House of Representatives

Commonwealth of Pennsylvania

A Comprehensive Review of Pennsylvania's Election Laws:
How Pennsylvania Can Guarantee Rights and Integrity in Our Election System

May 10, 2021

Honorable Seth Grove
Chairman
House State Government Committee

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Executive Summary

Last session, the General Assembly passed numerous legislative proposals on elections that were signed into law. Late in 2020, there were lawsuits filed prior to the 2020 General Election and many after the election. Further, the coronavirus pandemic presented many challenges to the 2020 election. Our job is to review the election law in its entirety and assess how our elections are administered with a base law from 1937, newly adopted updates to that law, election policy set by the Pennsylvania Supreme Court, election guidance issued by the Department of State, and elections operated by 67 counties across the Commonwealth.

> *"I've tuned into a good number of the hearings, and I've really been impressed by the step-by-step approach that you've taken, focusing on actual things that happened in this past election and not getting down the rabbit hole of things that might have happened or could've happened or that somebody thought could've happened or might've happened. And I think it's in that spirit that I'd like to address you all today."*
> *-David Thornburgh, President and CEO, Committee of Seventy*

For the General Assembly to take up election reform, there must be clarity as to what our election law requires and how elections are administered in all 67 counties. As the Majority Chairman of the Pennsylvania House State Government Committee, my goal was to hold extensive hearings on the Commonwealth's election law and administration of elections in order to fix any identified problem within the election system and to regain the voters' trust in our elections. To achieve this, we held multiple hearings to walk the committee and the public through how elections occur and ascertain the need for changes. It is essential for legislative oversight to create a baseline of understanding and facts.

> *"We're encouraged to see how this committee has shown its complete commitment to access and transparency in holding these hearings. Chairman Grove has ensured that each meeting is streamed and made available to the folks at home, that each meeting is recorded and posted for later access, and that Pennsylvanians are now able to participate in the process through the use of an online form. This committee has increased access for public participation because transparency encourages trust. That is what we must do with the election code moving forward."*
> *- Khalif Ali, Executive Director, Common Cause Pennsylvania*

The House State Government Committee held ten hearings with roughly 31.5 hours of total hearing time and hearing from 52 total testifiers including 7 House Members. Several of the testifiers participated in multiple hearings. The hearings highlighted and prioritized testimony from county election directors, the Pennsylvania Department of State, national election experts, and election experts from other states. Testifiers gave insight on the challenges they faced during the 2020 election due to the passage of Act 77 of 2019 and Act 12 of 2020. The changes to the Election Code caused a great burden on counties and county officials.

> *"Well, I've been impressed with the questions and the line of questions from the Committee Members and the testimony. I think, you know, I feel like you're genuinely trying to figure out what exactly is the best way to go with this. And, you know, while I know where you sit on the political spectrum on many of you, I think, too, though, you're listening and you're trying to figure out what is really truly the best for the Commonwealth."*
> *- Shane Fitzgerald, Executive Director, Bucks County Courier Times and The Intelligencer; PA State Editor, USA Today Network*

Additionally, the committee sought input from voters to garner feedback on the election hearings and topics. It is essential to be transparent and provide a voice to the people as the committee reviews the election and works to improve the election process. By doing so, the committee received approximately 280 responses, with the top five concerns being voter ID, mail-in ballots, lack of trust in voting machines, signature verification and the timeline for when mail-in ballots need to be received. These responses gave greater insight on the concerns voters have across the Commonwealth and how the committee can address these issues for future elections.

It is no secret that additional election law changes need to be made. Throughout these hearings, our counties have expressed their top priority is election reform. Both Democrats and Republicans have introduced numerous elections bills, with more being introduced almost daily. Change in our current election law and process is a bipartisan request and is a necessity moving forward. By doing nothing, the Commonwealth will continue to revisit the same issues every election, an outcome which is unacceptable for our voters, election volunteers, county election employees and the Department of State.

Furthermore, regardless of political affiliation, Pennsylvanians take their elections very seriously and are passionate about voting. As elected officials, we must complete our due diligence to provide citizens with the best possible election process that is transparent, has integrity and is accessible.

This report offers a summary of each hearing provided by the written testimony provided by each testifier and the official hearing transcripts. Along with the hearing summaries, hearing highlights and recaps are provided.

Report Highlights and Recaps

Department of State's Election Guidance

1. A lack of uniformity in administration of the election led to mistrust, and these inconsistencies between counties arose in part due to the guidance process and how it was applied.
   - Restoring uniformity is crucial to improving the election process.
2. During the 2020 Election, Department of State issued guidance caused confusion among county administrators, particularly due to the volume and timing of guidance.
   - Administrative guidance should be used sparingly and issued as far in advance of an election as possible.
3. Under the current Election Code, the Department and the Secretary have a great deal of discretion in interpreting and applying the law according to their views.
   - Clearer statutory language that eliminates ambiguities would reduce the need for administrative guidance and strengthen election uniformity.

SURE System, the Election Management System, and Other Election Information Technology

1. The SURE System is unable to meet the demands of the mail-in voting system and the needs of counties.
   - A replacement for the SURE System will soon be implemented and must perform to a much higher standard to adequately operate Pennsylvania's elections moving forward.
2. The permanent mail-in ballot list both confuses voters and burdens county administrators.
   - Elimination of the permanent mail-in ballot list would ease burdens on county administrators and provide a simpler process for voters.
3. Third-party applications for voter registrations or mail-in ballots confuses voters and burdens county administrators.
   - Restricting the mailing of third-party applications for mail-in ballots and voter registrations, or requiring disclaimers on these applications, would improve voter confidence and benefit county administrators.

Election Audits

1. The post-election audits currently required by Pennsylvania's Election Code are outdated and in need of improvement.
   - Best practices in other states can serve as models for a more enhanced auditing process, including audits of all parts of the election system.
2. Results from the audits currently performed are not adequately publicized or even collected statewide.
   - Audits that are conducted transparently and consistently across the state, then released publicly could better reassure Pennsylvanians that election outcomes are accurate.

3. Audits of elections are often conducted by the same entities that oversee the elections themselves. This lack of independence is not allowed in accepted auditing standards.
   - Having an independent entity such as the Auditor General conduct post-election audits could provide additional reliability and oversight.

Voter Registration

1. Web API platforms used by third-party groups present security concerns and are unnecessary given the introduction of online voter registration through the Department of State.
   - Further codifying online voter registration would ensure its continued availability and present an opportunity for eliminating the risk inherent in third-party Web API programs.
2. A voter registration deadline only 15 days prior to an election is burdensome on counties and does not allow for proper safeguards to be applied to registration systems.
   - Returning the voter registration deadline to 30 days prior to an election, as it was prior to Act 77, would benefit counties while providing additional election integrity.
3. Counties are currently able to register a voter prior to receiving all required information for that voter, a process that introduces risk and uncertainty into the election process.
   - Requiring that all necessary biographical and citizenship information be received and verified prior to accepting a voter registration application would enhance election integrity and simplify county administrative processes.
   - Timely exchange of data from other states, including through full utilization of the ERIC system, would improve voter list accuracy.
   - New SURE system must reduce human and data entry error.

Certification and Operation of Voting Machines

1. Pre-testing of election machines should be conducted publicly and transparently, with software updates also subject to certification.
   - Certifying all systems and software used in election administration, conducting tests in public, transparent ways, and requiring pre-election testing of machines, would reassure voters of the integrity of the election process and safeguard against fraud or attacks. Florida provides a model of best practices in this area.
2. Voting machines have an inevitable shelf life and replacement date; Pennsylvania must plan to provide counties with the resources they need to update election infrastructure when necessary.
   - Pennsylvania should plan for the regular need to update election infrastructure, including for ways to provide counties the resources they need to afford new machines when necessary.
3. Although all voting machines are required to be completely disconnected from the internet, other types of technological developments can be used to enhance election administration and integrity.

- By properly utilizing emerging technology to operate and streamline elections administration, Pennsylvania can ensure election integrity while reducing the burden on county administrators.

No Excuse and Mail-in and Absentee Ballots

1. The current timeline for ballot requests does not reflect a feasible timeline for delivering and returning a ballot, failing both voters and election administrators.
   - Establishing an earlier deadline for requesting a mail-in ballot would improve election integrity and relieve the burden placed on county administrators.
2. Signature verification must be applied to mail-in and absentee ballots in an accurate, uniform manner across the Commonwealth.
   - Other states use training and enhanced technology to provide reliable ballot tracking and authenticity confirmation, as well as signature verification, gaining additional election integrity.
3. Voter ID should be implemented fairly and accessibly, with all eligible voters able to receive a free compliant identification.
   - Most states utilize voter ID requirements to ensure elections are conducted with integrity, providing Pennsylvania with many models for how such a policy can be applied fairly.
4. Any place where a ballot is being cast should be treated as a polling place, with meaningful access for bipartisan observers as well as consistent accessibility requirements.
   - The Election Code should provide uniformity in ensuring that all places where voting occurs are subject to the same regulations regarding accessibility, transparency, electioneering, and security.

County Election Day Operations and Satellite Election Offices

1. Election rules should be set far ahead of Election Day, with no last-minute changes that will likely be inconsistently applied.
   - Other states' best practices include the publication of enforceable election rule handbooks far in advance of an election, as well as adequate funding for poll worker training, providing a model for improving Pennsylvania's administration.
2. Act 77 burdened counties with an unsustainable election system, both financially and practically, as well as an impractical administrative timeline in the weeks prior to an election.
   - Easing Act 77's administrative and financial burden on counties should be at the forefront of improvements to the Election Code. This likely requires more practical timelines for the voter registration and mail-in ballot systems.
3. Transparency and uniformity across all 67 counties require enhanced training of staff as well as requirements for public access to all parts of the election process.
   - Confidence in Pennsylvania's election process would be strengthened by increased training of election administrators and clearer, uniform guidelines on transparency in election operations.

Election Integrity & Accessibility Policy

1. Cybersecurity threats to elections are ongoing and must inform election administration at every level.
   - County and state election administration should be continually guarded against new and emerging cybersecurity threats.
2. Pennsylvania's 1937 Election Code is outdated and insufficient to serve the needs of all Pennsylvanians, particularly disabled voters.
   - Modernization of the Election Code must include consideration of accessibility for disabled voters in all aspects of the election process.
3. Trust in the election process requires that all voters can have confidence that their ballots were counted as cast, and that only eligible voters participated in an election.
   - Safeguards ensuring adequate election integrity are crucial to restoring the public's confidence in the accuracy of election results.

An Overview of How Other States Conduct Elections

1. Best practices adopted by other states over recent decades provide an abundance of models for Pennsylvania to study and emulate as we look to modernize our Election Code.
   - Pennsylvania does not begin election reforms in a vacuum, but rather has models of more effective election administration in states across the country that we should learn from.
2. Kentucky shows that election reform can and should be a bipartisan endeavor, expanding voter access while streamlining election administration and protecting integrity.
   - Expanding voter access and ensuring election integrity are not opposing goals, but rather can be balanced in ways that merit bipartisan support for improvement.
3. Other states provide training manuals and standard rulebooks binding all counties in administering elections uniformly, an approach that would benefit Pennsylvania in fulfilling our constitutional requirement of uniformity.
   - Enhanced training standards, binding administration rulebooks, and other tools utilized by several states would serve Pennsylvania's constitutional mandate of uniformity in elections.
4. Election audits are not limited to post-election, result confirming audits. All aspects of the election system should be audited, including voter registration and list maintenance, operations and resource allocation, and training processes.
   - Audits of all parts of the election system can provide increased public trust and understanding of the many aspects of the election process.

Hearing Schedule

Department of State's Election Guidance
January 21, 2021

SURE System, the Election Management System, and other Election Information Technology
January 28, 2021

Election Audits
February 11, 2021

Voter Registration
March 4, 2021

Certification and Operation of Voting Machines with Demonstrations
March 10, 2021

No Excuse Mail-in and Absentee Ballots
March 18, 2021

County Election Day Operations and Satellite Election Offices
March 25, 2021

Election Integrity and Accessibility Policy
April 21, 2021

Overview of How Other States Conduct Elections
April 8, 2021

Stakeholders and Member Testimony
April 15, 2021

Department of State's Election Guidance

Highlights[1]

- A lack of uniformity in administration of the election led to mistrust, and these inconsistencies between counties arose in part due to the guidance process and how it was applied.
- During the 2020 Election, Department of State-issued guidance caused confusion among county administrators, particularly due to the volume and timing of guidance.
- Under the current Election Code, the Department and the Secretary have a great deal of discretion in interpreting and applying the law according to their views.

Hearing Summary

On January 21, 2021, the State Government Committee held a hearing to gain an understanding of the Department of State's election guidance and how it is used in the administration of elections.[2] For this hearing, the committee received testimony from former Secretary of the Commonwealth Kathy Boockvar and Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State.[3] At this hearing, guidance document discussion centered around three areas: process, specific guidance documents and county impact.

With respect to process, testifiers were asked to explain election guidance and to walk through the process of developing and implementing the guidance.[4] Ms. Boockvar explained in Pennsylvania there are certain levels of state rules, but there are other rules which are left to the discretion of the counties.[5] The guidance is issued to carry out these laws is for the best interest of the voters and creates consistency across the Commonwealth.[6] When members asked if counties have to follow the Department's guidance to the letter of the law, Boockvar informed the committee:"[t]he guidance is persuasive. It's usually not directory unless the statute that governs it says that it's directive. So sometimes you'll see the language directive. That's where it's mandated."[7]

A question was raised as to how to "streamline" the guidance.[8] The Secretary explained there "needs to be a balance between county discretion and the ability for the Department of State to direct uniformity."[9] However, there are also some instances which should be uniformly followed and therefore directives rather than guidance would be necessary.[10] When members asked what section of the law gives the Secretary the power to issue directives, Marks said the article in the Election Code on electronic voting systems states explicit authority for the Secretary to issue

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[1] Chairman's Recap. Jan. 21, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/656418815.mp4
[2] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 1. 012121SG (state.pa.us)
[3] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 4. 012121SG (state.pa.us)
[4] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 19. 012121SG (state.pa.us)
[5] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 23. 012121SG (state.pa.us)
[6] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 23-24. 012121SG (state.pa.us)
[7] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 24. 012121SG (state.pa.us)
[8] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 36. 012121SG (state.pa.us)
[9] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 39. 012121SG (state.pa.us)
[10] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 40. 012121SG (state.pa.us)

directives.[11] Under the statute (Marks could not recall), the Secretary has the authority to demand certain reports from counties, as necessary.[12]

Ms. Boockvar was asked how the Department decides whether sending out official guidance is more appropriate than sending out an email containing guidance. Ms. Boockvar stated all guidance is issued uniformly to all counties, however, it comes down to the timing of when changes are made, such as court decisions being issued late at night.[13] In this case, an email would be sent, in order for the information to reach the county in a short amount of time.[14] Deputy Secretary Marks was asked about the email he had sent to counties at 9pm before election day in regard to providing "information to party and candidate representatives during the pre-canvass period that identifies voters whose ballots have been rejected."[15] Deputy Secretary Marks responded that the purpose of the email was to ensure counties understood the pre-canvass process and counties knew the pre-canvass process should be done transparently and openly with representatives of campaigns and candidates present.[16] When asked if the Deputy Secretary had any expectations on how counties were going to implement the directive he had sent out, Marks responded: "I didn't."[17] Marks went on to say: "[t]hat really would depend on exactly the method each county used to conduct the pre-canvass."[18]

There were several specific guidance documents discussed which had been developed during the 2020 election cycle. Members expressed concerns with the October 28th, 2020 Guidance to counties with regard to segregating the 10,000 ballots received after 8pm November 3rd.[19] Boockvar said that for election returns, ballots received after 8pm on November 3rd and before 5pm on November 6th were not counted for either the Presidential race nor Congressional races.[20] When asked about the rationale for not counting the segregated ballots received after November 3rd at 8pm and if she used her discretion not to count the ballots for the federal races but to do so for state races, Boockvar replied: "Correct."[21]

Members asked further what would happen if the courts decided to procced with the counting of the segregated ballots and what would happen with the certification process.[22] Boockvar said there is a precedent for the counties to give new certifications, but she did not know the actual process and would get back to the committee. She further stated, none of the segregated ballots would have changed the outcome of any race.[23] Members asked about guidance provided to counties pertaining to naked ballots or ballots which did not include a secrecy envelope.[24] It was

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[11] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 72. 012121SG (state.pa.us)
[12] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 73. 012121SG (state.pa.us)
[13] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 25-26. 012121SG (state.pa.us)
[14] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 26. 012121SG (state.pa.us)
[15] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 40. 012121SG (state.pa.us)
[16] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 41. 012121SG (state.pa.us)
[17] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 41. 012121SG (state.pa.us)
[18] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 42. 012121SG (state.pa.us)
[19] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 55. 012121SG (state.pa.us)
[20] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 56. 012121SG (state.pa.us)
[21] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 60. 012121SG (state.pa.us)
[22] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 60. 012121SG (state.pa.us)
[23] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 61. 012121SG (state.pa.us)
[24] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 46. 012121SG (state.pa.us)

further stated there was guidance to count those ballots, but the Supreme Court of Pennsylvania ruled the requirement for a secrecy envelope was neither ambiguous nor unreasonable.[25] Members pointed out the guidance was in direct contradiction with what the Court ruled. Ms. Boockvar explained the guidance was developed before the court issued that decision.[26] She further stated, counties were asking questions whether they should count the naked ballots and the Department determined that they should.[27] Boockvar said, in every state which uses secrecy envelopes, the state will count the ballot even if it does not arrive in a secrecy envelope.[28] When the Supreme Court of Pennsylvania ruled against the guidance, the guidance was withdrawn, and counties were told not to count the naked ballots.[29]

When members asked about undated ballots not being counted for elections moving forward and if this guidance will become a directive, Boockvar explained the Department: "[c]an only issue directives on things that we are statutorily given the authority to make it a directive."[30] She went on to say the Guidance issued to counties on September 28th said ballots must be signed and dated.[31] So, unless the Department has specific statutory directive authority, it cannot be put out as a directive.[32] Marks said there is specific authority pertaining to voter registration but there is directive authority, authority to issue directives, on voting systems.[33] Marks stated there is no broad authority to issue regulations on all things involved in elections.[34]

Boockvar was also asked about guidance relating to satellite election offices and what statutory provisions allowed for them.[35] Boockvar did not give a specific provision but indicated that Act 77 allowed for "early voting."[36]

Finally, questions were raised concerning county impact. Members asked how the Secretary intended to develop "continuity and uniformity across the counties" since the Secretary stated that guidance was not binding.[37] Ms. Boockvar explained that there are some areas where it would be "helpful to have more of a directed nature, more uniformity."[38] One example mentioned was poll worker training to "give the counties time, the poll workers time, to learn those new processes."[39]

Members asked the testifiers about the challenges facing counties in future elections with one-third of Pennsylvania counties' election directors having retired or resigned prior to, during, or

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[25] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 46. 012121SG (state.pa.us)
[26] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 47. 012121SG (state.pa.us)
[27] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 47. 012121SG (state.pa.us)
[28] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 47. 012121SG (state.pa.us)
[29] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 47. 012121SG (state.pa.us)
[30] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 71. 012121SG (state.pa.us)
[31] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 71. 012121SG (state.pa.us)
[32] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 71. 012121SG (state.pa.us)
[33] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 71. 012121SG (state.pa.us)
[34] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg72. 012121SG (state.pa.us)
[35] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 103. 012121SG (state.pa.us)
[36] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 104. 012121SG (state.pa.us)
[37] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 63. 012121SG (state.pa.us)
[38] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 64. 012121SG (state.pa.us)
[39] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 64. 012121SG (state.pa.us)

after the 2020 election, due in part to the difficulty in administering that election at the county level.[40] Members wanted to know if the Department of State knew the exact number of election directors that have resigned or retired. Ms. Boockvar said she did not.[41] Deputy Secretary Marks stated: "[b]eginning January 1st of 2020 through now, I believe we just went above two dozen. And that includes election directors, chief clerks, some assistant directors."[42]

Members pointed out the Department of State issued guidance pertaining to the Election Code not permitting county election officials to reject applications or voted ballots solely based on signature analysis.[43] Representatives asked Boockvar why she decided to ask the Supreme Court of Pennsylvania to consider ruling on the issue absent an underlying case before the courts in the state using King's Bench jurisdiction. Members asked whether this was done out of concern counties would not follow the guidance.[44] Boockvar explained counties did not know what to do with the signatures and she wanted clarity for counties before the pre-canvassing period to limit confusion on election day.[45] She said a clear statement from the courts was not in effect and it would have taken counties longer to canvass the ballots because they were not allowed to start sooner.[46]

Members expressed concerns relating to private organizations, such as the Center for Technology and Civic Life (CTCL) directing money from the private entity into counties and being dispersed in ways that may favor a specific political party.[47] Members noted Philadelphia was allotted $1.8 million in funds by the State and received $10 million from a private entity.[48] Some representatives found this concerning because the money comes with "strings attached" and certain policy requirements to be met.[49] Boockvar explained the state has nothing to do with the CTCL grants and every county had the opportunity to ask for those funds.[50] She further stated there were private agreements between the counties and the non-profit organizations and there were no violations of the law.[51]

Ms. Boockvar stated various changes she would like to see made to the election process. One of the key issues Boockvar stated was a need for a longer period of time for counties to pre-canvass mail-in ballots.[52] This would allow for quicker results and improve the overall process.[53] Additionally, Boockvar suggested for the guidance to be changed to allow more flexibility in finding and filling poll worker vacancies within counties.[54] Boockvar insisted on creating

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[40] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 95. 012121SG (state.pa.us)
[41] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 97. 012121SG (state.pa.us)
[42] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 98. 012121SG (state.pa.us)
[43] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 74. 012121SG (state.pa.us)
[44] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 74. 012121SG (state.pa.us)
[45] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 75. 012121SG (state.pa.us)
[46] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 75. 012121SG (state.pa.us)
[47] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 105. 012121SG (state.pa.us)
[48] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 106. 012121SG (state.pa.us)
[49] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 106. 012121SG (state.pa.us)
[50] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 107. 012121SG (state.pa.us)
[51] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 109. 012121SG (state.pa.us)
[52] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 37. 012121SG (state.pa.us)
[53] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 37. 012121SG (state.pa.us)
[54] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 38. 012121SG (state.pa.us)

uniformity among poll workers by providing training.[55] This training would be mandated for all workers and would be helpful to the counties to create a more uniform process across the Commonwealth.[56] Boockvar also urged the Legislature to amend the laws to provide for a notice and cure process to ensure that every vote is counted, and no voter is disenfranchised over a simple error.[57]

In conclusion, the committee received clarification on the Department of State's guidance sent to counties during the 2020 election.[58] However, we learned guidance to counties should have been more direct and provided in a timelier fashion. There is a need for more uniformity across the Commonwealth to ensure voter trust in the election process. Standardization within these guidance documents is needed to ensure all counties are conducting the election process in a uniform manner and have an appropriate timeline for implementation.

Recap[59]

- Restoring uniformity is crucial to improving the election process.
- Administrative guidance should be used sparingly and issued as far in advance of an election as possible.
- Clearer statutory language that eliminates ambiguities would reduce the need for administrative guidance and strengthen election uniformity.

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[55] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 64. 012121SG (state.pa.us)
[56] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 64. 012121SG (state.pa.us)
[57] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 84. 012121SG (state.pa.us)
[58] State Government Committee Hearing Transcripts: Dept. of State's Guidance, Pg. 19-23. 012121SG (state.pa.us)
[59] Chairman's Recap. Jan. 21, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/656418815.mp4

SURE System, the Election Management System, and Other Election Information Technology

Highlights[60]

- The SURE System is unable to meet the demands of the mail-in voting system and the broader needs of counties.
- The permanent mail-in ballot list both confuses voters and burdens county administrators.
- Third-party applications for voter registrations or mail-in ballots confuse voters and burdens county administrators.

Hearing Summary

On January 28, 2021, the State Government Committee held a hearing on Pennsylvania's Statewide Uniform Registry of Electors System (SURE).[61] The purpose of the hearing was to learn the shortfalls in the SURE system and how the system can be updated for future elections.[62]

Panel 1: Counties

Members heard from a county commissioner and two county election directors the various ways the SURE system can be improved and the challenges they had faced with the system during the 2020 election.[63] Major areas discussed included: "binking," ballot tracking, third party applications, and poll workers.

