



Committee of Seventy

Fighting for Better Local Government

Testimony submitted to the National Commission on Voting Rights

February 6, 2014

I am Ellen Mattleman Kaplan, Vice President and Policy Director of the Committee of Seventy, a non-partisan and not-for-profit watchdog organization fighting for honest and effective government, fair elections and better informed citizens.

I appreciate the opportunity to be here today. As I understand it, the goal of the National Commission on Voting Rights is to gather testimony in support of two reports: one on voting discrimination and a second on election administration and electoral reform.

I will focus my remarks on the latter, although I do want to note Seventy's concern about the problems faced by Spanish-speaking voters in Philadelphia around language interpretation services at polling places. And also our growing concern about voting information that is accessible to Asian Americans. In fact, an article in today's Philadelphia Daily News said that 47% of Asian-Americans in Philadelphia – that's more than 43,000 people – have limited proficiency in English.

This city must ensure that eligible voters of all ethnicities know what's on the ballot, know where to vote and know that help is readily available when they go to the polls.

On the issue of election reform – which to me is synonymous with making it easier to participate in the voting process and also ensuring that voters have a good experience when they do vote – Pennsylvania and Philadelphia have a lot of hard work to do.

The report of the President's Commission on Election Administration painted a dismal picture of how hard it is to cast a vote in Pennsylvania.

We do not have online voter registration.

We do not have early voting options.

We do not have no-excuses absentee ballots.

We do not have electronic poll books.

In short, Pennsylvania's voting procedures are more consistent with the way people lived decades ago. Not the way they live today.

It's time the state moved into the 21st century. While the report of the Presidential Commission is regrettably not binding on states, Seventy urges the PA General Assembly take its bi-partisan recommendations to heart.

What I want to touch on today is what really happens on the-ground that gets in the way of voting in Philadelphia and the voters having confidence that their votes count.

Sadly, here in Philadelphia, putting many of the reforms I just mentioned in place today would be like adding a GPS to a broken down Model T Ford.

What's especially distressing is that what happens at the local level largely determines whether a voter's experience is positive or negative.

The Philadelphia voting experience is not a good one for far too many people.

The Committee of Seventy feels uniquely qualified to talk about this. For more than a century, Seventy has championed fair, honest and well-run elections in Philadelphia. During each year's primary and general elections, we recruit and train non-partisan volunteers to visit city polling places to answer voters' questions, resolve minor issues and report more serious problems to law enforcement officials. Over 1,000 volunteers assisted during the 2012 presidential elections, not only in Philadelphia but in the Bucks, Chester, Delaware and Montgomery counties. To our knowledge, our Election Day Program is the largest local elections oversight operation of its kind in the country.

In the last two years, Seventy has also been the state headquarters for the Lawyers' Committee for Civil Rights Under Law's Election Protection hotline (1-866-OUR-VOTE). For several weeks before each election, and on Election Day, Seventy-trained hotline volunteers take calls from voters all across Pennsylvania who need help with voting or experience problems at the polls. On November 6, 2012 – which, in addition to being a presidential election, was the day on which the state's voter ID law was expected to go into effect – the hotline received over 8,000 calls.

Seventy's passion for bringing about the most positive experience for voters is a year-round effort. We field thousands of calls related to voting and issue alerts about election deadlines. We write reports and speak out regularly on ways to improve local elections. We are the only organization that regularly attends meetings of the City Commissioners, who run city elections.

As I said earlier, our testimony today concentrates on what we believe – based on our own track record of over 100 years monitoring local elections – to be a bad voting experience for many Philadelphians.

Elections are run by three independently elected City Commissioners, two of whom are Democrats and one a Republican whose seat is guaranteed by the city's Home Rule Charter. Two Commissioners – Republican Al Schmidt and Democrat Stephanie Singer – were first elected in

2011. Each of them, separately but often together, campaigned on platforms of bringing greater transparency and efficiencies to the operation of elections. In his 2011 campaign flyer, Al Schmidt promised to fix the “voting irregularities and election problems [that] have plagued Philadelphia for years.”

The first test of the new Commissioners’ reform agenda was in 2012. And the November 6, 2012 presidential election turned out to be perhaps the worst-run election in the city’s history, as well as a national embarrassment that generated probes by the Department of State, Mayor Michael Nutter, City Controller Alan Butkovitz, and the City Commissioners (with separate reports issued by Singer and the then-Acting Voter Registration Commissioner). Reading through the reports of these probes, which we will share with this Commission, reveals a chilling tale of massive confusion, mismanagement and partisanship.

Most notably:

- An unprecedented 26,986 provisional ballots were cast, including (according to Mayor Nutter’s probe) 12,294 by voters who were properly registered to vote, showed up at the correct polling place and should have been permitted to use the voting machine. Included were 5,263 voters whose names were inexplicably missing from poll books or supplemental pages, according to the then-Acting Voter Registration Commissioner.
- Two weeks before the election, over 28,000 voter registration applications had not yet been processed. At a public hearing on November 2, four days before the election, the Commissioners’ office announced that the process had been completed – leaving no time for many people who submitted incomplete applications to make corrections.
- Almost 100 Republicans who were legally entitled to serve as Minority Inspectors at polling places were not permitted to sit by Democratic Judges of Election. Court orders were required to seat them, which tied up most of the morning on the busiest Election Day every four years.

- Nearly 7,000 voters appeared at the wrong polling place. Hundreds of voters called the hotline to ask where to vote or to complain about no signage about relocations at what they believed to be their assigned polling place.
- Fifty voting divisions reported zero votes for GOP presidential candidate Mitt Romney.
- Seventy's Election Day program volunteers reported widespread misinformation given by polling place officials – who are only required to be trained when they are first elected to serve. Many poll workers have been serving for decades.

The Schmidt-Singer reform team, which began to break down almost immediately after their inauguration in January 2012, completely fell apart when Singer was ousted by her two colleagues as chair of the City Commissioners the morning after the November election.

Many of the problems that occurred on November 6, 2012 may already have been addressed. But we won't really know if they are fixed until the next high turn-out election – which could be during the hotly contested gubernatorial election this year.

It is no secret that the Committee of Seventy strongly believes that the people in charge of city elections should not be chosen through a partisan election process. Especially in a city where nearly 80% of the voters are Democrats and just over 12% are Republicans, there will at least be a perception that actions are taken or not taken because of political motives or to advance the Commissioners' political aspirations. The same concerns will be true in jurisdictions dominated by the Republican Party.

The Committee of Seventy urges this Commission to echo the Presidential Commission's call for elections run by professionals who are highly knowledgeable about the most modern and up-to-date voting practices, are free of partisanship, do not make hires based on political patronage, and who have an unwavering commitment to extraordinary customer service.

We urge your report to at least include (1) requiring polling place workers to receive adequate compensation for working a 13-hour day at the polls, (2) mandating training of poll workers before

each election, (3) replacing manual inputting of voter data with faster and more accurate methods, and (4) strengthening communications to city voters, including by social media.

We further urge the Commission to support the continued use of federal dollars to assist the implementation of its recommendations. The lack of state or local resources cannot continue to be an excuse for not putting necessary reforms into place or for failing to provide voters with accurate and timely information.

This will be a herculean task. But here in Pennsylvania, voting is a constitutional right. The voters must be allowed to exercise this right freely, fairly and without any fear whatsoever that it will be abridged in any way.

The Committee of Seventy appreciates the Commission's consideration of its testimony.

Thank you.