

Testimony of Joseph J. DeFelice, Esq.

Chairman, Philadelphia Republican City Committee

Before the Pennsylvania House of Representatives State Government Committee

Tuesday October 4, 2016

11:15 AM

Pennsylvania State Capitol

Chairman Metcalfe, Democratic Chair Cohen, Members of the Committee:

My name is Joseph DeFelice and I am the Chairman of the Philadelphia Republican City Committee. I have a long history of experience in Pennsylvania politics having received a Political Science Degree from LaSalle University in 2000, and Juris Doctorate from Widener University in 2004. I have worked both in government or elections since my time in college first as an intern and legislative assistant in the PA House of Representatives. I worked as a legal intern for the PA Office of the Attorney General. I have worked for fair and legal elections as Southeast HAVA Director for Victory 2004, then as Fair Elections Coordinator for the PA Republican State Committee in 2006, then as Philadelphia Director/PA Director of Election Day Operations for the Republican Party of Pennsylvania in 2007 through the present. In May of 2012, I was hired by Mitt Romney for President as Pennsylvania Director of Election Day Operations in which capacity I oversaw all Election related issues in Pennsylvania. I am also currently an Adjunct Professor of Political Science in American Government at both LaSalle and Widener Universities. I have also been a Clerk of Elections, an Elected Republican County Committeeperson, Republican Ward Leader and a Member of the Pennsylvania Republican State Committee representing Philadelphia County. I have also held many service roles: Chairman of the Mayfair Community Development Corporation, President of the Mayfair Civic Association, Vice President of the Lombardi Chapter of the Sons of Italy, Board Member of the Friends of the Free Library of Philadelphia, Director of the Mayfair Fallen Heroes Run and Board Member of the Friends of St. Matthew Catholic Elementary School to name a few.

Through my experience in elections I have noticed many issues of great concerns with Elections in our Commonwealth, not the least of which was the disparaging treatment of Court Appointed Minority Inspectors of Election in Philadelphia County. In the Commonwealth, one may be elected to a local Election Board by either circulating petitions and securing a spot on the Primary Election Ballot and thus getting selected as either the Judge of Elections or qualifying for one of the top two positions for Inspector of Election; highest vote getter becoming the Majority Inspector while the Second Highest vote getter becoming the Minority Inspector. Nevertheless, there are two other ways where one can become an Inspector of Election; the first is by securing enough "write-in" votes to place in either first or second place or by securing a Court Order by the Court of Common Pleas in the respective County prior to either the Primary or General Election.

In Philadelphia, it is quite difficult in many neighborhoods for Republicans to get enough signatures to appear on the ballot because in order to do so, they must first get five (5) signatures from registered Republican Electors in the voting precinct for which they are registered. This task is difficult, because of the few registered Republicans in these divisions. When a potential Inspector has enough Republicans it is equally difficult to find five (5) registered Republicans to agree to sign your petition. Republicans, in some cases would have to secure signatures from roughly 50% to 100% of Republicans in the precinct to obtain access to the ballot at the same time Democrats would only have to secure signatures from 10% roughly in the exact same precinct. So in order to ensure that Republicans have a place on the Election Board, Philadelphia

Republicans have taken to the Court of Common Pleas utilizing the language in Section 405 of the Pennsylvania Election Code: "Vacancies in Election Boards; Appointment; Judge and Minority Inspector to Be Members of Majority Party; Minority Inspector to Be Member of Minority Party." In order to obtain such Court Appointment, Republicans must get three signatures from registered electors (regardless of Political Party) on a Petition for Court Appointment where they declare that there is a vacancy in that office, i.e. no one was elected or appointed and then file such with Prothonotary of note. Once such filing is made, the date and time of the hearing is posted, usually the following Wednesday at 10AM, in both English and Spanish in the voting precinct for which they are petitioning to serve.

