

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

TUESDAY, OCTOBER 4, 2016
10:00 A.M.

PRESENTATION REGARDING PREPARATIONS FOR
THE NOVEMBER ELECTION AND EFFORTS TO
PROTECT AND IMPROVE THE INTEGRITY OF ELECTIONS

BEFORE:

HONORABLE DARYL METCALFE, MAJORITY CHAIRMAN
HONORABLE KRISTIN HILL
HONORABLE RICHARD IRVIN
HONORABLE FRED KELLER
HONORABLE JERRY KNOWLES
HONORABLE BRETT MILLER
HONORABLE THOMAS SANKEY
HONORABLE DAN TRUITT
HONORABLE JUDITH WARD
HONORABLE JEFF WHEELAND
HONORABLE MARK COHEN, DEMOCRATIC CHAIRMAN
HONORABLE VANESSA BROWN
HONORABLE DONNA BULLOCK
HONORABLE MARY JO DALEY
HONORABLE STEPHEN MCCARTER
HONORABLE BRIAN SIMS

* * * * *

*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

SUSAN BOYLE
MAJORITY EXECUTIVE DIRECTOR
AMY HOCKENBERRY
MAJORITY RESEARCH ANALYST
KAREN PENICA
MAJORITY RESEARCH ANALYST
PAM NEUGARD
MAJORITY ADMINISTRATIVE ASSISTANT

KIM HILEMAN
DEMOCRATIC EXECUTIVE DIRECTOR
KATHY SEIDL
DEMOCRATIC RESEARCH ANALYST
MATT HURLBURT
DEMOCRATIC RESEARCH ANALYST
LINDA HUNTINGTON
DEMOCRATIC LEGISLATIVE ASSISTANT

I N D E X

TESTIFIERS

* * *

<u>NAME</u>	<u>PAGE</u>
PEDRO A. CORTÉS SECRETARY OF THE COMMONWEALTH, PENNSYLVANIA DEPARTMENT OF STATE.....	7
L. EDWARD ALLISON, JR. DIRECTOR, LAWRENCE COUNTY VOTER REGISTRATION/ELECTIONS; AND CHAIRMAN, WESTERN PA ELECTION PERSONNEL ASSOCIATION.....	33
TIMOTHY BENYO CHIEF CLERK AND DIRECTOR OF ELECTIONS, LEHIGH COUNTY, PENNSYLVANIA; AND CHAIRMAN, ASSOCIATION OF EASTERN PA COUNTY ELECTION PERSONNEL OFFICERS.....	39
SAMUEL DERHEIMER MANAGER, ELECTION INITIATIVES, THE PEW CHARITABLE TRUSTS.....	58
JOE DEFELICE CHAIRMAN, REPUBLICAN CITY COMMITTEE OF PHILADELPHIA.....	72
DAVID THORNBURGH PRESIDENT AND CEO, COMMITTEE OF SEVENTY.....	102
SUSAN CARTY PRESIDENT, LEAGUE OF WOMEN VOTERS OF PA.....	110
ACCOMPANIED BY: SUZANNE ALMEIDA, ESQ. EXECUTIVE DIRECTOR, LEAGUE OF WOMEN VOTERS OF PA	
J. CHRISTIAN ADAMS PRESIDENT AND GENERAL COUNSEL, PUBLIC INTEREST LEGAL FOUNDATION.....	121

SUBMITTED WRITTEN TESTIMONY

* * *

(See submitted written testimony and handouts online.)

1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN METCALFE: This meeting of the
4 House State Government Committee is called to order.

5 And before we start, if I could ask everyone to
6 please rise, and if Representative Wheeland would lead us
7 in the Pledge, we'd appreciate it.

8
9 (The Pledge of Allegiance was recited.)

10
11 MAJORITY CHAIRMAN METCALFE: Thank you,
12 Representative Wheeland.

13 If I could ask our Member Secretary,
14 Representative Knowles, to call the roll when he's ready.

15 REPRESENTATIVE KNOWLES: Thank you, Mr. Chairman.

16
17 (Roll was taken.)

18
19 MAJORITY CHAIRMAN METCALFE: Thank you,
20 Representative Knowles.

21 Our first testifier this morning will be
22 Secretary Pedro Cortés. He's Secretary of the Commonwealth
23 of Pennsylvania Department of State. And you can join us
24 at the mike there, Mr. Secretary.

25 But this hearing today is very timely, of course,

1 with the elections coming next month. We thought that it
2 would be good for us to invite the Secretary and invite
3 some other guests to talk about elections in Pennsylvania
4 and the process and, most importantly, the integrity of the
5 process to ensure that every legally cast vote is counted
6 and that no legally cast vote is undermined in the process.

7 So thank you, Mr. Secretary, for being with us
8 today. We appreciate you coming over today.

9 SECRETARY CORTÉS: Thank you, Mr. Chairman.
10 Thank you, Mr. Chairman, and good morning to you and
11 Members of this House State Government Committee. On
12 behalf of the Department of State, I thank you for the
13 opportunity to come and present information regarding the
14 efforts of the Department and the counties are undertaking
15 to ensure that we have fair elections that are free from
16 anything that will be unbecoming or not within the scope of
17 the work that is expected to be done.

18 Mr. Chairman, I believe that you and the Members
19 of the Committee received previous to the beginning of this
20 hearing my written remarks, so in the interest of time if
21 it's okay with you I will respectfully ask that they be
22 entered into the record as opposed to take 10 of my 20
23 minutes just to read those.

24 And what I'd like to do is just make some brief
25 comments to summarize my testimony and then, you know, with

1 your permission, then open the floor to questions that you
2 and the Members may have.

3 MAJORITY CHAIRMAN METCALFE: Thank you.

4 SECRETARY CORTÉS: So I will start off by saying
5 -- and I'm glad that part of the hearing included the
6 invitation to have county election personnel, election
7 directors, individuals who represent the western and
8 eastern Election Directors association because the first
9 thing that is important to note is that the Department of
10 State has a very close and good working relationship with
11 Pennsylvania's 67 counties.

12 I am the State Chief Election Official, but I
13 work very closely with the counties because ultimately the
14 counties take place at the county level from registration
15 to the actual preparation of the machines and the activity
16 that takes place on election day. And I'm here to
17 unequivocally tell you, after this being my ninth year as
18 Secretary of State, by way of a refresher, this is going to
19 be my 19th general and primary election that I have seen in
20 Pennsylvania, longer than any other person who has held
21 this role before. And I can tell you unequivocally that my
22 very close relationship with the county, particularly the
23 election personnel, I am extremely convinced that the folks
24 that work the polls and those who are in the offices are
25 knowledgeable, caring, ethical professionals who take their

1 job very seriously, and they ensure that their duties are
2 discharged effectively.

