee of the division bring a copy of that certificate to the voter's polling place. The problems with this alternative are that many voters and divisional election officials are unaware that it exists; and those who are aware discover that the Registration Division's telephones are almost always busy. The second alternative is to go to the appropriate divisional election court, and obtain a court order permitting one to vote. The problem with this alternative is that voters generally do not realize, and are not told, that this court order does not re-register them for following elections. Thus, if their registration certificate has been permanently lost or misplaced, they will be unable to vote in subsequent elections.

Recommendation:

- The Registration Division should publicize the fact that voters can telephone it for assistance.

- This fact should additionally be stressed to local election officials at their training sessions.
- The Registration Division should employ a single-number, multiple-extension telephone system which "hunts" for an open line.
 - The judges sitting at divisional election courts should have registration forms distributed to each voter who obtains a court order, and should explain that the court order does not itself re-register the voter.

Problem:

Immediately prior to the deadline for registering to vote, a great many registration applications are submitted to the Registration Division. The Registration Division experiences difficulty in properly processing all of these applications; the problem persists despite the hiring at great expense of part-time employees prior to each election. Errors occur and a number of new registrants are disenfranchised. There are two causes of this problem: One is the inefficient manual procedure for processing applications which the Registration Division employs. The other cause is external: Groups throughout the City collect completed registration forms from new registrants, but fail to deliver these forms to the Registration Division until just before the filing deadline.

Recommendation:

- To respond to the problem of last-minute registration, the City Commissioners should encourage the public to register well in advance of the registration deadline. Additionally,

political parties and bodies should be encouraged to set up their own field registration units throughout the City and considerably in advance of the voter registration deadline. Finally, citizens' groups collecting completed registration forms should be urged to deliver those forms to the Registration Division as soon as they are collected.

Problem:

The Registration Division cannot print additional street lists as needed, inasmuch as those lists are now prepared by an outside printer. The result in the May 15, 1979 primary was a shortage of such lists.

Recommendation:

- To solve the problem of inadequate supplies of street lists, the Registration Division should prepare those lists in-house with an appropriate reproducing machine. This would be more economical than the current procedure and would allow the preparation of additional lists on short notice.

Recommendations For Implementation No Later Than November, 1981

Problem:

The Registration Division has difficulty in properly processing and maintaining the large number of voter registration forms for which it is responsible. The cause of this problem is the entirely manual procedure which the Registration Division currently uses to process the millions of

pieces of registration-related paper it receives. For example, the procedure for removing registration affidavits of individuals who have died, moved, or not voted in five prior elections, is a manual process. This highly inefficient procedure leads to human error which in turn causes the disenfranchisement of voters.

Recommendations:

- Present plans for limited computerization of the registration operation should be implemented as soon as possible.
- To the maximum extent possible, the division should be fully computerized.

Problem:

No written manual sets forth the statutory duties for which the Registration Division is responsible, nor how these duties are to be carried out.

Recommendation:

- A written manual must be developed for the Registration Division. The manual should list all of the statutorily defined duties of the division and describe in step-by-step detail the manner in which these duties are to be carried out, and by whom. The manual should also allocate responsibility for each operation.

Problem:

No records are kept which assess the productivity of Registration Division employees. The result is an inability to determine where improvements within the division, both of function and economy, can be made.

Recommendation:

- . To assess the productivity of Registration Division employees and to promote economy and efficiency, productivity records should be developed and regularly evaluated.

Problem:

Although voter registration affidavits must be examined for a variety of purposes, the Registration Division is not always responsible for performing those examinations. Thus, voter eligibility for absentee ballots, signing candidates' nominating petitions, and obtaining poll watchers' certificates, is determined by employees of other divisions, creating unnecessary diffusion of responsibilities and overlap of functions.

Recommendation:

- . The City Commissioners should require that the Registration Division be solely responsible for examining voter affidavits, regardless of the purpose for such examination. In this manner, the employees most familiar with those documents will in all instances examine them.

Problem:

Would-be voters who mail in their registration forms often fail to provide the necessary information required by those forms. Since these forms must be returned to registrants for completion, delayed registration results and voters often are unable to vote in the forthcoming election.

Recommendation:

- . To respond to the problem of incomplete non-personal registration forms, the City

Commissioners should request the Secretary of the Commonwealth to establish a toll-free informational telephone service for all registrants. The telephone number should be printed on all non-personal registration forms, so that registrants can obtain the guidance they need before they submit their applications.

Problem:

Insufficient efforts are being made by the City Commissioners' Office to increase voter registration.

Recommendation:

- . The City Commissioners' Office should investigate and adopt innovative programs to increase registration (e.g., registrars should be placed in high schools at graduation time).

THE ELECTION DIVISION

The Election Division of the City Commissioners' Office is the direct responsibility of the Chief Clerk. It is responsible for carrying out certain statutorily defined duties, including receiving and determining the sufficiency of nominating petitions, receiving and publishing the results of elections, administering absentee voting (which includes prisoner voting), and receiving papers filed pursuant to the 1978 Campaign Expense Reporting Laws. It is also responsible for receiving and storing voters' certificates, lists of voters, absentee ballots, return sheets and other election records which must be kept for two years.

This division suffers from the general problems caused by lack of management, lack of an instruction manual for employees and lack of accountability. This is compounded by the fact that Room 138 City Hall, which houses this division, does not have adequate space for proper processing or storing of the huge amount of paper which this division is required by law to keep. Additional storage units in other parts of City Hall which this division presently uses are also woefully inadequate.

Election Expense Account Filings

The new Election Expense Account Law (Act 171 of 1978) which became effective in January, 1979, requires every person defined as a "candidate" under the Act to file reports of election expenditures, collections and liabilities ten days before the election ("10 day report") and 30 days after the election ("30 day report") for both the primary and the general election. Similar reports must also be filed by January 31st of the year following the election. (Note that the word "candidate" as used in the Act includes certain persons who may not actually have filed to run in the election.) Political committees are subject to the same requirement. In the case of candidates for local offices, these records are filed in the Office of the Chief Clerk.

A late filing fee of \$20.00 per day for the first six days and \$10.00 per day for each day thereafter up to a maximum of \$250.00 is to be collected by the County Board. (Note: The term "County Board" as used herein refers to the City Commissioners' Office insofar as it carries out the responsibilities assigned to county boards of elections by the Election Code. Currently, the Election Division of the City Commissioners' Office carries out these responsibilities.) Failure to file may result in criminal prosecution. The County Board is also required under the Act to publish the names of all persons who do not file on time. A candidate may not be sworn into office or receive any remuneration until he/she has complied with the Act. Because of the serious consequences of late filing and non-filing, it is critical that accurate records be maintained by the Chief Clerk.

Recommendations For Implementation
No Later Than November 6, 1979

Problem:

The filing "system" presently used is entirely chaotic and procedures are not adhered to by employees. For example, some documents are time-stamped and others are not, depending on the whim of the receiving clerk. No central log system exists and papers are filed alphabetically by candidate's name or by party affiliation - not uniformly. Accounts (which are public records) are often removed with no record of who removed them or for what purpose. There are no security measures to insure that documents are not tampered with. Documents are accepted for filing that are insufficient on their face.