Joseph Kantz, Chairman of Snyder County Commissioners and Board of Elections, informed the committee of the many challenges his election staff faced after the passage of Act 77 of 2019 and Act 12 of 2020.[64] One of the main issues Kantz described was the lack of training for election directors which caused many to retire across the state.[65] Kantz expressed time is lost to process information when the SURE system is down.[66] When it goes down, the large database takes a significant amount of time to reboot, causing the processing of thousands of ballots to be delayed.[67] Kantz also explained the problems he faces when it comes to alternate addresses being

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[60] Chairman's recap. Jan. 28, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/611714266.mp4
[61] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 1. 2021_0004T.pdf (state.pa.us)
[62] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 6-7. 2021_0004T.pdf (state.pa.us)
[63] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 4. 2021_0004T.pdf (state.pa.us)
[64] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 15. 2021_0004T.pdf (state.pa.us)
[65] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 16. 2021_0004T.pdf (state.pa.us)
[66] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 16. 2021_0004T.pdf (state.pa.us)
[67] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 20-21. 2021_0004T.pdf (state.pa.us)

pulled by the SURE system.[68] When the system pulls an alternate address to send a mail-in ballot, this causes the ballot to be sent to the wrong address.[69]

Timothy Benyo, Chief Clerk of the Lehigh County Election Board, expressed he is very much focused on the Department of State updating the SURE system and the improvements the new system can provide the counties.[70]

Michael Anderson, Director of Elections of the Lebanon County Bureau of Elections and Voter Registration, informed the committee of his frustrations with the SURE system as far as trying to be productive and getting everything done without the system being slow or not working correctly.[71] Anderson also expressed training election directors presented its own challenges when trying to get full participation.[72] He does not make the training mandatory because it is a challenge recruiting and getting poll workers.[73] Anderson proposed lifting restrictions on state workers who would be interested in volunteering on election day.[74]

Members asked testifiers to explain the "binking" process of a ballot.[75] Benyo explained paper pollbooks signed at the polling place have a barcode next to the voter's name and correlates with the voter's name and record.[76] After an election with a paper ballot system, the SURE system requires workers to take a handheld scanner and go page by page to "bink" the barcodes, so the voter gets credit for voting.[77] With electronic systems this is not necessary.[78] Benyo explained this system is in place to ensure individuals are not voting more than one time.[79]

[68] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 18. 2021_0004T.pdf (state.pa.us)
[69] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 18. 2021_0004T.pdf (state.pa.us)
[70] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 23. 2021_0004T.pdf (state.pa.us)
[71] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 24. 2021_0004T.pdf (state.pa.us)
[72] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 30. 2021_0004T.pdf (state.pa.us)
[73] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 30. 2021_0004T.pdf (state.pa.us)
[74] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 30. 2021_0004T.pdf (state.pa.us)
[75] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 36. 2021_0004T.pdf (state.pa.us)
[76] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 37. 2021_0004T.pdf (state.pa.us)
[77] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 37. 2021_0004T.pdf (state.pa.us)
[78] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 37. 2021_0004T.pdf (state.pa.us)
[79] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 37. 2021_0004T.pdf (state.pa.us)

Members asked how it would be possible to obtain a list of voters who have voted in the past election and where that list would be pulled from.[80] Benyo explained these reports come from the SURE system.[81] When asked if voter data could be pulled from a different source, Anderson responded that he would have to go through every list of voters in every precinct and look back into the paper pollbooks.[82] Anderson further stated for paper pollbooks, after the "binking" process is completed with votes cast, mail-in ballots and absentee ballots, the reports are run through the system to ensure the numbers are not off from one another.[83] As for electronic pollbooks, Benyo explained there is no "binking" process and there is an upload to the database to ensure the numbers are exact to the system report.[84]

Members expressed concerns with the SURE system, with respect to implementation of mail-in ballots.[85] Benyo explained ballot tracking proved to be helpful but presented challenges for election directors.[86] The information going to voters was not interpreted correctly.[87] Benyo detailed when a label is printed off for the mail-in ballot, the voter received a message that the ballot was processed and sent.[88] The problem is, when the voter received this message, the ballot may not actually have been mailed out.[89] Benyo stated that there needs to be improvements in the system to ensure people are more engaged in the process.[90]

When the committee asked if counties are sending out mail-in ballot applications to every registered voter or just to those who requested it,[91] Anderson made it clear that in his county, only the people who requested the application received one, however, third parties send out applications as well.[92] This had caused a lot of confusion amongst voters and many had filled out

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[80] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 44. 2021_0004T.pdf (state.pa.us)
[81] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 45. 2021_0004T.pdf (state.pa.us)
[82] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 45. 2021_0004T.pdf (state.pa.us)
[83] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 47. 2021_0004T.pdf (state.pa.us)
[84] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 47. 2021_0004T.pdf (state.pa.us)
[85] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 54. 2021_0004T.pdf (state.pa.us)
[86] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 54. 2021_0004T.pdf (state.pa.us)
[87] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 55. 2021_0004T.pdf (state.pa.us)
[88] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 55. 2021_0004T.pdf (state.pa.us)
[89] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 56. 2021_0004T.pdf (state.pa.us)
[90] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 56. 2021_0004T.pdf (state.pa.us)
[91] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 68. 2021_0004T.pdf (state.pa.us)
[92] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 68. 2021_0004T.pdf (state.pa.us)

multiple applications and returned them to his office.[93] Anderson explained third parties obtain voter information from a database which they can buy from the Department of State or from a local county.[94] He suggested these third parties should be required to disclose who is paying for them and to make it clear it is not the county office.[95] Anderson further stated third parties are using an old database and are sending applications to deceased individuals and those who have moved to another address.[96] Kantz and Benyo agreed, stating these applications should be required to say they were not sent by the county elections office.[97]

Members asked if there are audits of employees who work directly with the SURE system and if their work is checked for accuracy.[98] Benyo stated there is not as much auditing of employees as he would like; however, he looks at the accuracy of the data which is being input.[99] Anderson said there is no auditing in his county, but he only gives complex tasks to employees who have been working for him for a longer period of time, while restricting access of newer employees.[100] Representatives asked if employees who input data in to the SURE system take an oath, Kantz said to his knowledge, he does not believe these individuals were sworn under oath and does not believe legislation requires the county to do so.[101]

Panel 2: Department of State

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State summarized the SURE system and explained the purpose of the system was to move all 67 counties legacy system into one statewide voter registry as a requirement of Act 3 of 2002.[102] Major areas discussed included: the new SURE system, the Department's role in the current process of the system, access to the existing system, Web API, and voter rolls.

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[93] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 68. 2021_0004T.pdf (state.pa.us)
[94] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 69. 2021_0004T.pdf (state.pa.us)
[95] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 69. 2021_0004T.pdf (state.pa.us)
[96] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 69. 2021_0004T.pdf (state.pa.us)
[97] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 69-70. 2021_0004T.pdf (state.pa.us)
[98] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 65. 2021_0004T.pdf (state.pa.us)
[99] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 65. 2021_0004T.pdf (state.pa.us)
[100] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 65. 2021_0004T.pdf (state.pa.us)
[101] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 67. 2021_0004T.pdf (state.pa.us)
[102] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 73. 2021_0004T.pdf (state.pa.us)

Members asked if the new SURE system is in the early development stages. Marks said the new system is in the early stages and the Department is in touch with counties to gain understanding of their expectations for this system.[103]

In terms of the existing process and the Department's role, Marks explained that the Department is to "provide access and maintain statewide voter registry."[104] However, it is the county who "should be passing on the qualifications of the voter."[105] Marks explained the Department provides the tools, and registration occurs in a variety of ways, from online registration to paper application.[106] Once received, the counties perform a variety of "checks."[107] According to Marks: "[i]f the county determines they have incomplete information or incorrect information or if the registrant's information doesn't check out for any reason, they can reject the application. The applicant has an opportunity to appeal, but the county would reject the application, give the applicant an opportunity to appeal the decision or provide whatever missing information so they can be properly registered."[108] Finally, Marks noted that a registered voter receives their voter registration card with details relating to their voter registration record.[109]

Members asked if the Department of State personnel, Commonwealth IT support staff, contracted IT support vendors and county election personnel have direct individual access to the SURE system data.[110] Marks stated: "[y]es, there are different levels of access."[111] Marks further explained that on the county level, the election director must request access for the individual and this can be read-only access up to data entry access.[112] At the Department, most employees are read-only access because they are not updating voter registration records.[113] Members asked if individuals who are given access to the system must go through security checks.[114] Marks said

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[103] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 99-100. 2021_0004T.pdf (state.pa.us)

[104] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 77. 2021_0004T.pdf (state.pa.us)

[105] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 77. 2021_0004T.pdf (state.pa.us)

[106] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 77. 2021_0004T.pdf (state.pa.us)

[107] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 79. 2021_0004T.pdf (state.pa.us)

[108] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 79. 2021_0004T.pdf (state.pa.us)

[109] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 79-80. 2021_0004T.pdf (state.pa.us)

[110] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 81. 2021_0004T.pdf (state.pa.us)

[111] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 81. 2021_0004T.pdf (state.pa.us)

[112] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 81. 2021_0004T.pdf (state.pa.us)

[113] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 81. 2021_0004T.pdf (state.pa.us)

[114] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 81. 2021_0004T.pdf (state.pa.us)

he cannot speak for the county level, but the Department conducts background checks even for the contractors that are given access to the SURE system.[115]

Members expressed concerns with volunteers using Web Application Programming Interface (API) to hold voter registration drives and not going through a background check.[116] Marks explained these volunteers must sign an agreement with the Department and there are no background checks, however, these individuals do not have access to the SURE system in any form.[117]

Members asked how counties verify information from those who register through organizations such as "Rock the Vote."[118] Marks was asked if applications filled out through these organizations, whether they can be processed without having verification information.[119] Marks responded: "a simple answer is they can't."[120] He further stated the county must verify either the driver's license number provided or the last four digits of the social security number, as well as the name and address, and if the voter doesn't have these, the voter must affirmatively state they do not have a social security number or a driver's license number.[121]

Marks clarified to the members, when a third party sends out a voter application, they are only providing a tool and in no way do they have access to the SURE system.[122] Marks explained third parties are using commercial mailing lists, allowing there to be error in sending out applications, even sending to those with deceased children.[123] In these cases, Marks recommended third parties run their lists against the Department's list to avoid error.[124]

Members asked how voter registration lists are maintained within counties.[125] Marks explained every county is required to conduct voter list maintenance on an annual basis, in accordance with

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[115] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 82. 2021_0004T.pdf (state.pa.us)
[116] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 82. 2021_0004T.pdf (state.pa.us)
[117] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 82. 2021_0004T.pdf (state.pa.us)
[118] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 102. 2021_0004T.pdf (state.pa.us)
[119] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 102. 2021_0004T.pdf (state.pa.us)
[120] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 102. 2021_0004T.pdf (state.pa.us)
[121] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 102-103. 2021_0004T.pdf (state.pa.us)
[122] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 88. 2021_0004T.pdf (state.pa.us)
[123] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 101. 2021_0004T.pdf (state.pa.us)
[124] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 101. 2021_0004T.pdf (state.pa.us)
[125] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 90. 2021_0004T.pdf (state.pa.us)

Federal and State law.[126] The Electronic Registration Information Center (ERIC) assists counties in maintaining updated registration lists.[127] This process involves the National Change of Address program sending information indicating a voter has moved.[128] The county then is required to send a mailing to the voter indicating records show the voter has moved and the voter can either confirm or say no.[129] With deceased voters, according to Marks, this information comes from the Department of Health.[130] However, Marks indicated that ERIC provides this data as well and suggested: "[i]t would be helpful if we could open up that other avenue so we can fully utilize the data we get from the ERIC program."[131]

When members asked if the new SURE system will be up to assist counties in the next election,[132] Marks stated he is "very confident" the updated SURE system will be up to assist counties within the next election cycle.[133]

In conclusion, the committee heard testimony from county officials and the Department of State.[134] The committee gained insight on the issues counties face with the SURE system and the improvements that would help counties in the next election cycle.[135] The SURE system is broken and should have been replaced before its coming replacement this year. Third party mailings and voter rolls that were out of date lead to much confusion with the information uploaded to the SURE system. These are areas that not only will need to see improvements in the new system, but also demonstrate another area in which the counties should have further assistance.

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[126] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 90. 2021_0004T.pdf (state.pa.us)
[127] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 90. 2021_0004T.pdf (state.pa.us)
[128] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 90. 2021_0004T.pdf (state.pa.us)
[129] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 90. 2021_0004T.pdf (state.pa.us)
[130] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 91. 2021_0004T.pdf (state.pa.us)
[131] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 92. 2021_0004T.pdf (state.pa.us)
[132] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 104. 2021_0004T.pdf (state.pa.us)
[133] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 104. 2021_0004T.pdf (state.pa.us)
[134] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 4. 2021_0004T.pdf (state.pa.us)
[135] State Government Committee Hearing Transcripts: Pennsylvania's Statewide Uniform Registry of Electors (SURE) System/IT, Pg. 6. 2021_0004T.pdf (state.pa.us)

<u>Recap</u>[136]

- A replacement for the SURE System will soon be implemented and must perform to a much higher standard to adequately operate Pennsylvania's elections moving forward.
- Elimination of the permanent mail-in ballot list would ease burdens on county administrators and provide a simpler process for voters.
- Restricting the mailing of third-party applications for mail-in ballots and voter registrations, or requiring disclaimers on these applications, would improve voter confidence and benefit county administrators.

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[136] Chairman's recap. Jan. 28, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/611714266.mp4

Election Audits

Highlights[137]

- The post-election audits currently required by Pennsylvania's Election Code are outdated and in need of improvement.
- Results from the audits currently performed are not adequately publicized or even collected statewide.
- Audits of elections are often conducted by the same entities that oversee the elections themselves. This lack of independence is not allowed in accepted auditing standards.

Hearing Summary

On February 11, 2021, the State Government Committee held a hearing on election audits.[138] State law requires counties to conduct post-election audits, commonly known as two percent audits.[139] Pursuant to recently initiated pilot programs by the Department of State, sixty-three out of sixty-seven counties participated in risk-limiting audits.[140] The purpose of this hearing was to explore the current program of election audits and review changes being advanced by the Department of State and the Governor's Office.[141]

Panel 1: Auditor General

Discussions on this panel centered around the 2019 audit of the SURE system conducted by the Department of the Auditor General.

Honorable Timothy DeFoor, Auditor General of Pennsylvania, outlined the Department of the Auditor General's 2019 audit of the Department of State's SURE System. The audit period covered January 1, 2016 through April 16, 2019 and was conducted at the request of the Department of State.[142] DeFoor explained at the conclusion of the audit, there were fifty recommendations for ways to strengthen the Department's policies and management controls.[143] These recommendations included resolving weaknesses in the voter registration application process and the maintenance of voter records in the SURE system.[144] DeFoor stated: "[d]ata analysis identified tens of thousands of potential duplicate and inaccurate voting records."[145] To ensure error does not continue, DeFoor stated the Department of State must implement "information security practices and information technology controls."[146]

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[137] Chairman's Recap., Feb. 11, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/370280002.mp4
[138] State Government Committee Hearing Transcripts: Election Audits, Pg. 1. 2021_0010T.pdf (state.pa.us)
[139] State Government Committee Hearing Transcripts: Election Audits, Pg. 5 2021_0010T.pdf (state.pa.us)
[140] State Government Committee Hearing Transcripts: Election Audits, Pg. 5. 2021_0010T.pdf (state.pa.us)
[141] State Government Committee Hearing Transcripts: Election Audits, Pg. 6. 2021_0010T.pdf (state.pa.us)
[142] State Government Committee Hearing Transcripts: Election Audits, Pg. 14. 2021_0010T.pdf (state.pa.us)
[143] State Government Committee Hearing Transcripts: Election Audits, Pg. 14. 2021_0010T.pdf (state.pa.us)
[144] State Government Committee Hearing Transcripts: Election Audits, Pg. 14. 2021_0010T.pdf (state.pa.us)
[145] State Government Committee Hearing Transcripts: Election Audits, Pg. 14. 2021_0010T.pdf (state.pa.us)
[146] State Government Committee Hearing Transcripts: Election Audits, Pg. 14-15. 2021_0010T.pdf (state.pa.us)

Janet Ciccocioppo, Director of the Bureau of Performance Audits, answered questions from members regarding audit objectives of the 2019 audit, and whether it created an adequate understanding of the SURE system and its vulnerabilities.[147] Ciccocioppo explained to members she thought it was a thorough audit for the short amount of time in which it was conducted.[148] Anne Skorija, Director of the Bureau of Information Technology Audits, explained the kind of information the audit of the SURE system provided, such as how much work is put into the system by counties and the Department of State to maintain the system.[149]

Members asked what information was learned about election audits from the 2019 audit conducted and if future audits were to be conducted, would the approach be different.[150] DeFoor said one of the things he would like is to work very closely with the county board of elections because they are conducting elections.[151] All the information which comes from the SURE system is coming from counties and this is why it is essential to work closely with them.[152]

Members asked about audits being conducted on the new SURE system.[153] DeFoor said the best way to perform audits on the new system is to look at what is going into it, how it is being built and how it is being used.[154] He also suggested to "constantly review and audit the entire process."[155]

Members questioned the lack of source documents provided for the audit, causing almost seventy percent of voter records to not be verified.[156] Members pointed out that the Department of State, PennDOT and county election offices denied access to critical documents and wanted to know if there are accountability measures put in place when an office denies an audit request.[157] DeFoor said there is none he is aware of.[158] He further stated in order to implement changes correctly, it is essential to have all the information, and, in this case, it did not happen.[159] However, DeFoor also pointed out a standard audit procedure is: "whenever you produce an audit report, if there are findings…its your responsibility six months to a year later to go back and see if those recommendations were, in fact, implemented."[160]

With the new SURE system, DeFoor stated: "[a]s the new SURE system is being built…we need to assure that whatever the recommendations that this office had and any other concerns the counties may have had, that the information is not only included as part of the technical requirements of what the system can do, but also the functional requirements of what we do with

[147] State Government Committee Hearing Transcripts: Election Audits, Pg. 19. 2021_0010T.pdf (state.pa.us)
[148] State Government Committee Hearing Transcripts: Election Audits, Pg. 19-20. 2021_0010T.pdf (state.pa.us)
[149] State Government Committee Hearing Transcripts: Election Audits, Pg. 27. 2021_0010T.pdf (state.pa.us)
[150] State Government Committee Hearing Transcripts: Election Audits, Pg. 21. 2021_0010T.pdf (state.pa.us)
[151] State Government Committee Hearing Transcripts: Election Audits, Pg. 21. 2021_0010T.pdf (state.pa.us)
[152] State Government Committee Hearing Transcripts: Election Audits, Pg. 21. 2021_0010T.pdf (state.pa.us)
[153] State Government Committee Hearing Transcripts: Election Audits, Pg. 26. 2021_0010T.pdf (state.pa.us)
[154] State Government Committee Hearing Transcripts: Election Audits, Pg. 26. 2021_0010T.pdf (state.pa.us)
[155] State Government Committee Hearing Transcripts: Election Audits, Pg. 26. 2021_0010T.pdf (state.pa.us)
[156] State Government Committee Hearing Transcripts: Election Audits, Pg. 28. 2021_0010T.pdf (state.pa.us)
[157] State Government Committee Hearing Transcripts: Election Audits, Pg. 28. 2021_0010T.pdf (state.pa.us)
[158] State Government Committee Hearing Transcripts: Election Audits, Pg. 28. 2021_0010T.pdf (state.pa.us)
[159] State Government Committee Hearing Transcripts: Election Audits, Pg. 28-29. 2021_0010T.pdf (state.pa.us)
[160] State Government Committee Hearing Transcripts: Election Audits, Pg. 35. 2021_0010T.pdf (state.pa.us)

the system….to include the counties is extremely important."[161] When members asked if the Auditor General's office received any request from the Department of State about post-election audits or was invited to participate in the Department's post-election audit work group, DeFoor said he was not.[162]

Members asked if existing registered voters are in the SURE system should be checked for duplicates or a corrupt database before information is transferred into the new system, and DeFoor said the system should be looked at before being transferred into the new system to ensure the data is not corrupted. However, this part relies on the counties having accurate and secure information.[163]

DeFoor was also asked the impact of the Department of the Auditor General performing a risk-limiting audit.[164] He suggested they were looking into it, but again would have to be something the counties would be involved in.[165]

Panel 2: Counties

Discussions surrounding this panel centered around questions relating to the two percent audit required by law.

Hope Verelst, Deputy Chief Clerk, Director of Election/Voter Registration in Sullivan County, explained that counties are mandated by the state to conduct an audit of randomly selected ballots equal to two percent of the votes cast, or 2,000 votes, whichever is the lesser amount.[166] This must be completed after each election and prior to the certification, which works for local and countywide races.[167] However, this may become difficult when it comes to statewide races because all sixty-seven counties may conduct the audit differently.[168] Verelst expressed one county may do a tally vote while another county may rescan the ballots on a machine.[169] Verelst stated: "[t]o assure a valid statewide outcome you would want some type of standardization."[170]

Verelst addressed the committee's concerns around the difference between a risk-limiting audit and the "two percent audit."[171] Verelst explained that a risk-limiting audit draws a twenty-digit number from software.[172] The software then decides which ballots will be drawn and there is no way to predict which ballots would be selected.[173] However, a two-percent audit consists of

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[161] State Government Committee Hearing Transcripts: Election Audits, Pg. 38. 2021_0010T.pdf (state.pa.us)
[162] State Government Committee Hearing Transcripts: Election Audits, Pg. 31. 2021_0010T.pdf (state.pa.us)
[163] State Government Committee Hearing Transcripts: Election Audits, Pg. 42. 2021_0010T.pdf (state.pa.us)
[164] State Government Committee Hearing Transcripts: Election Audits, Pg. 44. 2021_0010T.pdf (state.pa.us)
[165] State Government Committee Hearing Transcripts: Election Audits, Pg. 44. 2021_0010T.pdf (state.pa.us)
[166] State Government Committee Hearing Transcripts: Election Audits, Pg. 46. 2021_0010T.pdf (state.pa.us)
[167] State Government Committee Hearing Transcripts: Election Audits, Pg. 46. 2021_0010T.pdf (state.pa.us)
[168] State Government Committee Hearing Transcripts: Election Audits, Pg. 47. 2021_0010T.pdf (state.pa.us)
[169] State Government Committee Hearing Transcripts: Election Audits, Pg. 47. 2021_0010T.pdf (state.pa.us)
[170] State Government Committee Hearing Transcripts: Election Audits, Pg. 47. 2021_0010T.pdf (state.pa.us)
[171] State Government Committee Hearing Transcripts: Election Audits, Pg. 65. 2021_0010T.pdf (state.pa.us)
[172] State Government Committee Hearing Transcripts: Election Audits, Pg. 66. 2021_0010T.pdf (state.pa.us)
[173] State Government Committee Hearing Transcripts: Election Audits, Pg. 66. 2021_0010T.pdf (state.pa.us)

drawing the number of a precinct or number of ballots from a precinct needed to cover the two percent or 2,000 ballots.[174]

Dr. Thad Hall, Director of Voter Registration and Elections for Mercer County, referenced his time working as a former election director in Coconino County, Arizona. Hall explained Arizona's way of hand counting ballots cast with the purpose of providing the public with confidence that the ballots are being counted accurately.[175] This process also allowed political parties to be involved in hand counting to ensure the audit was being conducted correctly.[176] Hall believes Pennsylvania should adopt this procedure and make it mandatory for all counties to create a "standardized reporting format."[177] Hall also pointed out Pennsylvania has limited time to conduct audits because of the lack of time provided for "pre-canvassing."[178] If the "pre-canvassing" period is moved back, this problem could be addressed.[179] Additionally, the system used for checking in voters is outdated in some voting locations.[180] This system needs to be updated to electronic poll books to create accuracy in counting ballots on election day.[181]

When members asked if the two percent audit results are shared with the public,[182] Verelst said "no," but further explained there needs to be a standard way to carry out audits across all counties.[183] Currently, there is no statutory requirement to share the two percent audit results to the public, unless there is a Right to Know request.[184]

Members asked the testifiers who performs the two percent audits in their counties.[185] Verelst said in Sullivan County, they perform the audit but would like to have party chairs participate.[186] Hall said the same is true for Mercer County, but moving forward his county is going to involve the political parties in the process.[187] Members followed up by asking if the Department of State sends staff to assist in audits.[188] Verelst explained they do not and there is no standardized reporting required in the statute.[189] The two percent audit is filed away unless requested.[190] Hall said the same applied for his county, and commented that Arizona requires counties to submit a report to the state so the public can go online and read the audit reports.[191]

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[174] State Government Committee Hearing Transcripts: Election Audits, Pg. 66. 2021_0010T.pdf (state.pa.us)
[175] State Government Committee Hearing Transcripts: Election Audits, Pg. 49. 2021_0010T.pdf (state.pa.us)
[176] State Government Committee Hearing Transcripts: Election Audits, Pg. 49-50. 2021_0010T.pdf (state.pa.us)
[177] State Government Committee Hearing Transcripts: Election Audits, Pg. 50. 2021_0010T.pdf (state.pa.us)
[178] State Government Committee Hearing Transcripts: Election Audits, Pg. 51. 2021_0010T.pdf (state.pa.us)
[179] State Government Committee Hearing Transcripts: Election Audits, Pg. 51. 2021_0010T.pdf (state.pa.us)
[180] State Government Committee Hearing Transcripts: Election Audits, Pg. 51. 2021_0010T.pdf (state.pa.us)
[181] State Government Committee Hearing Transcripts: Election Audits, Pg. 51. 2021_0010T.pdf (state.pa.us)
[182] State Government Committee Hearing Transcripts: Election Audits, Pg. 57. 2021_0010T.pdf (state.pa.us)
[183] State Government Committee Hearing Transcripts: Election Audits, Pg. 58. 2021_0010T.pdf (state.pa.us)
[184] State Government Committee Hearing Transcripts: Election Audits, Pg. 58. 2021_0010T.pdf (state.pa.us)
[185] State Government Committee Hearing Transcripts: Election Audits, Pg. 52. 2021_0010T.pdf (state.pa.us)
[186] State Government Committee Hearing Transcripts: Election Audits, Pg. 52. 2021_0010T.pdf (state.pa.us)
[187] State Government Committee Hearing Transcripts: Election Audits, Pg. 52. 2021_0010T.pdf (state.pa.us)
[188] State Government Committee Hearing Transcripts: Election Audits, Pg. 53. 2021_0010T.pdf (state.pa.us)
[189] State Government Committee Hearing Transcripts: Election Audits, Pg. 53. 2021_0010T.pdf (state.pa.us)
[190] State Government Committee Hearing Transcripts: Election Audits, Pg. 53. 2021_0010T.pdf (state.pa.us)
[191] State Government Committee Hearing Transcripts: Election Audits, Pg. 53. 2021_0010T.pdf (state.pa.us)

When asked by members what the legislature could do to make the election process operate as optimally as possible, Verelst would like the legislature to work hand in hand with counties and create a handbook with a standardized process.[192] Hall commented saying there needs to be a pre-canvassing period and statutes need to be updated, such as the part of the statute which still refers to lanterns which were clearly used a long time ago.[193] Clearing up aspects of the law will allow for counties to understand what needs to be done with the election process.[194] Additionally, Hall would like there to be better training and guidance offered to counties, including standardized training and manuals.[195] Hall explained during his time in Arizona, the state had a 500-page manual and required a week of training for all election directors and employees.[196]

Panel 3: Department of State

Together with the Brennan Center, the Department of State addressed issues relating to the risk-limiting audit model.

