

**CITY COMMISSIONERS' OFFICE
FISCAL YEAR 2023 BUDGET TESTIMONY
APRIL 19, 2022**

Good afternoon, President Clarke and Members of City Council. I am Commissioner Lisa Deeley, Chairwoman of the City Commissioners. Joining me today are Commissioners Seth Bluestein and Omar Sabir, Deputy Commissioners Nick Custodio, Eric Kapenstein, and Devin Uqdah, and Budget Officer Brian Miracle. I am pleased to provide testimony on the Office of the City Commissioners' Fiscal Year 2023 Operating Budget.

We are here to request \$27,113,786 to fund our operations for Fiscal Year 2023. This request includes \$13,106,768 in Class 100, for employee compensation, \$10,398,301 in Class 200, for professional service contracts, election board payroll, and polling place rentals, \$2,623,872 in Class 300, for materials and office supplies, and \$984,845 in Class 400, for computers, furniture, and equipment. This request better reflects our actual costs. The budget proposed by the administration underfunds our department by \$4,287,864. Specifically, we would be underfunded by \$2,215,164 in Class 100, so we will have to come back for a mid-year transfer to make payroll, \$1,113,200 in Class 200, so we will have to come back for a mid-year transfer to pay the Election Board workers and mail the mail ballots, \$84,500 in Class 300, so we will have to come back for a mid-year transfer to print materials for the 2023 Primary, and \$875,000 in Class 400 which is money specifically for implementing electronic poll books and improving how materials get to the polling places. While this council has always come through with mid-year transfer requests, we cannot keep operating in this manner as it causes delays and impacts our ability to plan for elections. Because we were unable to prepare over the last year like I had wished, our summer and our staff's summer is going to be totally gone. We are going to have to be working around the clock to get things ready for 2022. This is really not fair to us and them, it is almost impossible to retain staff under these circumstances.

This fiscal year is one of our most important as it will contain two of the highest turnout elections, the midterm general election and the Philadelphia Mayoral and Council Primary Election. The last midterm, we had a turnout of 53.1% or 565,124 votes. This level of participation is staggering when you consider that in 2018 there was no US Senate election in Pennsylvania. This year we have an open Governor's race and an open US Senate race, with nothing less than control of the US Senate on the line. We have seen the new no-excuse mail-in ballot option increase turnout in the last three elections, so it is possible that we will see close to presidential level participation this November. Next year we have an open mayor's race, which peaks public interest and leads to higher turnout. We will likely see over 300,000 voters cast their ballots next spring. But in both elections whether 1 person votes or half a million, the costs are about the same. The difference could be, especially when you all are on the ballot, do you want results in days or in weeks?

Last year, I came before you and said that the 2022 midterm election will return the eyes of the world to Philadelphia and that we would like to be prepared. I listed all the things we planned to do to make sure that we can focus on running the election and exploring ways that we can

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expand services. But my budget request was not met. We have had to return again and again for mid-year transfers and all the time that should have been used getting Philadelphia ready for 2022 was spent fighting for funding. I just cannot go on like this. I recognize that many of you are supportive of additional funding, and it is the administration who is our biggest obstacle, but I say it all the time, after 2020, we went from heroes to zeros and our budgets struggles reflect this.

There is no better example of the issues that we face than our warehouse. It is still not ready. It is not as secure as it needs to be. We recently had a meeting with the administration's staff and the consultants they brought in, we went through warehouse budget cut scenarios. Their consultants' fees were not on the chopping block, but the bullet proof glass to protect my staff was. I ended up moving some bigger ticket items to a later, unfunded phase, in order to keep them from cutting my staff's safety. But these bigger ticket items are nonetheless critically important. I am not sure if you recall the serious security breach that we had at the transitional warehouse in 2020. A homeless individual entered from the woods, gained access to our space through another tenant's space, and stole one of our vendor's laptops and USBs used to program the ballot marking devices. As a nation, we are fortunate that these items were unable to affect the security of the election. There was no video surveillance because funding was not made available, and the cameras were cut despite my request. It was worldwide news. Then we ended up spending nearly the amount that surveillance cameras would have cost on a couple of months of security guards. Yet another example of efforts to save a nickel that end up costing us time, embarrassment, and quarters. We ask that when the Department of Public Property budget comes up, that funds be added so that we can finish the warehouse right and that it actually be secure.

