



ENSURING VOTING INTEGRITY IN LANCASTER COUNTY

**A Report of the Election Reform Task Force of the Lancaster County
Democratic Committee**

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Executive Summary

Early this year (2007), The Chairman of the Lancaster County Democratic Committee called for the formation of a bipartisan task force to assess the voting system in Lancaster County and make recommendations for improvement, if warranted. After initially agreeing to participate, the Republican Committee of Lancaster County declined to appoint members to the Election Reform Task Force.

The following report was compiled based on personal experience working at the polls, participation on the HAVA Implementation Task Force, anecdotal evidence from voters and political party members, and discussions with the Lancaster County Board of Elections and Registration Commission staff. Documentation, such as reports on election integrity published by advocacy groups and government agencies, as well as news reports of voting system problems throughout the country, were also consulted.

The task force concluded that County Board of Elections and Registration Commission staff, headed by Chief Clerk and Registrar, Mary Stehman, along with the county's Information Technology Department, have done an admirable job of planning and overseeing the County's election process. They have worked diligently, honestly, and openly, and their efforts have minimized the difficulties of converting to a fully automated voting system from the lever machine system in use in this county for many years.

This small group of dedicated county employees, however, cannot alone ensure fair, accurate, and trustworthy elections in Lancaster County. Error, misinformation, corruption, and fraud can creep into elections at points in the process well beyond the management control of the Registration and Elections Office. To safeguard the right of every citizen to vote and to instill in every voter the assurance his vote will be counted and remain secret, standards must be set, and procedures established to monitor and enforce them, at each critical point in the election administration process.

This report addresses three areas where improvements in our elections process need to be made:

- 1) voting machines and associated manual procedures
- 2) access to the polls
- 3) poll worker recruitment and training

The responsibilities for implementing these recommendations would range from the state government and county government to the individual voter. We have singled out specific

tasks for the political party organizations, as well, especially in the area of poll worker competence. The recommendations are summarized, below.

1. ENSURE VOTING MACHINE HARDWARE AND SOFTWARE RELIABILITY BY MAKING VOTING SYSTEMS AUDITABLE

The Help America Vote Act of 2002 forced counties across the nation to convert to new voting systems that met certain general requirements without establishing first a set of well-defined standards and procedures for the selection, implementation, and monitoring of the new systems. If anything, the Act limited the ability of county governments to comply adequately to ensure fair and accurate elections.

To remedy the omissions, the county, at minimum, needs to work with the state government to alter the county's current voting machines to make them auditable according to the National Institute of Standards and Technology's definition. For example, we recommend that the County Commissioners adopt a resolution urging the state and federal governments to mandate the use of a voter-verified paper ballot. In addition, we recommend that discrepancies between the machine count and the paper ballot count defer to the actual paper ballot count, a commonsense remedy that is not currently followed in Lancaster. Other formalized procedures should be implemented, with the aid of computer audit professionals, to meet this NIST standard.

2. IMPROVE VOTER ACCESS TO THE POLLS

Voters have been discouraged from voting by a number of factors that involve polling place facilities, location, and lack of accurate information, despite the best efforts of the Elections and Registration Office staff.

The task force believes that many of these issues would be largely resolved by using the public schools primarily, if not exclusively, as polling places. They would have the accommodations necessary for all voters to feel secure and comfortable. They would also reduce changes in polling place locations from one election to the next, improving voter knowledge of their proper polling place. They would offer the unique opportunity that we had as children to teach students the critical importance of voting and to make the practice familiar to them. And, the refusal of polling place facilities to allow legal political signage, as has happened at some churches, would be eliminated. Leaders of both political parties have indicated a willingness to discuss this matter with local school boards. However, we do recommend that, if necessary, court enforcement of this legal and public policy responsibility be pursued.

Other recommendations include improving currency of voter rolls, providing more translators for non-English speaking voters, and expanding the dissemination of information to the public about their voting rights and polling places.

3. IMPROVE POLL WORKER COMPETENCE BY SETTING STANDARDS, EXPANDING TRAINING, AND MONITORING PERFORMANCE

If every other factor were in place, poorly informed poll workers can effectively prevent voters from participating fully in our democracy by erecting barriers to the ballot by misinformation, intimidation, omission, and violation of the voter's right to secrecy. Poll worker competence varies widely from precinct to precinct. Vacancies in precinct election boards oftentimes force last minute appointments without time for training. The existing complaint process is not a sufficient tool to monitor poll worker compliance with established procedures or election law, so we recommend post-election surveys by voters and poll workers, increased availability of complaint forms, and violation tracking mechanisms.