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State informed the committee the state work group is working on a report in regard to risk-limiting audits to make recommendations on what is the best type of audit, the best way to administer and the kind of procedures needed to be put into place.[197] Marks explained to the committee the biggest limitations of the current statutory process is each county is doing its statistical sample independent of every other county, which causes a lack of uniformity.[198] Marks said having a single procedure at the statewide level would be very beneficial from the public perception perspective and the perspective of county officials.[199]

Liz Howard, Senior Counsel of the Brennan Center for Justice's Democracy Program, compared risk-limiting audits to the "two percent audit."[200] Howard believes risk-limiting audits have proved to be more effective and efficient because they "use statistical methodologies coupled with a hand review of paper ballots to provide confidence in the accuracy of the outcome."[201] This means, when the margin of victory is large, then the number of ballots to review is small.[202] Howard expressed these types of audits provide confirmation of the outcome of the election, versus two percent audits only provide confirmation of the accuracy of individual machines.[203]

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[192] State Government Committee Hearing Transcripts: Election Audits, Pg. 59. 2021_0010T.pdf (state.pa.us)
[193] State Government Committee Hearing Transcripts: Election Audits, Pg. 60. 2021_0010T.pdf (state.pa.us)
[194] State Government Committee Hearing Transcripts: Election Audits, Pg. 60. 2021_0010T.pdf (state.pa.us)
[195] State Government Committee Hearing Transcripts: Election Audits, Pg. 60-61. 2021_0010T.pdf (state.pa.us)
[196] State Government Committee Hearing Transcripts: Election Audits, Pg. 60. 2021_0010T.pdf (state.pa.us)
[197] State Government Committee Hearing Transcripts: Election Audits, Pg. 118. 2021_0010T.pdf (state.pa.us)
[198] State Government Committee Hearing Transcripts: Election Audits, Pg. 118. 2021_0010T.pdf (state.pa.us)
[199] State Government Committee Hearing Transcripts: Election Audits, Pg. 119. 2021_0010T.pdf (state.pa.us)
[200] State Government Committee Hearing Transcripts: Election Audits, Pg. 89. 2021_0010T.pdf (state.pa.us)
[201] State Government Committee Hearing Transcripts: Election Audits, Pg. 90. 2021_0010T.pdf (state.pa.us)
[202] State Government Committee Hearing Transcripts: Election Audits, Pg. 90. 2021_0010T.pdf (state.pa.us)
[203] State Government Committee Hearing Transcripts: Election Audits, Pg. 93. 2021_0010T.pdf (state.pa.us)

Members asked testifiers to explain the different types of audits.[204] Howard explained risk-limiting audits checks for any unintentional errors in the programming of the voting equipment causes a change in the reported outcome versus how the ballots should have been counted.[205] Members asked if the point of origin was taken into consideration to ensure the validity of tabulated ballots, and Howard stated risk-auditing is limited to serving as a tabulation audit and is focused on whether the ballots were counted correctly.[206] Howard also explained ballot comparison allows for a comparison of an individual ballot and how the machine counted the individual ballot.[207] This type of auditing is not possible in Pennsylvania because ballots need to be kept in the same order they are scanned, and this is not possible when ballots are scanned in the precinct.[208] Conversely, ballot polling consists of mixing up ballots and randomly selecting ballots across the state to analyze and then determine whether the information from the sample provides sufficient statistical information.[209]

In conclusion, members heard from testifiers on two percent audits and risk-limiting audits.[210] Members gained insight on how counties conduct these audits and the recommended changes to the auditing and election process.[211]

Recap[212]

- Best practices in other states can serve as models for a more enhanced auditing process, including audits of all parts of the election system.
- Audits that are conducted transparently and consistently across the state, then released publicly, could better reassure Pennsylvanians that election outcomes are accurate.
- Having an independent entity such as the Auditor General conduct post-election audits could provide additional reliability and oversight.

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[204] State Government Committee Hearing Transcripts: Election Audits, Pg. 94. 2021_0010T.pdf (state.pa.us)
[205] State Government Committee Hearing Transcripts: Election Audits, Pg. 94-95. 2021_0010T.pdf (state.pa.us)
[206] State Government Committee Hearing Transcripts: Election Audits, Pg. 101. 2021_0010T.pdf (state.pa.us)
[207] State Government Committee Hearing Transcripts: Election Audits, Pg. 102. 2021_0010T.pdf (state.pa.us)
[208] State Government Committee Hearing Transcripts: Election Audits, Pg. 102-103. 2021_0010T.pdf (state.pa.us)
[209] State Government Committee Hearing Transcripts: Election Audits, Pg. 103. 2021_0010T.pdf (state.pa.us)
[210] State Government Committee Hearing Transcripts: Election Audits, Pg. 65-66 206521_0010T.pdf (state.pa.us)
[211] State Government Committee Hearing Transcripts: Election Audits, Pg. 65-66. 2021_0010T.pdf (state.pa.us)
[212] [212] Chairman's Recap., Feb. 11, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/370280002.mp4

Voter Registration

Highlights[213]

- Web Application Programming Interface (API) platforms used by third-party groups present security concerns and are unnecessary given the introduction of online voter registration through the Department of State.
- A voter registration deadline only 15 days prior to an election is burdensome on counties and does not allow for proper safeguards to be applied to registration systems.
- Counties are currently able to register a voter prior to receiving all required information for that voter, a process that introduces risk and uncertainty into the election process.

Hearing Summary

On March 4, 2021, the State Government Committee held a hearing on the voter registration process within the Commonwealth.[214] The purpose of the hearing was to gain a better understanding of how individuals registered to vote and how the state can improve registration practices moving forward.[215]

Panel 1: Department of State

Discussions with this panel centered around several areas: the voter registration process, Web API, and voter rolls.

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State explained the voter registration process to members. During this process, the specified county election office will receive the voter registration form and then will start the vetting process to ensure the individual applying is eligible to vote.[216] This involves using the SURE system and the statewide voter registry to verify one's identification.[217] Marks stated: "[t]he statute is very clear. The Department does not pass on the qualifications of registrants. Counties do that. That is not the Department's role. But it is our role to ensure that they have the appropriate tools in place to do what they need to do. And sometimes that involves us making changes to the system that will prompt somebody to take the appropriate step at the appropriate time."[218] Marks further stated: "[s]ometimes we will put hard stops in there to make sure they don't make the wrong decision at the wrong time and allow something to slip through the cracks."[219] He also noted the system "tracks" all changes.[220]

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[213] Chairman's recap. March 4, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/382142364.mp4
[214] State Government Committee Hearing Transcripts: Voter Registration, Pg. 1. 2021_0037T.pdf (state.pa.us)
[215] State Government Committee Hearing Transcripts: Voter Registration, Pg. 7. 2021_0037T.pdf (state.pa.us)
[216] State Government Committee Hearing Transcripts: Voter Registration, Pg. 6-7. 2021_0037T.pdf (state.pa.us)
[217] State Government Committee Hearing Transcripts: Voter Registration, Pg. 7. 2021_0037T.pdf (state.pa.us)
[218] State Government Committee Hearing Transcripts: Voter Registration, Pg. 12. 2021_0037T.pdf (state.pa.us)
[219] State Government Committee Hearing Transcripts: Voter Registration, Pg. 13. 2021_0037T.pdf (state.pa.us)
[220] State Government Committee Hearing Transcripts: Voter Registration, Pg. 13. 2021_0037T.pdf (state.pa.us)

Marks addressed member concerns surrounding the voter registration deadline shifting from thirty days to fifteen days prior to election day.[221] Marks said this changed the way the Department supports county efforts.[222] Marks did not that believe it was a problem from the Department's perspective and did not create any unique challenges for the Department.[223] However, Marks further stated it was probably: "[a] question better asked of a county election official."[224] But Marks did note: "[m]oving that window, changing that window, meant that there was a lot of activity in the system during a compressed period of time."[225]

Committee members brought up the standards for Web Application Programming Interface (Web API).[226] Marks stated the Department outlines the specific requirements which need to be met in order for Web API to be used.[227] After the agreement is signed and the application is developed, a testing phase ensures the data is going directly to the Department through the Web API.[228] Marks stated: "at no point in this process does anyone who any of the registrants who have Web API have access to the SURE database, or even to the Department's infrastructure."[229] When members asked if Web API can keep voter registration data to themselves, Marks stated: "[Y]es. Just like a paper voter registration drive, it's not unusual for voter registration drives to keep photocopies if they're doing it on paper."[230] When members asked if voter registration forms possess the same information needed to apply for a mail-in ballot, Marks replied: "[I]t is effectively the same information."[231]

Members asked about the process of the Motor Voter Registration. Marks said when an individual applies for a driver's license, they are asked if the individual is eligible to vote.[232] If the individual is eligible, the screen will move through the registration process. Once completed, the Department is sent a file from PennDOT three times a week that includes the registrants.[233] Data is sent, along with the image of the signature captured to be placed in the SURE system.[234] From there, counties receive the applications from the Department of Transportation to process them.[235]

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[221] State Government Committee Hearing Transcripts: Voter Registration, Pg. 14. 2021_0037T.pdf (state.pa.us)
[222] State Government Committee Hearing Transcripts: Voter Registration, Pg. 14. 2021_0037T.pdf (state.pa.us)
[223] State Government Committee Hearing Transcripts: Voter Registration, Pg. 15. 2021_0037T.pdf (state.pa.us)
[224] State Government Committee Hearing Transcripts: Voter Registration, Pg. 15. 2021_0037T.pdf (state.pa.us)
[225] State Government Committee Hearing Transcripts: Voter Registration, Pg. 14. 2021_0037T.pdf (state.pa.us)
[226] State Government Committee Hearing Transcripts: Voter Registration, Pg. 17. 2021_0037T.pdf (state.pa.us)
[227] State Government Committee Hearing Transcripts: Voter Registration, Pg. 17. 2021_0037T.pdf (state.pa.us)
[228] State Government Committee Hearing Transcripts: Voter Registration, Pg. 18. 2021_0037T.pdf (state.pa.us)
[229] State Government Committee Hearing Transcripts: Voter Registration, Pg. 18. 2021_0037T.pdf (state.pa.us)
[230] State Government Committee Hearing Transcripts: Voter Registration, Pg. 22. 2021_0037T.pdf (state.pa.us)
[231] State Government Committee Hearing Transcripts: Voter Registration, Pg. 23. 2021_0037T.pdf (state.pa.us)
[232] State Government Committee Hearing Transcripts: Voter Registration, Pg. 19. 2021_0037T.pdf (state.pa.us)
[233] State Government Committee Hearing Transcripts: Voter Registration, Pg. 19-20. 2021_0037T.pdf (state.pa.us)
[234] State Government Committee Hearing Transcripts: Voter Registration, Pg. 20. 2021_0037T.pdf (state.pa.us)
[235] State Government Committee Hearing Transcripts: Voter Registration, Pg. 20. 2021_0037T.pdf (state.pa.us)

Marks was also asked about "internal controls" to review voter registration drives.[236] He explained there are "built-in systematic checks on eligibility," as well as voter ID requirements in place for first-time voters.[237]

Members asked if the Department reviewed death record information and how often.[238] Marks said they do receive death record information from the Department of Health, and in state statute it is required to be transmitted monthly.[239] However, the Department transmits the data to counties every couple of weeks to make the process of inputting the data easier.[240] Marks commented death record information could be obtained through the ERIC program, and it would be helpful to obtain information from any authoritative source, including ERIC, which receives data from the Social Security Administration.[241]

Members asked if there is a law that calls for voter rolls to be cleaned up so many days before an election.[242] Marks replied in Federal elections there is a 90-day period prior to the election where voter list maintenance cannot be conducted, however, this does not apply to deceased voters.[243] In Pennsylvania's voter registration laws, this 90-day period only applies to the November elections.[244]

Marks also explained the difference between removal versus cancelled voter records.[245] He also addressed records with out-of-date birthdates and in some instances the need for them.[246] He commented: "as we go into the new system we have correct, accurate birthdays for every single voter in the Commonwealth. Now you're going to have data entry errors. That's going to happen, and I don't know that we're ever going to eliminate the human element of this. But certainly, the entire system can prompt, warn, and provide messaging to users to avoid these occurrences as often as possible."[247]

Panel 2: Ohio Secretary of State

Discussions in this panel with Ohio Secretary of State Frank LaRose outlined the various ways Ohio has improved the election process and highlighted what practices Pennsylvania can implement to better improve its process, in areas such as signature verification, voter identification, absentee ballots, and voter rolls.[248]

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[236] State Government Committee Hearing Transcripts: Voter Registration, Pg. 23. 2021_0037T.pdf (state.pa.us)
[237] State Government Committee Hearing Transcripts: Voter Registration, Pg. 23. 2021_0037T.pdf (state.pa.us)
[238] State Government Committee Hearing Transcripts: Voter Registration, Pg. 24. 2021_0037T.pdf (state.pa.us)
[239] State Government Committee Hearing Transcripts: Voter Registration, Pg. 25. 2021_0037T.pdf (state.pa.us)
[240] State Government Committee Hearing Transcripts: Voter Registration, Pg. 25. 2021_0037T.pdf (state.pa.us)
[241] State Government Committee Hearing Transcripts: Voter Registration, Pg. 25-26. 2021_0037T.pdf (state.pa.us)
[242] State Government Committee Hearing Transcripts: Voter Registration, Pg. 36. 2021_0037T.pdf (state.pa.us)
[243] State Government Committee Hearing Transcripts: Voter Registration, Pg. 36. 2021_0037T.pdf (state.pa.us)
[244] State Government Committee Hearing Transcripts: Voter Registration, Pg. 36. 2021_0037T.pdf (state.pa.us)
[245] State Government Committee Hearing Transcripts: Voter Registration, Pg. 29. 2021_0037T.pdf (state.pa.us)
[246] State Government Committee Hearing Transcripts: Voter Registration, Pg. 33-34. 2021_0037T.pdf (state.pa.us)
[247] State Government Committee Hearing Transcripts: Voter Registration, Pg. 34. 2021_0037T.pdf (state.pa.us)
[248] State Government Committee Hearing Transcripts: Voter Registration, Pg. 39-49. 2021_0037T.pdf (state.pa.us)

LaRose pointed out that Ohio has a very strict bipartisan structure which has proven to build voter confidence.[249] Both Republicans and Democrats must work together to ensure bipartisan oversight is a part of every aspect of elections.[250]

LaRose explained voter confidence is gained by allowing the Board of Elections to get the vote count to the public as quickly as possible.[251] This is obtained by processing absentee ballots immediately by cutting them open and verifying identification information so once polls close, votes can be tabulated right away.[252] LaRose pointed out it is essential to maintain accurate voter rolls.[253] This can be done by working with ERIC, the Department of Health to eliminate anyone who is deceased, and the U.S. Postal Service to highlight those who have moved within the state or out of state.[254]

Members asked what voter identification requirements are practiced in Ohio.[255] LaRose stated Ohio requires individuals to authenticate identity at the point of registration, requesting an absentee ballot and when voting in person.[256] For those which do not have a state-issued ID, Ohio provides a list of alternate identification, such as paystubs, a government document or a utility bill.[257] If the individual does not obtain any of these alternatives, then they are issued a provisional ballot to cast a vote. However, the individual then has ten days to provide ID for the vote to be counted.[258]

Members asked how Ohio handles signature verification.[259] LaRose explained some larger counties have the resources to have automatic scanning machines to filter out the most egregious signatures for human inspection.[260] However, this still creates a human element to the inspection.[261] LaRose explained some individual's signature can change over time due to many reasons.[262] He stated in this case, an individual would file a form with the county board of elections to notify them of the signature change.[263]

Members also asked about voter list maintenance.[264] LaRose explained Ohio uses the STEVE file, which is information received from the Department of Health that is passed on to the county.[265] Ohio also conducts an annual inspection of voter rolls for noncitizens.[266] With respect

[249] State Government Committee Hearing Transcripts: Voter Registration, Pg. 43. 2021_0037T.pdf (state.pa.us)
[250] State Government Committee Hearing Transcripts: Voter Registration, Pg. 44. 2021_0037T.pdf (state.pa.us)
[251] State Government Committee Hearing Transcripts: Voter Registration, Pg. 44. 2021_0037T.pdf (state.pa.us)
[252] State Government Committee Hearing Transcripts: Voter Registration, Pg. 44. 2021_0037T.pdf (state.pa.us)
[253] State Government Committee Hearing Transcripts: Voter Registration, Pg. 47. 2021_0037T.pdf (state.pa.us)
[254] State Government Committee Hearing Transcripts: Voter Registration, Pg. 47-48. 2021_0037T.pdf (state.pa.us)
[255] State Government Committee Hearing Transcripts: Voter Registration, Pg. 56. 2021_0037T.pdf (state.pa.us)
[256] State Government Committee Hearing Transcripts: Voter Registration, Pg. 56. 2021_0037T.pdf (state.pa.us)
[257] State Government Committee Hearing Transcripts: Voter Registration, Pg. 57. 2021_0037T.pdf (state.pa.us)
[258] State Government Committee Hearing Transcripts: Voter Registration, Pg. 57. 2021_0037T.pdf (state.pa.us)
[259] State Government Committee Hearing Transcripts: Voter Registration, Pg. 58. 2021_0037T.pdf (state.pa.us)
[260] State Government Committee Hearing Transcripts: Voter Registration, Pg. 58. 2021_0037T.pdf (state.pa.us)
[261] State Government Committee Hearing Transcripts: Voter Registration, Pg. 58. 2021_0037T.pdf (state.pa.us)
[262] State Government Committee Hearing Transcripts: Voter Registration, Pg. 58-59. 2021_0037T.pdf (state.pa.us)
[263] State Government Committee Hearing Transcripts: Voter Registration, Pg. 59. 2021_0037T.pdf (state.pa.us)
[264] State Government Committee Hearing Transcripts: Voter Registration, Pg. 59. 2021_0037T.pdf (state.pa.us)
[265] State Government Committee Hearing Transcripts: Voter Registration, Pg. 59-60. 2021_0037T.pdf (state.pa.us)
[266] State Government Committee Hearing Transcripts: Voter Registration, Pg. 61. 2021_0037T.pdf (state.pa.us)

to voter list maintenance/cleaning the rolls, LaRose indicated this is required in their law, but it is an "antiquated statute" and he has proposed the creation of a more "automated system."[267] He also discussed how Ohio needs a "top-down voter registration system so that we truly had a statewide voter registration database."[268]

LaRose also explained his state's two identity protection systems, Safe at Home and Shielding Our Protectors, that protect the individual voter information of citizens when needed.[269] While Ohio lists actual birthdates to protect voters, Pennsylvania lists birthdates back to the 1800s.[270]

Panel 3: County Election Official

Discussions with this panel centered around implementation of voter registration at the county level.

Forrest Lehman, Director of Elections and Registration from Lycoming County, explained the SURE modernization project is very important in Pennsylvania because it is going to provide relief to counties on the voter registration system front.[271]

Lehman was asked how these applications are "processed," and he explained that applications are received in "batches," and the county is basically responsible for: "[e]very one of those is an application, a data point that we're trying to match against someone in the SURE system to process it."[272]

Members asked what process is in place if third party entities are not collecting a driver's license or Social Security number when registering an individual.[273] Lehman stated these voter registration applications must be processed as a new registered voter.[274] He explained: "[a] voter indicates on a paper or online application that they affirmatively state, I have neither a driver's license number nor a Social Security number, we have to process that application. That's an affirmative selection the voter made, and the information they're providing on that application, they're signing off on it stating that the information is true and accurate to the best of their knowledge and belief."[275] Lehman did explain later in his testimony when counties receive applications with missing information they do try and reach out to the applicant, but sometimes those applications get declined in certain circumstances.[276]

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[267] State Government Committee Hearing Transcripts: Voter Registration, Pg. 64. 2021_0037T.pdf (state.pa.us)
[268] State Government Committee Hearing Transcripts: Voter Registration, Pg. 68. 2021_0037T.pdf (state.pa.us)
[269] State Government Committee Hearing Transcripts: Voter Registration, Pg. 71. 2021_0037T.pdf (state.pa.us)
[270] State Government Committee Hearing Transcripts: Voter Registration, Pg. 70. 2021_0037T.pdf (state.pa.us)
[271] State Government Committee Hearing Transcripts: Voter Registration, Pg. 76. 2021_0037T.pdf (state.pa.us)
[272] State Government Committee Hearing Transcripts: Voter Registration, Pg. 80. 2021_0037T.pdf (state.pa.us)
[273] State Government Committee Hearing Transcripts: Voter Registration, Pg. 80. 2021_0037T.pdf (state.pa.us)
[274] State Government Committee Hearing Transcripts: Voter Registration, Pg. 81. 2021_0037T.pdf (state.pa.us)
[275] State Government Committee Hearing Transcripts: Voter Registration, Pg. 81. 2021_0037T.pdf (state.pa.us)
[276] State Government Committee Hearing Transcripts: Voter Registration, Pg. 94-95. 2021_0037T.pdf (state.pa.us)

As a follow-up he was also asked why a person's voter ID number could not be used as verification of their identity.[277] Lehman explained there are both administrative and practical as well as privacy concerns that point to reasons why it can't be used.[278]

Members asked how the state ensures double votes are not being counted between states.[279] Lehman explained in Pennsylvania there are checks in place to ensure there are not duplicate registrations.[280] Lehman explained his county receives data from other states and it either comes from the counties or the Secretary of State's office, which creates lag times.[281]

Lehman addressed member questions on the change in the deadline for voters to register from thirty days to fifteen days prior to the election.[282] Lehman described this as: "[t]he fifteen-day close of registration has created this new two-week period of what I can only describe as administrative chaos in counties."[283] Counties had to keep up with large registration volumes and mail-in ballot applications, while having to prepare for the election by testing the voter equipment and preparing precinct supplies for in-person voting.[284]

Lehman was also asked about list maintenance.[285] He expressed data received from ERIC would be received more frequently and encouraged the committee to change the Election Code for counties to be allowed to utilize it.[286] Additionally, Lehman encouraged the committee to allow counties to utilize additional reliable data streams to update deceased voters.[287]

Panel 4: Electronic Registration Information Center (ERIC)

Shane Hamlin, Executive Director of the Electronic Registration Information Center (ERIC), explained the purpose of ERIC is to provide a tool to help state and local election officials to maintain accurate voter rolls, register citizens and improve the voting process.[288] Hamlin suggested Pennsylvania could improve in ensuring voter lists are accurate by modernizing its SURE system.[289] Hamlin described the SURE system as "old" and "inefficient."[290]

Members asked what Pennsylvania can improve on to ensure more accurate voter rolls.[291] Hamlin recommended Pennsylvania allow counties to use death record data ERIC obtains from

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[277] State Government Committee Hearing Transcripts: Voter Registration, Pg. 83. 2021_0037T.pdf (state.pa.us)
[278] State Government Committee Hearing Transcripts: Voter Registration, Pg. 83. 2021_0037T.pdf (state.pa.us)
[279] State Government Committee Hearing Transcripts: Voter Registration, Pg. 84-85. 2021_0037T.pdf (state.pa.us)
[280] State Government Committee Hearing Transcripts: Voter Registration, Pg. 85. 2021_0037T.pdf (state.pa.us)
[281] State Government Committee Hearing Transcripts: Voter Registration, Pg. 85. 2021_0037T.pdf (state.pa.us)
[282] State Government Committee Hearing Transcripts: Voter Registration, Pg. 86. 2021_0037T.pdf (state.pa.us)
[283] State Government Committee Hearing Transcripts: Voter Registration, Pg. 87. 2021_0037T.pdf (state.pa.us)
[284] State Government Committee Hearing Transcripts: Voter Registration, Pg. 87. 2021_0037T.pdf (state.pa.us)
[285] State Government Committee Hearing Transcripts: Voter Registration, Pg. 98-99. 2021_0037T.pdf (state.pa.us)
[286] State Government Committee Hearing Transcripts: Voter Registration, Pg. 99. 2021_0037T.pdf (state.pa.us)
[287] State Government Committee Hearing Transcripts: Voter Registration, Pg. 99. 2021_0037T.pdf (state.pa.us)
[288] State Government Committee Hearing Transcripts: Voter Registration, Pg. 108. 2021_0037T.pdf (state.pa.us)
[289] State Government Committee Hearing Transcripts: Voter Registration, Pg. 116. 2021_0037T.pdf (state.pa.us)
[290] State Government Committee Hearing Transcripts: Voter Registration, Pg. 116. 2021_0037T.pdf (state.pa.us)
[291] State Government Committee Hearing Transcripts: Voter Registration, Pg. 115. 2021_0037T.pdf (state.pa.us)

the Social Security Administration.[292] Additionally, Hamlin suggested to maintain safeguards to protect voters who might be misidentified as deceased or as a mover.[293]

Members asked whether Pennsylvania would receive voter participation reports to identify possible cases of illegal voting and the National Change of Address (NCOA) report. Hamlin replied this would be on the request of the state.[294] He further stated Pennsylvania requested the NCOA report and requested to participate in the voter participation report for the 2020 election.[295]

In conclusion, the committee gained greater insight on the voter registration process and the improvements can be made moving forward.[296] Members heard about the practices implemented in Ohio[297] and how they can learn from the registration model, while also gaining insight on the ERIC system and how this can aid counties when updating voter rolls.[298]

Recap[299]

- Further codifying online voter registration would ensure its continued availability and present an opportunity for eliminating the risk inherent in third-party Web API programs.
- Returning the voter registration deadline to 30 days prior to an election, as it was prior to Act 77, would benefit counties while providing additional election integrity.
- Requiring that all necessary biographical and citizenship information be received and verified prior to accepting a voter registration application would enhance election integrity and simplify county administrative processes.
- Timely exchange of data from other states, including through full utilization of the ERIC system, would improve voter list accuracy.
- New SURE system must reduce human and data entry error.