3 And all of you who are sitting here were elected
4 or reelected in the time that I've been in office, and the
5 system has worked very well not just for you but so many
6 others.

7 And I know that part of the conversation related
8 to integrity today is going to perhaps center around the
9 news about cyber attacks and the threats that Pennsylvania
10 and the other jurisdictions face or may face. And I'm here
11 to tell you also that when it comes to matters of
12 cybersecurity, the Department and the counties take that
13 potential threat very seriously. And we work closely with
14 the counties and other local, State, and Federal partners
15 to mitigate those potential attacks.

16 It's worth mentioning that what you've been
17 perhaps reading in the media that makes references to
18 intrusions only really reflected one intrusion in the State
19 of Illinois and was a voter registration system. And
20 there's no evidence that any of the records were ultimately
21 altered.

22 There was another intrusion that was attempted in
23 the State of Arizona that had to do with the password and
24 the name of an employee that was distributed publicly, but
25 again, that did not actually even result into an actual

1 intrusion.

2 Other conversations that you've heard related to
3 the FBI Director and others suggest that there are attacks.
4 Well, every system in the country and around the world is
5 always under some form of attack by hackers and others, but
6 there has been no information, credible information that
7 any State has been affected.

8 And I can tell you from our work here at the
9 Federal level the U.S. Department of Homeland Security,
10 Secretary Jeh Johnson talked about the issue to the
11 National Association of Secretaries of State, offered the
12 Department of Homeland Security to do cyber hygiene testing
13 and vulnerability testing. He put out an invitation to all
14 the States. And I'm very proud to tell you that
15 Pennsylvania was the first one to take him on his offer and
16 we're the first State that is doing that type of review.
17 And the results thus far are very positive.

18 We're working not only with U.S. Department of
19 Homeland Security but the Pennsylvania Homeland Security,
20 the FBI, and other agencies, and we're working certainly
21 very closely with PEMA and other partners. The results of
22 those reviews obviously we keep close to vest. I can tell
23 you they have been very positive because certainly you
24 don't tip your hand to others to what you're doing as is
25 general practice with those type of assessments.

1 I also would like to mention and you'll see in my
2 report there is extensive reference to ERIC, the Electronic
3 Registration Information Center, which is something that
4 Pennsylvania -- we're very proud to have joined as the 15th
5 State that did it, 1-5, and now there's 20 States and the
6 District of Columbia. And that's an effort on the part of
7 the Department to ensure that the voter records are -- the
8 rolls are as clean and as accurate as possible. So we're
9 very happy about those steps.

10 Going back a little bit to security, beyond
11 cybersecurity, please bear in mind that the equipment that
12 is used in Pennsylvania for voting is not connected to the
13 Internet. The machines themselves are not even connected
14 to one another. The process that is used, even the
15 equipment that is used for elections, the equipment itself
16 for voting, the tabulation equipment, the service are all
17 kept separate. They only come together on election day.
18 There's very strict chain of custody and physical steps
19 that are taken. And in all the years that we have been
20 using the technology here in Pennsylvania, there is not a
21 single incident that has been reported of any type of
22 intrusion or hacking of our elections. And we will
23 continue to do our job and do it well.

24 So with that, Mr. Chairman, again, in the
25 interest of time I will stop there. I'm happy to answer

1 any questions that you and other Members of the Committee
2 have about the steps of the Department of State and our
3 partners to the extent that I can answer those.

4 MAJORITY CHAIRMAN METCALFE: Thank you, Secretary
5 Cortés.

6 Members with questions?

7 Representative Cohen.

8 DEMOCRATIC CHAIRMAN COHEN: Thank you very much,
9 Mr. Chairman. Pedro, it's good to see you again.

10 SECRETARY CORTÉS: Good to see you, Mr. Chairman.

11 DEMOCRATIC CHAIRMAN COHEN: I've been here for
12 all of your nine years, and I very much appreciate --

13 SECRETARY CORTÉS: Thank you.

14 DEMOCRATIC CHAIRMAN COHEN: -- your service. One
15 thing people are concerned about is how things are
16 programmed. You know, the programming looks like a whole
17 lot of gobbledygook. You know, how do we know that the
18 programming doesn't say that for each vote cast for
19 Candidate A that candidate shall get nine-tenths of a vote
20 and for each vote cast for Candidate B, that candidate
21 shall get 1.1 votes? How do we know that that's not
22 happening?

23 SECRETARY CORTÉS: That's a very good question.
24 First and foremost, let's just start with the equipment
25 itself, the voting machines themselves. All of our voting

1 machines have been certified both at the Federal and State
2 level and the testing is very rigorous in terms of all the
3 steps to ensure accuracy and the transparency, auditability
4 of the system.

5 Beyond that, once the equipment is purchased and
6 is deployed at the county level -- and the county can
7 probably tell you more precisely what they do -- part of
8 the preparations of elections require an accuracy and logic
9 testing that is done and it's done in public. It's done
10 with the candidates, the parties looking at it, and that's
11 where you actually physically test the machine, first of
12 all, you know, to make sure that the votes are being
13 recorded the way they're being casted and there are
14 protocols to do that.

15 And then once you do that testing, the memory is
16 wiped out, you run a serial tape to make sure that there's
17 no votes in that machine. The machines are physically
18 sealed and then there's the part of the chain of custody of
19 where the equipment is kept and who has access to those
20 machines. None of the components come together so nobody
21 really can do the harm to the equipment.

22 And then once the machines are deployed on
23 election day, everything again under a chain of custody
24 that is very secure, the equipment starts up by printing a
25 zero tape that shows that there is no votes that are in

1 that machine and then at the end of the day there is a
2 comparison of the total votes in each machine in the
3 precinct to those who have signed the poll book. So there
4 are comparisons.

5 And part of the question here has also been,
6 okay, so how about the machines cannot be penetrated but
7 how about when you're reporting to the Department of State
8 the totals? Well, a couple of things. On election night,
9 as you all know, once the machines go through their totals,
10 the machines each print a paper receipt and all the
11 receipts get posted at the polling place. So you have
12 those totals.

13 And then there is the information that is
14 captured on the very secured memory devices, and those are
15 taken under very close watch and security protocols to the
16 county board, election centralized headquarters and they
17 get tabulated a second time.

18 And even again what you see on election night, as
19 you know, are unofficial results and there is a process
20 then to do the canvass and then a few weeks later you have
21 the actual results. So there are numerous checks and
22 balanced.

23 And again, but as far as very precisely to your
24 question, there is numerous testing, everything that begins
25 at the certification level and then what happens in

1 preparation for and execution of each individual election.

