



April 18, 2008

Contact: Mary Boyle, Common Cause, (202) 736-5770
Barry Kauffman, Common Cause Pennsylvania, (717) 232-9951

*An election system under pressure
Preparing for a high intensity Pennsylvania primary*

Introduction

Pennsylvania's election system will be tested Tuesday during the Democratic presidential primary as election officials brace for unprecedented turnout in a state with a recent history of voting machine problems, and where voter registration and registration changes have surged in recent months.

More than 7 million Pennsylvanians are expected to vote next week on paperless electronic voting machines that have a history of unreliability. That means if a machine fails or malfunctions, a meaningful recount is not possible.

While the Secretary of the Commonwealth and election officials are working hard to assure that voting goes smoothly, the state has experienced trouble in recent elections. During the week of the 2006 election, Pennsylvanians recorded more calls to a Common Cause election protection hotline than any state in the country. Four Pennsylvania counties – Lancaster, Allegheny, York and Philadelphia – [were among the top 10 most active counties in the nation in terms of number of calls to the hotline.](#)

On Tuesday, there is also the potential for new problems around the issues of voter registration. About 217,000 Pennsylvanians have registered to vote since the start of the year, and nearly 150,000 have switched parties, mostly from Republican to Democrat. Many of those changes were made close to the registration deadline, forcing elections officials to quickly enter significant amounts of voter information into their databases.

Despite the potential for challenges and difficulties on Primary Day, Common Cause and the Verified Voting Foundation encourage all registered voters to participate and believe that most people will have a smooth and even exciting experience taking part in this important primary election.

To avoid voter disenfranchisement, this report recommends:

- If a voter is at a polling place where voting machines have broken down or failed to start up, he or she should not just leave, but instead request an emergency paper ballot to vote.
- If a voter has registered to vote recently, and his or her name does not show up on the list of registered voters, the voter may still have a right to vote. The voter should ask poll workers to check supplemental voting lists and ask the poll workers to call the county board of elections. As a last resort he or she should ask to vote on a provisional ballot.
- Any voter who experiences problems on or before Election Day should call the Election Protection hotline at 1-866-OUR-VOTE.

The report also recommends to election officials:

- Every district that uses paperless electronic voting systems should be stocked with enough emergency paper ballots so that no voter is disenfranchised if voting machines malfunction. The Secretary of the Commonwealth has recommended that election officials have emergency paper ballots equivalent to 20 percent of the number of registered voters of each party in each district. However, given past experience, election officials may want to enhance that number.
- The county boards of election should give reasonable and uniform instruction as to when it is appropriate to distribute emergency paper ballots.
- State and county election officials should distinguish between emergency paper ballots and provisional ballots, perhaps by making each a different color, since each must be treated differently in the counting process.
- State and county election officials should thoroughly educate poll workers about the use of provisional ballots, voter identification requirements and student voting rights.
- County election officials should make every effort to ensure there are enough machines at each polling place to accommodate an expected unprecedented turnout.

Machine Reliability Problems

Most voters in Pennsylvania must cast their votes on paperless electronic voting machines known as direct record electronic voting systems (DREs). Nearly 7 million voters are registered to vote in Pennsylvania counties where only paperless machines are in use. By comparison, about 1.2 million Pennsylvanians are expected to vote on paper ballots that are optically or digitally scanned.¹

The fact that so many Pennsylvanians must use electronic voting machines is troubling. When direct record electronic machines break or fail to start up, voters can't vote unless they are given emergency paper ballots. In recent elections, there have been a number of instances where voters have been disenfranchised because no paper ballots were available or voters were forced to wait in long lines because only a few machines were operable. For example:

- In Luzerne County on May 15, 2007, all ballots cast prior to 8 am were cancelled because the wrong ballots had been programmed into the machine.²
- In Philadelphia County on May 15, 2007, as many as 50 voters were turned away because the only two machines available at the Santora Library in Queen Village weren't working properly.³
- In Centre County on May 15, 2007, a computer problem rendered the voting machines in a Foxdale precinct unusable until 9 am when technicians were able to fix the machines.⁴
- In Westmoreland County on Nov. 7, 2006, election-programming errors left voters standing in long lines at some polls. Some machines failed to start up while others shut down early. Officials blamed the failures on an incorrect time stamp.⁵
- In Allegheny County on Nov. 7, 2006, 20 voting machines were removed from service because of technical problems.⁶