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[292] State Government Committee Hearing Transcripts: Voter Registration, Pg. 115-116. 2021_0037T.pdf (state.pa.us)

[293] State Government Committee Hearing Transcripts: Voter Registration, Pg. 116. 2021_0037T.pdf (state.pa.us)

[294] State Government Committee Hearing Transcripts: Voter Registration, Pg. 110. 2021_0037T.pdf (state.pa.us)

[295] State Government Committee Hearing Transcripts: Voter Registration, Pg. 110-111. 2021_0037T.pdf (state.pa.us)

[296] State Government Committee Hearing Transcripts: Voter Registration, Pg. 7. 2021_0037T.pdf (state.pa.us)

[297] State Government Committee Hearing Transcripts: Voter Registration, Pg. 56-59. 2021_0037T.pdf (state.pa.us)

[298] State Government Committee Hearing Transcripts: Voter Registration, Pg. 108-109. 2021_0037T.pdf (state.pa.us)

[299] Chairman's recap. March 4, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/382142364.mp4

Certification and Operation of Voting Machines with Demonstrations

Highlights[300]

- Pre-testing of election machines should be conducted publicly and transparently, with software updates also subject to certification.
- Voting machines have an inevitable shelf life and replacement date; Pennsylvania must plan to provide counties with the resources they need to update election infrastructure when necessary.
- Although all voting machines are required to be completely disconnected from the internet, other types of technological developments can be used to enhance election administration and integrity.

Hearing Summary

On March 10, 2021, the State Government Committee held a hearing on the certification of voting machines and how they operate.[301] This hearing investigated the extensive certification process of voting machines conducted by the State and Federal Government.[302]

Panel 1: Election Certification Process

Discussions in this first panel related to the process for certification of voting machines in Pennsylvania.

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State was asked by the committee to explain the difference between Federal and State certification standards when evaluating voting machines.[303] Marks said before a voting system vendor can bring a system to be tested at the Department of State, the system first has to be tested by an independent testing authority at the federal level, under the U.S. Election Assistance Commission (EAC).[304] The difference between the testing the EAC does and testing conducted by the Department of State, is the state does additional code review, penetration testing and functional testing.[305] The federal testing is a prerequisite to state testing, meaning the state does further testing of the voting systems before they are certified in Pennsylvania.[306]

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[300] Chairman's recap. March 10, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/808283788.mp4
[301] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 1. 2021_0055T.pdf (state.pa.us)
[302] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 5. 2021_0055T.pdf (state.pa.us)
[303] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 14. 2021_0055T.pdf (state.pa.us)
[304] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 14. 2021_0055T.pdf (state.pa.us)
[305] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 15. 2021_0055T.pdf (state.pa.us)
[306] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 16. 2021_0055T.pdf (state.pa.us)

Marks was asked whether because Pennsylvania uses a combination of federal and state standards, this combination results in Pennsylvania's overall standards being more stringent.[307] Marks confirmed this and explained federal testing is the baseline required as a prerequisite to State testing, with additional security testing required before machines can be certified in Pennsylvania.[308] Marks further stated if a voting machine does not get cleared by the EAC, the voting machine is not assessed by the state.[309]

When the committee questioned the recommended life cycle of voting systems, Marks replied it depends on the individual system, but the lifespan can be from eight to twelve years.[310] The biggest risk with these machines is the lifespan of the hardware, if the software can be updated, and the integrity of the software being protected.[311] Additionally, there are two mechanisms that can be used to reevaluate these machines.[312] Marks explained that the first way is for voters to request a reexamination by petition and the second is the Secretary of the Commonwealth using discretion to reexamine a voting system if there is reason to believe the machine has been compromised.[313]

Members asked Marks to explain the transparency process with the certification of voting machines.[314] Marks explained pre-election logic and accuracy testing, along with post-election testing and auditing are done during the canvass and done in an open setting, allowing candidates and their representatives to be in attendance.[315]

Members asked what is certified within voting machines.[316] Marks stated every component of the machine is tested.[317] Each machine has an election management system used by the county and the jurisdiction to set up an election; this includes testing the hardware voters use, ballot marking

[307] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 16. 2021_0055T.pdf (state.pa.us)
[308] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 16. 2021_0055T.pdf (state.pa.us)
[309] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 16. 2021_0055T.pdf (state.pa.us)
[310] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 23. 2021_0055T.pdf (state.pa.us)
[311] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 24. 2021_0055T.pdf (state.pa.us)
[312] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 25. 2021_0055T.pdf (state.pa.us)
[313] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 25-26. 2021_0055T.pdf (state.pa.us)
[314] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 22. 2021_0055T.pdf (state.pa.us)
[315] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 22-23. 2021_0055T.pdf (state.pa.us)
[316] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 20. 2021_0055T.pdf (state.pa.us)
[317] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 20. 2021_0055T.pdf (state.pa.us)

device, and scanners which tabulate the ballots after being cast. Every component of the machine is tested to ensure accuracy.[318]

Marks addressed the concerns of the storage of ballots after an election.[319] Marks explained there is a retention period of eleven months, according to the Election Code for counties to keep ballots within this period.[320]

Panel 2: How the Voting Machines work (Demonstrations)

The committee members watched video demonstrations of every election machine used by counties within the Commonwealth. These videos can be viewed on the Department of State's website.[321]

Panel 3: Election Machine Operations, Issues and Troubleshooting

Discussions on this panel centered around election machine operations, issues and troubleshooting from the perspective of a county election official.

Timothy Benyo, Chief Clerk of the Lehigh County Election Board, explained what type of preparation goes into voting machines prior to election day.[322] Members asked what type of preparation is done ahead of time with voting machines.[323] Benyo explained the first step is to go through the logic and accuracy testing which is done by each county to identify any problems or differences in the coding of every machine.[324] This includes ensuring each precinct is correctly assigned and the correct cardstock is being used.[325]

Members asked about the security in place for these machines.[326] Benyo described the storage of voting machines when not in use.[327] In Lehigh County, the voting machines are placed in a

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[318] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 20. 2021_0055T.pdf (state.pa.us)
[319] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 31. 2021_0055T.pdf (state.pa.us)
[320] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 31. 2021_0055T.pdf (state.pa.us)
[321] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 34-35. 2021_0055T.pdf (state.pa.us)
[322] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 39. 2021_0055T.pdf (state.pa.us)
[323] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 39. 2021_0055T.pdf (state.pa.us)
[324] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 39. 2021_0055T.pdf (state.pa.us)
[325] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 40. 2021_0055T.pdf (state.pa.us)
[326] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 40. 2021_0055T.pdf (state.pa.us)
[327] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 40. 2021_0055T.pdf (state.pa.us)

warehouse which has 24/7 security.[328] When members asked if there is a uniform standard across all counties when storing voting machines with video surveillance, Benyo stated: "[I] would assume not all 67 counties do have video surveillance, but there are locks and procedures to keep everything [safe], I'm sure."[329] Benyo was asked what a "robust chain of custody" meant to him.[330] He responded: "[t]o me, it means I know who has access to each part of the election system."[331] He also noted, however, that the interpretation of "robust" could vary across 67 counties' opinions.[332]

When asked how the public is notified regarding pre-testing voting machines, Benyo explained newspaper ads and posts on social media are made to make the public aware of what is going on and to encourage voters to come and see how the process is conducted.[333]

During member questioning if voting machines are connected to the internet, Benyo explained to the committee: "[m]ost of the devices are never connected to the internet."[334] The only web-based connection devices are the electronic poll books.[335] Voting machines have an encrypted USB drive which is specific to each machine and each election.[336] These USB drives are removed after election night and brought by poll workers to a central location to put into the tabulating machines.[337] Each machine is then sealed and locked up for twenty days after the election for the purpose of a recount or if the machine needs examined.[338] Members followed up asking about the memory cards and the chain of custody of who has the memory card at all times.[339] Benyo explained there is a chain to be followed and by law the memory cards need to always be kept.[340]

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[328] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 40. 2021_0055T.pdf (state.pa.us)

[329] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 41. 2021_0055T.pdf (state.pa.us)

[330] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 41. 2021_0055T.pdf (state.pa.us)

[331] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 41. 2021_0055T.pdf (state.pa.us)

[332] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 42. 2021_0055T.pdf (state.pa.us)

[333] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 46. 2021_0055T.pdf (state.pa.us)

[334] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 54. 2021_0055T.pdf (state.pa.us)

[335] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 55. 2021_0055T.pdf (state.pa.us)

[336] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 51. 2021_0055T.pdf (state.pa.us)

[337] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 51. 2021_0055T.pdf (state.pa.us)

[338] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 52. 2021_0055T.pdf (state.pa.us)

[339] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 52. 2021_0055T.pdf (state.pa.us)

[340] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 52. 2021_0055T.pdf (state.pa.us)

Members asked if any post-election audits are conducted on voting machines after polls close to ensure nothing was broken or damaged.[341] Benyo explained this does not occur within the time the county is restricted from touching the machines.[342] After this period, the machines are checked, and broken parts are fixed.[343]

Panel 4: Other State Voting Machine Certification and Operation

Discussions with this panel centered around the State of Florida and its voting machine operation and certification. Paul Lux, CERA, Supervisor of Elections from Okaloosa County, Florida gave an overview of Florida's voting system certification process.[344] Lux explained all testing machines go through an extensive system check, such as logic, accuracy and functionality testing.[345] If any machine has an abnormality, the state will send an investigative team to ensure the software has not been tampered with.[346] One way Florida differs from Pennsylvania is the polling place procedure manual is applicable statewide.[347] Florida ensures every poll worker has a manual to follow in the event of a system malfunction.[348] With these standard procedures put in place, there is no confusion on how a situation needs to be followed.[349]

Members asked about Florida's voting systems certification standards and how they compare to the EAC. Lux explained Florida's guidelines go further than the EAC guidelines due to the voting process being conducted differently.[350] Lux further explained one difference in the ability to conduct a Universal Primary Contest.[351] This means if only people from one political party sign up to run for political office, then that race in the primary is open to all voters regardless of

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[341] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 53. 2021_0055T.pdf (state.pa.us)
[342] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 53. 2021_0055T.pdf (state.pa.us)
[343] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 54. 2021_0055T.pdf (state.pa.us)
[344] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 66-67. 2021_0055T.pdf (state.pa.us)
[345] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 78. 2021_0055T.pdf (state.pa.us)
[346] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 79. 2021_0055T.pdf (state.pa.us)
[347] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 81. 2021_0055T.pdf (state.pa.us)
[348] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 82. 2021_0055T.pdf (state.pa.us)
[349] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 82. 2021_0055T.pdf (state.pa.us)
[350] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 67. 2021_0055T.pdf (state.pa.us)
[351] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 68. 2021_0055T.pdf (state.pa.us)

party.[352] This allows for Democratic ballots to have Republicans on them and vice versa.[353] Lux expressed this is one example Florida law must address with voting systems.[354]

Members asked what types of systems are tested in Florida, and Lux stated the main testing occurs within the election management system, which includes the bank and servers which looks at ballot layouts and tabulators.[355]Additionally, Lux said the actual hardware itself, high-speed scanners and precinct-based scanners are part of the Bureau of Voting Systems certification tests.[356] Members asked how often Florida tests its machines to ensure proper function.[357] Lux explained their systems go through logic and accuracy testing before each election to ensure everything is working the way it should.[358]

In conclusion, the committee gained insight on the extensive certification process of voting machines,[359]while looking at the ways Florida implements system checks.[360] Additionally, the way voting machines are handled during and after an election was discussed.[361]

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[352] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 68. 2021_0055T.pdf (state.pa.us)
[353] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 69. 2021_0055T.pdf (state.pa.us)
[354] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 69. 2021_0055T.pdf (state.pa.us)
[355] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 71. 2021_0055T.pdf (state.pa.us)
[356] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 72. 2021_0055T.pdf (state.pa.us)
[357] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 78. 2021_0055T.pdf (state.pa.us)
[358] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 78. 2021_0055T.pdf (state.pa.us)
[359] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 14. 2021_0055T.pdf (state.pa.us)
[360] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 66. 2021_0055T.pdf (state.pa.us)
[361] State Government Committee Hearing Transcripts: Certification and Operation of Voting Machines, Pg. 40 2021_0055T.pdf (state.pa.us)

<u>Recap</u>[362]

- Certifying all systems and software used in election administration, conducting tests in public, transparent ways, and requiring pre-election testing of machines, would reassure voters of the integrity of the election process and safeguard against fraud or attacks. Florida provides a model of best practices in this area.
- Pennsylvania should plan for the regular need to update election infrastructure, including for ways to provide counties the resources they need to afford new machines when necessary.
- By properly utilizing emerging technology to operate and streamline election administration, Pennsylvania can ensure election integrity while reducing the burden on county administrators.

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[362] Chairman's recap. March 10, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/808283788.mp4

No Excuse Mail-in and Absentee Ballots

Highlights[363]

- The current timeline for ballot requests does not reflect a feasible timeline for delivering and returning a ballot, failing both voters and election administrators.
- Signature verification must be applied to mail-in and absentee ballots in an accurate, uniform manner across the Commonwealth.
- Voter ID should be implemented fairly and accessibly, with all eligible voters able to receive a free compliant identification.
- Any place where a ballot is being cast should be treated as a polling place, with meaningful access for bipartisan observers as well as consistent accessibility requirements.

Hearing Summary

On March 18, 2021, the State Government Committee held a hearing on no excuse mail-in ballots and absentee ballots.[364] This hearing reviewed the changes made through Act 77 of 2019 and Act 12 of 2020 pertaining to no excuse mail-in ballots and absentee ballots.[365]

Panel 1: PA Department of State

Discussion on this panel centered around the Department's first-time implementation of mail-in ballots during the 2020 election cycle.

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State explained to the committee the significant impact Act 77 of 2019 had on the 2020 election. With no one being able to predict a global pandemic, this change allowed individuals who did not feel safe to physically vote to apply for a no-excuse mail in ballot.[366] Marks further discussed in a typical presidential election, prior to the 2020 election, the state would have received around 300,000 absentee ballots.[367] Between absentee and mail-in ballots for the 2020 election, Pennsylvania had 2.7 million absentee and mail-in ballots cast by voters in the Commonwealth.[368]

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[363] Chairman's recap. March 18, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/370367025.mp4

[364] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 1. 2021_0060T.pdf (state.pa.us)

[365] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 4. 2021_0060T.pdf (state.pa.us)

[366] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 17. 2021_0060T.pdf (state.pa.us)

[367] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 17. 2021_0060T.pdf (state.pa.us)

[368] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 17. 2021_0060T.pdf (state.pa.us)

Members asked what steps are taken to verify a voter filled out their own ballot.[369] Marks stated the ballot is going directly to the voter's address.[370] They then must complete a declaration on the incoming ballot and send it back to the board of elections or deliver it in person.[371] Additionally, there are specific statutory requirements if an individual assists the voter in filing out the ballot.[372] The voter must authorize an individual to aid and then they can assist in delivering the ballot.[373]

Members asked what safeguards are put in place to ensure mail-in ballots are only sent to those who are eligible to vote.[374] Marks explained that in Pennsylvania, if a voter wants a ballot, they have to request one.[375] Upon request, the individual then needs to provide identification which must be verified.[376] If the voter cannot provide identification, they are then still issued a ballot, but their ballot will not be counted until the proper identification is provided within six days after the election.[377] If a voter wants to know if a request was made in their name, Pennsylvania's transparent system allows for the Department's website to display if a request was made.[378]

Marks was further asked why someone should be allowed to register to vote without that information being affirmed prior to vote.[379] Marks explained that voter registration requirements are different.[380] Identification is required to register to vote. [381] However, Marks stated: "[t]here is no explicit federal requirement or state requirement that requires that identification to be validated. So, if a voter registers to vote and they say they don't have either one of those identification numbers, the county will try to get the information. They must make reasonable efforts to get the information. They can't flat out, absolute reject the application, but they do

[369] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 25. 2021_0060T.pdf (state.pa.us)
[370] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 25. 2021_0060T.pdf (state.pa.us)
[371] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 25. 2021_0060T.pdf (state.pa.us)
[372] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 25. 2021_0060T.pdf (state.pa.us)
[373] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 25. 2021_0060T.pdf (state.pa.us)
[374] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 21. 2021_0060T.pdf (state.pa.us)
[375] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 21. 2021_0060T.pdf (state.pa.us)
[376] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 22. 2021_0060T.pdf (state.pa.us)
[377] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 22. 2021_0060T.pdf (state.pa.us)
[378] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 29. 2021_0060T.pdf (state.pa.us)
[379] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 26. 2021_0060T.pdf (state.pa.us)
[380] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 26. 2021_0060T.pdf (state.pa.us)
[381] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 26. 2021_0060T.pdf (state.pa.us)

mail a voter registration card to the voter at the address provided."[382] Pennsylvania also has first-time voter ID requirements, which includes anyone voting for the first time in the precinct.[383]

Marks gave insight on the legislative recommendations received from counties on what can make the mail-in process more efficient for future elections. The top change counties would like to see is the ability to pre-canvass voted ballots.[384] Additionally, counties would like a more common-sense timeline to align voter registration, absentee and mail-in ballot deadlines.[385] Counties need ample amount of time to process the amount of work involved with mail-in balloting.[386]

Members asked about the security of mail-in ballots, and perhaps addressing identification issues "on the front end" rather than six days post-election.[387] When asked about legislative steps which could be taken to improve voters' confidence in the security of the mail-in ballot, Marks suggested one being another step of ID being provided at the time the ballot is sent, recognizing there are logistics involved, as well as protecting the secrecy of the ballot.[388] Marks also expressed hope that the new SURE database has additional tools to work on some of these issues.[389] Members asked the process for verifying signatures. Marks explained the courts ruled that signature verification does not have to take place during the actual casting of the ballot.[390] In Pennsylvania, poll workers are not trained on how to compare signatures.[391] As Marks stated: "[s]omeone who is not an expert doing that kind of analysis is likely going to end up setting aside a lot of ballots that shouldn't be set aside."[392] States which do this take advantage of technology and use signature verification software.[393]

[382] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 27. 2021_0060T.pdf (state.pa.us)
[383] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 27. 2021_0060T.pdf (state.pa.us)
[384] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 35. 2021_0060T.pdf (state.pa.us)
[385] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 36. 2021_0060T.pdf (state.pa.us)
[386] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 36. 2021_0060T.pdf (state.pa.us)
[387] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 43. 2021_0060T.pdf (state.pa.us)
[388] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 44. 2021_0060T.pdf (state.pa.us)
[389] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 45. 2021_0060T.pdf (state.pa.us)
[390] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 50. 2021_0060T.pdf (state.pa.us)
[391] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 50. 2021_0060T.pdf (state.pa.us)
[392] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 50-51. 2021_0060T.pdf (state.pa.us)
[393] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 51. 2021_0060T.pdf (state.pa.us)

Panel 2: Academic Research and Data

Discussions with this panel related to academic findings on mail-in voting and its process.

Dr. Charles Stewart II, Professor of Political Science, Massachusetts Institute of Technology explained the trends of mail-in voting for the 2020 election and emphasized mail-in voting had no impact on voter turnout but would increase voter turnout by one to two percent in high-turnout elections.[394] Research also suggests vote by mail states can have a higher turnout in local elections.[395] Additionally, elections have shown mail-in voting does not appear to have partisan consequences.[396]

When members asked about signature verification, Stewart stated it can be "intuitively appealing" to individuals, however, it is hard to implement consistently.[397] According to Stewart, signature verification can be accomplished in two forms, training election workers and using automation.[398] Some states take the time and effort to train election poll workers to have forensic signature matching knowledge.[399] With respect to the second form of automation, some argue that computers take the human element out of it, but computers are better at conducting tedious tasks, such as signature verification.[400]

Members asked if there are signature requirements and integrity provisions for mail-in ballots.[401] Stewart stated with vote by mail states, offices will be working with voters by mail and can keep track of voter addresses more efficiently.[402] If a county is mailing a voter a ballot every year, then they can work directly with the postal service to make sure addresses are accurate and voter rolls are clean.[403]

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[394] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 68-69. 2021_0060T.pdf (state.pa.us)
[395] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 75. 2021_0060T.pdf (state.pa.us)
[396] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 69. 2021_0060T.pdf (state.pa.us)
[397] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 80. 2021_0060T.pdf (state.pa.us)
[398] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 80. 2021_0060T.pdf (state.pa.us)
[399] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 80. 2021_0060T.pdf (state.pa.us)
[400] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 81. 2021_0060T.pdf (state.pa.us)
[401] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 81-82. 2021_0060T.pdf (state.pa.us)
[402] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 82. 2021_0060T.pdf (state.pa.us)
[403] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 82. 2021_0060T.pdf (state.pa.us)

Panel 3: Election Report

Pam Anderson, Principal for Consilium Colorado, LLC gave insight on Colorado's mail-in ballot system and informed the committee of Colorado's signature verification procedure.[404]

Members asked about Colorado's integrated system with its states driver's license system, and how it captures an individual's driver's license signature to import into the states voter registration system.[405] Anderson indicated over time, these signatures are then constantly being imported into the voter system when a signature is used for a voted ballot, registration form and absentee forms.[406] Anderson explained this then creates a library of signatures over time and comparison is made easier.[407] When a signature is questionable, the three most recent signatures captured on hand will be looked over by the election judges to determine if the signatures match.[408]

Anderson also described drop box locations in Colorado to the members.[409] Voters have access to 24-hour drop box locations and have the option to drop mail-in ballots anywhere within the state.[410] If voters are using drop box locations, voters must have them in before 7 p.m. on election night, otherwise they will not be counted.[411]

Members asked about ballot tracking within Colorado.[412] Anderson responded ballot tracking is built into the online voter registration system.[413] This system notifies the voter through email or text when the ballot was mailed, when the ballot was received and if the ballot was accepted or rejected.[414] Anderson pointed out the ballots themselves are anonymous.[415] Anderson explained how Colorado uniquely codes their elections with a ballot ID, which provides a numerical

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[404] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 105-106. 2021_0060T.pdf (state.pa.us)

[405] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 106. 2021_0060T.pdf (state.pa.us)

[406] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 106. 2021_0060T.pdf (state.pa.us)

[407] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 106. 2021_0060T.pdf (state.pa.us)

[408] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 107. 2021_0060T.pdf (state.pa.us)

[409] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 122. 2021_0060T.pdf (state.pa.us)

[410] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 122. 2021_0060T.pdf (state.pa.us)

[411] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 123. 2021_0060T.pdf (state.pa.us)

[412] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 102. 2021_0060T.pdf (state.pa.us)

[413] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 102. 1.1032021_0060T.pdf (state.pa.us)

[414] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 103. 2021_0060T.pdf (state.pa.us)

[415] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 100. 2021_0060T.pdf (state.pa.us)

number for each ballot ID.[416] Anderson further explained this is part of a "universal thing in election administration" called "binking."[417] Anderson stated this is where a barcode scanner can tell whether the appropriate ballot was sent out in the envelope.[418] However, Anderson also stated that: "[a]nonymous ballots are very important, so we do not identify to a particular voter any identifying information. Voter privacy is built into our state constitution."[419]

Members asked what the advantages were to requiring ballots to be mailed to voters no later than 18 days prior to an election, rather than Pennsylvania's law of up to 7 days prior to an election.[420] Anderson said it creates consistency across county jurisdictions and allows the mail services to accommodate, to allow voters to receive their ballot, contemplate and mail it back.[421]

Anderson discussed the bipartisan nature of the process in her state and stated: "[a]ll of our operations, by statute, many by rule-for example ballot collection, transferring ballots…or collecting ballots from 24-hour drop boxes or our vote centers, must be done with by partisan teams."[422]

Panel 4: County Election Official

Discussions on this panel related to the process for mail-in ballots at the county level.

