



SENATE SPECIAL COMMITTEE ON ELECTION INTEGRITY AND REFORM

**REPORT ON THE SPECIAL COMMITTEE'S FINDINGS AND
RECOMMENDATIONS TO THE SENATE AND THE SENATE STATE
GOVERNMENT COMMITTEE**

Senate Special Committee on Election Integrity and Reform

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**Report on the Special Committee’s Findings and Recommendations to the Senate and the
Senate State Government Committee**

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Introduction

The bipartisan Special Committee on Election Integrity and Reform (Special Committee) was established pursuant to Rule 5(a)(2) of our Senate Rules, and Section 644(1) of Mason's Manual of Legislative Procedure.

The Special Committee's primary purpose was to focus on the review of all aspects of the 2020 General Election, including: the security of the vote before, during and after Election Day; the accuracy and security of the election process, particularly during the pre-canvassing and canvassing stages; the uniformity of the election processes across the Commonwealth; the impact and role of our judiciary on the election process; the impact and role of the former Secretary of the Commonwealth of Pennsylvania in issuing interpretations, guidance and instructions regarding the election process and the conduct of the election as a whole; and other election-related issues.

This Special Committee was comprised of four Senate Republican members and four Senate Democratic members, with the President Pro Tempore serving as an ex-officio member. Special Committee members were appointed by the President Pro Tempore, in consultation with the Senate Minority Leader.

On March 11, 2021, the Special Committee held a public hearing which focused on the best practices of election integrity and security from Colorado, Utah and Florida.

On March 22, 2021, the Special Committee held a public hearing which focused on state and local insight of the administration of elections in Pennsylvania.

On April 19, 2021, the Special Committee held a public hearing which focused on the administration of elections in Philadelphia and Allegheny Counties.

The video and audio of all three public hearings and the submitted written testimonies are available and publicly accessible on the Special Committee's website at pasenelectioncommittee.com.

In addition to holding three public hearings, the Special Committee also hosted an online survey where all persons interested could share their experiences voting by mail or in-person during the 2020 General Election. The online survey was open for over seven weeks and received 20,251 responses from Pennsylvanians residing all throughout the Commonwealth and representing all 67 counties.

Following through with the goal of the Special Committee, this report will be presented to the Senate and standing committees covering the legislative recommendations set forth by the Senate Motion establishing the Special Committee.

A Review of Best Practices of Election Integrity and Security from Other States

On Monday, March 15, 2021, the Special Committee held a public hearing on the Review of Best Practices of Election Integrity and Security from Other States. Testifiers for this public hearing included elections officials from Colorado, Utah and Florida.

Colorado uses a vote by mail system exclusively and citizens can vote in person if they are registered to vote eight days prior to Election Day. The state also uses signature verification to verify all signatures and if they don't match, some are sent to the State Attorney General's Office for investigation. The Denver Elections Division has a former FBI Forensic Handwriting Analyst who provides training to their signature verification judges. Colorado also updates its voter database daily with address changes from driver's license centers, post offices, and death certificate rolls. Colorado will also cross reference voters with 30 other states to check for duplicates including the use of the ERIC system. Last year, the state prosecuted 38 voters for duplicate registrations. Colorado also uses photo identification as well as other forms of ID such as a copy of a current (within the last 60 days) utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Colorado also allows a voter to cure their signature using a uniform procedure which includes proof of identification and a signed affidavit.

Utah, like Colorado, also conducts signature verification utilizing verification software and if signatures do not match, they are further reviewed by election officials. During the 2020 General Election, 93-percent of voters voted by mail in Utah. Utah also requires one of at least 23 different forms of identification in order to vote. Utah updates its voter database on a weekly basis. Like Pennsylvania, Utah utilizes secrecy envelopes for their ballots. Votes can be processed as they are received. All ballots received must be postmarked the day before the election.

Florida, as the fourth largest state in the country, saw 1/3 of its population vote by mail. Like Colorado and Utah, Florida has signature verification. Signatures are compared against the voter signature on file. If a signature is missing or does not match the one on file, the voter has the ability to cure the ballot up to two days after the election. Florida also utilizes ballot tracking on their website so voters can confirm their ballot was received. In order to vote in Florida, residents must present one of 12 different forms of identification. Additionally, some counties provide the return postage on the ballots for voters. Drop boxes are supervised. Florida allows ballots to be opened and tabulated beginning 22 days prior to the election but all ballots must be received by the time the polls close at 7:00 pm on Election Day.

All three states, whether they are controlled by Republicans or Democrats, share the uniform standard distinctions in their elections process:

- Voter verification is essential for voters voting by mail or in-person;
- Daily or weekly updates to voting database;
- Utilize a tracking system for all ballots; and
- Allow for pre-canvassing at least 20 days before the election.

State and Local Insight on the Administration of Elections in Pennsylvania

On Tuesday, March 23, 2021, the Special Committee held a public hearing on State and Local Insight on the Administration of Elections in Pennsylvania. This hearing featured testimony from the Pennsylvania Department of State (the department), the Chair of the Elections Reform Committee of the County Commissioners Association of Pennsylvania, as well as election officials and county officials from rural and suburban counties including Lehigh, Lawrence, Wayne, Berks, Indiana, Snyder, Westmoreland, and Northampton Counties.

According to the Department of State, \$90 million from Act 77 of 2019 was reserved to reimburse counties for their voting system upgrade costs – approximately \$41.6 million have been provided to counties so far. After conducting a year-long education campaign in order to prepare voters for the 2020 General Election, the Department claimed Act 77 was a success because of record high voter engagement. The Department said approximately 76-percent of Pennsylvania voters participated in the 2020 General Election.

The county election officials testified regarding many of their experiences in the 2020 General Election, and offered the following suggestions for improvements:

- Provide approved signature verification software.
- Clarify information regarding drop boxes and allow voters to fix any issues with their ballot.
- Eliminate the option for absentee ballots and only have mail-in ballot option.
- Offer counties as much time as possible to begin pre-canvassing ballots to improve the likelihood of timely election results.
- Change voter registration application deadline to 30 days prior to primary and general election days.
- Change mail-in ballot application deadline to 30 days prior to primary and general election days.
- Make early voting process quicker but do not establish same day voter registration.
- Disallow voters from changing their minds after requesting a ballot.
- Ensure continuing education and training for election directors.

The county commissioners testified that election reform is the County Commissioners Association of Pennsylvania's top legislative priority for counties in 2021. The testifiers also suggested the following:

- Allow for pre-canvassing of ballots prior to the primary and general election.
- The mail-in application request deadline should be 15 days prior to the election.
- Clarity in the law on the counties' authority to use drop boxes for mail-in ballots.
- If drop boxes or return locations other than county government locations are permitted, language must be developed in conjunction with counties regarding any criteria on their location.
- The fatal flaws under which a mail-in ballot is not to be counted must be clearly identified.

- Should a mail-in ballot be counted if a signature or date is missing from the voter's declaration?
- Should naked ballots be counted?
- What should a county do with mail-in ballots that contain writing on the privacy envelope?
- Counties need a clear rule in the law on when or if curing of flaws may happen, and whether or not a county is required to contact a voter to cure their ballot.
- Additional discussion is needed on the number of renewal letters/applications that must be mailed out each year.
- Discussion is also needed regarding whether the responsibility for sending the renewal letters/applications should be at the county or state level.
- Upgrades/replacement of the Statewide Uniform Registry of Electors (SURE) system are under consideration, and counties must be part of these conversations as changes are made to assure they are easily understood and user-friendly.
- As the ballot tracking website is updated going forward, counties must also be part of these conversations to help identify areas of concern, either now or in the future.
- The state should consider the possibility of a state phone bank that could facilitate voter questions.
- While understanding that ongoing litigation was the underlying basis for some of the last-minute guidance changes in 2020, the department must issue guidance as far in advance as possible to avoid the confusion of having to implement new practices immediately prior to an election and to offer greater opportunity for questions and input.
- The Department must more consistently reference the sections of the Election Code on which its guidance is based, and more clearly indicate when the guidance is merely a best practice rather than based on a statutory requirement.
- Counties and the state must work together as new laws and policies are developed to assure workload needs are also considered.
- New laws and policies must be enacted with sufficient time for their implementation.
- Education and training must be available to help develop needed skill sets among election staff.
- To improve staff retention, all levels of government must work together to promote accurate information at each election. This will help reduce the level of confusion and anxiety among voters; and thus, the level of anger county elections staff must address.
- Counties and the state must work together as new laws and policies are developed to assure any increased costs and resource needs, including supplies and staffing, are also considered.
- Consistent guidance on whether to provide stamps on return mail-in ballots.
- Appropriate resources and funding support must be provided by the federal and state governments to support counties in their critical task of administering elections.

Insight on the Administration of Elections in Philadelphia and Allegheny Counties

On Tuesday, April 20, 2021, the Special Committee held a public hearing titled the Insight on the Administration of Elections in Philadelphia and Allegheny Counties. This hearing featured testimony from the Philadelphia City Commissioners and the Allegheny County Executive.

According to Philadelphia Commissioner Deeley, many election officials left their positions as a result of 2020 election changes and this is one of the most pressing needs of Philadelphia County. The commissioners also expressed the need for additional time to pre-canvas ballots and the need for greater financial assistance from the General Assembly. The budget from the City of Philadelphia to administer the election was \$10 million. Commissioner Deeley also stated they received an additional \$10 million through a grant provided by Center for Civic Life. Commissioner Deeley was not positive on the origin of the grant.

Commissioner Sabir stated Philadelphia needs more funding for voter education purposes as many members of the community did not feel comfortable voting during 2020 – noting residents voted the same way for 50 years and now the process had changed. The increase in funding for voter education would allow the city to partner with a diverse group of community leaders to make sure that residents of the city feel comfortable and actively partake in the voting process.

Commissioner Schmidt expressed his opinion that counties provide secrecy envelopes, but that they shouldn't incorporate a fatal flaw that may cancel a person's vote.

Allegheny County Executive Rich Fitzgerald claimed training election workers was a priority and that CARES money from last year helped carry out the state mandates. The budget for Allegheny County for the election was \$14 million. They received \$2 million through a grant from the Center for Civic Life. He also suggested that the time to request a mail-in ballot be moved from 7 days to 15 or 17 days before an election to allow for adequate time using the mail-in election process. Executive Fitzgerald also stressed the need for more flexibility at polling places as it would better help with budgeting and could increase recruitment of election workers.

Findings from the Senate Special Committee's Online Survey

In order to gain insight from the public regarding their experience during the 2020 General Election, the Special Committee provided a link on its website which was shared with constituents of all Senators and publicly advertised by news outlets and on social media.

Beginning on March 10, 2021, all interested individuals could submit their comments and provide feedback through an online survey via the committee website. The online survey was available until April 30, 2021, the last day for public comment. The volunteer survey participants chose from two options, in-person or mail-in ballot during the 2020 General Election. The total number of voters who responded to the survey was 20,251.

The survey received 10,492 responses from Pennsylvanians who voted by mail during the 2020 General Election.

- 88.2% of respondents stated their experience was satisfactory.
- 6.3% of respondents stated their experience was somewhat satisfactory.
- 2.6% of respondents stated their experience was unsatisfactory.
- 2.9% of respondents stated their experience as “other.”

The survey received 9,759 responses from Pennsylvanians who voted in-person during the 2020 General Election.

- 51.4% of respondents stated their experience was satisfactory.
- 16.8% of respondents stated their experience was somewhat satisfactory.
- 15.5% of respondents stated their experience was unsatisfactory.
- 16.3% of respondents stated their experience as “other.”

In addition, 257 election workers also answered questions pertaining to their experience during the 2020 General Election. A majority of the election workers' responses were focused around pre-canvassing, poll watchers, communications from the Department of State, drop boxes and voter registration.

- **Pre-canvassing:** Some suggested bringing the canvassing of mail-in ballots back to the polling place in which the voter would have cast their ballot in person. Individuals claimed there was a lack of transparency with the canvassing of mail-in ballots in November and this would assist in increasing transparency. Others believed establishing realistic pre-canvassing deadlines would ease the burden on County Election Officials and help regain the trust of the public in the voting process.
- **Poll Watchers:** The majority of the comments indicated that poll watchers throughout the Commonwealth were courteous, followed the rules, and did not interfere with the electoral process. Those that did not have the same interaction with their poll watchers recommended better training from the respective parties and a certificate that cannot be printed off the internet or copied by a party or candidate that ensures the poll watcher is legally credentialed.

- **Communications from the Department of State:** Most of the respondents stated that the local election office supplied all of the guidance they were to follow regarding the 2020 General Election.
- **Drop Boxes:** The respondents were divided on how the 2020 General Election utilized ballot drop boxes. Some respondents discussed how their drop boxes were guarded by local sheriffs, while others stated that they were unmanned and unmonitored. Some workers called for the elimination of drop boxes moving forward, while others encouraged the Special Committee to act to increase the amount of drop boxes in future elections.
- **Voter Registration:** Although the process of registering to vote occurs at the county elections office and not at the polls, many respondents provided feedback on the process and called for reforms. Regarding same day voter registration, some stated that it would lead to fraud and others stated that it would help enfranchise voters. A few respondents stated that voter rolls needed modernized and there needs to be a better way to keep registrations current, some even claimed that there were more issues during this election than before. One respondent stated that a young man came to vote for the first time and told the clerk that he registered to vote on Snapchat; he was not registered to vote.

All survey responses were voluntarily provided with the informed consent of each participant and contain information related to their experiences and opinions of the 2020 General Election. The results of the survey are non-scientific.

Special Committee's Legislative Recommendations

As members of the Special Committee, we believe that our democratic institutions are only as strong as the faith that our citizens place in them.

Based on the testimony from the public hearings and comments submitted through the online survey, we recommend the General Assembly and the Governor should start the conversation about the following reforms to the Election Code.

