

Report to the City Commissioners:
General Election
November 6th 2012

December 5, 2012

The Honorable Anthony Clark
City Commissioner, Co-Chair

The Honorable Al Schmidt
City Commissioner, Co-Chair

The Honorable Stephanie Singer
City Commissioner

As part of the Department's standard operating procedure, I have directed the staff to review the events that occurred relating to the General Election that took place on Tuesday, November 6, 2012.

This report is a comprehensive review of events and proceedings that occurred before, on, and after Election Day.

This report puts forth recommendations for improving procedures within the Department, and offers suggestions for actions that other institutions can take to contribute to a more efficient election process.

Sincerely,

Gregory Irving
Acting Voter Registration Administrator

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Introduction

The General Election took place on Tuesday, November 6, 2012. During this Election Cycle, the Department faced a number of unique challenges, including the Voter Photo ID Law, a lengthy challenge to petitions of the Libertarian candidates, nearly one hundred polling place changes, and a hurricane during the week before Election Day.

The Office of the City Commissioners, which includes the Voter Registration Division and the County Board of Elections, has completed a review of all of the relevant events that took place before, during, and after the General Election that impacted this election cycle.

Voter Photo ID Law

The Voter Photo ID Law was passed by the state legislature and signed by Governor Corbett in Spring 2012, prior to the April 25, 2012 Primary Election.

A “soft roll out” of this legislation was implemented in the Primary Election. During the Primary, Election Boards were instructed to ask voters to present a valid photo ID. However, voters were not required to present photo ID in order to vote.

Our Department took several measures to prepare for the full implementation of the Voter ID Law for the November 6, 2012 General Election, so that voters were aware of the new requirements. These actions included: designing signage for each polling place; writing and distributing mailings informing our Election Boards of the training dates and new procedures that would be required to properly implement the new law; writing and distributing detailed Election Day implementation instructions for each Election Board; designing a take-home flyer for any voter who lacked proper ID and would have therefore had to vote using a provisional ballot; and redesigning training programs and materials for Election Board members. We took all of these actions to implement the new law, before Judge Simpson’s ruling required us to redo, readjust, and retrain.

The timing of the various court actions significantly impacted our Election Board training. We sent a letter to all elected and appointed Election Board officials informing them of their responsibility to implement the new law, and listing the training dates for their respective neighborhoods. Everyone who attended these training sessions was trained on the new procedures for full implementation of the Voter ID Law. Those who did not attend these trainings still received the same letter informing them of their responsibility to implement the new law on Election Day.

When Judge Simpson made his final ruling on the Voter ID Law for this General Election cycle, our Department worked diligently to determine which parts of the law would still remain in

effect for Election Day. After multiple conversations with the Department of State, we received full clarity on what needed to be done and responded appropriately. We immediately revised any training materials for Election Boards that previously instructed them to fully implement the new law. These revisions were made to reflect the similar “soft roll out” that had already been done in the Spring 2012 Primary. We also revised the content of any remaining training sessions. We sent another letter to all appointed and elected Election Board officials informing them of Judge Simpson’s ruling and the impact it would have on the upcoming election, including final training dates. We sent a separate letter to the people who had already attended trainings to inform them that they should disregard what they had been previously instructed to implement.

Furthermore, while the “soft roll out” was in effect for Election Day, we were instructed by the Department of State to fully implement and enforce the new Voter ID requirements with regards to absentee ballots. Throughout the election cycle, efforts were made to contact voters who did not supply the necessary identification information.

We responded quickly to Election Day reports of Election Boards that were allegedly implementing the “soft roll out” incorrectly. These calls were few in number and most, if not all, of the complaints were unsubstantiated. Our Department spoke with thousands of voters throughout the election cycle to ensure that everyone was informed of what would and would not be required on Election Day regarding photo ID. In other words, we clarified the message that Election Boards were required to ask for ID, but voters were not required to show it in order to vote. There was an exception for voters who were voting for the first time in a new division, in which case ID would be required, just as it had been in previous elections for the past several years.

Libertarian Petition Challenge

The Republican Party of Pennsylvania challenged the petitions submitted to the Pennsylvania Department of State by the Libertarian Party for their candidates for President, U.S. Senate, Attorney General, Auditor General, and State Treasurer. A Commonwealth Court Judge ordered that the Libertarian and Republican Parties each send 20 volunteers to our office at 520 N. Delaware Avenue in order to review the challenged petition signatures. The order of the court and signature review process required the full attention of our staff for two weeks in mid-August.