Because most voters in Pennsylvania will be voting on paperless voting machines, and these machines have proven reliability problems, every measure should be taken to insure that voters are not disenfranchised when machines malfunction. The Advancement Project noted in a recent [letter](#) to state election officials that “many counties and election officials are experiencing confusion, inadequate direction, and inadequate preparation for what standards and procedures to follow should voting machines break down or malfunction, or should the use of the voting machine be impracticable or impossible.” Pennsylvania law makes clear that if a voting system, or related component malfunctions, that emergency paper ballots may be issued. Common Cause and Verified Voting join the Advancement Project in recommending that the county boards of election give reasonable and uniform instruction to election officials as to when it is appropriate for election officials to distribute emergency paper ballots.

Huge Increases in New and Changed Registrations May Cause Challenges

There has been a huge surge in new registrants in Pennsylvania. Approximately 217,000 Pennsylvanians have registered since the beginning of the year⁷ and another 147,000 have changed parties, mostly from Republican to Democrat.⁸ Many of these registration forms were submitted in the last days leading up to the deadline. Election officials have been compelled to quickly yet accurately input a large volume of information from the forms into the database. Election officials themselves have acknowledged concern about this. According to recent news reports,⁹

“Doug Hill, the executive director of the County Commissioners Association of Pennsylvania, says some counties are seeing backlogs of unprocessed applications numbering in the tens of thousands.

‘The system is at or over capacity right now,’ Hill told Public Radio Capitol News, ‘Our counties are reporting to us that it’s taking a minimum of three days for any change or any new registration to turn around in the system, to run through its checks. That’s the minimum. It can often go longer than that.’

Part of the problem, according to Hill, is that the statewide voter registration computer system is not designed to handle an influx as large as it is receiving.”

This means there is potential for voters to show up at the polls to find their names not on the registration list due to no fault of their own, but rather administrative backlog or error. That is, either the administrators ran out of time processing forms or the registration information was incorrectly entered into the database.

Other states, such as New Mexico and California, have also experienced registration list problems during their primaries this year.

The Good News

Fortunately, Pennsylvania has good rules regarding whether a voter registration application should be processed in the first place. It has a matching system protocol that provides that a registration cannot be automatically rejected due to a failure to exactly match the registration’s driver’s license or last four digits of the voter’s social security number. In addition, a registration must be accepted as long as the information allows administrators to determine eligibility and administer the voter registration and election process.

Further, persons with a felony conviction automatically have their voting rights restored upon release from incarceration. These measures should mean the registration list has the names of all of the eligible registered voters in the state, and reduce the number of legitimate voters who are too often wrongfully left off the list in other states.

Voter Identification Problems

Voter identification problems are common in many states, and Common Cause and Verified Voting are concerned that not all voters and poll workers will know the specifics of Pennsylvania’s identification requirements. The law in Pennsylvania allows for a wide range of IDs that are acceptable, photo and non-photo, including the voter identification card the state sends to voters upon registration, utility bills, student IDs and paychecks. This is a particularly critical issue this year because there will be so many first time voters showing up at the polls, and under Pennsylvania law all first time voters must show ID, regardless of the manner in which they registered. A fair number of these new voters will be students and others without a history of political participation. Voters must be aware of this and poll workers must be trained

to know the wide range of identification that they can accept. For those first time voters who do not have the identification and are forced to vote by provisional ballot, every effort should be made by elections officials to verify the voter's identity and registration through a signature match and count the ballot.

Numbers and Distribution of Voting Machines and Poll Workers

Turnout in the primaries and caucuses has been unprecedented this year and there is every reason to believe that Pennsylvania voters will match or exceed those levels of participation. While this is good news, elections officials, poll workers and voters must be properly prepared. This means having sufficient numbers of machines, well-trained poll workers and ballots. Throughout the country, arguably the number one problem in this primary season has been precinct after precinct running out of ballots and disenfranchising voters. For counties that do utilize paper-based voting systems, election administrators need to plan on having more ballots than they believe will be sufficient.

One troubling aspect of Pennsylvania election law is that there is no statutory requirement regarding how voting machines are to be allocated. This is a matter highlighted in a 2006 report Common Cause issued with coalition partners, [“Voting in 2006: Have we Solved the Problems of 2004?”](#) and the problem does not appear to have been remedied. Unequal distribution of voting machines has already been a problem in some state primaries, such as reportedly in Mississippi. Common Cause and Verified Voting are hopeful nonetheless that the counties have taken the steps needed to ensure that there are enough machines, they will be fairly distributed, and that machine shortages will not lead to long lines and potential disenfranchisement.

