

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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Voting by Mail

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House State Government Committee

Irvis Office Building
Room G-50
Harrisburg, Pennsylvania

Wednesday, June 4, 2008 - 2:00 p.m.

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BEFORE:

Honorable Babette Josephs, Majority Chairman
Honorable Michael Carroll
Honorable Mark Cohen
Honorable Lawrence Curry
Honorable Florindo Fabrizio
Honorable Robert Freeman
Honorable Jaret Gibbons
Honorable Bill Kortz
Honorable Deberah Kula
Honorable Sean Ramaley
Honorable Rosita Youngblood
Honorable Matthew Baker, Minority Chairman
Honorable Kerry Benninghoff
Honorable Paul Clymer
Honorable Tom Creighton
Honorable Carl Mantz
Honorable Jim Marshall

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1 IN ATTENDANCE:

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Honorable Sue Helm

3 Honorable Barbara McIlvaine-Smith

Honorable RoseMarie Swanger

4

5

6 ALSO PRESENT:

7

Rodney Oliver

8 Majority Executive Director

9 Marianne Spizzirri

Majority Legislative Assistant

10

Matt Hulburt

11 Majority Research Analyst

12 Brian Dell

Majority Research Analyst

13

Susan Boyle

14 Minority Executive Director

15 Gina Strine

Minority Administrative Assistant

16

Kristen Kohan

17 Minority Research Analyst

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1 CHAIRMAN JOSEPHS: Ladies and
2 gentlemen, I am Babette Josephs. I am the Chair
3 of the committee, the House State Government
4 Committee. I regret, very much, we are starting
5 this meeting at 2 instead of 12:30. But those
6 of you who have -- you know, who also regret it,
7 your beef is with our colleagues on the Floor.
8 I add myself to this comment: we really do not
9 know how to be quiet.

10 But given that, we are now off the
11 Floor. I am going to go -- We are going to
12 introduce ourselves here, the people who are
13 from the House who are members of the committee.
14 I am going to ask Mr. Bradbury, who is the
15 Secretary of State of Oregon, to immediately
16 start with his testimony. He has come all this
17 way. Not to be able to start at 12:30, it is
18 just making me beside myself.

19 And I am going to ask the members of
20 the committee when they ask questions please to
21 only ask them once. I have had conversations
22 with Secretary Bradbury. He's very smart. He
23 will figure out the point. You don't have to
24 say the question more than once.

25 And please don't make speeches.

1 That's for the Floor. Even though I just said I
2 wish people wouldn't make speeches on the Floor.
3 This is for questions.

4 If we will start at my left for
5 introduction, your name and your county, please.

6 I am Babette Josephs, as I said. I represent
7 Center City Philadelphia and South Philadelphia.

8 And Mr. Curry.

9 REPRESENTATIVE CURRY: Lawrence
10 Curry, Eastern Montgomery County.

11 REPRESENTATIVE BAKER: Matt Baker,
12 Minority Chair, Tioga and Bradford counties.

13 REPRESENTATIVE GIBBONS:
14 Representative Jaret Gibbons from Lawrence
15 County.

16 REPRESENTATIVE MARSHALL:
17 Representative Jim Marshall, Beaver County.

18 REPRESENTATIVE HELM: Sue Helm,
19 Dauphin County. Just visiting the committee.

20 CHAIRMAN JOSEPHS: I have invited
21 both Representative Helm and Representative
22 Swanger to sit up with us--even though they are
23 not official members of the committee, but they
24 are our colleagues--and to participate in the
25 meeting.

1 Mr. Secretary, please.

2 SECRETARY BRADBURY: Thank you very much,
3 Madam Chairman. For the record, Bill Bradbury,
4 Oregon Secretary of State. And I have to say
5 that as much as, you know, we all wish that we
6 could have started at 12:30, I have had a
7 wonderful time here in the committee room. I
8 have spent time talking to Pedro Cortes and his
9 staff. We have a great friendship, and have had
10 the great chance to share information back and
11 forth.

12 I have to tell you that you have
13 provided me in this hearing an opportunity to
14 discuss an issue that has really been central to
15 me in my nine years as Oregon's Secretary of
16 State, and it has really become a very vital
17 part of what it means to be an Oregonian.

18 The first question that most people
19 ask about vote by mail is, well, how does the
20 system work? How does the vote-by-mail system
21 work? And you have before -- Each and every one
22 of the committee members, you have before you
23 sample ballots that came from our primary last
24 month. We had a presidential primary just like
25 you had a very exciting presidential primary

1 here in Pennsylvania. We had a presidential
2 primary about three weeks later. And we were
3 thrilled that the Oregon primary still counted
4 May 20th.

5 And these are really typical packets
6 that voters received in the mail a couple of
7 weeks before the election. That's a ballot
8 package. And we have tried to be even-handed in
9 terms of our distribution of ballots. We have
10 given some Democratic ballots, some Republican
11 ballots, and some Nonpartisan ballots that we
12 want you to take a look at.

13 But I want to go through just briefly
14 a presentation that will be on the screen that
15 explains how voters vote and talks about how
16 election workers count the ballots. And we have
17 given you all samples of the ballots that we
18 mail out and the counties mail out and the
19 voters receive.

20 And basically, people take their
21 ballot out. It's an optical scan ballot. They
22 take their ballot out and they mark their ballot
23 in the comfort of their own home, not under any
24 huge time pressure because other people are
25 waiting to vote.

1 And then they take that finished,
2 marked, local ballot and they put that completed
3 ballot in the secrecy envelope that it's inside
4 the vote-by-mail ballot. And then they take the
5 secrecy envelope and they put that inside the
6 ballot return envelope.

7 And essentially the ballot return
8 envelope includes the voter's statement that
9 basically says, I am who I say I am. I am
10 registered to vote. And then the voter signs
11 that registration -- that return envelope and
12 that signature is basically compared to the
13 voter registration form when it gets back to the
14 county. So you have a really great fraud
15 protection built in.

16 And a voter signing that, if they are
17 not who they say they are or they aren't -- they
18 don't live where they say they live, they are
19 committing a Class C felony if they sign that
20 statement and they are not who they say they are
21 or they don't live where they said they lived.

22 Obviously, the voter has three
23 different choices for returning the ballot: one
24 is to put it in the mailbox; another is to take
25 it in person to the county elections office for

1 the county; and the third is to take it and put
2 it in a drop site.

3 Which drop sites are conveniently
4 located to make it easier for voters to return
5 ballots. There are drop sites at like all the
6 county libraries in Portland. There are drop
7 sites. There are motor drive-by drop sites so
8 that lots of the motorists can drop their
9 ballots on their way to work.

10 And really as the ballots come back
11 and forth, each ballot on the return envelope
12 has a bar code that is that -- that identifies
13 that voter. So as the ballots come back to the
14 county, the county swipes in the bar code so
15 they then know who has returned the ballot. And
16 it really helps them know what kind of
17 participation they are, in fact, getting.

18 Once the ballot has come in, the
19 election, there is a whole election staff at the
20 county headquarters that basically scans in the
21 bar code that calls up the voters -- the
22 original voter registration signature and that
23 signature is compared with the signature that is
24 on the ballot.

25 And the election workers look at the

1 voter registration card you submitted when you
2 register to vote and they look at the signature
3 on the ballot and they see whether those two
4 match.

5 And if the signatures don't match,
6 basically there is time in the vote-by-mail
7 process for the clerk to notify the voter,
8 discuss with the voter that their signature
9 didn't match, and ask them to come in and sign
10 the new ballot or establish their identity. And
11 it really works incredibly well.

12 So now, once we have done the
13 signature check, we then separate the secrecy
14 envelope from the envelope that the voter signs.
15 So that this envelope, there is no voter
16 identification with this envelope.

17 Once we have established that the
18 voter is the voter who it is supposed to be, we
19 take the secrecy envelope. And then the secrecy
20 envelopes are opened by election boards, which
21 are bipartisan groups of Democrats and
22 Republicans, to look at the ballot to see how
23 the voter has marked the ballot.

24 Not in terms of who they voted for.

25 But sometimes people will mark a

1 ballot, you know, they will mark it for this
2 person and then they will sort of erase it and
3 then they will mark it for another person. The
4 election board is looking at the ballot to
5 ensure that the machine will be able to read the
6 ballot and record the vote that the voter
7 intended.

8 And we have some policies about
9 understanding voter intent in Oregon. And
10 basically, we review the ballots and look at how
11 they have been marked. And we really, we
12 enhance, or re-mark, the ballot based on voter
13 intent if there is -- if the ballot as it
14 currently exists is not going to be machine
15 readable.

16 And we have some policies in place in
17 the vote-by-mail manual that relate to how you
18 determine voter intent. And like I said, the
19 decision about voter intent has to be made by a
20 bipartisan elections board in each county before
21 they mark a ballot so that it can be read by a
22 machine.

23 And once they have done that, the
24 votes are tallied. We begin the tally of
25 ballots in the morning of election day so that

1 basically by -- They don't release any results
2 during election day, but at 8:00 basically
3 counties can release about -- Sometimes 50 to 60
4 percent of the total vote cast is released by
5 about 8:05 p.m.

6 So basically most races in Oregon,
7 you know who has won and who has lost by 8:15 or
8 8:20. Only very, very close races, you have got
9 to keep track of the vote as it comes in. And,
10 but in most cases, you really know who has won.

11 And I just want to emphasize that the
12 count is not done in each precinct. The count
13 of the ballots is done at a central location in
14 the county office. And so, there are election
15 workers that work in the county office that do
16 the ballot reviews and do the counting. It's
17 all done by centralized machines in each county.

