

City Commissioner Al Schmidt  
Report to City Commissioners

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July 2012

# VOTING IRREGULARITIES

## Voting Irregularities in Philadelphia County, 2012 Primary Election

Office of Al Schmidt  
City Commissioner of Philadelphia

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**Office of Al Schmidt  
City Commissioner of  
Philadelphia**

July 18, 2012

The Honorable Stephanie Singer  
City Commissioner, Chair

The Honorable Anthony Clark  
City Commissioner

Voting irregularities present a risk to the integrity of elections in Philadelphia County. Our core mission, to run honest elections, is undermined by illegal voting practices that alter election results and have the potential to change the outcome of close elections. Consistent with this mission, my office undertook an investigation of the 2012 Primary Election.

The following report summarizes our investigation, identifies seven types of voting irregularities, and offers recommendations. My office initially examined all divisions in Philadelphia County. We then performed a manual analysis of specific divisions that appeared to have irregular results to identify concrete examples of voting irregularities. Due to the size of the electorate (1,029,307 registered voters in Philadelphia County), and the volume of documentation associated with the election (3,374 Poll Books; 3,467 Voting Machine Tapes; and 1,687 Clerk Books, etc.), we did not set out to quantify the magnitude of voting irregularities that occurred, but rather to analyze them in detail. Nevertheless, we identified hundreds of cases of voting irregularities that warrant further investigation. As our investigation continues, my office will refer all such cases to the appropriate law enforcement authority.

If you or your staff have any questions about this report, please contact me at (215) 686-3464 or at [al.schmidt@phila.gov](mailto:al.schmidt@phila.gov).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Al Schmidt".

Al Schmidt  
City Commissioner

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# Contents

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Executive Summary		1
Section 1	Introduction	2
Section 2	Scope and Methodology	2
Section 3	Types of Voting Irregularities	4
	Voting by Non-Registered Individuals	4
	Voting by Individuals in the Incorrect Party's Primary	7
	Divisions with More Votes than Voters	11
	Voting by Individuals in the Incorrect Legislative District	13
	Individuals Voting More Than Once	14
	Voter Impersonation	16
	Voting by Non-U.S. Citizens	18
Section 4	Conclusions and Recommendations	19
Section 5	Glossary of Terms	21



## **Why the Office of City Commissioner Al Schmidt Conducted this Investigation**

Voting irregularities present a risk to the integrity of elections in Philadelphia County. Our core mission, to run honest elections, is undermined by illegal voting practices that alter election results and have the potential to change the outcome of close elections. Consistent with this mission, our office undertook an investigation of the 2012 Primary Election.

## **What the Office of City Commissioner Al Schmidt Recommends**

1. Complete a comprehensive, manual review of all election-related documents after every election and provide a report of our findings to the public.
2. Work with the U.S. Citizenship and Immigration Services to develop a better method for identifying the voter registrations of non-citizens voting in elections in Philadelphia County.
3. End the use of Voter Slips. All voters not included in the Poll Books should vote by Provisional Ballot.
4. Assist law enforcement authorities with identifying possible cases of voter fraud.

## **EXECUTIVE SUMMARY**

### **VOTING IRREGULARITIES**

#### **Voting Irregularities in Philadelphia County, 2012 Primary Election**

Our investigation of the 2012 Primary Election identified seven distinct types of voting irregularities:

##### **1. Voting by non-registered individuals**

This type of voting irregularity occurs when an individual who is not registered to vote in Philadelphia at the time of an election casts a vote. Evidence in this report shows individuals who were not registered voters at the time of the 2012 primary, yet still cast votes included in the Certified Election Results.

##### **2. Voting by individuals in the incorrect party's Primary**

This type of irregularity is one of the most common irregularities that occur in Primary Elections in Philadelphia. A division in which all non-Democratic voters cast votes for candidates in the Democratic Primary is examined in this report.

##### **3. Divisions with more votes than voters**

This type of voting irregularity occurs when more votes are cast on the Voting Machines than voters who showed up to the polls. We examined a division where either 6 unknown voters were able to vote without signing in, or at least one person voted more than once.

##### **4. Voting by individuals in the incorrect legislative district**

This type of voting irregularity refers to voters casting votes on the Voting Machines in a legislative district that does not include the division in which the voter is registered. Examples of voters casting votes in districts other than their own are included in this report.

##### **5. Individuals voting more than once**

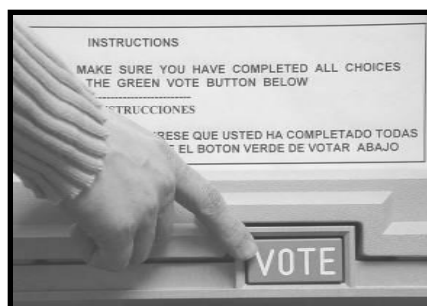
This type of voting irregularity occurs when a voter is able to vote more than once in the same election. Evidence in this report confirms an example of an individual who voted twice, illegally in the 2012 Primary.

##### **6. Voter impersonation**

This kind of voting irregularity occurs when one individual impersonates another and is able to vote in place of the person whose name appears in the Poll Book. This report contains evidence of one such example.

##### **7. Voting by non-U.S. citizens**

In 2012 alone, the Philadelphia City Commissioners have already been made aware of 19 non-U.S. citizens registered to vote in Philadelphia County. Seven have voted in at least one election, as recently as the 2012 Primary. This report will examine three such examples.