The Good News

Many are concerned that there will be insufficient numbers of poll workers given the size of the primary turnout. Fortunately, state law allows high school and college students to serve as poll workers and has taken proactive steps to recruit them to do so. Hopefully this will mean that lack of poll workers will not be a problem on Tuesday.

Lack of Clarity About Emergency and Provisional Ballots

There is currently a tremendous concern and lack of clarity regarding emergency ballots. First, the state has suggested that the number of emergency ballots needed in each polling place equal 20 percent of registered voters. Given the potential for machine breakdowns that can go on for hours or even all day, there is skepticism as to whether that will be sufficient.

Secondly, election administrators and poll workers must be clear about the distinction between provisional ballots and emergency ballots. Provisional ballots are given only to voters who do not appear on the registration list or do not have the necessary identification. Those ballots are later scrutinized for their legitimacy. By contrast, emergency ballots are automatically counted and treated the same way as a vote on the machine. In 2006, the Secretary of the Commonwealth

issued a directive to county boards of elections laying out how emergency and other types of ballots should be distinguished. It would be helpful if the Secretary re-issued this directive and notified administrators that it is still in force. On their own, local administrators must take steps to ensure that the two types of ballots are used only as they are supposed to be and that poll workers are well trained on distinguishing between them and keeping them separate. One way to do this would be to make them physically distinct by printing them in different colors.

The Good News

Pennsylvania's law on the counting of provisional ballots is fair. Provisional ballots are counted if they were mistakenly cast in the wrong precinct for those races the voter is eligible to vote on. Given that not knowing where to vote is a top reported problem of voters, using this reasonable rule will allow more legitimate, eligible voters have their votes count than might be the case in other jurisdictions.

Voter Intimidation and Youth Vote Suppression

The youth vote surge this election cycle and the huge increase in Democratic registration reportedly has state Republican Party leaders concerned about the potential for irregularities and fraud in Pennsylvania, in particular, students and others registering to vote in more than one state.¹⁰ The Secretary of the Commonwealth has been very vigorous in ensuring student voting rights and educating students that they have the right to register and vote from their campus addresses in Pennsylvania. Secretary Cortes has issued a [guide to student voting rights](#).

Pennsylvania law clearly states that citizens have the right to vote so long as they are over 18 and have lived in the state and their precinct for 30 days and registered 30 days before an election.

Partisan efforts to challenge voter registrations and eligibility, whether aimed at students or any other voter, should not be allowed to disenfranchise the many new voters in the primary or in the November election. Election protection volunteers will be on the lookout for such activity as should elections officials and poll workers.

Conclusion

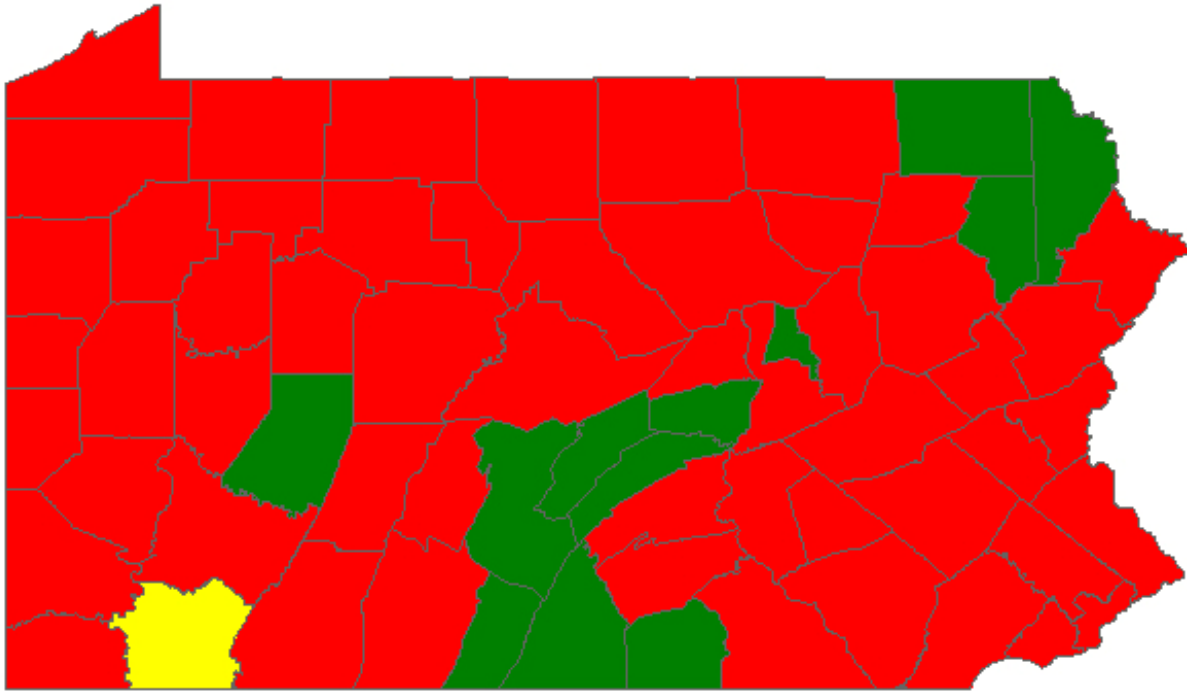
Common Cause and Verified Voting are confident that Secretary of the Commonwealth Cortes and election administrators throughout Pennsylvania are undertaking their best efforts to ensure a successful primary next week. There are, nonetheless, challenges that administrators, poll workers and especially voters need to be aware of in order to help realize that goal.

