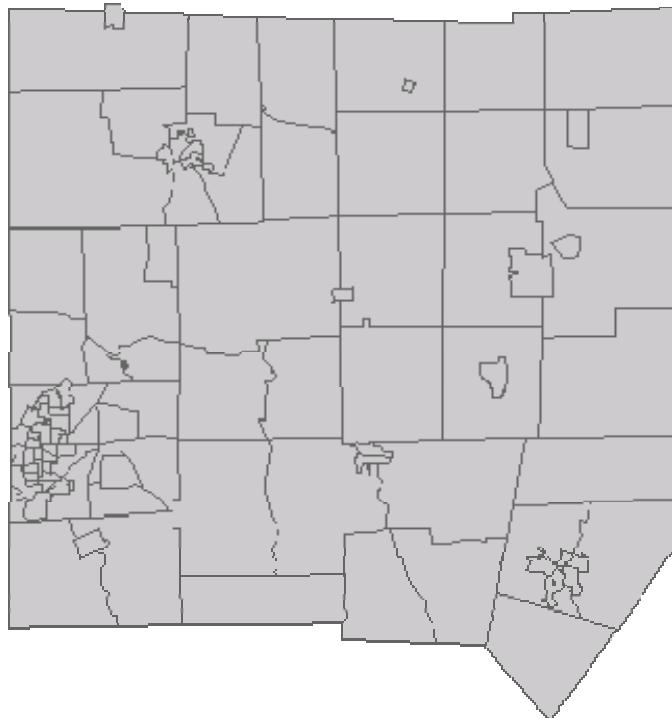


Restoring Confidence to Voters:
Findings and Recommendations of the Independent Election Committee
Mercer County, Pennsylvania
Tuesday, February 8, 2005



Members of the Independent Election Committee:
Michael Coulter, Ph.D., Grove City College, Chair
Peggy Ruggles, League of Women Voters, Vice-Chair
Rastapari Hailstock, NAACP – Mercer County Chapter
James Long, Shenango Valley Urban League
Lance Masters, Ph.D., Pennsylvania Economy League
Robert Lark, Mercer County Democratic Committee
Kathleen Cowles Paul, Penn State University – Shenango Campus
Rev. Donald Wilson, Mercer County Republican Party

Contents

Executive Summary	3
Summary of Recommendations	4
Findings of the Independent Election Committee	5
Specific Recommendations of the Independent Election Committee	9
Minority Opinion	15
Appendices	17

Executive Summary

On November 2, 2004 many citizens in Mercer County were unable to vote because of broken voting machines and an inadequate supply of emergency ballots in those precincts. Some citizens attempted to vote on machines that did not work properly and that left many votes unrecorded.

Much public criticism arose in response to the serious problems that occurred on Election Day.

In light of that criticism, the Mercer County Board of Commissioners appointed an 8-member committee, known as the Independent Election Committee, to investigate the problems and make recommendations for the improved administration of elections, if possible, by January 31, 2005.

This Committee has held 10 public meetings after convening on November 29, 2004. The intention of these public meetings was to gather information from everyone involved in the election process, including precinct election workers, the Bureau of Voter Registration and Elections, the Board of Commissioners/Elections, and voters.

Moreover, it should be stated that the Independent Election Committee is not a legal investigative body and therefore did not have subpoena power. We had to rely on the veracity of those who spoke before our committee.

Based upon public testimony and the committee's research, the Independent Election Committee believes that the Bureau of Voter Registration and Elections and the Board of Commissioners/Elections demonstrated remarkable negligence concerning Pennsylvania Election Law. Many legal requirements were not followed; had they been followed, most of the problems in the November election would not have occurred. We are greatly troubled by this inattention to the law. Given the magnitude of the problems caused by this inattention, we hope that the Board of Commissioners/Elections will strenuously seek to follow the law in the future and that appropriate law enforcement bodies will ensure that the law has been followed.

The Independent Election Committee sought to gather as much information as was possible in the brief period allotted for its work. It is very possible that we have missed important elements that contributed to Election Day 2004. However, we offer this report as a starting point for restoring the integrity of the election process in Mercer County.

