



**Testimony of Allegheny County Executive Rich Fitzgerald
Before the Special Committee on Election Integrity & Reform
April 20, 2021 Public Hearing**

Senator Langerholc, Senator Street, and members – thank you for the invitation to join you today. I’m delighted to be able to provide you with insight on the administration of elections in Allegheny County, specifically as it relates to the 2020 General Election, and am also happy to answer any questions that you may have.

Our preparation for this election goes back a little further than the end of 2019, so if you will indulge me, I’d like to take you back a little further. In February 2018, the Pennsylvania Department of State issued a directive concerning the purchase of electronic voting systems that required that any county purchasing new voting systems must conform to new standards concerning resiliency, auditability and security. It also required that systems must employ a voter-verifiable paper ballot, or a voter-verifiable paper record of the votes cast by a voter. At the time, Allegheny County did not intend to replace its machines and had not begun a process to purchase any new ones.

Later that year, the state’s settlement agreement in Stein v. Cortes provided that all counties in Pennsylvania implement such voting systems prior to the 2020 primary. Beginning in early 2019, the county went through an extensive process involving an internal work group and the Board of Elections (a temporary, Court appointed one, as all members of the board were candidates that year) to vet new voting systems, provide for expert review and input, allow for public review and comment, and to hear from advocates and others about the systems being considered. In September 2019, the Board of Elections voted, directing the county to enter into a contract with Election Systems & Software (ES&S) to purchase DS200 precinct scanners, express vote ballot marking devices, and DS450 high speed scanners for future elections.

The new system would utilize paper ballots at the polling place that would then be scanned by the voter into a precinct level scanner (DS200) for the vote to be cast. For voters who are unable to mark their own ballot, each precinct also had at least one ballot marking device to create a ballot through a variety of accessibility tools which would then be scanned by the voter (or an aide, if assistance was needed) into the precinct level scanner for the vote to be cast. Absentee, military, emergency and provisional ballots would be scanned in at the Elections Warehouse using high speed scanners (DS450).

OFFICE OF THE COUNTY EXECUTIVE

An internal team consisting of Elections, Purchasing, Computer Services, Budget and Finance, Law, Human Resources (ADA Coordinator), Administrative Services, CountyStat, Communications, Marketing and the County Manager's office began meeting weekly to re-envision the voting process. Part of its charge was to set up chains of custody, revise poll worker training, ensure accessibility, determine needs and challenges, and ensure that all supplies and resources that were necessary for a presidential election year were in place. The Board of Election also underscored that these efforts should all fortify the integrity of the new voting system. The team was also charged with communicating information about and instilling voter confidence in the new voting system.

In late 2019, as you know, the legislature amended the Election Code and made a number of significant changes. Among other things, it authorized no excuse mail-in voting, extended the deadlines to register to vote and to apply for a mail-in or absentee ballot, and requires that absentee and mail-in ballots be counted centrally and that such counting not begin until the close of polls on Election Day. While there were other changes, these provisions impacted the administration of our election the most.

In February, the division launched a new website for residents which contained information on the new voting system, voter outreach efforts, instructional videos, and more. The county had also received the 1,650 precinct scanners and ballot marking devices, and four of the eight high speed scanners that had been ordered. The division also purchased two other high-speed scanners to handle the expected volume of mail-in ballots. Poll worker recruitment was underway, public voting system demonstrations had been scheduled throughout the county, a significant marketing campaign launched with information on the new voting systems, and the county began talking about whether additional elections offices to allow for over-the-counter voting was possible.

In March 2020, the legislature again amended the Election Code. The amended bill addressed some, but not all, of the issues created by Act 77 of 2019. It allowed the county to pre-canvass absentee and mail-in ballots beginning at 7 AM on Election Day. It allowed for the surrender of a mail-in ballot at a polling place, beginning with the November Presidential Election. It also put in place emergency provisions due to the pandemic and authorized the consolidation of polling places for the primary election, and changed the date of the election itself.

Around the same time, Allegheny County began reporting its first cases of COVID-19. By the end of March, the county had reported over 300 cases of the virus. Acting on a recommendation from the Elections Division at its April meeting, the Board of Elections decided to send mail-in ballot applications with postage-paid return envelopes to all voters in the county, offering an option to in-person voting with the many mitigation measures in place. Ballots began going out mid-month with over 71,000 applications having been received at that point.