2 DEMOCRATIC CHAIRMAN COHEN: And the Philadelphia
3 machines one can get printouts of each individual vote that
4 was cast --

5 SECRETARY CORTÉS: Yes.

6 DEMOCRATIC CHAIRMAN COHEN: -- and how many
7 people just voted for one candidate, how many --

8 SECRETARY CORTÉS: Yes, and that's the case --

9 DEMOCRATIC CHAIRMAN COHEN: You don't know who
10 cast the vote but you can see how the different votes were
11 cast in each precinct. Do other counties in the State have
12 that?

13 SECRETARY CORTÉS: Yes. One of the requirements
14 under the Help America Vote Act and the requirements of the
15 Federal certification and the State certification is that
16 each machine has a way to be audited. So sometimes the
17 conversation is, well, the voter doesn't get a paper
18 receipt that they keep and they get to see and compare
19 their totals, but even though that's not the case where
20 they get an actual printer receipt -- and there's reason
21 for why that doesn't happen -- but beyond that, each
22 machine has a second system for auditability that will
23 print paper receipts in all machines that we have in
24 Pennsylvania.

25 And when they get printed, they also then -- the

1 order in which the voter ballots get also scrambled,
2 randomized, so you cannot go down the list and look at the
3 poll book and who signed in what order and then go down and
4 compare the votes side-by-side. So those are checks and
5 balances that are in place.

6 And the good thing is that, again, not only do we
7 have the Federal and State certification process but
8 everything that we're talking about in terms of those logic
9 and accuracy testing is open to the parties, is open to the
10 candidates, is open to others that can come and verify
11 that. So there's a lot of eyes looking at the process but
12 no one that really can touch the system in a way that
13 compromises the integrity of the machines and/or the
14 reporting.

15 DEMOCRATIC CHAIRMAN COHEN: Okay. Thank you very
16 much, Mr. Chairman.

17 SECRETARY CORTÉS: Thank you, sir.

18 MAJORITY CHAIRMAN METCALFE: Thank you,
19 Representative Cohen.

20 Representative Hill?

21 REPRESENTATIVE HILL: Thank you, Mr. Chairman.
22 Thank you, Mr. Secretary for being here today.

23 SECRETARY CORTÉS: Thank you.

24 REPRESENTATIVE HILL: You made reference to this
25 in your answer to Chairman Cohen with regard to paper

1 receipts. We have heard a lot in the news, as you
2 referenced, indicating that, you know, Pennsylvania is a
3 battleground State in this upcoming election and, you know,
4 according to CBS News as recently as September 29th they
5 said that the Commonwealth is, using their words, "most
6 vulnerable" to hackers.

7 And when you read down through the article, you
8 know, the cybersecurity analyst who they use as their
9 expert said, but, you know, I feel pretty good where I live
10 because I get a paper receipt. I know how I cast my vote.
11 I put this out to constituents back. We said, you know,
12 we'll be holding this hearing. If you have any thoughts or
13 concerns, email me. Ironically, one of my constituents
14 emailed and said, you know, "With regard to the integrity
15 of the election process, I think one obvious and very
16 important step would be to provide a paper receipt to every
17 voter showing who they voted for."

18 So you alluded to the fact that we don't do that
19 and that perhaps there's a reason why. Can you explain why
20 in Pennsylvania people who vote don't get a receipt that
21 shows, you know, thank you for voting and this is who you
22 voted for?

23 SECRETARY CORTÉS: So, first, the election code
24 doesn't require it. It doesn't mean that you cannot do it.
25 But the thinking a lot of times has been around the idea

1 that you give someone an actual paper receipt of how they
2 voted and, you know, there's always that question of
3 whether someone is intimidated by an employer or perhaps
4 someone else that tells you, hey, I want you to vote a
5 certain way or maybe I'll give you money if you vote a
6 certain way. And the only way you're going to be able to
7 show that or prove that is if you give someone a receipt
8 that then they can turn to a third party to show.

9 Be mindful of a couple things. We have 50
10 counties that use the, you know, touch screen or some
11 variation of what we call direct recording electronic
12 devices, which is the ones we're talking about. The other
13 17 counties use optical scan like the ones we use back in
14 school and so, you know, you see their results. Either one
15 of those, even the optical scan are considered electronic
16 voting systems simply because the way the ballot is read
17 and tabulated electronically.

18 But with all of our systems so you know when
19 every person votes the last thing they get is actually a
20 screen that tells you this is your votes. This is how they
21 were recorded. This is how they're going to be recorded,
22 which gives you an -- and also alerts you whether you have
23 an under-vote or it will let you do over-votes which, by
24 the way, is a good thing. So the voter actually gets to
25 see how they voted.

1 As far as getting the paper receipt, it's almost
2 like an illusory sense of confidence that it's any more
3 accurate because the reality is that in the States that
4 have them, many people just drop them, don't take them.
5 Other States have them but they're under like, you know, a
6 clear screen where you kind of see it but it's quickly --
7 and a smaller version of it. It's like a printout from a
8 supermarket and it really doesn't add the value that it
9 appears, that suggestion. But there's ways, again, as I
10 noted, to audit the system, and each of these voting
11 systems have been certified.

12 You mentioned CBS News and their report. I
13 happen to have been in Rob Hanrahan's Face the State, and
14 in fact that was the very first question he asked. He
15 said, hey, we did a study here and assessed that you don't
16 have a way to verify the votes. And I say I debunk all of
17 that also with what I told you. Yes, the systems have been
18 certified to the point where there is an audit trail to all
19 of them. And it may not be that piece of paper, but the
20 system is actually accurate and it's been tested because
21 all these machines, again, through the logic and accuracy
22 testing, you can catch whether in fact the machine is not
23 going to record votes.

24 And sometimes what you really would have seen is
25 someone that perhaps with a long fingernail may have

1 actually thought that they were pressing for a voter and
2 it's actually touching the person above, or you could have
3 a situation where there may be a calibration issue with the
4 machine where you're pressing and it's not taking the
5 votes. All of those things you catch in the logic and
6 accuracy testing. So by the time you deploy the machines,
7 they're not there.

8 By the way, the CBS report, it's interesting
9 because that person, that so-called expert from Boston or
10 somewhere that spoke about it, at the end he actually said,
11 oh, you know, actually I think -- he said if I were to hack
12 any State, I'd hack Pennsylvania. And I tell you why.
13 It's easy. And I know because I've been around all these
14 years. You know, after what happened in Florida in 2000,
15 the media and others have been salivating over the idea of
16 the next Florida. It sells news.

17 And I can tell you because I sat many times -- I
18 was President of the National Association of Secretaries of
19 State. I sat right next to the Secretary of State from
20 Florida, not the person who was there, Katherine Harris,
21 but others. And any time they talk about elections they
22 roll their eyes with the Florida fiasco.