Summary of Recommendations

- 1. We recommend the development of a written operational plan to direct the Bureau of Voter Registration and Elections in preparation for elections, with a coherent and functional plan for communication and an emergency plan for problematic circumstances.**
- 2. We recommend that the Mercer County Board of Commissioners make every reasonable effort to prepare the Unilect machines for future elections, and to provide significant proof to the public of this effort, especially for the next election. If they feel less than confident in their preparation for the next election, we recommend the use of paper ballots for the primary election. With respect to preparing the Unilect machines for future use, this would include the addition of a pop-up screen to assist voters with the straight party option and attention given to possible improvements in screen design.**
- 3. We recommend that all members of the Board of Elections take full responsibility for monitoring the election process to ensure that it is completely functional, effective, and in compliance with state election law, including the legal requirement for testing and certification of each machine.**
- 4. We recommend the development of a written and extensive training program for all involved in the election process. This would include precinct election workers, the employees in the Bureau of Voter Registration and Elections and the Information Technology Office.**
- 5. We recommend that the Director of the Bureau of Voter Registration and Elections should be a full-time position and that this individual should be supervised by all the members of the Board of Elections.**
- 6. We recommend that, in compliance with the law, an on-going program of voter education be developed and implemented under the Director of Bureau of Voter Registration and Elections and Board of Commissioners so that voters can better understand the operation of electronic voting machines.**
- 7. We recommend that the Board of Commissioners explore the option of providing a voter-verifiable paper ballot to go along with each electronic voting unit.**

FINDINGS OF THE INDEPENDENT ELECTION COMMITTEE

Problems prior to November 2, 2004

1. Inadequate and/or incorrect training of workers

- ⇒ Inadequate and incorrect training of election workers.
- ⇒ Inadequate training of Bureau of Voter Registration and Elections machine repairmen
- ⇒ Inadequate preparation of supplies for election (paper ballots, etc.)

2. Inadequate checks and balances within the Bureau of Voter Registration and Elections

- ⇒ No other Director-level county employee had been trained or assigned to oversee coding and preparation of voting equipment and ballots.

3. Electronic voting machines not serviced regularly between elections

- ⇒ Although a new environmentally-controlled room was built for the voting machines, they are currently stored improperly (in a building with no temperature or humidity control) and contrary to Unilect recommendations.
- ⇒ No service log apparently exists to confirm that machines have been properly prepared.

4. Inadequate preparation of machines prior to Election Day

- ⇒ It appears that a coding error by the Director of Elections resulted in machine failure in 13 precincts.
- ⇒ An info-pack from the previous election was still contained within one unit that had been delivered to a polling place in November, indicating that at least that unit had not been inspected prior to delivery. Several other units did not contain sufficient paper, indicating that the paper had not been replaced.
- ⇒ Several of the machines did not function properly when installed on Election Day.

5. Inadequate testing of machines prior to Election Day

- ⇒ The Director of Elections did not test the accuracy of the preparation of the ballots according to manufacturer instructions or the requirements of PA law.
- ⇒ The Board of Elections did not ensure and certify that the electronic voting units had been properly tested.

Problems on November 2, 2004:

- 1. Insufficient voting elements delivered to polling places:**
 - ⇒ A grossly inadequate number of emergency paper ballots & envelopes were distributed to the precincts.
 - ⇒ There were no secure ballot boxes provided for emergency ballots.
 - ⇒ On Election Day, some machines lacked adequate paper tape when they were unsealed for voting.
- 2. Poor communications between election workers and Board of Elections on Election Day**
 - ⇒ Four extra phone lines at the Bureau of Voter Registration and Elections “rang constantly” all day; many workers could not get through for long periods of time.
 - ⇒ Commissioners could not contact Director when needed.
 - ⇒ Commissioners were not in the Courthouse when the polls opened.
 - ⇒ Commissioners scattered out to deliver supplies to polling places; were not able to share concerns with one another or reach decisions together; delivered conflicting information and points of view to election workers.
 - ⇒ When decisions were made to change the manner of recording Absentee Ballots, some election workers did not learn about it until the next day.
 - ⇒ When it became clear that many machines were not working correctly, this information was not conveyed to some precincts (who continued to use the faulty machines). **The most extreme example of this failure to communicate occurred in Farrell 1-2 and Farrell 1-1, which recorded undervotes of 80.41% and 70.03% respectively.**
 - ⇒ When some precincts figured out how to work around the coding error, this information was not conveyed to all precincts.
- 3. Bureau of Voter Registration and Elections workers were not adequately prepared to repair electronic voting machines.**
 - ⇒ Commissioners reported that one worker had already been fired for incompetence.
 - ⇒ One machine repairman reported that he “didn’t know how to fix the machines.”