- **We recommend the General Assembly consider allowing for the pre-canvassing of mail-in ballots at least three days before Election Day and not later than 8 a.m. on Election Day. It's important to note that pre-canvassing only implies that envelopes would be allowed to be opened during the allotted time and not be tabulated to count results. We also heard it is important for voters to be allowed to accurately track their mail-in ballot through a barcode system. Additionally, this information should be accessible to the voter to confirm when a ballot is received and has been counted. The counting of all mail-in ballots needs to be transparent and live-streamed for public viewing.**

“Postal tracking of voter’s ballots was requested by Counties for the new SURE system.”
– *Chief Clerk of Lehigh County Timothy Benyo*

“First, allowing counties as much time as possible to pre-canvass ballots in advance of an election would offer a more meaningful option to complete these procedures, such as verifying the barcode number and voter’s information on the outer envelope match the information in the SURE system, opening envelopes and removing and flattening the tri-fold ballot and scanning ballots – all following appropriate security and chain of command protocols for all individuals involved in the process. It is also important to note that counties are not calling for votes to be tabulated, and certainly not released, until after the polls close on election day, simply to use our resources most effectively and efficiently to safely and securely prepare for this to happen” ~ *Indiana County Commissioner Sherene Hess, Chairwoman CCAP Elections Reform Committee*

“We have implemented ballot tracking on our website, vote.utah.gov, that allows a voter to see if a county clerk received their ballot, and if it was counted. Going forward we are going to add text and emails notifications that will let voters know the status of their ballot.”~ *Utah Director of Elections Justin Lee*

- **We recommend the General Assembly consider legislation to change the voter registration application deadline to at least 21 days prior to Election Day rather than the current 15-day deadline. However, the county election office could receive a voter registration application by an applicant up until 15 days prior to an election.**

“We need to push back the voter registration deadline to 30 days prior to elections. This gives counties the necessary time to process registration applications”~ *Wayne County Election Director Cindy Furman*

- **We recommend the General Assembly consider changing the mail-in ballot application deadline to two weeks prior to Election Day rather than the current one-week deadline. However, the county election office could receive a mail-in ballot application by an applicant up until one week prior to an election. We also heard there is a tremendous amount of confusion with the permanent status of mail-in ballots and this should be addressed.**

“Our second top request, moving the mail-in ballot application deadline back to 15 days prior to an election, will help voters by giving allowing more time for the county to process a mail-in ballot application and allow for the ballot to travel through the mail to the voter and back again, something that caused a great deal of anxiety for voters in the November election.”~ *Indiana County Commissioner Sherene Hess, Chairwoman CCAP Elections Reform Committee*

“Make the deadline to apply for an absentee or mail-in ballot earlier than 7 days before the election.” ~ *Allegheny County Executive Rich Fitzgerald*

“First, the option to request a permanent mail ballot for that election year should be eliminated. In Westmoreland County, we processed over 3,700 provisional ballots for the General Election and 1,164 provisional ballots for the Primary Election. For the primary, we heard many complaints about not understanding the mail-in ballot processing, which contributed to that number; however, for the General, the number one complaint was that provisional voters did not request a mail-in or absentee ballot, so they proceeded to attempt to vote in-person. Of course, the poll book indicated that they had voted already, so they were required to complete a provisional ballot. Our investigations revealed that in most cases, they had requested a mail-in ballot for the Primary, and the “permanent” box was checked. Whether they checked the box accidentally or it was checked by a registration clerk in the office is unknowable and immaterial. The permanent mail check-box leads to unnecessary confusion, and I recommend striking it from future elections.”~ *Westmoreland County Commissioner Douglas W. Chew*

- **We recommend the General Assembly consider legislation to establish a real-time reporting system of deceased individuals to respective county election offices from the Department of State. In addition, voter rolls should be updated on a monthly basis throughout the year, but on a daily basis for the two weeks prior to a primary or general election. Similar to the processes in other states, all voter rolls should be cross referenced with the Electronic Registration Information Center (ERIC) system and all national, state and local data.**

“I have some voters that have moved, are deceased, or have questionable status. I submitted all this info to The Department of Elections. The rolls need to be updated and cleaned up. There needs to be a better way to keep registrations current.” ~ *Online Survey Respondent Poll Worker*

“Mail balloting starts with having an accurate voter database, and Colorado updates ours every day based on changes voters make at govotecolorado.gov and a host of other sources.” ~ *Former Colorado Secretary of State Wayne Williams*

- **We recommend the General Assembly consider legislation similar to other states to require voter verification prior to voting in each election. The one-time reissuance of voter registration cards to each individual registered to vote should be considered. The cost of the reissuance of the voter registration should be funded by the Department of State and not on the voters or counties. The General Assembly should consider what other states do with signature verification for mail-in ballots with the ability for voters to modernize their signature to ensure that no voter is disenfranchised.**

"Informing voters how these processes work and providing robust signature verification training for your judges is incredibly important. In Denver, we have a former FBI Forensic Handwriting Analyst train our signature verification judges, most of whom are veterans of the process." ~ *Denver Clerk and Recorder Paul López*

“To deal with this issue our counties have a system in place that allows voters to “cure” an issue with their signature. If the county clerk finds that the signature does not match, they reach out to the voter via email, letter, phone call, or text message to have the voter verify whether or not they signed the ballot envelope, which can also provide an opportunity for a county to collect a more up-to-date signature.” ~ *Utah Director of Elections Justin Lee*

“Too many people showed up that were not registered, not in the correct precinct. IDs need to be shown.” ~ *Online Survey Respondent*

“Isn't that what our voter cards are???? When you register to vote you get a card with your information on it. I think it makes good sense to have voter id, but provide easy methods for people to get it if you want photo id.” ~ *Online Survey Respondent*

“I sent a letter to my own daughter stating that her signature did not match, my daughter had an opportunity to cure it and she did.” ~ *Former Colorado Secretary of State Wayne Williams*

- **We recommend that if the General Assembly considers permitting drop boxes, the legislation ensures proper security measures exist. Each drop box should be stationary and monitored by 24/7 video surveillance. We also heard that all counties should follow uniform procedures for the chain of custody of the ballots from the drop boxes to the counties’ official counting centers. The mail-in ballots should also be under video surveillance at all times from when the ballots are received until they are counted.**

“Florida requires secure Vote by Mail drop boxes at every Early Voting Location and at each Supervisor of Elections office and branch offices. Other sites are permitted as long as they are available during early voting hours and deemed permissible as an Early Voting Location (for example, public libraries).” ~ *Levy County, Florida, Supervisor of Elections Tammy Jones*

“Health issues and general aging make it difficult for me to vote in person. Voting by mail ensures that I can exercise my right and responsibility to vote. When I inquired about the location of drop boxes in my county, I was informed that the election official had no intention of installing a drop box and that I could hand carry my ballot inside the courthouse, which would require that I navigate broken, ragged sidewalks and risk a fall. I was also told that it would be illegal for my neighbor to deliver my ballot. I have mobility issues and walk with a cane. I very much resent that PA legislators do not trust me to choose a representative to deliver my ballot to the polls.” ~ *Online Survey Respondent*

“I worked at the drop box for several days, and found that process to be quite good. We had steady stream of people who came to vote, and had lots of comments about how people appreciated being able to turn in their ballots on their time. In the several days I sat at drop box, the only issue I encountered was when a spouse or parent tried to drop off a ballot for a someone else, not understanding that each person had to handle their own ballot. We did get a few people who got irritated when we did not allow them to drop off another ballot, but for the most part, when we explained, people got it and made arrangements for each voter to come.” ~ *Online Survey Respondent*

- **We recommend that if the General Assembly considers requiring the training of election workers, they should ensure that every election worker is trained on proper procedure and election law prior to each election. This training should be made easily available to ensure that all interested and qualified poll workers are able to work on Election Day. The Department of State should work with the counties to assist in these efforts. Such training should also include procedures which allow designated poll watchers and political observers to view the counting process which must be a completely transparent process. Electronic monitoring of the counting process would alleviate concerns regarding any potential malicious activity.**

“We had a training but I think that could have been more comprehensive especially since we all had new machines and procedures. I think the election office was overwhelmed by the amount of mail in ballots and not being able to start pre-canvassing and so were scrambling to do all they could to be ready and that the training might have taken a back seat to all that.” ~ *Online Survey Respondent*

“Continued education for election directors and those who are new in the field would be a great plus for everyone to have the same continued education for everyone including refreshers.” ~ *Assistant Director for Elections Services for Berks County Karen Barsoum*

- **We recommend further discussions within the Senate State Government Committee and Appropriations Committee regarding adequate funding for the administration of elections and establish transparent safeguards, limits, and accountability.**

“The government needs to fully fund elections, to start adding other entities could lead to issues that we don’t want to have to deal with, so I do feel that if we are going to put restrictions and mandates in place than those funding occurrences need to happen” ~ *Allegheny County Executive Rich Fitzgerald*

The task of this Special Committee was to gain a greater understanding of the deficiencies within the Commonwealth’s election system. Throughout this process, we heard from various elected officials, county election workers, and voters. We also heard from other states and gained insight on their best practices. Now, it is up to the members from both sides of the aisle of the Senate State Government Committee to work on legislation to fix the issues in our election system. The Special Committee looks forward to the legislation being deliberated by the Senate State Government Committee with the intent to accomplish meaningful reform to send to the House of Representatives for consideration, and, ultimately, the Governor for his signature.

Recognition of All Who Testified Before the Senate Special Committee

Wayne Williams, Member, Colorado Springs City Council, Former Colorado Secretary of State (2015-2019), and Clerk and Recorder, El Paso County, Colorado (2011-2015)

Paul López, Clerk and Recorder for the City and County of Denver, Colorado and Member, Denver City Council (2007-2019)

Justin Lee, Director of Elections for Utah Lt. Governor Deidre Henderson

Sherrie Swensen, Clerk for Salt Lake County, Utah

Craig Latimer, Supervisor of Elections for Hillsborough County, Florida

David Stafford, Supervisor of Elections for Escambia County, Florida

Tammy Jones, Supervisor of Elections for Levy County, Florida

Veronica Degraffenreid, Acting Secretary of the Pennsylvania Department of State

Jonathan M. Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State

Tim Benyo, Elections Director for Lehigh County, Pennsylvania

Ed Allison, Elections Director for Lawrence County, Pennsylvania

Cindy Furman, Elections Director for Wayne County, Pennsylvania

Karen Barsoum, Assistant Director for Elections Services for Berks County, PA

Sherene Hess, Chair of the CCAP Elections Reform Committee & Commissioner for Indiana County, Pennsylvania

Joe Kantz, Commissioner for Snyder County, Pennsylvania

Douglas Chew, Commissioner for Westmoreland County, Pennsylvania

Lamont McClure, Commissioner for Northampton County, Pennsylvania

Lisa M. Deeley, Chair of the Philadelphia City Commissioners

Al Schmidt, Vice Chair of the Philadelphia City Commissioners

Omar Sabir, Secretary of the Philadelphia City Commissioners

Rich Fitzgerald, County Executive for Allegheny County, Pennsylvania

APPENDIX A

Conducting Mail Ballot Elections With Integrity¹

Thank you for conducting this hearing and providing me the opportunity to testify today. By way of background, I served four years as Colorado's 38th Secretary of State and as a local and county election official starting in 1997. I've overseen voting by mail at the county and state level and have worked to make a number of improvements in our laws, many of which passed our closely divided senate with unanimous support.

By way of background, Colorado has had one of the highest voter turnouts in the nation for a number of years. We have had a robust initiative process for more than a century. In 1992 we adopted a constitutional amendment requiring voter approval for new taxes and debt at every level of government. Since 2013 Colorado has mailed ballots to all active voters, but even before then we permitted no excuse absentee voting.

Voting by mail is a critical way to provide voters the opportunity to fully participate in elections but to be effective proper procedures and laws must be implemented. I want to highlight six of Colorado's election protections and why Colorado voters can be assured that the mail ballot they cast was counted accurately.

These six protections are some of the reasons why Fox News, the Washington Post and President Trump's Homeland Security Secretary all have cited Colorado's election processes as the best in the nation.

1. Accurate Voter Lists. Mail balloting starts with having an accurate voter database, and Colorado updates ours every day based on changes voters make at govotecolorado.gov and a host of other sources.

a. Voters' addresses are updated from address changes with the U.S. Postal Service and from driver's license updates.

b. Voters who are deceased are removed based on data from Colorado death certificates *and* from the Social Security Death Index.

¹ Testimony before Pennsylvania Legislature by Wayne Williams on March 15, 2021. Mr. Williams currently serves as an at-large member of the Colorado Springs City Council, on the Board of Advisers for Verified Voting (www.verifiedvoting.org), and is a Senior Advisor for Runbeck Election Services (www.runbeck.net). Prior positions include Colorado's 38th Secretary of State (2015-2019), El Paso County (EPC) Clerk & Recorder (2011-2015), EPC Commissioner, EPC Elections Canvass Board Member, and as a Designated Election Official for local governments. Mr. Williams is an active Republican and has served as chair for the state's largest county Republican Party and a National Delegate on several occasions, including to Philadelphia in 2000. Mr. Williams may be reached at wwilliams@runbeck.net, 719-439-1870.

c. Voters who are incarcerated for felony convictions are removed from the voter rolls based on lists received from sheriffs and the Department of Corrections.

d. We check to ensure that non-citizens are not registered.

e. When either ballots or other election mail are returned from the Post Office, the voter is made inactive. This means that they no longer are mailed ballots and after process and a period of time are removed from the rolls.

f. We cross-reference our database with the Electronic Registration Information Center (ERIC) – a voluntary organization of 30 states – to ensure voters are registered in only one state, and we refer for prosecution individuals who vote in more than one jurisdiction. I pushed for Colorado and four other states to pilot this process in 2016 and we referred 38 individuals for prosecution. It is my understanding that 16 states participated in the comparison during the 2018 election and that this year 25 states will compare post-election data to identify double voters. We need to encourage the other 26 jurisdictions to participate.

Colorado also protects the integrity of its voter database by requiring live person approval for changes and two-factor authentication for access. We work regularly with the Department of Homeland Security to ensure best practices for the security of our databases.

2. Voter Verifiable Paper Ballots. Colorado went through an exhaustive process to select the best voting system standards for our citizens, obtaining input from election workers, voters, and individuals with disabilities. My predecessor's Uniform Voting System Advisory Committee narrowed the list of voting system vendors to four. When I became Secretary I made the decision to pilot these four systems in the 2015 November election, with each system being piloted in two counties. I appointed a Pilot Election Review Committee to assess the four systems' performance. Its members included former EAC Commissioner Donetta Davidson and representatives from counties.

Ultimately I adopted system standards which any vendor could attempt to meet. These standards were adopted through a formal rule making process, were reviewed by the legislature, and upheld by two different courts. The standards we adopted provided for paper ballots for every voter – even those who use an assistive device. And every voter has the opportunity to verify their actual ballot to ensure their choices were accurately recorded.

These standards require counting machines to be secured and monitored, protected from tampering, and prohibit the machines from being connected to the internet.

After adopting the higher standards, we then worked with clerks and commissioners across the state to fund the purchases of the new system. So while

other states struggle, Colorado already adopted the protection of voter-verified paper ballots.

Dominion was the first company to produce a certified voting system that met these high standards. Eventually a second company, Clear Ballot, produced a certified system that met our standards. Both now are used by Colorado counties.

3. Secure Ballot Return. When I was running for Secretary of State in 2014, the Democratic primary for sheriff in Conejos County was decided by just a few votes. Ballots arrived after the deadline from the Postal Service and were not able to be counted. To minimize that risk, I established a grant program that helped every county obtain funding for secure 24/7 drop boxes. These secure drop-off sites also help address the geographic disparity resulting from faster postal deliveries in urban areas.

Drop-off locations open around the clock also ensure voters don't have to rely on ballot harvesters who come to your door and who may or may not actually return your ballot. Colorado also limits these harvesters to receiving no more than 10 ballots in an election.

4. Signature Verification. How do we assure the ballots are actually from the individual voter and not turned in by someone who just found a bunch in the dumpster? We *check the signature on every single ballot envelope* to ensure it matches the signature on file – and we update that file every election cycle. Voters are notified and given the opportunity to cure if it doesn't match. Signature verification is crucial – every year, we prevent thousands of non-matching signatures from being counted and we refer these to the district attorneys for prosecution. Colorado's signature verification protection contrasts sharply with a number of states who simply count any ballot received, regardless of whether it is from the actual voter.

5. Procedural Protections. Colorado's clerks are directly accountable to the voters and every major election function – from picking up ballots to making the final call on whether a signature matches – is made by a bipartisan pair of election judges. So whether the clerk is a Democrat or a Republican, the judges making the calls will be from *both* major parties. And under reforms I put in place, parties have direct input into who those judges are.

We also have video surveillance of the counting process and make it completely transparent to watchers appointed by the parties. When concerns with access arose, I issued new rules requiring access for these watchers.

In some states if there are not enough members of one party to serve as judges and watchers in a particular county, the counting proceeds without this balance. Not

in Colorado. When then-Boulder Clerk Hillary Hall approached me with a concern that she was not able to find sufficient Republican judges, I approved her using judges from another county to ensure the necessary bipartisan balance, and this ruling then was adopted in legislation.

This bipartisan balance applies to adjudication and duplication as well. Some voters make changes on their ballots and changing one race can make the entire ballot unreadable by a machine. In Colorado we have bipartisan adjudication boards who duplicate the ballot so it can be read by machines – and, again, their work is subject to monitoring by bipartisan watchers.

6. Audited Machines and Results. Dominion machines have been tested in 62 Colorado counties at least 868 times. They have passed every test. Clear Ballot machines also have passed every test.

First, each county in each election uses a bipartisan board to test the voting system prior to using it -- that's a total of 455 pre-election Logic and Accuracy Tests in nine elections and Dominion has passed all 455.

Second, in 2017 Colorado began conducting a Risk Limiting Audit (“RLA”) after each election. In an RLA, bipartisan teams of judges in each county compare the cast vote record from the scanners to randomly selected paper ballots (with more actual ballots compared when the race is close). In the seven elections since Colorado began RLAs, the Dominion Voting System has passed 413 of 413 times. (Clear Ballot also passed each time.)