18 So that's basically how vote-by-mail
19 works. It really isn't that complicated. And
20 it -- Really it's just absentee voting on a very
21 large scale.

22 So I want to discuss with you today
23 Oregon's experience in getting this system up
24 and running. I would like to offer some tips
25 for getting started if you are looking at moving

1 in this direction.

2 And I really do want to try to make
3 sure we have time for some questions because I
4 am sure there are a number of them.

5 Let me just say that Oregon has found
6 that vote-by-mail saves money. It increases
7 turnout of electors. And it boosts voter
8 confidence in elections. And it is just pretty
9 clear to me, as the chief collections officer of
10 the State of Oregon, that nothing is more
11 important than making sure that voters have
12 confidence in the way elections are run and
13 votes are counted.

14 So this November will mark the 10th
15 anniversary of the last polling place election
16 in Oregon. That year, 1998, 70 percent of the
17 voters in Oregon approved an initiative making
18 vote by mail the state's one-and-only voting
19 method. That means that no Oregon voter under
20 the age of 28 has ever voted in a voting booth.

21 Now, what is so amazing is that 70
22 percent of the people enacted vote by mail
23 through ballot measure in 1998. And the system
24 has become even more popular since. A recent
25 poll done by the University of Oregon showed

1 that 80 percent of Oregon voters now
2 enthusiastically support vote by mail in the
3 State of Oregon. So it's clearly been, as
4 people have had a chance to work with it, they
5 have gotten more and more comfortable with it.

6 And that really speaks to a real key
7 issue. We really eased our way into vote by
8 mail. It was 19 years, in fact, from the first
9 local vote-by-mail election in 1981 until the
10 first full general election conducted entirely
11 by mail in the year 2000.

12 Other states really may not have to
13 take that long. But there is great wisdom in
14 letting it develop slowly and letting it develop
15 carefully. Voters got very used to vote by
16 mail. And just as important as that, election
17 workers got used to it as well and maintained a
18 fraud-free election system.

19 Now, nobody really -- I was first
20 elected to the legislature in 1981 and that's
21 when vote by mail was first allowed in the state
22 and really nobody paid very much attention to it
23 at first.

24 In 1981, we approved it, as I said,
25 in the Oregon legislature. And it was optional.

1 And it was local. County clerks could choose to
2 hold local park district or local city or
3 library district elections by mail. But they
4 weren't required to. It was only if they wanted
5 to do it.

6 And so, most of those early
7 vote-by-mail elections were, in fact, small,
8 local, and out of the limelight. And the
9 statewide primaries and general elections were
10 still done in a voting booth.

11 But at the same time, we also allowed
12 voters to sign up as permanent, no-excuse
13 absentee voters. In other words, they can sign
14 up once to receive all of their future ballots
15 by mail for every election without asking
16 permission or having a reason every time.

17 County elections offices eventually
18 found that more than half the votes were being
19 cast absentee. In other words, when people were
20 given a choice to switch to vote by mail for
21 themselves, the majority of them did so. That's
22 what their choice was.

23 Essentially what that meant was that
24 the counties were holding two elections at the
25 same time. One election was at the polling

1 place and one election was through the mail for
2 the people who had already chosen to vote
3 absentee all of the time.

4 So that's the most expensive way to
5 run an election system, is to have both polling
6 place and 50 percent of your people voting
7 absentee. And we solved this in Oregon by
8 putting vote by mail on the ballot, as I
9 mentioned. And our voters overwhelmingly
10 decided to move to all-mail election. Seventy
11 percent of the people said, yes, we just want to
12 vote by mail.

13 Now, Washington state has had a very
14 similar experience, but it dealt with it in a
15 slightly different way. Soon after they adopted
16 permanent no-excuse absentee, a majority of the
17 voters there as well chose through a ballot
18 measure to vote by mail. But rather than move
19 the entire state to mail voting as we did in
20 Oregon, Washington simply gave their counties
21 the option to make that decision on their own.

22 So the counties can -- In Oregon, we
23 just did local elections at first and then we
24 implemented a statewide program for primary and
25 general elections. In Washington, they said

1 it's up to each county. Whatever elections they
2 want to do, whether it would be local elections,
3 primary or general elections, it's up to each
4 county.

5 So it's very interesting to note that
6 in 2006 -- or by 2006, 34 of 39 Washington's
7 counties -- counties in Washington decided to
8 move to all vote-by-mail elections. This year,
9 this presidential year, all but one Washington
10 county will hold their elections entirely by
11 mail.

12 Now, moving south. In 2002,
13 California, which I think as we all know is the
14 largest state in the union, likewise gave voters
15 the choice to sign up as permanent mail voters.
16 In 2006 -- So they did that in 2002. By 2006,
17 an astounding 42 percent of all the ballots cast
18 in California were, in fact, mail ballots.

19 And by 2010, really at the very
20 latest, California is going to be a majority
21 mail-voting state. Counties there, who are
22 really thrilled with the success of increased
23 mail voting, are already seeking permission to
24 hold some of their elections entirely by mail.
25 So they are already moving to phase-in vote by

1 mail.

2 One more state. Last year, Colorado
3 also adopted permanent voter-choice mail voting.
4 And we expect to see the same overwhelming move
5 towards mail voting as we have seen everywhere
6 else that it's been adopted.

7 The vote-by-mail system in Oregon
8 really came of age in 1996. It was enacted in
9 1981, local elections, by the local elections.
10 In 1996, we filled a vacancy in the U.S. Senate
11 in an election conducted entirely by mail, which
12 was our first statewide vote-by-mail election.

13 Now, it's really worth noting that on
14 the day that would have been the day that the
15 primary was held in this Senate replacement
16 election, had we held the polling place election
17 on that day, it turns out that the state was hit
18 with a massive windstorm. We were walloped by
19 90-mile-per-hour winds that downed trees, closed
20 roads, and caused power outages in our major
21 cities. And that was on what would have been
22 election day.

23 Had there been polling place
24 elections that day, the storm would have had
25 clearly a very devastating effect on turnout.

1 But we were not voting in polling
2 places. We were voting by mail. And the
3 special Senate election was the only issue on
4 the ballot. We had a severe storm on election
5 day and turnout was still a healthy 66 percent
6 of registered voters. So clearly, Oregonians
7 had become comfortable with the vote-by-mail
8 system.

9 Since then, we have seen higher
10 turnout. The 2004 presidential general between
11 John Kerry and George Bush, turnout was
12 eighty-six-and-a-half percent in Oregon. That
13 was the third highest turnout in the country.

14 And the presidential primary we just
15 held in May, we are thrilled that Oregon still
16 counted, having primary in May. We had an
17 amazing Democratic turnout because of an amazing
18 race between Barack Obama and Hillary Clinton.
19 But the Democratic turnout was more than 74
20 percent. And the overall turnout for the
21 primary was 57 percent. And that includes
22 Republicans and that includes nonaffiliated
23 voters as well.

24 These high turnout numbers really may
25 have more to do with exciting races and a really

1 engaged citizenry in Oregon. And they really --
2 Probably those numbers have more to do with that
3 than they have to do with vote by mail. But we
4 do see a six- to eight-percent increase in
5 turnout in less exciting elections and that
6 increase in turnout is clearly related to vote
7 by mail.

8 Elections like local school board and
9 budget elections, those elections often have low
10 participation in Oregon. And I am sure in lots
11 of other places. And we have seen that
12 participation improve with the use of vote by
13 mail.

14 And as I have said at the start, vote
15 by mail saves money. Our rule of thumb is that
16 voting by mail costs about one-third less than a
17 polling place election. You obviously have to
18 pay to mail out ballots, but you don't have to
19 hire numerous pole workers in every polling
20 place, so the bottom line is you save about a
21 third of the budget you currently spend on
22 elections.

23 Now, vote by mail really has strong
24 safeguards against fraud. We check every
25 signature on every ballot. With that, we

1 compare that signature with the signature of
2 that voter on his or her original registration
3 card. And we check that before the ballot is
4 allowed to be counted.

5 The same company that trains the
6 Oregon State Police in signature identification,
7 that company trains our election workers around
8 the state. And if a signature doesn't appear to
9 match, the ballot is set aside and the voter is
10 called and asked, well, why there seems to be a
11 discrepancy.

12 Sometimes it's a perfectly good
13 reason, like age or injury. And sometimes it's
14 not. And one of the keys is that spouses cannot
15 sign the other spouse's ballot. You have to
16 have the actual voter sign the ballot.

17 So with this system, we have enough
18 time to address glitches and make sure we are
19 not disenfranchising voters. And that's a lot
20 harder to do in the crush of a one-day polling
21 place election. We have weeks to verify
22 signatures and get people to come down to sign
23 another ballot to verify that they are who they
24 say they are.

25 And it's important to know that the

1 security issues in vote by mail are really no
2 different than the security issues in your and
3 other states' absentee ballot system. Our
4 county clerks, working closely with our partners
5 in the U.S. Postal Service, have done a really
6 terrific job of identifying potential issues and
7 putting procedures in place to ensure both the
8 integrity and the efficiency of our system.

9 Now, Oregon's experience in ramping
10 up increased voting and mail voting helped
11 inform Washington's and then California's and
12 now Colorado's.

13 Each state seems to have gotten their
14 procedure streamlined more quickly than the
15 last. And communication among and between
16 election officials, county officials and the
17 postal system in those states ensures that we
18 are quickly moving toward really a set of best
19 practices to make implementing vote by mail that
20 much easier.