⇒ The County's Information & Technology Department was unable to assist since they had not been trained.

4. The Bureau of Voter Registration and Elections possessed no “emergency plan” in case of machine or power failure, incapacitation of Director, or other significant problems.

⇒ It took an inordinate length of time (2 – 4 hours in some cases) to reproduce extra paper ballots.

⇒ The wrong paper ballots were often copied, indicating that the filing system at the Bureau of Voter Registration and Elections was extremely inefficient at best.

⇒ There were not enough extra voting units to replace defective ones.

⇒ There was apparently no plan to deliver additional supplies to the polling places, since this often took inordinate amounts of time.

⇒ There was apparently no plan to communicate with election workers and/or the public in case of severe breakdowns in the voting system.

5. Absentee Ballots were poorly and improperly handled/ counted.

⇒ Election Workers had been given wrong information regarding the legal handling/counting of Absentee Ballots in their training sessions.

⇒ There was no system in place to communicate new information about the correct handling of Absentee Ballots to election workers on Election Day.

⇒ The Sheriff, Deputy Sheriffs and the District Attorney unwittingly transported Absentee Ballots to the polling places on Election Day.

6. Emergency Ballots were poorly and improperly handled.

⇒ Inadequate and/or incorrect emergency ballots were distributed to polling places on Election Day.

⇒ Many ballots did not have the necessary envelopes.

⇒ There were reports of completed ballots being left on tables and not secured.

⇒ Voters were not given adequate privacy when voting on emergency ballots and (in at least one case) were asked to write their names on the ballots.

⇒ There were no secure ballot boxes at the polling sites.

7. An unacceptably high undervote count throughout the county and numerous complaints from poll workers and voters indicate that the Unilect machines have numerous difficulties:

- ⇒ difficult to vote straight party ticket
- ⇒ difficult for elderly or handicapped voter to press box correctly
- ⇒ difficult to read monitor
- ⇒ not enough privacy
- ⇒ difficult to follow logic of page layout (especially the “To Review and Record Your Vote” option)
- ⇒ no clear proof of having voted or that the vote was recorded accurately
- ⇒ no capacity for recount
- ⇒ not obvious to voters or election workers when the machine is working improperly

Positive Findings

We would also like to publicly acknowledge and commend the many County employees, election workers, and volunteers who did their best to make voting possible despite the numerous problems that had to be overcome:

- ⇒ the precinct election workers who frantically tried to figure out how to make the malfunctioning voting machines work, who ran out to copy ballots or purchase envelopes, who tolerated the righteous indignation of frustrated voters, and then stayed at the polls until after midnight counting paper ballots;
- ⇒ the staff of the Bureau of Registration and Elections, who struggled to answer phones, respond to the public, copy ballots, and make sense of what was happening;
- ⇒ the County machine custodians, who tried to do what they could to repair or replace malfunctioning voting machines;
- ⇒ the poll watchers and other volunteers, who helped out at the precincts and tried to keep the democratic process intact;
- ⇒ the District Attorney, County Sheriff, and Deputy Sheriffs who supported the process by delivering extra ballots and instructions to the precincts;
- ⇒ the voters of Mercer County, who exercised their right to vote in record numbers, and,
- ⇒ the County Commissioners, who possessed the strength of character and commitment to the democratic process to empanel this committee and support its independent investigation.

Specific Recommendations of the Independent Election Committee

- 1. We recommend the development of a written operational plan to direct the Bureau of Voter Registration and Elections in preparation for elections, with a coherent and functional plan for communication and an emergency plan for problematic circumstances.**
 - A. We believe that part of the election plan will be the delivery of an appropriate number of emergency paper ballots for each election to each precinct. For a general election during a presidential election, we believe that an appropriate number of emergency ballots would 50 percent of the total registered voters in that precinct. In other elections that number could be less, but it should be approximately 50 percent of likely voters, based on past elections, for that particular precinct. In case the machines stop working early in the morning, an appropriate number of emergency ballots would give time for additional emergency ballots to be delivered before there was an interruption of the voting process.
 - B. As part of this operational plan, there should be a secure ballot box for emergency ballots at each location. Therefore, 100 secure boxes should be purchased for any emergency ballots that are used, and this secure box is set aside from any receptacle for any provisional ballots which are to be kept separate.
 - C. This plan should include (but not be limited to) the following contingencies:
 - (1) a timeline for the preparation and testing of election elements and materials;
 - (2) a list showing the number of machines and assorted paper ballots for each precinct;
 - (3) an agreement with an appropriate vendor to print the necessary number of paper ballots;
 - (4) provision for training staff and election workers;
 - (5) a plan for issuing name badges to precinct election workers and approved poll watchers; and
 - (6) a plan for utilizing other county workers to support the Bureau of Voter Registration and Elections during major elections.