I think the main disconnect when speaking with the budget staff is that we are not like most departments, what our department does is run elections and we have set deadlines. Machines have to be shipped this day, ballots have to be back this day. People must vote on May 17th. If they don't our democracy crumbles and it will be us, the commissioners' faces on the front page. Yet, the cost of elections and the adequate funding of our department is out of our hands. We are not like Streets where if you give them more money, they will pick up the trash faster, give them less and they will pick it up slower. Or IT where if you give them less money, Philadelphia will just keep using the same software we have for the last thirty years and we will all have to suffer with out-of-date computers and cell phones. Give them more money and our technology will work better.

For elections, which areas of the city do you not want us to mail ballots to? Which areas of the city should we not staff on Election Day? Which polling places should we send machines to and which should we not? Elections cost what they cost, and those costs have gone up. We have been saying this for years. The only real flexibility would be in the length of time it takes to count the mail ballots. We invest plenty in temporary staffing to get them scanned and processed quickly, much quicker than the 15 days that the election law permits us to finish the counting. But we count them quickly and accurately, because we recognize that voters want finality to the election and the longer that takes the more conspiracy theories develop.

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Our budget request does not include expansion of drop boxes and the return of satellite offices. We are still working on a budget for those. I am embarrassed to have to say that as we have been working on it for so long. But this requires working with more than just my department, and as I said we spent much of the last year just fighting to fund our regular operations. It also does not include any frills, we are not trying to buy the Lisa Deeley Vote Mobile, the Omar Sabir banner plane, or the Seth Bluestein gilded statue. The only thing I would call discretionary is a \$750,000 request for communications around the status of mail ballots for the November Election. This figure was the same amount that we spent in the fall of 2020 on advertising the Act 77 and Act 12 changes. This came about as the result of the Commonwealth Court ruling Act 77 unconstitutional and the Supreme Court taking up the case. The court will likely rule before the November election, and we need to be prepared to let voters know that either mail ballots are still legal, or they are not. Already, in the much lower profile primary election we get several calls a day from voters asking if they are still able to vote by mail. I guarantee you that when we get into September, gearing up for a general election with international importance, and the misinformation about mail ballots starts to circulate, we will be getting calls from many members of this council asking us: what are we doing about it? I am telling you right now, our ability to combat that misinformation depends on what funding we have in our budget to do so.

I am happy to report that, after a frustrating delay, this past year we did get our ballot production equipment installed. This equipment was funded with the CTCL grant that we received in 2020. Now all the ballots are produced and mailed in-house as opposed to being contracted out. This equipment, that was purchased without using Philadelphia taxpayer funds is saving our taxpayers a million dollars a year, and more in years with a higher demand for mail ballots, such as the upcoming fiscal year. Most counties are seeing the opposite, they are grappling with new mail house contracts. Additionally, this equipment will allow us to get the ballots into the hands of voters quicker, have greater quality control, and update their ballot status faster.

As you know, we have been trying to replace our paper pollbooks with electronic pollbooks for several years now. These e-pollbooks were supposed to be implemented in the 2019 General with the new voting system, but the equipment did not pass the pilot election phase of the testing and the purchase was cancelled. Electronic pollbooks will allow for faster and more efficient voter check-in at polling places and for voters to look up their correct polling place if they are in the wrong location. It will also shave several days off of the counting of mail ballots, as it will more quickly allow the staff to cross reference the ballots that arrived closer to election day to ensure that those voters did not vote in person, a key step that we take to ensure accurate election results. The issuing of a new RFP was delayed when the funds were cut from last year's request and not returned until the midyear transfer this past winter. The RFP was then issued, and responses are currently with the selection committee. We hope to implement them this fall. To prepare, we are planning on doing an extra round of training for poll workers.

Since the new voting system mandate in 2018, elections have gotten more technical and complicated. During that time we have received numerous recommendations from various city departments and outside consultants hired by the administration. I have spoken about these needs in previous years and our desire to implement the recommendations. But as the theme of this

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testimony continues, we did not get the funding that we asked for last year. In fact, we were budgeted so little for Class 100 in FY22 that we did not have enough to pay for existing staff through the fiscal year and were unable to fill vacancies in the department, let alone continue the increase of data entry staff that was delayed because of the pandemic. We were also made to suffer from yet another review of our department by the administration, and their proposal again underfunds our Class 100 by \$2.2 million. I would like to thank City Council who was able to break the deadlock with a midyear transfer that allowed us to restart hiring. We hope to be staffed up and ready to take on the increase of registrations and mail ballot applications that we will likely see leading up to the November election.