Recommendations:

- . A log sheet should be used to record the dates of filing of all documents required to be filed by a candidate, similar to the example in Appendix A.
- . Actual reports should be filed in a separate envelope for each candidate. Where batches of reports are filed by a political party or together with other forms, they should be carefully separated for filing. Under this system, a candidate who has filed all necessary documents should have one envelope in each of five separate filing drawers, i.e. (1) nomination petition; (2) political committee authorization; (3) 10 day report; (4) 30 day report; (5) year end report. Within each drawer, files should be in alphabetical order.

- . Filing procedures should be tightened up:
 - All documents should be time-stamped at the time of acceptance by the clerk.
 - Clerks should check forms before acceptance to insure that they are properly notarized and are otherwise sufficient on their face. Documents should not be accepted unless they fulfill this requirement.
 - All documents should be filed in the Clerk's Office. Commissioners, their staffs and other personnel should refuse to receive documents and should direct all filings to the Clerk.
 - Receipts should be given for all filings. A suggested form for the receipt is contained in Appendix B.
- . Access to files should be more tightly controlled. Persons wishing to inspect records should be required to sign a logbook with their name and the form being inspected. The sign-out requirement should apply to the Commissioners and other employees of the City Commissioners' Office as well as the public. All persons should be required to inspect the files in sight of the clerks (or a security guard) to prevent tampering theft or loss.

- . Whenever a file is removed from a cabinet (e.g. for amendment by the candidate, public inspection or use by the staff of the City Commissioners' Office), an "out card" should be put in the cabinet in place of the file. The "out card" should indicate the name of the person removing it, the type of document, the name of the candidate whose form it is, and the date and time it is removed and replaced. For a suggested form, see Appendix C.
- . Twenty days after the deadline for each filing, the Clerk's office should send a list of all candidates who have not filed to the Office of the District Attorney.
- . Security measures should be instituted in the Clerk's Office. These could include locked cabinets with limited access to keys, locked work areas and security guards.
- . Supervisory personnel should insure that recordkeeping is accurate.

Recommendations For Implementation
No Later Than November, 1981

- . Present plans to computerize expense account records and reduce records to microfiche should be implemented. The plan should be extended to all records kept by this office, rather than be limited to expense accounts.

Problem: Under present law, officials are required to conduct a random audit of accounts filed by candidates for statewide office. No such requirement exists for local candidates.

Recommendation:

- . Although not statutorily required, the County Board should conduct a random audit of expense accounts filed by candidates for local office.

Recommendations Requiring Legislative Change

Problem: The present procedure for getting on the ballot does not insure that a "candidate" has serious intentions of seeking office. In the last election, this resulted in an overly large ballot which, in turn, greatly increased the cost of the election.

Recommendations:

- . The General Assembly should increase the number of signatures required on a nominating petition - particularly for city-wide offices.
- . Since many candidates only decide whether or not to actively campaign after ballot positions have been drawn, the General Assembly should authorize the refund of the filing fee for those who withdraw shortly after this date, to encourage non-serious candidates to remove their names from the ballot.

Problem: There is no random audit requirement for accounts of candidates for local office.

Recommendation:

- . The General Assembly should amend the Election Code to require the County Board to conduct a random audit of the campaign expense accounts of candidates for local office.

Absentee Voting

The procedure for absentee voting is entirely statutory. A person may request a ballot by either writing a letter or filling out an application for a ballot and submitting this request to Room 138, City Hall, the County Board Clerk's Office. This person must indicate that he will be either out of town or prevented by some illness from voting. In the former case, the application is immediately processed and, should it be approved, a ballot is mailed to the applicant. In the latter case, an "Illness Affidavit" is mailed to the applicant which must be completed. This affidavit includes the details of the illness and verification by a doctor's signature. When this is returned, it is processed and, if approved, a ballot is mailed to the applicant.

This "processing" of the application alluded to above is supposed to be performed in accordance with the following procedure: (1) When the applications are received, they are divided according to ward and division; (2) the applications are then (usually the same day) taken to the Registration Division so that it can be verified that the applicant is a registered voter of Philadelphia; (3) at this time, the applicant's party is recorded on the top of the application form; (4) those applications which are approved are then taken back to Room 138; (5) should an applicant's name not appear in the binder, the Registration Division further researches the matter because names may be purged, struck out, or not appear in the binder for other reasons although that person is a registered voter (this takes an additional 72 hours); (6) if a name is still not found, the application for an absentee ballot is rejected and a rejection slip is sent to the applicant; (7) back in the Clerk's Office, envelopes are stuffed with ballots and

return envelopes, and are addressed to the applicants; "Green slips" are typed up and sent to the Registration Division to be inserted in the binders over the affidavit of a person receiving a ballot to prevent such person from voting twice; and a list called the Absentee Voter's File, indicating those persons who have been sent an absentee ballot, is also typed out; (8) the ballots are then mailed to the applicants. All applications are retained and kept on file.

When the ballots are returned to the Clerk's Office they are stored in a safe (after being time-stamped) until after the deadline for submitting ballots has passed (5:00 p.m. on the Friday before the election). They are then divided into ward and division and taken to the polling place on the day of the election by the police. There, the Judge of Elections opens all of the ballots and separates the ballots from the return envelopes, places the ballots in a special manila folder and shakes them up (to insure the secrecy of the ballots). They are then counted. Thereafter, the ballots are returned, with their envelopes, to the Clerk's Office where they are stored under lock and key for a two-year period.

Recommendations For Implementation
No Later Than November 6, 1979

Problem:

Misplaced applications, names missing from lists, and ballots, envelopes, or green slips missing from the folders containing a division's return to Room 138 can all be traced to mistakes made by the personnel of the Clerk's Office or by poorly trained election officers. Errors causing problems occur in the absentee ballot system, for the most part, not because of inadequacies in the procedure, but because the procedure is not followed properly. Unfortunately, there is no way to implement a "checks and balances" system without adding to the confusion. Problems

develop because: (1) A large number of applications and ballots (5,500 in May, 1979) must be processed, by hand, in a short time; (2) many employees are inexperienced temporaries; (3) room 138 is unorganized -- things get lost in the mess; and (4) employees are irresponsible and do not follow proper procedure.

Recommendation:

- Basic managerial steps which have not been taken must be implemented. Employees of the County Board and local election boards should be thoroughly trained in absentee ballot processing and procedure. Supervisors should carefully check work in progress.

Problem:

Some persons are obtaining absentee ballots in an unauthorized manner.

Recommendation:

- A security system should be installed and responsibility for ballot distribution should be directly placed on one, or at most, two employees who would be held responsible for unauthorized distribution.

Recommendations To be Implemented No Later Than November, 1981

Problem:

Voters use absentee ballots as a convenience even though not legally entitled to them.