D. The plan should also include an **emergency** component, clearly laying out a specific logistical plan (who would deliver which elements) to be followed in the case of:

- (1) machine malfunction or power outages;
- (2) natural or human-inflicted disaster;
- (3) Removal of leadership (i.e., the Election Director becomes incapacitated); or
- (4) other unanticipated challenges.

E. Finally, the plan should include a clear **communication plan for Election Day**.

- (1) Extra phone lines should be installed at Bureau of Voter Registration and Elections.
 - a. The Bureau of Voter Registration and Elections should have at least two lines held open for communication with election workers and the Commissioners.
 - b. There should be a plan for managing incoming calls to the office. This could include using County employees from other offices.
- (2) Every precinct should have access to a cell phone for the purpose of communicating to the Bureau of Voter Registration and Elections and/or one another. These numbers should be made available to the Commissioners and Bureau of Voter Registration and Elections.
- (3) The plan should include a scheduled meeting early on Election Day with party leaders and the Board of Election.

F. The County Solicitor should review the operational plan and the emergency plan to make sure that the actions of the Board of Elections are in compliance with Pennsylvania election law.

G. The Board of Elections should have clear communication with each other and should be on hand and available to one another throughout the day.

H. The chairman of the Board of Elections which in most in most years is the chairman of the Board of Commissioners would be available to make decisions in consultation with other members of the Bureau throughout the day and would dictate menial jobs such as delivery of ballots to other county workers.

2. We recommend that the Mercer County Board of Commissioners make every reasonable effort to prepare the Unilect machines for future elections, and to provide significant proof to the public of this effort, especially for the next election. If they feel less than confident in their preparation for the next election, we recommend the use of paper ballots for the Primary Election. With respect to preparing the Unilect machines for future use, this would include the addition of a pop-up screen to assist voters with the straight party option and attention given to possible improvements in screen design.

- A. The Board of Commissioners should make certain that all current software updates for the Unilect machines have been installed and staff have been trained in their use.
- B. The Board of Commissioners should seek approval of a pop-up screen (which would permit those voting straight party to proceed immediately to the non-partisan portion of the ballot) from the Department of State.
- C. The Board of Commissioners should provide extensive training for the Unilect machines to County employees as requested.

3. We recommend that all members of the Board of Elections take full responsibility for monitoring the election process to ensure that it is completely functional, effective, and in compliance with state election law, including the legal requirement of the testing and certification of each machine.

- A. We recommend that a failsafe series of checks and balances be put in place to guarantee that no single person can control the care and maintenance of voting machines, development of the voting ballots, distribution of voting elements, and testing of voting equipment. Voters should never have to depend upon the honesty of a single individual to know that their right to vote is not being abused.
- B. A director-level county employee (possibly the Director of Information & Technology) should be trained and expected to code, maintain and troubleshoot all voting machine components. This individual will be required to sign off on Election Day preparations and will serve as a “double check” to safeguard the integrity of the voting process.
- C. All members of the Board of Elections need to take full responsibility for monitoring this system to ensure that it is completely functional and effective.
- D. Representatives of the political parties also need to take full advantage of their right to be present during the preparation of the voting system and its components, serving as another check and balance on the system.

E. Written logs need to be kept of all maintenance and repairs performed upon the election machines, with initials and dates serving as a “trail” to determine who did what and when. These logs should be regularly reviewed by the Commissioners.

F. State law should be carefully followed as it pertains to the testing and certification of electronic voting machines and the inclusion of political parties or citizen organizations in this process. This is standard procedure in other counties and individual tests at every precinct control unit are done in many counties where there are more than 100 precincts.

4. We recommend the development of a written and extensive training program for all involved in the election process. This would include precinct election workers, the employees in the Bureau of Voter Registration and Elections and the Information Technology Office.

A. The County Solicitor should carefully review the training of the election workers to make sure that it is in compliance with Pennsylvania Election law.

B. This training should guide the workers from the beginning of the process to the end and should consider what would happen in case of problems, in case the machine doesn't work, electricity goes out, or other potential problems occur.