At the end of April, Elections submitted a resolution of the Board to the state asking for approval to consolidate its 1,323 polling places into 200-300 locations. That plan was approved by the PA Department of State in late May. By then, over 200,000 voters had applied to register to vote by absentee or mail-in ballot. The number was so great, that the Elections Division arranged for ballot drop

off at the office for the three days prior to and the date of the election. When polls closed on June 2, a total of 319,612 voters cast a ballot. Of those, 218,066 voted by absentee or mail-in ballot.

Over the summer, additional cases of COVID had begun to level out, but there still remained a great deal of concern around voting in person, and by poll workers of exposing themselves to others who may have the virus. There was also substantial clamor for additional information. In August, an e-newsletter was launched to provide information on what the division was doing in preparation for the election. There was also additional interest in over-the-counter voting so that voters did not have to go to the polling place on election day. While the county had always offered over-the-counter voting, many voters just became aware of the option as a result of Act 77.

In September, the Board of Election considered and approved a proposal to open additional, temporary offices throughout the county to allow for over-the-counter voting and ballot return. Later that month, ballots began going out to voters with over 314,000 people having applied for either an absentee or mail-in ballot by that time. In October, the office provided expanded hours, as well as ballot return in the lobby of the building, for voters. The fully staffed locations ensured voters were returning only their own ballot, and that ballots were secured, under lock and key, at the Elections warehouse as soon as ballot return ended.

For the November 3 election, all 1,323 polling places were open in the county. For most locations, a full complement of five poll workers were at each site with some having more or less based on registration. In addition to poll workers, another 220 staff were utilized as rovers and leadmen, assisting and support election day operations at polling places. The county issued 22,000 poll watcher certificates. Of the county's

Pursuant to Act 12 of 2020, the pre-canvassing of ballots began shortly after 7 AM at the county's elections warehouse. The entire facility was under CCTV cameras and had large display screens in the area set aside for authorized observers. It was also under constant monitoring by employees of the Allegheny County Police Department. Staff – from departments across the county – came in through metal detectors and were prohibited from carrying any bag or other large item to their seats. Instead, those items were left in a secured area at the entrance to the room where pre-canvassing and canvassing was to occur.

Pre-canvassing, and indeed canvassing, are not easy or quick processes.

Each envelope went through a declaration review with ballots that needed further attention set aside for review by Elections Division staff in consultation with the Law Department.

If no issues were noted, the declaration envelope was opened and staff extracted the security envelope from inside. If there was no security envelope, the materials were put back together and the envelope was set aside in another bin for further review by Elections Division staff in consultation with the Law Department.

Security envelopes were opened and the ballot extracted from the envelope. The ballot then had to be opened, flattened, back folded, straightened and even compressed under other items to help ensure that it would not be caught in the scanner.

Based on the reports that we provided throughout the day, with hundreds of staff helping with this process, here was our progress:

At 9 AM, only 25% of ballots had been touched, two hours after pre-canvassing began. About 13,500 had gone through the declaration review and had the declaration envelope opened and the secrecy envelopes extracted.

At 10 AM, we had about 80% of the ballots in some stage of processing. Approximately 105,000 had gone through the declaration envelope and had the secrecy envelopes extracted. A few thousand ballots had been flattened and were ready to scan.

At 11 AM, we had only scanned around 9,000 ballots. All of the ballots were in some stage of processing that were eligible to be opened that day (unsigned declaration envelope, incorrect ballot returned, other issues).

By 1 PM, we had 25,583 ballots scanned. Half of the staff were removing ballots from the envelope while the other half was flattening the ballots for scanning. This process, in particular, became very important – and was also an issue. Because the pre-canvassing could not begin until 7 AM the morning of Election Day, we had some ballots which had been folded, compressed in an envelope for over a month leaving deep creases that were jamming the scanners.

At 3 PM, there had been 43,894 ballots scanned. Our first shift of employees left and a second shift of approximately 200 were arriving which slowed down the process as staff were sworn in and shown the steps and their responsibilities.

At 5 PM, another 2,000 ballots arrived from that day's mail. The process began again for those five trays. At that time, we had 59,799 ballots scanned.

At 6:40 PM, that number increased to 82,716 ballots scanned. We estimated that there were approximately 20,000 envelopes without barcodes and assigned staff to begin manually entering the return of the ballot and then sending them along for processing.

By 8 PM, there were 95,998 ballots scanned. Processing stopped so that the first 65,000 ballots that had been scanned could be tabulated and uploaded to the county's reporting system.

At 9:15 PM, there were 111,884 ballots scanned

At 10:30 PM, 125,383 ballots had been scanned. A third shift of employees began arriving with their shift to begin at 11 PM.