The following Wednesday, at a hearing, normally before the President Judge, Representatives of the Petitioners, in our case either the Republican Party of Pennsylvania or the Republican City Committee, argue on behalf of the Petitioner while the Democrat City Committee represents the opposition. Usually there is nominal opposition, however last presidential cycle, prior to the General Election 2012, opposition was logged to all three hundred seven (307) of our petitions by the Counsel for Democrat City Committee. Nevertheless, roughly three hundred (300) Court Orders were approved by President Judge Dembe. Prior to Election Day, all appropriate parties in each precinct, specifically the Judge of Elections, were notified by the Philadelphia City Commissioners that these appointments were approved and that these individuals would be working Election Day. Also, as noted in the Section 404 of the Pennsylvania Election Code, each Minority Inspector has the sole authority to appoint a Clerk for the precinct in which they serve; however, there is no procedure for such appointments.

On Tuesday November 6, 2012, in the early morning, these three Hundred (300) newly appointed Inspectors appeared for work, almost all prior to the 7:30AM allowable time and between seventy and one hundred were promptly denied entry to either them or their Clerks and in many instances both, with such greetings as "You can't come in," "There are only Democrats here," "We don't have Republicans around here," "I don't care what that Court Order says," etc. while also being called derogatory racial terms for daring to be a registered Republican Election Board worker in a majority Democrat-registered voting division. Many of them felt physically intimidated and threatened and chose to leave because to them, the harassment from their own neighbors wasn't worth the \$95 that they would receive for working as a member of the Election Board that day and in some instances these individuals did not feel safe even voting at that location. Some Minority Inspectors stayed and were forced to wait outside in the cold, some until midafternoon until were able to get them another Court Order to enforce Judge Dembe's earlier Court Order. Complaints were logged in every one of these cases to the City Commissioners who were severely undermanned and lacking enforcement powers to quickly remedy this problem. Many news stories immediately pounced on this issue making it one of the top stories surfacing on Election Day morning. It gave a black eye to the City of Philadelphia and the Commonwealth of Pennsylvania.

Several specific issues that arose on Election Day 2012:

- In the 39th Ward, 1st Division in South Philly, the Democrat Committeeperson was also working the table.
- In the 2nd Ward, 12th Division in South Philly, Election Board workers are entering the booth with voters without them having filled out assistance forms.
- In the 11th Ward, 16th Division in North Philly, Judge of Elections would not allow the Minority Inspector to serve.
- In the 56th Ward, 1st Division in Northeast Philly, an unofficial Democrat was working as Judge thereby not allowing our Minority Inspector to serve.

- In the 15th Ward, 3rd Division in the City's Fairmount section, someone who did not work at all was allowed to sign the "payroll sheet" for the day.
- In the 21st Ward, 24 division in Northwest Philly, the Judge of Elections was allowing those not in the poll books to vote on the machine.
- In the 43rd Ward, 14th Division in North Philly, the Judge of Elections would not let the Clerk serve.
- In the 49th Ward in Northwest Philly, 5th Division, the Judge would not let the Minority Inspector or the Clerk serve and said that they didn't need them.
- In the 56th Ward, 22nd Division in Northeast Philly, the Judge refused to the Inspector because it was "not her person."
- In the 16th Ward, 6th Division in North Philly, the Judge will not allow the Minority Inspector in without a "Watcher Certificate" although it is not needed for an Election Official.
- In the 48th Ward, 13th Division in South Philly the Judge will not allow our Inspector to serve.
- In the 36th Ward, 21st Division in the City's Point Breeze section, the Judge will not let our Inspector serve.
- In the 53rd Ward, 13th Division in Northeast Philly, Judge of Elections will not let Inspector serve. - In the 38th Ward, 13th Division, there were Obama signs inside the polling place.
- In the 5th Ward, 4th Division in Center City, voter was followed into the polls by Election Board worker and was instructed on how to vote Democrat and then pushed the buttons for the voter.
- In the 18th Ward, 17th Division in the Riverwards section of the City, the Board refused to seat the Clerk of Elections.
- In the 65th Ward in Northeast Philly, Minority Inspectors and Clerks being told to stand outside.
- In the 37th Ward, 12th Division in North Philly, Minority Inspectors were told "No republicans allowed in the polling place".
- In the 60th Ward, 6th Division in West Philadelphia, Minority Inspector denied right to serve by Judge of Elections.
- In the 62nd Ward, 26th Division in Lower Northeast Philly, Clerk was forced to leave because they did not have Court Order even after he informed her that because he is a Clerk he does not need a Court Order.