21 So I just want to offer a few
22 suggestions for things to consider as you move
23 forward in your efforts in this state.

24 The first thing I would ask you to
25 consider is to give people plenty of time to

1 adjust to vote by mail. It's really an entirely
2 new system and voters and election workers will
3 need to get used to it. So you need to just not
4 assume, oh, we are just going to implement vote
5 by mail and do that statewide from the very
6 beginning. You need to give people time to
7 really feel their way through the system.

8 And one of the best ways to do that
9 is my second suggestion to you, which is to
10 allow permanent absentee voting with no excuse
11 needed.

12 Right now, in Pennsylvania, there
13 is--you are aware of this better than I am--but
14 there is a long list of reasons for people to be
15 absentee voters. But you can't just say I want
16 to be an absentee voter and I want to be a
17 permanent absentee voter. You have to come up
18 with reasons every time you ask for an absentee
19 ballot.

20 So I think letting people apply for a
21 permanent, no-excuse absentee ballot is a way to
22 get -- for voters to voluntarily make the switch
23 and adopt the system on their own schedule and
24 to make the switch to vote by mail and really be
25 able to vote on their own schedule.

1 One other thing that I think is
2 critically important, and if you are using vote
3 by mail, and I suppose this is true for absentee
4 ballots as well, don't let postmarks count.
5 Make sure that ballots have to be received at
6 the county on election night, period. No ifs,
7 ands, or buts. Postmarks often arrive smudged
8 or illegible and only really complicate election
9 results.

10 Remember that ballots can be dropped
11 off at any county building or library right up
12 to polling time closing. So as long as it's in
13 a drop box or in elections' hands, it counts.

14 Remember, too, that the post office
15 is really a very close-working partner with you.
16 Obviously, they love to have this increase in
17 first-class mail, right? But they really are
18 incredible partners working with us.

19 At 5 p.m. on election night, the post
20 office -- every post office in Oregon conducts a
21 sweep for remaining ballots and then delivers
22 those ballots to the county elections office.
23 So that if someone had put their ballot in the
24 mail before 5 p.m.--now, we don't tell people
25 this--but if they put their ballot in the mail

1 before 5 p.m., it's going to be caught in the
2 sweep and it is going to get into an elections
3 office in time for that voter's vote to be
4 counted rather than being disenfranchised.

5 Another piece of this is some voters
6 mail their ballot back, you are supposed to put
7 a first-class stamp on there. If a voter puts
8 any postage on a ballot--they can't just mail it
9 without postage--but if they put any postage on
10 a ballot, we have instructed the post office to
11 pay -- to deliver the ballot to the county and
12 the county will pay the postage due.

13 Now, obviously, we don't advertise
14 this because we don't really want people to be
15 sending back ballots with like a penny or two on
16 it. But basically, if there is any postage at
17 all on the envelope, the counties will, in fact,
18 make up the shortfall and the post office will
19 deliver the ballot.

20 Some people say, you know, this
21 postage thing is like a poll tax. And, you
22 know, yeah, postage just went up to 42 cents or
23 whatever it went up to. And, yeah, that's
24 pretty significant. But I would suggest to you
25 that anybody who drives their car or their

1 pick-up truck to a polling place is sure going
2 to spend more money on gas than they spend on a
3 stamp to put their ballot in the mail. So I
4 really don't think it qualifies as a poll tax.

5 Now, at one time in our past, it
6 really made more sense for all of us to hold
7 elections on Tuesday because the tradition was
8 Tuesday was the day when farmers came to market.
9 And I am sure that's true in Pennsylvania as
10 well. But I think all of us recognize that a
11 lot of things have changed and most 21st century
12 lives are a lot more complicated than just
13 farmers coming to market.

14 When you are juggling kids, jobs,
15 homes and all the complexities of busy lives,
16 it's not easy to hit that window to vote at a
17 polling place, particularly if you have to stand
18 in line for a few hours. Vote by mail solves
19 those problems and vote by mail fits our modern
20 lives. So.

21 Now, I will be very honest with you.
22 It's fair to say that Oregon lost something in
23 this process of switching to vote by mail
24 because voting is really one of democracy's
25 really treasured civic rituals. And we see our

1 neighbors down at the church or the library or
2 the schoolhouse while we are there voting. And
3 we engage in an act of real public virtue. And
4 maybe you get a little sticker that says, I
5 voted, and you can wear that with pride. It's
6 really sort of like a merit badge of democracy.

7 But you -- And clearly, you don't
8 mess with these kinds of traditions lightly.
9 You don't mess with that lightly.

10 But Oregon really has established a
11 new kind of civic ceremony. It's a ceremony
12 with a family sitting around the breakfast
13 table, filling out their ballots, reading
14 through the voters' pamphlet and learning about
15 the candidates and the ballot measures. The
16 kids are there and they are asking what their
17 parents are doing. And the parents explain why
18 they are voting for this candidate or against
19 that measure.

20 It's an entirely different kind of
21 experience but is just as much a teachable
22 moment in democracy for the family maybe more
23 than a hurried minute in a voting booth. We may
24 lose one civic ceremony, but we clearly gain
25 another.

1 Now, I grew up in the City of
2 Chicago. And in the City of Chicago, we used to
3 say, vote early and vote often. Now, all of us
4 like to chuckle some at our past history of
5 really civic corruption, but we tend to think of
6 it like some quaint artifact of the past. But I
7 think all of us know that it is not cute and it
8 is not necessarily in the past.

9 We have to ensure that as we improve
10 our voting system that it provides security for
11 a fraud-free election and empowers all voters so
12 that every vote counts. Vote by mail takes us
13 leaps and bounds in that positive direction.

14 And I really appreciate the
15 opportunity to present this testimony today and
16 welcome your questions.

17 CHAIRMAN JOSEPHS: Thank you so much
18 for coming, Mr. Secretary.

19 Before we get to questions, I do want
20 to note that we have been joined by the
21 following representatives: Mr. Kortz, Mr.
22 Ramaley, Mr. Freeman, Mr. Carroll, Mr. Cohen,
23 Mr. Fabrizio, Mr. Clymer, Mr. Benninghoff and
24 Mr. Creyton as well as Ms. Youngblood, Ms. Kula
25 and Ms. McIlvaine-Smith who is very welcome to

1 join us up here, if you would like to do that.

2 I also would like to say that we have
3 with us a three-month new research analyst for
4 the committee--and Mr. Mantz is here as
5 well--whose name is Brian Dell. Raise your
6 hand, Brian, please.

7 MR. DELL: (Complies.)

8 CHAIRMAN JOSEPHS: And I am also
9 going to say, that shortly, I am unfortunately
10 going to have to leave. Mr. Chairman Baker has
11 graciously said that he will chair this hearing
12 for as long as he can stay. And I will try and
13 make an arrangement for someone to pick up after
14 that, so that, hopefully, we can ask our own
15 Secretary of State, who is here ready to
16 testify, to actually testify.

17 I hope we can make that happen, Mr.
18 Cortes. And thank you for coming as well.

19 Mr. Chairman Baker has some
20 questions.

21 ACTING CHAIRMAN BAKER: Thank you,
22 Madam Chairman. And welcome to Pennsylvania. I
23 hope you enjoyed your tour of the most beautiful
24 capitol in the country.

25 SECRETARY BRADBURY: It is, in fact, a very

1 beautiful capitol. Oregon has a -- sort of a --
2 I guess I would call it sort of a W PA-style
3 capitol. It's a very beautiful capitol, but it's
4 much, much less ornate. And this is just a
5 gorgeous capitol. So it's a real pleasure to be
6 here.

7 ACTING CHAIRMAN BAKER: Thank you for
8 your testimony as well.

9 In April, as you know, the United
10 States Supreme Court upheld the voter I.D. law
11 in Indiana. I believe the press -- There was
12 another court that upheld such a law. I don't
13 know if it was Georgia. Or I am not sure which
14 state it was.

15 Pennsylvania has a voter I.D. law for
16 first-time voters. So, obviously, this would
17 potentially be an obstacle, would it not, if
18 Pennsylvania were to adopt an all mail-in voting
19 ballot?

20 SECRETARY BRADBURY: Well, explain to me
21 the -- what your first-time voting --

22 ACTING CHAIRMAN BAKER: First-time
23 voters must present voter identification at the
24 voting polls in order to vote in Pennsylvania.
25 And Secretary Cortes can clarify that, if you

1 would like.

2 SECRETARY CORTES: Thank you, Mr. Chairman.

3 My name is Pedro Cortes, Secretary of State here
4 in Pennsylvania.

5 The requirement still applies to
6 absentee voting, voting by mail. The first-time
7 voter I.D., the way that that happens is when
8 the voter requests the absentee ballot, there
9 are instructions for that person to submit a
10 photocopy of one of the approved forms of I.D.
11 with the request for the application.

12 If the voter does not submit a copy
13 of an approved form of I.D. with the request for
14 the absentee ballot, the voter then has a second
15 opportunity to submit that proof of I.D. when
16 they submit the ballot when they mail it back.
17 So there is still a form to review and to comply
18 with the requirements of first-time voter I.D.
19 for absentee voting in Pennsylvania.

20 ACTING CHAIRMAN BAKER: And that that
21 is consistent with the federal HAVA?

22 SECRETARY CORTES: Yes, it is. In fact,
23 our law in Pennsylvania, your law, it's more
24 strict than the federal law. Under HAVA, only
25 those who apply by mail, apply to vote by mail,

1 are required to submit that I.D. when they
2 apply. And it is much more flexible if you
3 actually request an absentee ballot later on.