23 So in 2004 when I was here and in 2008 when I was
24 here, it was the same thing. Media and others are always
25 looking for the next Florida, and we haven't given it to

1 them. And that goes back to the diligence and the
2 professionalism and the checks and balances that we have
3 here at the State and local level. So I feel very
4 confident that in the end the votes are being cast and
5 recorded accurately.

6 MAJORITY CHAIRMAN METCALFE: Thank you.

7 REPRESENTATIVE HILL: Thank you.

8 SECRETARY CORTÉS: Thank you.

9 MAJORITY CHAIRMAN METCALFE: Representative
10 Knowles.

11 REPRESENTATIVE KNOWLES: Thank you, Mr. Chairman.
12 And thank you, Mr. Secretary, for being here today.

13 Online voter registration, the system, when it
14 went live I believe the Department had talked about
15 approving and certifying organizations to interface
16 directly with the system. Can you tell me how many have
17 done so and could you name them for me?

18 SECRETARY CORTÉS: Yes, absolutely. So online
19 voter registration we launched the system, as you know,
20 back in August of last year 2015. Two weeks ago, we
21 reported the half-a-million mark, 500,000 users. And then
22 now the moment as of yesterday 660,000 users, of which
23 about 60 percent have been new registrations, 40 percent
24 have been change-of-addresses, which are fantastic, or
25 other changes, upgrades to the record.

1 So the question then is the application there is
2 being used by many organizations and others, organizations
3 that traditionally do the voter registration drives, may
4 want to capture the information. You know, the
5 registration is traditionally paper because they legally
6 can capture some information, the name of the person,
7 perhaps, or email so that they can get back to that voter
8 and do like reminders.

9 So understanding that that's the case, the
10 Department of State created an API, an application
11 processing interface. The best way to describe it is
12 Amazon. When you go and shop on Amazon, if you do that,
13 you look at a page that looks like Amazon but there's
14 thousands of vendors behind it. So you think that you're
15 ordering through Amazon but you actually order with a
16 vendor. But it has one consistent look for the Amazon
17 brand. And then in the end it's captured by us.

18 So we did that. We offered that option to pretty
19 much -- we offer it to the parties, we offer it to all the
20 campaigns, all the candidates and so far -- and there's
21 steps that had to be taken by the organization to actually
22 create software that connects with our OVR. Only two
23 entities took us up on the offer, and they were Rock the
24 Vote and Rock the Vote has been using it, and the other one
25 was the Hillary Clinton campaign.

1 But I can tell you -- and I have documented and I
2 can provide specifics. We have reached out to, you know,
3 Chairman Gleason. We've reached out to Trump, all the
4 campaigns, and we have been offering and offering and
5 offering and offering. Those have been the only two takers
6 thus far of the application.

7 REPRESENTATIVE KNOWLES: Help me understand it
8 because I'm not the sharpest tool in the shed when it comes
9 to computers. So help me understand it. Is it that you go
10 on to their site and there is then a link? Is that how it
11 works?

12 SECRETARY CORTÉS: Yes. So you go to their site
13 and there are many organizations that have voter
14 registration sites, you know, or some of them will just do
15 the drive in person. But here their site basically says do
16 you want to register? You know, and it will tell you the
17 requirements to register, the citizenship, the age, and the
18 like. And then when you click into that application to
19 fill in an application that appears, that's the part of the
20 organization has to do. You're filling out an application
21 and providing the basic information that appears that
22 you're actually giving the information to that
23 organization. You're really giving it to the Department of
24 State, to the OVR because it goes through our system.

25 REPRESENTATIVE KNOWLES: Does their site then

1 archive that information?

2 SECRETARY CORTÉS: They can keep the same
3 information that, you know -- they're able to keep the same
4 information they will keep if they had a paper
5 registration.

6 REPRESENTATIVE KNOWLES: And there's no
7 additional information that they would ask for?

8 SECRETARY CORTÉS: No. Well, the information
9 that is collected -- so imagine, OVR is another -- you're
10 very familiar with the traditional paper registration. OVR
11 replicates all of that with the benefit that what you do is
12 that you make sure -- well, you don't have issues of
13 illegible handwriting because everything is completed
14 electronically, and you don't have the issue with the
15 counties many times of incomplete fields that then require
16 the counties to be calling folks back and forth because the
17 application would only let you proceed if you have it all
18 completed.

19 So the law is clear on what information, you
20 know, third party groups that do voter registration,
21 campaigns can keep related to that person, for example,
22 their name, they can keep your address, your email if you
23 provide it, a phone number, but other identifiable
24 information related to your driver's license number, your
25 Social Security and all that, you cannot keep. Legally,

1 you cannot. And you don't keep it through this IPI process
2 either.

3 REPRESENTATIVE KNOWLES: Thank you,
4 Mr. Secretary. Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN METCALFE: Thank you,
6 Representative Knowles.

7 Secretary Cortés, we had a presentation, myself
8 and I think Chairman Cohen's office or staff and Senator
9 Folmer and when you were looking at the ERIC, I believe,
10 many of us were involved in a presentation regarding ERIC
11 and that new program that we were looking at as a State.
12 What I didn't recall having it presented to us was a
13 requirement of being involved in ERIC was this mailing that
14 was being sent out, broad-based mailing to people that were
15 supposedly eligible to vote but not registered. I
16 understand that was part of the contract. I think it
17 raises questions of mailings like that being sent out this
18 time of the year at this time in what's expected to be a
19 large turnout election and historic election.

20 SECRETARY CORTÉS: Sure.

21 MAJORITY CHAIRMAN METCALFE: But one of -- which
22 I just found out this week, one of my constituents -- I
23 believe you may have spoken with him or somebody from your
24 department did, a man from Butler County --

25 SECRETARY CORTÉS: Yes, sir.

1 MAJORITY CHAIRMAN METCALFE: -- whose wife is not
2 a citizen, she's a resident alien, illegal resident alien,
3 and she had received the mailing that she should register
4 to vote. I understand the mailing has a sentence in it
5 that directs people that are not citizens to call the
6 number or if they have any concerns about it. And I saw an
7 email that he had sent related to that issue. I know in
8 your testimony you address that, that there was possibly
9 anticipated that some people might get that.

10 But with all the stories that we've seen
11 recently, I mean, there was a stories last night generated
12 out of Virginia and talking about Pennsylvania, we've had
13 testimony in the past, I've received information in the
14 past from folks in Philadelphia where we've had foreign
15 nationals who are here either legally or illegally that
16 have been voting, the recent story out of Washington State
17 where the Turkish national terrorist that killed several
18 people, I think five or six people at the mall out there
19 just recently was registered to vote and voting in several
20 elections. I mean, that concerns me. I know it concerns
21 the man and woman on the street that their votes are not
22 being undercut by foreign nationals here either legally or
23 illegally and voting.

