

COMMENTS ON THE STATE OF ELECTIONS
IN THE COMMONWEALTH OF PENNSYLVANIA

PREPARED FOR THE SPECIAL COMMITTEE ON
ELECTION INTEGRITY AND REFORM
SENATOR WAYNE LANGERHOLC, JR., CHAIRMAN

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Thank you for the opportunity to address this committee and its honorable members. I am humbled to be included with my esteemed colleagues and the representatives of the Pennsylvania Department of State.

I feel a few general statements I have learned over my career may be in order to help explain my comments to follow. Elections to an election director have absolutely nothing to do with politics or political parties. It is all about the process and the rule of law. I have spent over thirty years in a manufacturing environment in my previous life. I worked with some very learned and “street” smart administrators and managers. Through that process, I came to learn and wholly believe that process control and managing the variables in making a product were paramount to success. Also, the fewer the variables the more likely the process of manufacturing a product is successful. The same philosophy can be applied to the election process. The fewer the variables the better chance of a successful, accurate and efficient election. The same applies to adherence to the law – as written – as the law and the process go hand in hand.

Variables and the effect of multiple changes in the laws governing elections have increased dramatically and have had a measurable impact on the personnel, budgets, and logistics of carrying out elections in the Commonwealth. If you agree with my previous premise in the previous paragraph, the election process in the Commonwealth certainly needs to be revised and simplified to streamline the process.

With the advent of the mail in ballot running parallel with the absentee ballot, has in itself been a point of contention and consternation to directors and voters alike. The two should become one under a no excuse mail in ballot. The pre-canvassing timeframe for all the mail in ballots needs to be extended to at least the same time frame to request the ballots themselves which is currently seven days prior to the election. The registration and mail in ballot request cut off dates need to be moved to thirty days prior to any election to afford election personnel the time to properly examine the ballots being returned, scanning the ballots to record the return and subsequent vote for that individual and file in a manner conducive to the canvassing of said ballots.

The current process has increased the variables at all polling sites for all poll workers both elected and appointed. A combination of age and frustration over the current process has exacerbated the shortage of qualified poll workers. In Lawrence County alone, better than fifty percent of the elected positions are vacant on the 2021 Municipal ballot, an issue election directors saw coming two years ago. Returning voted ballots to be voided in order to vote in person, voters wanting to vote in person without their ballots already issued and now needing to vote provisionally, handling ballots as never before and reconciliation vote counts has become exceptionally burdensome. The provisional balloting process was totally new to many polls and was a major cause of concern and frustration. The increased number of provisional ballots also helped contribute to longer wait times. Ballots, voted, unused and voided,

returned need to be scrutinized and reconciled. This process was much more time intensive and added to the burdens at all election offices.

In order to alleviate the poll issues and any number of minute details to be encountered, a “one and done” process needs to be evaluated and adopted. A voter would have the option of voting in person or requesting and voting a consolidated mail in ballot. Period. This method would certainly eliminate a number of variables at the polling site and the election office. It would give the voter a clear understanding of the revised process. The adjusted timelines would further support this change.

Act 77 and Act 12 have added a new definition to the word ‘permanent’. Permanent, as it relates to balloting in Pennsylvania now means annual and involves thousands of tax-payer dollars to prepare and mail ballot applications to all those voters who checked the box 7 in the 2020 Presidential Primary making them ‘permanent’ mail in voters. Lawrence County with its roughly 54,000 register voters, mailed over 10,000 applications at a cost of over \$10,000. All counties have never had to deal with this process or expense for which they received no consideration of reimbursement. Permanent should mean permanent until the voter changes the status and allow election offices to prepare ballots for these individuals automatically for each election.

The 2020 election cycle, which seems as if it will never die, raised the question of the proper and legal use of drop boxes for ballot returns. Legislation needs to be adopted one way or the other in regard to the use these conveniences. Legislation should be limited, if following the court ruling on the matter, to the permitted use and no more. The usage of drop boxes should be determined at the county level and the necessary safeguards should be left to the purview of the county.

A rather unpopular concept to elections is that of personal responsibility. Voters must become cognizant of the candidates and issues to make informed choices. Completing ballots and envelopes prescribed by law is the responsibility of the voter. Improperly completed affidavits and naked ballots are fatal defects per the election code and must be treated as such. Election offices, upon examining the affidavits, do our best to offer the voters the opportunity to remedy the flaw. We must be aware, however, we open our office to criticism if we miss one or no longer have time at the runup to the election. Naked ballots are without remedy at the risk of violating the concept of the secret ballot.

The Pennsylvania Department of State, underfunded and undermanned, does an exemplary job in their part of the election process. Counties do not always agree with the Department’s guidances and interpretations of the Election Code and counties will act accordingly under the advice of the Board of Election following review with the Solicitor. All guidances and directives should be referenced at all times with the appropriate section of the Election Code and will be reviewed at the county level with consultation of the Solicitor. Directors recognize that the Department is currently engaged with the replacement of the SURE system. Until that time, all emails and other correspondence with voters must be more generic as opposed to adding more stress to election offices with target dates for mailing ballots and any other material directly to voters.

By the end of the year, better than 25% of key personnel in county offices will have left the profession for greener pastures or more relaxed lifestyles in retirement. Each personnel change is another variable to be dealt with and not just at the county level but the state level as well. Decades of experience and know-how has been lost to the profession in Pennsylvania. Newcomers have done an exceptional job at catching up but at what cost. The stress level in our profession is at the breaking point and reform to the process is absolutely necessary or the 25% will increase dramatically to the detriment of the process

and the democratic electoral process in Pennsylvania. Workshops and certifications are merely dressing to the wound but may help the bleeding in the short term.

Last but certainly not least, money! Counties have had to foot the bill for election administration far too long. The grants and other funding sources available in 2020 are gone and we see no replacement for the funding stream. A shared approach must be seriously considered with the counties covering the local races and questions and the state and federal governments sharing equally to reimburse the counties for all state and federal elections. Assets are now running short.

In closing, I have identified the growing number of variables in the election process and the need for reform to a simpler process. Counties are losing valuable assets in personnel, funding and time. Once the assets are exhausted, only liabilities remain – inexperienced personnel, depleted coffers and public distrust.

Thank you again for your kind attention.