In addition to getting our data entry clerks capacity up to where it needs to be, we will be adding an IT Unit, additional middle management to provide greater oversight and project management, communications staff to help expand our message and push back against misinformation, expanding the vote by mail and election board units, and creating a public engagement and language access unit.

As you saw with our operation at the Convention Center in 2020, counting all the mail ballots timely takes an army of temporary staff, both from other city departments and temporary hires. We require this additional temporary staff because we cannot start counting the mail ballots until Election Day, when our permanent staff is running the in-person election. For the 2022 General Election, we expect enough mail ballots that we will need to return to a twenty-four-hour counting operation. If our expectations hold true, this means we will need to spend about \$400,000 on temporary hires for that election. For the 2023 Primary we do not expect to have to go twenty-four-hours and should be able to do it for \$200,000 in temporary hire. On top of that we estimate that we will need \$500,000 to reimburse other city departments for OT that their staff will incur while working for us. This is critically important because we need these city staff members to lock drop boxes at 8PM on election night. If we do not have city employees to do this then we do not have drop boxes. With the cuts to our Class 100 and 200 this surge staffing is not funded.

Since the passage of Act 77 and Act 12, postage has been a growing expense. We now expect to pay about a million dollars a year in postage alone. Part of this is due to our desire to continue to pay for the return postage of ballots. Providing return postage makes it easier for voters to return their ballots since they do not have to buy a stamp. Our budget request includes the additional postage cost, including continuing to pay for the return postage of the ballots. But if you look in your budget binder, the budget office specifically went in and removed the postage increase. I am sure you have the same questions that we have. How are we supposed to get the ballots to the voters if not through the postal service? Perhaps, the Streets Department can drop off the ballots while they pick up the trash.

We have continued to prioritize the values of diversity and inclusion in making sure the demographics of our department reflect the citizens we serve. As of December 2021, our demographics were: 57 white, 66 minority, 59 females. The demographics of our recent hires are: 5 African American, and 4 white.

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Language access continues to be a prime focus and implementing Chinese as our new section 203 language is one of our main focuses right now. Our Language Access Coordinator, Michelle Montalvo does a fantastic job. Our request will also supplement this with two Language Access & Engagement Specialists, one who speaks Spanish and one who speaks Chinese. Currently our staff contains five staffers who speak Spanish, two who speak Malayalam, one who speaks Italian, one who speaks Bengali, and one who speak Urdu, Punjabi, and Hindi. We also have a staffer on loan from the Managing Director's Office who speaks Chinese who is helping with the 203 implementation. Staff and poll workers can use the language line to assist with translation. We also had 184 divisions covered by a bilingual interpreters this past November. But we are always looking to do better, and we will continue to work to recruit more interpreters.

The Department of Justice enforces the section 203 requirements and they specifically mentioned advertising in minority language publications as a component of a successful bilingual language program. We requested an additional \$290,000 in additional funds from the Procurement Department so that we may advertise at the same level in Chinese publications as we do Spanish. In my last conversation with the budget office, it appeared that those funds were not allocated as requested. We also requested \$84,500 for the additional printing of signage in Chinese, and it appears that this is the \$84,500 gap in our Class 300 request.

One of the biggest outward facing aspects of our department is our website. It is over ten years old, not optimized for mobile devices, a dot com instead of dot gov, and several of the features have not been available for several years because the programs they were built on are no longer supported and therefore a security concern. In the coming weeks we will be launching Vote dot Phila dot Gov, the new online home of the Philadelphia City Commissioners. It will be new, modern, mobile friendly, and will be part of the Phila dot Gov family so the security will be monitored and maintained by OIT, the missing features will be restored, and it will be joined soon after by a companion progressive mobile app. This project was funded from our state election security grant. Also exciting for those of you who have been involved in Philadelphia Elections as long as I have, we are bringing back 686-VOTE. 686-VOTE used to be the go-to number for all election matters until the late 80s. This is something that I personally spearheaded after discovering that the number has been unassigned for over thirty years. It will once again be the one number you can call for all matters relating to Philadelphia elections.

Wrapping up, I would just like to take a moment before I finish to thank our dedicated staff who continue to perform Herculean feats despite the difficulties presented to them, often times doing the work of two or three people.

We appreciate this opportunity to present our testimony and are happy to answer any questions you have at this time.