Recommendation:

- . Instructions accompanying ballot should contain the following:

Use of the absentee ballot unless you are ill or out of the County on Election Day is illegal and could subject you to criminal penalties. You may vote by absentee ballot if you expect to be out of the County on Election Day; however, if you are actually within the County on Election Day, you must go to the polls and vote even if you have submitted an absentee ballot. When you do this, your absentee ballot will be marked "Void."

Problem:

Since voters' names and addresses on the "green slips," absentee voter list and ballot mailing envelopes are all handwritten by clerks, many mistakes occur.

Recommendation:

- . The ballot application form should contain three pre-pasted tear-off name and address labels. These could then be applied to the "green slip," absentee voter list and mailing envelope.

Problem:

Persons registered "non-partisan" who apply for an absentee ballot for a primary election are not notified of the reason their application was rejected.

Recommendation:

- . Persons registered "non-partisan" who apply for an absentee ballot for a primary election should be sent a rejection notice with an explanation.

Problem:

Absentee ballots are particularly prone to abuse by illegal assistance.

Recommendation:

- Instructions sent with ballots should contain the following:

Warning! It is unlawful to receive assistance in filling out this ballot unless you are entitled by law to assistance in voting. If any person unlawfully offers to assist you, you should immediately report this to the Office of the District Attorney of Philadelphia, 2400 Centre Square West, Philadelphia, Pennsylvania 19102, MU 6-8000.

Recommendations Requiring Legislative Change

- The Election Code should be amended by the General Assembly to provide that the application for an absentee ballot be in affidavit form and that false statements therein be subject to the penalties for perjury.

Prisoner Voting

Problem:

Persons incarcerated in the three Philadelphia County prisons (Holmesburg, the Detention Center and the House of Correction) for reasons other than being convicted of a felony, are entitled by law to vote by absentee ballot under the provisions of the Election Code relating to military ballots. The system presently in use to process prisoner absentee ballots has resulted in the disenfranchisement of many prisoners. An analysis of this system indicates that most of the problems are due to use of the mail for prisoner registration and voting. Prisoners are routinely shifted from one prison to another within the county jail system or released on bail. When this happens between the time a ballot is applied for and the time it is received, disenfranchisement results.

Recommendations For Implementation No Later Than November 6, 1979

The following procedure is suggested to minimize prisoner disenfranchisement to the greatest extent possible.

- . On the Monday of the week preceding the week of the election (e.g., October 29, 1979) a registrar of the Registration Division of the City Commissioners' Office shall visit all three county prisons and the prison hospital ward at St. Luke's Hospital to receive prisoner registrations and absentee ballot applications.
- . These materials shall be immediately returned to the Clerk of the County Board and the Registration Division for processing.
- . In addition to placing names of prisoner absentee voters on the Absentee Voter's File, a special

list shall be made up of all prisoners receiving absentee ballots. The list shall be by name and home address, not by prison number.

- . The special prisoner absentee voter lists and the absentee ballots and registration cards shall be delivered to the prison on the Wednesday of the week preceding the week of the election (e.g., October 31, 1979) on which date distribution of the ballots and cards will be made by an agency within the prison administration, such as the Volunteer Services Unit.
- . The special prisoner absentee voter list should be returned to the County Board with a written notation explaining any non-deliverable ballots. All such ballots would be returned to the County Board and destroyed.
- . Prisoners should be instructed to place completed ballots in boxes to be provided for this purpose by the County Board at the central control desks of each prison no later than the Thursday of the week preceding the week of the election (e.g., November 1, 1979).
- . The boxes should be picked up by the County Board (or delivered to the County Board by the prison delivery service) on the Friday preceding the election (e.g., November 2, 1979) in time for processing along with all other absentee ballots.

- . All prisoners released from the County prison system between the day for prisoner registration and the election should be given a written notice at the time of release, advising them that if they are registered voters they have the obligation to vote in person at their regular polling place even if they have voted by absentee ballot while in prison.

ELECTION PRINTING

Election printing for Philadelphia is done by an outside printer pursuant to a city contract that is subject to competitive bidding.

Problem:

The main problem in the past has been the escalation of printing costs due to an absence of competitors. Prior to 1979, the contract was awarded to the same bidder for over 60 years. In 1979, a new printer was awarded the contract and the cost of printing was reduced from \$496,000 (1978) to \$220,000, a 56% reduction. Other factors which have raised printing costs are the size of the ballot (such as in the 1979 primary election), the fact that Philadelphia has three different types of machines requiring different ballots, and the number of polling places. Changes in any of these areas will significantly affect printing costs. (See pp. 21, 43-44, 50 and 58.)

Recommendations For Implementation No Later Than November 6, 1979

- . Final printing proofs of ballots should be approved and signed by both the Voting Machine Supervisor and the Chief Clerk, and countersigned by at least one Commissioner, to prevent such costly errors as occurred in our last primary.
- . The Election Division should continue to print a list of candidates and their corresponding lever numbers as was done in the last primary.

Recommendations For Implementation No Later Than November, 1981

- . The Procurement Department should develop a pre-qualified list of printing bidders.

- . Since a different local election board is elected every four years for each of the City's 1,786 divisions, supplementary voting machine labels and specimen ballots should be printed for these offices. Absentee ballots should also use this system by leaving divisional candidates' boxes blank and having the voter write in candidates' names from an in-house printed list. This is done in Allegheny County and has proved to reduce costs. This recommendation should be implemented prior to the 1980 Primary, when divisional candidates will be on the ballot.
- . The months of November and December should be used to review and improve the printing bid specifications sent to Procurement.
- . The date of specifications for bids to Procurement should be advanced to allow additional time to advertise for a second bidding without endangering the election calendar.
- . Color coding of primary ballots by parties should be considered (as is done in Allegheny County). This would speed voting time which is critical for large primary ballots.
- . Changing to one type of voting machine would save at a minimum approximately 20% of current printing

costs. If only Jamestown machines are used, the saving would be approximately 30% because die-cutting is not required and the printed form is smaller than the Shoup form.

- As computerized registration is extended, computer-printed return sheets (as in Allegheny County) should be considered in lieu of the return sheets now made by the printer. Return sheets printed by computer could be individualized for each district. The printing error in the May 1979 election was caused, in part, by the present use of a universal return sheet.
- Consideration should be given to subdividing bids into 5 separate printing groups and having separate bids for the Primary and General Election.

LOCAL ELECTION BOARDS

Each of the 1,786 divisions in Philadelphia has its own local election board which is responsible for the actual conduct of the election. The local boards consist of a Judge of Elections, Majority Inspector and Minority Inspector, who are elected for four-year terms. They are assisted by a clerk appointed by the Minority Inspector and, in divisions having more than one voting machine, by a Machine Inspector appointed by the County Board of Elections. In order for elections to run smoothly, the local board members must be familiar with the operation of the voting machines, the requirements of the Election Code relating to eligibility to vote, and the paper work and procedure for conduct of the polling place. The Election Code requires the County Board to train and certify the members of the local boards and mandates that they be paid for their services on election day and for attending training sessions.