Dr. Thad Hall, Director of Voter Registration and Elections for Mercer County, discussed members' concerns regarding drop boxes not being in secure locations.[423] Hall expressed drop boxes can be vandalized if not properly secured and it is essential for drop boxes to be uniformly dispersed across a jurisdiction so there is no benefit to one specific party in how the boxes are placed.[424] Drop boxes should have two people picking up ballots to ensure a secure chain of custody.[425] Additionally, Hall commented on having a uniform date for mail-in ballots to be

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[416]State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 101. 2021_0060T.pdf (state.pa.us)

[417] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 101. 2021_0060T.pdf (state.pa.us)

[418] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 102. 2021_0060T.pdf (state.pa.us)

[419] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 102. 2021_0060T.pdf (state.pa.us)

[420] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 120. 2021_0060T.pdf (state.pa.us)

[421] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 121. 2021_0060T.pdf (state.pa.us)

[422] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 128. 2021_0060T.pdf (state.pa.us)

[423] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 136-137. 2021_0060T.pdf (state.pa.us)

[424] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 137. 2021_0060T.pdf (state.pa.us)

[425] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 165. 2021_0060T.pdf (state.pa.us)

mailed to voters.[426] Hall said when he worked as an election official in Arizona, ballots were to be mailed between 27 and 24 days before the election, allowing for consistent messaging across the state as to when ballots would go out.[427] Hall also mentioned it would be very helpful if counties had better statutory guidance on how drop boxes and satellite locations should be handled.[428]

Members asked the financial impact mail-in voting had on Mercer County.[429] Hall commented it had an impact and continues to have an impact on the county.[430] He further stated one of the biggest issues is the requirement to do annual mailing to voters on the permanent mail-in voter list.[431] This mailing is very expensive and was a new cost the county incurred.[432] He noted these mailings require staff time to process the ballots and this is a huge cost incurred.[433] When members asked about the specific dollar amount, Hall explained that three staff working overtime for several weeks accrued $100,000 in personnel cost, not including the cost associated with mail-in ballots.[434] He was also asked about satellite offices and he explained because of the need to make sure these are distributed fairly, if used they could also be more costly as well.[435]

Hall was also asked about mail-in ballots received without proper information.[436] Hall explained these ballots were held aside and those voters were contacted.[437] He further stated those ballots: "[i]n our office were kept separate and were not processed until that six-day period was up and we received their information."[438]

[426] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 167. 2021_0060T.pdf (state.pa.us)
[427] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 133. 2021_0060T.pdf (state.pa.us)
[428] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 135. 2021_0060T.pdf (state.pa.us)
[429] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 138. 2021_0060T.pdf (state.pa.us)
[430] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 138. 2021_0060T.pdf (state.pa.us)
[431] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 138-139. 2021_0060T.pdf (state.pa.us)
[432] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 138. 2021_0060T.pdf (state.pa.us)
[433] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 139. 2021_0060T.pdf (state.pa.us)
[434] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 140. 2021_0060T.pdf (state.pa.us)
[435] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 143. 2021_0060T.pdf (state.pa.us)
[436] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 143. 2021_0060T.pdf (state.pa.us)
[437] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 144. 2021_0060T.pdf (state.pa.us)
[438] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 144. 2021_0060T.pdf (state.pa.us)

Members asked if there were further challenges surrounding permanent mail-in lists.[439] Hall explained it created confusion for the 2020 election because some voters checked the box but then decided to vote in person, which caused more provisional ballots in polling places.[440] Hall expressed, moving forward, it would be helpful to make those voters who want to be permanent stay permanent and mailed ballots for every election.[441] This is because processing applications and mailing them out is very costly for the county.[442]

Members also discussed with Hall the use of e-poll books.[443] He explained they are very "helpful'" and that it provides: "[g]reater assurance that the person who's handing out ballots hands out the right ballot because they are getting a ticket."[444]

Hall also expressed concerns with the conflicting timelines between petition challenges and mail-in ballots.[445]

In conclusion, members heard from officials on the implications of Act 77 of 2019 and the various struggles counties endured with these changes.[446] Members gained insight on the mail-in ballot system and how counties conducted procedures pertaining to signature verification and drop boxes.[447]

[439] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 149. 2021_0060T.pdf (state.pa.us)
[440] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 149. 2021_0060T.pdf (state.pa.us)
[441] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 149. 2021_0060T.pdf (state.pa.us)
[442] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 149. 2021_0060T.pdf (state.pa.us)
[443] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 158. 2021_0060T.pdf (state.pa.us)
[444] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 159. 2021_0060T.pdf (state.pa.us)
[445] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 166. 2021_0060T.pdf (state.pa.us)
[446] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 5. 2021_0060T.pdf (state.pa.us)
[447] State Government Committee Hearing Transcripts: No Excuse Mail-In and Absentee Ballots, Pg. 136-138. 2021_0060T.pdf (state.pa.us)

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Recap[448]

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- Establishing an earlier deadline for requesting a mail-in ballot would improve election integrity and relieve the burden placed on county administrators.
- Other states use training and enhanced technology to provide reliable ballot tracking and authenticity confirmation, as well as signature verification, gaining additional election integrity.
- Most states utilize voter ID requirements to ensure elections are conducted with integrity, providing Pennsylvania with many models for how such a policy can be applied fairly.
- The Election Code should provide uniformity in ensuring that all places where voting occurs are subject to the same regulations regarding accessibility, transparency, electioneering, and security.

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[448] Chairman's recap. March 18, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/370367025.mp4

County Election Day Operations and Satellite Election Offices

<u>**Highlights**</u>[449]

- Election rules should be set far ahead of Election Day, with no last-minute changes that will likely be inconsistently applied.
- Act 77 burdened counties with an unsustainable election system, both financially and practically, as well as an impractical administrative timeline in the weeks prior to an election.
- Transparency and uniformity across all 67 counties require enhanced training of staff as well as requirements for public access to all parts of the election process.

<u>**Hearing Summary**</u>

On March 25, 2021, the State Government Committee held a hearing to discuss county election day operations and satellite election offices.[450] During this hearing, the committee heard from election officials and experts on their experiences during the 2020 election and how Pennsylvania can be more efficient with the election process in the future.[451]

Panel 1: County Election Directors

Discussions on this panel centered around county election day operations.

Ed Allison, Director of Voter Registration and Elections of Lawrence County, informed the committee of the challenges involved with recruiting and retention of poll workers.[452] Allison attributed these challenges to age and the amount of work and stress that was involved in the last election, in regard to the surrendering or voting in person by individuals who had mail-in ballots issued to them or individuals who wished to vote in person who did not bother to do anything with ballots and had to vote provisionally.[453]

Patricia Nace, Election Consultant, Northumberland and Snyder Counties, detailed the preparation involved throughout election day, and the challenges that Act 77 of 2019 presented for the 2020 election, in terms of processing mail-in ballots.[454] One of the biggest challenges was the last minute, unclear directives from the Department, and election directors not having the

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[449] Chairman's recap. March 25, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/781607422.mp4

[450] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 1. 2021_0065T.pdf (state.pa.us)

[451] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 6 2021_0065T.pdf (state.pa.us)

[452] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 12-13. 2021_0065T.pdf (state.pa.us)

[453] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 13. 2021_0065T.pdf (state.pa.us)

[454] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 17-19. 2021_0065T.pdf (state.pa.us)

time to check emails before or the day of the election.[455] Nace pointed out providing funding for training for poll workers is a must.[456] Poll workers are constantly coming and going, due to the overwhelming atmosphere of the job, and not having the proper training to handle unique situations that may arise.[457] Nace also would like to see counties granted more time to pre-canvass "maybe even seven days out," and change the deadline for absentee ballots.[458]

When the committee asked if the Northumberland, Snyder and Lawrence county offices had the ability or knowledge on how to establish satellite offices,[459] Nace explained even if counties wanted to set up satellite offices, some counties do not have the manpower or funds to do so.[460] Allison agreed, further stating that the Department's guidance suggested advice on such things as hours of operation, but Allison explained for his county satellite offices were not possible, due to the lack of trained workers.[461]

Members asked the process involved with training election board workers and how long the process is.[462] Nace explained poll workers have a class right before the election.[463] Nace said she gives poll workers a handbook to reference throughout the training.[464] Allison expressed his county provides training to cover all changes since the previous election, such as standard operating procedures.[465]

Members asked if drop boxes were managed as far as people collecting ballots and making sure the chain of custody was not compromised, and Allison said they would send one person, along with a sheriff's deputy to each of the locations to collect ballots.[466] This individual would then have to sign off on the number of ballots received and everything is placed separately in

[455] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 19. 2021_0065T.pdf (state.pa.us)
[456] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 20. 2021_0065T.pdf (state.pa.us)
[457] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 20. 2021_0065T.pdf (state.pa.us)
[458] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 20. 2021_0065T.pdf (state.pa.us)
[459] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 21. 2021_0065T.pdf (state.pa.us)
[460] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 21-22. 2021_0065T.pdf (state.pa.us)
[461] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 22. 2021_0065T.pdf (state.pa.us)
[462] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 35. 2021_0065T.pdf (state.pa.us)
[463] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 36. 2021_0065T.pdf (state.pa.us)
[464] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 36. 2021_0065T.pdf (state.pa.us)
[465] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 37. 2021_0065T.pdf (state.pa.us)
[466] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 42. 2021_0065T.pdf (state.pa.us)

lockboxes.[467] From there, election personnel sign off on the number of ballots received and will begin to process the ballots. Allison stated drop boxes need to be further clarified in language because they are not mentioned in the code.[468]

When members asked what happens to the ballots given to those that are not fully verified to register to vote, Allison explained per the Department of State's guidance, counties are to process the individual's registration and put them on voter rolls if they checked the box stating they do not a have a Driver's License or Social Security number.[469]

Panel 2: City of Philadelphia

Discussions on this panel related specifically to City of Philadelphia election day operations, in particular satellite offices.

Seth Bluestein, Chief Deputy Commissioner and Chief Integrity Officer of the City of Philadelphia, commented on member questions in regard to Philadelphia County being one of the few that had the ability to offer satellite offices along with evening and weekend availability for in-person voting.[470] Due to the increase of individuals voting by mail, the City established seventeen elections offices geographically dispersed throughout the city, with each being staffed with an average of seven workers.[471] Bluestein commented on the cost of satellite sites and said they were "fairly expensive."[472] In order for the locations to operate, rent had to be paid for the location, computer equipment had to be obtained to use the SURE system and the most expensive cost was staffing these locations.[473] The costs totaled to be $100,000 to $150,000 per office.[474] These funds were provided from private grants received by the city.[475]

When members asked about the satellite experiences Philadelphia encountered, Bluestein said they were rolled out daily and had sufficiently trained staff.[476] Once the ballot was finalized and mailed out, Philadelphia's satellite offices gradually expanded and remained open until close of

[467] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 42. 2021_0065T.pdf (state.pa.us)

[468] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 43. 2021_0065T.pdf (state.pa.us)

[469] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 41. 2021_0065T.pdf (state.pa.us)

[470] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 55. 2021_0065T.pdf (state.pa.us)

[471] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 56. 2021_0065T.pdf (state.pa.us)

[472] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 64. 2021_0065T.pdf (state.pa.us)

[473] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 64. 2021_0065T.pdf (state.pa.us)

[474] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 64. 2021_0065T.pdf (state.pa.us)

[475] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 70. 2021_0065T.pdf (state.pa.us)

[476] State Government Committee Hearing Transcripts: County ElectionsDay Operations and Satellite Offices, Pg. 62. 2021_0065T.pdf (state.pa.us)

election night.[477] When members asked how many individuals utilized these services, Bluestein said 50,000 people applied and received a ballot at these locations.[478]

Bluestein was also questioned regarding poll observers.[479] He was asked what was considered "meaningful observation" by the observer.[480] He explained the "activities that were clearly visible the entire time for every observer who wished to observe them.[481]

Members also asked whether the 15-day voter-registration deadline and the 7-day mail-in ballot deadline created challenges for Philadelphia.[482] Bluestein said: "[y]es. Those deadlines are extremely challenging."[483] When asked for recommendations for changes to these deadlines, Bluestein responded: "[a]t a minimum, I would say the Friday prior to the current application deadline for vote by mail so that would put it at approximately 10 or 11 days before election day. And certainly, any adjustment to the registration deadline, whether that's back to the full 39 or even 20 or 21 days would be an improvement over the current 15 days from an administrative perspective."[484]

Bluestein was also asked about further suggestions for deadline changes.[485] He suggested more time to pre-canvass ballots.[486]

Members also asked how e-pollbooks would help Philadelphia as a city of the first class.[487] Bluestein responded: "electronic pollbooks would allow us to have those records be even more

[477] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 63. 2021_0065T.pdf (state.pa.us)

[478] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 63. 2021_0065T.pdf (state.pa.us)

[479] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 72. 2021_0065T.pdf (state.pa.us)

[480] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 72. 2021_0065T.pdf (state.pa.us)

[481] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 73. 2021_0065T.pdf (state.pa.us)

[482] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 74-75. 2021_0065T.pdf (state.pa.us)

[483] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 74. 2021_0065T.pdf (state.pa.us)

[484] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 75. 2021_0065T.pdf (state.pa.us)

[485] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 76. 2021_0065T.pdf (state.pa.us)

[486] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 77. 2021_0065T.pdf (state.pa.us)

[487] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 77. 2021_0065T.pdf (state.pa.us)

updated, providing for greater integrity."[488] In addition, e-pollbooks would also allow vote centers to be possible should the Commonwealth ever wish to move to them for early voting.[489]

Panel 3: Reporting of Election Returns

Discussions on this panel centered around county election day operations and their impact on the reporting of election returns.

Shane Fitzgerald, Executive Director of Bucks County Courier Times and The Intelligencer; PA State Editor, USA Today Network outlined how media is essential to democracy and a democratic election.[490] The media acts as a watch dog to elections and acts as a safeguard to the transparency of the election.[491] The media also enables the public to participate in the election process by educating voters on how to exercise their democratic rights and allow candidates to communicate their message.[492] According to Fitzgerald: "[m]edia presence at voting and counting centers are critical to preventing electoral fraud, given the full measures protecting freedom of speech are guaranteed and the media are free to act independently and with impartiality."[493] Fitzgerald encouraged the committee to consider legislation to expand media access to polling places to allow the media to witness and record events to create trust amongst voters and integrity in the election.[494]

Members asked the major changes in covering the 2020 election as opposed to past elections coverage.[495] Fitzgerald said waiting for mail-in ballots to be counted and not being able to call the election when the public was waiting on the media to do so.[496] Fitzgerald went on to say the data collected was actively being collected both locally and by precincts.[497]

[488] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 77-78. 2021_0065T.pdf (state.pa.us)

[489] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 78. 2021_0065T.pdf (state.pa.us)

[490] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 82. 2021_0065T.pdf (state.pa.us)

[491] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 82. 2021_0065T.pdf (state.pa.us)

[492] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 82. 2021_0065T.pdf (state.pa.us)

[493] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 82. 2021_0065T.pdf (state.pa.us)

[494] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 83. 2021_0065T.pdf (state.pa.us)

[495] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, pg. 90. 2021_0065T.pdf (state.pa.us)

[496] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, pg. 91. 2021_0065T.pdf (state.pa.us)

[497] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 91. 2021_0065T.pdf (state.pa.us)

Panel 4: State Best Practices

This panel offered insight on best practices for other states and county election day operations.

Sambo Dul, State Elections Director with the Arizona Secretary of State answered member questions relating to Arizona's procedures manual.[498] Dul outlined the procedures manual on election rules and procedures that the Arizona Secretary of State updates every odd-numbered year, and provides to their counties.[499] According to Dul: "[t]he purpose of the manual, as stated in the statute, is to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency in election administration in Arizona."[500] This manual must be updated by the Secretary and then submitted to the Governor and Attorney General before October 1st.[501] From there the manual is reviewed and approved by December 31st.[502] Once officially approved, the manual has the force and effect of the law.[503]

Members asked about election training, and Dul informed the committee of Arizona's election officer training and certification program.[504] Under Arizona Revised Statute 16-407, the Secretary of State is required to provide an election officer certification program, which is a five-day, forty-hour certification course on instruction in the technical, legal, and administrative aspects of conducting elections within Arizona.[505] This program is administered every odd-numbered year and election officers must be certified each year before January 1st of each general election year.[506] After the certification process, election officials must then attend an eight-hour recertification program to be provided information on elections updates.[507]

Pam Anderson, principal of Consilium Colorado, LLC, addressed election observers and informed the committee that election observers in Colorado can be trained and certified by interested parties, candidates, or issue committees.[508] From there, observers go through a

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[498] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 102-103. 2021_0065T.pdf (state.pa.us)

[499] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 102-103. 2021_0065T.pdf (state.pa.us)

[500] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 102. 2021_0065T.pdf (state.pa.us)

[501] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 103. 2021_0065T.pdf (state.pa.us)

[502] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 103. 2021_0065T.pdf (state.pa.us)

[503] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 103. 2021_0065T.pdf (state.pa.us)

[504] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 104. 2021_0065T.pdf (state.pa.us)

[505] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 104. 2021_0065T.pdf (state.pa.us)

[506] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 105. 2021_0065T.pdf (state.pa.us)

[507] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 105. 2021_0065T.pdf (state.pa.us)

[508] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 130-131. 2021_0065T.pdf (state.pa.us)

credentialing process and are administered an oath.[509] The observer is then given certificates for multiple jurisdictions to bring any issues forward which may occur during the election process.[510]

Anderson mentioned with Colorado's election observers: "[w]e build in the transparency…we can make sure that we're validating that the outcomes were accurate."[511]Anderson addressed concerns on finding poll workers and experienced election officials.[512] Anderson said one-third of Colorado's election officials turned over in 2018, causing a large amount of time being spent on training and implementation.[513]

Anderson also answered questions as to whether Colorado allows access to the ballots themselves.[514] Anderson explained under the Colorado Open Records Act, they are available after the conduct of the election but prior to the contest period, and after the election has been certified and audited and canvassed, their images and paper ballots are available for inspection.[515]

Tim Mattice, Executive Director of The Election Center, informed the committee states need to have the ability to pre-canvass ballots ahead of time.[516] If states are going to continue to see a large volume of mail-in ballots, then poll workers are going to need ample of amount of time to process these ballots in order to have results in when the public expects to hear them.[517]

Members asked if any insight can be provided from other states working through election process changes.[518] Mattice explained members are dealing with unprecedented times and are really focused on ensuring enough time to canvass mail-in ballots. Mattice pointed out that if mail-in voting is going to increase in the future, then states need the time to pre-canvass ballots so the public can be aware of election results at the end of election night.[519]

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[509] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 130-131. 2021_0065T.pdf (state.pa.us)

[510] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 131. 2021_0065T.pdf (state.pa.us)

[511] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 128. 2021_0065T.pdf (state.pa.us)

[512] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 121. 2021_0065T.pdf (state.pa.us)

[513] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 121. 2021_0065T.pdf (state.pa.us)

[514] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 139. 2021_0065T.pdf (state.pa.us)

[515] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 140. 2021_0065T.pdf (state.pa.us)

[516] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 125. 2021_0065T.pdf (state.pa.us)

[517] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 125. 2021_0065T.pdf (state.pa.us)

[518] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 125. 2021_0065T.pdf (state.pa.us)

[519] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 125. 2021_0065T.pdf (state.pa.us)

Members asked how election integrity is assured in the mail-in ballot process.[520] Anderson said it is important to have a registration database and election management system in building a robust system.[521] Anderson further stated signature verification and building election confidence amongst observers are important in validating accurate outcomes.[522]

In conclusion, the committee heard from testifiers pertaining to election day operations and satellite election offices.[523] Members heard from election officials and experts on experiences encountered during the 2020 election and recommendations on how Pennsylvania can be more efficient moving forward.[524]

<u>**Recap**</u>[525]

- Other states' best practices include the publication of enforceable election rule handbooks far in advance of an election, as well as adequate funding for poll worker training, providing a model for improving Pennsylvania's administration.
- Easing Act 77's administrative and financial burden on counties should be at the forefront of improvements to the Election Code. This likely requires more practical timelines for the voter registration and mail-in ballot systems.
- Confidence in Pennsylvania's election process would be strengthened by increased training of election administrators and clearer, uniform guidelines on transparency in election operations.

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[520] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 128. 2021_0065T.pdf (state.pa.us)
[521] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 127-128. 2021_0065T.pdf (state.pa.us)
[522] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 128. 2021_0065T.pdf (state.pa.us)
[523] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 5-7. 2021_0065T.pdf (state.pa.us)
[524] State Government Committee Hearing Transcripts: County Election Day Operations and Satellite Offices, Pg. 6. 2021_0065T.pdf (state.pa.us)
[525] Chairman's recap. March 25, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/781607422.mp4

Election Integrity and Accessibility Policy

Highlights[526]

- Cybersecurity threats to elections are ongoing and must inform election administration at every level.
- Pennsylvania's 1937 Election Code is outdated and insufficient to serve the needs of all Pennsylvanians, particularly the disabled voters.
- Trust in the election process requires that all voters can have confidence that their ballots were counted as cast, and that only eligible voters participated in an election.

Hearing Summary

On April 1, 2021, the State Government Committee held a hearing on election integrity and accessibility policy.[527] This hearing investigated how integrity can be grounded into the election process and how accessibility can be provided to the most vulnerable populations.[528] As Chairman Grove stated: "[P]ennsylvania's election system should be easy to vote but hard to cheat."[529]

Panel 1: Cybersecurity

Discussions with this panel explained how cybersecurity protections can ensure election integrity.