C. This training should be repeated before every election, both primary and general, because it cannot be assumed that all or most will remember what was presented at past training sessions.

D. The training should describe ways in which precinct election workers can instruct voters in the voting process. That is, election workers should remind voters that choices should light when selected and should remain lit.

E. The County should purchase and possibly design additional posters as visual aids for voters in each precinct. Workers should be instructed to display these visual aids prominently in the voting location.

F. All workers would receive copies of the *Election Day Digest* and the *Election Officials' Manual* so that they are fully aware of the laws and proper procedures.

G. All written instruction materials should be carefully reviewed to ensure that they are accurate and in compliance with state law.

H. We also recommend that the pay for election workers be increased as a way to attract additional workers.

5. We recommend that the Director of the Bureau of Voter Registration and Elections should be a full-time position and that this individual should be supervised by all the members of the Board of Commissioners.

A. The Director's job description should include the requirements that:

1. He/she is very familiar with current laws that pertain to elections;
2. He/she have training and experience managing offices, coordinating special events, and working with the public; and
3. He/she understands that failure to closely adhere to election law will result in immediate termination.

B. It may also be necessary to hire a management consultant to help the office develop the necessary administrative systems to provide seamless customer service by the May Primary.

C. A written employee evaluation for the Director of the Bureau of Voter Registration and Elections should be developed and maintained, with clear performance expectations and consequences if these expectations are not met.

D. The Director should submit monthly written reports to the Board of Elections.

E. The Board of Elections should 'sign off' to a final report from the Director regarding the preparation for an election. This final report would include information about the certification and testing of the machines.

F. The Director shall be responsible to immediately develop and execute a plan for extensive voter education throughout the county.

G. Further, we recommend that the Department of State begin offering an annual training session for Election Directors throughout the Commonwealth to keep these individuals aware of current election laws and practices.

6. We recommend that, in compliance with the law, an on-going program of voter education be developed and implemented under the Director of the Bureau of Voter Registration and Elections and the Board of Elections so that voters can better understand the operation of electronic voting machines.

A. We recommend at the very minimum the use of posters from Unilect that show how voting is to be done and the display of these posters in every voting location.

B. We encourage the Commissioners to take advantage of Unilect's offer to provide a "trainer" unit for each precinct. Precinct workers should be trained to use these units as demonstration models.

7. We recommend that the Board of Commissioners explore the option of providing a voter-verifiable paper ballot to go along with each electronic voting unit.

A. Without printed voting receipts as a backup, Direct Recording Electronic (DRE) machines (such as the Unilect brand used in Mercer County) can permanently lose votes, as they did in the November 2004 election. With a paper receipt that shows a voter how his or her vote was recorded, the voter is able to verify that the vote was registered and that it was registered correctly. The paper receipts can also provide a back-up in case a recount is necessary.

B. Several bills have been introduced in Congress that would require counties using electronic voting systems to produce an auditable paper trail. Many observers believe that the adoption of such a bill is inevitable. Pennsylvania election law does not currently have provisions to deal with verified paper voting, but will eventually be aligned with whatever federal requirements are adopted. In this case, Mercer County's voting machines would be required to produce a receipt for each voter.

C. Unfortunately, the county's Unilect voting units cannot accommodate a paper receipt printer and it might be necessary to replace many of the voting units before a receipt printer could be added. We urge the Commissioners to explore electronic voting options that provide voters and auditors with paper receipts and to seek external or county funding to underwrite the costs of this equipment.

Minority Opinion by Kathleen Cowles Paul

The Constitution of the United States gives American citizens the right to vote. Under Pennsylvania law, the County Board of Elections (in this case, the Board of Commissioners) is responsible for providing every qualified voter with a fair, private and accessible opportunity to exercise that right and the assurance that his or her vote will be counted fairly and accurately. This was not the case for at least 4,000 Mercer County citizens whose votes for the President of the United States were not counted on November 2, 2004.

The Mercer County Commissioners convened the Independent Election Committee and charged us to investigate what went wrong in the November 2004 election. Pennsylvania election law sets clear guidelines as to how the voters' rights are to be protected. In the course of our investigation, we were appalled to discover that a number of county employees responsible for conducting elections within the law did not even seem to be aware that the laws existed. In fact, many of the problems that prevented citizens from exercising their right to vote that day would not have occurred had the laws requiring physical testing of the electronic voting machines been followed.