4 In Pennsylvania, all voters, whether
5 they are voting in person or by mail, must
6 submit a form of I.D.

7 ACTING CHAIRMAN BAKER: I also think
8 there is probably a legitimate constitutional
9 question in our Pennsylvania Constitution with
10 respect to absentee voting. Under Article VII
11 in Section 14 of the constitution, it clearly --
12 it stipulates what can be done in terms of
13 mail-in voting and it applies only to absentee
14 voting.

15 So there is the question as to
16 whether, if we were to do this in Pennsylvania,
17 whether, in fact, we would need to have the
18 constitution amended. Secretary Cortes, do you
19 have an opinion on that?

20 SECRETARY CORTES: Yeah, the review that
21 the department has conducted so far for the --
22 to expand voting by mail would likely require,
23 for sure, changes to the Pennsylvania Election
24 Code, possibly also an amendment to the
25 constitution.

1 But I think one point to reiterate
2 that Secretary Bradbury made is that what we are
3 discussing today, the vote by mail, is not much
4 different than our already-in-place absentee
5 voting. But there are some regulatory and
6 statutory considerations, potentially
7 constitutional considerations that we would have
8 to keep in mind as well.

9 ACTING CHAIRMAN BAKER: Thank you.

10 And, Mr. Bradbury, I obtained
11 something online about voting by mail in your
12 wonderful State of Oregon. And in it, it said
13 that some--this past election--some 33,500
14 registered voters of Oregon received two ballots
15 in the mail during the primary election.

16 SECRETARY BRADBURY: (Nods affirmatively.)

17 ACTING CHAIRMAN BAKER: And
18 obviously, we have a great concern in
19 Pennsylvania that the voting election be
20 transparent to the degree that it's honest,
21 there is security but also privacy and
22 verifiable accuracy. What happened there,
23 exactly?

24 SECRETARY BRADBURY: Two things. Okay?
25 First, let me be very clear that the election

1 system in Oregon does not allow a voter to cast
2 two ballots. They only cast one.

3 And the reason I say that is because
4 every ballot is reviewed by the centralized
5 voter registration when -- You review it when it
6 comes in. And if it's the second ballot from
7 the same voter, the system beeps at you and then
8 you set that ballot aside.

9 Now, the reason so many people
10 received two ballots was because our voter
11 registration cut-off is 20 days before the
12 election and ballots start going out 21 days
13 before the election so the larger counties of
14 the Portland area, for example, basically print
15 their mailing labels to go to the post office
16 with 30 days before the election.

17 So all of those people who have
18 changed parties. And there were a lot of people
19 changing parties in Oregon this time because of
20 the incredible contest in the Democratic
21 primary. A lot of Independents and a fair
22 number of Republicans switched to Democrat and a
23 lot of them did it very late so that the
24 counties had prepared mailing labels for those
25 ballots.

1 And there was not -- We talked to the
2 counties. It was not possible to go back in and
3 find those mailing labels out of, you know,
4 400,000 labels. You are not going to be able to
5 find, you know, 10,000.

6 So basically, we had to do a lot of
7 work. Don helped. And had to do a lot of work
8 with the media to make it clear that some people
9 were going to get two ballots and they needed to
10 be aware that the first ballot they were going
11 to get reflected their old registration.

12 These people had contacted elections
13 officials to change their registration so they
14 could get--in fact, most of them wanted to
15 get--the Democratic ballot. Okay? So we had to
16 communicate. And we actually did it, I think,
17 pretty effectively. That they were first going
18 to get a ballot that was the wrong ballot. They
19 should just tear that ballot up. And they were
20 then going to get, a couple of days later, the
21 ballot for the new registration.

22 I just want to say one more time: if
23 they voted the wrong ballot--in other words, if
24 they voted the ballot that no longer reflected
25 their current registration--it wouldn't be

1 counted because the vote -- the signature
2 checking process basically relates to which
3 party you are a member of, et cetera.

4 So we had no real problem with
5 what --

6 And we had a challenge: 33,000 voters were
7 getting two ballots. We had a challenge and it
8 was a challenge of communication. It was not a
9 challenge of making sure that only one vote
10 counted because we have safeguards in place to
11 make sure that's true.

12 ACTING CHAIRMAN BAKER: With respect
13 to fraud, you said you had a C felony statute on
14 fraud?

15 SECRETARY BRADBURY: (Nods affirmatively.)

16 ACTING CHAIRMAN BAKER: I assume
17 that's a third degree felony in Portland?

18 SECRETARY BRADBURY: Yes, a third degree
19 felony. Yes.

20 ACTING CHAIRMAN BAKER: What is your
21 rate of fraud? What is your history of fraud in
22 Oregon?

23 SECRETARY BRADBURY: I will tell you -- We
24 don't have that many cases of fraud, but I will
25 tell you a story. Actually, a good friend of

1 mine was a county commissioner in -- down in the
2 south coast of Oregon, a rural area. And he was
3 being -- It was proposed that he be recalled, so
4 there was a ballot measure on the issue of
5 recalling this commissioner. All right?

6 I don't know if you have recall in
7 Pennsylvania. We have it. Recall in Oregon,
8 voters can recall an elected official if they
9 decide they don't like him any more, him or her.
10 So. And --

11 ACTING CHAIRMAN BAKER: We don't have
12 that.

13 SECRETARY BRADBURY: Okay. Yeah, you also
14 are blessed with not having an initiative
15 process.

16 So the person who was being proposed
17 to be recalled, his wife had hurt her back on
18 their roof and was in the hospital and so he
19 signed her ballot. And she obviously voted
20 against recalling her husband.

21 But then the county picked up that
22 this was not the correct signature. They called
23 to say, well, this isn't the right signature.
24 And they didn't admit that it had been -- that
25 he had, you know, written her signature. You

1 know. But for understandable political reasons,
2 I suppose. But. And so, the county didn't
3 count the vote.

4 And then, so they caught that
5 improper signature. But then he was convicted
6 of a felony, signing a ballot, because he never
7 admitted. But it basically became clear that it
8 was his signature. He admitted it later. He
9 was convicted of a felony.

10 And even though his recall was not
11 successful, he lost his position because he was
12 convicted of a Class C felony.

13 So. I mean, I am sorry to tell you
14 such a story, but it's a -- He was a very good
15 friend of mine, so I love telling it.

16 ACTING CHAIRMAN BAKER: Thank you
17 very much, Mr. Secretary.

18 SECRETARY BRADBURY: Sure.

19 ACTING CHAIRMAN BAKER: I know you
20 have to catch transportation at 3:30 to get a
21 flight back.

22 SECRETARY BRADBURY: Yes.

23 ACTING CHAIRMAN BAKER: And in the
24 interest of time, I will cease and desist with
25 my questions and move to the next person.

1 But, Mr. Secretary, and, Mr.
2 Secretary, thank you for your testimony and for
3 answering my questions.

4 SECRETARY BRADBURY: It's a real pleasure
5 to be here.

6 ACTING CHAIRMAN BAKER: The Chair
7 recognizes Mr. Kortz.

8 REPRESENTATIVE KORTZ: Thank you, Mr.
9 Chairman. And thank you, Secretary Bradbury,
10 for your testimony.

11 I have several questions. The lead
12 time to send out these ballots, I heard 21 days
13 and then I heard 30 days?

14 SECRETARY BRADBURY: The ballots can be
15 sent out 20 -- it's actually 20 -- somewhere
16 between 21 and 18 days before the election.

17 REPRESENTATIVE KORTZ: Okay.

18 SECRETARY BRADBURY: Our voter registration
19 cut-off is 20 days. You can change your
20 registration up to 20 days before the election.

21 REPRESENTATIVE KORTZ: Okay. My next
22 question: how do you handle when there is a
23 petition challenge and it may go right up to six
24 days before an election? Obviously, there is no
25 time to really send out these ballots.

1 You have petition challenges, I
2 assume, in Oregon?

3 SECRETARY BRADBURY: I am not sure. I
4 don't think we do. But tell me what they are
5 and we may have something like it.

6 REPRESENTATIVE KORTZ: Well, here in
7 Pennsylvania, you have to get X amount of
8 signatures for whatever office you are running
9 for.

10 SECRETARY BRADBURY: Okay.

11 REPRESENTATIVE KORTZ: And if there
12 is a challenge because the signatures look
13 shaky, you can challenge that in a court of law
14 and have that person thrown off the ballot. And
15 in my case, it was six days before this last
16 election. So, I mean, coming up to that time
17 frame, you would have no time to really get this
18 in the hands of the people with the correct
19 names on there.

20 SECRETARY BRADBURY: I suppose that's true
21 if you -- I mean, we don't have something that
22 gets so close to the election in terms that you
23 can collect signatures to get your name on the
24 ballot as, you know, running for state
25 representative or whatever and someone can

1 challenge those signatures.

2 But it in no way will get that close
3 to the election because the filing deadline for
4 office in Oregon is like, oh, I would say it's
5 March, and the primary is into May, so there is
6 a long period of time between the two so that
7 would not be an issue for us.

8 REPRESENTATIVE KORTZ: Okay.

9 SECRETARY BRADBURY: It might be an issue
10 for you, but not an issue for us.

11 REPRESENTATIVE KORTZ: Well, as the
12 court, as it proceeds through, there could be
13 some time involved in it.

14 SECRETARY BRADBURY: Right.

15 REPRESENTATIVE KORTZ: In a household
16 that may have five voters, okay, each one gets a
17 separate ballot?

18 SECRETARY BRADBURY: Right.

19 REPRESENTATIVE KORTZ: And they fill
20 them out, and they send it in in one envelope.
21 If there is a problem, how do you handle that?
22 Do you call that household up, and say, hey, we
23 got it in the father's envelope, there is five
24 other ballots here? How is that handled?

