

**Testimony of Al Schmidt
City Commissioner of Philadelphia**

**Special Committee on Election Integrity & Reform
Harrisburg, PA
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Good morning Chairman Langerholc and members of the Senate Special Committee on Election Integrity & Reform. I'm Philadelphia City Commissioner Al Schmidt. In Philadelphia, the City Commissioners are three independently-elected officials responsible for oversight of elections and voter registration. In 2020, during a once-in-a-lifetime pandemic we were able to provide safe in-person voting as well as a convenient and safe vote by mail option. And I am proud to say that Philadelphia had its highest turnout since 1984.

At the heart of our electoral system is the faith Americans have in the integrity of our elections. Confidence that we do everything we can to count legitimately cast votes from eligible voters – and – that we do everything in our power to protect our elections from illegitimately cast votes. We need to come together to continue improving our election system and restore that faith. That's not to say that we will agree on every detail of every policy proposal moving forward, but that our guiding principle, as Americans, should be universal — that our Republic is better when we all have the opportunity to participate.

So how do we restore that faith in our election system? We need to have bipartisan conversations to identify policy solutions. Every proposed change to our election system needs to be discussed with two concepts in mind: *access* and *security*. With every change improving access to voting, we must account for accompanying security measures to protect the integrity of the election.

The main problem we encountered in the General Election this past November was a disinformation campaign related to mail-in ballots. The lies about the election being stolen – while completely untrue – exploited perceived imperfections and ambiguities in the Commonwealth’s new vote-by-mail process. Act 77 of 2019 layered no-excuse vote-by-mail on top of an existing in-person election infrastructure that was not built for that purpose and was already antiquated. In addition, the pandemic accelerated the use of vote-by-mail so counties were not able to gradually grow into managing this new voting method. While many improvements can be made to the Election Code, I will focus my testimony on three broad topics related to improving mail-in voting in Pennsylvania.

1. Because of the severe partisan imbalance among voters who chose to vote by mail, it appeared like President Trump was winning on election night in Pennsylvania and that now President Biden was slowly catching up. This false impression was caused entirely by the lack of pre-canvassing of mail-in ballots in advance of election day. Counties must be given the option to begin pre-canvassing mail-in ballots prior to election day. As part of the early pre-canvassing process, counties should be permitted to:
 - review the sufficiency of the declaration envelopes;
 - verify the signature on the declaration envelope to confirm the identify of the person submitting the ballot;
 - update voter registration records to indicate that the ballot was received (if Board of Elections personnel determined that the ballot can’t be counted, counties should be permitted to cancel the ballot, mark the declaration

envelope as cancelled, and allow the voter an opportunity to submit a new ballot or vote by provisional ballot); and

- extract ballots from the declaration and secrecy envelopes and unfold the ballots.

Ballots should be stored in secure ballot containers after being pre-canvassed and not scanned until 7:00 AM on election day. This entire process should utilize chain-of-custody/batch control documentation to account for every ballot and should be done in front of authorized observers from the parties or campaigns. Voters whose ballots are received prior to the poll book files being generated should be removed from the poll book's main section so they can't sign in and vote on the voting machines. Additionally, ballots that aren't returned prior to the poll books being updated and packed for shipping to the polling places should not be canvassed before they can be reconciled against the poll books to prevent double voting.

2. One of the major points of contention this past election was whether ballots received after election day should be counted. This past November, nearly 10,000 ballots from Pennsylvania voters arrived after 8:00 PM on Election Day and before 5:00 PM on Friday, November 6th. Similarly, thousands of ballots arrived after election day in the Primary. From this experience, it's clear that the current statutory timeline for applying for and returning mail ballots is insufficient. Only seven days between the application deadline and the ballot receipt deadline is not a reasonable amount of time for counties or for voters. Simply moving the receipt deadline to the Friday after election day doesn't

solve all of the concerns — there are still many voters who don't have the time to apply for, receive, vote, and place their ballot in the mail in only seven days. This is why I recommend moving the application deadline from the Tuesday before Election Day to at least the Friday before the current application deadline. Doing so would maximize the number of voters who are able to apply for, receive, vote, and return their mail-in ballots to their Board of Elections in time. Another concern with the Pennsylvania Supreme Court's ruling related to the ballot receipt deadline was the issue of accepting and counting non-postmarked ballots. Counties should never be put in the position where they may be accepting ballots not cast on or before election day.

3. The third and final topic I'd like to provide testimony on is the need for removing the requirement that voters return their ballot within the inner secrecy envelope. Secrecy envelopes no longer provide a compelling security interest now that counties centrally count thousands of ballots. The extraction equipment is used at such a high speed that the clerks would not have the ability to look at how individual voters cast their vote. Removing the requirement that voters use the second envelope would reduce the potential for voters to be unnecessarily disenfranchised and cut in half the time it would take for counties to extract ballots during the pre-canvass activities.

Chairman Langerholc and Members of the Senate Special Committee on Election Integrity & Reform, thank you for the opportunity to testify today. As I said at the beginning of my testimony, we may not end up agreeing on the details of every policy proposal, but I remain

committed to making sure that all eligible voters have the opportunity to participate in our democracy. For the sake of our Republic, I hope others will join us in working to improve both access and security in our election system.