Colorado’s tabulation systems must be air gapped from the internet and other computers, and under standards I adopted even the thumb drives used to obtain the reports from the machines must be pristine. So, short of breaking into a secure locked room that is video monitored, there is no way to change the programming of the machine during the election.

So, while I can't speak for the practices of every state, I can state that in Colorado the mail voting systems we use accurately records the votes of Coloradans -- and we've proved it more than 800 times. No one in Moscow, Beijing, Antifa, or anywhere else altered our election results.

Thank you.

Hon. Paul D. López

Clerk and Recorder

Victoria Ortega

Deputy Clerk and Recorder



*City and County of
Denver*

OFFICE OF THE CLERK AND RECORDER

201 W. COLFAX AVE.

DEPARTMENT 101

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Chairman Wayne Langerholc Jr.
Senate of Pennsylvania
Special Committee on Election Integrity & Reform

March 15, 2021

Good morning Chairman Langerholc and distinguished Committee members.

I am the Honorable Paul D. López, Clerk and Recorder of the City and County of Denver, Colorado's capital city. Colorado is widely recognized to be the Gold Standard for voting in the country.

Colorado's groundbreaking House Bill 1303 passed while I was serving as a City Councilman in 2013; however, Denver played a vital role in drafting the landmark voting bill. We continue to innovate using 1303 as a model.

The Denver Elections Division has hosted election officials from all over the world to see how we do what we do.

Before HB-1303 reforms went into place, we had early voting in grocery stores and had to find more than 200 polling place locations for every election. Denver has many historic buildings, so finding locations that met HAVA and ADA accessibility standards was undoubtedly a challenge. Due to safety concerns, we moved away from schools, which traditionally were some of the most accessible locations. Voters frequently went to the wrong polling place, which led to scores of provisional ballots cast.

Now, fast forward to the present. For jurisdictions that encountered some bumps while implementing mail ballot-based elections in 2020, do not be too hard on yourselves. Colorado arrived at this solution after a decade-long, data-driven head start. We did not try to stand up mail ballot voting in a matter of months.

In the early 1990s, Colorado allowed absentee voting with an excuse. In the early 2000s, voters could cast mail ballots in some non-partisan elections like municipal and school board elections. Those ballots were mailed automatically. However, mail ballots had to be requested for partisan elections, which led to confusion amongst voters.

The fact that data showed more and more voters were requesting mail ballots coupled with our desire to minimize voter confusion put Colorado on the path to HB-1303.

Some of the critical components of HB-1303 are as follows:

- Ballots automatically mailed to voters
- Preservation of in-person voting option
- 24-hour ballot drop boxes under 24/7 video surveillance
- Residency requirement changed from 30 days in the precinct to 22 days in the state, driving the use of provisional ballots down to less than 1%
- Allowed proactive use of USPS National Change of Address data to keep accurate voter rolls

Of course, when jurisdictions move to mail balloting, this change may drive calls from voters wondering where their ballots are. In 2009, the Denver Clerk and Recorder's Office created BallotTRACE, allowing voters to track their ballots the same way you might follow a package. Voters receive text messages or emails, depending on preference, letting them know where their ballot is from the moment it leaves the printer to when my office accepts it for counting.

Informing voters how these processes work and providing robust signature verification training for your judges is incredibly important. In Denver, we have a former FBI Forensic Handwriting Analyst train our signature verification judges, most of whom are veterans of the process.

Transparency and communication are vital to instilling voter confidence in the mail ballot system, especially given the national narrative in 2020. We use social media, videos of our ballot processes, and a 24/7 live video feed on our website so that everyone can observe and witness how we conduct transparent and bipartisan operations.

We also use video to bring voters inside our pre-election Logic and Accuracy Test and our post-election Risk Limiting Audit. Denver had these processes in place long before the 2020 election cycle.

By forging strong partnerships with a broad coalition of external partners, my office has fostered great communication lines and gained additional eyes and ears in the community. We work with other elected officials, political parties, the senior community, voters with disabilities, language minority communities, organized labor, the League of Women Voters, America Votes, New Era Colorado, our Spanish-language advisory committee, high schools, college campuses, and local and national media outlets to get trusted information into the hands of voters.

I am immensely proud to have created a Communications and Engagement team tasked with providing accurate information to voters and ensuring that those in underserved areas have access to trusted election information regardless of zip code, socioeconomic status, language, or technological ability. We use good old-fashioned boots on the ground community engagement to inform voters about our processes and to provide Denver residents the information they need.

We recommend keeping your community informed at every step of the election process, especially when implementing new ideas, technologies, etc. Voter education cannot be a once-a-year effort.

I respect the Committee's wish to keep testimonies brief, and I look forward to answering any questions the Committee may have. Thank you, Chairman Langerholc and distinguished members, for the opportunity to address you today.

Good morning, Mr. Chair and members of the committee. My name is Justin Lee and I am the Utah Director of Elections serving Lt. Governor Deidre Henderson. In Utah, the Lt. Governor is the chief election officer of the state. I have worked in the office for about 10 ½ years now, having served 2 previous Lt. Governors, working as an Election Specialist, Deputy Director of Elections, and now as Director.

I'd like to take you back to 2010, to when I first started working in the State Elections Office, and give an overview of how Utah went from all counties running primarily traditional polling place elections, to 2020 when about 93% of Utah voters cast a by mail ballot.

I began working in the office in October 2010, about one month before the general election. When a voter called our office to ask how to vote the answers were simple. You can vote at your assigned polling place on Election Day; you can vote in-person during the early voting period 2 weeks before Election Day; or you can request to have a ballot mailed to you. In 2010 a little under 15% of voters cast their ballot by mail.

In 2012 the Utah State Legislature passed a bill that allowed any county to run their election entirely by mail. We had one small county, Duchesne County, with just under 10,000 active voters, that decided to run their election by mail. The other 28 counties in the state ran traditional elections with most voters voting in-person, although closer to 20% of voters statewide were now requesting to vote by mail.

In 2014, 10 of our 29 counties ran their elections by mail, including some of our larger counties in the state.

In 2016, 21 of our 29 counties ran their election primarily by mail, including our largest county Salt Lake County. Salt Lake County accounts for over a one third of voters in the state. At this point by mail counties had to offer at least one vote center on Election Day, where any voter could vote in-person. In-person early voting was not required, although several did offer this option. It is interesting to note that in 2016, the 21 counties that ran the election primarily by mail had better turnout rates than the 8 counties who did not run by mail elections.

In 2018, we had 27 of our 29 counties running elections by mail. The final two counties accounted for less than 1 percent of voters statewide. In 2018 we had roughly 90% of voters casting a by mail ballot. (I should note that whether a ballot is returned through the mail or dropped off in a ballot drop box we consider that a by mail ballot.)

For the March 3, 2020 Presidential Primary all 29 counties in Utah ran their election primarily by mail. I say primarily by mail, and not just by mail, because as it currently stands each county is required to offer vote centers on Election Day, where any voter can cast a ballot in-person, as well as at least four days of in-person early voting during the two weeks before the election.

In 2020, about 90% of voters voted by mail for the March Presidential Primary, 99% of voters voted by mail for our June State Primary, and about 93% of voters voted by mail for the general election.

I'd like to address some of the questions that we are most often asked about by mail voting.

Do we see any indications of voter fraud? Before I answer that question I think we need to look at what that question is really getting at, and add some additional clarifying words to the question. If the question is - do we see any indication of voters signing a ballot on behalf of someone else - the honest answer has to be, yes. We do see instances of individuals signing ballot envelopes on behalf of their spouse, partner, or child who might be away at school. How do we know? Because our county election officials catch those as they verify every single signature against the voter's signature in our database. The voter is then informed that there is an issue with their signature, and the offending party can be educated that they are committing a crime by signing on behalf of someone else.

If we rephrase the question to - do we see any indications of widespread voter fraud, or do we see any indications of enough voter fraud to change the outcome of an election - then the honest answer has to be, no. Again, we verify every single signature against the signatures in the database. Our experience in Utah is that vote by mail has proven to be safe and secure.

Over the years the larger concern from voters has been to make sure we don't discount someone's ballot because their signature on the envelope does not match the signature in our system due to injury, age, or whether or not the person used their neat or messy signature on a given day. To deal with this issue our counties have a system in place that allows voters to "cure" an issue with their signature. If the county clerk finds that the signature does not match, they reach out to the voter via email, letter, phone call, or text message to have the voter verify whether or not they signed the ballot envelope, which can also provide an opportunity for a county to collect a more up-to-date signature.

What happens if a voter never receives a ballot? This is precisely why we offer both early in-person, and Election Day in-person voting. No system is perfect, so we want to make sure we have methods in place to deal with problems as they arise.

What if a voter mails their ballot back, but the county clerk never receives it? We have implemented ballot tracking on our website, vote.utah.gov, that allows a voter to see if a county clerk received their ballot, and if it was counted. The closer we get to Election Day the more we encourage voters to drop off their ballot in a ballot dropbox, or to take the ballot to the polls and drop it off. Going forward we are going to add text and emails notifications that will let voters know the status of their ballot.

What is the biggest complaint with voting by mail? Over the years the biggest complaint we've received by far, is that voters did not get an "I voted" sticker through the mail. Several of our counties have recently figured out cost effective ways to send those stickers with the ballot.

I know my time is limited so I will sum by simply saying, vote by mail has worked well for us in Utah. I'm happy to answer any question the committee has.

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah

VOTE-BY-MAIL SYSTEM IN SALT LAKE COUNTY, UTAH

Sherrie Swensen, Salt Lake County Clerk

March 11, 2021

Salt Lake County began implementing a vote-by-mail system in 2013 after the Utah Law was changed to allow for federal, state, and municipal elections to be conducted mainly by mail in conjunction with in-person voting. Prior to the law change, I had offered a Permanent Absentee Program which allowed voters to submit an application and opt to receive their ballots by mail. By 2012, about one fourth of the voters in Salt Lake County (130,000) were signed up for our Permanent Absentee Program.

We utilize the National Change of Address (NCOA) list and update addresses weekly for voters who have moved within the county, so ballots are mailed to their current address. We also use NCOA to identify voters who have moved out of the state or county so we can avoid mailing ballots to voters who are no longer eligible to vote in Salt Lake County. We change the status of those voters to “inactive” and mail them a confirmation card.

HOW BALLOTS ARE ORDERED FOR VOTERS

All registered voters are listed in a statewide database (VISTA) which is managed by the Lt. Governor’s Office. Voters are assigned a voter ID number. Lists of eligible active registered voters are submitted to our ballot printing vendor, Runbeck of Phoenix, Arizona. They prepare a ballot packet for each voter listed on the extracts. Every ballot ordered contains a unique 9-digit ID number correlated to the voter listed in the database.

If a voter moved, misplaced, or ruined their ballot and another ballot needs to be ordered, a new ballot with a different ID number is assigned to that voter’s record. The previous ballot and coinciding ballot ID number is *spoiled* or canceled in the database before another ballot is ordered. If the voter returned the spoiled ballot, the Agilis ballot processing machine would reject the spoiled ballot. Agilis reads the bar code on the ballot return envelope and correlates it to the voter’s record in the database where it is recorded if a voter has returned their ballot. Only one ballot per voter is eligible to be counted.

Ballot packets are prepared by Runbeck. The initial batch of ballots for the majority of voters (592,000 ballots for the 2020 General Election) are trucked to the Salt Lake Post Office where they are mailed in accordance with the state law. The law does not allow us to mail ballots earlier than 21 days prior to Election Day. As voters registered or moved and their address was updated, subsequent ballot packets were ordered by submitting extracts to Runbeck ongoing until the deadline – eleven days prior to Election Day.

HOW BALLOTS ARE PROCESSED WHEN THEY ARE RETURNED

Voters may return their ballot by mail. Ballots returned by mail must be postmarked by the day before Election Day in accordance with Utah state law. Ballots may be returned to one of our twenty-one drive-up ballot drop boxes (open 24/7), or in person at an Early Voting or Election Day vote center until 8:00 pm on Election Day. When a ballot is received at the Election Management Center (EMC), the tab on the ballot return envelope affidavit is removed so the voter’s signature is revealed. On first pass, ballots are run through the AGILIS ballot processing machine. The bar code printed on

the ballot return envelope is scanned and the ballot is correlated to the voter's record in the database where the status of the ballot is recorded.

AGILIS takes a high-speed image of the ballot envelope, including the affidavit signature. The captured signature is compared to the reference signature in the voter's record by the automated ASR system (Automated Signature Recognition). In the November General Election, about 52% of the signature verification was done with ASR. Signatures that cannot be verified using the ASR are compared manually by trained staff members. We routinely audit signature verification on both manual and ASR versions.

Staff members doing "sig ver" do not need to handle ballots since the signature on the ballot affidavit and that from the voter's record are displayed digitally. Ballots remain locked in a vault while the manual signature verification process takes place. If the signature does not match on the first pass, it is sent to a higher level of staff who can access other documents in the voter's record to use for comparison. There are usually several documents on file for voters such as previous voter registration forms, absentee applications, etc. After the higher-level signature review is complete, the second pass or audit pass is run in AGILIS. This allows ballots with signature challenge issues to be removed. For ballots where there is a signature discrepancy, a cure letter is mailed to the voter within 24 hours of the decision, and they have an opportunity to resolve the issue so their ballot can be counted. Voters for whom we have mobile phone numbers and email addresses are also notified of a signature problem by text or email.

Ballots that are verified are passed through to the OPEX machine to be opened. The OPEX machine runs ballots in a rapid assembly-line fashion. It slices open the end of ballot return envelopes. The OPEX machine operator removes the security sleeve containing the ballot from the envelope. The ballot remains folded inside the security sleeve. The ballot return envelope is dropped into a bin beneath the OPEX Machine. The secrecy of the ballot is maintained throughout this process. All identifiers to the voter are separated.

Ballot inspectors remove ballots from the security sleeves and unfold them in preparation for them to be tabulated. By-mail ballots are placed in ballot boxes in batches of 150 and are labeled and tracked. As ballots are tabulated, the ballot batches are logged into a database and they are reconciled to ensure every ballot is accounted for.



Craig Latimer Supervisor of Elections

Our Vision: To be the best place in America to vote

GOVERNOR'S
STERLING
AWARD
RECIPIENT

Special Committee on Election Integrity & Reform, Pennsylvania State Senate

Opening Statement from Hillsborough County Supervisor of Elections Craig Latimer

March 15, 2020

Thank you for inviting me to join you today. I am happy to share information with you about the successful use of Vote By Mail in my county. Hillsborough County, Florida is the fourth largest county in the state, with more than 934,000 registered voters during the 2020 General Election.

Florida has had no-excuse Vote By Mail since 2002. Over the years, more and more voters have chosen this method of voting. In Hillsborough County, it had become common to expect that about one-third of our voters would choose Vote By Mail in any election. In the 2020 General Election, Vote By Mail made up 47% of votes cast. It was the method chosen by almost 338,000 voters. And with a two-card ballot, that meant we had approximately 675,000 ballots to scan and tabulate.

Vote By Mail was an especially attractive voting method in 2020 because of the pandemic, and we were fortunate to have laws in place designed to ensure the integrity of Vote By Mail. Those established laws set us up to be able to successfully process and tabulate mail ballots in a timely and efficient manner in 2020, a year in which we were all faced with extraordinary challenges.

VoteHillsborough.gov



(813) 744 - 5900

Fred B. Karl County Center

601 E. Kennedy Blvd., 16th Floor, Tampa, FL 33602

Robert L. Gilder Elections Service Center

2514 N. Falkenburg Rd., Tampa, FL 33619

See website for regional office locations.

Specifically, Florida law requires that registered voters must request Vote By Mail to receive mail ballots, and those requests remain in effect through two General Election cycles. Ballots are not forwardable, so if a voter moves and forgets to cancel their ballot request, the ballot will be returned undeliverable to our office.