25 SECRETARY BRADBURY: Yes, that would be --

1 If you include more than one ballot in an
2 envelope where there is the signature, you
3 can't -- actually you can't count any of them
4 because who knows which one was the one from the
5 signature.

6 You would have to -- The county clerk
7 would have to call the voter, and say, well, you
8 know, we got your ballot, but we have got more
9 than one and that won't work. Every voter has
10 to sign for their ballot.

11 And I don't really -- I can't tell
12 you that that has really happened very --

13 MR. HAMILTON: I don't think so.

14 SECRETARY BRADBURY: I am not aware of that
15 happening very often because I think people know
16 that their signature needs to be related with
17 their vote.

18 REPRESENTATIVE KORTZ: Okay.

19 SECRETARY BRADBURY: So I don't think that
20 has happened too often.

21 REPRESENTATIVE KORTZ: Okay. The
22 individual ballot itself, I am -- assumed this
23 is scanned through a machine?

24 SECRETARY BRADBURY: That's correct.

25 REPRESENTATIVE KORTZ: Okay. What

1 about the write-in part of it? Somebody writes
2 in a name, does the machine pick up that writing
3 or does that pick out --

4 SECRETARY BRADBURY: The machine picks up
5 that there was a write-in. It then -- The
6 machine -- You know, the county machines, they
7 just go very quickly through ballots, but they
8 stop as soon as they get a write-in. And
9 that --

10 So that ballot is kicked out and
11 you -- the elections board has to discern who
12 that write-in was and write that down.

13 REPRESENTATIVE KORTZ: Um-hum.

14 SECRETARY BRADBURY: And so, you know, the
15 counter counts what it can, but then kicks it
16 out so that the election board can review it.

17 REPRESENTATIVE KORTZ: Okay. If
18 somebody underlined a name or put an X or a
19 check mark in the oval or circled the name, does
20 that kick it out? Is there a problem with that?

21 SECRETARY BRADBURY: Here's -- Basically
22 what happens is--this is what I was talking
23 about--when the ballot comes in, they separate
24 it. Once they have established that, yes, this
25 is a registered voter in Oregon, they separate

1 the named envelope from the secrecy envelope.

2 They then open -- A different group
3 opens the secrecy envelope and looks at the
4 ballot. And if there is exactly something like
5 you have just described where, you know, it's
6 not going to be read correctly or effectively by
7 the machine but the voter's intent is very clear
8 by circling somebody's name, only one name under
9 president, circling the name but not filling in
10 the block, you know, the voter mark, that's not
11 going to get counted by the machine unless the
12 election board marks the ballot to correctly
13 reflect the voter's intent. So that takes place
14 all the time in Oregon.

15 REPRESENTATIVE KORTZ: So there is an
16 adjustment for voter intent --

17 SECRETARY BRADBURY: Yes.

18 REPRESENTATIVE KORTZ: -- by a person
19 in the office and then you run it back through
20 the machine?

21 SECRETARY BRADBURY: Right.

22 REPRESENTATIVE KORTZ: I see.

23 SECRETARY BRADBURY: They either just
24 enhance the ballot. Like if it was somebody who
25 just circled one name, they would enhance the

1 ballot by filling in the little vote mark or
2 they sometimes have to re-do the ballot to have
3 it so that it is going to be read.

4 REPRESENTATIVE KORTZ: One last
5 question. Someone that is disabled or goes
6 through a stroke and they can't write their name
7 and they put an X or the husband signs it and
8 puts his initials, my wife has a stroke or
9 whatever, how was something like that handled?

10 SECRETARY BRADBURY: We obviously keep
11 those voters enfranchised, and we have set up
12 some very special systems for disabled voters to
13 vote.

14 Basically, the goal has been to make
15 sure that the disabled voters have the same
16 privacy and independence that any normal voter
17 has. That, you know, disabled voters, a lot of
18 times, they are dependent on a care giver or a
19 spouse to do what they want done.

20 And we have basically set up systems
21 that enable disabled voters to vote. And it's a
22 very sophisticated kind of interesting system
23 where they answer questions on the phone. And
24 they can either do it, you know, touch the touch
25 pad or they can say something. There are ways

1 that that gets dealt with so that disabled
2 voters can vote in a private and independent
3 way.

4 If a disabled voter has, in fact, an
5 X for a signature, we deal with that, and, you
6 know, make sure that they stay enfranchised as
7 long as they are who they say they are.

8 REPRESENTATIVE KORTZ: Thank you,
9 sir.

10 ACTING CHAIRMAN BAKER: Thank you,
11 Mr. Kortz. Mr. Freeman.

12 REPRESENTATIVE FREEMAN: Thank you.
13 Thank you, Mr. Chairman.

14 Mr. Secretary, thank you for
15 traveling all of this distance to be with us.
16 And I should note, too, it's a pleasure having a
17 chance, when you arrived yesterday --

18 SECRETARY BRADBURY: Yes.

19 REPRESENTATIVE FREEMAN: -- to chat
20 with you and your assistant.

21 SECRETARY BRADBURY: Right.

22 REPRESENTATIVE FREEMAN: I
23 appreciated the opportunity to talk with you.

24 I just had a couple of quick
25 questions regarding your procedure. You

1 mentioned in your testimony that the turnout in
2 2004 was 86.5 percent, which was the third
3 highest in the country. What was it previously?

4 I guess the most previous
5 presidential election before you had mail-in
6 ballots, so that would have been --

7 SECRETARY BRADBURY: We have a sheet
8 that --

9 REPRESENTATIVE FREEMAN: I guess '96
10 would have been the time?

11 SECRETARY BRADBURY: We have a sheet. Let
12 me see if Don can find it. We have a sheet
13 about voter turnout.

14 REPRESENTATIVE FREEMAN: Because
15 Oregon traditionally has had a high turnout.

16 SECRETARY BRADBURY: Yes, we have had very
17 high turnout. And that's really the point I
18 want to make is that we have had traditionally
19 high turnout. Vote by mail did not dramatically
20 increase turnout in already high turnout
21 elections.

22 REPRESENTATIVE FREEMAN: Right.

23 SECRETARY BRADBURY: The only place you see
24 it is in traditionally low turnout elections.
25 You have seen it.

1 REPRESENTATIVE FREEMAN: Yeah.

2 SECRETARY BRADBURY: But now what your
3 question was -- Tell me what your question was
4 again.

5 REPRESENTATIVE FREEMAN: You
6 mentioned it was 86.5 percent in 2004.

7 SECRETARY BRADBURY: Right.

8 REPRESENTATIVE FREEMAN: You started
9 the mail-in ballots in 1998, I believe, so
10 did --

11 SECRETARY BRADBURY: Well, we started in --
12 The first general election was
13 2000 --

14 REPRESENTATIVE FREEMAN: Okay.

15 SECRETARY BRADBURY: -- so let's go back to
16 1996. The turnout in general election, that's a
17 presidential election, was 71.3.

18 REPRESENTATIVE FREEMAN: That is
19 still substantial. That is still --

20 SECRETARY BRADBURY: '92, it was 84.4. I
21 mean, it's high.

22 REPRESENTATIVE FREEMAN: Okay.

23 SECRETARY BRADBURY: You know, '84, it was
24 78.7. 1988, it was 77. I mean, it's been
25 pretty high. It's getting --

1 REPRESENTATIVE FREEMAN: Well, it was
2 political.

3 SECRETARY BRADBURY: It's really getting up
4 there with vote by mail, but.

5 REPRESENTATIVE FREEMAN: The
6 political culture in Oregon has always been
7 geared towards civic responsibility, too, in
8 terms of presidential elections.

9 SECRETARY BRADBURY: Right.

10 REPRESENTATIVE FREEMAN: I had a
11 question, too, in terms of when you received the
12 mail-in ballots. And I think Don
13 mentioned--last night when I spoke with
14 him--it's 21 days before the election that they
15 can come back to you?

16 SECRETARY BRADBURY: Well, we send them out
17 starting 21 days before the election.

18 REPRESENTATIVE FREEMAN: Oh, I see.

19 SECRETARY BRADBURY: I mean, it's --
20 Actually, it was the counties. Not we, not the
21 state.

22 REPRESENTATIVE FREEMAN: Right.

23 SECRETARY BRADBURY: The counties send them
24 out as soon as 21 days before the election.
25 That's the soonest they can mail them. So

1 ballots start coming back literally 20 days
2 before the election.

3 REPRESENTATIVE FREEMAN: And you
4 don't tabulate any of them before the election
5 day falls?

6 SECRETARY BRADBURY: No. What we do is:
7 about a week before the election, the counties
8 bring on additional staff to do signature
9 review.

10 REPRESENTATIVE FREEMAN: Okay.

11 SECRETARY BRADBURY: So they are constantly
12 doing signature review. And then we tally, the
13 counties, tally ballots starting the morning of
14 election day.

15 REPRESENTATIVE FREEMAN: Oh, I see.

16 SECRETARY BRADBURY: So that that's why we
17 can literally announce 50 or 60 percent of the
18 votes cast by about 8:15 that night.

19 REPRESENTATIVE FREEMAN: But
20 obviously, you embargo that information until
21 all the votes come in?

22 SECRETARY BRADBURY: Right, absolutely,
23 it's totally embargoed. And really, actually,
24 has not been any problem with that leaking out.
25 It's really been great.