The petition challenge prevented the staff from processing voter registration applications for two weeks, resulting in a backlog of thousands of voter registration applications. Staff resources continued to be devoted to the petition challenge after the initial two weeks. This continued through early October in order to complete the process. The court ruling did not provide for any additional support in labor or funding for our Department.

Voter Registration Applications

From April 25, 2012 through October 9, 2012 the Voter Registration Office received 196,764 voter registration applications. This volume included registrations that were fraudulent, missing information, or not for Philadelphia residents. We have to devote the same amount of time and attention to each application regardless of their authenticity or completeness.

Throughout the election cycle, our supervisory staff communicated to the various organizations that it was important for them to turn in voter registration applications promptly upon collecting them. Some applications were turned in months after they had been filled out, so many individuals submitted duplicate applications. These types of delays contribute to confusion on Election Day because the Department processes the last application received. In July, representatives from our staff and the Commissioners' Offices requested a meeting with local representatives from Obama for America to discuss the concerns about the delays.

On October 9, 2012, the deadline for voter registration applications for the 2012 General Election, our Department remained open until midnight in order to accommodate to the needs of the public. After 11:00 PM, less than an hour before the registration deadline, tens of thousands of applications were submitted by various organizations, including Obama for America, the Community Voter Project, and Grassroots Voter Outreach. Some of these applications dated back to early September.

Voter registration applications are usually processed quickly once our Department receives them because, generally, no more than a few thousand arrive on any given day. As of October 9, 2012 our Department had over 41,000 applications to process.

In response to this high volume of voter registration applications, our Department extended business hours to 10:00 PM, including weekends. We also recruited five employees from the Revenue Department to assist with the additional workload. The Voter Registration Office finished processing the voter registration applications on Thursday, November 1, 2012, before the supplemental sheets were printed.

Polling Place Hearings

Since the City of Philadelphia reached a settlement agreement with the United States Department of Justice in 2009, our Department has been held hearings during every election cycle in order to move polling places that cannot be modified to meet USDOJ-ADA standards for handicapped accessibility. Many people have become accustomed to voting at the same polling place for decades. Adjusting to the changes in polling locations has been difficult for many voters, especially for the elderly. The hearings for the 2012 General Election cycle were held between September 27th and October 17th. Additionally, some building owners refused to continue hosting

polling places, and arrangements had to be made for new locations. A total of 98 divisions had new polling places for the General Election on November 6, 2012. The new polling places were assigned based on recommendations from the Department of Justice, Ward Leaders, and petitions from the public.

Our staff posted notices prior to each hearing at both the former polling places and the proposed new polling places in order to inform the public about the hearings. Individuals were given the opportunity to speak at the hearings either in favor of or in opposition to the polling place move. The Department's website was updated regularly after each hearing to inform the public of any changes. Additionally, the Department maintained regular communication with Ward Leaders to help inform Committeepeople and constituents of the changes. After all the polling place moves were finalized, our Department sent a postcard to every affected household and signs were hung on all the former and new polling places informing voters about the changes.

On Wednesday, October 31, 2012 the Court of Common Pleas held a hearing that resulted in the relocation of one polling place. The Department mailed a letter to each affected household informing voters of the change.

Absentee Ballots

The Department began receiving absentee ballot requests several months prior to Election Day. We were unable to mail absentee ballots to these individuals, however, until the ballot was finalized. During the 2012 General Election cycle, our Department received 19,895 absentee ballot applications.

Throughout the election cycle, our Department encountered numerous problems with the U.S. Postal Service. The Post Office initially delivered some of the Department's mail to 1401 JFK Blvd. rather than to City Hall Room 142. This caused delays in receiving many absentee ballot applications and therefore shortened the time frame during which some individuals could vote. Finally, our Department did not receive any mail on Monday, October 29th or Tuesday, October 30th due to Hurricane Sandy, which caused further delays.

In the normal course of events, civilian absentee ballot applications must be received by our office by 5:00 PM on the Tuesday before Election Day. For this election cycle, that deadline originally fell on October 30, 2012. Our office was staffed throughout Hurricane Sandy, but the absentee ballot application deadline was pushed back two days so that voters would not be put at a disadvantage by the storm and the resulting mail delays. The new deadline for absentee ballot applications was November 1, 2012. Voted civilian absentee ballots are normally due by 5:00 PM on the Friday before Election Day. For this election cycle, that deadline originally fell on November 2, 2012. Due to Hurricane Sandy, the deadline for voted absentee ballots was postponed until Monday, November 5, 2012 at 5:00 PM.