Voted ballots are verified by matching the signature on the envelope to the signature in the voter's file, and all Supervisors must provide ballot tracking on their websites so that voters can confirm their voted ballot has been received.

Florida's laws also require that mail ballots be received by my office no later than 7 p.m. Election Day to be counted. I worked hard to educate my voters to ensure they had the information they needed to meet the deadlines for requesting and returning mail ballots.

I also made it as easy as possible for them to get those ballots back in. For years, I've paid the return postage so that voters can mail their voted ballots back to my office without having to find or pay for a stamp. That's not required by law, but I have seen many Supervisors adopting this practice, as well.

The current law does require us to provide a drop-box at each of our offices and in-person Early Voting sites, so that voters can drop their mail ballots off in person. In an effort to minimize the number of people inside our offices and Early Voting sites, and to provide voters with an easy, contactless way to return their ballot, I moved our drop-off boxes to curbside tents, so that voters could drive up and drop their ballots off. The drop-off boxes were staffed and sealed at all times and used by more than 45% of our Vote By Mail voters.

As we saw in the 2020 election, timely reporting is a critical factor in ensuring confidence in election results. Here again, we were fortunate to have strong laws in place. Florida law allows us to begin opening and tabulating Vote By Mail ballots 22 days prior to an election. In anticipation of greater Vote By Mail participation during the 2020 presidential election, the Governor issued an executive order allowing mail ballot canvassing to begin several days earlier than that.

Having the ability to open and tabulate mail ballots well in advance of Election Day is vital to timely election results reporting. As an elections administrator, I know how many mail ballots have been mailed out and how many are received each day, and can adjust my staffing plans in order to keep up with the volume of Vote By Mail ballots coming back to my office. For that reason, we never fell behind in our Vote By Mail processing in 2020, despite receiving more mail ballots than ever before. On Election Night, results from Hillsborough County's in-person Early Voting and Vote By Mail were reported shortly after 7 p.m., and those results made up 85% of our total results.

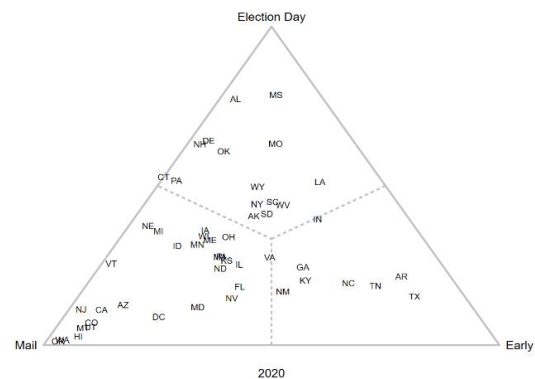
It was widely reported that Florida was a shining star on Election Night, with the vast majority of our state's election results reported that evening. I'll conclude with a quote from our Secretary of State Laurel Lee and will be happy to answer your questions later today. In the words of Secretary Lee:

"Florida ensured a safe and efficient voting process and all Florida voters, no matter how they chose to cast a ballot, or who they voted for, could be confident in the integrity of our elections system and the security of their vote."

Thank you.

Pennsylvania State Senate
Special Committee on Election Integrity and Reform
Public Hearing
Mail-In Balloting Process of Colorado, Utah, and Florida
March 15, 2020, 10:00 A.M.
Senate Floor – Pennsylvania State Capitol
Harrisburg, PA 17120

It is an honor to be with you today to share some perspective on the 2020 elections. I will begin with a brief overview of how Florida elections are structured, followed by the steps we took to respond to the pandemic, and end with what I believe are the most important elements of a robust and secure vote-by-mail program.



Early voting in Florida is required in federal and state elections for a minimum of eight consecutive days, up to a maximum of 14 consecutive days, for a minimum of eight hours to a maximum of 12 hours each day. Early voting is required to be held in the office of the supervisor of elections and may be held at additional locations that meet certain criteria. Within those parameters, supervisors of elections have the discretion to choose the number of days, hours, and locations that best accommodate their voters. Early voters can choose any site in their county, and votes are cast on paper ballots that are tabulated by optical scanners at each early voting site. By law, early voting results must be reported no later than 30 minutes after polls close on election day. On election day, voters who have not already cast a ballot may do so between 7 a.m. and 7 p.m. at their assigned polling location. Like early voting, voters mark paper ballots and tabulate them on optical scanners at each precinct.

No-excuse vote-by-mail has been an option for all voters in Florida since 2001. Under current law, voters can make a single request a ballot for all elections through two election cycles. For example, a voter could make a request today for all ballots through the 2024 general election. Requests can be made in writing, electronically, or by phone, and must be received no later than 10 days before the election.

Ballots for military and overseas (UOCAVA) voters are sent no later than 45 prior to election day, and ballots for all other requesters must be sent between the 40th and 33rd day before the election. UOCAVA voters can receive their balloting materials electronically but must return them by mail or hand delivery. However, overseas voters have the option of returning their ballot by fax.

Vote-by-mail ballots must be received in the supervisor of elections office no later than 7 p.m. on election day, with the exception of overseas voters whose ballots can be accepted up to 10 days after election day if postmarked or signed by election day. Voters can return their ballot by mail, or by hand delivery to the supervisor of elections office, an early voting site, or an authorized drop box. Drop boxes were utilized statewide for the first time in 2020.

Each vote-by-mail ballot is verified upon receipt by the supervisor of elections. Signatures on the ballot envelope are compared against the voter signature on file. Missing signatures or mismatched signatures are flagged, and the voter has an opportunity to cure their ballot up to two days after the election. This cure process was brought to the legislature by election officials and was utilized by voters with great success in the 2020 general election. Beginning 60 days before the primary election until 15 days after the general election, we are required to report vote-by-mail activity to the state each day, and that information is made available to candidates, political parties, and political committees.

Once received and verified, vote-by-mail ballots are held until canvassing begins. Under Florida law, vote-by-mail ballots can begin being canvassed as early as 22 days before election day. In the 2020 primary and general elections, it was expanded to up to 25 days by executive order. This pre-election day processing was first authorized in Florida in 2001 at four days prior to election day. Results may not be released until after the polls close, subject to a third-degree felony. Like early voting, the results of any vote-by-mail ballots that have been tabulated must be released no later than 30 minutes after polls close. As a result, in the 2020 general election the results of more than 75% of the total votes cast were published by 7:30 on election night.

A year ago this week, my Florida colleagues and I were struggling with holding an election in the midst of the initial global response to the emerging pandemic. Ohio had just postponed its presidential primary which coincided with ours, and many were wondering whether Florida would follow suit. Election

officials were scrambling for supplies like hand sanitizer, sanitary wipes, and masks, while replacing lost polling places and poll workers. To borrow a phrase, we were flying the plane while building it. It was a struggle, but we were able to provide voters with the opportunity participate in the presidential primary process. We learned a lot from that experience and the states who held elections after us and made significant adjustments in preparation for our August primary and November general elections.

However, one step we took pre-dated the pandemic. We made the decision in late 2019 to send vote-by-mail request forms to all voters for whom we did not already have an active request. This resulted in an increase in the number of requests but was only a portion of the increase that came after the pandemic hit. Candidates, political parties, and other groups also heavily promoted vote-by-mail in the months leading up to the general election.

Following the outbreak of COVID-19, we also made the decision to pay return postage for vote-by-mail ballots. This was a recognition that voters who would otherwise choose to vote in person may not feel safe in doing so and voting by mail was their only other option. We used CARES Act dollars to help defray this unbudgeted, added expense.

Recognizing that we would see unprecedented volume of vote-by-mail balloting, we invested in new equipment to aid in ballot processing. We purchased a new machine to automate the extraction of ballots from their envelopes, which increased throughput. We also reconfigured our physical space and added personnel to accommodate the increased volume. All the while, we had to ensure that we were following CDC guidelines for our staff and volunteers, as well as the public who were there to observe.

We also faced some additional challenges unrelated to COVID-19. For the first time ever, we had to print ballots and most materials in both English and Spanish. This resulted in a two-card ballot which significantly increases the complexity of all aspects of an election. We also were hit with two hurricanes which impacted our operations in addition to some polling places and poll workers.

In closing, I offer some general thoughts on what I believe are the most important design aspects of administering a vote-by-mail operation:

- Proper planning (supplies, equipment, people, space) is critical
- Spend time and effort on the design of materials (envelopes, instructions, etc.)
- Allow pre-election day processing of mail ballots to reduce post-election volume
- Drop boxes are popular with voters
- Build transparency into all aspects of vote-by-mail operations
- Tracking of ballots is a benefit to both election officials and voters
- Offer voters the opportunity to cure signature deficiencies
- Ensure the process is secure and auditable from beginning to end

Thank you again for the opportunity to offer testimony today. I wish you all the best in your efforts.

My name is Tammy Jones and I'm the Supervisor of Elections in Levy County, Florida. Levy County is a small rural county with a little over 30,000 voters with a total population of 40,801 residents recorded in the 2010 census. I've worked in the Levy County Supervisor of Elections office since 1994 (27 years). I have been Supervisor for 8 years and currently entering my third term in office. In Florida the Supervisor of Elections is an elected position.

Since 1994 I've seen many changes in elections. Changes in technology have shaped the way our voters choose to cast their ballots. My very first Presidential Election in the office was in 1996. At that time only 1,031 voters voted by mail. In 2020, 7,856 voters cast their vote by either mailing in their ballots or dropping them off at a secure drop box. There has been an increase of 2,673 votes since the 2016 Presidential Election. I believe that this increase was mainly due to COVID-19.

In Florida we allow three ways of voting. Early voting, voting by mail and voting on Election Day. These three options have helped with less lines on election day. Of the 23,309 voters that voted in the 2020 General we had 34% vote by mail, 34% vote early and 32% vote election day.

I believe Florida had successful elections in 2020 due to the following laws:

- 1) Our Canvassing Boards can begin opening and processing Vote by Mail ballots 22 days before an election.
- 2) Florida has a 7-day window to mail out the initial domestic Vote by Mail ballots (33 – 40 days before election). This provides flexibility for counties due to their mail out size.
- 3) Florida requires secure Vote by Mail drop boxes at every Early Voting location and at each Supervisor of Elections office and branch offices. Other sites are permitted as long as they are available during early voting hours and deemed permissible as an Early Voting Location (For example, public libraries).
- 4) Florida is a no excuse state allowing voters the flexibility to choose their method of voting without providing a reason.
- 5) If the voter wishes their Vote by Mail request can be valid for up to two election cycles. An important part of this law is that all ballots are non-forwardable. This ensures that if someone has moved away that ballot will be returned to the Supervisor of Elections office and ALL future Vote by Mail ballots will be cancelled. This prevents another individual now residing at that location to receive the voter's ballot.
- 6) If the voter forgets to sign the certificate portion on the return of their vote by mail ballot or their signature does not match, they have until the Thursday after the election at 5pm to cure their ballot.

Our office implemented the below items that helped our voters further understand the Vote by Mail process. These items are not required by Florida Statute.

- 1) Providing a ballot tracking system to automatically sign up to receive alerts when their ballot was mailed or received.
- 2) Providing videos and deadlines on our website and social media platforms to inform our voters.
- 3) Provide pre-paid postage on the return of the Vote by Mail ballot.

When passing election laws, you should consider how it will affect voter education and funding for election related programs. Flexibility should also be considered as a factor due to the size differences of each county.

I urge you to continue to seek the advice of election professionals, including the Pennsylvania elections administrators. As Supervisors, we are on the ground ensuring all laws are followed. Our offices learn what works best for our specific voters. I know from past experience that it can be heartbreaking to tell a voter that their ballot will not count due to a technical law. New laws can be costly for our offices due to the requirement of reprinting materials. When Vote by Mail laws are changed, we are left reprinting a majority of our envelopes and voter information.

The most important job we have as Supervisors is to ensure that the voters voice is heard and every legal vote is counted.



2021 Senate Special Committee on Election Integrity & Reform Hearing,

March 23, 2021

**Testimony of Acting Secretary Veronica Degraffenreid
Pennsylvania Department of State**

Act 77 Implementation

Chairman Langerholc, Chairman Street and members of the Committee:

Good afternoon. Thank you for your invitation to appear before the Committee to discuss the Department of State's implementation of Act 77. Joining me today is Deputy Secretary for Elections and Commissions Jonathan Marks.

Act 77, the bipartisan election reform law signed by Governor Wolf in 2019, has ushered in an exciting new era of voting modernization in Pennsylvania and made voting easier and more accessible to millions of Pennsylvanians. Act 77 was a sea change in how Pennsylvanians vote, allowing eligible voters to cast their ballot by mail without requiring an excuse, and implementing other flexible options including same day in-person ballot requests at County Election Offices. Voters also now have the option to be placed on a list to annually receive a mail ballot application.

These changes proved to be extraordinarily prescient, given developments in 2020. Just months after the passage of Act 77, the first novel coronavirus cases were detected in Pennsylvania, and the ability to use mail-in ballots helped protect Pennsylvania voters in both the Primary and General Elections.

In addition, Act 77 authorized \$90 million in funding to reimburse counties for costs to upgrade their existing voting systems. The new systems, which were implemented in every county ahead of the 2020 election, provided enhanced security to help guard against hacking and produce an anonymous paper record so voters can verify their ballot is correctly marked when casting it. To date, \$41.6 million in reimbursements have been provided to county election offices towards this endeavor.

Prior to passage of this historic law, the Department of State launched its Ready to Vote campaign in early fall 2019 to inform Pennsylvanians about new voting systems. When Act 77 became law, Ready to Vote quickly expanded to include educating voters on election changes, such as voting by mail without an excuse and new deadlines.

The cornerstone of Ready to Vote was a year-long, multi-lingual, multi-platform advertising and messaging campaign. Department of State staff engaged counties, other commonwealth agencies and community stakeholders to help educate voters, holding more than 70 speaking engagements throughout the year and providing an online toolkit with messaging that included signage, social media posts, graphics and more. The department also worked to make voting more accessible by providing mail-in ballot forms in multiple languages, launching an accessible vote-by-mail solution for voters with disabilities, and providing postage on envelopes so that voters could return their mail ballots for free, among other projects. In addition, between April and November 2020, our staff answered 123,000 phone calls to our election hotline.

The success of Act 77 is clear from the record-high voter engagement we saw in 2020 across all areas of the Commonwealth. By the November general election, approximately 9.1 million Pennsylvanians were registered to vote, more than 300,000

more voters than ever before. Turnout in the November election included more than 6.9 million voters - 800,000 more Pennsylvanians than ever in the Commonwealth's history. Over 76 percent of registered Pennsylvania voters voted, more than any election in modern history. Pennsylvania voters have embraced the ease and convenience of voting by mail without having to provide an excuse. Thanks to the dedication of county election officials across the Commonwealth, all Pennsylvania voters can cast their ballots with confidence that their votes will be counted accurately and securely and that their voices will be heard. I look forward to working with you in the coming year to build upon last year's successes as vote-by-mail and other provisions of Act 77 continue to be implemented.

Thank you for your time and attention and the opportunity to appear before you.

COUNTY OF LEHIGH
Office of the Election Board

Timothy A. Benyo
Chief Clerk
timothybenyo@lehighcounty.org



Lehigh County Government Center
Office of Voter Registration & Elections
17 South Seventh Street
Allentown, PA 18101-2401
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Thank you, Chairman Langerholc and members of the Special Committee on Election Integrity & Reform.

I'm extremely happy that both the Senate & the House are conducting these hearings regarding elections in Pennsylvania as well as having this opportunity to speak with you. These hearings have been a great tool to better educate people that there is so much more to casting a vote than just filling in an oval on a piece of paper. Although there is always room for improvement, I think these hearings have shown that the Commonwealth is moving in the right direction, in a very short time to achieve what some of the great model States have achieved over many years.

Act 77 was a huge change to the 1937 Election Code. The act was signed into law only months prior to a Presidential election year which is not the optimum time to make any changes to the process. If up to directors, this would not have happened during this time frame. In additions to last minute changes, the scrutiny and misinformation that comes with any Presidential year, there is a global pandemic. The efforts of the Department of State, County and Local election officials were heroic.