Political party organizations have the opportunity and the responsibility to assist in the conduct of elections. With the Board of Election's continuing and enhanced cooperation, we can dramatically improve poll worker competence through more active recruitment of qualified candidates, participate in expanded training programs to ensure all poll workers are familiar with the Election Code and associated procedures, and by monitoring poll worker performance on Election Day. For example, we recommend that you provide us with continuous and updated electronic access to the list of those serving on the precinct Board of Elections. Formal standards for poll worker performance, such as mandatory attendance at training sessions, need to be established against which performance can be assessed in a nonpartisan way. Procedures for removal of precinct election board members must be clear, well-understood, and easy to implement.

Speaking for ourselves, the county Democratic Party has not always made these issues an important priority. We have worked earnestly to do better over the last few years and pledge our continuing commitment.

The task force recommends that, in order to ensure fairness, the Election Board should be reconstituted to allow for an equal balance of political party representation. This recommendation will be forwarded to the Commission for Government Study.

In conclusion, fair, accurate, and trustworthy elections are the responsibility of every level of government, every political party, and each citizen. It is incumbent upon the Lancaster County Board of Elections to work with the political party leadership and with the Pennsylvania Department of State to make the necessary changes in the laws, standards, and procedures to protect the franchise of each and every qualified voter in Lancaster County. The Election Reform Task force presents the following report to highlight some of the issues that confront us and point the way toward their resolution.

ENSURING VOTING INTEGRITY IN LANCASTER COUNTY

“A government gains its legitimacy from its having won a mandate from the people to govern. The way in which this mandate is won is crucial to the quality of that legitimacy and to the readiness of all to acknowledge it. Elections that lack legitimacy breed instability and an environment in which corruption can quickly breed.”—**Transparency International’s Source Book 2000.**

INTRODUCTION

The national elections of 2000 aroused a new skepticism about the integrity of our country’s elections. A flurry of activity on the part of Congress to reassure the electorate resulted in the Help America Vote Act (HAVA) of 2002. HAVA rushed a wholesale conversion from a crazy quilt of voting mechanisms—manual, mechanical, and electronic—to an only slightly less crazy quilt of electronic voting machines without regard to necessary standards, controls, and monitoring.

Voting machine vendors were given wide berth to exploit a ripe marketing opportunity without much demand for their accountability. State-level elections officials were forced into a setting up systems for voter verification and machine certification without adequate time, technical expertise, funds, or standards for doing so. County elections offices were left holding the bag to make the best of a very confusing set of requirements to provide voters with an entirely new but trustworthy voting system with existing staff, and to do all this on tight timetables and budgets.

Lancaster County voters were lucky. Reported problems with the conversion to the new voting machines have been confined to test disks not being replaced by Election Day program disks before the polls opened, and to poll workers failing to remove the perforated strips on paper ballots. These problems were swiftly addressed by the elections office and were avoided in the following election.

The County Board of Elections and Registration Commission staff, headed by Chief Clerk and Registrar, Mary Stehman, along with the County’s Information Technology Department, have worked diligently, honestly, and openly—even, as some of the staff have said, passionately—to fulfill their mandate. They have planned meticulously for Election Day events. They have welcomed representatives of both the Republican and Democratic County Committees to participate on their HAVA Implementation Task Force. They have sought public input on machine selection and post-election day evaluations. They have encouraged involvement of precinct election officials in the design of Election Day paperwork, training manuals, and election procedures. They open their vote reconciliation process to observation by candidates and voters.

Lancaster County cannot depend, however, on the fortunate happenstance of integrity in a handful of county employees. Error, misinformation, corruption, and fraud can creep into elections at points in the process well beyond the management control of the Registration and Elections Office. To safeguard the right of every citizen to vote and to instill in every voter the assurance his vote will be counted and remain secret, standards must be set, and procedures established to monitor and enforce them, at each critical point in the election administration process. In a democracy, it is the task for every citizen to act on his responsibility to verify that these requirements are met.

The Election Reform Task Force did not conduct an audit of Lancaster County’s voting systems, but drew some of its recommendations from personal experience working at the polls, anecdotal evidence from voters and political party members, and from discussions with the Lancaster County Board of Elections and Registration Commission staff. The Task Force also referred to a variety of reports on election integrity published by advocacy groups and government agencies, as well as news reports of voting system problems throughout the country.

