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ONE HUNDRED SIXTEENTH CONGRESS

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July 22, 2020

Mr. Garrett Dietz
Supervisor of Elections
Philadelphia County Board of Elections
City Hall, Rm. 142
1400 John F. Kennedy Blvd.
Philadelphia, PA 19107

Dear Mr. Dietz,

As Ranking Member of the Committee on House Administration in the U.S. House of Representatives, which has broad jurisdiction over election issues, I write to you because of the election administration issues that plagued your county's June 2nd primary election. As primary elections conclude across the country, I have identified Philadelphia County as one where voters are likely to face significant hurdles voting in the November 3rd general election and where the risk of failure is simply too high. Included in this letter are references to the issues identified as well as oversight questions aimed at reassuring me and, more importantly, the voters of Philadelphia County that they will not be disenfranchised again.

a. *Failure to adequately prepare for an increase in absentee ballots:* It has been reported that thousands of mail ballots did not reach voters in time for Pennsylvania's June 2nd primary election. More than 145,000 of Philadelphia County's voters requested absentee ballots, this is more than the entire state requested in 2016. A last-minute order from the Governor to extend the mail-in deadline saved at least 13,500 ballots from Philadelphia alone which arrived two days after the primary election.

    1. With the significant increase in voters requesting absentee ballots, what plans does the county have to increase the staffing and infrastructure needed to process and sort such a large increase in the number of absentee ballots in a timely fashion?
    2. Did the county communicate with the local United States Postal Service facilities in order to coordinate vote by mail efforts?
        i. If yes, what did that coordination entail?
        ii. If no, what efforts will the county take to build those relationships which are critical to any large vote by mail operation?
    3. The Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council (GCC) and Sector Coordinating Council's (SCC) Joint COVID Working Group has produced a series of documents, available on the Election Assistance Commission's website, meant to provide guidance to state, local,

tribal, and territorial election officials on how to administer and secure election infrastructure in light of the Covid-19 epidemic. Included in these documents is a "Vote by Mail/Absentee Voting Timeline" which provides recommendations and a timeline for ramping up vote by mail operations.[1] Using this timeline as a reference point, please provide the Committee an update on whether Philadelphia County is taking these recommendations and if Philadelphia County is meeting the timeline proposed.

4. What efforts will the county undertake to better educate the voting population on vote by mail procedures?

b. *Abuse of ballot drop boxes:* Philadelphia County's mail ballot requests increased more than any other county this year as compared to the 2016 primary. Due to the large increase and election official's delay in fulfilling the requests, Philadelphia County offered 24/7 mail-in ballot drop-off locations. Under Pennsylvania law, "voters may only drop off their own ballot unless the voter is physically unable to personally submit their absentee or mail-in ballot and has designated an agent to deliver their ballot and the completed forms are submitted with their ballot."

1. In an article published in the *Philadelphia Inquirer* on June 2nd, a picture was shown of a voter in front of a ballot drop box appearing to submit two ballots. How do county election officials ensure that voters are returning only their own ballot or the ballot of another with the proper documentation as state law requires at these drop boxes available 24/7?

c. *Closure of in-person voting locations:* Philadelphia spent roughly $30 million dollars on new voting machines but decreased the number of polling places by 77% for the June 2nd primary. 18 polling places were consolidated in the Philadelphia Convention Center, which at the time found itself in the middle of a militarized zone in the city's downtown accessible by foot or bicycle as a result of the violence erupting out of protests. County officials said this was necessary because of "low numbers of willing poll workers and a shortage of open locations."

1. The Presidential Commission on Election Administration has said voters should not have to wait more than 30 minutes. How does your office plan on reducing the time voters spend in line on November 3rd, 2020?
2. Does any effort by your office to reduce wait times include the opening of additional in-person voting locations for early voting and/or election day voting?
3. What plans does your office have in place to ensure the health and safety of staff, volunteers, and voters in both early voting and on election day?
4. Why did the county officials decrease the number of polling locations by such a large percentage when, historically, Pennsylvania voters tend to vote in person at a much higher rate?
    i. What efforts were made to recruit other in-person voting locations?
    ii. What criteria is used to select in-person voting locations?

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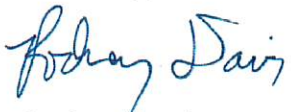
[1] *Vote by Mail Timeline*, Election Assistance Commission (2020), https://www.eac.gov/sites/default/files/electionofficials/vbm/VBMProjectTimeline.pdf.

d. *Failure to provide adequate voter education:* Many polling places weren't in the locations voters had used in previous elections, and in some cases, voters couldn't get to the consolidated polling center, while others couldn't find their polling places because of poor signage. At least two polling places in Philadelphia reported voting machine failures. It was also reported that election offices closed because of Covid-19. Adding to these issues, it has been reported that the phone line to the county elections office led to a recording, with no general voice mail or ability to reach a human with an election problem. These problems taken together paint a bleak picture of Philadelphia County's voter education program.

1. What steps will be taken to prevent voter confusion of polling locations prior to this year's general election?
2. How does your office plan to improve their response to voters calling into your office?
    i. Will voters be able to reach a county elections employee over the phone on November 3rd if they encounter a problem and/or confusion?
3. What efforts will your office make to educate the voters of Philadelphia County of the use of the ballot marking devices?

Ahead of the 2020 general election it is imperative Philadelphia County address these problems to ensure no voters are again disenfranchised. I firmly believe every voter who wants to vote must have the opportunity to do so. It is also critical that the American people have confidence in their elections, and, to this end, the issues seen in Philadelphia County are simply unacceptable. It is my hope that these oversight questions will begin to restore that confidence. Please submit answers to these questions to my office by August 14, 2020. If you have any questions, please contact my staff at the Committee on House Administration at (202) 225-8281.

Sincerely,



Rodney Davis
Ranking Member