At present, in Philadelphia, a large number of local election board members are poorly trained and, therefore, unable to properly conduct elections in their districts. Many have never attended statutorily required training sessions and the sessions themselves are poorly structured to accomplish their purpose. This results in election day problems ranging from minor confusion to actual shutting down (or late opening) of polling places and disenfranchisement of voters. Proper training of local election boards, particularly in the area of voting machine function and malfunction, would considerably reduce the number of reports of "breakdowns" on election day, with the result that mechanics would be more readily available to repair serious problems. This section should be read together with the section

on Dispatch of Mechanics (pp. 45-49) in order to obtain a complete picture of the problem and its solutions.

Recommendations for Implementation No Later Than
November 6, 1979

Problem: Local election board officials do not attend required training sessions. In the May, 1979 primary election, only 42% of the persons notified to attend training sessions actually attended. Mechanics' field reports for that election confirm that approximately 50% of reported "machine malfunctions" could have been eliminated if board officials were properly qualified.

Recommendations:

- . The County Board, which has the sole authority to appoint Machine Inspectors, should refuse to appoint any person as a Machine Inspector who has not attended a new training session.
- ... Using the authority of § 2684 of the Election Code, the County Board should declare all certificates of qualification previously issued to any Judge of Elections to be void and require attendance at a training session before a new certificate is issued. This Code section mandates that no uncertified election official may serve at an election; however, it has not been strictly followed in the past. Uncertified officials can be replaced in accordance with other procedures in the Code.

Problem:

A reserve of trained persons in each division is not available to replace local board members who cannot serve because of lack of training or who are otherwise unavailable on election day.

Recommendation:

- The County Board should advertise in newspapers and otherwise for volunteers to undergo training and be available to replace local board members on election day.

Problem:

Training sessions are inadequate.

Recommendations:

- Sessions should be conducted by professional instructors (not by voting machine mechanics, as at present).
- A standardized course plan must be developed and used. A copy of the plan should be distributed to each trainee.
- At the sessions, trainees should be "walked" through an election day, starting with setting up the polling place and ending with the final tallying of votes. An actual voting machine and actual printed materials (e.g. certificates, binders, return sheets, etc.) must be used. In addition to normal operating procedures, trainees must be taught how to deal with traditional election day problems. The course plan must include:

- setting up a polling place
 - use of the district register (binder)
 - absentee ballot procedure
 - sample ballots
 - election forms
 - operation of the voting machine
 - watchers' rights
 - how to deal with:
 - * challenges to watchers and voters
 - * replacing absent election officials
 - * illegal assistance
 - * illegal electioneering
 - * intimidation of voters
 - * machine malfunction.
- . Voting machine operation must be taught thoroughly. Trainees must fully understand which malfunctions they can fix themselves and which require a mechanic. The use of a telephone check list (Machine Breakdown Report Forms) and "Voting Machine Problems" must be emphasized. (See pp. 46-47 and Appendices D and G.)
- . Election officials should be instructed to use the space currently provided for that purpose on the "return sheet" to make specific notations concerning election day problems in their division.
- . Trainees must be given printed instruction manuals covering everything that was included in the training session. The manual must be designed so

that it can be used as a practical step-by-step guide on election day. Until such a manual can be developed, the following materials which are presently available should be distributed to trainees:

- "A Guide to the Conduct of Polling Places" (available from the Committee of Seventy)
- "Election Officers Procedures Manual" (available from the Committee of Seventy)
- "Voting Machine Problems" (currently used by election officials in New Castle County, Delaware). Applies to Shoup machines only.

- . Trainees should be instructed to have two local board officials vote at the opening of the polls, and three vote immediately prior to the close.

Problem:

The County Board's system for determining which officials (1) do not intend to serve on election day, (2) do intend to serve but have not been trained, and (3) are trained and prepared to serve, is inadequate.

Recommendations:

(applies to Judges of Election and Machine Inspectors only)

- . Prior to election day and prior to the date of scheduled training sessions, a two-part post card should be sent to each official. The bottom part of each card should be designed to be torn off and mailed to the County Board.
- . Both portions of the card should be printed with a unique number.

- The portion to be retained should list training session dates and locations. This portion should state that (1) uncertified officers may not serve on election day, (2) compensation for attending training sessions is conditioned on election day service and (3) that the card is to be brought to the training session.
- The portion to be returned to the County Board should direct the officer to indicate whether he/she will serve at the next election, (2) which training session he/she will attend and (3) to mail the card by a specified date.
- The retained portion of the card should be surrendered at the training session and all the cards should be delivered to the County Board.
- The County Board should contact (1) any officials who neither responded to the card nor attended class, (2) any officials who failed to attend selected training sessions and (3) officials who indicated they could not serve. These officials should be urged to train and, serve on election day.
- The County Board should publish the names of all officials who refuse to serve or who refuse to attend training. (The list could be included in polling place location announcements, published in newspapers, and also posted in polling places.)

- The County Board should apply to the Court of Common Pleas to replace uncertified or unwilling elected officials with substitutes who are trained (see above) and should not appoint any uncertified persons as Machine Inspectors.

Recommendations For Implementation No Later Than
November, 1981

- Requirements relating to certification (see above) should be extended to Minority and Majority Inspectors.
- Payment for local board members should be increased to the maximum allowed by law. (Present pay-scale: Judge of Elections - \$45; all other members - \$40. Authorized maximum: Judge of Elections - \$60; all other members - \$55.)
- A training manual (see above) should be developed and made available no later than the May, 1980 Primary Election. It should include a "Voting Machine Problems" section for Jamestown machines such as New Castle County, Delaware has developed for Shoup machines (see above).

Recommendations Requiring Legislative Change

- Compensation for attending training and for service on election day should be increased by the General Assembly so that eligible persons can be attracted to serve.

VOTING MACHINES

Philadelphia has approximately 3,500 voting machines. Each voter is entitled to expect that when she or he enters the polling place, there will be a machine capable of recording her or his vote. In the November 7, 1978 election, this expectation was not adequately met. The Linerode report prepared thereafter by experts hired by Federal authorities found a "blatant lack of maintenance and sloppy final checkout of the machines, incompetent technical support on election day, and poorly organized distribution of the maintenance calls." Although the extraordinary expenditures and efforts authorized prior to the May 15, 1979 primary by the three judges acting as City Commissioners have gone far to respond to this criticism, we have found a series of problems with the current system of voting machine maintenance.

This portion of the report presents the problems and recommendations pertinent to pre-election day preparation of voting machines. The election-day procedure for processing incoming complaints of machine malfunctions is examined at pp. 45-49 of this report. The training sessions at which local election officials are instructed in the proper use of voting machines are discussed at pp. 33-39.

Recommendations For Implementation No Later Than November 6, 1979

Problem: There is no written format which specifies in step-by-step fashion the procedure which mechanics should follow in examining, repairing and testing each machine.

Recommendation:

- A repair manual must be prepared for use by voting machine mechanics in Philadelphia.