Source: Philadelphia City Commissioners Office

# Introduction

Following the 2012 Primary Election, the Office of Philadelphia City Commissioner Al Schmidt conducted an investigation of election results and voter data to determine if voting irregularities occurred. The investigation identified and examined seven distinct types of voting irregularities:

1. Voting by non-registered individuals
2. Voting by individuals in the incorrect party's Primary
3. Divisions with more votes than voters
4. Voting by individuals in the incorrect legislative district
5. Individuals voting more than once
6. Voter impersonation
7. Voting by non-U.S. citizens

These irregularities were not limited to any particular neighborhood, age group, or political party in Philadelphia County. The investigation identified illegal voting practices by Democratic, Republican, Non-Affiliated, and Third-Party voters.

What follows is a report describing the process and manner in which this investigation was performed; an analysis of the substantial evidence, including specific examples of the seven types of voting irregularities mentioned above; and recommendations to address these voting irregularities.

For privacy reasons, names and other identifying information have been omitted from this report, with the exception of an example of voter impersonation, which was already publicly reported.

## Scope and Methodology

The scope of the investigation began citywide, with an initial comparison of voting data to voter participation data. The comparison was done for every division in Philadelphia County by examining the Voting Machine totals for each division alongside the voter participation totals for each division.

My office obtained the Voting Machine totals for each division from Guardian, the technology system that reads the voting cartridge from each division's Voting Machines in Philadelphia

County. My office also obtained divisional voter participation totals from the Statewide Uniform Registry of Electors (SURE), the database of voter registration and participation records for every current or previously registered voter in Pennsylvania.

SURE is updated with voter participation data after each election by the Philadelphia Voter Registration Office. The data compiled in SURE includes a record of each election in which a voter participates, and the method by which each voter casts his/her vote (e.g., Absentee Ballot, Provisional Ballot, or on the Voting Machine). For the purposes of this review, absentee and provisional voter participation totals were subtracted from overall divisional voter participation totals in order to identify the machine voters for each division.

**After comparing the Voting Machine totals from Guardian with the machine voter totals from SURE, we identified a number of divisions with potential overvotes – more votes on the machines than voters who voted on the machines.** Specifically, we identified 434 divisions that appear to have at least one overvote on the Voting Machines, totaling 779 possible overvotes citywide in the 2012 Primary Election.

The process by which voter participation data is entered into SURE involves workers at the Philadelphia Voter Registration Office scanning the barcode next to each voter's name who signed the Poll Book. Due to this process, there is room for human error, leading to either over-scanning or under-scanning of Poll Books, resulting in the appearance of undervotes or overvotes. Therefore, manual counts and recounts were required to confirm the accuracy of divisional SURE data. Only the divisions that appeared to have the greatest number of potential overvotes were targeted for further examination. For those divisions, the following additional manual analysis was performed:

1. **Poll Book Analysis:** signature count, party affiliation review, comparison to names listed in the Clerk Book, and comparison of signature count with Machine Tape public count
2. **Clerk Book Analysis:** name count, party affiliation review, comparison to names in the Poll Books, and comparison of name count with Machine Tape public count
3. **Machine Tape Analysis:** review of the Public Count (total votes cast on each machine), undervote data/party analysis (used to determine how many times a machine was set and

voted on for Democratic Primary races or Republican Primary races), and comparison of public count and party analysis with Poll Book and Clerk Book data

This additional examination confirmed voting discrepancies for some divisions, and identified likely scanning errors in other divisions. My office conducted additional investigative measures for the divisions with confirmed voting discrepancies. These measures included a review of the division's absentee votes and voters, and the division's Provisional Ballot votes and voters.

Furthermore, all Voter Slips for these divisions were examined. Voter Slips are forms that get signed by voters in place of signing the Poll Books when the name of a registered voter in the division cannot be located in the Poll Book, usually due to a printing error. The importance of Voter Slips will be explained in more detail in the next section of this report. While this Office's investigation was targeted, it ultimately involved a complete manual analysis of *all* Voter Slips from the 2012 Primary, which provided a number of key pieces of evidence discussed throughout this report.

## **Types of Voting Irregularities**

### **Voting by Non-Registered Individuals**

#### **Explanation**

This type of voting irregularity occurs when an individual who is not a registered voter in Pennsylvania at the time of an election casts a vote on a Voting Machine, leading to an illegal vote being included in the Certified Election Results. There are currently safeguards in place to prevent this type of irregularity. However, those safeguards have limitations and are vulnerable to human error or fraud. These are the procedures that are *supposed* to be followed when a registered voter participates in an election:

1. The voter shows up to the correct polling place for his/her division.
2. A member of the Election Board looks up the voter's name in the Poll Book, which includes a copy of the voter's signature on file with the Philadelphia Voter Registration Office.
3. The voter then signs the Poll Book next to his/her name.

4. The Election Board verifies that the voter's signature matches the signature in the Poll Book.
5. The Election Board assigns the voter an Admission Number, which indicates the numeric order in which a voter participated in the election at that division (i.e., the first voter of the day would be assigned Admission Number 1). The Election Board member signs his/her own initials and writes the voter's Admission Number next to the voter's name in the Poll Book. The Election Board Clerk writes the Admission Number, the voter's registered party, and the voter's name in the yellow Clerk Book.
6. The Election Board Machine Inspector sets the Voting Machine for the races in which the voter is eligible to participate. During a Primary, the machine must be set according to the voter's party affiliation. During a General Election, the machine is set the same for all voters in the same division. Inside the voting booth, lights will appear next to the choice of candidates for each race in which the voter is eligible to vote – races may differ from one division to another based on legislative district boundaries.
7. The voter selects his/her choices for each race and then presses the green "Vote" button. A record of the voter's choices is stored in the Voting Machine, the lights on the inside of the Voting Machine turn off, and the next vote cannot be cast on the Voting Machine until the Machine Inspector sets the machine for the next voter. The Voting Machine also contains a record of the Public Count, which is the running total of how many times voters cast their votes on a particular Voting Machine.