First responders who traveled from Philadelphia to New Jersey and New York to help with recovery efforts received absentee ballots upon request via email, similar to the procedure for overseas civilians and military voters.

Our Department received 15,371 voted absentee ballots. These ballots were processed in a timely manner and are included in the certified election results.

Hurricane Sandy

On Monday, October 29, 2012 and Tuesday, October 30, 2012, during Hurricane Sandy, the Department was operational. We had a core staff working in emergency conditions, even though all public transportation was shut down and the city government had closed. The Department could not compel the staff to work, but many chose to work during the storm anyway. Despite the willingness of the staff to work through the hurricane on Monday, dramatically worsening weather conditions compelled the Commissioners to close the Department at 4:00 PM.

Voter Registration (Data and Imaging Units)

The Department processed 5,300 voter registration applications on Monday, October 29, 2012 and Tuesday, October 30, 2012 during Hurricane Sandy.

Election Day Activities Unit

1,526 absentee ballots were delivered to the U.S. Post Office at Lindbergh Boulevard to be mailed out to individuals who had requested them. Even though no mail was being delivered to our offices, we processed and delivered as many absentee ballots to the Post Office as possible.

Voter Machine Warehouse

The Department delivers voting machines to 1,687 divisions the week before the election. On Sunday, October 28, 2012, our Department was prepared to deliver voting machines between 5:00 AM to 7:00 PM throughout the week. All trucks were loaded on Sunday and ready to go for the following day. The City government and School District were closed Monday and Tuesday during Hurricane Sandy, so no voting machines could be delivered to schools, recreation centers, and other city owned properties.

Due to the storm, the Department was unable to make any of the scheduled voting machine deliveries over those two days. The supervisor at the voting machine warehouse worked with the hauling company to revise the delivery schedules. The revised schedule included evening and weekend deliveries, and the addition of more delivery trucks and movers.

Our Department worked with the Managing Director's Office to ensure that voting machines could be delivered to city owned properties in the evenings and on the weekend, even though the locations are not normally operational during these times.

Polling Place Unit

Under normal circumstances, the Department provides signs that are displayed in neighborhoods that are impacted by polling place changes. This was scheduled to occur on Sunday, October 28, but this process was postponed with the expectation that the signs would be destroyed during the hurricane.

A meeting with the Law Department to train their staff for Election Day operations was planned for Monday, October 29th but was postponed until later in the week.

Delivery of temporary modification items was also scheduled for Monday, October 29th and was postponed.

Posting of polling place changes and delivery of temporary modifications began again on Thursday, November 1st and continued through November 5th. Only two polling places were without electricity as of the weekend before Election Day but our polling place supervisor stayed in touch with PECO to ensure that all polling places had electricity prior to Election Day.

Minority Inspectors

On Wednesday, October 31, 2012, the Philadelphia Court of Common Pleas held a hearing to consider petitions for appointment to Election Board positions across the city. Although some Judges of Election and Majority Inspectors were petitioning for appointment, the vast majority of the petitions were for the position of Minority Inspector. The Election Code also allows each Minority Inspector to appoint one Clerk to serve on the Election Board.

Our Department did not receive the finalized appointment list from the Court of Common Pleas until the evening of Friday, November 2, 2012. On the following morning, staff from the Commissioners' Offices sent letters to the Judges of Election and Ward Leaders in divisions affected by the court-mandated appointments, as well as to the Republican and Democratic City Committees. Due to the late notice it is possible the information was not received by many of the Judges of Election until after the polls opened on Election Day.

Election Day Incidents

The Department received numerous phone calls throughout the day during the General Election on November 6, 2012. As with previous elections, there were a wide range of complaints. The complaints that were handled by the Department on November 6, 2012 were similar to complaints received in previous elections.

Most of the calls received by the Department on Election Day concern issues that can be easily resolved over the phone. Other calls are more serious in nature, and these incidents are referred to the District Attorney's Office when necessary. The following is a list of the most common types of calls received by the Department on Election Day:

Voting Machine Problems

One type of phone call received by the Department was problems with setting up and repairing the Electronic Voting Machines. These issues were generally resolved over the phone. If further assistance was required, a machine technician was dispatched to the polling site. Machine warehouse staff then prepared a written report for each phone call regarding machine problems.