Because of this type of treatment, it has become increasingly harder to find registered Republicans to serve in those precincts. Please note that many of these individuals were treated this way, not solely because of the affiliation, rather because two of the workers, who had previously worked either due to a curbside election or simply due to inertia, would be displaced and this was their way to fight for what they believed was "their jobs" i.e. if Sally Smith is the Judge of Elections and Mary Martin is the Elected Majority Inspector and no Republican was elected nor appointed Minority Inspector, Sally Smith would either fill the job herself and receive two paychecks (a practice recently outlawed by the Philadelphia City Commissioners) or call in a family member, friend or neighbor (many of which were from outside the area, City or in some instances from outside of the State as well as a few who were either unregistered to vote or ineligible to register to vote) to fill the role. In many of these precincts, this practice had gone unchecked for years and in some cases, decades; leading to a sense of entitlement by those soon to be displaced workers or a sense of lack of respect felt by the Judge of Elections or the Democrat Committeeperson or Ward Leader, who, while having no official position, exerts extraordinary control over many of the polling places in Philadelphia. It is because of this

type of behavior that simply allowing Philadelphia residents to act as pollworkers is underwhelming, rather Pennsylvania should get in line with many other states such as Michigan and Virginia that allow for watchers to come from anywhere in the State.

The importance of a bipartisan Board or watchers from various parties is paramount to free and fair elections. This level is the smallest subdivision of government in our Commonwealth but all parties should be afforded equal access and the ability to be free from intimidation or undue influence. Actually, it was one of our credentialed Pollworkers that alerted us to the "Obama mural" in the 35th Ward which was featured on national television. This mural was there for quite some time -- complete with campaign logo -- but had not previously been reported until one of our watchers noted it and reported it. Whatever the impact, polling places are supposed to be free from all campaign material and many times that is case. Regularly, campaign literature is left on tables or chairs and in some cases, like those I encountered in the Primary Election 2006 at Ethel Allen School in North Philadelphia, Election Board workers were actively campaigning for the write in effort of defeated State Representative. All too often, polling places are not the free areas they were intended to be and such issues are normally ignored after the Election.

This behavior is not just a Republican-Democrat issue. If this body considers the report of Commissioner Al Schmidt in 2012, Philadelphia has seen bad behavior in Democrat Primaries as well. Some other issues that have come up in recent years

- In the 18th Ward, 1st Division Election Board workers engaged in actual voter fraud by adding six votes to the machine after the polls closed. Our Pollwatcher promptly called our office, we in turn called Commissioner Schmidt's office who in turn called the District Attorney's Office who filed charges. These workers were removed from office and entered an ARD program.
- In the 28th Ward, 13th Division, the Judge of Elections Dianah Gregory admitted to improper electioneering and tampering with voting machines.
- In the 36th Ward, 10th Division a machine inspector admitted voting for her mother whom was ill.
- In the 33rd Ward, 5th Division the Judge of Elections signed for and voted as her 23-year-old son.
- In the 2011 Primary Election, our research revealed that 5 percent of approximately 1,700 divisions in Philadelphia recorded a higher vote total by registered voters of one party in a particular race for mayor or a City Council seat than the number of that party's voters who signed in.
- In the 2012 Primary Election in 301 voting divisions, there were 990 more votes cast than voters that signed the ledger. Also, in 194 divisions, President Obama received 681 more votes than voters that signed the ledger and he was running unopposed.
- Finally who can forget the curious case of Joseph Cheeseboro and Joseph Cheeseborough. Both gentlemen were registered in the 26th Ward and shared the same day of birth but were two years apart in age. Cheeseboro was registered on a street that no longer existed and Cheeseborough was registered at a 7-11. The City Commissioners later struck both Cheeseboroughs from the rolls.

Everyone has a right to a cast a fair vote and both parties should agree that election results should reflect the voters will, period. I am happy that this body is undertaking the often scrutinized yet underappreciated role of trying to reform elections in this Commonwealth and hope that my testimony today will help lead to better treatment of our Election Board workers, and to a larger extent, voters in not only Philadelphia but in the Commonwealth of Pennsylvania. Thank you.