We've lost over 20 County Election Directors throughout the Commonwealth since Act 77. This loss of knowledge is very concerning.

Pennsylvania was the first state to offer absentee balloting to soldiers away from their homes during the war of 1812. We've been offering absentee ballots for a long time to Military, overseas and Federal voters without a problem. Act 77 only increased the volume of ballots for Counties to administer. With your help, we need to make these process more secure, while not adding barriers on the right to cast a vote.

Your first hearing last week was very enjoyable. There are glaring similarities between the current Pennsylvania election system and those of states participating in the hearings. Just a reminder, we had six months to implement Act 77. We do many of the exact same procedures as the model states in the country.

Below are my thoughts on the first hearing:

As soon as ballots are returned to the office, the envelope bar code, specific to that ballot is scanned and the voter's record is pulled up in the SURE system. The information is verified and the signature is compared, just like Colorado. If there is an issue with that information, the ballot is set aside for further investigation. Clarification on how signatures are scrutinized, cured and handled within the statutes would be extremely helpful and bring us closer to the systems of other States. Signature verification software is a fantastic security tool.

I can't emphasis enough, Colorado started their mail balloting and election reform in 1990s. 2013 HB1303 was the major overhaul and alterations to previous changes. As almost all testifiers indicated, reform changes have never stopped since the initial reform.

As specified in the last hearing, voters, politicians and interest groups all have mail balloting lists available to them prior to each Primary or Election. There is no burden on anyone requesting to see this information. The availability of such lists is specifically expressed in Act 77.

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Postal tracking of voter's ballots was requested by Counties for the new SURE system.

All machines used in the Commonwealth are certified by EAC & DOS. Logic & Accuracy testing is completed prior to machines being distributed to voting precincts. As in other states, 2% Audits and now Risk Limiting Audits (RLA) are being done post Primary and Election.

Adjudication of ballots is done with bipartisan observation and discrepancies are based on a document called, "What Constitutes a Vote".

These are just a few examples of the best practices Pennsylvania has been doing for years. As stated earlier, there is always room for improvement. Specifications pertaining to curing ballots and drop boxes would be extremely helpful. Additional time pre-canvassing will get timely results and increase voter satisfaction.

Thank you for inviting me. Election Directors are always available to help you better make important decisions on meaningful and logical election reform legislation. I'm happy to answer any questions.

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

SUBMITTED BY L. EDWARD ALLISON, JR., DIRECTOR
LAWRENCE COUNTY VOTER SERVICES

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.

PUBLIC HEARING

State and Local Insight on the Administration of Elections in Pennsylvania

March 23, 2021

Cindy Furman, Director of Elections

Wayne County, Pennsylvania

Comments.

1. **Closing of public schools**-I would like to see public schools closed on election days in order to use the buildings as polling locations. It is currently the law that we can use schools, but the schools are not in favor of this due to security issues. If the schools were closed for use on election days, most offer ADA compliant entrances, larger rooms to accommodate larger crowds and more parking areas.

Wayne County currently has eight different school buildings that we do not use for any of our 35 precincts.

2. **Early Voting**-We need to change the process for voters that walk-in expecting to "vote early". Voters have the misunderstanding that Pennsylvania has "early voting" similar to other states. They believe they can walk-in, sign-in, and be handed a ballot like the process at the polls on election day.

The current process is that a walk-in voter must complete an application for an absentee or mail-in ballot first. Then a county employee that is trained to use the SURE system, must process the application, wait for system approval and then print the labels for the envelopes. Next the employee must retrieve the correct ballot and prepare a ballot packet just like the ballot packets that are mailed to voters. The packet is handed to the voter, who then has the option to vote in person in a designated area or to take it home and return it via mail or drop off at a later time.

This is a ten minutes process per voter if the SURE system is working properly and there are no interruptions.

Counties have the option to open satellite locations but this is not feasible for most counties. My county would need to transport computer equipment, printers, large numbers of 35 different ballots and balloting materials to another building if one could be established plus provide the additional trained personnel and security.

My current location is not conducive to handle the large number of "early voters" on a daily basis. We had a sheriff's deputy outside our door handing out the applications, directing them to tables set up in the hallway, and handing out numbers to those waiting in the various stages of applying and voting. We had four full time employees plus extra personnel processing the applications and ballot packets for the walk-ins between processing voter registration applications, online applications, trays of incoming and outgoing mail and answering the endless phone calls. Many voters were angry when they were informed of the process and they had to wait longer than they expected.

If Pennsylvania is to continue with "early voting", it must change. Specific dates and times must be established at the discretion of the individual counties. The voters would be required to sign

an actual poll book and be handed a ballot to vote only while they are there, and then place it in a sealed ballot box to be opened and counted on election day.

3. **Registration and Mail-in ballot application deadlines**-The need for change stated in # 2 would change the time-lines for voter registration and applying for mail-in/absentee ballots. We need to push back the voter registration deadline to 30 days prior to elections. This gives counties the necessary time to process registration applications. We also need to push back the deadline to apply for a mail-in/absentee ballot to 15 days prior to the election. This gives the counties time to update and print poll books in time for early voting.

Requests for emergency ballots or UMOVA ballots would not be included in the 15 days prior deadline.

4. **Mail-in and Absentee Voters going to polls**-We need to eliminate the rule allowing voters that have been issued a mail-in/absentee ballot to go to the polls, void their issued ballot and vote in-person. Once a voter has requested a mail-in/absentee ballot and it has been approved and issued by the county, they must vote it and return it to the county by 8 p.m. on election day. They should not be allowed to go to the polls to vote in person. If they never receive the ballot or it is lost or damaged, they must report this anomaly directly to the Bureau of Elections prior to close of polls.

November's election caused great confusion to the poll workers and voters. Some went to the polls and wanted to drop off their voted ballots, some brought their ballot packets to be voided, and some arrived without the ballot packet because they threw it away. The latter group were angry when they could only vote a provisional ballot.

5. **Same day voter registration**-Please do not establish same day voter registration. I can visualize most of my poll workers resigning if they will be required to register voters at the polls. If voter fraud is to occur, this will be the moment of opportunity.
6. **Pre-canvass of mail-in/absentee ballots**-Allow counties to start pre-canvass of mail-in/absentee ballots at least one week prior to election day. As we watched in November, larger counties were still opening ballots three or more days after the election. The public did not understand the process and many were convinced that fraudulent counting was taking place.
7. **All mail-in ballots for small precincts**-A possibility has been discussed for the future to allow counties that have voting precincts with less than 200 voters the option to mail ballots to all the voters in those specific precincts instead of opening a polling location. This would be advantageous against finding poll workers and cost effective.

Wayne County has 3 precincts that would fall in this category. It would cost approximately \$511.00 to mail ballots to every voter in these precincts per election versus the approximate cost of \$1,785.00 for poll workers, constables, building rentals and equipment deliveries per election. Many counties could benefit from this both financially and in time consumption.

I want to thank the committee for investing time into Election Reform and for asking county election directors for their invaluable insight with the processes that actually make our elections work.

Cindy Furman, Wayne County Director of Elections

PUBLIC HEARING

State and Local Insight on the Administration of Elections in Pennsylvania

March 23, 2020 | 10:00 A.M.

**Hearing Room One – North Office Building
Harrisburg, PA 17120**

11:00 a.m. Panel Two – Elections Directors

Tim Benyo
Elections Director, Lehigh County

Ed Allison
Elections Director, Lawrence County

Cindy Furman
Elections Director, Wayne County

Karen Barsoum
Assistant Director for Elections Services, Berks County

WRITTEN REMARKS

Committee: I would like to thank you for inviting me today to let me speak on subjects related to administering elections in Pennsylvania. Act 77 and Act 12 have provided several amendments to the act of June 3, 1937, changes that were necessary to move forward. There is yet a lot to be done and I'm confident that this hearing will contribute to that. I'm pleased to know that there is a dialogue and participation with the election directors of Pennsylvania as the outcome from any change in the election code will have to be implemented and administered by them.

Elections take place at least twice a year, many people only focus on that one election once in the four years. We can not wait until this one election to make changes, amend laws, and move forward. Last year was an overload of changes, not only from an administrative point of view but also for voters. The "menu" of options expended so rapidly that it become almost overwhelming and led to confusion and misinformation, which ultimately led to mistrust in the system. Any changes that are going to be presented need to be well established under the law and enough time needs to be allowed for implementation. In addition, a strong emphasis needs to be made on voter education.

There are several items I would like to bring to the floor to take into consideration.

- Eliminating absentee ballots and only have mail-in ballots
- Absentee and mail-in ballots submission cut-off
- Either voting via mail-in ballot or in person at the poll but no changing of mind and surrender ballots at the polling place
- Early canvassing
- Clear law regarding ballot boxes
- Poll Worker appointments
- Simpler method at the polling place
- A method to handle increasing costs to the Counties
- Continuing education for Election Directors

Again, I would like to thank you for allowing us to be part of this conversation.

Karen Barsoum, Assistant Director, County of Berks



**TESTIMONY ON
ELECTIONS REFORMS**

Presented to the Senate Special Committee on Election Integrity and Reform

By
Commissioner Sherene Hess, Indiana County

March 23, 2021

I am Sherene Hess, Indiana County commissioner, and I appreciate the opportunity to offer remarks today on election reforms. I also serve as the chair of the Elections Reforms Policy Committee, a standing policy committee of the County Commissioners Association of Pennsylvania (CCAP). CCAP is a non-profit, non-partisan association representing the commonwealth's 67 counties.

We appreciate the attention of the General Assembly on the important issue of elections, particularly in light of the lessons we learned in administering the 2020 primary and general elections as we implemented the changes created by Act 77 of 2019 while also facing the very serious and unprecedented circumstances of the global COVID-19 pandemic.

As you are aware, Pennsylvania's 67 counties have a significant responsibility in assuring elections remain fair, secure and accessible at every step of the process. Over the past several years, counties have worked closely with the General Assembly to achieve historic changes to the Pennsylvania Election Code, including the implementation of mail-in ballots under Act 77 of 2019. While we believed that mail-in ballots would be a popular option for voters, we had no idea just how popular they would become due to public health concerns, and in a year with record voter turnout. And even though mail-in ballots are carbon copies of the absentee ballots that have been available to Pennsylvanians for years – from the application to the way the applications are processed to the ballots themselves – for a large number of voters this was an entirely new experience.

Let me begin by saying that despite these challenges, counties did a tremendous job running a successful, fair and accurate election in 2020. That said, we learned a great deal from our experience implementing Act 77 during the 2020 elections and we know there are ways in which changes to the law can improve our ability to administer elections, as well as our ability to provide more efficient results. CCAP's Elections Reform Committee convened after the November election and began reviewing county experiences, ultimately resulting in a preliminary report and recommendations released in January, which is attached to this testimony for your consideration.

In addition, counties selected election reforms as their top legislative priority for 2021 and, more specifically, renew our call for additional pre-canvassing time, as well as request to move back the mail-in application deadline to 15 days prior to an election. With these two changes, counties believe that a large portion of the challenging circumstances we faced in 2020 could be resolved.

First, allowing counties as much time as possible to pre-canvass ballots in advance of an election would offer a more meaningful option to complete these procedures, such as verifying the barcode number and voter's information on the outer envelope match the information in the SURE system, opening envelopes and removing and flattening the tri-fold ballot and scanning ballots – all following appropriate security and chain of command protocols for all individuals involved in the process. It is also important to note that counties are not calling for votes to be

tabulated, and certainly not released, until after the polls close on election day, simply to use our resources most effectively and efficiently to safely and securely prepare for this to happen.

Without an extended pre-canvass period, counties will continue to face very real challenges in providing timely results following the election, especially a highly visible presidential election like we had in November where the number of ballots was far too overwhelming for counties to process on Nov. 3 alone.

Our second top request, moving the mail-in ballot application deadline back to 15 days prior to an election, will help voters by giving allowing more time for the county to process a mail-in ballot application and allow for the ballot to travel through the mail to the voter and back again, something that caused a great deal of anxiety for voters in the November election.

Act 77 of 2019 permitted voters to apply for a mail-in ballot up to seven days before an election, which created timing challenges with the postal service. This ultimately led to some voters not receiving their ballots before the deadline to submit them at 8 p.m. on Election Day or receiving them too close to the deadline to making it logistically impossible for ballots to be returned via mail by 8 p.m. on election night. Because of this, many voters faced uncertainty about whether the county would receive their ballot in time. This, in turn, led voters to come to their polling place to spoil their mail-in ballot and vote on the machines, or to vote by provisional ballot, just "to be on the safe side." The process caused timing issues that wholly undermined the flexibility and convenience mail-in ballots should provide and resulted in unnecessary lines, crowds, more time spent in the polling location and a longer wait on election results, due to the stringent process counties follow to reconcile mail-in and provisional ballots to ensure accuracy.

Furthermore, counties would like to note that receiving ballots postmarked by election day and received up to three days after the election, instead of moving back the deadline, will likely contribute to ongoing delays in results and disruption at the polls. This "solution" does nothing to discourage voters from waiting until the last minute to return ballots, requires additional clarity on what constitutes a postmark as voters seek other delivery methods, and will lead to more provisional voting at the polls. As such, we assert that moving the application deadline back is the best opportunity to enfranchise voters and assure the mail-in ballot process works smoothly for them as it was intended to do.

Again, more details about these two top county priorities and other elections topics on which counties seek meaningful reforms and statutory clarity can be found in the attached CCAP Election Reform Preliminary Report.

Finally, and perhaps most importantly, counties urge the General Assembly to bring counties to the table to discuss and provide feedback on any elections-related legislation so that we may work together to accomplish meaningful reforms before the summer legislative recess. Waiting until the fall to adopt any reforms into law will not provide enough time for counties to successfully prepare, train staff and implement new procedures prior to the November election, which is good for neither counties nor voters. Counties have valuable experience to provide in

the development of legislation to assure we can continue to administer elections that are secure and accurate, and that provide accessibility to our voters so that all have an opportunity to engage in the democratic process.

Thank you again for the opportunity to testify today and your consideration of these comments. We look forward to working with you on legislative changes to improve the administration of elections in Pennsylvania. I would be pleased to answer any questions you may have.

CCAP ELECTION REFORM PRELIMINARY REPORT

January 2021

Counties have a significant responsibility in assuring elections remain fair, secure and accessible at every step of the process. In 2020, this task was complicated greatly by a perfect storm of factors. First, counties had to implement the provisions of Act 77 of 2019, including expansion of absentee ballots to all eligible voters, and like many other significant legislative changes, they discovered a number of areas of the Election Code that would need further clarification. Then, election directors, county commissioners and other county officials confronted the unprecedented responsibility of considering risk to public health in holding an election during a global pandemic, as well as the resulting explosion in demand for mail-in ballots. And finally, ongoing uncertainty regarding court challenges at the state and federal level, as well as the potential for additional state legislation, in the weeks leading up to the November election left numerous questions and anxiety during a highly contested and highly visible presidential election.

While the first two elections using mail-in ballots were successfully completed, counties have been reviewing their experiences and lessons learned from the front lines to call for additional changes to the Election Code that will streamline administrative requirements and provide clarity and consistency across the commonwealth. This report outlines county priorities, with a renewed call to allow counties additional time to pre-canvass, as well as to move the deadline for mail-in ballot applications back to 15 days to coincide with the voter registration deadline. These two items alone could resolve a significant portion of the challenges counties saw during 2020.

Background

Our counties and our election staff deserve our utmost respect and gratitude for administering a smooth, fair and successful election. Regardless of the challenges brought on by the pandemic, disagreements and lawsuits, these dedicated public servants have remained laser focused on their responsibility as stewards of our democracy.

But we have also learned a great deal from the 2020 elections, and this report outlines a number of additional matters for review that we hope will inform clear and prompt policy changes. These include additional Election Code amendments, particularly to tighten up those matters that became subjects of interpretation throughout the various lawsuits. However, they also include administrative issues to be addressed with the state, as well as recommendations related to county operations and administration.