It is important to note that **any vote cast on the machine becomes a part of the Certified Election Results**, since it is impossible to distinguish a voter's individual vote in a particular race. If an invalid vote is accidentally or intentionally cast on the machine, it is impossible to identify the invalid vote and remove it from the Voting Machine total.

If there is a question concerning the voter's registration status, the voter must only be given the opportunity to cast his/her vote using a paper Provisional Ballot rather than on the machine. The voter's registration status is then confirmed after the election by the Voter Registration Office, and, if the individual *is* a registered



voter, the voter's Provisional Ballot is included in the Certified Election Results. This safeguard prevents potentially invalid votes from being included in the Certified Election Results.

At times, however, there are printing errors in the Poll Books leading to a scenario in which a voter's name is incorrectly left out of the Poll Book at the voter's division. When these situations occur, the Judge of Elections, at his/her discretion, must call the Philadelphia Voter Registration Office to seek confirmation of the individual's registration status. *One of two* authorized election officials at the Voter Registration Office must then confirm the voter's registration status in SURE, the statewide database that maintains all registration data for voters in Pennsylvania.

*If* it is determined that the individual in question is in fact a registered voter and has shown up to vote at the correct polling location, then the election official at the Voter Registration Office may give verbal permission over the phone to the Judge of Elections to allow the voter to cast his/her ballot on the Voting Machine. The voter then signs a *Voter Slip* instead of the Poll Book. The Voter Slip includes a space for the voter's Admission Number, Voter Registration Number, birth date, address, ward, and division. All of this information is recorded on the Voter Slip by the Judge of Elections, and the Clerk adds the voter to the Clerk Book with the corresponding Admission Number. The Judge is required to print the name of the authorized election official at the Voter Registration Office who confirmed the voter's registration status in the space on the Voter Slip where it says "Name of Election Official."

**What follows are some examples for which documentation exists of individuals who were non-registered voters at the time of the 2012 Primary, yet still cast votes on the Voting Machines.**

### **Supporting Evidence**

For each of the examples of non-registered individuals who voted, the following documentation was collected:

1. A print-out of a SURE search result showing that the individual is not a registered voter in Philadelphia, or that the individual's registration was expired or invalid at the time of the 2012 Primary

2. A copy of the signed Voter Slip, which includes the individual's Admission Number, indicating that the individual voted on the machine
3. A copy of the Clerk Book for the division in which the individual voted – the individual's name and Admission Number is listed in the Clerk Book
4. A copy of the Machine Tapes for the division in which the individual voted – when the public count listed on each Machine Tape for a division is added together, and the total matches the number of people listed in the Clerk Book, this further illustrates that the individuals listed in the Clerk Book are the same individuals who voted on the Voting Machines

**There were more than 150 Voter Slips citywide from the 2012 Primary. Twenty-three of these Voter Slips came from individuals who were not registered to vote at the time of the election, but voted on the Voting Machine.**

If the Election Boards for the divisions in each of the following examples adhered to the law and proper procedures, these individuals would not have been authorized to fill out a Voter Slip, or vote on the Voting Machines. Therefore, their votes would not have been included in the Certified Election Results.

**EXAMPLE #1:** *66<sup>th</sup> Ward 28<sup>th</sup> Division, Republican according to Voter Slip* – This individual is not in the SURE database, meaning he is not and was not ever a registered voter in Philadelphia County.

**EXAMPLE #2:** *13<sup>th</sup> Ward 5<sup>th</sup> Division, Democrat according to Voter Slip* – This individual is also not in the SURE database, meaning she is not and was not ever a registered voter in Philadelphia County.

**EXAMPLE #3:** *32<sup>nd</sup> Ward 17<sup>th</sup> Division, Democrat according to Voter Slip* – SURE records confirm that he was not registered at the time of the 2012 Primary, but has since registered.

## **Voting by Individuals in the Incorrect Party's Primary**

### **Explanation**

Voting by individuals in the incorrect party's Primary is one of the most common irregularities that occur in Primary Elections in

Philadelphia. In Philadelphia County, the Machine Inspector must correctly set the Voting Machine to allow a voter to cast his/her votes for the candidates seeking office *only* in the Primary races of the voter's registered party. This process is vulnerable to human error. Unlike some other states, Pennsylvania does *not* have an "open" Primary system in which voters are able to participate in the Primary Election of their choice, regardless of party affiliation.

In Pennsylvania, only Democrats may vote in the Democratic Primary, only Republicans may vote in the Republican Primary, etc.. If a non-affiliated or third-party voter wishes to participate in a Primary Election, then the Machine Inspector is required to simply press the "Officers Control" button on the back of the Voting Machine, without indicating a particular party.