Allegedly Missing Election Materials

Phone calls related to allegedly missing election materials were referred to the Election Materials Unit. All of these calls were resolved over the phone. Election Board Workers were instructed to conduct a follow-up check for the materials, and there were no cases in which a staff member had to be sent to deliver materials.

Polling Places Not Open on Time

Election board members are required to open their polling places by 7:00 AM. Phone calls related to absent Election Board Officials or polling places not opening on time for any other reason were referred to the Polling Place Inspection Unit. When Election Board Officials failed to report to a polling place on time, the Department sends staff members to open up the polling place until replacement Election Board workers from the neighborhood can be found.

Voter Registration and Polling Place Location Questions

On Election Day, many people have questions about their registration status and polling place location. This is a routine type of call that is handled throughout the day during every election. The SURE system enables staff members in the City Commissioners Office to provide a quick response to these questions over the phone. These calls are usually not logged due to the large volume received on Election Day. The City Commissioners Office also received calls from individuals who could not be located in the poll books in a given division. This type of inquiry was handled first by checking the caller's voter registration status in SURE. If the caller was registered to vote in that division, they were then asked to confirm that the Election Board

members had checked the supplemental poll book pages. In some instances, the Election Board had not yet checked the supplemental poll book pages. In these cases, the voter's name was then located and the problem was resolved. In other instances, the voter's name could not be located in the supplemental pages. In the event that a voter's name could not be located in the supplemental pages, the voter was instructed to complete a provisional ballot at that polling place.

Signature Already in Poll Book When Voter Arrived

On Election Day, the City Commissioners Office was notified of five separate instances in which an individual claimed that there was already a signature next to their name in the poll books when they arrived to vote at their polling place. A further review of this issue is necessary to determine the cause and to verify the validity of these claims. These calls were logged with complaint forms.

Electioneering, Illegal Voter Assistance, and Improper Behavior by Board Workers

These types of calls sometimes required the City Commissioners Office to contact the District Attorney's Office. These calls were also recorded on complaint forms. On the morning of Election Day, when the polls were opening, the City Commissioners Office received many calls about Minority Inspectors that were not properly seated on Election Boards. In these cases, the City Commissioners Office first attempted to speak directly with the Judge of Elections over the phone at the division where the problem was occurring. If no resolution could be reached or if the Judge of Elections could not be reached, then these incidents were referred to the District Attorney's Office.

Throughout the day, the City Commissioners Office also received complaints of electioneering in polling places, voter intimidation, illegal voter assistance, and improper Election Board procedures. These complaints were referred to the District Attorney's Office. When possible, the City Commissioners Office followed up with the complainant to ensure that the issue was resolved.

Post-Election Inquiries

In the days following the November 6, 2012 General Election, the City Commissioners Office continued to receive calls about Election Day issues. These calls were recorded, and were consistent with the types of calls that the City Commissioners Office received on Election Day.

Conclusion

The majority of the calls received by the City Commissioners Office on Election Day were similar to calls received in previous elections. When possible, these calls were recorded on complaint forms. The City Commissioners Office will review all complaint forms relating to the

2012 General Election, including complaint forms submitted after Election Day by the Law Department and the Pennsylvania Department of State.

Provisional Ballots

During this election cycle, our Department saw a significant increase in provisional ballot use compared to past election cycles with comparable voter turnout. In fact, the number of provisional ballots this election was more than double the amount used in General 2008. Out of the approximately 27,355 provisional ballots cast during this election, 19,670 were included in the certified election results.

Provisional Ballot Analysis

Number of provisional ballots cast by individuals registered to vote in Philadelphia on Election Day	19,670*
Number of provisional ballots cast by individuals registered to vote in a Pennsylvania county other than Philadelphia	1,170
Number of provisional ballots cast by an individual previously registered in Philadelphia but whose registration was cancelled prior to November 6, 2012	1,630
Number of provisional ballots cast by individuals not registered to vote or not registered to vote in Pennsylvania	4,240
Number of provisional ballots cast by an individual who also voted on a voting machine	380
Number of provisional ballots cast that had miscellaneous problems (no ballot inside the provisional envelope, no signature, bad signature, etc.)	265
Total	27,355

*14,407 found in the poll books or on the supplemental sheets. 5,263 were not found in the poll book or on the supplemental sheets.