CCAP stands ready to engage with the General Assembly and the administration to assess the successes and challenges of the 2020 General Election, so that we can work together to create positive, effective election policy. Counties, as the entities that administer our elections, must be at the table for these conversations to help create any changes brought forth regarding

elections, to help create language that is clear and easily understood, and identify challenges up front regarding how, or even if, certain changes can be practically and successfully implemented. And any changes to the Election Code must be enacted well in advance of an election to allow for enough time to properly implement any changes, particularly if they involve developing new protocols or procedures, retraining poll workers, and so forth.

It is our responsibility to work together in the future to promote a smoother election process in support of our democracy. Running elections should not be a partisan battle but should be about making sure that our systems are secure and accurate and that our voters can have confidence that every properly cast vote will count.

It is time to put political differences aside and resolve to make meaningful improvements to the Pennsylvania Election Code. Elections are a fundamental government function, and every level of government has a stake in assuring they are secure, fair, and accurate. We look forward to working together on this important topic.

Summary of Priority Recommendations

Counties have identified the following issues as top priorities for further election reforms, which could resolve many of the challenges they faced regarding the implementation of Act 77 of 2019.

Please note: Given that absentee ballots and mail-in ballots are, for all intents and purposes when it comes to application, processing and voting, the same, the terms may be used interchangeably throughout this report. However, regardless of the terminology, any reforms counties propose here are intended to be applied to both absentee and mail-in ballots.

Offer counties as much time as possible to begin pre-canvassing ballots to improve the likelihood of timely election results.

Prior to Act 77, absentee ballots were provided to each voter's precinct on Election Day, to be counted and added to that precinct's vote counts once the polls closed at 8 p.m. The small number of absentee ballots made this process reasonable and did not cause any appreciable delay in tabulating results.

However, with the increase expected once mail-in ballots were available to all registered voters, Act 77 moved the processing and counting of these ballots from the precincts to central count at the county board of elections. The Election Code continued to permit the canvassing of absentee and mail-in ballots beginning at 8 p.m. on election night.

Counties began to raise concerns early in 2020 that with the expected volume of absentee and mail-in ballots, they would not be able to complete the canvass in a timely fashion if they could not begin the process until after polls closed. In response, amendments to the Election Code in Act 12 of 2020 permitted counties to begin a pre-canvass period as early as 7 a.m. on Election Day.

While these additional hours were helpful to some counties, for most it meant the prospect of essentially conducting two elections – both an in-person election and a mail-in election – on the same day, with the same resources. As expected, even with the ability to begin at 7 a.m., it took several days in most counties to fully process all of the mail-in ballots.

Immediately following the June election, counties spent the months prior to the General Election advocating for legislation that would allow them to begin pre-canvassing – opening and preparing the mail-in and absentee ballots – prior to Election Day so that results could be available on election night or shortly thereafter. Without an extended pre-canvass period, counties expected that it could take days or weeks *following the election* to see final results, because they also needed to focus their efforts on a successful in-person election on Nov. 3, rather than on the manual labor of opening and preparing substantial numbers of mail-in ballots. While any time provided ahead of Election Day would have been a significant help, counties asked for as much time as possible to avoid the anticipation of very real challenges in providing the timely results they knew would be sought, especially in a highly contested and highly visible presidential election.

But with counties only able to begin pre-canvassing on Election Day, as predicted it took several days for the millions of mail-in ballots to be counted, delaying election results and causing confusion despite counties' best efforts. Therefore, counties renew their call for legislation to allow pre-canvassing to begin prior to Election Day, thus allowing counties to focus on administering an in-person election on Election Day, improving workload management and allowing results to be available much more efficiently.

Move back the deadline to apply for mail-in ballots to 15 days before an election.

Act 77 of 2019 permitted voters to apply for a mail-in ballot up to seven days before an election, which created timing challenges with the postal service. This ultimately led to some voters not receiving their ballots before the deadline to submit them at 8 p.m. on Election Day or receiving them too close to the deadline to make it logistically possible for ballots to be returned via mail by 8 p.m. on election night, so that many voters faced uncertainty about whether the county would receive their ballot in time. This in turn led voters to come to their polling place to spoil their mail-in ballot and vote on the machines, or to vote by provisional ballot, just "to be on the safe side." This wholly undermines the flexibility and convenience mail-in ballots should provide and causing unnecessary lines, crowds, more time spent in the polling location and a longer wait on election results as counties must then reconcile mail-in and provisional ballots for accuracy.

With postal delays and public health concerns, shifting this deadline to 15 days before an election (to coincide with the voter registration deadline) will benefit voters by providing more time for the ballot to be able to get from the county to the voter and back again through the mail, creating less uncertainty over whether ballots were received by 8 p.m. election night. Voters will be able to receive their confirmation email and feel confident that their ballot was received, so that they do not need to come to the polling place or find other means of returning their ballot. At the same time, counties will have more time to assure poll books are as current

as possible with those voters who have applied for, and submitted, mail-in ballots, all adding up to more efficient polling place operations as well as preventing unnecessary crowds as counties continue to implement COVID-19 risk management strategies. The emergency absentee period could also be extended accordingly to accommodate this longer deadline period.

Counties also note that changing the receipt deadline to allow ballots postmarked by election day and received up to three days after the election, instead of moving back the deadline, *will likely cause a delay in results and disruption at the polls*. This “solution” will do nothing to discourage voters from waiting until the last minute to return ballots, requires additional clarity on what constitutes a postmark as voters seek other delivery methods, and will lead to more provisional voting at the polls as, again, voters who do not yet have confirmation that their mail-in ballot was received will still show up in person to be on the safe side. Moving the application deadline back is the best opportunity to enfranchise our mail-in voters.

Topic Review and Discussion

In addition to the two priority issues noted above, counties seek meaningful reforms that can address other issues that arose during the 2020 elections, in particular to promote clarity and consistency across the commonwealth. As discussions evolve, counties must continue to be at the table to provide input and perspective on how amendments can be implemented on the ground.

Topic: Election Code Amendments

Drop boxes:

Background

- Questions were raised as to whether Act 77 permitted the use of drop boxes for mail-in ballots, and whether drop boxes constituted polling places.
- In *Pennsylvania Democratic Party v Boockvar*, the Pennsylvania Supreme Court determined in its Sept. 17, 2020, ruling that the Election Code permits counties to use drop boxes.
- On Oct. 10, 2020, a federal district court dismissed claims that certain election practices were unconstitutional under the federal or state constitutions, including the claim that the use of drop boxes for mail-in ballots is unconstitutional.

Policy Considerations

- Counties also seek further clarity in the law on their authority to use drop boxes for mail-in ballots.
- If drop boxes or return locations other than county government locations are permitted, language must be developed in conjunction with counties regarding any criteria on their location.
- Attention must also be paid to the staffing and other resource considerations that would be needed for implementation.

Ballot signatures

Background

- The law is unclear, or in some cases silent, on how counties should address certain situations, such as what to do with naked ballots and whether voters should be contacted to be permitted to cure defects with their mail-in ballot.
- This lack of clarity was the basis for many of the lawsuits that were filed at the state and federal level after the 2020 Primary Election
- Changing court decisions, in addition to the statutory language or lack thereof, led to a situation where counties struggled to implement the law on a consistent basis.

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Policy Considerations

- The fatal flaws under which a mail-in ballot is not to be counted must be clearly identified.
 - Should a mail-in ballot be counted if a signature or date is missing from the voter's declaration?
 - Should naked ballots be counted?
 - What should a county do with mail-in ballots that contain writing on the privacy envelope?
- Counties need a clear rule in the law on when or if curing of flaws may happen, and whether or not a county is required to contact a voter to cure their ballot.

Permanent status

Background

- Act 77 allows a voter to request to be placed on a permanent mail-in voter list. These individuals will have a ballot application mailed to them by the first Monday of February each year which, if completed and returned, entitles them to receive ballots in the mail for all elections taking place during the remainder of that calendar year.
- However, this process has created frustrations for both the voter and the county.
- Experience shows that voters often did not remember checking the box for the permanent list and thought they were getting ballots they did not request.
- The number of renewal letters that must be sent out annually further add to the burdens on county workloads.

Policy Considerations

- Additional discussion is needed on the number of renewal letters/applications that must be mailed out each year
- Discussion is also needed regarding whether the responsibility for sending the renewal letters/applications should be at the county or state level.

Topic: Administrative issues with the state

Beyond the law itself, counties experienced a number of challenges working with the commonwealth and the Department of State that should be addressed to improve administration of elections going forward.

SURE system and ballot tracking website

Background

- Counties routinely experience technical difficulties with the SURE system, including slow speeds or even full system crashes that make it impossible to process voter registrations and ballot applications in a timely fashion, unnecessarily increasing county workloads.
- The ballot tracking website was often confusing to voters as they attempted to understand where their mail-in ballot was in the process.

Policy considerations

- Upgrades/replacement of the SURE system are under consideration, and counties must be part of these conversations as changes are made to assure they are easily understood and user friendly.
- As the ballot tracking website is updated going forward, counties must also be part of these conversations to help identify areas of concern, either now or in the future.
- The state should consider the possibility of a state phone bank that could facilitate voter questions.

DOS guidance to counties

Background

- In addition to the changing statutory and litigation landscape, counties also experienced confusion because of ever-changing guidance from the Department of State related to the administration of mail-in ballots.
- It was often unclear what statutory basis the DOS guidance had, and how much was truly guidance/best practices.

Policy considerations

- While understanding that ongoing litigation was the underlying basis for some of the last-minute guidance changes in 2020, the Department of State must issue guidance as far in advance as possible to avoid the confusion of having to implement new practices immediately prior to an election and to offer greater opportunity for questions and input.
- The Department must more consistently reference the sections of the Election Code on which its guidance is based, and more clearly indicate when the guidance is merely a best practice rather than based on a statutory requirement.

Election staff retention and development

Background

- Since the implementation of Act 77 in 2019, more than 20 counties have experienced the loss of their election director and other top elections staff.
- The increased workloads and stress of implementing an entirely new law during a highly contentious presidential election and a global pandemic, while also having to constantly correct misinformation, respond to confused, angry and often threatening voters on a daily basis, and defend their work implementing a fair and secure election, no longer make this work environment palatable for many.
- The resulting loss of institutional knowledge is immeasurable.

Policy considerations

- Counties and the state must work together as new laws and policies are developed to assure workload needs are also considered.
- New laws and policies must be enacted with sufficient time for their implementation.
- Education and training must be available to help develop needed skill sets among election staff.
- To improve staff retention, all levels of government must work together to promote accurate information at each election, which can help reduce the level of confusion and anxiety among voters, and thus the level of anger county elections staff must address.

County resource needs

Background

- As counties implemented Act 77 in 2020, most counties saw their budgets for elections-related costs increase significantly, as additional supplies were needed and staffing and overtime needs grew to address workload requirements.
- These impacts fell squarely on county shoulders, as they are solely responsible for administration of elections at the local level.

Policy considerations

- Counties and the state must work together as new laws and policies are developed to assure any increased costs and resource needs, including supplies and staffing, are also considered.
- Appropriate resources and funding support must be provided by the federal and state governments to support counties in their critical task of administering elections.

COUNTY COMMISSIONERS

JOSEPH E. KANTZ
Chairman

CHARLES "CHUCK"
STEININGER, III
Vice Chairman

ADAM D. EWIG
Secretary



ANTHONY J. PHILLIPS
Chief Clerk/County Administrator

ROBERT M. CRAVITZ
Solicitor

Snyder County Board of Commissioners

Court House, P.O. Box 217 • Middleburg, Pennsylvania 17842-0217
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March 23, 2021

I have been the chairman of the Snyder County Board of Commissioners since 2008. During that time, I have also served as the chairperson of our elections board in the years that I was not on the ballot. I was asked to serve as the co-chair of the County Commissioner's Association of Pennsylvania Elections Reform Committee in 2016. I have been actively involved in many discussions about elections in Pennsylvania since that time. I also had the privilege to serve on the Joint State Government Commission's Advisory Committee on Voting Technology in 2016 and 2017. Since 2016, many of the county's discussions about election reform have revolved around how we can make it easier for voters to vote and easier for elections directors to administer elections. The CCAP Elections Reform Committee had a long list of many items that could achieve many of these items. In October of 2019, I was asked to join Governor Wolf for the signing of Act 77, the first real set of reforms for elections in eight decades. This was only the third time I had ever been asked to join a Governor for a bill signing. I was excited to attend.

Now, less than two years later, I can honestly say that any excitement I experienced then has since turned to disappointment. I'm sorry we tried to do such broad reaching changes all at once and especially in a presidential election year. The uncertainty that would be in the minds of many voters could not have been expected. I believe much of this uncertainty came out of the many changes with which voters had to deal.

The main challenge is the handling of mail-in ballots. While expanding convenience for some voters, mail in ballots also created a huge unfunded mandate for counties by way of drastically increased staff time required to fulfill the many demands of mail-in ballots. In hindsight, the legislature should have just taken the time to change the Constitution and allow the voters to approve a true mail-in ballot instead of the end run around created by Act 77. In Snyder County we have one fulltime elections director and one fulltime voter registration person. Since Act 77 was passed, our workload has now required an additional part time person and countless employees from other departments to forgo their normal duties and help our elections staff. We also contracted with a former elections director to work with us as a consultant, and we utilized community service volunteers to help sort, stuff, and stamp ballot envelopes and pre-canvass ballots on election day. This all equates to thousands of extra hours we would not have needed prior to Act 77 being passed.

Since Act 77 is more than likely here to stay, counties can help to restore voter's faith in the election system by allowing counties to have results out on election night. The only way to make this happen is to give us more time to pre-canvass. Even with all the volunteer staff I have just mentioned, our county would not have

been able to report our results on election night without the help of our \$11,000 letter opener and our \$54,000 DS450 central tabulator machine, which we purchased before the November election.

Another challenge for counties involves the deadline of ballots. One way to allow Pennsylvania's county elections offices to do their jobs more efficiently is to move the deadline to apply for mail-in ballots back to fifteen days before the election. The current seven-day window, which was approved in Act 77, does not give our staffs enough time to process ballot applications, get those ballots out to the voters, and then receive the ballots before the 8:00 PM election night deadline. This is a problem even without the slowdown we've all experienced in the past six months with the postal service delays. This also caused a great many voters to have to go to their polling place to surrender their mail-in ballot and vote a new ballot in person. If this is the outcome of Act 77 seven-day deadline, we've just defeated the purpose of a mail-in ballot. Now we've made the election process more paperwork intensive, more frustrating for the voter, more work for the elections staff, lengthy wait times for all in person voters, and more opportunity for confusion for our poll workers. In addition, we've created more reasons for some voters to cast a provisional ballot "just to make sure".

By making the mail-in ballot deadline coincide with the voter registration deadline, this will benefit voters by providing more time for their ballot to get from the county to them and back again. This also allows counties the necessary time to make sure the poll books are as current as possible for all the voters who applied for a mail-in ballot.

All in all, counties know how to do their job in running a safe and secure election. If the legislature wants election results on election night, like most citizens do, it's important to remember to have commissioners and elections directors at the table as any election related legislation is being considered. I thank you for including me in this discussion.

Thank you,

Joseph Kantz

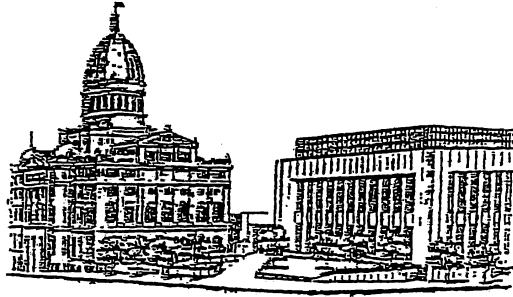
Chairman, Snyder County Commissioners

Westmoreland County

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Douglas W. Chew
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March 22, 2021

VIA ELECTRONIC EMAIL ONLY

Senator Wayne Langerholc Jr., Chairman
Senator Sharif Street, Ranking Member
Special Committee on Election Integrity and Reform
Room 281 Main Capital
Harrisburg, PA 17120-3035

RE: Submission of Written Comments for the Public Hearing on State and Local Insight on the Administration of Elections in Pennsylvania held March 23, 2020 at 10:00 A.M.