Since our Committee was not empowered to subpoena testimony, everything that we learned in the course of our investigation is best categorized as "hearsay." It is important to civic life here in Mercer County that the appropriate law officials convene an investigative body with the power to subpoena and require testimony under oath. This body should be charged with reviewing (in part) the materials that this Committee has compiled and comments that were made before us to determine whether these indications of "failure to perform duty" or "willful neglect of duty" should be pursued further by the proper legal authorities.

In the course of our investigation, we became aware of a number of apparent irregularities that insist upon further scrutiny before a body with legal authority:

- The electronic voting equipment was not properly tested. (According to state election law, electronic equipment must be "tested to ascertain that it will accurately compute the votes cast for all offices and all questions.")
- Representatives of the political parties were not provided with the opportunity "to be present during the preparation of the voting system and its components and to see that they are properly prepared and are in proper condition and order for use" as required by election law.
- No certificate was made stating that the equipment had been tested and was in good working order as required by election law.
- Every voting unit was not physically inspected prior to every election, as directed by the voting equipment company. As a result, one unit was still loaded with an electronic ballot from an election held six months earlier.

Voters at this precinct were unable to cast their ballots until a new unit was delivered.

- Although the law requires that all elements of the voting system, such as ballot boxes, emergency paper ballots, and ballot envelopes, be delivered to each polling site “as are necessary for the proper operation of the voting system,” a wholly inadequate number of ballots and envelopes were delivered to the precincts. When the electronic machines failed, additional ballots did not arrive for 1 – 3 hours as the Elections Office struggled to locate, copy and deliver the correct ballots for each precinct. In the meantime, many voters were turned away from the polls and told to come back later in the day.
- Because the Board of Elections had no plan in place for emergency situations in which the electronic voting machines could not be used, voters using emergency paper ballots sometimes had no privacy when voting and/or no secure place in which to place their completed ballots.
- Although it appears that at least some County officials were aware that the electronic ballot prepared for the 4th District had an error that prevented votes from being properly registered, election workers at several of the 4th District precincts were not contacted and told to stop using the machines and switch to paper ballots. This resulted in the highest undervote rate in the county occurring in these precincts (where 70 – 80% of the votes for President were not counted and cannot be recovered).

It is possible that many of the violations of election law occurred out of well-meaning incompetence rather than a desire to disrupt or manipulate the election. There is some evidence that a number of these violations had become common practice prior to November 2004. However, since these abuses of election law resulted in citizens being deprived of their right to vote in a national election, it is important that they not be brushed aside as simple mistakes or failures of judgment. Without a rigorous enforcement of election law in this county, the confidence of our citizens in the voting process will surely be eroded—and this erosion of confidence will be difficult to repair.

The Board of Commissioners, the County Solicitors (whose job it is to inform the Commissioners on legal matters) and the Bureau of Voter Registration and Elections (hired by the Commissioners to manage the elections) are responsible for following the laws and ensuring that elections are fairly run.

On behalf of those voters whose votes didn’t count and those who were turned away from the polling place due to failed machines or an unacceptably failed voting process, the Board of Commissioners needs to pursue a much more vigorous course of action than that described in the body of this Report. Mercer County voters and those who will someday become voters need to know that no one will be permitted to purposefully or negligently deny their right to vote without suffering legal consequences.

Appendix One: MEETINGS OF THE INDEPENDENT ELECTION COMMITTEE

Date	SUBJECT	INTERVIEWS	COMMENTS
Nov. 29, 2004	Organization of group.		Ruggles, appt. temporary chair Requested job descriptions, instructions for poll workers, etc. from Commissioners
Dec. 6, 2004	Interview Meeting held in public meeting room	James Bennington	Meeting was taped, notes were taken
Dec. 13, 2004	Interview Held in commissioner room	Commissioners Beader, Lazor, Brooks	Meeting was taped, notes were taken
Dec. 20, 2004	Interviews Held in commissioner room	Keith Jenkins, IT James Bennington Phone call: Mr. Jack Gerbel, President of Unilect	Meeting not recorded. Notes were taken. Meeting was about cooperation between IT and Bureau of Voter Registration and Elections. Call about Unilect failure. Comments: Mr. Keaveny, Mr. Dawes, audience
Dec. 21, 2004	Public Meeting For Public Input Held at Farrell City Building	<p style="text-align: center;"><i>Testimony/Speakers</i></p> Joanne Koraus, Judge of El. Joan Izzo, Judge of El. Leo Donziger, Mach. Op. Frank Baker, Judge of El. Charles McClure, Mach. Op. Loretta Bender, Maj. Insp. Becky Sanitate, Min. Insp. Olive Brown, watcher Donna Marie Lee, Min. Insp. Rose Pendel, Judge of El. Karen Wiesen, Min. Insp. Elizabeth Holmes, Maj. Insp. Anita Shaw, voter Barbara Mills, Judge of El. Bernice Jackaway, Judge Thelma Robinson, party Committeewoman Patty Dunham, Judge Rev. Joseph Davis, voter Lila Savage, voter Bill Morocco, Mayor of Farrell Liz Fair, MC Prothonotary	<p style="text-align: center;"><i>Presentation/Speakers</i></p> Joe Stanford, Washington, D.C., Kerry Campaign David George, Mayor of West Middlesex Kathy McPherson, Hermitage The meeting was not recorded. Notes were taken. .