In this report, the task force limited its review to the voting process, and did not address the access of candidates to the ballot, campaign regulations, districting, or other factors that determine ballot choices offered to voters.

WHAT DO WE MEAN BY “FAIR, ACCURATE, AND TRUSTWORTHY”?

“We support easing barriers to voting, election administration designed for the voters, openness throughout the process, nonpartisan supervision of elections and making the way we vote a higher priority at all levels of government.”—Common Cause Election Reform Agenda

Any impediment, whatever the source, to qualified voters’ ability to cast their vote in an informed manner and to have their wishes recorded reliably subverts the integrity of our elections and, consequently, threatens the very foundation of our representative democracy. To remove these barriers, we must ensure at least the following:

- the accuracy of vote recording, tabulation, and reporting
- transparency in all election processes while maintaining the secrecy of the ballot
- voter knowledge of their precincts and polling place locations
- unimpeded access to the polling place and/or ballot by all legally registered voters; that is, ensure that polling places:
 - are conveniently located
 - have adequate nearby parking
 - are well lit after dark, from the parking area to the polling booth
 - are spacious enough to accommodate multiple voters comfortably
 - are physically accessible to the disabled and elderly

- are not intimidating to voters
- accurate identification of qualified voters and proper instruction at the polling place on Election Day
- voter access to candidate information at the polling place
- lawful access to the polls by party agents and accredited observers
- electors and observers have the freedom to register complaints and objections without negative repercussions
- all applicable state and federal election laws are consistently and accurately applied

This report addresses these issues in three broad categories:

- 4) voting machines and associated manual procedures
- 5) access to the polls
- 6) poll worker recruitment and training

VOTING MACHINE HARDWARE AND SOFTWARE RELIABILITY

“Only our vote is secret. All processes governing our elections, including decisions, regulations, laws, oversight, machines, programming, testing, certification, operating methods, and provability must be open, transparent and observable.

No law or government or agency has the right to force citizens to vote using a process/system that is insecure, unreliable, unobservable or unverifiable.” — Coalition for Voting Integrity, “Declaration of Voting Principles”

Problem

The care with which Lancaster County’s elections staff selected the new voting machines and prepared for each Election Day, seemingly has spared us from many of the fiascos suffered by other states since HAVA was enacted. The introduction of electronic voting equipment, however, has added to the complexity of the election process, requiring new security and audit controls to ensure the accuracy and reliability of vote totals. Indeed, we cannot assume that errors or manipulation have not occurred in Lancaster County because all the controls necessary to achieve a high degree of certainty are not yet employed.

Government agencies charged with qualifying voting systems have not met the challenge. The Election Assistance Commission, established by HAVA to set standards for electronic voting systems for the states, has lagged woefully behind the implementation curve, leaving voting machine vendors loose in a self-verifying loop to achieve certification. According to the Coalition for Voting Integrity, the state certification process, which must confine itself to machines qualified by the federal process to receive HAVA funds, has relied heavily on those results and does not perform

sufficient testing to provide a check over them. In turn, the counties are constrained by machines certified by the state.

The vulnerability of electronic voting machines has been well documented by the General Accounting Office, the Brennan Center for Justice at the New York University School of Law, and numerous election integrity activist groups. The State of California just concluded in July, 2007, “the most comprehensive, in-depth examination of voting systems ever undertaken in the US,” as reported by the Commonwealth Institute. The study revealed that the voting machines, including Hart Intercivic’s eSlate and eScan, lack basic security measures that leave them open to hacking and manipulation of vote totals. In the case of the eScan, the study found that individual ballots could be reconstructed and matched to voter logs to breach ballot secrecy. As a result, the California Secretary of State on August 3, 2007, decertified the state’s voting machines—including those marketed and maintained by Hart Intercivic, Lancaster County’s voting machine vendor—pending itemized changes.

The business community has long recognized the necessity of periodic, independent audits of their financial systems to verify accuracy and reliability. Election results are as critical to the proper functioning of a democracy as money is to operation of financial markets. In both, confidence and trust are fundamental, and audits performed to professionally recognized standards are essential to provide both.

The National Institute of Standards and Technology (NIST) has stated that voting machines that are not software independent (such as the Hart Intercivic eSlate) cannot be audited. Thirty-eight states thus far have determined that voter-verifiable paper records are required to meet the standard of independence to provide a real check on machine operation. Unfortunately, Pennsylvania is not one of them.