Chairman Langerholc and Ranking Member Street:

Thank you very much for the opportunity to present at the hearing tomorrow. Please find enclosed my full testimony, from which I will deliver about 5 minutes.

Due to a health emergency in my family, my comments are later than requested. Please accept my apologies for that lateness, and I look forward to congenial discussions.

Please don't hesitate to reach out if additional information is needed. Thank you very much for this opportunity.

Very Truly Yours,

A stylized, handwritten signature in black ink, consisting of several loops and a long, sweeping tail.

Douglas W. Chew
Commissioner
Vice-Chairman

Written Comments
submitted for the
Public Hearing on State and Local Insight on the Administration
of Elections in Pennsylvania

held on
March 23, 2020 at 10:00 A.M.
Via Virtual Meeting

for the
Special Committee on Election Integrity and Reform

Senator Wayne Langerholc Jr., Chairman
Senator Sharif Street, Ranking Member

Room 281 Main Capital
Harrisburg, PA 17120-3035

Submitted By:

Douglas W. Chew
Vice-Chairman
Board of Commissioners
Westmoreland County
Pennsylvania

Good morning, Chairman Langerholc, Ranking Member Street, honorable members of the Special Committee on Election Integrity and Reform, and those watching these proceedings. My name is Doug Chew, and I am the Vice-Chairman of the Board of Commissioners of Westmoreland County.

Introduction

Thank you very much for convening this committee to examine recent activities within the Commonwealth that have eroded the public's confidence in the election process. Elections are of utmost importance under our constitutional government. They are how we, as Americans, self-govern. Each year, through elections, the majority either declares that their government is functioning well, or they petition that same government for redress by changing the people in charge. Regardless of the outcome, it is critical for citizens, including the winning and losing candidates, to have confidence in the fairness and integrity of the electoral process.

There are many areas that warrant discussion, so I'm going to limit my spoken comments today to Education and Training, Unrealistic Deadlines, Ballots and Canvassing, Exactness of Language, and Constituent Concerns.

Education and Training

First and foremost, the biggest challenge has been education. Within 12 months, the electorate had to absorb Act 77 of 2019, Act 12 of 2020, and numerous court orders and challenges that resulted in election processes written by the Executive and Judicial branches of government. All of us, the Commonwealth and Counties both, need to be more cognizant of the electorate going forward. The majority of us at this hearing are familiar with running for office and the election code. As Senators, you constructed and debated Acts 77 and 12. Voting and elections have been a part of the Department of State (DOS) for as long as I can remember, so they too are familiar. In most cases, we all were able to easily see what had been changed; however, the average voter spends a short time each year considering for whom to vote, and even less time I imagine considering the rules and procedures of voting.

Consider for a moment Westmoreland County data from the Primary Election of 2020: 47,669 unique voters requested a mail-in or absentee ballot, but only 40,432 ballots were received back in SURE [1]. That's 7,237 voters who potentially did not understand the election process, but those unreturned ballots could also be attributed to postal issues, honest mistakes, or even fraud. For the primary, we also processed 1,164 provisional ballots, which again, could be attributed to voters not understanding the process.

Things didn't get better when my constituents made a second attempt for the General Election: 76,198 unique voters requested a mail-in or absentee ballot, but only 59,470 ballots were received back in SURE [1]. In the worst potential scenario, with over 3,700 provisional ballots and 16,728 unreturned ballots, 20,428 people or 7.7% of Westmoreland County's total registered voters may have been disenfranchised by a lack of understanding or information on these processes in the General Election alone.

As an educator of nearly 30 years, I feel responsible for not realizing that this past year my constituents were bombarded with so many new things, some a matter of life or death. I feel that we each have a responsibility as elected officials to help our constituents understand the laws of our Commonwealth. The Department of State needs to undertake a campaign for the next year to educate the electorate on the many changes to the Election code and to educate Precinct Election Boards (e.g., judges of election, inspectors) on the statutes governing voting. The education needs to be done using a variety of pedagogical tools, such as online sessions, recorded webinars, pamphlets and written material, and even in-person demonstrations with Q&A sessions. While the Department of State is charged by statute to take the lead in producing the necessary materials for this, I feel that each of us shares equally in a civic responsibility to educate. I suggest that the General Assembly provide funds to the Department of State and to Counties to undertake this educational objective. Before we talk about election fraud, let's confirm that the 20,000 plus unreturned ballots in Westmoreland County's General Election are not the result of gross misunderstandings of the process and that the electorate understands the electoral processes well-enough to be able to help fight fraud by "Saying Something," when they "See Something."

Unrealistic Deadlines

Under normal circumstances, the deadlines proposed for mail-in voting seem reasonable enough. Consider the deadlines codified by statute for the 2021 Primary Election. For the 2021 Primary Election scheduled for May 18, the last day to apply for a mail-in or absentee ballot is May 11, a mere 7 days before the ballot is due back at the Election Bureau. When I drop a first-class piece of mail at a post office in Westmoreland County, it usually makes it to the Pittsburgh sorting facility by truck that evening and is delivered to addresses in Westmoreland County within 36 hours.

Figure 1. Example of Mail Delivery in Westmoreland County.						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 9	May 10	May 11	May 12	May 13	May 14	May 15
		Apply by 4pm on May 11.	Bureau processes application and mails ballot by 4pm.	Ballot should arrive at Pittsburgh sorting facility by midnight.	Ballot arrives at residence.	Voter votes the ballot, seals it, and mails it.
May 16	May 17	May 18	May 19	May 20	May 21	May 22
		Ballot arrives back at Election Bureau by 8pm				

In **Figure 1**, you'll see that using May 11 as the final day to apply for a mail-in or civilian absentee ballot leaves no amount of time for any delay or issue at the postal service. *In other words, the law is written in a way to instill a false sense of confidence in the voter, because they are under the impression that the May 11 deadline to request a ballot will provide time for the entire process to operate with regular, ordinary resources.* The USPS does employ high speed scanners capable of scanning 35,000 #10 envelopes per hour [2, 3], but according to Fortune.com, on November 3 at approximately 2pm [4], there were still 27.5 million mail ballots yet to be delivered. Think about those numbers for a second: 27.5 million pieces of election mail alone in a postal system that delivers on average 173.1 million pieces of First-Class Mail each day. In most states, the election mail had to be delivered on November 3. Based on this, I strongly suggest utilizing an earlier cut-off deadline for receipt of an application for a mail-in or civilian absentee ballot.

Additionally, I'd like to suggest a statutory deadline for the Department of State to offer interpretation and rules pertaining to the Election Code. I counted over 24 emails from the Department of State to all counties around the November 3 General Election. Some were sent to Commissioners and the Election Director and some were sent to only the Director. The emails were sent by no fewer than 3 DOS staff, and a few were resent with a note such as this,

“Wednesday evening, Director ____ notified counties of a mass email directed to voters We have received several thoughtful phone calls and emails from counties expressing concern...”

On the worst side of the range of possibilities, the Department of State abdicated its responsibilities in 2020 concerning the General Election; on the lighter side of that range, it did no planning until the last minute, despite most of the nation on lock down for the pandemic. Emails and phone calls were made to counties and voters, before any vetting of the material or text occurred. Entire ballot questions never made it on the ballot. In the middle of a pandemic, in the middle of a Presidential election year, in the middle of significant changes to the PA Election Code, the Department of State created a lot of chaos and misunderstanding by promulgating incomplete and confusing directives. I see no reason why these emails and call scripts could not have been drafted sooner, reviewed by the Department, and sent out by one person, so counties had quick and easy access to information in a consistent manner. This is exactly the type of work product that is easy to process while working remotely during a pandemic. I strongly suggest that the General Assembly consider codifying a date by which the Department of State must produce a full and complete guide for each election year, both for counties, and for the voter. Moreover, every official correspondence, for such an important activity, should only proceed after it receives the imprimatur of the acting secretary. Lastly, I ask the Department of State to consider disseminating items to counties through one email address and involving the counties in materials and calls to the voters.

Ballots and Canvassing

Although most of my constituents would like to see no-excuse mail-in voting be eliminated except for reasons outlined for absentee ballots, if it is not eliminated, there are some general changes I'd recommend. First, the option to request a permanent mail ballot for that election year

should be eliminated. In Westmoreland County, we processed over 3,700 provisional ballots for the General Election and 1,164 provisional ballots for the Primary Election. For the primary, we heard many complaints about not understanding the mail-in ballot processing, which contributed to that number; however, for the General, the number one complaint was that provisional voters did not request a mail-in or absentee ballot, so they proceeded to attempt to vote in-person. Of course, the poll book indicated that they had voted already, so they were required to complete a provisional ballot. Our investigations revealed that in most cases, they had requested a mail-in ballot for the Primary, and the “permanent” box was checked. Whether they checked the box accidentally or it was checked by a registration clerk in the office is unknowable and immaterial. The permanent mail check-box leads to unnecessary confusion, and I recommend striking it from future elections.

Additionally, if 2020 is an example of how elections will proceed going forward, with many paper ballots canvassed on or after election day, then allowance needs to be made for additional watchers in several aspects of the process. When a voter goes to a polling venue to vote, he or she has a vested, personal interest in monitoring the process while they are within the venue, because they are safeguarding their own vote. When mailed or provisional ballots are canvassed, the canvassing is done by someone other than the voter him- or herself, and the person canvassing has access to more than one person’s ballot. When provisional ballots are adjudicated by provisional boards, it takes many boards to quickly and properly adjudicate nearly 3,000 provisional ballots. Therefore, because of the large square footage needed for these tasks and the large number of people involved, it is only fair that parties and candidates be allowed more than one person in these situations. Westmoreland County is the 11th most populous county in the Commonwealth, and I feel that some watchers in our county were unable to view or hear the bulk of the processes involved in canvassing or provisional adjudication. I feel strongly that the General Assembly needs to modify the statute to allow for a balanced number of watchers based on square footage or number of members on the provisional or canvassing boards. I recommend that even members of the public be allowed to view these processes, by statutorily allowing video cameras in these areas. There is no reason that transparency and privacy can’t be achieved simultaneously to ensure respect and integrity for these processes. Lastly, as some counties have demonstrated disdain for the legislation written and passed by you and your colleagues from these chambers, I would recommend attaching fines and penalties to counties and election boards that intentionally restrict access to watchers during these processes.

Exactness of Language

As you study the problems before you, I encourage you to consider the exactness of your language as you craft amendments to these processes. Good contracts in the business world begin with a preamble and a definition page. Why not include niceties like that as part of any amendments or new legislation?

Justice Clarence Thomas provides a well-written dissenting opinion to docket numbers 20-542 and 20-574. He writes,

“Unclear rules threaten to undermine this system. They sow confusion and ultimately dampen confidence in the integrity and fairness of elections. ...”

“An election system lacks clear rules when, ... different officials dispute who has authority to set or change those rules. This kind of dispute brews confusion because voters may not know which rules to follow. Even worse, with more than one system of rules in place, competing candidates might each declare victory under different sets of rules.”

This couldn't be truer than what happened in the 45th PA Senate District to constituents in my county. Justice Thomas continues,

“After election day the Pennsylvania Supreme Court nullified the legislative requirement that voters write the date on mail-in ballots.”

I felt the decision of our Supreme Court was stunning because the majority of justices agreed that your legislative intent was that the date was required, but the justices declared it would only be important to date items after 2020. Justice Thomas expanded,

“...one candidate for a state senate seat claimed victory under what she [to clarify, Nicole Zicarelli] contended was the legislative rule that dates must be included... A federal court noted that this candidate would win by 93 votes under that rule. A second candidate claimed victory under the contrary rule announced by the Pennsylvania Supreme Court. He was seated.”

“This is not a prescription for confidence. Changing the rules in the middle of the game is bad enough. Such rule changes by officials who may lack authority to do so is even worse.”

Justice Thomas is right: changing rules in the middle of the game isn't fair, and I'd ask you to consider every word and every sentence constructed as you prepare revisions and amendments to your previous legislation.

Select Constituent Comments

I end with a presentation of a few comments received over the last 12 months by my office. I include some critical of the County, the State, and the process in general.

Michael Pardus of Hempfield Township, Westmoreland County:

Leadership, Voice of Westmoreland, Westmoreland County

“More robust training of judges at each [*sic*, precinct] is required to ensure uniform handling of absentee ballots surrendered at the polls. Discrepancies in the handling of surrendered absentee ballots was encountered during adjudication of absentee [*sic*, provisional] ballots. More robust training and education of the judges and all poll workers is required to avoid future problems.”

“Some judges required those that surrendered their absentee ballots and cast provisional ballots were directed to sign the poll book indicating that they had

machine voted. In other instances, judges directed voters to sign the security envelope containing their provisional ballots. These issues were ultimately resolved but resulted in unnecessary delays in the vote count.”

I appreciate his criticisms, and education will be a key focus in 2021 in Westmoreland County.

Karen Taylor of Westmoreland County:

Constituent

“I would really like to address why we aren’t doing a full Forensic and investigative audit like AZ, GA, and now possibly MI. We do have a petition currently with over 4500 signatures that is climbing by 200-500 daily requesting that.”

Robert MacPherson of Sewickley Township, Westmoreland County:

Recent past Chairman, District 4, Westmoreland County Republican Committee

“While on active duty, I had to vote using the absentee voting system set up for the Department of Defense. The integrity of my vote was of the utmost importance. I recognize that some people do not see the value of that vote the same way I do, but I stayed informed about trends and the actions of the government in order to cast a vote for the people I felt would best carry out public policy. Each absentee ballot had to go through a rigorous process in order to ensure that they would be tabulated correctly. Much of this occurred before the internet. I was so passionate about the importance of voting that I was the Voting Officer on board several of my commands.”

“Signatures and ID were required. In many cases, they needed to be witnessed by myself or another commissioned officer. It kept the system honest. I am often told that requiring people to have IDs in order to vote would disenfranchise them. The people who are really being disenfranchised are the honest citizens who want that sacred privilege to count. I would challenge opponents of a more secure election identification method to consider this. With the speed and advent of technology, are they willing to risk that their opposite party might discover some new way to bypass the system and overturn the outcome of the elections by using emerging technology? At what point would they cry foul if they lose their one and only true superpower.”

“We all know that legislatures around the country have mandated ID for purchasing alcohol, tobacco and firearms. Even travelers post 9 11 have had to endure endless lines to do something as simple as boarding a plane. We endure all of these things to ensure public and personal safety. No one can convince me that Any person in America that is a legal citizen is being denied access to any of these. I am absolutely convinced that protecting the public and individuals' rights with a streamlined and verifiable identification will protect this nation and the sacred right we have all been granted by the Founders in the Constitution.”

Greg Stewart of Westmoreland County:

Current Chairman, District 4, Westmoreland County Republican Committee

“How is the signature verification process going to be protected and validated?”

William Bretz of Hempfield Township, Westmoreland County:

Current County Chairman, Westmoreland County Republican Committee

“The impact of this early voting period is heavily favorable to incumbents with established name ID, those extremely well-funded candidates that can use mail and media to campaign, or those with large teams for canvassing. I can’t imagine a grassroots mail-in campaign being effective in this environment.”

“The permanent mail-in status also needs to be eliminated. Absentee voters must solicit for a ballot for each individual election and mail-in voters should do so as well for equity. It is a huge burden on the county to prepare and mail tens of thousands of letters each cycle to those on that list and the more automatic the ballot mailing becomes the more potential fraud creeps in as control of the process becomes more remote from the original solicitation.”

“One bonus point is the headache created by the ability to surrender mail-in ballots on Election Day. This process needs fixed because I suspect that it drove the long lines at the polls and the overwhelming number of provisional ballots.”