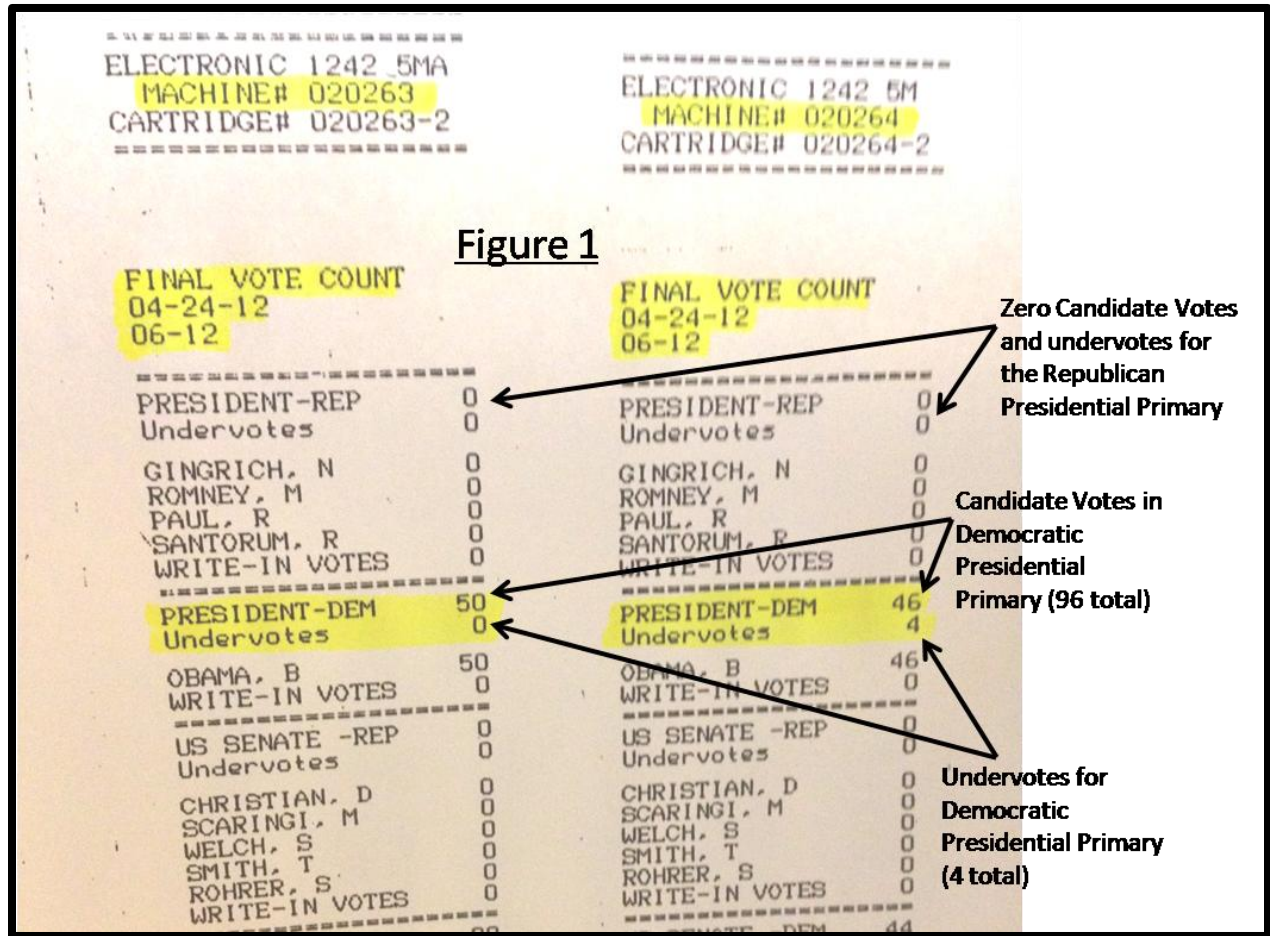
Non-affiliated and third-party voters who vote in a Pennsylvania Primary are only allowed to cast votes in the following instances:

1. Primary Elections in which a member of their party is on the ballot
2. Primary Elections in which a ballot question is being considered by the general electorate
3. Primary Elections in which a division has a Special Election to fill a vacant seat (as was the case for a number of divisions in the 2012 Primary)
4. The voter chooses to submit a write-in vote for one or multiple offices to be the nominee for the voter's registered third-party

Other than these four scenarios, non-affiliated or third-party registered voters may only participate in a Pennsylvania Primary by pressing the "No Vote" button, which makes a record of the voter's participation in the Voting Machine's Public Count, without allowing the voter to cast a vote in any specific race.

If a machine is properly set for a voter, only candidates from the voter's registered party are available as choices for the voter. If the voter chooses not to cast a vote for a specific office, then an undervote for that office will be recorded on the Machine Tape once the voter presses the green "Vote" button, locking in all of the voter's selections for various offices.

**The total number of undervotes and candidate votes for a particular office indicates how many times a machine was set and voted on for a party.** Figure 1 shows the two Machine Tapes for the 6<sup>th</sup> Ward, 12<sup>th</sup> Division, a division that will be further discussed in this section.



There were a total of 96 candidate votes and four undervotes in the 2012 Democratic Presidential Primary. There were no candidate votes or undervotes recorded on the Machine Tapes in the Republican Presidential Primary. This means that this division's Voting Machines were set for, and voted on, in the Democratic Primary 100 times, and zero times in the Republican Primary.

**In the 2012 Primary, there is documentation that many voters participated in the incorrect party's Primary. Since these votes were cast on the machines, they were included in the Certified Election Results, thus impacting the vote totals for multiple races throughout Philadelphia and Pennsylvania.**

## Supporting Evidence

**In a division without irregularities, the Poll Books, Machine Tapes, and Clerk Book data would be consistent in terms of the total number, and party affiliations, of election participants.**

This was not the case for 6-12, as explained below.

Table 1 provides data from a manual count of the signatures in the Poll Books and on Voter Slips, and the party affiliation of every voter who signed in; the Public Count of the Machine Tapes in the division; the Machine Tape data documenting how many times the machines were set and voted on for each party; and voter participation data from the Clerk Book.

**Table 1**

<b>Voting Data for the 6<sup>th</sup> Ward 12<sup>th</sup> Division</b>	<b>Democratic Votes or Voters</b>	<b>Republican Votes or Voters</b>	<b>Non-Affiliated or 3<sup>rd</sup> Party Votes or Voters</b>	<b>Totals or Public Count</b>
Poll Book and Voter Slip Signatures	92	2	6	100
Machine Tapes	100	0	0	100
Clerk Book	100	0	0	100

**The data in Table 1 demonstrates the fact that eight non-Democratic voters voted in the Democratic Primary in the 6<sup>th</sup> Ward 12<sup>th</sup> Division.**

Additionally, there were only four total undervotes in this division for President, meaning that *at least* four non-Democrats voted in the Democratic Primary for President.