For the eScan system, the paper ballot filled out by the voter provides the independent document to corroborate machine totals; however, the current post-election reconciliation procedures in Lancaster County defer to the machine tape totals when differences are detected, rather than the paper ballot counts, invalidating the reconciliation for auditing purposes.

Currently, the Elections and Registration Office opens their reconciliation procedure to the public for oversight, but the public, by and large, is neither aware of the opportunity nor trained to detect control flaws. The reconciliation procedure is designed by the same personnel that tabulate and report the election results...a control weakness.

Recommendations

- Procedures should be established to ensure that voting machines are not left unsecured at the warehouse before dispersal to the precincts or at the polling places between delivery and opening of the polls.
- The County Commissioners should adopt a resolution urging the state legislature to support a bill that would mandate the use of a voter-verified paper ballot, counted

by optical scan equipment or by hand, as the final word on voters' intentions. To Governor Bill Richardson, "New Mexico's conversion to a paper-ballot system made sense. Paper ballots are the least expensive, most secure form of voting available. Using optical scanners meant quick and accurate results, while at the same time paper ballots became the permanent, verifiable, durable record of the vote."

- For people with disabilities, the County Election Board staff should investigate ballot-marking devices that will permit disabled voters to cast their ballots independently, as required by HAVA. Alternatively, county officials could work with Hart Intercivic to alter the eSlate machines to produce a discrete paper ballot, amended to include features such as Braille, that can be verified by the voter and then dropped by the voter into a lockbox. With this approach, the eSlate could potentially be used by all voters to meet HAVA requirements and the standard for auditability. A side benefit would be a single system for all voters, regardless of disability. A thermal paper printer encased in plastic and attached to the eSlate machine does not meet the definition of independence as defined by the NIST.
- The Pennsylvania Department of State, or Lancaster County Board of Elections staff in the absence of such provisions from the state and federal election agencies, should define and develop audit standards and procedures, with these minimum requirements:
 - Reconciliation of discrepancies in favor of paper ballot counts, not the machine totals
 - Inclusion of internal controls that comply with generally accepted EDP audit standards
 - Performance of election results audits after each election using a statistically significant and random sample of ballots from all precincts. These procedures should be made public and incorporated into the Election Code.
 - Performance of operational audits of the election procedures, to include all procedures from the Elections and Registration Office to the polling places on a periodic basis, compared to established standards and to the Election Code
 - Audits be budgeted and contracted for by the Pennsylvania Department of State to ensure independence from the County Election Board and staff
 - Poll workers' advice to voters at the polling place to use the paper ballot unless they are physically unable to do so independently and privately
- All vote counts prior to certification must be done in a transparent manner, at the polling places and at the central tabulation offices:
 - Permitted observers should include representatives of the major political parties, the candidates standing for election, and nonpartisan organizations formed for the purpose of ensuring voting integrity.
 - The dates, times, and locations of the centralized county and reconciliation procedures should be made known to all stakeholders in a timely manner, and reasonably convenient for the maximum attendance.
 - The method of posting results should be improved at the polling places at closing to ensure committee people have an opportunity to obtain final

precinct vote counts. This standard should be incorporated into the Board's contracts with polling place facilities, and/or enforced by operational audits.

VOTER ACCESS

“One of the primary methods of citizen participation in government is voting. The vote belongs to the people. It is our first right, from which all other rights derive. Every effort must be made to ensure citizens’ right to vote freely, without interference, barriers, discrimination or intimidation.” — **Coalition for Voting Integrity, “Declaration of Voting Principles”**

Problem

- **Accessibility to polling places varies across precincts**

Although county elections officials strive to find facilities that offer appropriate square footage, parking spaces, handicap accessibility, privacy, geographic centrality, political neutrality, and so on, the fact remains that these features can vary significantly from one precinct to another. Schools have historically been the venue of choice; however, security issues have become increasingly important to parents and school administrators, and some schools have not renewed their contracts with the County Board of Elections. Officials expect this trend to continue.

As a result, polling places include fire halls, churches, and, in an extreme situation, the County Courthouse, necessitating voters to pass through a security checkpoint before approaching an all too small room crowded with voting equipment. Some locales might have inadequate lighting in parking lots or inadequate heating and air conditioning; some might be held where noise from surrounding activities intrude on the voting space; the voting area might be too small to allow adequate space to accommodate the poll workers, poll watchers, and voting lines. In other words, ease of access consequently varies from precinct to precinct, potentially putting some voters at a disadvantage compared to residents in other precincts. Some of these differences can be frustrating or intimidating to voters.