Problem:

No perpetual history card is kept for each voting machine. Thus, there is no record of the identity of the mechanics who test, repair and set up a particular machine. Mechanics in the warehouse do not keep records of the condition of machines before they work on them, nor of the repairs effected. Mechanics in the field on election day rarely complete the machine breakdown forms which they have with them. The result of this general absence of recordkeeping is that one cannot discover 'problem' machines, or patterns of problems occurring in a number of machines. It is impossible to determine whether a breakdown is due to mechanical failure, or negligence or incompetence of a mechanic.

Recommendation:

- A card for each voting machine should be kept, on which is recorded all of the historical information currently lost. Every mechanic who works on a machine should sign and date the card, and explain what he or she did. Field mechanics must be persuaded to complete their forms. (See p. 49.) The information supplied by field mechanics should be transferred after election day onto each machine's card, and each card should be reviewed periodically for the purpose of detecting recurring problems and evaluating mechanics' abilities.

Problem:

Over the past ten years, there has been a lack of continuing maintenance of the voting machines. Until last year, no money had been formally allocated for this essential function. Further, the City employs only 17 permanent voting machine mechanics. The result has been a steady reduction in the condition and dependability of its machines.

Recommendation:

- . A preventive maintenance schedule must be adopted and funded which will be applicable to all machines. Additional trained voting machine mechanics should be hired on a full-time basis.

Problem:

There is no schedule of periodic refresher training for mechanics.

Recommendation:

- . Mechanics should be required to attend currently available manufacturer-sponsored courses.

Problem:

Voting machines which are operable when they leave the warehouse suffer damage when they are delivered to some polling places. This is because some currently used polling places are not at ground level or have restricted entrances which require workmen to tilt the machines in order to install them. Occasionally, the machines suffer damage from being jostled or dropped in this difficult procedure.

Recommendation:

- . To the fullest extent possible, every polling place should be at ground level and should have a wide enough entrance to admit a vertical voting machine. The contract between the City and truckers should require truckers to inform the Warehouse Supervisor at the end of their daily run when a voting machine has been jostled, dropped or damaged upon delivery. Such machines should be retested in the polling place.

Recommendations For Implementation
No Later Than November, 1981

Problem:

The voting machines currently are housed year round in a warehouse that is completely unfit for the purpose. The roof leaks, and unsealed concrete floors continually give off a fine dust which permeates and seriously damages the intricate workings of the voting machines. This circumstance causes the disenfranchisement of voters, inasmuch as machines break down on election day more often than necessary. Moreover, the economic cost to the City is tremendous: the useful life of the entire fleet of voting machines needlessly has been shortened by the conditions under which they have been kept. Further, the machines have virtually no resale value other than as scrap, largely because of the warehouse conditions.

Recommendation:

- A new warehouse (or warehouses) must be found in which voting machines may safely be stored.
In the interim, roof leaks in the current warehouse must be repaired and the floors kept as free of concrete dust as possible. Covers for all machines should be purchased.

Problem:

The City currently uses more than one type of voting machine: the 3.2 New Shoup, the 2.5 Old Shoup, and the AVM Jamestown. This promotes voter confusion, as the ballot configuration varies according to machine type, making it difficult to provide uniform voter instruction. The older Shoup machines are becoming increasingly unreliable and in need of replacement. Wards using those machines suffer more machine-related difficulties than other wards. Finally, the use of more than one type of machine requires the preparation of a different set of ballots for each type, at considerable cost.

Recommendation:

- . Those of the City's machines which are in the worst condition should be replaced. The City should move toward the use of a single type of voting machine. The savings in maintenance and printing costs would easily offset the cost of new machines. At this time, voting by machine is the most accurate and cost-effective method available. If, in the future, an efficient, accurate and affordable computer system of voting is developed, it should be considered.

ELECTION DAY VOTING MACHINE MALFUNCTIONS -
COMPLAINT INTAKE AND MECHANIC DISPATCH

On election day, a fixed number of mechanics circulate throughout the city and are directed by radio to polling places where a machine "breakdown" has been reported. Increasing the number of competent mechanics will not materially improve the situation in Philadelphia as long as the intake and dispatch procedure fails to distinguish repeat calls from the same division, to identify in detail the nature of the complaint, to weed out those complaints which can be resolved without a mechanic's assistance, and to keep track of the elapsed time between complaint and repair. Note: Except for the suggestion that switchboard operators be trained mechanics, these suggestions do not require hiring additional personnel.

Recommendations For Implementation No Later Than
November 6, 1979

Problem: No particular local election official is responsible for reporting machine breakdowns. Usually several calls are made to report the same complaint. This ties up telephones and operators and creates a false impression of multiple problems.

Recommendation:

- . Only the Judge of Election or Machine Inspector should call in machine complaints. This should be printed in the training manual and on all election day materials distributed by the County Board. Switchboard operators in Room 622 City Hall should refuse calls from other persons. A special phone number should be used and only given out to those

two officials. Other persons will still be able to call the United States Attorney's Office, the District Attorney's Office, the Committee of Seventy, or the campaign headquarters of candidates, who will be able to ascertain whether the problem has already been reported without clogging the Room 622 switchboard.

Problem:

Switchboard operators in 622 City Hall merely record ward, division and polling place location on the current Intake form ("blue card"). There is no method for distinguishing complaints requiring a service call by a field mechanic from complaints which could be resolved by phone.

Recommendations:

- Switchboard operators should be trained mechanics knowledgeable in voting machine operation and repair.
- In place of the "blue cards," operators should use "Machine Breakdown Report Forms," which should be filled out in duplicate. These forms will also be used by the local official calling in the complaint (see p. 36). These forms will aid the operator in determining the exact nature of the complaint (see sample form Appendix D).
- The specific malfunction should be recorded on the Machine Breakdown Report Form.
- Where feasible, the operator should assist the caller to resolve the problem by phone.

- . Where the machine is a Shoup, the operator should require the caller to review "Voting Machine Problems" (see Appendix G). At this writing, this publication is available only for Shoup machines. A similar guide for Jamestown machines should be developed immediately.
- . If resolved by phone, this should be noted on the Machine Breakdown Report Form.
- . If dispatch is necessary, this should be noted on the form.

Problem:

Present methods of recordkeeping used in 622 City Hall on election day are inadequate and fail to give dispatchers useful, accurate and up-to-the-minute information about the operation.

Recommendations:

- . The switchboard operators should place completed Machine Breakdown Report Forms in two boxes -- "Resolved by Phone" and "Dispatch Required."
- . An enlarged Ward Map of Philadelphia should be placed in the hall between the switchboard room and radio dispatch room. Colored pins placed on this map will indicate geographical distribution by ward of all complaints. Different colored pins will be used to distinguish complaints resolved by phone from those requiring dispatch.

Note: Pins on this map are not removed when a complaint is resolved.

- . A "page" should periodically pick up Machine Breakdown Report Forms from the switchboard operators. The forms are then taken to Ward Map "loggers." Where "Dispatch Required," the second copy of the form will then be taken to the dispatch room and given to one of four dispatch "loggers." Each dispatch "logger" will be responsible for a quadrant of geographically contiguous wards.
- . Each dispatch "logger" will have a time chart (see Appendix F). When properly completed, the time chart will show the time the complaint was made, the mechanic to whom it was assigned, and whether it has been resolved. Ward and division are also indicated.
- . After recording the information on the time chart, the dispatch logger will record the mechanic's name and call number on the Machine Breakdown Report Form and give the form to the appropriate dispatcher. There will be four dispatchers assigned in the same manner as the dispatch loggers.
- . The dispatcher will contact the mechanic indicated on the form and relate all pertinent data from the form. The dispatcher will then record his/her name and the time of dispatch on the form.