The following evidence documents this example:

1. Copies of the signed Poll Book pages for the 2 Republicans and 5 non-affiliated or third-party voters from 6-12
2. A copy of the signed Voter Slip from the non-affiliated voter from 6-12
3. A copy of the 6-12 Clerk Book

4. Copies of the 6-12 Machine Tapes
5. A record of the two manual signature counts of the Poll Books from 6-12

## Divisions with More Votes than Voters

### Explanation

This voting irregularity occurs when there are more votes cast on the Voting Machines in a division than there is evidence of voters who voted in that division. As explained in the “Voting by Non-Registered Individuals” section of this report, there should be multiple written records documenting the registered voters in a division who participated in an election. Every voter who votes on the Voting Machines must sign the Poll Book or a Voter Slip. His/her name is then recorded in the Clerk Book, and the voter is assigned an Admission Number.

Any voter who votes by Provisional Ballot may not have the opportunity to also vote on the machine, and any voter who votes by Absentee Ballot will only have his/her vote included in the Certified Election Results once it is confirmed that the voter did not also vote in person at the polls, in which case the Absentee Ballot is discarded.

The example from the 2012 Primary that will be examined in this report is from the 55<sup>th</sup> Ward 29<sup>th</sup> Division.

### Supporting Evidence

**In 55-29, there were 6 more votes cast on the machines and included in the Certified Election Results than there were voters who participated in the 2012 Primary.** There were no Voter Slips or Provisional Ballots submitted for this division, so there is no evidence to suggest that there were any voters who may have voted on the machines without being listed in the Poll Books and/or Clerk Book. There was only one Absentee Ballot for this division, which does not affect the data being analyzed.

It should also be noted that 55-29 did not share its polling place with any other division during the 2012 Primary, precluding the possibility that voters from a different division might have signed the Poll Book for a collocated division, but accidentally cast votes on 55-29’s Voting Machines.

Table 2 illustrates the results of a review of the 55-29 Poll Book signatures, Machine Tapes, and Clerk Book:

**Table 2**

<b>Voting Data for the 55<sup>th</sup> Ward 29<sup>th</sup> Division</b>	<b>Democratic Votes or Voters</b>	<b>Republican Votes or Voters</b>	<b>Non-Affiliated or 3<sup>rd</sup> Party Votes or Voters</b>	<b>Totals or Public Count</b>
Poll Book Signatures	62	35	0	97
Machine Tapes	62	41	0	103
Clerk Book	62	35	0	97

As seen in Table 2, the data from the Poll Book and Clerk Book match one another: 62 Democrats, 35 Republicans, 0 Non-Affiliated or Third-Party, and 97 total voters. The Democratic totals on the Machine Tapes also match the Poll Book and Clerk Book data, showing the Voting Machines were set and voted on 62 times for the Democratic Primary for 62 Democratic voters. However, the Republican totals show only 35 Republican voters, but 41 Republican votes on the Voting Machines, resulting in 6 overvotes.

**This means either 6 unknown voters were able to vote without signing in, or at least one person voted more than once.** It was also confirmed that there were no malfunctions or problems with the Voting Machines, so these irregularities are not due to technology issues.

The following evidence documents this example:

1. A record of two manual signature counts of the Poll Books from 55-29
2. A copy of the 55-29 Clerk Book
3. Copies of the 55-29 Machine Tapes

4. An alphabetical list of polling places for the 2012 Primary, confirming that 55-29 was the only division located at 7049 Frankford Avenue

## Voting by Individuals in the Incorrect Legislative District

### Explanation

This type of voting irregularity refers to voters casting votes on the Voting Machines in a legislative district that does not include the division in which the voter is registered (e.g., the voter is registered in a division that is located in Pennsylvania's 2<sup>nd</sup> Congressional District, but casts a vote on a Voting Machine in the Primary Election for the 1<sup>st</sup> Congressional District).

**There are multiple ways in which this type of irregularity can occur, and when it does, it has the potential to affect the outcome of a close election for a particular office.** The most common occurrence of this irregularity happens when multiple divisions share a polling place. Due to confusion, a voter may sign the correct Poll Book, but vote on the wrong division's machine. Another way in which this type of irregularity can occur is via the Voter Slip process. Voter Slips provide the most concrete evidence of voters who voted in races for legislative districts in which they are not registered. Therefore, this report will focus on some of those examples.

### Supporting Evidence

To document the examples listed below of people voting in the incorrect district for different races, we compiled the following pieces of evidence:

1. A copy of the voter's signed Voter Slip, which shows the division in which the voter voted
2. A copy of the Clerk Book from the division in which the voter voted incorrectly, showing the voter's name and Admission Number
3. Copies of the Machine Tapes or a Guardian Report of the incorrect division, confirming that the public counts on the machines for the division match the total number of people entered in the Clerk Book – again showing that the people listed in the Clerk Book are the same people who voted on the machines



4. A print-out of SURE data showing the correct registration information and registration history for the voter in each example
5. A copy of the Poll Book page from the division in which the voter is actually registered – in each example, the signature on file in the Poll Book matches the signature on the Voter Slip

**EXAMPLE #1:** *Republican registered in the 55<sup>th</sup> Ward 27<sup>th</sup> Division, voted in the 66<sup>th</sup> Ward 39<sup>th</sup> Division* – This individual cast her vote on the Voting Machine in the Primary for the 5<sup>th</sup> State Senate District, and the Primary and Special Election for the 169<sup>th</sup> State House District. However, she was only eligible to vote in the 172<sup>nd</sup> State House District. She was not eligible to vote in a State Senate Election, because her State Senate District (2<sup>nd</sup> State Senate District) was not up for election this cycle.