MEETINGS OF THE INDEPENDENT VOTING COMMITTEE, cont.

Date	SUBJECT	INTERVIEWS	COMMENTS
Dec. 30, 2004	Discuss report to commissioners and identify topics for future meetings. Meeting held in commissioner room		Dr. Coulter listed problems, recommendations of committee members on flip chart - The meeting was not recorded, notes were taken.
Jan. 11, 2005	Interviews Meeting held in commissioner room	District Atty. James Epstein Sheriff Bill Romine Solicitor Mark Longietti	The three discussed the incidents that occurred on Election Day in detail. The meeting was not recorded. Notes were taken.
Jan. 18, 2005	Discussed reaction about not being invited to Unilect meeting. Format of report discussed. Meeting held in public meeting room		Two motions passed: 1-Need more cooperation from commissioners, and 2 - authorized Dr. Coulter to contact Unilect and arrange a meeting. Committee Chose a format and identified six main topics for report.

Thirty (30) interviews were conducted. A total of twenty-nine (29) persons were interviewed (Mr. Bennington was interviewed twice).

Appendix Two: Summary of Letters from Precinct Election Workers

To: Independent Election Committee

From: Dr. Michael Coulter, Associate Professor of Political Science at Grove City College and Emily Shaheen, Grove City College student

RE: Summary of Comments in Letters

There were 76 responses received in total and 63% of them were positive stating that they had little to no problems on Election Day.

Positive:

There were 48 positive letters stating that all went well at their polling places or at least that there were only minor problems. These are letters 1-34, 62-76.

Precincts: Hermitage NW2, NE1, NW4; Clark Boro; Greenville W1, W2; Grove City W1, W2, W4; Sheakleyville Borough; Sharon 4-3, 2-4, 4-1; Otter Creek Twp.; Pine Township W2, W1; Pymatuning W2, S1, S3; Hempfield Twp. W1, W3; Sugar Grove Twp.; Jamestown; Perry Twp.; Coolspring Twp.; New Lebanon Boro; Deer Creek Twp.; Fredonia; Sharpsville W2, W4; Salem Twp.; West Salem West; Farrell 2-1, 1-3; Shenango West; East Lachawannock Twp; Jefferson West; Mercer North; Jackson Twp.; Findley Twp.

Negative:

There were 18 letters stating that major problems happened at their precincts. These are letters 35-61.

Problems included:

- 1) Machine malfunction without any maintenance provided**
- 2) Not enough paper ballots for use when these machines malfunctioned**
- 3) Problems with the paper ballots such as not enough enveloped for them**
- 4) Not enough training for this emergency situation**
- 5) Problems with absentee ballots arriving late**
- 6) No sealed boxes for alternative ballots cast**
- 7) Machine problems with a straight party ticket**
- 8) Problems with poll watchers, etc.**

1-4) Many machines malfunctioned at different precincts and they were unfixable. This forced the need to use paper ballots and they were not enough for all the voters. Also the poll workers were not given enough training to know what to do in this situation.

(Letters 38-41, 43-45, 47-48, 51, 53-57, 59, 61) Precincts: Farrell 2-2, 2-3, 1-3, 1-1; Shenango East; Wheatland; Mill Creek Twp.; Mercer; Hermitage SW-2; Delaware Twp.; Sharon 4-4, 1-1; West Middlesex Boro.

5) The major problems with the absentee ballots were when the precincts were called at 8:30pm and told not to enter them into the machines but to count them manually. Most precincts did not have tally sheets to count these votes with and had to improvise. Also,

if they had not been having problems with the machines already they may have already started entering them and that would have caused another problem. (Letters 35, 37, 40, 45) Precincts: Sandy Creek Twp.; Hermitage NE2; Wheatland; Farrell 2-3.