Dr. Will Adler, Senior Technologist, Elections and Democracy, Center for Democracy and Technology, outlined the various steps Pennsylvania can take to secure election infrastructure.[530] The first way is to ensure voters can be confident their votes are being counted as intended.[531] The elimination of paperless voting systems was a step forward in instilling confidence in voters.[532] However, it is essential these voting machines have software independence, meaning if there is an undetected change to the software, there cannot be an undetected change in the election outcome.[533]

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[526] Chairman's recap. April 1, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/477552054.mp4
[527] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 1. 2021_0068T.pdf (state.pa.us)
[528] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 5. 2021_0068T.pdf (state.pa.us)
[529] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 5. 2021_0068T.pdf (state.pa.us)
[530] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 12-16. 2021_0068T.pdf (state.pa.us)
[531] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 12. 2021_0068T.pdf (state.pa.us)
[532] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 12-13. 2021_0068T.pdf (state.pa.us)
[533] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 13. 2021_0068T.pdf (state.pa.us)

Adler explained Pennsylvania needs to prioritize cybersecurity when looking to make procurement decisions.[534] Election machines may not directly connect to the internet, however, other systems needed to conduct elections are.[535] With this, Pennsylvania needs to avoid the possibility of breaches and tighten the security of the systems.[536] Lastly, it is essential for counties to follow cyber security practices and have assistance in running secure systems.[537] Counties often do not have the proper training in identifying when a breach has occurred, or have the ability to have an IT staff to monitor the systems.[538] This is why counties need funding for training courses, and an ongoing fund for election security upgrades.[539]

Dr. Clifford Neuman, Director, University of Southern California Center for Computer Systems Security, explained that in order for cyber components of the election to be more secure, it is essential to understand the motivation and goals of the adversaries attempting to disrupt the election.[540] It is also important to understand the ways adversaries could impact an election, such as a change in voter rolls, and voter polling locations.[541] Neuman also informed the committee one of the most important aspects to ensuring election security is the "durable record of the intent of the voter."[542] This means voters need to be able to review their vote when it is being cast to make sure votes were not "switched."[543] This allows confidence in the tabulation process if questions were to arise.[544]

Members expressed concerns with how Pennsylvania can ensure the updated SURE system will be secure from cyber threats.[545] Adler said there must be regular risk assessments, internet traffic must be encrypted, and there must be a strong access control to the database to know who has

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[534] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 14. 2021_0068T.pdf (state.pa.us)

[535] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 14. 2021_0068T.pdf (state.pa.us)

[536] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 14. 2021_0068T.pdf (state.pa.us)

[537] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 15. 2021_0068T.pdf (state.pa.us)

[538] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 15. 2021_0068T.pdf (state.pa.us)

[539] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 15. 2021_0068T.pdf (state.pa.us)

[540] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 17. 2021_0068T.pdf (state.pa.us)

[541] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 17. 2021_0068T.pdf (state.pa.us)

[542] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 18. 2021_0068T.pdf (state.pa.us)

[543] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 18. 2021_0068T.pdf (state.pa.us)

[544] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 19. 2021_0068T.pdf (state.pa.us)

[545] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 38. 2021_0068T.pdf (state.pa.us)

access at any time.[546] Neuman added that the system cannot be completely protected when individuals can register to vote online.[547] He stated that this is because cyber-attacks can be mounted to the system by an adversary impersonating an individual through their social security number, found on the dark web.[548] Neuman noted there is always going to be individuals who try to manipulate voter records through the system.[549]

Members expressed concerns over cyber security threats within counties.[550] Adler explained one of the easiest ways to prevent a cyber threat is to ensure domains of county websites end in .gov.[551] Only verified government entities have these domains.[552] This builds trust among voters who can know they are looking at a website with accurate information.[553] Currently, there are only eleven out of the sixty-seven counties that use .gov domains.[554] Adler encourages the General Assembly to help counties work with the federal Cybersecurity and Infrastructure Security Agency in receiving secure domains.[555]

Panel 2: County Election Director

Discussions on this panel centered around election integrity from the perspective of a county election director.

Nathan Savidge, Chief Registrar, Northumberland County Board of Elections, detailed the mass chaos he and his poll workers experienced due to the difficulties with drop boxes for mail-in ballots.[556] There was confusion with the last-minute guidance coming from the Department of State and multiple staff members reaching out explaining the guidance in different ways.[557]

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[546] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg38 2021_0068T.pdf (state.pa.us)
[547] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 40. 2021_0068T.pdf (state.pa.us)
[548] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 41. 2021_0068T.pdf (state.pa.us)
[549] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 41. 2021_0068T.pdf (state.pa.us)
[550] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 25. 2021_0068T.pdf (state.pa.us)
[551] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 16. 2021_0068T.pdf (state.pa.us)
[552] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 16. 2021_0068T.pdf (state.pa.us)
[553] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 16. 2021_0068T.pdf (state.pa.us)
[554] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 16. 16 2021_0068T.pdf (state.pa.us)
[555] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 16. 2021_0068T.pdf (state.pa.us)
[556] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 72. 2021_0068T.pdf (state.pa.us)
[557] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 72. 2021_0068T.pdf (state.pa.us)

Overall, Northumberland County was not able to order drop boxes, and this also was the case for several counties.[558]

Members asked how observers were able to witness and be involved with the election process.[559] Savidge explained that in a room, the Chief Clerk and members were opening ballots and checking naked ballots.[560] Behind the window was a viewing room for observers to watch the process unfold.[561] This created transparency within the election process and allowed observers to be confident in the results.[562]

Members asked about the training of poll workers.[563] Savidge explained he spent 110 hours a week for 3 weeks training individuals.[564] He pointed out this was a terrible labor cost for the county, but it was an integral part to running a smooth election.[565]

Panel 3: Accessibility and Integrity

Ray Murphy, State Coordinator of Keystone Votes, recommended ways for Pennsylvania to improve the election process.[566] The first key aspect to change for future elections is the deadline to return mail-in ballots.[567] Across the country, eighteen states allow the receipt of mail-in ballots after election day.[568] Kansas, North Carolina, and Virginia all allow receipt of mail-in ballots up to three days after the election, while Ohio allows ten days after the election.[569] Additionally, Murphy would like to see Pennsylvania have the advantage of pre-canvassing ballots to allow for faster election results and create a lesser burden for county administrators.[570] Currently, twenty-

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[558] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 72.
2021_0068T.pdf (state.pa.us)
[559] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 69.
2021_0068T.pdf (state.pa.us)
[560] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 69.
2021_0068T.pdf (state.pa.us)
[561] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 69.
2021_0068T.pdf (state.pa.us)
[562] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 69.
2021_0068T.pdf (state.pa.us)
[563] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 74.
2021_0068T.pdf (state.pa.us)
[564] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 74.
2021_0068T.pdf (state.pa.us)
[565] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 74.
2021_0068T.pdf (state.pa.us)
[566] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 91-93.
2021_0068T.pdf (state.pa.us)
[567] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 91-93.
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[568] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 93.
2021_0068T.pdf (state.pa.us)
[569] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 93.
2021_0068T.pdf (state.pa.us)
[570] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 93.
2021_0068T.pdf (state.pa.us)

four states have implemented this procedure.[571] Lastly, Murphy would like to see real-time accuracy for the list of registered voters, such as implementing more efficient ways of updating poll books by having access to the National Change of Address forms in real time.[572]

Jennifer Garman, Director of Government Affairs of Disability Rights Pennsylvania, explained the purpose of the organization is to ensure electoral participation and educate voters with disabilities about their rights, assist in voter registration, and overcome any barriers presented on election day.[573] The 2020 election presented many challenges for voters with disabilities.[574] Even though mail-in voting gave options to vulnerable voters, the Department of State guided these individuals to utilize absentee ballots as opposed to voting by mail.[575] With Act 12 of 2020 and Act 77 of 2019 there is universal mail-in voting, however, on the Department's website if an individual has a disability, they are required to fill out an absentee ballot and obtain a certification by a medical professional indicating they have a disability.[576]

Members asked about barriers to the election process for the disabled community.[577] Garman indicated that new forms allowed for one designated agent for one voter to deliver their ballot for them due to a disability.[578] However, Garman believed only 15 of the 67 counties had information about this on their website, in part because DOS guidance was released very close to the election.[579] Garman indicated those with disabilities need notice and opportunity to cure ballots, since there is a higher likelihood there could be a defect due to visual impairments or dexterity issues, and without notice from the county, according to Garman: "[t]here's a real chance that their vote would not have counted."[580] Additional barriers Garman discussed included polling locations not being wheelchair accessible, voting machines not being operational for individuals and the lack of transportation for those that live in rural areas.[581] Garman stated:"[p]olling places need to be both physically accessible and programmatically

[571] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 93. 2021_0068T.pdf (state.pa.us)
[572] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 94. 2021_0068T.pdf (state.pa.us)
[573] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 87. 2021_0068T.pdf (state.pa.us)
[574] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 89. 2021_0068T.pdf (state.pa.us)
[575] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 89. 2021_0068T.pdf (state.pa.us)
[576] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg.89. 2021_0068T.pdf (state.pa.us)
[577] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 96. 2021_0068T.pdf (state.pa.us)
[578] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 96. 2021_0068T.pdf (state.pa.us)
[579] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 97. 2021_0068T.pdf (state.pa.us)
[580] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 97. 2021_0068T.pdf (state.pa.us)
[581] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 89. 2021_0068T.pdf (state.pa.us)

accessible."[582] Members asked if there were any states which would provide good "model legislative language" for provisions for individuals with disabilities.[583] Garman referenced West Virginia which recently passed a law utilizing OmniBallot, so individuals who could not access a polling location or vote at home without assistance could securely return their ballot through an online procedure.[584] Garman indicated there are issues with use of paper ballots for the disability community and there is a need for an alternative mechanism.[585] Garman did note, however, there are election security concerns around electronic returns.[586]

Testifiers were also asked about voter ID, and Murphy stated: "[t]his is something we deal with every day on the nonpartisan voter education front, because there's still a lot of confusion about what the rules really are….so whether there's a discussion about implementing voter ID, it needs to come from a place that is understanding of what the Supreme Court said the limits were and then really cognizant of how its going to impact voters."[587]

When it comes to increasing access, Garman also mentioned due to transportation issues, drop boxes may be an issue for those in the disability community, and expansion of drop boxes needs to be part of the discussion.[588]

Members also asked about accessibility issues relating to satellite offices.[589] Murphy mentioned ADA and HAVA's federal requirements for people with disabilities may not necessarily have applied to satellite offices, so: "[t]here was an extent to which they were existing in a gray area, where voters didn't have the guarantee or protections that they normally would have at a polling place."[590]

Members asked if there is any outcome information for the use of e-pollbooks in the state.[591] Murphy stated that there are six counties that currently use e-pollbooks and went on to say e-

[582] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 90. 2021_0068T.pdf (state.pa.us)
[583] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 98. 2021_0068T.pdf (state.pa.us)
[584] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 99. 2021_0068T.pdf (state.pa.us)
[585] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 103. 2021_0068T.pdf (state.pa.us)
[586] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 103. 2021_0068T.pdf (state.pa.us)
[587] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 117-8. 2021_0068T.pdf (state.pa.us)
[588] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 118-9. 2021_0068T.pdf (state.pa.us)
[589] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 122-124. 2021_0068T.pdf (state.pa.us)
[590]State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 123. 2021_0068T.pdf (state.pa.us)
[591] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 110. 2021_0068T.pdf (state.pa.us)

pollbooks are the future and many jurisdictions have adopted them.[592] Murphy referenced Philadelphia and Allegheny Counties, stating these counties must print poll books three weeks in advance.[593] This causes for there to be no flexibility in additional changes as last-minute applications come in. Therefore e-poll books tend to be more accurate voter roll lists on election day.[594]

When asked about development of a level of standardization, Garman discussed the lack of uniformity and how it impacted the disability community.[595]

Panel 4: Accessibility and Integrity

Jason Snead, Executive Director of Honest Elections Project, expressed integrity and transparency need to be present in elections.[596] Snead believes the way to do this is to implement voter identification requirements to verify voter eligibility, and safeguards need to be put into place to secure absentee ballots against any type of fraud.[597] Snead addressed the need for uniformity across the Commonwealth. Uniformity ensures voting rules are consistently applied, whether in a rural or urban jurisdiction.[598]

Members asked how Pennsylvania can verify individuals who are registered to vote are actual citizens and not just possessing a driver's license.[599] Snead said generally voter ID requirements or a basic underlying document can confirm an individual's eligibility.[600] Snead stated this can be a challenge for states and states could be doing a better job at using the variety of information available to them to identify instances where voters are improperly registered but lack citizenship.[601] One of these sources of information would be jury records.[602] Sometimes jurors

[592] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 110. 2021_0068T.pdf (state.pa.us)
[593] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 110. 2021_0068T.pdf (state.pa.us)
[594] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 110. 2021_0068T.pdf (state.pa.us)
[595] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 137-8. 2021_0068T.pdf (state.pa.us)
[596] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 142. 2021_0068T.pdf (state.pa.us)
[597] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 142. 2021_0068T.pdf (state.pa.us)
[598] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 160. 2021_0068T.pdf (state.pa.us)
[599] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 155. 2021_0068T.pdf (state.pa.us)
[600] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 155. 2021_0068T.pdf (state.pa.us)
[601] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 155. 2021_0068T.pdf (state.pa.us)
[602] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 155. 2021_0068T.pdf (state.pa.us)

get called but will decline, due to the fact they are not a citizen.[603] That information can be useful to tracking down the registration and removing the record from the rolls.[604]

In conclusion, members gained insight on election integrity and how accessibility can be provided to the most vulnerable populations.[605] Members were able to gain knowledge on cybersecurity and how the General Assembly can guide counties to ensure a secure election process.[606]

<div align="center">

<u>Recap</u>[607]

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- County and state election administration should be continually guarded against new and emerging cybersecurity threats.
- Modernization of the Election Code must include consideration of accessibility for disabled voters in all aspects of the election process.
- Safeguards ensuring adequate election integrity are crucial to restoring the public's confidence in the accuracy of election results.

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[603] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 155. 2021_0068T.pdf (state.pa.us)
[604] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 155. 2021_0068T.pdf (state.pa.us)
[605] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 5. 2021_0068T.pdf (state.pa.us)
[606] State Government Committee Hearing Transcripts: Election Integrity and Accessibility Policy, Pg. 12-41. 2021_0068T.pdf (state.pa.us)
[607] Chairman's recap. April 1, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/477552054.mp4

An Overview of How Other States Conduct Elections

Highlights[608]

- Best practices adopted by other states over recent decades provide an abundance of models for Pennsylvania to study and emulate as we look to modernize our Election Code.
- Kentucky shows that election reform can and should be a bipartisan endeavor, expanding voter access while streamlining election administration and protecting integrity.
- Other states provide training manuals and standard rulebooks binding all counties in administering elections uniformly, an approach that would benefit Pennsylvania in fulfilling our constitutional requirement of uniformity.
- Election audits are not limited to post-election, result confirming audits. All aspects of the election system should be audited, including voter registration and list maintenance, operations and resource allocation, and training processes.

Hearing Summary

On April 8, 2021, the State Government Committee held a hearing giving an overview of how other states conduct elections and what practices Pennsylvania could learn and adopt for future elections.[609]

Panel 1: Overview

Discussions with this panel related to an overview of how other states conduct various processes relating to elections, as well as how other states conduct election audits.

Wendy Underhill, Director of Elections and Redistricting Program, National Conference of State Legislatures, explained the various ways states handle the election process.[610] Ms. Underhill commented: "[I]'ve watched what you all have been doing, and I don't remember in the last 10 years another state doing this level of public work before introducing election legislation."[611] Ms. Underhill also commented that, with respect to voter registration: "the cleaner the rolls are when an election begins, the better in terms of costs and accuracy."[612] According to NCSL, only five states have all mail-in voting, with forty-four states processing ballots before election day.[613]

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[608] Chairman's recap. April 8, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/407469328.mp4

[609] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 1. Microsoft Word - 4.7.21 State Government Transcript Final

[610] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 11. Microsoft Word - 4.7.21 State Government Transcript Final

[611] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 11. Microsoft Word - 4.7.21 State Government Transcript Final

[612] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 15. Microsoft Word - 4.7.21 State Government Transcript Final

[613] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 16. Microsoft Word - 4.7.21 State Government Transcript Final

Jennifer Morrell, Partner of The Elections Group, focused on standard procedures and on testing and audits.[614] According to Ms. Morrell: "[s]tates that allow for administrative rulemaking by the Secretary of State, along with the power to enforce a level of compliance, create a framework to support detailed standard procedures at the local level."[615] She further stated: "[i]ncreased consistency in the way that elections are administered allows voters and officials in one area of the state to have more confidence in the administration of elections in another area."[616] Morrell expressed two areas would benefit from standard operating procedures were ballot accounting and ballot chain of custody.[617] Testing and auditing "produce evidence that the election was conducted fairly and accurately."[618] She also stated: "[a]uditing is best done publicly and in a manner that prevents any conflict of interest."[619]

Underhill was asked about trends or changes in election administration over the past several decades, and she highlighted four major things: more involvement from the state level, pre-election day voting (in-person voting and no-excuse absentee voting), voter ID, and voter registration.[620] When asked about states which balance security and accessibility, Ms. Morrell mentioned Colorado as a model.[621] Panel was also asked how other states handle early in-person voting.[622] Both testifiers indicated that the key is uniformity.[623] This panel was also asked about standard practice among states to clean voter rolls.[624] Both panelists mentioned the ERIC database as a good method to update the rolls relating to death records.[625]

With respect to poll watchers/observers, Ms. Morrell commented: "[t]his is where creating uniform practices across the state has a tremendous amount of value, and creating a culture of detailed, written procedures at the local level can be really instrumental in being able to create

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[614] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 19. Microsoft Word - 4.7.21 State Government Transcript Final

[615] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 20. Microsoft Word - 4.7.21 State Government Transcript Final

[616] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 20. Microsoft Word - 4.7.21 State Government Transcript Final

[617] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[618] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[619] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 22. Microsoft Word - 4.7.21 State Government Transcript Final

[620] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 23. Microsoft Word - 4.7.21 State Government Transcript Final

[621] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 24-25. Microsoft Word - 4.7.21 State Government Transcript Final

[622] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 39. Microsoft Word - 4.7.21 State Government Transcript Final

[623] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 40-42. Microsoft Word - 4.7.21 State Government Transcript Final

[624] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 47. Microsoft Word - 4.7.21 State Government Transcript Final

[625] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 47-48. Microsoft Word - 4.7.21 State Government Transcript Final

these training opportunities for watchers so that when they come to a location, they are more focused on the process and the procedure and know what they should be seeing."[626]

Morrell gave the committee insight on the purpose of audits, in particular risk-limiting audits.[627] Audits should detect any fraudulent activity, assure votes are counted accurately, and provide accountability to voters.[628] However, Morrell explained audits should not only happen post-election but should also occur pre-election.[629] A pre-election audit consists of testing and auditing voter registration systems, signature verification systems, mail ballot sorters, online poll books, and website tools.[630] Pre-auditing is an essential way to ensure local officials can assess and manage risks.[631] This provides a way to accurately record the number of ballots in the possession of election officials at any point in time.[632] The ballot accounting process can consist of ballot tracking and controlling logs for absentee and mail-in ballots.[633] Morrell commented ballot reconciliation is the foundation of an audit's paper trail and is the best way to ensure votes have not been lost or added because of human error or a voting equipment error.[634]
Finally, Ms. Morrell was asked about chain of custody of mail-in ballots in other states.[635] She mentioned states that have some experience, such as Arizona, Utah, Nevada, California, Washington, and Oregon.[636] Ms. Morrell commented: "[i]t really just comes from maturity with paper and developing the labels, the logs, the checklists, the forms."[637]

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[626] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 51. Microsoft Word - 4.7.21 State Government Transcript Final

[627] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[628] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[629] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[630] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[631] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 21. Microsoft Word - 4.7.21 State Government Transcript Final

[632] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 60-61. Microsoft Word - 4.7.21 State Government Transcript Final

[633] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 65-66. Microsoft Word - 4.7.21 State Government Transcript Final

[634] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 61. Microsoft Word - 4.7.21 State Government Transcript Final

[635] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 66. Microsoft Word - 4.7.21 State Government Transcript Final

[636] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 67. Microsoft Word - 4.7.21 State Government Transcript Final

[637] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 67. Microsoft Word - 4.7.21 State Government Transcript Final

Panel 2: Election Integrity in other States

Discussions with this panel related to best practices in other states relating to election integrity.

Sam Adolphsen, Policy Director with The Foundation for Government Accountability, highlighted ways Pennsylvania can craft reforms for future elections.[638] The first reform is for Pennsylvania to consider providing election officials more time to verify new registrants, as well requiring applicants to apply thirty days before an election.[639] Currently, several states have deadlines twenty-five days before election day to register.[640] This allows states to have enough time to process information in high volumes and make sure voter registration is correct for election day.[641]

Adolphsen expressed that Pennsylvania needs to focus on strengthening voter registration lists.[642] Currently, Pennsylvania law allows cross checks with government entities; however, these checks are conducted about once a year.[643] There are not measures put in place to ensure these checks are occurring, causing people who need to be removed remaining on the voter roll.[644]

Adolphsen pointed out that there are thirty-five states who require voter ID for in-person voting and Pennsylvania is not one of them.[645] One practical measure states are adopting with an increase in mail-in ballots is to include personal identifying information on the ballot envelope.[646] This would help improve security of the ballot and eliminate problems related to a lack of training in signature matching process.[647] Lastly, drop boxes need to be more secured and monitored.[648] In Pennsylvania, there is no law on how drop boxes should be handled, creating a lack of trust.[649] Therefore, Pennsylvania should consider passing laws requiring any drop boxes

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[638] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 70. Microsoft Word - 4.7.21 State Government Transcript Final

[639] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 70. Microsoft Word - 4.7.21 State Government Transcript Final

[640] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 70. Microsoft Word - 4.7.21 State Government Transcript Final

[641] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 70. Microsoft Word - 4.7.21 State Government Transcript Final

[642] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 71. Microsoft Word - 4.7.21 State Government Transcript Final

[643] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 71. Microsoft Word - 4.7.21 State Government Transcript Final

[644] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 71. Microsoft Word - 4.7.21 State Government Transcript Final

[645] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 93. Microsoft Word - 4.7.21 State Government Transcript Final

[646] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 72. Microsoft Word - 4.7.21 State Government Transcript Final

[647] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 73. Microsoft Word - 4.7.21 State Government Transcript Final

[648] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 74. Microsoft Word - 4.7.21 State Government Transcript Final

[649] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 74. Microsoft Word - 4.7.21 State Government Transcript Final

to be located in a government building with 24/7 monitoring.[650] This would create more transparency and voters can observe the process to be certain their ballots are secure.[651] Additionally, Adolphsen commented on the outside influence of private money on election operations.[652] Millions of dollars flowed from non-profit to election officials across the country.[653] Adolphsen said while getting out the vote is fine, having private funds going toward official channels to areas based on a political map is not fine.[654] States are moving forward with changes which would prohibit this type of private funding from influencing elections.[655]

Mr. Adolphsen also mentioned Ohio and Florida as states with best practices for cleaning of voter rolls.[656] Mr. Adolphsen was also asked about the impact of voter ID laws on voter turnout.[657] He mentioned the states with greater voter participation, for example, Maine, Wisconsin, Washington State and Michigan, all have voter ID.[658]

Mr. Adolphsen was asked about states which print a state ID or driver's license number on an absentee ballot, and how those states address privacy concerns.[659] Adolphsen responded this method would eliminate the need for signature verification analysis and it would be designed in a way to make sure privacy issues were addressed.[660]

Panel 3: Kentucky

Discussions on this panel related to the structure of Kentucky's administrative election functions as well as how they conduct various facets of the election process.

Jared Dearing, Executive Director of Kentucky State Board of Elections, explained Kentucky is a hybrid election administration system, consisting of the Office of the Secretary of State, the

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[650] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 74-75. Microsoft Word - 4.7.21 State Government Transcript Final

[651] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 75. Microsoft Word - 4.7.21 State Government Transcript Final

[652] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 73. Microsoft Word - 4.7.21 State Government Transcript Final

[653] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 73. Microsoft Word - 4.7.21 State Government Transcript Final

[654] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 73. Microsoft Word - 4.7.21 State Government Transcript Final

[655] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 74. Microsoft Word - 4.7.21 State Government Transcript Final

[656] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 88. Microsoft Word - 4.7.21 State Government Transcript Final

[657] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 93. Microsoft Word - 4.7.21 State Government Transcript Final

[658] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 93. Microsoft Word - 4.7.21 State Government Transcript Final

[659] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 96. Microsoft Word - 4.7.21 State Government Transcript Final

[660] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 96-97. Microsoft Word - 4.7.21 State Government Transcript Final

State Board of Elections and the 120 County Clerks throughout the Commonwealth.[661] All three entities work together to create an efficient election system, and this creates a sense of checks and balances.[662]

Dearing was also asked about Kentucky's voter ID laws.[663] He explained this law has been in effect for several years, with several updates recently made, as well as the pandemic creating an impact on its use.[664] Dearing said the goal of the changes was to use some of the old laws, but to incorporate: "a secure level of balance of security and access."[665]

Dearing addressed member questions regarding Kentucky's new law (HB574), with its establishment of a signature curing process.[666] Dearing was also asked about cleaning of voter rolls, and he indicated: "[i]t is something you want to have an active process to clean up to the best of your ability but to do it in a way that's not impacting voters that should have access to the ballot."[667] With respect to signature verification, Dearing said while Kentucky does not have technology in place to check signatures, the Governor of Kentucky allotted counties CARES Act dollars which allowed counties to hire and train staff on how to verify signatures on ballots.[668] As part of discussions on Kentucky's new law, Dearing was asked about a bar tracking code placed on mail-in absentee ballots.[669] He explained these codes are on specific envelopes only and would not be on the actual ballot itself.[670]

Dearing was asked about the various levels and timeframes for training county election officials.[671] He responded: "[w]e provide training on anything we possible can that's going to help our county clerks run a better election."[672] In Kentucky, Dearing mentioned the ability to be "incentivized" for training, in a monetary form.[673] He said this: "[g]ives us, the State Board of

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[661] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 104-105. Microsoft Word - 4.7.21 State Government Transcript Final

[662] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 109. Microsoft Word - 4.7.21 State Government Transcript Final

[663] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 119. Microsoft Word - 4.7.21 State Government Transcript Final

[664] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 119-120. Microsoft Word - 4.7.21 State Government Transcript Final

[665] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 120. Microsoft Word - 4.7.21 State Government Transcript Final

[666] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 127. Microsoft Word - 4.7.21 State Government Transcript Final

[667] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 133. Microsoft Word - 4.7.21 State Government Transcript Final

[668] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 139. Microsoft Word - 4.7.21 State Government Transcript Final

[669] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 142. Microsoft Word - 4.7.21 State Government Transcript Final

[670] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 143. Microsoft Word - 4.7.21 State Government Transcript Final

[671] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 114. Microsoft Word - 4.7.21 State Government Transcript Final

[672] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 114. Microsoft Word - 4.7.21 State Government Transcript Final

[673] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 115. Microsoft Word - 4.7.21 State Government Transcript Final

Elections, a great opportunity to go in and really get granular without training when it comes to the election process itself."[674]

When asked about counties and a substantial increase in workload, Dearing did mention: "[I] think our legislatures both in Kentucky and nationally and across this country are failing to adequately fund our election systems in a way that meaningfully prepares our counties to purchase up-to-date election systems, to provide them with enough resources and staffing to be able to effectuate a good election."[675]

In conclusion, members heard from stakeholders about best practices other states are implementing and what best practices Pennsylvania can adopt for future elections.[676]

Recap[677]

- Pennsylvania does not begin election reforms in a vacuum, but rather has models of more effective election administration in states across the country that we should learn from.
- Expanding voter access and ensuring election integrity are not opposing goals, but rather can be balanced in ways that merit bipartisan support for improvement.
- Enhanced training standards, binding administration rulebooks, and other tools utilized by several states would serve Pennsylvania's constitutional mandate of uniformity in elections.
- Audits of all parts of the election system can provide increased public trust and understanding of the many aspects of the election process.