24 As Secretary, I assume it concerns you as much as
25 it does me. And what are you doing? What can you do?

1 What can we do together to ensure that we protect the
2 integrity of the process so that we don't have foreign
3 nationals voting in Pennsylvania's elections?

4 SECRETARY CORTÉS: Excellent point, Mr. Chairman,
5 and, you know, you have known me for being -- and most of
6 you who have known me over the years know that I'm a very
7 forthcoming straight-shooter-type person. So that's why
8 it's in my testimony. And I was glad to speak with
9 Mr. Staub.

10 So a couple things. So ERIC, which you know is
11 our attempt to make sure that our records are more
12 accurate, especially taking on the initial crosscheck
13 system that came out of Kansas and Secretary Kris Kobach,
14 with whom I have a great relationship, it was a startup
15 point for trying to have that record. So what ERIC does is
16 that it matches our records, and in addition to that -- and
17 I believe you have someone from Pew here that can probably
18 talk about that because this system was started with
19 funding and support from Pew and now is owned by the
20 States.

21 But the process idea here is to have records that
22 are more accurate by comparing the other basis that may
23 identify someone who moved out of State, and many times
24 what happens is folks move out of State and they don't tell
25 us. That's the last thing in their mind that, oh, let me

1 call my county and let them know that I'm moving. But you
2 have the folks that may die out of State and others.

3 So ERIC is very good at that component of it,
4 which is to compare the records. The problem with
5 interstate crosscheck, which we don't have with ERIC and
6 the other States that have done this for years is that you
7 don't get false positives, which is what was troubling the
8 counties. And they can speak to it because they were
9 getting these records that were not good. Anyhow, so the
10 idea is to clean the records.

11 But the requirement also within the contract is
12 that you have to make affirmative steps to identify those
13 individuals who are eligible to register to vote, citizens
14 18 years of age, live in your State, in this case
15 Pennsylvania, and alert them that they have the right to
16 vote.

17 And actually what is happening, and there were
18 about 2.3 million mailers that went out that fell under
19 that category, and the good thing is that we've had over
20 1,000 phone calls that have come our way basically from
21 folks that are telling us, oh, I actually might be
22 registered but I moved or I changed my name and so that's
23 how the records couldn't be cross referenced. So we are
24 actually cleaning the records.

25 And again, we were the 15th State to do this, so

1 in terms of how do you end up with the question at the core
2 is that, you know, the individuals that are not eligible to
3 register -- we're not even talking about undocumented
4 residents; we're talking about those who are, like you
5 noted, legal permanent residents and others maybe with a
6 visa that could get a driver's license but could not
7 perhaps -- or they are not able to vote.

8 The way we did this is in combination with
9 PennDOT, and PennDOT has a very clear process to identify
10 folks where they have an INS indicator to indicate whether
11 a person is a citizen or not because when you go for your
12 license you have now to provide either a passport or a
13 birth certificate, raised seal and all that.

14 But the understanding that PennDOT has over nine
15 million folks in their database and because of the
16 experience with other States, there is no system that is
17 100 percent fail-proof. And some of the cases in
18 Pennsylvania that we've had where you have someone who may
19 obtain a PennDOT product but is not a citizen, appears to
20 be a citizen and then they may inadvertently register has
21 to do a lot of times with when you're at PennDOT and you're
22 completing your registration or you're updating your
23 records, it asks you the question of whether you're a
24 citizen. So long story short --

25 MAJORITY CHAIRMAN METCALFE: That was a

1 requirement of the Motor Voter.

2 SECRETARY CORTÉS: That's right. So one of the
3 steps that we take -- so the short answer is yes. The
4 concerns as much -- so far we've only heard of seven
5 individuals out of 2.2 million. And you can always argue
6 one is one too many. But because ERIC, which is the one
7 that helped us prepare the mailer and the other
8 jurisdictions through this experience know that this could
9 potentially happen, what you do is -- the mailer is very
10 clear. You may be eligible to register. By the way, these
11 are the requirements to register. You have to be a
12 citizen, 18, and this and that. And it even says, by the
13 way, if you receive this mailer in error, let us know,
14 which is how I got in contact with Mr. Staub.

15 MAJORITY CHAIRMAN METCALFE: But I guess to boil
16 the question down, what can you as Secretary do and what
17 can we do together to ensure that foreign nationals are not
18 voting in our elections?

19 SECRETARY CORTÉS: So a couple things. First, we
20 work with PennDOT -- much credit to Deputy Secretary Marian
21 Schneider, who is behind me. She is the Deputy Secretary
22 for Elections and Administration. One of the things we did
23 with PennDOT, we found that most of those records of
24 individuals that were getting the registration card that
25 were not eligible for the registration had to do with

1 confusion when they go to PennDOT and they ask to answer
2 the questions. The questions used to come in a fashion
3 where the question of citizenship came towards the end.
4 That's the way it used to be until earlier this year. So
5 you answer yes, yes, yes, sometimes may have been a barrier
6 of language and you're going yes, yes, yes and going
7 through everything and then all of a sudden you get a
8 registration card in the mail and the first thing you go is
9 say, oh, how did this happen just because they didn't know.

10 So we work with PennDOT and we change the order
11 in which the questions are asked when you go through that
12 process. And the first question now is "Are you a
13 citizen?" As soon as you say no, it stops so it gets you
14 there.

15 We also work with PennDOT to translate that part
16 of the work that they do in 10 different languages so that
17 should minimize the issue of individuals who, you know,
18 will say I didn't understand it.

19 The good thing is that any case of those
20 individuals who have been identified as noncitizen that
21 have either registered or have received even our
22 communications in the end, all those records have been
23 canceled so the folks are not really voting. The
24 statistics, what I have seen, bear that. And the good
25 thing again, the county, she can probably ask them about

1 the process that they undertake.

2 But the bottom line I also will tell you -- and I
3 don't want to argue the point of people's motive -- but in
4 my experience talking to immigration groups and talking to
5 advocates, talking to those, like you and I, have a passion
6 for the integrity of the process, in the end there's really
7 no incentive for the folks to ultimately vote. And part of
8 that is because if you are a legal permanent resident who
9 is looking into citizenship, if you happen to vote, you
10 know, and you affirmatively do that and you basically lie,
11 you then engage in a misdemeanor that could jeopardize not
12 only your future application but also your stay in the
13 country, and that puts a risk to the family.

14 And if you're an undocumented resident
15 altogether, you're not even in the country legally, then
16 you don't want to be identified because the last thing you
17 want to do is have -- you know, it's like someone who has a
18 warrant for their arrest and shows up at a police
19 department. Last thing someone who is undocumented wants
20 to do is walk into a precinct where people are -- there are
21 watchers and others there that may identify you. So people
22 are afraid. People are living in the shadows.