. When a complaint is resolved:

- Mechanics will notify the dispatcher.
- Dispatchers will record time on Machine Breakdown Report Form and give it to the appropriate dispatch logger.
- The Machine Breakdown Report form is to be filed by ward and division.

Problem:

Mechanics fail to properly complete their field reports and information required by present reports is too general to be useful for planning improved operations.

Recommendations:

- . Mechanics should use "Mechanics Report Form" (see Appendix E). This should be prepared in triplicate. The original is kept by the mechanic and the other two copies are given to the Judge of Elections and Machine Inspector, respectively; all three should sign the original.
- . Upon completion of an assignment, the mechanic should immediately notify his dispatcher.

POLLING PLACE LOCATIONS

There are 1,786 polling locations in Philadelphia and over 1,350 of these are located in privately owned buildings. Prior to each election, the Polling Place Supervisor obtains signed authorizations from persons whose premises were used in the previous election for use of the premises in the current election. If authorization is refused, one of a staff of inspectors attempts to find a new location. If the inspector is unsuccessful, a ward leader or committee-person is consulted. Where a request is made that a location be changed (even though the old location is available for use), a statutorily prescribed procedure must be followed before the change is made.

Note: The issue of division consolidation is obviously closely connected to the problem of locating adequate polling places. As this issue is presently in litigation, it will not be discussed herein.

Recommendations For Implementation No Later Than November, 1981

Problem:

The list of polling place locations is presently kept on 3x5 index cards which list only the name of the owner and address of the location. A description of the room (e.g. garage, den, etc.) is sometimes included. The information is insufficient to determine such things as whether there is sufficient space for an extra machine.

Recommendation:

- Forms for each polling place location should contain a thorough profile of the location: Steps, vertical clearance, actual size, electrical capacity, lighting, telephone, insurance, etc.,

should be noted. One copy of the profile should be given to truckers delivering the machines and the other kept on file by the Polling Place Supervisor.

Problem:

Too many polling places are in private buildings which can be withdrawn up to the last minute before the election by the owner. No reserve list of useable locations is kept.

Recommendations:

- . A full scale review of all public buildings should be made and they should be given first preference for use.
- . Semi-public buildings such as banks, churches and civic associations should be reviewed for use as polling places.
- . A written contract should be used for all private polling places. The contract should authorize access to the polling place by warehouse personnel and truckers for ten days before and ten days after the election. It should also require that one person in addition to the owner be available to grant access to the warehousemen and truckers. The contract should be for both the primary and general election.
- . Insurance coverage should be specifically spelled out in the contract.

- Payment for use of the polling place should be pursuant to the contract and should not, as is presently the case, be included in the check for payment of local election officials.

Problem: Polling place locations are decided on the basis of partisan political considerations rather than on the basis of the most appropriate location for the division.

Recommendation:

- The location of the polling places should be determined solely by the Polling Place Inspector who should be required to submit a full report explaining his decision.

Problem: Some polling places are so situated or constructed that voting machine delivery is seriously impeded. In these locations, truckers have to lay the machines on their sides, slide them on rollers and sometimes manhandle them into place. This can result in machine malfunction.

Recommendation:

- All problem polling places should be eliminated.

WHO RUNS THE ELECTIONS

As our report indicates, a great many improvements must be undertaken. We have concluded that in recent years the City Commissioners' Office has not been conducted in a manner consistent with the most basic principles of business. We have found knowledgeable and competent employees unable to function properly because responsibilities are unclear and lines of authority are blurred. We have found a department in which tasks are defined and carried out almost entirely pursuant to an oral tradition. We have found inefficient methods of achieving particular goals. In short, we have found a disturbing amount of room for improvement. By the same token, this discovery confirms our belief that the problems that have plagued past elections in Philadelphia can be resolved. The process of preparing a city for elections is essentially ministerial and is reducible to tasks of manageable proportions.

Philadelphians should not anticipate a satisfactory election process until their department of elections is operated as an efficient non-partisan business by competent administrators. The project of upgrading Philadelphia's election process will require the guidance of individuals who possess extraordinary administrative abilities and who are committed to the importance of encouraging and allowing the electorate to express its beliefs at the polls. In light of this consideration, we have examined as part of this Study not only the election process as it has been carried out by the City Commissioners' Office, but the process by which the City Commissioners themselves are selected.

At present, voter registration and the conduct of elections are the responsibility of the three City Commissioners whose sole duty is to carry out these election-related functions. The Commissioners are elected to office in the same year as the Mayor and serve four year terms. There is no limit to the number of terms a Commissioner may serve.

To be eligible for the office of Commissioner, one must be a qualified elector of Philadelphia, a resident of Philadelphia for at least three years preceding one's election, and at least 25 years of age prior to one's election. There are no job related qualifications.

No more than two Commissioners may be members of the same political party or body at the time of their election.

If a vacancy in the office of City Commissioner should arise, the Mayor is required to appoint a substitute who, upon approval of the appointment by City Council, is authorized to serve for the remainder of the expired term of the Commissioner being replaced.

Problem:

Currently, candidates for the Office of City Commissioner are elected to their highly sensitive post without having to demonstrate any administrative expertise or job-related qualifications whatsoever. Moreover, once in office, elected City Commissioners are not prohibited from participating in partisan political activities. Because they are elected to fixed terms of office, they cannot be held immediately accountable for poorly conducted elections. It is imperative that a selection process be found which will ensure that the individual or individuals responsible for administering the election process are highly qualified experienced administrators who are prohibited from participating in partisan political activity.

Recommendations:

- . Various methods for selection of an administrator must be examined to determine which method most suits the needs of the electorate. Some of the alternatives are:
 - City Council could adopt an ordinance abolishing the elective office of City Commissioner. It could create a Department of Elections as a department of the City government to be headed by an appointed Director of Elections. The Director of Elections could be appointed by the Mayor from a list of candidates chosen by a panel consisting of representatives of non-governmental agencies. The ordinance should prescribe certain job-related qualifications for individuals being considered for appointment. City Council has statutory authority to take this action; however, the ordinance would not become effective until approved by the electorate of Philadelphia in the same manner as amendments to the Home Rule Charter.
 - The Office of City Commissioners could remain as presently constituted, but a

civil service position of Director of Elections could be created by request of the City Commissioners. Under this form of organization, the elected Commissioners would be responsible for all policy decisions but the day-to-day business of administering elections would be the responsibility of the Director.

- . Further examination of other alternatives for selecting an administrator should be considered by City Council, the City Commissioners themselves, and other interested groups.

