



CITY OF PHILADELPHIA

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REBECCA RHYNHART
City Controller

Commissioner Lisa Deeley, Chairwoman
City Commissioners Office
City Hall, Room 130
Philadelphia, PA 19107

Monique Nesmith-Joyner, Procurement Commissioner
Procurement Department
Municipal Services Building, Room 107
1401 John F. Kennedy Blvd.
Philadelphia, PA 19102-1685

Friday, February 8, 2019

Dear Chairwoman Deeley and Commissioner Nesmith-Joyner,

Philadelphia began using its current voting technology in 2002. For years, this aging system has been plagued with operational problems, similar to voting machines across the country. And in the years since the 2016 election, questions have been raised about how secure these older, electronic voting machines are. Governor Wolf has made replacing voting technology a priority – one I know that the City Commissioners share – and it's clear that election security, accessibility and voter confidence are key to successful voting system upgrades. Philadelphia needs a new, more secure voting system, and while the Commonwealth has provided directives on standards and timeline, the ultimate decision about voting systems upgrades will fall to the City Commissioners after a recommendation from the selection committee under the purview of the Procurement Commissioner.

The costs for new voting technology and additional voting system component upgrades will be great – City Commissioner staff estimates put the cost at as much as \$60 million. This is a major multi-million dollar purchase by the City and as the City Controller, I want to ensure that tax dollars are well spent. As such, I have to raise a considerable concern about how the process for selecting a voting technology vendor has unfolded. My office has received several letters and emails about the lack of transparency around the process, insufficient notice for public comment sessions, failure to demonstrate new technology options and receive feedback from the public,

the omission of critical security and accessibility elements from the RFP scoring criteria, a failure to seek out and/or include expert opinions on new system options, and the truncated timeline, as well as a concern that the RFP was drafted in a way that favored a digital system.

These concerns are troubling. For the sake of ensuring the public's trust in both the RFP process and our election system, I urge you to be more open and transparent with the public before it makes its decision and to consider the following three recommendations:

- First, I urge you to hold public demonstrations of the possible new voting technologies and solicit feedback from both voters and poll workers about the technology – what they liked or didn't, whether it was easy to use, etc. This kind of a demonstration is not unheard of, Montgomery County held one in February 2018 and left the public comment open for three weeks;
- Second, I urge the Commissioners to hold an additional public hearing detailing the process and requirements for new voting technology. It should include expert testimony on ballot security and a representative from the Commonwealth. Their feedback should be considered as part of the scoring and selection process; and
- After the first two steps are complete and the selection process is at its conclusion, I ask that the selection committee's recommendation and rationale provided to the Commissioners be released publicly.

Lastly, procurement of new voting technology is being completed using Best Value bidding. Best Value, which was approved by voters through a ballot question in May 2017, allows for additional factors beyond price to be included in the selection process, and does not require the City to pick the lowest cost option. I supported the Best Value charter change because it is a best practice utilized across the country and because when used correctly, it benefits taxpayers. However, an important component of Best Value is transparency. Residents need to receive the information from the City necessary to be comfortable that the process followed will lead to the best possible outcome for them. Otherwise, the flexibility provided by Best Value could be used to select vendors not in the best interest of taxpayers, but to support the interests of those in power. For these reasons, I urge the Procurement Commissioner and City Commissioners to address these concerns with the selection process immediately in order to restore faith in the process.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Rhynhart', with a stylized flourish at the end.

Rebecca Rhynhart
City Controller

CC: Commissioner Al Schmidt, Vice Chair
Commissioner Anthony Clark

Mayor James Kenney
Council President Darrell Clarke
Christine Derenick-Lopez, Chief Administrative Officer
Mark Wheeler, Chief Information Officer