“Finally, direct mailings of mail-in ballot applications were a huge point of confusion to voters and should be ended. Many people thought they received multiple ballots that were applications and many that claim they didn’t receive a ballot likely threw them out inadvertently.”

I concur with Chairman Bretz, that the county cost for permanent mail status is a consideration.

Conclusion

In conclusion, I hope that I’ve provided an overview of some issues that didn’t make the press every day.

I leave you with a quote from John Jay, our first Supreme Court Chief Justice, “The Americans are the first people whom Heaven has favored with an opportunity of deliberating upon and choosing the forms of government under which they should live.” There is a heavy task before you in helping the voters in this great Commonwealth once again have faith that the majority is in fact choosing the form of government under which we all will live.

Thank you, Chairman Langerholc, Ranking Member Street, and the entire committee for inviting me to this hearing and listening to my humble requests.

Endnotes

- [1] Data accessed from SURE by Director JoAnn Sebastiani on March 22, 2021.
- [2] <https://www.scientificamerican.com/article/mail-sorting-machines-are-crucial-for-the-u-s-postal-service/>, accessed March 20, 2021.
- [3] <https://facts.usps.com/innovation/#fact396>, accessed March 20, 2021.
- [4] <https://fortune.com/2020/11/03/early-voting-results-how-many-early-votes-mail-in-ballots-us-election-100-million-covid-19/>, accessed March 20, 2021.



LAMONT G. MCCLURE
NORTHAMPTON COUNTY EXECUTIVE

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March 23, 2021

Senator Wayne Langerholc Jr.
Senate of Pennsylvania
Special Committee on Election Integrity and Reform

Good morning to Senator Langerholc Jr. and distinguished members of the committee. I'm grateful for the opportunity to address you today.

My name is Lamont McClure and I am the County Executive of the County of Northampton. Before attaining my current position, I served on the Northampton County Council for almost a decade.

The responsibility of running elections has always fallen on the shoulders of county government and it is a heavy responsibility. Voting is the cornerstone of every democracy and there is no room for error. Casting a ballot must be accessible to every eligible citizen and the process must be secure from registering to vote to the certification of the final results. The method of counting ballots must be reliable, the final tally incontestable and the entire process open to examination by the public. Plus you have to find a way to pay for it all.

Our bedrock principle in Northampton County is to put on fair, legal and accurate elections, and that's what we did in 2020. Northampton is recognized not only a bellwether of the Commonwealth, but also of the nation. Over the past one hundred years, Northampton County has differed from the national result in a presidential election only three times.

In Northampton County, we know a little something about election stress tests. Pursuant to the Commonwealth's settlement of the *Stein* case, Northampton County purchased the ES&S ExpressVote XL, a state-of-the-art touchscreen system with a paper ballot backup. In the context of election security, this was light years ahead of the DREs we had previously used. We were excited about this upgrade and paid \$2.9 million dollars believing that not only would our election security be enhanced, but the experience would be better for the voter. During our election in November 2019 it quickly became clear that something was not right. By the end of the day, we learned of not just one, but two distinct problems which imperiled the entire outcome of the election.

Throughout the day we had fielded reports of touchscreens that were “glitchy,” particularly in the margins. What we subsequently learned was that approximately 1/3 of the machines we’d purchased had not been properly calibrated at the factory before ES&S shipped them to us. Despite these worrisome reports we were heartened to discover that, when questioned about whether their selections had showed up on the paper ballot, voter after voter indicated that they had. It may have taken a few extra taps on the touchscreen but, once they finalized their selections and hit print, the names of their chosen candidates were printed out on a paper ballot that they could review.

After 8:00PM that night, I got a call that no County Executive wants to receive. An additional factory error, initiated by ES&S mis-coding caused the votes for cross-filed races to fail to be tallied on the XL’s memory stick. Using the computer results became impossible. Instead, we would have to count the paper ballots. And, we did. All night long. Using high speed scanners we counted over 60,000 ballots and, by 5AM the next morning we had results. And, while this was not our preferred method of conducting an election, we learned a very important lesson—the paper ballot backup works. Ahead of what was likely to result in unprecedented turnout in a presidential year, if the voting machines failed, the paper ballot backup would allow us to put on a fair, legal and accurate election.

(I’m happy to report that ES&S quickly investigated the matter, made the requisite fixes and we went through a very busy 2020 without a glitch.)

After our harrowing experience, Governor Wolf signed Act 77 tasking election officials with essentially implementing two voting systems—one at the polls and one by no-excuse mail-in ballots. The General Election in 2020 required nearly 1500 people to handle both systems. Our County Council added another million dollars to our election’s budget to ensure there were enough resources. Because of the dedication of our staff and volunteers and the willingness of Council to provide additional funding, I’m happy to report our Primary and General Elections were virtually flawless. During the Primary of 2020 we were one of the first three counties in the Commonwealth to report our results. In November, we were the first to report our 2020 General Election results, posting them at approximately 6:00AM Wednesday morning.

I understand that Act 77 has come under intense and withering criticism from virtually all quarters. Some the concerns are valid such as the increased volume of work the new law has imposed on Registrars across the Commonwealth. Others are nothing more than conspiracy theories. Are there aspects of the law that can be improved? I think the answer to that question is, yes. However, it is the view of Northampton County that the Legislature should be commended for Act 77. It is the most democratizing piece of legislation in the history of the Commonwealth, and it is a statute its drafters and all those who voted for it can be deeply proud of upon reflection.

Registrars across the state want to put on fair, legal and accurate elections, but they need your assistance. It is not feasible for them to conduct two separate elections on the same day. Allowing twenty-one days to pre-canvass mail-in ballots would give them more time. Permitting ballots to be mailed out twenty-eight days before an election instead of fourteen would be beneficial for both staff and voters. Sending an application to vote by mail to every voter has been shown to increase participation.

Voting is the cornerstone of our democracy. For our citizens to have confidence in the process we must increase accessibility and participation for voters and we must give our Registrars the tools and the space they need to do their work. As we saw in 2020, delays in reporting results can be weaponized and used to form conspiracy theories. As public servants, we serve the people of the Commonwealth of Pennsylvania. I encourage the committee to not go backwards on Act 77, but to improve it.

Thank you for your time.

Sincerely,

Lamont G. McClure

LGM/bb

**Remarks by Philadelphia City Commissioners Chairwoman Lisa Deeley to the Pennsylvania
Senate Special Committee on Election Integrity and Reform**

April 20, 2021 9:00AM

Good morning and thank you to the members of the Senate Special Committee on Election Integrity and Reform for inviting me to share my remarks and experience with you this morning.

My name is Lisa Deeley, and I am the Chairwoman of the Philadelphia City Commissioners, the three-member board of elected officials who oversee elections and voter registration for the City of Philadelphia.

I grew up around elections. I witnessed my mother as she became actively involved in local politics and community building, and when I turned 18, I ran for and was elected by my neighbors to be the judge of elections at our local polling place. Being able to assist my neighbors exercise their right to vote, to see the community come together on Election Day, instilled values in me that shaped me to be who I am today and have led me to where I am in life. I was elected to office by the voters of Philadelphia in 2015 and was sworn into office in January of 2016. In December of 2017, I was voted Chairwoman of the City Commissioners Office.

I know it sounds like a cliché and far from the world we currently live in, but voting is more than a right - it's a revered act that has created meaningful change and has brought individuals together – even those who may not share political viewpoints. This sentiment may be easy for some to forget or to simply not believe, considering the state of our current political climate, in which hyper partisan politics rule and civility seems to be a relic of the past. The fact is this: voter registration and elections are not partisan issues. Election officials such as myself take pride in implementing elections that are non-partisan, transparent, and that encourage citizens to make their voice heard at the ballot box. This is true for all elections, including THE election that has brought us here today: the Presidential Election that occurred on November 3rd, 2020.

When I first ran for Commissioner, I thought I knew almost all there was to know about elections, but the last five plus years have exposed me to the aspects of voting and elections that are seldom seen by the average citizen. A momentous amount of time and effort goes into implementing free, fair, and secure elections every six months in a county the size of Philadelphia. Every year, our jobs seem to be getting harder and harder, and our responsibilities expanding, which is why we have seen so many elections officials retiring or leaving in the last year. To borrow an analogy from a former official from Cooke County, Illinois: running elections used to be like wedding planning. You just needed to make sure the same things happen on cue every six months. You process voter registrations, programmed and sent out the machines, printed poll books, counted and published results, picked up the machines, and onto the next election. All of that changed around Bush v Gore in 2000. Since then, every year, election officials are asked to take on a new career and wear a hat for each role. We are expected to be computer scientists, cyber security experts, handwriting experts, print and mail house operators, logistics coordinators, physical security experts, and epidemiologists. These jobs are sometimes brought on by circumstance. Russia's actions in 2016 were a serious wake up call to the importance of cyber security and the impact that COVID-19 has had on running elections and society has been

unprecedented. All too often, these changes come as rushed, unfunded mandates from the state. The legislation that created significant changes and updates to Pennsylvania's elections, Act 77 and Act 12, did not include any additional funding. The House fiscal note stated that counties could implement Act 77's changes using existing funding. It leads one to wonder if anyone read the legislation, understood the impact of the changes, and also made it easy to believe that no election officials were consulted in the crafting of these laws. The legislature needs to do a better job of researching their proposals, listening to election officials, and providing funding, so the cash strapped counties do not have to bear all of the costs. I sit on the newly formed Election Law Advisory Board and I am dismayed when I read in the news that many of the, quote, reform proposals floating around Harrisburg have not been run by the advisory board. The Election Law Advisory Board includes several county commissioners and election directors, as well as legislators with crucial experience, and I hope that the legislature and governor listen to the advice that will be coming from this board.

Funding has not kept pace with the modernization of elections, meaning staff have taken on a larger than realistic amount of duties and responsibilities to ensure that the elections run as smoothly as possible. Because changes are being implemented at breakneck speeds, while we still have to hold elections, many of the major projects you see coming out of our office are the work of just a handful of people. When the COVID-19 pandemic hit in early 2020, the city was forced to make drastic cuts that resulted in our department being flat funded. To add fuel to the fire, the legislature refused to allow the pre-canvassing of the 350,000 plus mail ballots. We could not start counting until election morning. The 2020 Primary taught us that the public, the media, and even some legislators, blamed election officials for any delays in counting. We faced a significant amount of additional mandates from the state and demands for services from voters without any additional funding from the state or city. The deck was stacked against us. For the 2020 Presidential Election, we were fortunate enough to receive private funding that allowed us to, among other things, purchase vital equipment and hire temporary staff to work twenty-four hours day to count the ballots as quickly as possible. Still, it took us until Saturday to count enough ballots for the AP to call the Presidential race. Pennsylvania's Treasurer race took even longer. Election officials in PA deserve modernized procedures such as pre-canvassing, and we should join other states that understand how important pre-canvassing is.

The 2020 Presidential Election gave election officials another new job, either Super Hero or Super Villain depending on who you supported for President. That election proved to be unprecedented in its scope, its environment, its focus on election departments, and the level of anxiety that even average citizens had just watching the news in October and November. The months before, during, and after this election have proven that misinformation is the biggest threat to our democracy, acting hand in hand with the violent polarization of our society. As we have seen, Pennsylvania is one of the leading states for citizens being arrested for storming the Capitol on January 6th. It is no secret why these hearings have been called, and that is to investigate the widespread lies surrounding Pennsylvania's election in November.

While these lies might stroke the egos of some, serve as prime fundraising content for others, and/or light a fire under an individual's future political aspirations, they are tearing the country apart. If it were not for the quick actions of law enforcement, the ballot processing center that we set up at the Pennsylvania Convention Center could have been a site of where these violent words became reality. Election officials and their families around the state were threatened, including in our department. The

political director of the Republican Party confronted me with a cell phone outside on the street. The video was posted to Twitter and later to Gab and Parler, as well as other fringe social media sites. I would like to read you just some of the things that people were saying about me: "I want to beat one of these people to death in the worst way ever.", "that is a "dead politician walking, right there", "Start executing these f-ing traitors.", "Just shoot her.", "I usually don't condone violence against women but when traitors start destroying my grand children's' future, then f it, they're fair game." They posted a screen shot of my office address, which prompted us to remove all of our office addresses from our website. After these threats and violent discourse started circulating, police protection was assigned to me - I did not request them, they were assigned. They followed me wherever I went, I couldn't drive my car, they drove me. I am not the Mayor, I run elections, and I never would have believed that I would need a cop to accompany me at all times, even if its just to stop at WAWA. To this day, I still feel the need to check my mirrors to see if anyone is following me home.

There are a significant number of citizens in not just our Commonwealth, but all over our country, who currently believe they cannot trust their government to administer an election that enables them to exercise their right to vote in an impartial and unbiased way – a requirement which all election officials must legally follow, and do. The seriousness of this issue and its consequences cannot be overstated. By making elections, voting, and election results political, we are toying with the foundation of our democracy, what this nation was founded on. This is not an issue that will go away with the next news cycle; it looks to only be getting worse. If we can step back for a moment, think of the greater good, and commit to serving our constituents to the best of our ability, we can act to restore Americans' faith in the electoral process and one of their most precious rights as American citizens, the right to vote. Let me be clear: the 2020 election was not stolen, it was conducted freely, fairly, and transparently. One party won the President and the Attorney General races, while the other won the Auditor General and Treasurer races.

Call me idealistic, but I still hold out hope that we can change the conversation surrounding voting and elections to ensure that the average voter is not debilitated with anxiety over how election day operations will play out or if their vote will be counted. For many, election days of the past bring about warm memories of a neighborhood coming together to catch up and wish each other the best. I strive to do more than simply meet the duties that are expected of me as an election official. Of course, I will continue to work tirelessly so that every eligible citizen has the right to vote. But really, I want to go beyond the simplest expectations and responsibilities. My goal is to allow the voters of Philadelphia, and of the Commonwealth, to experience an election day that acts as a source of familiarity and brings about sentiments of respect for our neighbors, and a reminder of the value for community. It has been done before, and if enough people with the power to make change – people such as ourselves – want this experience for their constituents, we can make it happen.

I would like to state the most pressing needs that Philadelphia City Commissioners Office requires to operate at our full capacity and to serve the Commonwealth to the best of its ability:

1. We require better than adequate in terms of funding. The funding we have received from the city and state has been inadequate. To ensure that Pennsylvania is considered a place in which voting, and elections are taken seriously and respected, funding is desperately needed. The

scope of duties that our department undertakes is astounding, and if more of the legislature understood the range of this scope, they would agree that the need for more funding is more than evident and justified, it is imperative.

2. I urge you, again, to draft legislation that would make the secrecy envelope a non-vital part of the vote by mail process. Currently, if a voter does not use the secrecy envelope, their vote is not counted, and I frankly find this to be blatant voter disenfranchisement. We should be encouraging people to vote and making the process simple, not tedious, prolonged, and filled with the potential for errors that result in a vote not being counted.
3. Enact a pre-canvass period to begin at-least three weeks before election day. This will allow counties to open and scan ballots at a reasonable, less stressful pace and have enough results in so that winners and losers of elections can be clearly known on election night, like our nation is accustomed to. Every county still has to standup an in-person election and it is a tremendous burden to divert needed staff from this task because of the need to begin processing mail ballots.
4. I request that elected officials and representatives such as yourselves, and your colleagues in the Senate and House, be open to crossing the aisle and learning more about election administration and all it involves. Both parties seem to have a half-painted picture of what it is that election officials are tasked with and how we do it. I welcome you to meet with me, ask me as many questions as you'd like, even if they're uncomfortable. We need to at least attempt to understand where the other is coming from and realize that the right to vote is not to be taken lightly nor toyed with. I commit to listening to your ideas and inquiries with an earnest attitude, and a willingness to partner with any official who has enough respect for Pennsylvania, its voters, and their government to restore and reinforce the message that citizens can and should trust their democracy and not fear they are being denied one of their most fundamental human rights – the right to vote.

Thank you all for your time and for hearing my remarks.

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

**Special Committee on Election Integrity & Reform
Harrisburg, PA
Tuesday, April 20, 2021**

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.



**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.