Of the 19,670 registered Philadelphia voters who voted by provisional ballot 14,407 were located in poll books or on supplemental sheets. Many individuals voted by provisional ballot because they went to the wrong division to vote. During Presidential Elections, a significant number of

non-frequent voters show up to vote. Many of these individuals were not familiar with the polling place changes that had occurred over the last four years. In other cases Election Boards at polling places did not look for or could not find the names of voters in either the poll books or on the supplemental sheets. Approximately 2/3 of the individuals who were found in the poll books or on the supplemental sheets voted in the wrong division. The other 1/3 of the individuals who were found in the poll books or on the supplemental sheets voted in the correct division.

Following the computation of the election results our Department conducted a manual analysis of the provisional ballots cast by registered Philadelphia voters who were not found in the poll books or on the supplemental pages. There were 5,263 individuals who voted by provisional ballot and were properly registered to vote in Philadelphia, but were missing from the poll books and supplemental sheets. This represents less than 0.8% of all voters who showed up on Election Day. Even though they could not be found in the poll books or on the supplemental sheets, these individuals' votes were counted either partially or in full depending on whether or not they voted in the correct district. These individuals were missing from the poll books and supplemental sheets for one of two reasons:

1. The voter registered to vote before turning 18, but had since turned 18 in time to vote on Election Day, and their registration status was not properly changed prior to the printing of the poll books and supplemental sheets.
2. The voter was impacted by an as yet undetermined problem extracting voter information from the SURE database which caused some individuals who should have been printed on the supplemental sheets to be excluded.

Individuals who registered to vote before they turned 18 but will turn 18 prior to Election Day are entered in SURE with the status *Active-Under 18*. These individuals are supposed to have their status changed to *Active-Registered* immediately prior to printing the poll books and supplemental pages. During this election cycle these individuals did not have their status changed. As such, they did not appear in the poll books or on the supplemental sheets, but were registered to vote and their provisional vote was counted.

Some voters whose files in SURE were changed after October 22, 2012 were not included in the poll books or on the supplemental sheets. This problem did not occur for every voter whose files were changed. The vast majority of individuals who voted by provisional ballot but could not be found in the poll books or on the supplemental sheets were individuals whose files had been updated shortly before Election Day.

On Election Day, as part of our standard operating procedures, we delivered additional provisional ballots to polling places across the city when our Department received reports they were running low. In all cases, our Department attempted to confirm the need for provisional ballots with the Judge of Elections. In many cases, the provisional ballots were returned to us

because they were not needed or the Judge of Elections accepted them, even though they still had a large supply of provisional ballots remaining. Our Department is not aware of any circumstance in which a division entirely ran out of provisional ballots. The City Commissioners Office provided all Judges of Election with a cell phone and a contact list so that the Judges of Election can reach out to our Department if they are short on provisional ballots. We did not receive any phone calls from a Judges of Election indicating that they were entirely out of provisional ballots.

Conclusion and Recommendations

The City Commissioners Office faced numerous unique challenges this election cycle including the Voter Photo ID Law, a lengthy challenge to petitions of the Libertarian candidates, nearly one hundred polling place changes, and a hurricane during the week before Election Day. Our Department overcame all of these challenges leading up to Election Day.

This election cycle our Department saw a significant increase in provisional ballot use compared to comparable election cycles, more than double the amount of provisional ballots used in 2008. Of the approximately 27,355 provisional ballots cast on Election Day, 5,263 ballots were cast by registered voters who did not appear in the poll books or supplemental sheets. Although this added to the number of provisional ballots cast, it was not the main cause of the increase in provisional ballots from 2008 to 2012.

The following are recommendations to prevent the problems on Election Day from occurring in a future Election.

1. Implement procedures to make sure all individuals who have *Active-Under 18* status are transferred to *Active-Registered* status prior to printing the poll books and again prior to printing the supplemental sheets.
2. Work with the Pennsylvania Department of State to determine the cause of the as yet undetermined problem extracting voter information from the SURE database, which caused some individuals who should have been printed on the supplemental sheets to be excluded. Create a process manual for finalizing the list of individuals to be included in the poll books and supplemental sheets and develop internal controls to prevent the same problem from occurring again.
3. Conduct a pre-Election review of poll books and supplemental sheets to make certain that eligible voters are properly included.
4. Revamp Election Board trainings to emphasize the proper procedures for locating voters in the poll book. Consider options to further incentivize training attendance.
5. Request that the Court of Common Pleas hold the Election Board Appointment Hearing earlier in the election cycle. This will allow our Department to have more time to better communicate with the affected Election Boards to make sure they are aware of their legal responsibilities.