It is also necessary that the Secretary and the elected leadership of Pennsylvania take into account some of the problems inherent in Pennsylvania's election system when preparing for the general election in November. To this end, we encourage election officials to thoroughly analyze the activities of Election Day and the preparations that led up to it; identify problems; prepare

responses to rectify problems; and make recommendations to the General Assembly to change the election code in order to improve the voting experience for all Pennsylvanians.

Finally, Common Cause calls on all registered voters in the Keystone State to get out and vote, and make this the most successful Election Day in Pennsylvania history.

Pennsylvania Election Equipment 2008



Legend

- Paper Ballot Voting Systems
- Mixed Paper Ballot Systems and Paperless Electronic Voting Machines
- Paperless Electronic Voting Machines

Type of Voting Machine by County

DRE-TS = Paperless Direct Record Electronic Voting Machine with Touch Screen

DRE-PB = Paperless Direct Record Electronic Voting Machine with Push Buttons

DRE-Dial = Paperless Direct Record Electronic Voting Machine with Dial

Optical Scan = Paper Ballots which are counted with Optical Scan machines

County	Voting Machine Type	Voting Machine Vendor	Voting Machine Make
Adams	Optical Scan	Election Systems & Software	Model 100
Adams	BMD	Election Systems & Software	AutoMARK
Allegheny	DRE-TS	Election Systems & Software	iVotronic
Armstrong	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Beaver	DRE-TS	Election Systems & Software	iVotronic
Bedford	Optical Scan	Hart InterCivic	eScan
Bedford	DRE-Dial	Hart InterCivic	eSlate
Berks	DRE-PB	Danaher Controls	Shouptronic 1242
Blair	DRE-Dial	Hart InterCivic	eSlate
Bradford	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Bucks	DRE-PB	Danaher Controls	Shouptronic 1242
Butler	DRE-TS	Election Systems & Software	iVotronic
Cambria	DRE-TS	Election Systems & Software	iVotronic
Cameron	DRE-TS	Election Systems & Software	iVotronic
Carbon	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Centre	DRE-TS	Election Systems & Software	iVotronic
Chester	Optical Scan	Election Systems & Software	Model 100
Chester	DRE-TS	Election Systems & Software	iVotronic
Clarion	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Clearfield	DRE-TS	Election Systems & Software	iVotronic
Clinton	DRE-TS	Election Systems & Software	iVotronic
Columbia	DRE-TS	Election Systems & Software	iVotronic
Crawford	DRE-TS	Election Systems & Software	iVotronic
Cumberland	DRE-TS	Election Systems & Software	iVotronic
Dauphin	DRE-PB	Danaher Controls	Shouptronic 1242
Delaware	DRE-PB	Danaher Controls	Shouptronic 1242