1 REPRESENTATIVE FREEMAN: Now, since
2 all of your returns come into a central location
3 from each county, say the county courthouse
4 would be the typical place --

5 SECRETARY BRADBURY: Right.

6 REPRESENTATIVE FREEMAN: -- do you
7 maintain separate records of how each precinct
8 broke down and voted?

9 SECRETARY BRADBURY: Yes.

10 REPRESENTATIVE FREEMAN: So even
11 though it's all being centrally tabulated, we
12 know that the Third Ward in Portland voted a
13 certain way?

14 SECRETARY BRADBURY: Right, absolutely.

15 REPRESENTATIVE FREEMAN: And given
16 the fact that, you know, you have the ballots
17 coming in, they're being tabulated on election
18 day before the poll's officially close--and
19 obviously you have everyone coming in so you
20 know whose ballot's in hand, you know whether
21 that person is a Democrat or a Republican, just
22 as legally we have absentee ballots coming into
23 our county--what provisions have you made in the
24 law for watchers to be present?

25 We use watchers on election day, I

1 assume the way you used to use them, where they
2 were inside the polling place for an individual
3 candidate, for a party, to make sure that there
4 was no hanky panky going on in the counting.

5 Do you have extra provisions for
6 that, given the fact that you actually see the
7 names of the voters coming in, of all of the
8 voters, and you have tabulations beginning on
9 election day before the polls close?

10 SECRETARY BRADBURY: We have observers at
11 the ballot, the signature review. We have
12 election observers both Democrats, Republicans,
13 and other parties at the ballot counting. They
14 are all able to watch and sort of oversee what's
15 going on.

16 And, you know, that's been something
17 we feel very strongly you have got to maintain
18 is that connection so that the folks who have
19 real concerns about how things are being done
20 feel comfortable that they are being done in the
21 appropriate manner.

22 REPRESENTATIVE FREEMAN: But they
23 don't have those kinds of observers 20 days out?
24 It's only on election day? Or is it throughout
25 the whole period?

1 SECRETARY BRADBURY: No, they have
2 observers -- You know, I would say they
3 probably --

4 Well, frankly, most people aren't
5 really that interested too much earlier, but
6 they can have observers there as soon as ballots
7 are being processed. And not just counted but
8 processed. In terms of looking at signatures,
9 comparing signatures, they are allowed to have
10 observers there from that point forward.

11 REPRESENTATIVE FREEMAN: As soon as
12 the sorting process begins?

13 SECRETARY BRADBURY: Right.

14 REPRESENTATIVE FREEMAN: And finally.
15 You had made a reference in your testimony to
16 the point, which I guess is the only concern I
17 have with it, as I see the merits of your
18 proposal in terms of increasing potential voter
19 turnout and accessibility to cast your ballot.
20 The one concern I do have is the end of that
21 civic ritual of going to a polling place and
22 making a conscious effort to be there in line
23 with your neighbors and casting your vote in a
24 Democratic style.

25 Was any thought ever given to having

1 a location for the tabulation that would allow a
2 broader audience to observe?

3 As opposed to just doing it in the
4 county voter registration office, maybe you
5 would take the machine and all of the
6 accoutrements to the high school gym or the high
7 school auditorium and that way people can be
8 there as the votes are being tabulated? Once
9 the final count is made at 8:00, there is more
10 of a civic sort of environment where there is a
11 broader audience available.

12 SECRETARY BRADBURY: I don't think so. I
13 don't think that there really has been very much
14 consideration for where vote counting takes
15 place, except that it needs to be an accessible
16 location.

17 REPRESENTATIVE FREEMAN: Right.

18 SECRETARY BRADBURY: It needs to be a
19 location where the observers can come. But
20 there is a lot of very sophisticated, expensive
21 machinery that you really don't want to spend a
22 lot of money moving to a high school gym to do
23 the vote counting.

24 REPRESENTATIVE FREEMAN: Right.

25 SECRETARY BRADBURY: So, I don't know. I

1 would answer your question: probably not.

2 REPRESENTATIVE FREEMAN: Well, thank
3 you very much for your testimony, and coming all
4 this way, and how to vote in Oregon.

5 SECRETARY BRADBURY: It's a pleasure.

6 ACTING CHAIRMAN BAKER: I thank you,
7 Mr. Freeman. Mr. Cohen.

8 REPRESENTATIVE COHEN: Thank you very
9 much, Mr. Chairman.

10 Why do you have deposit boxes? Is it
11 not to deposit just in the mail?

12 SECRETARY BRADBURY: The reason we have
13 what are called drop boxes?

14 REPRESENTATIVE COHEN: Drop boxes.

15 SECRETARY BRADBURY: Because basically you
16 have got people -- You know, basically I guess
17 it's safe to say over 50 percent of people in
18 Oregon now vote in the last four or five days:
19 Friday, Saturday, Sunday, Monday, Tuesday. So.

20 And you are really pushing your luck,
21 in terms of making sure that -- I mean, we don't
22 tell people to go ahead and put their ballot in
23 the mail on Monday or Tuesday. So you want to
24 provide a way for them to deliver their ballot
25 that is easier than just the county elections

1 office.

2 You do have to remember that, in
3 Oregon, there are counties where you can drive
4 two hundred and fifty miles and still be in the
5 same county so you need to have drop boxes that
6 are conveniently located for the voter, not just
7 for the county. And so, that's why we have drop
8 boxes, is to make it easier for them to put
9 their ballots into the hopper.

10 REPRESENTATIVE COHEN: Have there
11 been any controversies about where the drop
12 boxes are located?

13 SECRETARY BRADBURY: Oh, I am sure. Well,
14 for example, one I remembered -- Controversy is
15 probably the wrong word. But, for example, the
16 University of Oregon, which is a major campus in
17 Eugene, wanted to have a drop box right on the
18 campus. And the county clerk was initially kind
19 of like, they are not very far away so they
20 don't need it. And basically, she ended up
21 deciding that, oh, yeah, okay, they can have a
22 drop box.

23 So there was a controversy for a
24 while: why don't we have a drop box? And, you
25 know, finally the clerk said, oh, okay, we'll

1 give you a drop box.

2 REPRESENTATIVE COHEN: How many
3 ballots does the drop box contain?

4 SECRETARY BRADBURY: Oh, it can contain
5 thousands. You know, they are basically large
6 boxes that are secure. And you have someone
7 there either at the library, for example, or
8 other kind of civic locations where there is
9 someone with the box, making sure that nobody is
10 messing with the ballots. And they, sometimes
11 on the last day, on the day of the election,
12 they have to make sure they have emptied the
13 drop boxes every couple of hours because they
14 get full of ballots.

15 REPRESENTATIVE COHEN: How many
16 people are involved in the counting of the
17 ballots?

18 SECRETARY BRADBURY: Well, it varies from
19 county to county. Obviously, you know, you have
20 got -- Involved in the counting, you have got
21 people running optical scan machines. And, you
22 know, like I said, it depends on the size of the
23 counties. Some counties have five or six
24 scanning optical systems and machines and some
25 counties in Oregon have one. So if you have one

1 optical scan machine, I guess you probably have,
2 I guess, three people working the machine.

3 REPRESENTATIVE COHEN: Okay. And how
4 many machines are there?

5 SECRETARY BRADBURY: It depends county to
6 county. Some counties have -- Multnomah County
7 has--the biggest county--has probably six or
8 eight optical scan machines. Most counties have
9 at least two.

10 REPRESENTATIVE COHEN: So the reason
11 for the savings is you are saving personnel?

12 SECRETARY BRADBURY: Oh, yeah. Clearly,
13 yes.

14 REPRESENTATIVE COHEN: And in terms
15 of the ballot that you send out, there doesn't
16 have to be any direction -- You use a pencil or
17 pen. I see the directions.

18 SECRETARY BRADBURY: Right.

19 REPRESENTATIVE COHEN: Okay. And you
20 have to fill it within the spot. And people
21 are -- And people make a mistake, if you can
22 determine the intent, you do. That the
23 guidelines, to develop it in time.

24 SECRETARY BRADBURY: Yeah. Now, a voter,
25 if they are voting early, they make a mistake,

1 they can ask for another ballot and that's fine.
2 Or they can, you know, they can try as -- You
3 know, that the election boards review the
4 ballots to make sure they are going to be read
5 by the optical scan readers. And they then work
6 to, you know, establish, well, who did this
7 person really mean to vote for, what is the
8 indication on the ballot, and how can we match
9 the ballot to make sure that's what the machine
10 is going to count?

11 REPRESENTATIVE COHEN: Thank you.
12 And then on unrelated but interesting questions,
13 I see the judges are listed. And incumbents --

14 SECRETARY BRADBURY: (Nods affirmatively.)

15 REPRESENTATIVE COHEN: Or legislators
16 or mayors, or just citizens on the ballots, or
17 just judges, nonpartisan state judges.

18 SECRETARY BRADBURY: I know the judges are,
19 but I don't remember. Well, do we have a
20 Democratic ballot?

21 MR. HAMILTON: (Hands document.)

22 SECRETARY BRADBURY: That is a Republican
23 ballot, and we have no incumbent ballots in
24 Oregon.

25 REPRESENTATIVE COHEN: Clearly, an

1 enlightened city. Maybe Solomon (phonetic) sent
2 them, right?

3 SECRETARY BRADBURY: Yes.

4 REPRESENTATIVE COHEN: And it is the
5 sign of a real civic responsibility, in view of
6 others.

7 SECRETARY BRADBURY: No, that is actually a
8 very good question. And I don't remember
9 whether we list that you are the incumbent State
10 Senator. I really don't remember. It seems to
11 me, we do. But I am not -- I apologize for just
12 sort of being not remembering.