23 MAJORITY CHAIRMAN METCALFE: Thank you,
24 Secretary.

25 SECRETARY CORTÉS: Thank you.

1 MAJORITY CHAIRMAN METCALFE: We're almost 10
2 minutes past our time with you this morning. We know your
3 time is limited. We appreciate you making time for us this
4 morning to come and testify and answer some questions
5 and --

6 SECRETARY CORTÉS: Thank you.

7 MAJORITY CHAIRMAN METCALFE: -- summarizing your
8 testimony so we had more time for questions. We could
9 probably sit and ask question for another couple hours just
10 with you, but we do have other testifiers lined up. And we
11 appreciate -- I know I have several Members that still
12 wanted to ask questions, but we're going to have to move on
13 to our next set of testifiers.

14 SECRETARY CORTÉS: Happy to address any of your
15 questions in writing or at a later time. As always, you
16 know that I'm very accessible and responsive. Thank you,
17 Mr. Chairman.

18 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
19 you, Secretary Cortés.

20 SECRETARY CORTÉS: I appreciate your time.

21 MAJORITY CHAIRMAN METCALFE: We appreciate it.
22 Thank you, sir. Have a good day.

23 SECRETARY CORTÉS: You, too.

24 MAJORITY CHAIRMAN METCALFE: Our next testifiers
25 will be a small panel. Mr. Edward Allison, he's Director

1 for Lawrence County Voter Registration/Elections, and he's
2 also Chairman of the Western Pennsylvania Election
3 Personnel Association.

4 And we also have Timothy Benyo, Lehigh County
5 Chief Clerk and Director of Elections, Chairman of the
6 Association of Eastern Pennsylvania County Election
7 Personnel Officers.

8 And, gentlemen, if you could take your seats
9 there and you can begin when ready, whoever wants to start
10 first. And keep your testimony time to about 10 minutes
11 between the two of you, and then the balance of time we're
12 hoping to entertain some questions with you.

13 MR. ALLISON: Yes, sir.

14 MAJORITY CHAIRMAN METCALFE: Thank you both.

15 MR. ALLISON: Good morning, Honorable ladies and
16 gentlemen of the Committee. With regard to the
17 preparations for this upcoming election at the county
18 level, we are extremely busy right now with voter
19 registration activity, applications coming in online as
20 well as through the mail, are going to reach record highs
21 for most counties. When I left yesterday from Lawrence
22 County, we had close to 500 applications online,
23 approximately another 50 waiting that were mail-in.

24 We are extremely busy. Most counties at this
25 particular point with regard to ballot preparation, most

1 counties have already gone to print with regard to absentee
2 ballots. As far as I know, all counties met the deadlines
3 for both remote overseas voters and military. We also met
4 the deadline for military and overseas voters that are not
5 remote areas.

6 We are proceeding with coding of balloting media.
7 We are proceeding with testing at all levels, including the
8 logic and accuracy testing that was alluded to by the
9 Secretary. And at this particular point in time, ladies
10 and gentlemen, there is no turning back for counties.
11 We're out of time.

12 Possible issues with regard to this upcoming
13 election, the biggest one stands for us is with regard to
14 outstanding litigation from several candidates, as well as
15 the ongoing questions regarding the actual ballot question
16 for the retirement age of judges, justices, and magisterial
17 district judges. That still leaves questions on our
18 ballot. At this point we'll have to move forward and
19 mitigate those as best we can, similar to what we had to do
20 with the Vodvarka instance in the spring.

21 Again, the volume of voter registration work is
22 going through the roof. We are very diligent in getting
23 that done. We'll get it done. It's going to be rather
24 pricey at this point. Counties have already gone to
25 overtime. We still have another 10 days roughly to get to

1 the close of registration. It's going to be a very hectic
2 and very busy time.

3 With regard to the integrity of the election on
4 our side, the number one issue is the fact that there is no
5 Internet connectivity to any of our equipment, either of
6 the precinct equipment, tabulating equipment, or any other
7 auxiliary piece of equipment. It has never been touched to
8 the Internet, nor shall it be.

9 All equipment is kept secured, separate from each
10 other. Tabulating equipment is not stored with precinct
11 voting equipment. Precinct voting equipment is stored
12 separately from memory devices and media that's to be
13 burned specifically for each election.

14 Each election has a specific code listed to it.
15 It's an eight-digit code, four of which -- we have no idea
16 what it is because it's only known by the computer system
17 itself.

18 One of the other activities at this particular
19 point as far as the testing goes, we test every step of the
20 way. We run Test X for paper ballots. We're running the
21 logic and accuracy testing on the voting equipment at the
22 precinct level regarding the DREs.

23 Post-election audits are also extremely important
24 as far as ensuring the integrity of the election. We scan
25 all poll books in order to update voter history, as well as

1 to ascertain the number of voters who actually voted for
2 the day. That's compared to the number of individuals who
3 have had their names listed in the list of electors, and
4 then of course is also compared to the number of votes
5 directly off the DRE equipment.

6 We have an established chain of custody. All
7 memory devices are removed from the voting machines on
8 election night, brought back for central tabulation so that
9 there's nothing left in the field. And again, there is no
10 possible access to any of our equipment for any length of
11 time that would lend itself to any kind of chicanery that
12 perhaps the press may or may not quite understand.

13 The last level as far as with regard to the
14 integrity of the election comes from the media and the
15 press itself and the fact that they do not properly
16 distinguish between a voting registration system such as
17 the SURE System, which is under the care of the Department
18 of State and done very well, the second being the voter
19 tabulation or the voting process at the specific precincts.

20 And we were also invited in our instructions at
21 that point to also bring forward any ideas with regard to
22 future legislation that we would like both Houses, both
23 parties, and anyone else we can get to listen at this
24 particular point. So I'll spend the rest of my time there.

25 Tim and I both sit on the Election Reform

1 Committee through the County Commissioners Association of
2 Pennsylvania. We are the Chairmen of the East and Western
3 Election Personnel Associations, and we currently are also
4 working with the Joint State Government Commission that has
5 held its first teleconference with some excellent results.

6 The first thing we would like to bring your
7 attention is, first of all, that the election directors
8 across the State, each county are looking for more
9 flexibility in the manner in which we can deliver
10 elections. The 1937 precinct model is not going to work
11 for long, the lifestyles that we currently live, the
12 priorities that we place on the items in our lives, how we
13 run our lives day-to-day.

14 We would like to have considered at this
15 particular point no-fault absentees. We would like to be
16 able to create voting centers where it makes sense. We're
17 running out of places for polling places. We have
18 communities that are growing up that are strictly
19 residential communities, 2, 3, 4,000 individuals. There's
20 nowhere to place a polling place.