6) Alternative ballots did not come with a sealed box to place them in and this could leave the votes open for fraud. (Letters 39, 56, 60) Precincts: Shenango East; Sharon 2-2; West Middlesex Boro.

7) The straight party ticket option on the new voting machines did not work well. Also, many voters did not have enough training to understand how to use the machines correctly and the machines are also not very user-friendly. (Letters 43, 49, 50, 52, 58) Precincts: Lake Twp.; Jefferson Twp. E; Sharpsville W1; Sandy Lake Boro.

8) Poll watchers were quizzing voters before they entered the polling booth asking questions as if they were working the polls. This caused some problems. (Letters 42, 44, 46, 55) Precincts: Wilmington Twp.; Mill Creek Twp.; Hempfield W2; Sharon 1-1.

Suggestions for Reform:

New registration book: Letter 3

Additional machine in polling place: Letters 26, 71 Precincts: Greenville W2; Mercer North

Easy way to check if machine is registering votes: Letters 36, 45 Precincts: Pymatuning W1; Mercer

Sealed receptacle for alternative paper ballots: Letters 39, 45 Precincts: Shenango East; Farrell 2-3

Machines should be tested at polling places: Letters 39, 40, 45, 48, 54, 66 Precincts: Shenango East; Wheatland; Farrell 2-3, 1-3; Hermitage SW2

Computer technician for troubleshooting on Election Day: Letters 39, 45, 52 Precincts: Shenango East; Farrell 2-3; Sharpsville W1

Additional instruction for use of paper ballots and more ballots: Letters 41, 67, 71, 76 Precincts: Hermitage NW4; Mercer North; Findley Twp.

Additional instruction to poll watchers on the law: Letters 42, 76 Precincts: Wilmington Twp.; Findley Twp.

Additional training for poll workers: Letters 43, 45, 48, 67, 71 Precincts: Farrell 2-3; Hermitage SW2, NW4; Mercer North

Voter education for new machines: Letters 47, 52, 65, 71 Precincts: Mercer; Sharpsville W1; Sharon 2-4; Mercer North

Better action from Election Board during problems: Letter 56 Precinct: West Middlesex Boro

Bring back old machines: Letter 57

Addendum:

One letter received (Letter A-1) from a voter regarding their unfulfilled absentee ballot request.

Appendix Three: Response to Problems in 4th Congressional District and Undervote by Precinct

Precinct	Ref. #	Response to Machine Failure	Undervote
Farrell 1-1	61	Machines wouldn't work correctly, but people voted anyway. Apparently received no information about faulty machines or need for paper ballots.	70.03%
Farrell 1-2	68	"Election day at our precinct was very good." Apparently received no information about faulty machines or need for paper ballots.	80.41%
Hermitage SW-2	48	Machines not operating; paper ballot problems (insufficient, improper, not secure); conflicting directions; poor communications and training.	17.92%
Hermitage SW-3	Did not respond	No information	14.88%
Farrell 1-3	54	When voter selections didn't light up on the machine, they called for maintenance and switched to paper ballots.	2.76%
Farrell 2-1	30	Had a "little problem" at the beginning, but "we straightened it out and everything went smooth."	7.96%
Farrell 2-2	38	Machine would not register votes. They switched to paper ballots.	6.54%
Farrell 2-3	45	Machines worked normally for 45 minutes; then worked sporadically and then stopped working completely. Talked to Bennington at 9:20 am. Not helpful. Switched to paper ballots and then entered them onto the machine. At 12:40, was told <u>by another precinct</u> about voting backwards.	9.38%
Farrell 2-4	Did not respond	No information	4.51%
Shenango East	39	Precinct workers figured out how to vote backwards, but it took a long time so many switched to paper ballots. Unable to vote straight party ticket.	13.49%
Shenango West	Did not respond	No information	44.86%
West Middlesex	56	Machines malfunctioned after 4 voters. Bennington came out to look at machines (sometime after 9am). Switched to paper ballots (around noon). At this time, Bennington said "continue to use Paper	1.37%

		Ballots with no hope of the machines coming up.”	
Wheatland Borough	40	Machines stopped registering votes around 9am. Called Election Office and was told to switch to paper ballots. At 10am, Beader told machine operator how to run the machines backwards.	14.11%