13 REPRESENTATIVE COHEN: Okay. And
14 then I think probably the final question: in
15 terms of the voter guide that is sent, you know,
16 that you tell people --

17 SECRETARY BRADBURY: The voters' pamphlet?

18 REPRESENTATIVE COHEN: The voters'
19 pamphlet, yes.

20 SECRETARY BRADBURY: Right.

21 REPRESENTATIVE COHEN: You just give
22 people -- You give people an analysis of the
23 ballot questions?

24 SECRETARY BRADBURY: Now, that is something
25 that the counties send. That's not a voters'

1 pamphlet. That is something the counties send
2 to more fully explain the measures that are on
3 the ballot.

4 The voters' pamphlet is a document
5 produced by the Secretary of State's Office that
6 includes information -- It includes both
7 information from a candidate. Again, a
8 candidate gets to write a statement about why
9 they are, you know, as good as they are. And
10 then on ballot measures, you get to have -- you
11 get to have some explanatory material that is
12 not for or against. And then you get, the
13 voters' pamphlet includes, purchase statements
14 of those who are proponents and purchase
15 statements by those who are opponents of
16 measures.

17 So you get some basically really
18 neutral information about measure, about fiscal
19 impact and basic impact. But then you also get
20 a whole lot of arguments both pro and con on the
21 ballot measures. And then you get candidates'
22 statements on candidates.

23 REPRESENTATIVE COHEN: Does that work
24 to increase turnout, in your judgment?

25 SECRETARY BRADBURY: Well, it's real clear

1 to me that it's not a matter of so much turnout
2 as it is -- really helps voters be more informed
3 about the issues.

4 And, you know, particularly, you
5 don't have this problem in Pennsylvania, but we
6 have a citizenry that acts like a legislature
7 and they are asked to vote on sometimes 10, 12
8 or 15 ballot measures in a general election.

9 A lot of those ballot measures are
10 the kind of things that you will spend weeks on
11 in committee trying to make sure it makes sense
12 and work on amendments and changing it. And
13 basically, Oregonians have to be like
14 legislators, with no ability to amend. They
15 have either vote yes or they vote no. And the
16 voters' pamphlet helps them understand what the
17 measure is and what it does and the arguments
18 pro and con.

19 REPRESENTATIVE COHEN: How long has
20 that been a longstanding?

21 SECRETARY BRADBURY: Well, these voters'
22 pamphlets have been, yeah, have been there for a
23 very long time. I think it really started
24 probably around 1900.

25 Well, actually, it seems interesting.

1 Okay. U.S. Representative in Congress, it does
2 not indicate who the incumbent is. And -- Yeah.

3 REPRESENTATIVE COHEN: Thank you.

4 SECRETARY BRADBURY: So I guess we don't
5 write. The only place where you see incumbent
6 listed is in judicial races.

7 MR. COHEN: Thank you, Mr. Chairman.

8 ACTING CHAIRMAN BAKER: Thank you,
9 Mr. Cohen. Mr. Clymer.

10 REPRESENTATIVE CLYMER: Thank you,
11 Mr. Chairman. And thank you, Mr. Bradbury, for
12 coming here to Pennsylvania.

13 SECRETARY BRADBURY: It's a pleasure.

14 REPRESENTATIVE CLYMER: Since I came
15 in a few minutes late, you may have covered one
16 or two of these issues. But, repetitious.
17 Under the HAVA law, names have to be on the
18 central registration for five years and then
19 they can be taken off. So my question is, how
20 are these names removed from the central
21 registration then?

22 How do you -- These names are on
23 there for five years. You are going to be
24 sending out ballots to these people and they are
25 no longer there so what happens?

1 SECRETARY BRADBURY: This is a really good
2 question. And one of the real benefits of vote
3 by mail is that the post office is instructed
4 not to deliver a ballot if that person no longer
5 lives there. So that ballot comes back to the
6 county and they then clean up their voter role
7 and move that person who is no longer at that
8 address to what's called inactive status.

9 If you are in -- You are still a
10 registered voter, but you are no longer an
11 active registered voter. And until you update
12 your registration, you are not an active voter.
13 And you won't be sent a ballot a second time at
14 the wrong address. So it gives us this
15 incredible ability to get our voter registration
16 roles really clean.

17 We will -- I am going to say, we will
18 have the cleanest voter registration roles, the
19 most accurate voter registration roles in the
20 country in about another two years because there
21 is this constant cleansing of the voter
22 registration role because of return ballots that
23 lead to inactive voter status.

24 REPRESENTATIVE CLYMER: Well, let's
25 take the situation where there is a wrong

1 address, but the person is a registered voter.
2 They are validated, but for some reason your
3 office, the Department of State or the local
4 registration office, has put in a wrong address
5 for the person.

6 I live, we'll say, at 311 North 7th
7 Street in Perkasio and I don't get the ballot
8 because they sent it to Sellersville. So here I
9 am. I am waiting for my ballot and I never get
10 it. Now, what happens then?

11 You are going to get the ballot back
12 because the address is wrong.

13 SECRETARY BRADBURY: Right.

14 REPRESENTATIVE CLYMER: So how then
15 does that mix work?

16 SECRETARY BRADBURY: Okay. You, as a
17 voter, need to contact the county elections
18 office and say, hey, I am a registered voter. I
19 didn't get my ballot. And you can then be in
20 touch with the county, go get a ballot from the
21 county, if you are, in fact, a registered voter.

22 REPRESENTATIVE CLYMER: Is that a
23 situation that occurs frequently or from your
24 experience?

25 SECRETARY BRADBURY: You know, it occurs.

1 It certainly occurs some. It's certainly
2 something the counties take a great deal of
3 pride in dealing with in a very voter-friendly
4 way to try to make sure that errors like the one
5 you are describing don't prevent someone from
6 voting.

7 REPRESENTATIVE CLYMER: Okay.

8 SECRETARY BRADBURY: I don't think it --
9 But I don't -- I mean, I am not aware of it
10 happening a whole lot.

11 REPRESENTATIVE CLYMER: Um-hum.

12 SECRETARY BRADBURY: I am aware of it
13 happening kind of sort of a normal part of
14 business in an elections office.

15 REPRESENTATIVE CLYMER: Military
16 ballots are very important, as we know. So tell
17 us how you deal with that situation.

18 SECRETARY BRADBURY: Thank you for asking
19 me that question because I forgot to mention it.
20 Mail-in ballots for the general public go out,
21 like I said, 20 to 18 days before the election.
22 Ballots to military voters are mailed out 45
23 days before the election so that most soldiers
24 will get their ballots.

25 Now, we have also enacted a provision

1 which says that we provide a ballot at what's
2 called an HTML ballot on the internet for you.
3 And you can get the appropriate ballot for you
4 as a registered voter in this precinct. No
5 matter where you are in the world, you can get
6 that ballot and print it out and vote it and
7 send it back in.

8 REPRESENTATIVE CLYMER: Um-hum.

9 SECRETARY BRADBURY: You can't vote
10 electronically. You have to mark your -- You
11 have to print your ballot out, mark it, and then
12 send it in. And the election board will take it
13 and mark on a regular ballot. So. But it's
14 really been both 45 days before the regular
15 ballots go out in the mail, and those ballots
16 are available in HTML on the internet.

17 REPRESENTATIVE CLYMER: Okay. Thank
18 you, Mr. Chairman.

19 ACTING CHAIRMAN BAKER: Thank you,
20 Mr. Clymer. And I would be remiss if I didn't
21 bring up the fact that Mr. Rodney Oliver and Mr.
22 Cohen are celebrating their birthday today. So,
23 Happy Birthday, to both the right and the left
24 of me. Congratulations.

25 I think that concludes the members'

1 questions. I have a question concerning the --
2 Who?

3 VOICE: He had a question.

4 ACTING CHAIRMAN BAKER: Oh, I am
5 sorry. Hello?

6 REPRESENTATIVE FABRIZIO: Thank you,
7 Mr. Chairman.

8 And once again, thank you, Mr.
9 Secretary. I had a great time at dinner last
10 night.

11 SECRETARY BRADBURY: Yes.

12 REPRESENTATIVE FABRIZIO: By the way,
13 I got soaked to the gills going home. I got
14 caught in that thunderstorm walking back to the
15 Capitol.

16 A couple of things. In my readings,
17 I found or at least it was implied that the
18 success of the Oregonian, you know, vote by mail
19 processes are attributable to you. That most of
20 this stuff is policy and not statutory. Is
21 that --

22 SECRETARY BRADBURY: Well, sure, I would
23 love the credit, but I am quite sure I don't
24 really deserve it. In that, obviously you have
25 to have an amendment to the statute to allow

1 vote by mail, which is what people did in 1998.
2 And that was really inspired by the former
3 Secretary of State, Phil Keisling. It was very
4 interesting because he left and I took office
5 and then implemented, you know, the actual
6 details of vote by mail on a statewide basis.

7 REPRESENTATIVE FABRIZIO: The concern
8 being that once you are no longer Secretary of
9 State that the system may well, you know, face a
10 setback?

11 SECRETARY BRADBURY: Oh, I don't think so.
12 I think that -- That's a good question. I think
13 that we have now, the elections division has now
14 adopted a very comprehensive vote by mail
15 manual, working with the counties. And so, that
16 is sort of like --

17 The vote by mail manual has the force
18 of rule in the process. And that's in place.
19 And the counties are very supportive of the vote
20 by mail manual.