At 1 AM, approximately 151,022 ballots had been scanned. Staff were still continuing to flatten ballots for scanning, work that was expected to be complete by 2:30 AM.

At 2:45 AM, the county suspended scanning. While hundreds of staff had been involved in the pre-canvassing and canvassing of ballots, a small group of staff worked through all three shifts conducting scanning and troubleshooting to address any jams of the scanners. By this point, all ballots had been opened and flattened. Of the 413,716 applications that were approved for which voters received an absentee or mail-in ballot, 348,485 had been returned. And as of 2:45 AM, 173,068 of those had been scanned and the results tabulated and uploaded.

On November 4, the staff worked from 10 AM to 11 PM. A total of 313,072 mail-in and absentee ballots had been counted. All ballots that could be counted at that point in time had been counted. In total, the full pre-canvassing and canvassing with hundreds of staff and high-speed scanners took approximately 32 hours to get to that point.

As you are probably aware, there were a large number of challenged ballots and there were also several Court actions which impacted the vote from that point. The Board of Elections convened three times after the election to vote on various matters, and provided a final, amended certification of the election results on November 25.

In all, a total of 942,849 voters were registered for the November election. Of those, 726,720 cast a ballot with 724,800 voting for President. In that race alone, 346,439 voted by absentee or mail-in ballot and 364,032 voted in-person on election day. The remaining voters cast provisional ballots.

None of this effort comes without a cost.

Our Budget and Finance office estimated that the 2020 election cost the count nearly \$14 million to run. We were fortunate to receive grant funding and CARES Act funding that allowed us to offset some of that cost, but over \$7.5 million of that was still borne by county residents. In comparison, the 2019 election cost a little under \$6 million. That's a 130% increase in just one year. While we would expect that presidential elections would be more costly due to turnout and other considerations, the increase was substantially more than we had expected.

We paid more when the counties were directed to move to new voting systems with voter verified paper ballots. We paid more in staffing to manage the absentee and mail-in process, the additional election offices to accommodate the demand for over-the-counter voting, and staff to manage the need to process and turn around applications for voter registration and for absentee and mail-in ballots. We saw our costs rise due to increased postage costs, printing costs, a marketing campaign, and training needs. Because of COVID, we spent substantial funds to cover the costs of personal protective equipment (PPE) and other items necessary to protect our poll workers and voters during these extraordinary times.

In response to extraordinary dialogue and rhetoric around voter fraud, election security and other related concerns, we incurred additional expenses to ensure that our process was transparent,

accessible, and secure. We also absorbed additional costs when the addition of absentee and mail-in voting increased the need for equipment at our warehouse to handle the demand.

We know that not every election will be like the last, but we also recognize that there are public expectations like never before related to what the Elections Division must do and provide prior to and during an election. That is only going to continue to grow. In order to meet those needs, we need legislative action on several fronts, and we also need additional funding and resources from the state, rather than unfunded mandates borne by our county taxpayers.

Legislative Action

We urge action by this body on several items:

1. Make the deadline to register to vote earlier than 15 days before the election.
2. In the alternative, allow for Election Day Registration so that the burden of vetting all of these prospective voters and adding them to the voter rolls, issuing voter identification cards, and adding them to the poll books does not fall on the Elections Division.
3. Make the deadline to apply for an absentee or mail-in ballot earlier than 7 days before the election.
4. Allow pre-canvassing to occur at any time following the deadline to file any challenge to absentee or mail-in ballots.
5. Set a deadline by which the Courts must rule on all challenges that impact ballots.
6. Allow flexibility and autonomy in how elections are run, including:
 - a. Allowing the county to make administrative changes to the number of required workers at a polling place based on average voting history;
 - b. Allowing the county to make administrative changes to election districts, without a Court process; and
 - c. Allowing the county to offer split shifts or other arrangements to voters who work the polls on election day to encourage increased participation.
7. Invest in an electronic voting system that recognizes all of the changes that the state has made to the Election Code in the past few years and which is flexible enough to adjust for future changes and to allow counties to be able to utilize tools in ways that make sense for them – one size does not fit all.

I am extraordinarily proud of the work that the Elections Division and all of our staff did for the 2020 election. Seventy seven percent (77%) of our voters cast a ballot in the November election. We sent out over 400,000 ballots, opened 1,323 polling places, ran a 24/7 operation that was open and transparent for the pre-canvassing and canvassing of absentee and mail-in ballots, and utilized thousands of staff and voters to hold a successful election with all eyes on us and our operation.