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[674] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 115. Microsoft Word - 4.7.21 State Government Transcript Final
[675] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 125. Microsoft Word - 4.7.21 State Government Transcript Final
[676] State Government Committee Hearing Transcripts. An Overview of How Other States Conduct Elections, Pg. 4-5. Microsoft Word - 4.7.21 State Government Transcript Final
[677] Chairman's recap. April 8, 2021. https://s3.us-east-2.amazonaws.com/pagopvideo/407469328.mp4

Stakeholders and Member Testimony

On April 15, 2021, the State Government Committee concluded its series of in-depth discussions of Pennsylvania's election process with testimony from stakeholders and members of the House of Representatives.[678] Because the committee had eighteen testifiers, members heard testimony and did not ask questions.

Stakeholder Testimony

Lisa Schaefer, Executive Director of the County Commissioners Association of Pennsylvania, recommended various changes Pennsylvania can adopt for future elections to lift burdens off county officials.[679] One of these changes is allowing for pre-canvassing to take place in advance of an election.[680] Without an extended pre-canvassing period, counties will continue to face challenges in providing timely results on election night.[681] The second priority is to move the mail-in ballot application deadline back to fifteen days, instead of seven days under Act 77 of 2019.[682] This created challenges for postal services, making some voters not meet the mail-in deadline and created uncertainty if the election office would receive ballots in time.[683] Most importantly, Schaefer stated counties would like to urge the General Assembly to continue to bring the counties to the table to discuss and provide feedback on election related legislation to bring meaningful reforms.[684]

David Thornburgh, President and CEO of the Committee of Seventy, noted the two primary factors going into an election are the voters and the election directors.[685] Thornburgh said during the past election, election directors were put under a lot of stress and needed more time to process mail-in ballots and voters needed more of a chance to cure their ballots and be alerted if something was wrong with their ballot.[686] Thornburgh encouraged the committee to look at ways

[678] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 1. 2021_0075T.pdf (state.pa.us)
[679] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 12. 2021_0075T.pdf (state.pa.us)
[680] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 13. 2021_0075T.pdf (state.pa.us)
[681] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 12-13. 2021_0075T.pdf (state.pa.us)
[682] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 13. 2021_0075T.pdf (state.pa.us)
[683] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 13. 2021_0075T.pdf (state.pa.us)
[684] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 15. 2021_0075T.pdf (state.pa.us)
[685] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 21. 2021_0075T.pdf (state.pa.us)
[686] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 22. 2021_0075T.pdf (state.pa.us)

to strengthen polling place staffing and to provide counties with a basic level of funding to support election efforts.[687]

Jonathan Bechtle, Executive Vice President of Opportunity Solutions Project, encouraged the General Assembly to look at what other states are doing with absentee ballots that could be put into practice to speed up ballot counting without reducing security.[688] Bechtle suggested reducing errors on the front end of the process by banning the practice of pre-filled ballot applications by third party groups.[689] Often, these groups will mail out pre-filled ballot applications with the incorrect information, which leads to problems with processing.[690] North Carolina has banned this process, with pending legislation in nine other states.[691] Additionally, Pennsylvania needs to clarify on whether mismatched signatures on a ballot envelope will be disqualified.[692] If the legislature decides to require signature matches, Bechtle recommends a signature curing process is put into place.[693]

Amber McReynolds, CEO of the National Vote at Home Institute, addressed the various concerns over the 2020 election.[694] McReynolds suggested counties should have the opportunity to process election ballots fourteen days before election day.[695] This would allow Pennsylvania to institute security measures such as having the time to verify signatures and give voters the chance to cure their ballots if there were to be mistakes.[696] Additionally, the Secretary of State should provide proper and uniform guidance to be applied in a timelier manner.[697]

Hans von Spakovsky, Manager of Election Law Reform Initiative and Senior Legal Fellow, Institute for Constitutional Government, The Heritage Foundation, described the various reforms Pennsylvania should enact to have a fair and equal election.[698] Von Spakovsky pointed out the

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[687] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 24. 2021_0075T.pdf (state.pa.us)
[688] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 32. 2021_0075T.pdf (state.pa.us)
[689] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 32. 2021_0075T.pdf (state.pa.us)
[690] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 32. 2021_0075T.pdf (state.pa.us)
[691] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 32. 2021_0075T.pdf (state.pa.us)
[692] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 33. 2021_0075T.pdf (state.pa.us)
[693] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 33. 2021_0075T.pdf (state.pa.us)
[694] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 38. 2021_0075T.pdf (state.pa.us)
[695] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 44. 2021_0075T.pdf (state.pa.us)
[696] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 40. 2021_0075T.pdf (state.pa.us)
[697] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 44. 2021_0075T.pdf (state.pa.us)
[698] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 38. 2021_0075T.pdf (state.pa.us)

most basic security measure states need to put in place is requiring an ID to vote in person and by absentee ballot.[699] Von Spakovsky stated states that have put these measures into law, such as Georgia and Indiana, have seen a dramatic increase in voter turnout.[700]

Khalif Ali, Executive Director with Common Cause Pennsylvania, expressed elections are not a partisan issue but rather a people issue.[701] Ali commended the legislature for expanding mail-in ballots and would like to see mail-in ballots be counted seven days after the election.[702] Ali believes this will allow a fairer process and to allow more voter participation.[703] Additionally, Ali would like Pennsylvania to allow early in-person voting and same day registration.[704]

Scott Walter, President of the Capital Research Center, discussed concerns with private grant monies with strings attached from big tech companies being sent to local government elections in Pennsylvania and other states.[705] Walter expressed donors or nonprofits should not be manipulating elections through gifts to government officials and pointed out this issue is "something left and right could agree on."[706] Walter further stated the Center for Tech and Civic Life (CTCL) refused to disclose hundreds of millions of dollars received from a private donor, and this only became public once the donor himself revealed his nine-figure donation.[707] The CTCL declines to provide its donor list, and because it is a 501(C) (3) nonprofit, they have the right to legally avoid revealing any donors.[708]

Gadsden, State Field Director for One Pennsylvania explained Pennsylvania "lags" behind most states when it comes to making sure voters can count on 21st century convenience and security at the ballot box.[709] Gadsden expressed that Pennsylvania needs to focus on creating provisions which ensure satellite election offices and drop boxes are equitable.[710] Additionally, Gadsden

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[699] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 49. 2021_0075T.pdf (state.pa.us)
[700] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 49. 2021_0075T.pdf (state.pa.us)
[701] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 58. 2021_0075T.pdf (state.pa.us)
[702] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 60. 2021_0075T.pdf (state.pa.us)
[703] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 60. 2021_0075T.pdf (state.pa.us)
[704] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 61-62. 2021_0075T.pdf (state.pa.us)
[705] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 64. 2021_0075T.pdf (state.pa.us)
[706] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 64. 2021_0075T.pdf (state.pa.us)
[707] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 65. 2021_0075T.pdf (state.pa.us)
[708] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 65. 2021_0075T.pdf (state.pa.us)
[709] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 73. 2021_0075T.pdf (state.pa.us)
[710] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 73. 2021_0075T.pdf (state.pa.us)

believes there needs to be consideration of allowing early voting for those who cannot vote in-person on election day, due to busy work schedules or other priorities.[711]

J. Christian Adams, President and General Counsel for the Public Interest Legal Foundation, explained his foundation settled a lawsuit in regard to 20,000 deceased registrants on voter rolls going into the 2020 General Election, with no efforts being made under federal law to mitigate the problem.[712] The Commonwealth has yet to disclose records in regard to Pennsylvania's longstanding glitches in the PennDOT motor voter registration system which exposed numbers of foreign national driver's license customers to the voting system.[713]

Carol Kuniholm, Vice President of Government and Social Policy, League of Women Voters of Pennsylvania, stated election law and process should not be based on partisan priorities but should allow voters equal access and assurances that all votes are counted.[714] Kuniholm would like clarification on what it means to pre-canvass mail-in ballots and provide time for counties to begin opening, sorting and preparing ballots to be scanned ten to fourteen days before election day.[715] Additionally, Kuniholm recommends county election officials receive uniform standards for training and implementation.[716]

Colonel Anthony Shaffer, President, London Center for Policy Research, expressed concerns in the failure to ensure election integrity that could potentially lead to hostile adversaries learning from mistakes and using information to show weakness in the election process.[717] Shaffer stated the best way to create trust is to make tabulation publicly visible to the maximum extent.[718] It is essential Pennsylvania conducts audits, reviews processes, standardizes best practices and creates enforcement mechanisms to ensure oversight and access for observers to monitor tabulation to ensure all votes are protected.[719]

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[711] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 74. 2021_0075T.pdf (state.pa.us)
[712] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 79. 2021_0075T.pdf (state.pa.us)
[713] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 80. 2021_0075T.pdf (state.pa.us)
[714] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 84. 2021_0075T.pdf (state.pa.us)
[715] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 85. 2021_0075T.pdf (state.pa.us)
[716] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 86-87. 2021_0075T.pdf (state.pa.us)
[717] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 93. 2021_0075T.pdf (state.pa.us)
[718] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 98. 2021_0075T.pdf (state.pa.us)
[719] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 100. 2021_0075T.pdf (state.pa.us)

Member Testimony

Representative Pam DeLissio referenced and outlined a report called, "Building Confidence in U.S. Elections."[720] In this report, the Representative detailed the various recommendations provided in the report pertaining to voter registration, identification, and the role of the state during the election process.[721]

Representative Doyle Heffley stated after talking to the Carbon County election officials after the 2020 election, the Representative was alarmed by their concern over the directives coming from the Department of State and the inconsistencies and confusion the directives caused.[722] The Representative recommended that the Secretary of State provide proper and consistent guidance to counties and common-sense voter ID laws.[723]

Representative Kate Klunk described the confusion surrounding a polling location in West Manheim Township during the 2020 election.[724] The Representative said this polling location was rather large and she worked with the county in trying to break the poll up into three different locations.[725] This had then caused confusion amongst voters as to where they should go to vote because the polling location on the voter card and on the county's website, did not match up with the State's polling location.[726] The Representative encouraged the Department of State and counties to check systems to ensure the proper information is being conveyed to the voter.[727]

Representative Donna Bullock explained Pennsylvania is one of the few states to "support voting rights for people with past felony convictions, one of the few states that allowed black free men to vote as early as the late 18th century."[728] Bullock encouraged the committee to look at proposed laws with "careful examination" and with understanding of the history of voter rights.[729]

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[720] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 101-106. 2021_0075T.pdf (state.pa.us)
[721] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 101-106. 2021_0075T.pdf (state.pa.us)
[722] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 108. 2021_0075T.pdf (state.pa.us)
[723] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 110. 2021_0075T.pdf (state.pa.us)
[724] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 112. 2021_0075T.pdf (state.pa.us)
[725] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 112. 2021_0075T.pdf (state.pa.us)
[726] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 113. 2021_0075T.pdf (state.pa.us)
[727] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 114. 2021_0075T.pdf (state.pa.us)
[728] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 117. 2021_0075T.pdf (state.pa.us)
[729] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 119. 2021_0075T.pdf (state.pa.us)

Representative Malcolm Kenyatta encouraged the committee to investigate allowing counties to pre-canvass, streamline the process to allow voters to cure mail-in ballots and allow same day voter registration.[730] The Representative expressed the need for drop boxes to make the "process more accessible for voters."[731]

Chairwoman Margo Davidson commented she viewed the committee hearings as a "mockery of our democratic process and a cynical ploy to restrict the voting rights of Pennsylvanians in this Commonwealth of Pennsylvania."[732]

Representative Paul Schemel gave concluding remarks and stated: "[b]oth Republicans and Democrats can agree that there are things that we need to look within our election system."[733]

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[730] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 121. 2021_0075T.pdf (state.pa.us)
[731] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 121. 2021_0075T.pdf (state.pa.us)
[732] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 126. 2021_0075T.pdf (state.pa.us)
[733] State Government Committee Hearing Transcripts: Stakeholder and Member Testimony, Pg. 127. 2021_0075T.pdf (state.pa.us)

Appendices

Appendix I

Hearing Testifiers:

January 21, 2021 – Department of State's Election Guidance

Kathy Boockvar, Former Secretary of the Commonwealth
Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State

January 28, 2021 - SURE System, the Election Management System, and Other Election Information Technology

Joseph Kantz, Chairman, Snyder County Commissioners and Snyder County Board of Elections
Michael L. Anderson, Director of Elections, Lebanon County Bureau of Elections/Voter Registration
Timothy Benyo, Chief Clerk, Lehigh County Election Board
Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State

Additional written testimony:

County Commissioners Association of Pennsylvania (CCAP)

February 11, 2021 – Election Audits

Honorable Timothy DeFoor, Auditor General of Pennsylvania
Janet Ciccocioppo, Director of the Bureau of Performance Audits
Anne Skorija, Director of the Bureau of Information Technology Audits
Hope Verelst, Deputy Chief Clerk, Director of Election/Voter Registration, Sullivan County
Dr. Thad Hall, Director of Voter Registration/Elections, Mercer County
Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State
Liz Howard, Senior Counsel, Brennan Center for Justice's Democracy Program

March 4, 2021 – Voter Registration

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State
Frank LaRose, Ohio Secretary of State
Forrest Lehman, Director, Lycoming County Elections and Registration
Shane Hamlin, Executive Director, Electronic Registration Information Center (ERIC)

March 10, 2021 – Certification and Operation of Voting Machines with Demonstrations

Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State
Timothy Benyo, Chief Clerk, Lehigh County Election Board
Paul Lux, CERA, Supervisor of Elections, Okaloosa County, Florida

March 18, 2021 – No Excuse Mail-in and Absentee Ballots
Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State
Dr. Charles Stewart III, Professor, Political Science, Massachusetts Institute of Technology
Pam Anderson, Principal, Consilium Colorado, LLC
Dr. Thad Hall, Director of Voter Registration/Elections, Mercer County

Additional written testimony:

Richard Gebbie, CEO, Midwest Direct
Amber McReynolds, CEO, National Vote at Home Institute

March 25, 2021 – County Election Day Operations and Election Satellite Offices

Ed Allison, County Election Director, Voter Registration and Elections, Lawrence County
Patricia Nace, Election Consultant, Northumberland, and Snyder Counties
Seth Bluestein, Chief Deputy Commissioner and Chief Integrity Officer, City of Philadelphia
Shane Fitzgerald, Executive Director, Bucks County Courier Times, and The Intelligencer; PA State Editor, USA Today Network
Sambo Dul, State Elections Director, Arizona Secretary of State
Tim Mattice, Executive Director, The Election Center
Pam Anderson, Principal, Consilium Colorado, LLC

April 1, 2021 – Election Integrity and Accessibility Policy

Dr. Will Adler, Senior Technologist, Elections and Democracy, Center for Democracy and Technology
Dr. Clifford Neuman, Director, USC Center for Computer Systems Security, Assoc. Professor of Computer Science Practice, Viterbi School of Engineering, University of Southern California
Nathan Savidge, Chief Registrar, Northumberland County Board of Elections
Ray Murphy, State Coordinator, Keystone Votes
Jennifer Garman, Director of Government Affairs, Disability Rights Pennsylvania
Peri Jude Radecic, CEO, Disability Rights Pennsylvania
Jason Snead, Executive Director, Honest Elections Project

April 8, 2021 – An Overview of How Other States Conduct Elections

Wendy Underhill, Director of Elections and Redistricting Program, National Conference of State Legislatures
Jennifer Morrell, Partner, The Elections Group
Sam Adolphsen, Policy Director, The Foundation for Government Accountability
Jared Dearing, Executive Director, Kentucky State Board of Elections

April 15, 2021 – Stakeholders and Member Testimony

Lisa Schaefer, Executive Director, County Commissioners Association of Pennsylvania
David Thornburgh, President and CEO, Committee of Seventy
Jonathan Bechtle, Executive Vice President, Opportunity Solutions Project
Amber McReynolds, CEO, National Vote at Home Institute
Hans von Spakovsky, Manager, Election Law Reform Initiative and Senior Legal Fellow, Institute for Constitutional Government, The Heritage Foundation
Khalif Ali, Executive Director, Common Cause Pennsylvania
Scott Walter, President, Capital Research Center
Wesley Gadsden, State Field Director, One Pennsylvania
J. Christian Adams, President and General Counsel, Public Interest Legal Foundation
Carol Kuniholm, Vice President of Government and Social Policy, League of Women Voters of Pennsylvania
Colonel Anthony Shaffer, President, London Center for Policy Research
Representative Pam DeLissio
Representative Doyle Heffley
Representative Kate Klunk
Representative Donna Bullock
Representative Malcolm Kenyatta
Chairwoman Margo Davidson
Representative Paul Schemel

Appendix II

Summary of Election Experience Survey

On March 11, 2021, Chairman Grove issued a survey to gather feedback from voters within the Commonwealth on their election day experiences.[734] Through this survey, over 280 responses were received. Within these responses, 73 respondents were "satisfied" with their election day experience when using the mail-in ballot system and encouraged the General Assembly to continue no-excuse mail-in-ballots for future elections. Additionally, 170 respondents were "not satisfied" with the 2020 election and view the election negatively, while 37 respondents shared their opinions on miscellaneous issues.

Of the 170 respondents who shared a negative view of the 2020 election, there were five common reoccurring issues. 86 respondents had concerns regarding Voter ID laws. Voters believe that anyone can go into a polling place and pose as someone else to cast a vote. Voters feel that Voter ID would ensure voter fraud is not occurring and creates more trust in the election process.
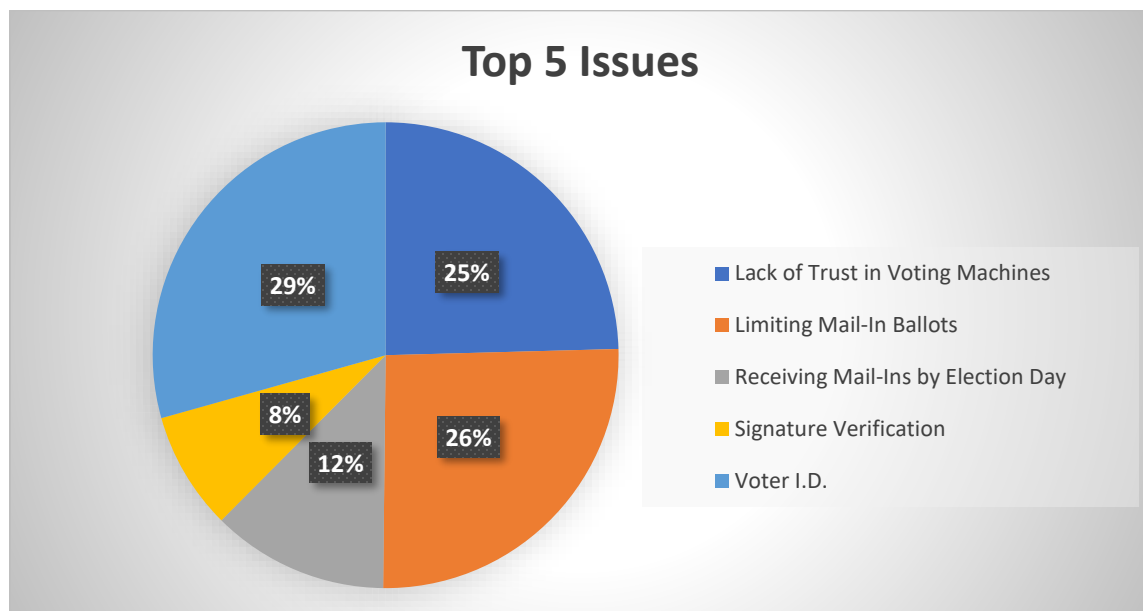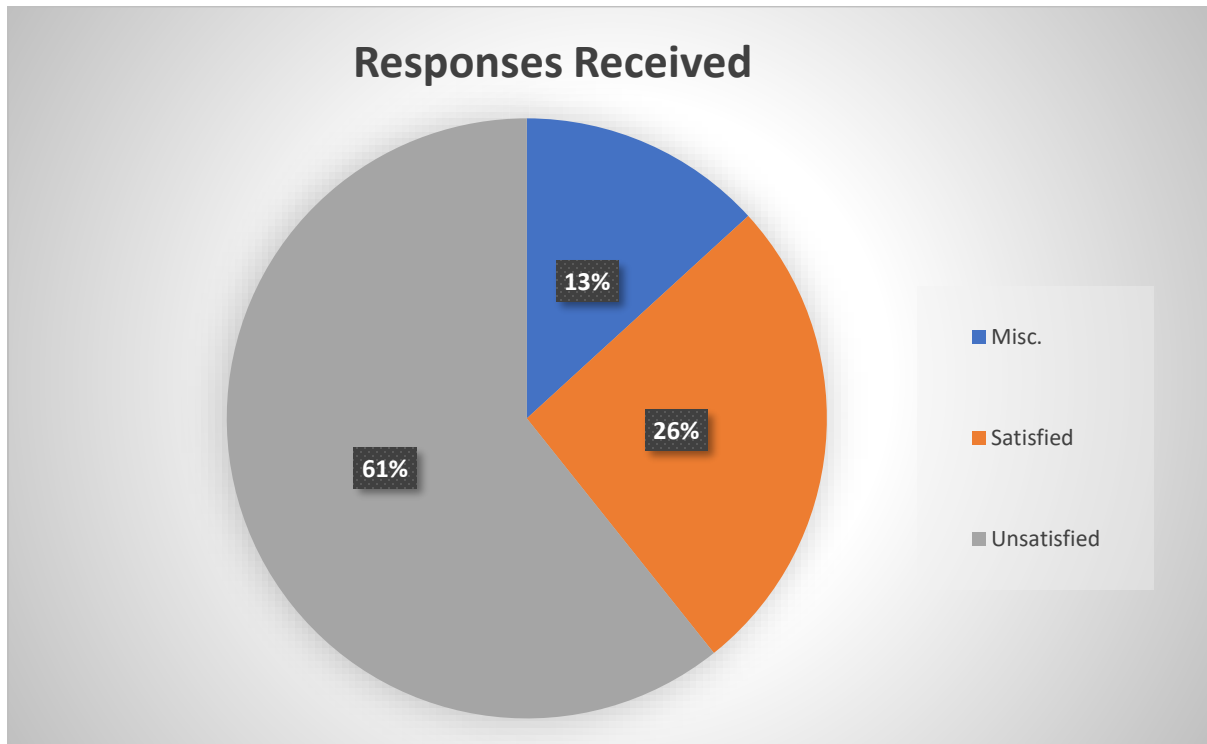
75 respondents believe "no-excuse" mail-in ballots should be eliminated moving forward. Voters would like mail-in ballots to only be mailed by the voter's request and not automatically sent. 72 respondents commented on the lack of trust in voting machines. Constituents expressed concerns that hackers or other entities may tamper with voting machines and change election outcomes. Additionally, they believe voting machines are not being maintained properly or receiving the proper software updates.