21 Last but certainly not least, we would like to
22 begin to explore the option of vote-by-mail. A number of
23 States that have gone in that direction have seen turnouts
24 of 75 and 80 percent routinely, regardless of what election
25 cycle you may or may not be in. That's a representative

1 vote. That's a representative government.

2 The second priority that we have, first of all,
3 is we're out of money. Counties do not have the necessary
4 funds to replace the existing voting systems that were paid
5 for under the Federal funds of HAVA that were filtered
6 through the Department of State.

7 For Lawrence County alone to replace the DRE
8 system with an optical scan system, merely a scanner and an
9 ADA device in each one of the polling places would run
10 approximately \$1.5 million. The original system purchased
11 in 2006 ran roughly \$850,000. There is a significant
12 shortfall. Counties aren't going to be able to make that
13 up. I cannot emphasize that enough for you.

14 Third, if the precinct model were to continue,
15 significant changes are going to need to be brought about.
16 We are running out of assets, mainly people, money, places
17 to hold polling places. We're looking for changes in the
18 code specific to getting away from electing judges and
19 inspectors of election, have them appointed or employed by
20 the county in order to run those precincts.

21 We would like to see the deadlines for absentee
22 balloting for the application process, as well as the
23 return of the absentee ballot, we would like to see those
24 changed to more reflect the current status of the United
25 States mail service, as well as the priorities that

1 citizens place upon their time.

2 We would also like to see the Legislature work
3 out with the judicial branch and to establish set time
4 tables whereby court cases and/or mandamus actions have to
5 cease by a particular time frame, and we would suggest 60
6 days prior to any election. Once that 60-day time limit's
7 hit, all court action goes to a stay. I don't know how
8 that can be accomplished, whether that's through
9 legislation or if that's some type of cooperation between
10 the Legislature and the judicial branch. It needs to be
11 done. We basically are being held hostage at some point
12 with regard to being able to prepare a ballot.

13 Thank you.

14 MAJORITY CHAIRMAN METCALFE: Thank you. Yes,
15 sir.

16 MR. BENYO: Thank you, Mr. Chairman and
17 Representatives.

18 Mr. Allison and I come from the same world, so
19 I'm not going to reiterate any of his statements. They
20 cover everything that is in my written testimony and more.
21 And we're in agreement with each other. But we'll be happy
22 to answer any questions.

23 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
24 you both for being with us once again.

25 We had several questions from the previous

1 testifier. Of course, we're running out of time but I
2 usually start with the Members that had questions. They
3 might be able to get some answers from both of you that
4 they otherwise weren't able to ask.

5 We'll start with Representative McCarter.

6 REPRESENTATIVE MCCARTER: Thank you very much,
7 Mr. Chairman.

8 Again, I want to thank you both for your
9 testimony. Obviously, one of the most important jobs
10 obviously that you have to do for all of us is to make sure
11 the integrity of the system in terms of voting throughout
12 the State. And again, it's very clear from your testimony
13 that you not only take this seriously, as do all the
14 workers in the system, and so that's very, very
15 encouraging.

16 Let me ask two quick questions here. And again,
17 this goes back to the Secretary as well. How many
18 incidents have you had in either Lawrence County or in
19 Lehigh of voter fraud that has taken place, let's say, back
20 in 2014?

21 MR. BENYO: In 2014 --

22 REPRESENTATIVE MCCARTER: Using that election or,
23 you know, 2012. Let's use that as the last Presidential
24 election.

25 MR. BENYO: 2012 we've had no investigations into

1 voter fraud.

2 REPRESENTATIVE MCCARTER: None? And --

3 MR. BENYO: We've had only one that I know of
4 where someone had tried to vote in two counties, but that
5 was caught.

6 REPRESENTATIVE MCCARTER: Okay. And then
7 Lawrence?

8 MR. ALLISON: Zero.

9 REPRESENTATIVE MCCARTER: Zero. Okay. The
10 second part of the question, then, I guess goes to, you
11 know, the integrity of this system as to its vulnerability.
12 As I understand the system from people in voter services in
13 my county, in Montgomery County, the most vulnerable place
14 that could really take place where the machines are
15 delivered and they're sitting someplace at that particular
16 point before voting actually takes place. But the amount
17 of time, as I think someone noted in their testimony
18 already, would be extensive for anybody to have that
19 ability to be able to go in and program those machines.

20 What steps are you taking? I know Montgomery
21 County is taking the steps of putting tape over those
22 machines, police tape that actually would come up if in
23 fact they had been violated with a message on there saying
24 this has been violated. What steps are you taking in your
25 counties to guarantee the integrity of the machines at that

1 point in the process?

2 MR. ALLISON: The equipment that we use we are
3 capable of sealing with a numbered seal, and if that
4 particular seal is broken upon the arrival of the Election
5 Board, we're notified immediately.

6 Secondly, the unit that's used to activate that
7 particular piece of equipment is not stored with the
8 equipment. It's only brought with the Board of Election at
9 that particular morning. So the only time that all of the
10 equipment actually comes together is on election morning.
11 There is no way -- and at that particular point if there
12 was anything that was altered because they would have no
13 idea what that specific security code is. There's no way
14 that that machine would operate.

15 REPRESENTATIVE MCCARTER: Thank you. And the
16 last quick question here deals with we have a House Bill
17 that is House Bill 29 that deals with watcher certificates
18 and an ability of people to go from polling place to
19 polling place to be able to do that. How much of a problem
20 would that be at the present moment for watcher
21 certificates to be issued not only to additional people to
22 do that but also for the training that would be necessary
23 to assure that the people with watcher certificates would
24 understand the process at this given late date.

25 MR. ALLISON: When an individual comes to our

1 office in order to gain a watcher's certificate, first of
2 all, they have to have a letter from the candidate and/or
3 the party that they had been appointed to do so and in what
4 precincts they are permitted to be in. According to the
5 code, they can be in their home precinct and one other
6 precinct and that's it and that's all the access they get.
7 They'll be given a certificate, a list of rules and
8 regulations. And that particular certificate has the stamp
9 of the Board of Election, signatures on it, as well as a
10 gold seal.

11 REPRESENTATIVE MCCARTER: But under this bill, it
12 would allow people to go from county to county literally or
13 at least through precincts throughout a county depending
14 upon how it would take place.

15 MR. ALLISON: The bill would allow people to go
16 to a county other than their own.

17 REPRESENTATIVE MCCARTER: Yes.

18 MR. ALLISON: Within the Commonwealth.

19 MR. BENYO: It doesn't change --

20 REPRESENTATIVE MCCARTER: In the Commonwealth.

21 MR. BENYO: -- the number of polls that they're
22 allowed to go to. It just says that if they can't find a
23 poll watcher in Philadelphia, then you could send somebody
24 there from Allegheny County.