- **Rules for political signage are dictated by polling place facilities’ owners or managers**

As a matter of precedent, the Board of Elections contracts with each facility to occupy its space on Election Day. These contracts permit the facility’s management to limit Election Day political campaign signage that would otherwise be permissible by the Election Code. As of this writing, two facilities have refused political parties the right to post signage within the legally permitted distance from the polling place. This practice discriminates against the candidates and against the voters in those precincts.

- **Outdated voter rolls cause confusion for poll workers and voters**

Testimony of the Chief Registrar and her the staff indicate that voter rolls are updated on a statewide shared, online database in compliance with The National Voter Registration Act of 1993, National Change of Address (NCOA) procedures, and the five-year confirmation procedure set by the Department of State. Electronic comparisons of voter registration information are performed with the Departments of Motor Vehicles, the Social Security Administration, the Health Department, and the US Postal Service. Updates at the county level are keyed into the database at least weekly.

Anecdotal evidence suggests, however, that poll books still fail to reflect some changes of address that have been submitted by voters and even deaths of voters that occurred more than one election cycle prior and noted in the poll books by the poll workers. When a voter's name is not found in the poll book on Election Day, the law requires the voter to either go to his proper voting polling place or vote on a provisional ballot where they attempted to register to vote. Some voters are put off by either or both options, and, in frustration or lack of trust, refuse to vote at all.

- **Voters continue to be unaware of assigned polling places and their changes**

The County Board of Elections prints each voter's polling place location on their voter registrations cards. According to Board testimony, changes in polling places are posted in five places at both old and new polling place locations prior to public hearings. They advertise changes in the Lancaster Newspapers the Saturday before the succeeding election, and, on Election Day, they post a change notice at the old polling place. Poll finders are also available online, such as on the Lancaster County Democratic Committee website, www.lancasterdems.com.

Still, voters continue to arrive at polling places outside their precincts, creating delays and confusion and, as with outdated voter records, occasional refusals to vote at all. Despite reasonable efforts by election officials, voter ignorance of their proper polling places creates another barrier to full participation in their voter franchise.

- **Voters are not aware of all their voting rights (such as provisional voting) and all available remedies when they believe their rights are being violated**

This task force was informed that some voters have been intimidated by poll worker behavior, but did not have the confidence to register a complaint. We believe that, better knowledgeable of their voting rights and, therefore, the legitimacy of their complaints, would embolden voters to be more assertive in protecting those rights.

Recommendations

- **Establish standards and procedures for polling place selection**
 - Minimum requirements should be established with the consent of political parties and made public for polling places in compliance with the Election Code: types of facilities (i.e., public v. private buildings, schools v. churches, etc.), security, numbers of registered voters served, and logistical requirements (electrical outlets, separation from other facility activities, ability to control flow of electors, watchers, etc).
 - Public schools should be used as polling places except where school locations (or lack of them) would pose a hindrance to the majority of voters in the district. Public schools provide an ideologically-free environment and typically have the necessary minimum requirements specified above. Schools also offer a unique opportunity to teach children the importance of voting and to make the practice familiar to them. This is an opportunity that should not be lost to set the stage for their involvement as adults in the political process, an involvement that is essential for healthy functioning of our democracy. Court enforcement should be used as necessary to accommodate the need for polling place facilities to meet this compelling public need.
 - All polling places should be held to uniform regulations for signage. Facilities prohibiting lawful political signage should be disqualified from serving as the polling place. If no other facility can be obtained, the regulations allowing political signage should be enforced by court order.
 - The current policy of contracting with facilities and paying for services should be reviewed and amended as necessary by the County Board of Elections, with approval by the county political party organizations.
 - All polling places should be easily accessible to all voters, including the disabled and non-English speaking. Locations requiring extraordinary security measures, such as the County Courthouse, which could be considered intimidating to voters, should be avoided.

- **Expand and improve standards and procedures to facilitate timely updating of voter rolls**
 - Establish a procedure to accept updated residency information gathered by committee persons and/or Chairs of the county political organizations and to verify such information before updating the voter registration database.
 - Extend procedures for removal of a voter from the voter database to agreement by both major political parties and/or a certified public document of decease or other valid reason for removal.
 - Perform an operational audit of the voter database update procedures to determine the timeliness and accuracy of state standards, with participation or review and approval of political parties.
 - Develop additional voter confirmation procedures, as needed based on operational audit results, using computer technologies as much as possible, to verify the voter's address, party affiliation, and other relevant data.