36 respondents believe mail-in ballots need to be received before election day. Most do not agree that ballots should be counted after election day and expressed that election day is "one day" and not multiple days. Because of the counting of ballots many days after the election, most felt that it crippled the integrity of the election and voters lost trust in the election outcome.

24 respondents would like there to be signature verification. Some voters expressed that due to the lack of signature verification, fraud was more likely to happen among mail-in ballots.

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[734] http://www.repgrove.com/News/19319/Latest-News/Grove-Seeking-Input-on-Election-Hearings,-Announces-New-Hearing-Schedule

Survey Graphs

Responses Received

- Misc. — 13%
- Satisfied — 26%
- Unsatisfied — 61%

Top 5 Issues

- Lack of Trust in Voting Machines — 25%
- Limiting Mail-In Ballots — 26%
- Receiving Mail-Ins by Election Day — 12%
- Signature Verification — 8%
- Voter I.D. — 29%

Bigger concern about voting in America

■ Making sure all who want to vote can   ■ Making sure no ineligible people vote

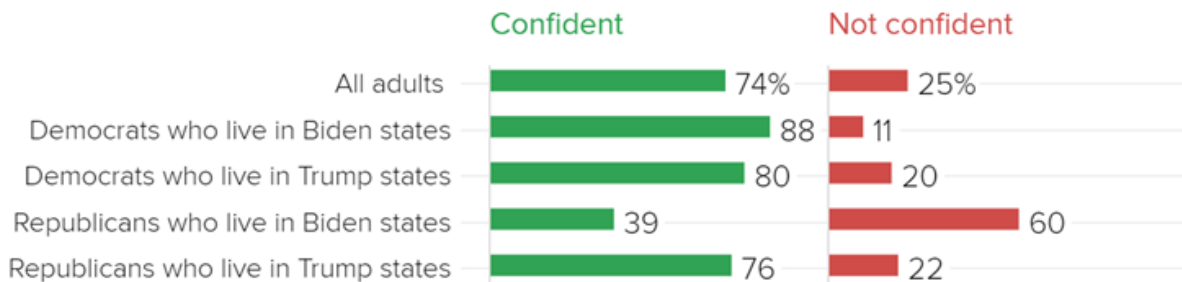|	All adults	Democrats	Independents	Republicans
Making sure all who want to vote can	58%	87%	65%	20%
Making sure no ineligible people vote	38%	10%	30%	77%
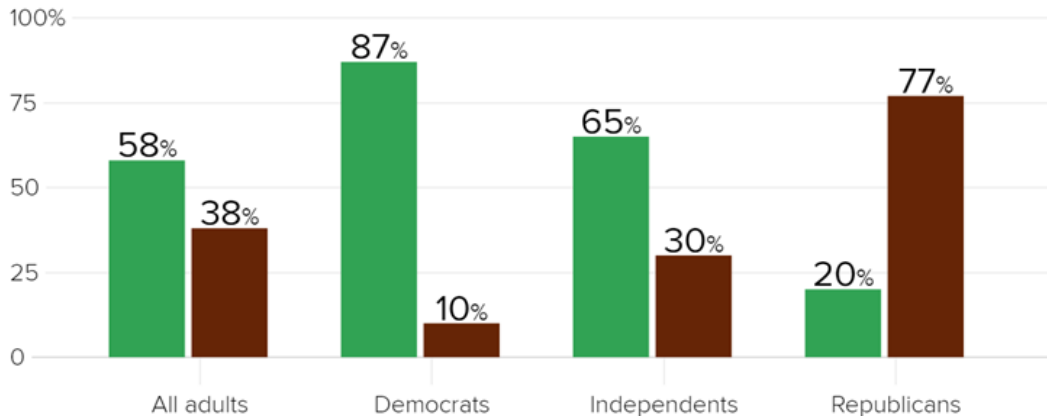
NBC NEWS

Data: NBC News poll. April 17-20, 2021. Margin of error +/- 3.1%

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Confidence that own state can administer a fair election

	Confident	Not confident
All adults	74%	25%
Democrats who live in Biden states	88	11
Democrats who live in Trump states	80	20
Republicans who live in Biden states	39	60
Republicans who live in Trump states	76	22

NBC NEWS

Data: NBC News poll. April 17-20, 2021. Margin of error +/- 3.1%

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[735] https://www.nbcnews.com/politics/meet-the-press/poll-majority-americans-more-concerned-about-voter-access-ineligible-voters-n1265404

[736] https://www.nbcnews.com/politics/meet-the-press/poll-majority-americans-more-concerned-about-voter-access-ineligible-voters-n1265404

[UGA polls citizens on new election rules (walb.com)](https://www.walb.com/2021/04/21/uga-polls-citizens-new-election-rules/)

- Voter ID requirements on absentee balloting (65% approve)
- Mandating two Saturdays of early voting (75% approve)
- Optional two Sundays of early voting (74% approve)
- Moving to a four-week runoff period (52% approve)
- Securing all drop boxes around the clock (55% approve)
- Changing absentee ballot request deadline from four days to eleven days prior to Election Day (60% approve)
- Prohibiting the sending of unsolicited absentee ballot applications (54% approve)
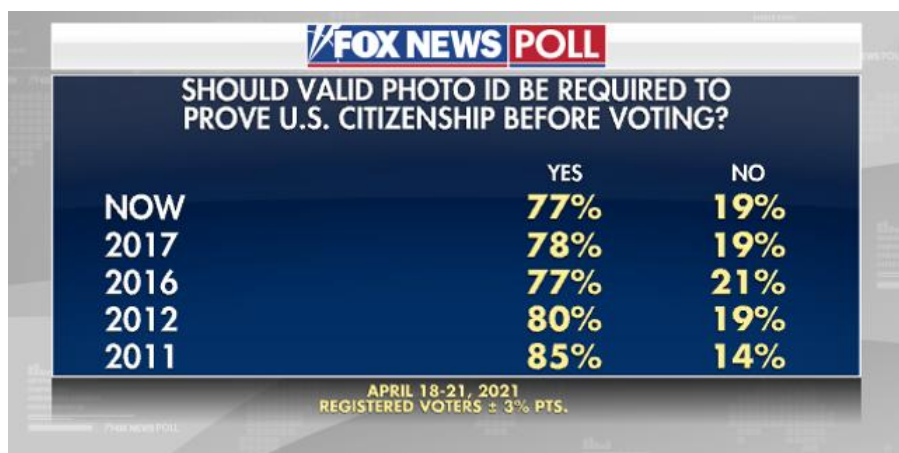- Additional safeguards to prevent fraud (52% support)[737]

[Americans support easier voting methods but also ID requirements, UMass/WCVB poll shows - masslive.com](https://www.masslive.com/news/2021/04/americans-support-easier-voting-methods-but-also-id-requirements-umasswcvb-poll-shows.html)

"To the chagrin of Democratic officials, the most popular reform is to require all voters to show ID to vote, with 67% of voters supporting this, and roughly a majority saying they strongly support it. It is most popular with Republicans, with an overwhelming 94% supporting it, compared to 71% of independents and 45% of Democrats."

The poll of 1,000 respondents conducted April 21-23 found that a bare majority of Americans (51%) think it is more important to prevent fraud in elections, even if it makes it harder to vote. One-third of respondents (32%) oppose this approach, while 17% are unsure.[738]

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[737] https://www.walb.com/2021/04/21/uga-polls-citizens-new-election-rules/
[738] https://www.masslive.com/news/2021/04/americans-support-easier-voting-methods-but-also-id-requirements-umasswcvb-poll-shows.html

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740

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[739] https://www.foxnews.com/politics/fox-news-poll-77-support-requiring-photo-id-for-voting

[740] https://www.foxnews.com/politics/fox-news-poll-77-support-requiring-photo-id-for-voting

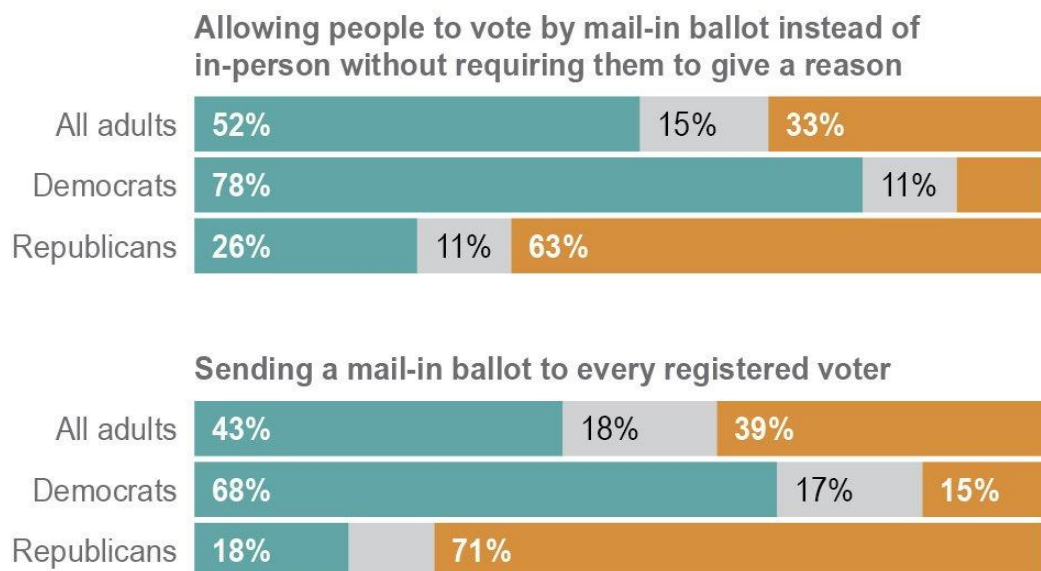[741] https://www.foxnews.com/politics/fox-news-poll-77-support-requiring-photo-id-for-voting

Half of Americans favor allowing voters to cast a mail ballot without an excuse

A new AP-NORC poll finds significantly more support among Democrats than Republicans for allowing no-excuse voting by mail and for sending a mail-in ballot to all registered voters.

Do you favor, oppose, or neither favor nor oppose _____ ?

■ **Favor**　　■ **Oppose**　　■ Neither favor nor oppose

Allowing people to vote by mail-in ballot instead of in-person without requiring them to give a reason

	Favor	Neither	Oppose
All adults	52%	15%	33%
Democrats	78%	11%	
Republicans	26%	11%	63%

Sending a mail-in ballot to every registered voter

	Favor	Neither	Oppose
All adults	43%	18%	39%
Democrats	68%	17%	15%
Republicans	18%		71%

Results based on interviews with 1,166 U.S. adults conducted March 25–29. The margin of error is ±3.6 percentage points for the full sample.

Source: AP-NORC Center for Public Affairs Research

AP 742

Majorities in U.S. favor automatic voter registration and photo ID requirements

A new AP-NORC poll finds about half of Republicans and three-quarters of Democrats favor automatic voter registration. Republicans overwhelmingly favor photo ID requirements to vote, as do a slim majority of Democrats.

Do you favor, oppose, or neither favor nor oppose _____ ?

■ **Favor**   ■ **Oppose**   ■ Neither favor nor oppose

Automatically registering adult citizens to vote when they get drivers licenses or other state identification

	Favor	Neither	Oppose
All adults	60%	21%	19%
Democrats	76%	16%	
Republicans	47%	21%	32%

Requiring all voters to provide photo identification in order to vote

	Favor	Neither	Oppose
All adults	72%	14%	13%
Democrats	56%	20%	24%
Republicans	91%		

Results based on interviews with 1,166 U.S. adults conducted March 25–29. The margin of error is ±3.6 percentage points for the full sample.

Source: AP-NORC Center for Public Affairs Research

AP [743]

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[743] https://apnews.com/article/ap-norc-poll-us-majority-back-easier-voter-registration-d4c6c40628aa4ddc56fbbd372d30dd04

Appendix IV

Supplemental Information

Election Policies:

Pennsylvania in Comparison to Other States

May 4, 2021

Contact: Wendy Underhill, Director

Wendy.Underhill@NCSL.org

Election Policies in Pennsylvania Compared with Other States

While election officials deal with the administration of elections—and thus make decisions on logistics such as facilities, equipment, supplies, processes and personnel—state legislators set policy. In this report, NCSL compares Pennsylvania's policies with those in the other 49 states, based on what was true in November 2020. A few things have changed since then, and we've noted them when we can.

The policies reviewed in this report fall into the following categories:

- [Voter registration list maintenance as the precursor to more absentee voting](#)

- [Qualifying for absentee/mail ballots](#)

- [Requesting absentee/mail ballots](#)

- [Returning absentee/mail ballots](#)

- [Processing absentee/mail ballots](#)

- [Vote-by-mail, or vote-at-home, elections](#)

- [Early In-Person Voting](#)

- [Voter ID](#)

- [Double voting](#)

Voter Registration List Maintenance

Clean voter registration lists are the first step in running good elections in any setting, but especially so when there are absentee/mail ballots being sent out to voters. Online voter registration systems and the ability for voters to update their information online are other crucial steps toward having accurate and reliable voter lists.

Is online voter registration and online registration updating available?

- *National Scope*: Forty states currently offer [online voter registration](#).

- *Pennsylvania*: Yes. Pennsylvania's system allows voters to [register online](#) and update their information online. (25 Pa. C.S.A. § 1222)

Does the state allow same day voter registration?

- *National Scope:* As of 2020, Twenty-one states offered [same day voter registration](#). In 2021, Montana has repealed its Election Day registration option, making the total 20.
- *Pennsylvania:* No.

Does the state participate in the Electronic Registration Information Center (ERIC), which is a nationwide clearinghouse that provides states with data on potential duplicate, or defunct, registrations?

- *National Scope*: Thirty states are members of ERIC.

- *Pennsylvania*: Yes. Pennsylvania is a member of ERIC.

Does the state use National Change of Address records for list maintenance purposes?

- *National Scope*: Thirty-six states authorize the use of NCOA records for list maintenance.

- *Pennsylvania*: Yes. Information supplied by the United States Postal Service through its licensees is used on a periodic basis, but not less than once every calendar year, to identify registered electors who may have changed addresses. The information is incorporated in the SURE system and forwarded to the commissions in a manner determined by the secretary by regulation. (25 Pa. C.S.A. § 1901(b))

Qualifying for an Absentee/Mail Ballot

Some states require voters to meet criteria to vote absentee, such as being out of the country on Election Day or having a disability. Others do not. And still others offer a permanent absentee list.

Is an excuse required to vote absentee or by mail?

- *National Scope*: Thirty-four states do not require a voter to provide a reason or excuse for requesting an absentee/mail ballot. Sixteen states continue to ask voters to identify a reason for their request.

- *Pennsylvania*: Pennsylvania is with the majority of states in that it does not require an excuse for a voter who chooses to vote by mail-in ballot. (25 P.S. § 3150.11). Voters who choose to vote by absentee ballot must provide a reason on their absentee ballot application. (25 P.S. § 3146.2)

Does the state maintain a permanent absentee list?

- *National Scope*: Five states maintained a permanent absentee lists in 2020 so that voters can indicate with a single sign-on that they prefer to receive a mail ballot for all future elections. Since then, Maryland has done the same, bringing the total to six. Several other states do so but only for people with disabilities or voters older than a given age.

- *Pennsylvania*: Pennsylvania does not have an option for voters to request that an absentee (or mail-in) ballot be mailed to them for all elections on an ongoing basis. However, Pennsylvania does allow any voter to request to be added to an annual mail-in ballot request list, after which the voter will receive an application to renew their request for a mail ballot each year. Voters on this list do not need to submit applications for mail ballots for additional elections within a given year. (25 P.S. § 3150.12). In addition, Pennsylvania allows permanently disabled voters to be added to an annual absentee voter list. The voter will then automatically receive an annual application to renew their request for an absentee ballot each year, without having to submit a subsequent doctor's certificate. (25 P.S. § 3146.2).

Requesting an Absentee/Mail Ballot

States vary in the methods voters may use to request absentee/mail ballots and in how much other people can help voters acquire their ballots.

Does the state offer an online portal for requesting an absentee/mail ballot?

- *National Scope*: At least 15 states offer online portals where a voter can request an absentee/mail ballot.

- *Pennsylvania*: Yes, through the Pennsylvania online ballot request application.

Can third-party individuals or groups distribute absentee/mail ballot applications and collect completed applications?

- *National Scope*: At least 27 states in some way restrict the distribution and collection of absentee/mail ballot applications, including prohibiting third-party groups from doing so or designating deadlines or turnaround times for the applications to be submitted.

- *Pennsylvania*: Pennsylvania law specifies that "nothing…shall prohibit a private organization or individual from printing blank voter applications for absentee ballots or shall prohibit the use of such applications by another individual, provided the form, content and paper quality have been approved by the Secretary of the Commonwealth." (25 P.S. § 3146.2).

  Note: in 2020, a number of states sent absentee ballot applications to all registered voters as a response to the pandemic. Some states may choose to regulate this by either prohibiting it (so that local jurisdictions cannot do so on their own as well as that the state will not do so) or making it standard practice.

Returning a Voted Absentee/Mail Ballot

States also vary in terms of how absentee/mail ballots can be turned in.

Does the state provide ballot drop boxes in some or all counties?

- *National Scope*: At least thirteen states have laws providing standards for ballot drop boxes. Another dozen or more states have at least some jurisdictions that used drop boxes in 2020 even though there wasn't statutory guidance.

- *Pennsylvania*: Some counties in Pennsylvania used drop boxes in the November 2020 election and also plan to do so for May 2021 primaries. State law is silent on drop boxes.

Who can collect and drop off absentee/mail ballots on behalf of a voter, with the intent to prevent "ballot harvesting"?

- *National Scope*: Twenty-seven states allow voter to designate someone to return their ballots, and 12 states place limits on the number of ballots a person can collect or return.

- *Pennsylvania*: Pennsylvania law requires voters to return their own ballots, except for voters with disabilities who may designate another person in writing. (25 P.S. § 3146.6).

Does the state have a system for voters to track their absentee/mail ballots?

- *National Scope*: At least 19 states mandate an online system be available for voters to track their absentee/mail ballots. Thirteen other states maintain such a system without a requirement in statute.

- *Pennsylvania*: Yes. Pennsylvania's ballot status tool allows voters to track their ballots.

Does the state (or county) pay for postage to return an absentee/mail ballot?

- *National Scope*: Sixteen states have statutes requiring local election officials to provide postage for ballots returned through the mail.

- *Pennsylvania*: State law is silent on this issue, but in 2020 the Pennsylvania Department of State provided funding for prepaid postage on ballots.

Processing, Verifying and Counting Absentee/Mail Ballots

States deploy an array of options regarding verifying the authenticity of absentee/mail ballots. States also vary in terms of deadlines, correcting ballot errors and reporting results.

How are voted absentee/mail ballots verified by election officials?

- *National Scope*: Thirty-one states conduct signature-verification processes. Six states verify that envelopes have been signed but do not conduct signature verification. Eight states require the signature of a witness, and three states require the envelope to be notarized.

- *Pennsylvania*: Pennsylvania law requires the elector to sign a declaration on the absentee ballot envelope. The declaration on the envelope is examined by the voter's county board of elections and information contained on the envelope is compared with the information in the "registered absentee voters file" and list of absentee voters. If an elector fails to provide proof of identification that can be verified by the county board of elections either at the time of application or by the sixth calendar day following the election, then the absentee ballot shall not be counted. (25 P.S. § 3146.4; 3146.8).

Does a voter have the opportunity to fix, or cure, a missing signature or signature discrepancy?

- *National Scope*: At least 20 states require that voters be notified when there is a discrepancy or missing signature and be given an opportunity to correct it.

- *Pennsylvania*: No.

What are the postmark and "received by" deadlines for absentee/mail ballots?

- *National Scope*: Thirty-four states have a deadline of Election Day for absentee/mail ballots to be received, while 16 states will accept a ballot received after Election Day but postmarked on or prior to that day. Allowing ballots to be received after Election Day can slow down the release of election results.

- *Pennsylvania*: Ballots must be received by 8 p.m. on Election Day. (P.S. § 3146.8).

When can election officials begin to process and count absentee/mail ballots?

- *National Scope*: At least 32 states permit election officials to begin processing absentee/mail ballots prior to the election. Eleven states permit officials to begin processing ballots on Election Day, but prior to the closing of the polls. Four states do not permit processing ballots until after the polls close.

- *Pennsylvania*: Officials can begin processing ballots at 7 a.m. on Election Day. (P.S. § 3146.8).

How are election results from absentee/mail ballots reported?

- *National Scope*: States vary in how they report absentee/mail ballot results. Some reporting jurisdictions tabulate mail ballots in a single "at-large" precinct for the entire county. In other states, absentee/mail ballot results are reported by the voter's precinct. The latter approach allows election results to be better understood at a granular level.

- *Pennsylvania*: Pennsylvania does not explicitly require county boards of elections to report election results by vote type, but county election offices do report county-level election results by vote type.

Vote-by-Mail (or Vote-at-Home or All-Mail) Elections

Only a small number of states conduct all elections conducted as all-mail elections. These states also offer some provisions for in-person voting. Those provisions vary, as does the authority granted to counties.

Does the state mail a ballot to all voters?

- *National Scope*: Five states use only vote-by-mail elections in which the state mails all registered voters a ballot: Colorado, Hawaii, Oregon Utah and Washington. Some in-person voting is available in each state as well. In addition to the five states that already have vote-by-mail elections, California, Nevada, and Vermont have announced they will mail ballots to all registered voters for the November 2020 election.

- *Pennsylvania*: Pennsylvania does not mail out ballots to all voters for all elections.

For states that send ballots to all voters, what in-person voting options, such as vote centers, are available?

- *National Scope*: The five states with vote-by-mail elections all require that some form of in-person voting options be made available at the county level. In Colorado, there are two weeks of in-person voting available at vote centers in every county. In Oregon, voters can come to a county election office to vote on Election Day. See Part I for details.

- *Pennsylvania*: Not applicable.

Can small elections be conducted by mail?

- *National Scope*: Ten states allow certain smaller elections, such as municipal, primary or special elections, to be conducted entirely by mail.

- *Pennsylvania*: Pennsylvania does not allow small elections to be conducted entirely by mail.

Early In-Person Voting

Most states allow voters to vote in person prior to Election Day, with more states permitting this throughout the last two decades. In this category, NCSL includes states that permit "in-person absentee voting," where the voter can request an absentee ballot, vote it, put it in an absentee envelope and return it at the same time. From the voter's point of view, they've "voted early." From an administrator's point of view, the ballot is handled like absentee ballots and opened later.

How many states offer early in-person voting?

- *National Scope:* 43 states currently offer some form of early in-person voting.
- *Pennsylvania:* Pennsylvania offers a variation on traditional early voting known as in-person absentee or mail-in voting. Voters have the option of requesting and submitting an absentee ballot or mail-in ballot during one in-person visit to county elections offices, starting 50 days prior to Election Day or as soon as the ballots are ready. (25 P.S. § 3146.6).

Are the times and dates for early in-person voting uniform throughout the state?

- *National Scope:* Five states + DC have uniform times. Five states offer early voting during regular business hours. Nine states do not specify when early voting is to take place. 19 states either statutorily set a minimum or allow local jurisdictions to determine early voting. Nine states do not specify. See NCSL's State Laws Governing Early Voting.
- *Pennsylvania:* Pennsylvania offers in-person absentee voting during regular office hours. (25 P.S. § 3146.2a).

Voter ID

Voter ID requirements for in-person voting vary throughout the nation. Over the last two decades, more states have asked voters to show an ID. A key element of voter ID discussions has been, what happens if the voter does not show the ID? Must they vote a provisional ballot? Must they come back after voting to show an ID?

Are voters required to show a physical ID for in-person voting?

- *National Scope:* 36 states ask voters to show some form of identification at the polls. The remaining 14 states use other methods to verify the identity of in-person voters. Most frequently, other identifying information, such as a signature, is checked against information on file.
- *Pennsylvania:* Pennsylvania does not currently request that all voters show an ID to vote in person. However, voters who are voting for the first time in their precinct must show ID. Pennsylvania has enacted laws in the past to require every voter to show ID, but court challenges have stopped them.
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Of the 36 states that ask a voter to show a physical ID for in-person voting, what are the requirements?

- *National Scope:* 18 states request or require a photo as part of the ID; the others accept at least some forms of ID without a photo. For information on what kinds of IDs are accepted, and what happens when a voter doesn't provide an acceptable ID at the polling place, see NCSL's Voter Identification Requirements webpage.

Double Voting

Under the Voting Rights act, "voting more than once" is illegal. How state law governs that prohibition varies from state to state.

How many states prohibit "voting twice in the same election"?

- *National Scope:* 31 states plus D.C.
- *Pennsylvania:* Yes. See 25 P.S. *§3535.* See NCSL's Double Voting webpage.

How many states explicitly prohibit voting in more than one state?

- *National Scope:* 11 states.
- *Pennsylvania:* No.