**EXAMPLE # 2:** *Democrat registered in the 12<sup>th</sup> Ward 2<sup>nd</sup> Division, voted in the 6<sup>th</sup> Ward 7<sup>th</sup> Division* – This individual cast his vote in the Primary for the 195<sup>th</sup> State House District and 7<sup>th</sup> State Senate District. However, he was only eligible to vote in the 201<sup>st</sup> State House District. He was not eligible to vote in a State Senate Election, because his State Senate District (4<sup>th</sup> State Senate District) was not up for election this cycle.

**EXAMPLE # 3:** *Democrat registered in the 10<sup>th</sup> Ward 28<sup>th</sup> Division, voted in the 37<sup>th</sup> Ward 12<sup>th</sup> Division* – This individual cast her vote in the Primary for the 181<sup>st</sup> State House District and the 3<sup>rd</sup> State Senate District. However, she was only eligible to vote in the 203<sup>rd</sup> State House District. She was not eligible to vote in a State Senate Election, because her State Senate District (4<sup>th</sup> State Senate District) was not up for election this cycle.

## Individuals Voting More Than Once

### Explanation

This type of voting irregularity occurs when a voter is able to vote more than once in the same election. It is difficult to determine the extent of this kind of voting irregularity, especially with the number of divisions that appeared to have at least one overvote. However, our investigation identified a specific example in which there is clear evidence that the same individual voted twice in the 2012 Primary Election.

## Supporting Evidence

This individual is a Democrat who was previously registered in the 4<sup>th</sup> Ward 19<sup>th</sup> Division. In August 2011, she changed her registration to an address in the 44<sup>th</sup> Ward 6<sup>th</sup> Division. **On the 2012 Primary Election Day, she illegally voted on two different Voting Machines, in two different divisions, at two different polling locations.**

There is clear evidence that the individual voted at her correct polling location in 44-6. She signed the Poll Book, was assigned an Admission Number, and her name and Admission Number were both written in the Clerk Book. There were 157 signatures in the Poll Book, 157 names in the Clerk Book, and 157 votes cast on the machines. The names of the voters who signed the Poll Books are the same as the names of the voters written in the Clerk Book.

This individual also voted on the machine in the 4<sup>th</sup> Ward 20<sup>th</sup> Division. This division shares a polling location with 4-19, where she had previously been registered. Her signature on a 4-20 Voter Slip exactly matches the signature in the 44-6 Poll Book. Furthermore, there is a total of 137 names listed in the 4-20 Clerk Book, which matches the total Public Count from the 4-20 Machine Tapes, again indicating that every person listed in the Clerk Book also voted on the Voting Machines. Her Admission Number on the Voter Slip matches her Admission Number in the 4-20 Clerk Book. Also worth noting is the fact that she listed her prior 4-19 address on the 4-20 Voter Slip. Her registration history in SURE confirms that the address that she wrote on the 4-20 Voter Slip is, in fact, a prior address of this individual, who is now registered in 44-6.

Lastly, this individual signed an Affirmation of Elector Form, stating that she swears, under the penalty of perjury, that she still resides at an address in 4-19. The Affirmation of Elector Form from 4-20, the Voter Slip from 4-20, and the Poll Book from 44-6 all include identical signatures, names, and birth dates.

The following evidence documents this example:

1. A copy of the signed Voter Slip from 4-20
2. A copy of the Clerk Book from 4-20
3. A copy of the Machine Tapes from 4-20

4. A copy of the Affirmation of Elector Form from 4-20
5. A copy of the signed Poll Book page from 44-6
6. A copy of the Clerk Book from 44-6
7. A copy of the Machine Tapes from 44-6
8. A print-out of the SURE data showing her registration status and history

## **Voter Impersonation**

### **Explanation**

This kind of voting irregularity occurs when one individual impersonates another and is able to vote in place of the person whose name appears in the Poll Book. Until Pennsylvania's new Voter ID law takes effect in the 2012 General Election, the only way to confirm a voter's identity is by comparing a voter's signature in the Poll Book to the signature on file with the Voter Registration Office.

The following example of voter impersonation occurred during previous election cycles, but was brought to the attention of the City Commissioners and investigated during the 2012 Primary Election cycle.

### **Supporting Evidence**

In October 1990, a man named "Joseph Cheeseboro" was registered to vote from an address that later became a vacant lot. A close examination of the original registration application reveals some important points:

1. At the bottom of the registration form, the printed name is spelled "Joseph J. Cheeseborough."
2. At the top of the registration form, the printed name is spelled "Joseph Cheeseboro."
3. The original signature in the signature box on the voter registration form was obscured using Wite-Out correction fluid. The signature was then rewritten.
4. The birth date at the top of the registration form is December 27, 1955.

Several years later, in November 2003, “Joseph J. Cheeseborough” registered to vote from a different address that was determined to be a 7-11 convenience store. A close examination and comparison of the 1990 and 2003 voter registration applications reveal the following:

1. The printed handwriting on the 2003 application matches the printed handwriting on the 1990 registration application
2. The signatures on these applications, however, are different in both handwriting and spelling
3. The birth date (December 27, 1955) is the same on both voter registration applications

**These two voter registration applications have the same name, the same birth date, the same handwriting – but completely different signatures.**

Both in the 2007 Primary Election and the 2007 General Election, “Joseph Cheeseboro” and “Joseph J. Cheeseborough” each signed the Poll Books and voted in two different divisions located in two different polling places.