- **Improve access to the ballot for non-English speaking voters by providing translators full-time on the Registration and Elections staff, at the polling places, and dedicated election officials/volunteers who can assist poll workers with these voters by phone on Election Day**

- **Voters should be given ample notice of their correct polling place**
 - Enclose polling place change information in election supply boxes for precinct Judges of Election.
 - Post prominently precinct information at the entrance to the polls (precinct map, etc.) to help the voter determine whether he is in the proper polling place before signing in.
 - Notify affected voters of changes in polling places at the time the change is made, and again just prior to the next election. This notification could be in the form of a new voter registration card when polling place changes are determined. Subsequent notifications could be done via email or regular mail.
 - Verify and correct postings at new and old polling places on Election Day to direct voters to their correct polling place when changes in polling locations are made. This monitoring function can be performed by political party representatives, polling place rovers, and/or volunteers dedicated to this purpose.
 - Supplement current methods of advertising polling place locations with website links, public service announcements, expansion of print advertising, and other methods to improve voter exposure to the information.
 - Note polling place locations in a letter accompanying the voter's registration card when mailed after successful registration, in addition to the notice on the card itself.

- **Enforce the right of voters to use a provisional ballot**

All voters should be allowed to cast their votes with a provisional ballot for national, statewide, and countywide offices. Voters should be made aware of their rights to use a provisional ballot, and poll workers must be trained to make provisional ballots available and explain their use to voters. Voters who are deprived of their right to vote by provisional ballot must have, and be informed of, recourse to vote on Election Day. Consequences for poll workers who violate the voter's rights to cast a provisional ballot should be specified and enforced.

- **Voters should be given written information of their voting rights when registering, when their voter registration cards are delivered, and when they arrive at the polling place on Election Day**
 - A easy to understand version of the Voter's Bill of Rights that is currently posted at the polling places needs to be developed and expanded as necessary to empower voters to exercise their rights in the face of obstruction at the polling place, for example the partial list, below:

As a citizen of the United States voting is your right, not a privilege. As such you have the right to

- 1. Register to vote as a member of any political party or no political party.*
- 2. Register to vote free from coercion to pick a particular party or to support any particular candidate for an election.*
- 3. Vote at your assigned polling place without being questioned about your political preferences or suffering harassment for your political registration by poll workers and volunteers.*
- 4. Access a ballot which you can understand and are able to complete regardless of any physical challenges that you may have.*
- 5. A provisional ballot if your registration cannot be found in the official rolls for the polling place.*
- 6. Be assured that your vote, if properly cast, was accurately counted*
- 7. Be assured that your ballot is secret*

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If you feel that your rights were violated you should inform the judge of elections at your polling place immediately. If you do not feel that the judge of elections acted to protect your rights you have right to file a complaint with the Department of State.

- Voters, constables, and poll workers need to be made aware of voters' rights to take into the voting booth a sample ballot, the Voter's Guide, a copy of the Voter's Bill of Rights and other similar explanatory materials.
 - The voter complaint procedure needs to be reviewed and improved to make it increase the likelihood that voters will use it when they deem it necessary to protect their franchise, and to decrease the opportunity for voters to be intimidated by poll workers, poll watchers, or political party agents. If not prohibited by law, complaint forms should be made available at the polling place outside the view of poll workers. Complaint forms should also be made available on the County's website and, if permitted, on television and radio station websites as a public service.
- **More efforts should be made to increase voter participation**

The County Election Board and Department of State should consider expanding the options to voting, including no-fault absentee voting, vote-by-mail, and early voting. Employees and their employers should be reminded of their right to take time from their working day when necessary. The Registration and Elections Office should employ Spanish-speaking staff full-time.

POLL WORKER RECRUITMENT AND TRAINING

“Poll workers have been called the “champions of democracy.” They are the last defense between a well-run democracy and an unstable, ineffective political system. Unfortunately, poll workers also are sometimes called the weakest link in the nation’s election system.”-- Plight of the Poll Worker: Efforts to Improve Training and Support for Poll Workers in Ohio, Pennsylvania, Maryland, Florida, and Michigan Introduction

Problem

The Elections and Registration staff have been responsible for developing and conducting poll worker training sessions. Since the conversion to electronic voting machines, they have availed themselves of the training expertise of Hart Intercivic to educate poll workers on the operation of voting machines. In addition, they provide structured classes for all poll workers in staggered sessions on manual procedures to be used at the polling places, and have drastically improved the training manual over the last year to include extensive explanations, photographs, terminology definitions, and checklists. Despite this effort, voters encounter a wide range of competency and compliance with election regulations when they go to the polls to cast their ballots.