County	Voting Machine Type	Voting Machine Vendor	Voting Machine Make
Elk	DRE-TS	Election Systems & Software	iVotronic
Erie	DRE-TS	Election Systems & Software	iVotronic
Fayette	Optical Scan	Hart InterCivic	eScan
Fayette	DRE-Dial	Hart InterCivic	eSlate
Forest	DRE-TS	Election Systems & Software	iVotronic
Franklin	Optical Scan	Election Systems & Software	Model 100
Franklin	BMD	Election Systems & Software	AutoMARK
Fulton	Optical Scan	Election Systems & Software	Model 100
Fulton	BMD	Election Systems & Software	AutoMARK
Greene	DRE-TS	Election Systems & Software	iVotronic
Huntingdon	Optical Scan	Election Systems & Software	Model 100
Huntingdon	BMD	Election Systems & Software	AutoMARK
Indiana	Optical Scan	Election Systems & Software	Model 100
Indiana	BMD	Election Systems & Software	AutoMARK
Jefferson	DRE-TS	Election Systems & Software	iVotronic
Juniata	Optical Scan	Election Systems & Software	Model 100
Juniata	BMD	Election Systems & Software	AutoMARK
Lackawanna	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Lancaster	Optical Scan	Hart InterCivic	eScan
Lancaster	DRE-Dial	Hart InterCivic	eSlate
Lawrence	DRE-TS	Election Systems & Software	iVotronic
Lebanon	DRE-TS	Election Systems & Software	iVotronic
Lehigh	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Luzerne	DRE-TS	Election Systems & Software	iVotronic
Lycoming	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
McKean	DRE-TS	Election Systems & Software	iVotronic
Mercer	DRE-TS	Election Systems & Software	iVotronic
Mifflin	Optical Scan	Election Systems & Software	Model 100
Mifflin	BMD	Election Systems & Software	AutoMARK
Monroe	DRE-PB	Danaher Controls	Shouptronic 1242
Montgomery	DRE-TS	Sequoia Voting Systems	AVC Advantage
Montour	Optical Scan	Election Systems & Software	Model 100
Montour	BMD	Election Systems & Software	AutoMARK

County	Voting Machine Type	Voting Machine Vendor	Voting Machine Make
Northampton	DRE-PB	Sequoia Voting Systems	Advantage
Northumberland	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Perry	DRE-TS	Election Systems & Software	iVotronic
Philadelphia	DRE-PB	Danaher Controls	Shouptronic 1242
Pike	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Potter	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Schuylkill	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Snyder	Optical Scan	Election Systems & Software	Model 100
Snyder	BMD	Election Systems & Software	AutoMARK
Somerset	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Sullivan	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Susquehanna	Optical Scan	Election Systems & Software	Model 650
Susquehanna	BMD	Election Systems & Software	AutoMARK
Tioga	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Union	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Venango	DRE-TS	Election Systems & Software	iVotronic
Warren	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Washington	DRE-TS	Premier Election Solutions (Diebold)	AccuVote-TSX
Wayne	BMD	Election Systems & Software	AutoMARK
Wayne	Optical Scan	Election Systems & Software	Model 650
Westmoreland	DRE-TS	Election Systems & Software	iVotronic
Wyoming	DRE-TS	Election Systems & Software	iVotronic
York	DRE-TS	Sequoia Voting Systems	AVC Edge

¹ <http://vote.pa.us/press-media/INFO.html>

² Ruckno, Heidi. "Wrong candidates on ballot in Lake-Lehman school race." The Citizens' Voice. May 16, 2007.

³ Han, Nydia. "Problems at the polls." ABC 6 Action News. May 15, 2007.

⁴ Bosak, Pete. "County reports few problems at polls; Paper ballots used for time at Foxdale." Centre Daily Times. May 15, 2007.

⁵ Staff report. "Some electronic voting machines not 'up to date'." Pittsburgh Tribune-Review. Nov. 8, 2006.

⁶ Banks, Gabrielle. "Scattered problems reported with voting machines." Pittsburgh Post-Gazette. November 07, 2006.

⁷ Statement from Secretary of the Commonwealth Pedro Cortes. April 15, 2008.

⁸ Bumstead, Brad. "Election Systems in Pennsylvania Don't Get Vote of Confidence." Pittsburgh Tribune-Review. April 4, 2008.

⁹ Biddle, Steve. "Voter Registration Backlog Causing Headaches." WPSU Public Broadcasting. April 4, 2008.

¹⁰ Biddle, Steve. "Pennsylvania GOP Concerned About Voter Fraud." WPSU Public Broadcasting. April 10, 2008.