The Poll Book signatures associated with the same name are consistent year after year. However, the signatures for each name do not match the signatures for the other name in spelling and handwriting.

**The evidence indicates that Mr. Cheeseborough is a victim of voter impersonation.**

The following evidence documents this example:

1. Copies of signed Poll Book pages for elections in which “Joseph Cheeseboro” voted—2006 General Election, 2007 Primary Election, 2007 General Election, 2008 Primary Election, and 2011 Special Election
2. Copies of signed Poll Book pages for elections in which “Joseph J. Cheeseborough” voted—2007 Primary Election, 2007 General Election, 2008 General Election, 2010 General Election, and 2011 General Election
3. A copy of “Joseph Cheeseboro’s” 1990 voter registration application

4. A copy of “Joseph J. Cheeseborough’s” 2003 voter registration application

## Voting by Non-U.S. Citizens

### Explanation

Only U.S. citizens may legally register to vote and cast their vote in elections in the United States. In Pennsylvania, the voter registration application includes a declaration that serves as an affidavit in which the voter affirms that he/she will have been a United States citizen for at least one month prior to the next election. **This is the only measure taken to verify citizenship prior to a voter registration application being processed by the Voter Registration Office.**

As a result, some non-citizens register to vote and participate in elections in Philadelphia. This leads to another type of voting irregularity: voting by non-U.S. citizens.

### Supporting Evidence

If a non-citizen residing in Philadelphia applies for U.S. citizenship, an official from U.S. Citizenship and Immigration Services (CIS) contacts the Philadelphia Voter Registration Office to determine if the applicant has ever been registered to vote and, if so, whether or not the applicant has actually voted in any elections. The Voter Registration Office does not request citizenship information from CIS when processing voter registration applications.

**In 2012 alone, the Philadelphia Voter Registration Office has already cancelled the registrations of 19 illegally-registered voters in Philadelphia County who are not U.S. citizens. Of the 19 illegally-registered voters, 7 have voted in at least one election over the past 10 years, as recently as the 2012 Primary.**

The following are three examples of non-US citizens who voted in elections in Philadelphia:

**EXAMPLE #1:** *23<sup>rd</sup> Ward 21<sup>st</sup> Division, registered Democrat* – This individual first registered to vote in Philadelphia on April 19, 1999 in the 40<sup>th</sup> Ward 21<sup>st</sup> Division. Records show that he voted in the 2010 Primary, 2010 General, 2011 General, and 2012 Primary Elections. His voter registration was cancelled in June 2012 when it was confirmed that he was not a U.S. citizen.

**EXAMPLE #2:** *49<sup>th</sup> Ward 7<sup>th</sup> Division, registered Non-Affiliated* – This individual first registered to vote in Philadelphia on October 4, 2004 in the 29<sup>th</sup> Ward 17<sup>th</sup> Division. Records show that he voted in the 2004 and 2008 General Elections. His voter registration was cancelled in May 2012 when it was confirmed that he was not a U.S. citizen.

**EXAMPLE #3:** *34<sup>th</sup> Ward 16<sup>th</sup> Division, registered Democrat* – This individual first registered to vote in Philadelphia on September 22, 2003 in the 34<sup>th</sup> Ward 16<sup>th</sup> Division. Records show that he voted in the 2003, 2004, 2006, 2007, and 2009 General Elections. His voter registration was cancelled in April 2012 when it was confirmed that he was not a U.S. citizen.

The following evidence documents these examples:

1. A print-out of the SURE data showing each individual's registration and voting history
2. Forms signed by each individual acknowledging that he/she was not a citizen
3. Documentation from the Philadelphia Voter Registration Office detailing each individual's voter registration and participation history, and certifying that each non-citizen's voter registration has been cancelled

## Conclusions and Recommendations

Our investigation set out to determine if voting irregularities occur in Philadelphia County elections by examining the 2012 Primary. We identified seven distinct types of voting irregularities, all involving illegal voting practices impacting the vote totals for multiple races throughout Philadelphia and Pennsylvania. These findings reveal the need for meaningful reforms that should be implemented by our Department.

It has been the experience of my office that the Civil Servants at the Philadelphia Voter Registration Office and County Board of Elections are some of the most professional and hard-working people in Philadelphia City Government. It is our job as City Commissioners to ensure that they have the necessary resources and support to carry out our shared responsibility.

While the implementation and enforcement of the new Voter Photo ID law will help mitigate the occurrences and impact of

some types of voting irregularities, we recommend that the City Commissioners Office take the following four actions to help ensure that elections in Philadelphia County are honest:

### **Recommendation 1**

**Complete a comprehensive, manual review of all election-related documentation after every election and provide a report of our findings to the public.**

The City Commissioners should provide the Voter Registration Office with the resources it needs to conduct a review of all election-related documents to identify and examine potential voting irregularities. Based on the findings, the City Commissioners should hold hearings to determine why certain voting irregularities occurred. A comprehensive report should be prepared for the public after every election.

### **Recommendation 2**

**Work with the U.S. Citizenship and Immigration Services to develop a better method for identifying the voter registrations of non-citizens voting in elections in Philadelphia County.**

The current method – waiting for CIS to notify the Voter Registration Office once an individual has applied for citizenship – is clearly inadequate. A new method must be developed. However, it is important to proceed on a case-by-case basis to avoid the possibility of cancelling the voter registration of even a single eligible voter.

### **Recommendation 3**

**End the use of Voter Slips.**

The City Commissioners Office should direct the Voter Registration Office to no longer distribute Voter Slips to Election Boards for use on Election Day. The current misuse and abuse of Voter Slips result in illegal voting practices that allow: non-registered individuals to vote; registered voters to cast votes in legislative districts other than their own; and – in at least one case – a registered voter to vote twice in two different divisions on the Voting Machines on Election Day. All voters not included in the Poll Books should vote by Provisional Ballot.