Whatever alternative is eventually adopted, it is clear to the authors of this Study that unless fundamental change is made in the composition of the City Commissioners' Office, substantial improvement in Philadelphia's election process will not occur.

ELECTION CODE REFORM

Pennsylvania elections are presently governed by an Election Code approved by the General Assembly in 1937. Although the Code has been amended in a piecemeal fashion in the intervening 42 years, no attempt has ever been made to subject it to comprehensive revision. The most recent effort approaching a broad review was conducted between 1963 and 1965 by a special Advisory Commission on Elections and Election Laws appointed by then Governor William W. Scranton. The Commission confined itself to the subject of election day laws and procedures, and recommended a number of amendments, few of which were adopted by the General Assembly. Recent experience suggests that the need is greater than ever to redraft Pennsylvania's election laws so that they respond to modern political and technological realities, and insure the fair and efficient conduct of elections.

Subjects covered by the Election Code and related laws can be grouped in four categories. The first category contains provisions covering the administrative structure for the conduct of elections, which includes the office of Secretary of the Commonwealth, its Bureau of Elections, each county's board of elections and registration commission, and the nearly 10,000 local election boards throughout the Commonwealth. Issues requiring consideration within this category include:

- . Whether regulatory and enforcement authority should be invested in state and local level agencies to improve campaign finance regulation and insure fair campaign practices;
- . How to insure more effective training of local election officials;
- . How to more effectively isolate election officials at all levels from partisan political influence.

The second category consists of provisions governing the election process, including methods of registration and voting, eligibility requirements for becoming a candidate, the establishment of voting districts, and the regulation of campaigns and their financing. Matters requiring attention include:

- . Provisions regulating the registration and voting process. Current Pennsylvania law does not encourage, and in many respects, prohibits the application of modern technology to voting and registration functions. (E.g., computerized voting is not possible under the present code.) Provisions adopted as security measures in the context of a manual registration and voting process now preclude effective, economical modernization.
- . The filing and petition procedure for candidates. The overly complicated provisions dealing with eligibility for candidacy leave unclear the extent to which candidates in primary elections may thereafter run for different or additional offices in general elections, and additionally have been held to discriminate unconstitutionally against independent candidates.
- . Consolidation of voting districts. Substantial economies could be achieved without inconveniencing voters by requiring periodic re-alignment of election districts for the purpose of consolidating districts containing reduced numbers of voters.
- . Declining participation in the electoral process. Means to channel registration and voting drives at the local level must be evaluated, and other methods of arresting this alarming trend must be found.

The third category, to which the Scranton Commission devoted most of its attention, consists of laws governing election day itself. Issues requiring consideration include:

- . The lack of reliable information for voters, election workers and district boards about the conduct of voting, the operation of voting machines, the candidates and questions on the ballot. Methods of insuring that county boards will meet this need should be developed.
- . Polling place procedures: Problems include whether to allow non-partisan watchers, and watchers on behalf of referendum questions; and how to improve recordkeeping requirements, simplify voter assistance procedures, and improve the procedure for selecting polling place sites.

The fourth category of provisions within the Election Code consists of criminal penalties for certain election-related misconduct. The overhauling of the Election Code must include modernization of these criminal enforcement provisions. The antiquated Crimes and Penalties Section of the Election Code fails to reflect modern standards concerning the gravity of election-related crimes. As a result, prosecuting attorneys have been greatly impeded in their efforts to ensure fair elections. The enforcement provisions of the Election Code are seriously outmoded in at least three respects:

- . The Election Code prescribes penalties for offenses which now are covered by provisions in the revised 1973 general Penal Code. This is cause for immediate concern because the Election Code provisions impose substantially lesser penalties than the parallel provisions

in the general Penal Code, and have almost invariably worked to reduce the maximum possible penalty for such offenses as bribery at elections, intimidating voters, and interfering with the free exercise of the franchise.

- . The Election Code fails to prescribe penalties for certain election-related conduct which deserves punishment and is not covered by the general Penal Code.
- . In some instances, the Election Code makes criminal conduct that by contemporary standards appears more appropriately subject to civil remedies.

To insure that elections in Pennsylvania will be fairly and efficiently conducted, and to bring enforcement provisions into line with current standards of the seriousness of election-related misconduct, it is essential that a comprehensive revision of the Election Code and related laws be undertaken.

Office	Nominating Petition	Political Comm. Authorization	Political Comm. Registration	Notification of Expense Law	10-Day Report	30-Day Report	Year End Report	Late Filing Notice
Candidate								
Committee								

Sample Log Sheet

Mayor	Nominating Petition	Political Comm. Authorization	Political Comm. Registration	Notification of Expense Law	10-Day Report	30-Day Report	Year End Report	Late Filing Notice
Jane Adams	2/13	2/14	—	3/16	5/5	6/26	1/20	6/15
Comm. to Elect Jane Adams	—	—	2/14	3/16	5/18	5/15	1/22	5/16
(Filled out - it would look like this. A dash indicates form need not be filed.)								

Candidate Filing Receipt

_____, Candidate for the Office of

_____, of the County of Philadelphia,

Has Submitted _____.

Date
:
Time Stamp

Clerk, County Board of Elections

OUT

SUBSTITUTION CARD

CITY OF PHILADELPHIA FILE AT EXTREME RIGHT OF ORDER

(number, name or subject of report)

Has been issued to _____
(name & office or title)

Time issued

Clerk

Time returned

Clerk

Date

Machine Breakdown Report Form

Ward _____ Div. _____

Date _____
Time Received _____

Caller/Position _____

Time of Arrival _____

Type of Problem _____ Machine No. _____

_____ Keys _____

_____ Election Board Error _____

_____ Numbers other than 000 (Public Counter _____ Voter Counters _____)

_____ Lights on machine are out _____

_____ Curtains don't work _____

_____ Doors won't open _____

_____ Voting levers won't work _____

_____ Officer's latch won't work _____

_____ Motor out of time (Shoup) _____

_____ Brakes need adjusting (Shoup) _____

_____ Other _____

Resolved by phone _____

Dispatch _____

Report taken by _____

Time Dispatched _____

Time Completed _____

Dispatched by _____

Mechanic's Report Form

Ward _____ Div. _____

Date _____
Time Received _____

Address _____

Type of Building _____

Caller/Position _____

Time of Arrival _____

Type of Problem

Machine No. _____

___ Keys _____

___ Election Board Error _____

___ Numbers other than 000 (Public Counter _____ Voter Counters _____)

___ Lights on machine are out _____

___ Curtains don't work _____

___ Doors won't open _____

___ Voting levers won't work _____

___ Officer's latch won't work _____

___ Motor out of time (Shoup) _____

___ Brakes need adjusting (Shoup) _____

___ Other _____

Description of work done _____

Time Completed _____

Mechanic _____

Judge of Election _____

Machine Inspector _____

DISPATCH LOGGER'S CHART (SAMPLE)

WARD

Time of Complaint	9	10	11	12	13	16	17	21	22	28	38	43	49	50	59	61
6:30-7:30 a.m.																
7:30-8:30																
8:30-9:30																
9:30-10:30																
0:30-11:30																
1:30-12:30 p.m.																
2:30-1:30																
1:30-2:30																
2:20-3:30																
3:30-4:30																
4:30-5:30																
5:30-6:30																
6:30-8:00 p.m.																

