



CITY OF PHILADELPHIA

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REBECCA RHYNHART
City Controller

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Tuesday, April 2, 2019

Honorable Giovanni Campbell, Chairman
Office of the City Commissioners
City Hall, Room 130
Philadelphia, PA 19107

Dear Judge Campbell:

On February 8, 2019, I sent a letter to the Chairwoman of the City Commissioners, Lisa Deeley, and the Acting Procurement Commissioner, Monique Nesmith-Joyner, outlining my concerns with the process used to select the City of Philadelphia's new voting technology. My concerns were one voice in a chorus of others, including the PA Auditor General, advocates, and average voters alike. On February 21st, 2019, pursuant to 25 PS. § 2641 (C), you were appointed to serve as a City Commissioner on the Philadelphia County Election board in the stead of Commissioner Deeley. I am writing today to urge you and your fellow Commissioners to vacate the decision to select the ES&S system made by the City Commissioners on February 20th, 2019 and to issue a new RFP.

Since the 2016 election, questions have been raised about how secure the older, electronic voting machines, like the ones used in Philadelphia, are. I want to be clear that I believe the City needs new, more secure voting technology. But, I also believe that the new technology should be one that the public trusts, that was arrived at through a fair process and that is the safest, most efficient and cost effective option available. My concerns include the drafting of the RFP in a way that was tailored toward a digital screen, or ballot marking device. Because of the vulnerability of all electronic voting machines, there is much written about hand-marked ballots being viewed by experts as more reliable. Security is not a yes or no question; there is a spectrum for how secure a voting system is. That is why I recommended bringing in ballot security experts and using their feedback in the process. Other concerns include the failure to demonstrate new technology options and receive feedback from the public as part of the selection process, insufficient notice for public comment sessions, and the reported higher cost of the selected technology over other options..

Since the selection was made, more advocates have reached out to share their concerns. The urgency of this issue remains, and it is incumbent on you, Judge Vincent Furlong and City

Commissioner Anthony Clark to take action.

There is still time to correct this perceived wrong - in her response to my correspondence regarding the RFP process, Chairwoman Deeley admitted that if a machine is chosen by July 2019 we could still meet the requirements set forth by the Department of State for the Commonwealth of Pennsylvania.

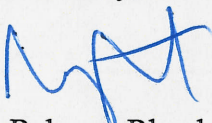
Though my original concerns remain, new concerns continue to be raised by advocates, voting rights activists and Philadelphia residents, underscoring the need for public input. If you reissue the RFP, I urge you to be more open and transparent with the public before making a final decision and to consider 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 drafting of the new RFP, 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, it should be noted that since the RFP was issued, an additional four machines have been certified by the Commonwealth of Pennsylvania. By the admission of Chairwoman Deeley, the prior RFP was written with the then-certified machines in mind. With new options now available and a growing chorus of concerned voices, I urge the City Commissioners to vacate the previous decision and reopen the selection process in order to restore the public's faith in the process.

Thank you for your time and consideration in this matter.

Sincerely,



Rebecca Rhynhart
City Controller

CC: Commissioner Anthony Clark
Judge Vincent Furlong
Mayor James Kenney
Council President Darrell Clarke
Christine Derenick-Lopez, Chief Administrative Officer
Mark Wheeler, Chief Information Officer