## **Recommendation 4**

### **Assist law enforcement authorities with identifying possible cases of voter fraud.**

Individuals engaging in illegal voting practices or fraudulent activity must be held accountable. The City Commissioners should assist law enforcement authorities, such as the District Attorney and Attorney General, in our shared mission.

## **Glossary of Terms**

<b>Absentee Ballot</b>	A ballot that is cast by a voter who is unable to vote in person on Election Day. Absentee Ballot votes are included in the Certified Election Results once it is confirmed that the voter did not also vote in person at the polls on Election Day, in which case the Absentee Ballot is discarded.
<b>Admission Number</b>	A number indicating the numeric order in which a voter participated in an election at each division (i.e., the first voter of the day would be assigned Admission #1). The Admission Number is written next to the voter's name in the Poll Book, and the Election Board Clerk writes the Admission Number, voter's name, and party affiliation in the Clerk Book.
<b>Affirmation of Elector Form</b>	A form filled out by a voter in the presence of a member of the division's Election Board on Election Day confirming details about the voter's correct registration data. The form must be signed by both the voter and a member of the Election Board.
<b>Candidate Votes</b>	Votes cast for individual candidates for a particular race. When a voter chooses not to cast a vote for a specific race, an undervote is registered on the Machine Tape instead of a candidate vote.
<b>Certified Election Results</b>	The official vote totals that are used to determine the outcome of any race or ballot initiative from a Primary, General, or Special Election. Certified Election Results are a combination of Machine Tape votes, valid Absentee Ballot votes, and valid Provisional Ballot votes.



<b>Clerk Book</b>	The yellow book that is included among materials for each division's Election Board. The Election Board Clerk records the name, registered party affiliation, and Admission Number of every voter who signs in on Election Day.
<b>Clerk</b>	The appointed Election Board official responsible for recording data in the Clerk Book for that division.
<b>Division</b>	A geographic electoral district; is synonymous with "precinct" in other Pennsylvania counties. Philadelphia is divided into 1,687 divisions. Each division has its own Election Board and Voting Machines. Some divisions share a polling location with other divisions.
<b>Election Board</b>	The elected and appointed officials who oversee Election Day procedures for a given division. Each division's Election Board is comprised of a Judge, a Majority Inspector, a Minority Inspector, a Clerk, and a Machine Inspector. Some divisions also have a Bilingual Interpreter.
<b>Guardian</b>	The voting technology system that reads the vote totals of each voting cartridge from every division's Voting Machines in Philadelphia County.
<b>Judge of Elections</b>	The elected Election Board official responsible for managing all activities, procedures, and personnel on Election Day in that division. The Judge is responsible for enforcing laws related to Election Day conduct and is the division's highest authority regarding questions of proper Election Day procedures.
<b>Machine Inspector</b>	The appointed Election Board official responsible for properly setting the Voting Machines for voters in that division.
<b>Machine Tape</b>	The printed receipt from each Voting Machine listing all voting data, including the machine's Public Count, candidate votes in specific races, and undervotes in specific races.
<b>Machine Voter Totals</b>	The number of voters who participated in an election by voting on the Voting Machines. This number does <u>not</u> include voters who cast their votes by Absentee or Provisional Ballots.
<b>Overvotes</b>	Votes cast on the Voting Machines in a division that exceed the number of voters who participated in an election from that same division.

<b>Party Overvotes</b>	Votes cast on a division's Voting Machines in Primary races for a particular political party that exceed the number of registered voters in the same political party who participated in the division's election. Party voting data from a Voting Machine is determined by adding the candidate vote totals to the undervote total for any office listed on the Machine Tape in which voters are able to cast votes for only one candidate (e.g., President, Attorney General, etc.).
<b>Poll Book</b>	A book listing all registered voters in a division, including a copy of each voter's signature on file with the Philadelphia Voter Registration Office. On Election Day, voters must sign the Poll Book next to their name prior to casting a vote on the Voting Machine.
<b>Provisional Ballot</b>	A paper ballot that an individual uses to cast his/her votes <i>in place of voting on the Voting Machine</i> . A Provisional Ballot is used when there is a question regarding the individual's voter registration status. The individual's voter registration status is then confirmed after the election by the Voter Registration Office. If the individual is a registered voter and is eligible to vote in that division, the voter's Provisional Ballot is included in the Certified Election Results.
<b>Public Count</b>	A number printed on the Machine Tape indicating the total number of votes cast on a specific Voting Machine on Election Day.
<b>Signature Count</b>	A manual count of the voters who signed the Poll Books on Election Day.
<b>SURE</b>	An acronym for Statewide Uniform Registry of Electors, the database that contains voter registration and participation records for every current and previously registered voter in Pennsylvania.
<b>Undervote</b>	A number printed on the Machine Tape for each race indicating the number of voters who abstained from voting in that particular race.

**Voter Participation Data or Results**

Information regarding the **number of voters who voted** in an election.

**Voter Slip**

A form that a registered voter signs in place of signing a Poll Book when the voter's name cannot be located in the Poll Book (usually due to a printing error). Prior to being given a Voter Slip, one of two authorized officials from the Philadelphia Voter Registration Office must give verbal confirmation, over the phone to one of the Election Board members, that the voter in question has been located in SURE and is a registered voter in that division. The Election Board member must write, on the Voter Slip, the name of the authorized official from the Philadelphia Voter Registration Office who confirmed the voter's status.

**Voting Machine Totals**

The number of votes cast on a Voting Machine.

**Voting Data or Results**

Information regarding the **number of votes cast** in an election.