



**TESTIMONY OF COMMON CAUSE/PENNSYLVANIA  
URGING MODERNIZATION OF  
ELECTION PRACTICES AND PROCEDURES**

**The Presidential Commission on Election Administration**

**September 4, 2013**

**The Pennsylvania Convention Center – Philadelphia, PA**

Good afternoon Chairman Bauer and Chairman Ginsberg. I am Elizabeth Randol, Common Cause/PA's Elections Modernization Campaign Manager. Common Cause/PA is a chapter of Common Cause, a nonpartisan organization with over 400,000 members and supporters throughout the country – citizens working to build free and fair elections, and open, honest and accountable government.

In recent Presidential election cycles, Common Cause/PA has assembled teams of poll monitors to watch election proceedings around the Keystone State. As a general rule, the administration of Pennsylvania's election proceeded fairly smoothly. However, we have seen some significant trouble spots and some statewide problems with election administration.

**2012 General Election**

In 2012 we had over 250 poll monitors observing the election and helping voters in over 100 precincts in almost every region outside of Philadelphia. Election protection advocates spent months preparing for the 2012 General Election, largely to help voters respond to the new Voter Photo ID law. As you know, this remains an unsettled matter pending litigation in Commonwealth Court. Despite training provided by both the Pennsylvania Department of State (DOS) and county election offices, there was still large-scale confusion in many areas of the state as to what kind of ID was required for citizens to vote. This was caused, in part, by constantly changing rulings, standards and procedures that came from the courts and DOS. These serial changes led to a lack of uniformity in election administration throughout the state, and in some places to disenfranchisement of legitimate voters. If the Voter Photo ID law continues to remain in force, the Commonwealth must work to ensure that it has uniform application and enforcement throughout the state.

Common Cause/PA partnered with a large statewide coalition of Election Protection organizations to address problems on Election Day. The Lawyers Committee for Civil Rights Under Law maintains a database of Election Day problems experienced by voters nationally. This data is primarily generated by voters' calls to the 866-OUR-VOTE hotline and/or the OURVOTELIVE.org website.

In the 2012 General Election, *Pennsylvania generated the second largest number of citizen inquiries and complaints after California with 9,171 calls* – and that was just from those voters who were fortunate enough to have heard about the election protection hotline or encountered an election protection poll monitor after experiencing a problem. And at various times, the 866 hotline was overwhelmed by high call volume, leaving some distraught voters’ problems unresolved.

**Our findings from the 2012 General Election were numerous. However, for the purposes of this testimony we are focusing on the single largest problem we experienced on Election Day: poll books that were missing large numbers of legitimately registered voters.**

Realizing that the “efficient management of voter rolls and poll books” is one of the issues the Commission is considering, we are highlighting those findings. We are also offering recommendations, many of which correspond to other PCEA issue areas (and are noted accordingly).

## **PCEA ISSUE: THE EFFICIENT MANAGEMENT OF VOTER ROLLS AND POLL BOOKS**

### **PROBLEMS:**

- New voters who had registered (which included first-time voters and voters who were voting for the first time in that district) were not listed on the poll books.
- Some voters, who had lived and voted in that district for many years, were no longer listed on the poll books.
- In some polling locations, language barriers exacerbated the confusion with voter rolls.
- Several voters who brought their registration cards to the polls and discovered they were not listed in the poll books were not offered provisional ballots as required by law.
- Some voters who believed they were at the right poll were turned away; poll workers did not confirm those voters’ registration with the County nor did they provide voters with their proper polling location.

### **RECOMMENDATIONS:**

- Systemic/legislative recommendations  
The following recommendations are systemic solutions to a variety of issues on Election Day. Adjustments and corrections to current procedures will certainly be of value but we strongly urge the Commission to consider statutory election modernization reforms that would address many obstacles voters face on Election Day.
  - Establish **Online Voter Registration**. States that have adopted this mechanism experience much greater accuracy in their poll books. Online Voter Registration allows voters to enter registration information directly, eliminating clerical data entry errors common when transcribing paper registrations.
  - Provide for **Election Day registration**. Nearly all of the above problems regarding voter rolls would be eliminated if Election Day registration became available.
  - **Establish uniform, national standards for “purging.”** Removing inactive voters appears to be a somewhat subjective process, with far too much room for error that ends up prohibiting legitimate voters from casting a ballot. Only voters who are confirmed as deceased or who have moved out of the voting district should be purged from the poll books.

- PCEA Issue: Administration of absentee ballot programs: Allow for **no-excuse absentee ballot voting** and **early voting**. Far too many Pennsylvania polling locations experience long lines for voting – especially at the peak morning and evening voting times. Pennsylvania has some of the strictest standards in the nation for absentee balloting – relaxing those restrictions would enable more voters to cast their ballot without traveling to their polling location. Similarly, early voting (whether by mail or in-person) will shorten the lines, ease the workload for election staff, and can identify problems in advance of Election Day.
- PCEA Issue: The number, location, management, operation, and design of polling places  
Communication problems between poll workers and voters, and especially between poll workers and the county/state, contributed significantly to the problems we documented on Election Day.
  - Ensure that county election offices have sufficient extra phone lines and trained supplemental staff on Election Day to address emergent problems.
  - Ensure that every precinct has a telephone.
  - Ensure that every precinct has computer access to the SURE system to confirm voter registrations and polling locations.
- PCEA Issue: The training, recruitment, and number of poll workers  
While state law requires counties to provide training for all poll workers, poll workers are not required by law to take that training. This means that there were fluctuating applications of the law across the state, and even within counties.
  - Make poll worker training mandatory, and consider certifying poll workers as having passed a training program.
  - Ensure the uniformity of training statewide.
  - Ensure that all poll workers are trained to offer a provisional ballot to voters if they do not appear in the poll books and cannot be sent to a proper voting location.

### **Other Issues for Consideration**

While not directly related to inaccuracies on the poll books, CC/PA has been troubled by numerous reports during the last two Presidential elections (2008 and 2012) of targeted **voter suppression tactics**. We received questions and complaints both before and on Election Day regarding issues that indicate coordinated voter suppression.

### **PROBLEMS/REPORTS OF:**

- Partisan poll watchers (not poll workers) standing outside polling locations asking voters to confirm their registration before entering. If voters were not on the partisan poll watcher’s list, they were told that they could not vote;
- Voters being intentionally directed to incorrect polling locations;
- Robocalls instructing voters that if they were worried about long lines, they could vote on Wednesday, the day after the election;
- Leafleting in targeted neighborhoods warning voters that if they had outstanding parking tickets or unpaid child support, they would be arrested at the polls;
- Robocalls instructing Spanish-speaking households that they could only vote between certain hours of the day.

## **RECOMMENDATIONS:**

- States should enact strict voter intimidation and suppression laws, including ensuring that partisans and non-credentialed poll monitors must stay a significant distance from a polling place.
- Action also may be required at the federal level since some voter suppression activities appear to be generated by out-of-state or even offshore entities.
- States should establish programs to train and credential non-partisan poll monitors to oversee polling places for election irregularities and report them to law enforcement and/or election officials.

Common Cause Pennsylvania has a broad election reform agenda that includes additional priorities such as establishing voting machine standards, provisional balloting reforms, and polling site accessibility that extends beyond our testimony today. However, we hope that CC/PA's experience in 2012 and many other elections will be of assistance to the Commission in drafting your recommendations. We look forward to working with you to make these reforms a reality.

Thank you for your time today,

Elizabeth Randol, Ph.D.  
Elections Modernization Campaign Manager  
Common Cause Pennsylvania