The most common complaints voiced to Democratic Committee representatives by voters concern poll workers who are not sufficiently familiar with or deliberately withhold information on machine operation, voting rights, and proper voting procedure. In some cases, voters have been deprived of Voter’s Guides and other informational materials that they are legally permitted to take into the voting booth. Voters have been urged to use the eSlate even when requesting to use the eScan and paper ballot. Voters have not been properly advised of their rights to cast a provisional ballot when their eligibility to vote cannot be determined at the polling place. Voters have perceived that poll workers have compromised the secrecy of their ballots when helping them process their ballots through the eScan. Kibitzing between poll workers and voters is chronic problem across the county.

These problems of poll worker competency and compliance can be traced, in part, to:

- The absence of standards for poll worker performance
- Insufficient monitoring of poll worker performance and established penalties for non-compliance to laws, regulations, and procedures
- Voluntary attendance of training sessions

- Failure to educate poll workers on the legal basis for Election Day paperwork and procedures, and thereby encouraging the inappropriate application of discretionary judgment at the polls
- Vacancies in precinct boards of election, often up to Election Day, that force election officials to recruit volunteers who have no chance for adequate training, or to fill in themselves when volunteers cannot be found

Judges and inspectors of election are elected offices, consisting of four-year terms, placing responsibility squarely on the political parties to recruit competent candidates for these positions. Unfortunately, vacancies in these elected offices constitute an ongoing problem for election officials, who, under the gun to staff each polling place, can be tempted to bend the election laws to serve what appears to be the greater good. In some instances, last minute appointments have occasionally resulted in an imbalance in party representation on precinct boards, effectively removing an important check on potential abuses, mistakes, and fraud.

Recommendations

**NOTE: The Election Reform Task Force acknowledges the State of California's Task Force on Uniform Poll Worker Training Standards Final Report 2005 as a source for some of the recommendations included below.*

- **Reconstitute the makeup of the Board of Elections to ensure an equal balance of political party representation.**
A truly bipartisan Board would ensure that the interests of majority and minority parties are equally respected in the administration of election policy and procedures, in particular with respect to the representation of minority party representation at the polling places on Election Day.
- **Expand and improve standards and procedures for filling vacancies on precinct boards of election to ensure strict enforcement of the Election Code, including separation of responsibilities to ensure partisan balance**
 - Political parties should be more aggressive in recruiting qualified candidates to stand for election to the Judge of Elections and Inspector every 4 years.
 - Board of Elections should provide continuous and updated electronic access to the political parties of the names, political affiliation, and contact information of all precinct Board of Elections staff to alert the political parties to vacancies in a timely manner.
 - Appointments should be approved by the Court of Common Pleas in every instance, as required by the Election Code (25 P.S. § 2675), and the approved appointments (name, address, party affiliation) should be communicated in a timely manner to the appointees, to the political parties, to the relevant precinct judge of election.
 - The elections staff, with input and approval of the political parties, should develop a method of recruiting and training registered voters not affiliated with either of the major political parties, to fill gaps in precinct boards of

election, as necessary to fill the required quota of Board staff. Methods of recruitment might include:

- Public service announcement
 - Newspaper and other public advertisements
 - Notices on the websites of the political parties and of the Elections & Registration Office
 - Letters and personal visits to service clubs, high schools, and institutions of higher education
 - Poll worker applications included in Elections Office mailings
 - Solicitation letters to frequent voters
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- **Establish standards and procedures for poll worker training and compliance**
 - Emphasize in training sessions the mission of the poll worker to assist every qualified voter to cast a ballot and to secure cast ballots until they can be counted, and to perform their mission with a nonpartisan customer service attitude. Training can be reinforced on Election Day by the roving inspectors who repeat the basics of the poll workers' responsibilities and authority.
 - Apprise newly elected judges and inspectors of election of their legal responsibilities; or, when candidates for judge and inspector file for election, they should be so apprised.
 - Expand poll worker training to include sessions on the Election Code (laws and regulations governing voting and polling places and the rationale behind them), as supplemented by case law; control procedures to ensure accuracy and fairness; reconciling poll closing paperwork; the logistics of running the polling place; how to assist non-English-speaking and disabled voters; and when and how to challenge a voter's eligibility to vote.
 - Expand training availability as needed to bring poll worker performance to a predetermined level of compliance with election laws and regulations. This standard for compliance should be agreed upon by the County Board of Elections and the Chairs of the county committees of the political parties.
 - Request the Secretary of State to consider the establishment of a poll worker training and certification course with cooperation of county elections officials and affiliation with the state higher education system to expand availability of training sessions and materials to poll workers in the weeks leading up to Election Day.
 - Require judges and inspectors to be certified as competent with regard to the Election Code and management of the Election Day procedures in sufficient lead time to avoid vacancies due to failure to pass certification requirements. Include a standard for training attendance in order to be certified.
 - Develop procedures to monitor poll worker compliance with elections laws and regulations; to enforce their compliance; and to remove them from their positions, if necessary. **Compliance with election laws and**

regulations should not be left to chance. Noncompliant behavior would include flagrant mishandling of the election day paperwork, failure to fill out general returns completely, failure to reconcile paperwork to ensure accuracy, watching voters mark their ballots, and suggesting a particular candidate should or should not be elected. Methods of compliance monitoring could include:

- Post-election surveys by fellow poll workers
- Post-election surveys by voters
- Reports by poll watchers and other observers
- Full staffing of polling places with a bipartisan complement of poll watchers, or, at minimum, during the heaviest voting periods
- Establish a mechanism to report and track violations of the Election Code at the polling places to focus placement of poll watchers at trouble spots for each election.
- Provide a customer feedback form for voters to comment on the experience at the polling place. Allow voters to turn it in at the polling place or mail it back to the county elections office.
- Advise poll workers of the penalties of non-compliance with election laws, regulations, and instructions by elections officials.
- Provide poll workers with clear and accessible avenues of recourse if they feel they have been removed from their positions unfairly.
- Consider incentives to precinct boards to become well trained and certified, such as offering supplemental pay or other credits for hours of training completed.
- Continue to upgrade the judges' manual after each election, as necessary, and make available to accommodate the training schedule for each election. This manual should continue to be improved with input based on the experience the Judges of Election and input from the political parties, including suggestions for poll worker job assignments for opening and closing procedures. Trial runs by a group of Judges of Elections and precinct-level election boards should be used to test new procedures before being incorporated into the training manual and training classes.
- Political parties should appoint qualified individuals to review poll worker training materials for compliance with election laws and regulations.

CONCLUSION

“If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.” — **Aristotle**

“Politics should be the part-time profession of every citizen.” — **Dwight D. Eisenhower**

The Election Reform Task Force recognizes the breadth of its recommendations. These recommendations are meant to serve as a roadmap for improving the reliability of

our elections and securing the public trust in them. The specific details, including the assignment of responsibilities and the funding for implementation, will need to be further developed through a cooperative, in-depth study with active participation among the various parties involved in administering the election process for Lancaster County.

We wish to acknowledge the earnest and Herculean efforts regularly performed by the Registration and Elections staff. At the same time, we also want to stress that the reliance on that office to assume, by default, the role of fail-safe for election integrity in the county is unrealistic, impractical, and inappropriate. We have attempted with this report to bring attention to weaknesses in the current state of our election process to mobilize state and county resources to support county election officials in carrying out their mandate.

It is ultimately the responsibility of every citizen to ensure that, as the Coalition for Voting Integrity states in their Visions and Principles, “every vote truly counts and is counted, fully and accurately.” To fulfill this responsibility, voters need to become knowledgeable about the election process and to become fully engaged in it through their participation in their chosen political party organization, researching candidates and issues, being aware of public notices posted by election officials, and, most importantly, by exercising their right to vote.

We believe that greater citizen participation in the election process will increase voter turnout, reduce the opportunities for Election Code violations, and raise the quality, as well as quantity of candidates standing for office. It is with this goal in mind that the Election Reform Task Force strongly urges, again, that the public school system in Lancaster County cooperate fully with election officials by offering their facilities as polling places and, thereby, instill in future generations the obligation and privilege of having a voice in their political leadership.

“The right of voting for representatives is the primary right by which all other rights are protected... To take away this right is to reduce a man to slavery.” — Thomas Paine