Indicates Division-----⁴/₃₇-----Indicates Mechanic's Car Number

17/51-----Indicates Complaint Resolved

Note: The actual chart must be substantially larger than this sample to provide adequate space for each block.

VOTING MACHINE PROBLEMS

PLEASE NOTE: The vast majority of "problems" with voting machines can be solved by taking a few minutes to think about it and by checking with the list below. Do NOT call for a technician until you have thoroughly checked out the voting machine!

Make certain both the officer operating the machine and the voter have been using the machine properly.

Look over the machine and, perhaps, try to operate it yourself. Follow the steps outlined below.

Then, if you still cannot solve the problem,
-- as shown below -- call the Department.

What Happened

Numbers on key envelope do not correspond with those on protective counter, seals, or machine itself.

Do not open front door of machine. Wait for Department representative.

There are numbers other than zeros (000) on either the voting counters or the public counter.

If technician does not arrive by 7 A. M., make note of the numbers on certificates and proceed with voting. Put up notice of any numbers on voting counters.

Door won't open.

Are you using No 4 key for right machine?

Are you turning key properly? Take your time. You may be just too excited.

If door is bent, try pushing into it with one hand or your knee.

Call Department only if you are still unable to open door.

What Happened

Vise handle won't turn to lower ballots.

Are you using right No. 2 and 3 keys? Are they both vertical?

Are you turning the vise handle properly? Did you stand on a chair so you could get good grip?

Did the arm of the vise handle come loose so that you cannot turn it?

Did you click the knurled knob by mistake?

If either of the last two situations are the case, you need a technician. Otherwise, get someone to help you in turning the vise handle.

Officers' latch will not pull out.

Have you turned vise handle all the way counter-clockwise?

Are you pulling out the officer's latch hard enough?

If latch still will not come out, call Department.

One or more voting levers won't work.

This should be discovered by the Clerks when they test all levers at the start of voting. Check the lever yourself. If it still does not work, call Department.

* * *

Voter pushes red switch, but curtains still will not close.

Did officer pull out latch all the way?

Are lights in machine on?

Is machine plugged in? Is plug on machine's electric cord torn? Did fuse or circuit-breaker in building blow? Is the machine's fuse in rear write-in roll compartment either loose or blown? In any case where you do not have current to operate the machine, simply put it on manual operation. (See instruction sheet for manual operation.)

Is the curtain cable running properly on its pulley (near the red voter switch)? Is cable caught in the door frame or a curtain?

If none of the above are the problem, call Department.

What Happened

Curtain Closes, but voting levers can't be worked.

Is the voter nervous? Two officers, of opposite parties, should try the levers.

(If machine is set for a two-party primary, has the primary knob been pulled?)

Is the voter only complaining about certain levers? Did he open write-in slots first, so that levers in certain rows are now locked out. (You can check this by trying to open write-in slots without holding the write-in lever open. If you can, voter must have opened one or more write-in slots.)

If none of above solves the problem, call Department. But first, try to open curtain by first opening write-in slots. Tell Department whether or not you could then open curtain.

Voter cannot open write-in slots.

Did the voter hold the write-in lever open while he tried to open write-in slots?

Is a voting lever down in the line upon which the voter is attempting to use the write-in slot? Or is he trying to use a slot in a line with no candidates on the ballot?

Are you sure voter is using right procedure in trying to open write-in slots? Help him first, before you call Department.

Voter pushes switch. Curtains close, but then reopen without voter using switch. Levers won't go down.

Place manual operation handle on front of machine. Have voter use it to complete his vote. (You will have to get position of handle in line with that of the curtain.) After voter has opened curtain and cast his vote, go to rear write-in compartment and put "red flag" in manual operation position. Proceed with voting, but call Department.

What Happened

Curtain doesn't close all the way. (Cable may be broken)
Otherwise, machine works alright.

Call Department. Until technician arrives, use your own judgement as to whether to hold curtain shut with your hands or to close it with safety pin (if cable has broken loose from curtain.)

Voter closes curtain, but says can't open curtain.

Has voter left levers up, or only half-way down?
(At least one lever must be down for curtain to open.) Be sure voter put levers down!

Has machine lost current? Are lights off? (If so, go into manual operation.)

Has officer's latch gone back in all the way? If not, can you push it in?

If you are certain none of the above is the problem, then call Department.

Curtain operates slowly.

If necessary, use your hands to help curtain to close or open.
But also call Department.

Officers' Latch does not go back in all the way automatically.

If you can push it back in with your hand, continue to operate machine.
But call Department immediately.

What Happened

Voter walks out, leaving curtain closed.

This person has not cast a vote. Note on certificates and on voter's signature card. Two officers should go in and push all levers up. Let next person vote on machine. (An officer might well be the next voter.) If person who walked out does return, he can be permitted another try at voting.

Voter opens curtain, then claims the machine opened accidentally before he had the chance to put down levers.

This person has cast his vote. He had to put down at least one lever in order to open the curtains.

He does not get a second chance to vote.

Lights on machine are out.

If the red curtain switch on face of machine works, the lights are simply burned out.

If you have a machine with bulbs, replace the burned-out one. If the machine uses a neon tube, call 90-24 so the technician will bring a new tube.

If the red curtain switch does not work to close or open curtain, the machine has lost electrical current. In that case, put machine on manual operation. Call Department. Vote machine through manual lever until technician arrives.

Ballots cannot be raised at the end of day.

Did you remove yellow seal and click knurled knob?

Did you turn wise handle all the way clockwise?

Is officer's latch still half pulled out? Can you push it in?

If you still cannot raise ballots, call Department.

HOW TO PUT VOTING MACHINE ON MANUAL OPERATION

(NOTE: Many of the newer voting machines operate manually, not electrically. Therefore, you should consider manual operation as something to be used whenever needed. It is an easy, not difficult, way of operating a voting machine.)

If Curtain is Open

- a. Go to rear write-in compartment. Find the "red flag" on top of vertical slide attached to the motor's drive arm. Simply push up the bottom of the slide with one finger, so the "red flag" stands up in the air. Push the drive arm down.
- b. Take the large manual lever from the write-in compartment. Fit it into the round opening at the bottom center of the machine. (The handle will lean towards the left side of the machine.) Tighten the connection with the lever's thumb screw.

If Curtain is Closed

- a. Put large manual lever into opening at bottom of center of machine. (Handle will point towards right side of machine.)
- b. Have voter cast his vote by putting down voter levers and then opening curtains by pushing large manual lever to left.
- c. After voter leaves and curtain is open, go to rear compartment and put "red flag" in "up" position for operation by voter.

IMPORTANT!

1. In manual operation, a voter can open curtain even if he pushes all voting levers into the "up" (non-voting) position. Therefore, be sure to caution every voter to have his voting levers down before he opens curtain with the manual lever.
2. Do not go back on electrical operation until technician arrives to do it for you.