21 And I think that really it's not
22 going to matter who the Secretary of State is.
23 We are going to implement. We will continue to
24 implement vote by mail very effectively.

25 REPRESENTATIVE FABRIZIO: One other

1 thing. And if I beg your indulgence.
2 Obviously, a buzz word lately around this palace
3 of intrigue is transparency. And there is a
4 statement here that I would like to at least
5 cite. It says, for those of us who prize
6 transparency, security, privacy, and verifiable
7 accuracy over partisan politics, all
8 voting-by-mail elections remain a terrible idea.

9 And then this author goes on to list
10 six reasons as to -- or at least six concerns
11 that deal with voting by mail, the lack of
12 transparency being the first.

13 I think you cleared that up. Because
14 they were saying that they are mailed in secret,
15 they are counted in, you know, in secret. And
16 obviously, they are not, from what you have
17 said.

18 But the lack of security, I -- You
19 know, those -- the drop boxes, and containing,
20 you know, holding them, you know, for 20, 21
21 days, whatever, prior to the primary or the
22 election, I have some concern about that. But
23 you can assure us that you really have not run
24 into any kinds of problems that way? Any kind
25 of --

1 SECRETARY BRADBURY: No, we have not run
2 into any real --

3 REPRESENTATIVE FABRIZIO: --
4 chicanery? Is an old word, if we say it right.

5 SECRETARY BRADBURY: -- no real chicanery
6 with drop boxes. They are basically ballot
7 boxes. And they are protected like ballot
8 boxes. And they are treated as ballot boxes.
9 So, no. You know, we haven't had any real
10 problem with it.

11 I feel very comfortable that, you
12 know, vote by mail is as basically as
13 transparent as anything else in the elections
14 world. We count our ballots publicly, you know.
15 We review signatures publicly. And, you know,
16 we are just really a very transparent system.

17 I don't -- I mean, I got this sheet
18 here with the criticisms on it. And I am just
19 sitting here reading it and going, huh? What do
20 you mean, ballots are mailed in secret?

21 REPRESENTATIVE FABRIZIO: Yeah,
22 that's what I --

23 SECRETARY BRADBURY: Ah, huh? I mean, we
24 just mail ballots. What's the big deal?
25 Secret. You can get a list of every person who

1 was mailed a ballot so that's public. And, you
2 know, they are counted in secret. Huh?

3 REPRESENTATIVE FABRIZIO: Yeah,
4 exactly.

5 SECRETARY BRADBURY: I mean, that's what
6 goes on in lots of elections places is that
7 people mark ballots. Those ballots are reviewed
8 by elections officials. You know, election
9 boards. And then they are counted by a machine
10 that people can be observers on. So it's like,
11 I don't get it. I don't understand the
12 criticism.

13 REPRESENTATIVE FABRIZIO: Chairman
14 Josephs alluded to, last night at our dinner,
15 and we were talking about it and maybe you can
16 just kind of hit on it. But as far as, there is
17 this one, obviously, objection to voting by
18 mail. It says, voting can be done as a group at
19 churches or union halls, okay, with people
20 looking over a voter's shoulders to make sure
21 they vote the right way.

22 Voter intimidation, they are talking
23 about. That the likelihood of that occurring.
24 Or can you expand on that at all? Or from your
25 experience, have you ever run into that problem?

1 SECRETARY BRADBURY: Well, yes, there have
2 been instances where people convene like-minded
3 people and talk about the ballot. And there
4 have been instances where people have
5 ballot-marking parties. But here is my question
6 to you --

7 REPRESENTATIVE COHEN: Is that
8 illegal, the ballot-marking party?

9 SECRETARY BRADBURY: No, that is not
10 illegal. There is nothing illegal about a
11 ballot-marking party.

12 And my question to you is, you know,
13 I have far greater faith in Oregon voters that
14 they are going to vote the way they want to vote
15 and they just won't go to something if they
16 don't want to do that. It's just like not --

17 It's very clear that you cannot do
18 anything that would be intimidating or providing
19 any financial incentive to vote a certain way.
20 That's illegal.

21 REPRESENTATIVE FABRIZIO: So you do
22 have provisions to deal with it?

23 SECRETARY BRADBURY: Oh, dramatically.
24 That, yes, there are very significant
25 provisions. But people can get together to talk

1 about issues and, you know, talk about how they
2 feel about those issues and that is called
3 democracy.

4 REPRESENTATIVE FABRIZIO: A caucus
5 within the system, right?

6 SECRETARY BRADBURY: Right.

7 REPRESENTATIVE FABRIZIO: Well, thank
8 you.

9 SECRETARY BRADBURY: Thank you.

10 ACTING CHAIRMAN BAKER: Thank you. I
11 know you have to run here in a few minutes, Mr.
12 Secretary. Just very quickly.

13 SECRETARY BRADBURY: Sure.

14 ACTING CHAIRMAN BAKER: How do you
15 comply with the federal HAVA requirement of
16 photo I.D. for first-time voters?

17 SECRETARY BRADBURY: We request when we
18 register you to vote, if you are first
19 registering to vote, we request that you provide
20 that photo I.D. or appropriate identification to
21 get registered. And if you register by mail,
22 you have to send in that information, in
23 registering by mail.

24 And so, once you are registered, you
25 have met the HAVA requirements and then you can

1 get ballots and sign for them. And that keeps
2 it all appropriate.

3 ACTING CHAIRMAN BAKER: Okay. And I
4 am astonished that you can get such a vote tally
5 by 8 or 9:00 in the evening when you have to
6 meticulously and laboriously compare signatures
7 to that on file to each and every voter.

8 How many voters voted this last time
9 in the primary?

10 SECRETARY BRADBURY: Well, we had 80 --
11 Well, what, we had 74 percent of two --

12 MR. HAMILTON: Like a hundred and --
13 a hundred million -- A million six. A million
14 eight. Some place in there. Give or take.

15 ACTING CHAIRMAN BAKER: And so each
16 one of those were compared to the signature on
17 file?

18 SECRETARY BRADBURY: And I want to say
19 again that that process starts a week before
20 election day. And there is a full -- You know,
21 if bigger counties have 10 or 12 computers set
22 up to be constantly just going through the
23 signature checking process. So that process
24 really starts a week before election day, and it
25 goes on with lots of computer terminals to check

1 those signatures so that you have a very
2 good-sized chunk of ballots at 8, 10, election
3 night.

4 ACTING CHAIRMAN BAKER: Great. And
5 thank you very much. And on behalf of Chairman
6 Josephs and myself, thank you for coming. Very
7 interesting testimony. Fascinating what you do
8 there in Oregon. We would like to give an
9 opportunity for our very own --

10 SECRETARY BRADBURY: Yes.

11 ACTING CHAIRMAN BAKER: -- Secretary
12 of State, Pedro Cortes, to give some closing
13 remarks.

14 SECRETARY CORTES: Thank you.

15 ACTING CHAIRMAN BAKER: And I do know
16 that he does have prepared testimony that I
17 believe he's going to proffer to each of the
18 members and make it available to all of the
19 members in the interest of time.

20 Mr. Secretary.

21 SECRETARY CORTES: Thank you, Mr. Chairman.
22 And as you well indicated, in the interest of
23 time, I am pleased to submit my written remarks
24 for the record.

25 I wanted to take this opportunity to

1 publicly--and on behalf of Governor Rendell and
2 the Pennsylvania Department of State--express my
3 deepest appreciation to one of my dearest
4 colleagues in the National Association of
5 Secretaries of State, Oregon Secretary of State
6 Bill Bradbury.

7 Secretary Bradbury is one of the best
8 regarded and most respected Secretary of States
9 in the nation. As some of you may have learned
10 yesterday, if you had lunch, dinner, with the
11 Secretary, the Secretary is a former member of
12 the Oregon House of Representatives. He's also
13 a former member of the Oregon Senate, having
14 served as a majority leader and president of the
15 Senate.

16 So you are talking about the foremost
17 expert on the issue of vote by mail. And there
18 is those darn term limits in Oregon that will
19 keep Secretary Bradbury from serving any longer
20 past this year as Secretary of State.

21 And Representative Fabrizio picked up
22 on the fact that there is a great deal of
23 expertise here and knowledge and whether there
24 is concern that the system is going to break
25 down in the absence of Secretary Bradbury.

1 And we have had this conversation
2 before. The association, of which I am going to
3 be the president this July, feels very strongly
4 that we have a good system in place.

5 And we are indebted to Secretary
6 Bradbury for his many contributions throughout
7 the years, not only to Oregon but to the United
8 States.

9 So my friend, I want to say, thank
10 you for being here, thank you for making the
11 time and for sharing your wisdom and knowledge
12 with our House of Representatives and others.
13 Thank you.

14 SECRETARY BRADBURY: Thank you very much.
15 It's a great pleasure to be here.

16 ACTING CHAIRMAN BAKER: Thank you
17 very much for your testimony.

18 And congratulations on your new
19 leadership position.

20 Thank you, members, for coming to the
21 hearing; the staff for your good work; and for
22 all of those in attendance. This concludes the
23 hearing.

24 (AT OR ABOUT 3:25 P.M., THE HEARING
25 WAS CONCLUDED.)

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C E R T I F I C A T E

I, Roxy C. Cressler, Reporter, Notary Public, duly commissioned and qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of my stenotype notes taken by me and subsequently reduced to computer printout under my supervision, and that this copy is a correct record of the same.

This certification does not apply to any reproduction of the same by any means unless under my direct control and/or supervision.

Dated this 17th day of June, 2008.

Roxy C. Cressler - Reporter
Notary Public

My commission
expires 5/9/09