25 MR. ALLISON: That is correct, but there are no

1 other changes as far as I know to the stipulations within
2 the code that they would --

3 REPRESENTATIVE MCCARTER: Correct.

4 MR. ALLISON: -- still have to present themselves
5 to the elections office, make sure that they are a
6 registered voter within the Commonwealth then at that
7 particular point, what precinct they've been appointed to
8 because they still only get to be in one unless that
9 particular section has also been removed.

10 REPRESENTATIVE MCCARTER: It has not.

11 MR. ALLISON: Then they get one precinct.

12 REPRESENTATIVE MCCARTER: Would that create a
13 problem for you, though, at this point to be able to --

14 MR. ALLISON: Any time you introduce another
15 variable into a process that we currently have and that
16 works well, you certainly introduce a certain amount of
17 question. You have poll workers out there that range in
18 age anywhere from 40 to 90. Some of them will accept
19 change more easily than others. That's just the nature of
20 the beast.

21 REPRESENTATIVE MCCARTER: Thank you very much,
22 Mr. Chairman.

23 MAJORITY CHAIRMAN METCALFE: Thank you.
24 Representative Wheeland?

25 REPRESENTATIVE WHEELAND: I was in our Voter

1 Services in Lycoming County yesterday, so I can attest that
2 you folks are very busy getting ready for historic numbers
3 probably of voters coming out, so again, thank you for your
4 service.

5 MR. ALLISON: Thank you.

6 REPRESENTATIVE WHEELAND: A simple question. In
7 Pennsylvania under our system, guidelines, what prevents a
8 person from voting twice in the same election?

9 MR. ALLISON: At this particular point your name
10 is in a poll book. When you go to register to vote, we do
11 multiple searches within the SURE system to see whether or
12 not you are registered in a different county. We're
13 looking for name, birth date, Social Security number,
14 and/or driver's license number. If any of those match,
15 then we will retrieve those records from that county so
16 that there is not a duplicate record that exists within the
17 SURE system. Even I can do that part.

18 So at this particular point I'm not going to sit
19 here and tell you that it's an absolute 100 percent, but
20 I've not found any in Lawrence County at this particular
21 point voting anywhere else within the Commonwealth.

22 REPRESENTATIVE WHEELAND: What would prevent me
23 from voting for someone that I knew that wasn't going to
24 show up that day? I could just walk in --

25 MR. ALLISON: I have to have a certain amount of

1 trust in the integrity of the poll workers at that
2 particular point, and I do have that level of integrity and
3 trust in those individuals because they have also sworn an
4 oath that basically says that they will carry out their
5 duties according to the laws of the Commonwealth and are
6 therefore certainly within the bounds of prosecution at
7 that particular point as to having committed voter fraud.

8 MR. BENYO: And on election day you would be not
9 in the poll book so you'd be given a provision ballot,
10 which can be investigated later, determining where you
11 should or shouldn't be voting.

12 REPRESENTATIVE WHEELAND: The reason I had
13 brought up this question, and it goes back to intimidation
14 factor for the poll workers, because they're typically from
15 that precinct. And a case, you know, that a lady came in,
16 voted in the morning, voted in the afternoon, and voted in
17 the evening, and poll workers, you know, not going to
18 report it, just not going to report it. She, I believe,
19 according to the poll worker, voted for her mother and her
20 grandmother. And is this rampant? You know, who knows?
21 But short of not having to produce ID to vote, it is a
22 possibility that this is what is occurring in certain
23 precincts where there is intimidation quite honestly
24 amongst the poll workers or against the poll workers.
25 So --

1 MR. ALLISON: I'm sure Lycoming County is no
2 different, our poll workers are trained at that particular
3 point that if there is an issue, anyone coming back into
4 the poll in a situation similar to what you've just
5 discussed, they're to call our office immediately. The
6 sheriff's office is already on alert for instances with
7 regard to, you know, disturbances at a polling place or
8 whatever. I would have no qualms whatsoever sending the
9 sheriff out, having that individual brought in, and then
10 make that investigation at that point.

11 REPRESENTATIVE WHEELAND: But you would agree
12 different precincts are different when it comes to
13 intimidation and -- I mean, I believe there was cases in
14 Philadelphia where there was intimidation.

15 MR. ALLISON: I can't say that that exists in
16 Lawrence County, but again, we're one of the middle-of-the-
17 road smaller counties. I have complete confidence in the
18 poll workers and the judge of elections that I have right
19 now that doesn't happen there.

20 MR. BENYO: Because of the number of poll
21 workers, too, it would be more difficult to intimidate the
22 entire Election Board in the polling place than an
23 individual who would be in control.

24 REPRESENTATIVE WHEELAND: Well, and I do -- you
25 have the minority, majority, and I know like in

1 Williamsport, in Lycoming County -- and I believe you folks
2 favor this -- is the ability to bring in these workers from
3 other precincts because in two of our precincts in Lycoming
4 County, because of the college population, we have no
5 volunteers basically to take that position. So we do need
6 to start looking at that, though. And I believe there was
7 a bill recently that just focused on the minority, but we
8 need to include the majority.

9 And perhaps, just my thoughts, to prevent
10 intimidation in college towns or other areas, you know, by
11 rotating these poll workers from outside of their district
12 might be a way to stop a person from voting multiple times.
13 Just a thought.

14 MAJORITY CHAIRMAN METCALFE: Thank you,
15 Representative Wheeland.

16 Representative Daley.

17 REPRESENTATIVE DALEY: Thank you, Mr. Chairman.
18 And thank you, gentlemen, for being here today.

19 So could you walk us through -- so, you know,
20 sitting here I'm thinking about like those poll books, and
21 I never -- the poll books are new and printed every
22 election, every primary election, every general election
23 based on the voter registration. Could you just -- and so
24 with the statewide online voter registration, I guess my
25 questions are when you go from the online voter

1 registration, which is done through the State, could you
2 just walk us through how that's then filtered down and how
3 the books are created so that -- because it seems like
4 there are a lot of steps in place with the ERIC system and
5 with what you're talking, you know, about with cleaning up
6 -- like that you could check certain things in the voter
7 rolls.

8 So could you just walk us through how that is
9 actually done and that it's done in every single county
10 because it seems like that's a really good insurance also
11 at every single polling place that the county has created
12 those books because, quite honestly, you look at the book,
13 you sign it. Then it's stored. But, I mean, is that
14 accurate that that's how it's done? Do you see what I'm
15 trying to get to? It's like I guess the point is does
16 every voter have one record in the system that's then
17 filtered out to the counties so that the counties have the
18 individual records but it's all based on this one unified
19 database of voters? Is that an accurate thought process on
20 my part?

21 MR. BENYO: It is. And with the cutoff there's
22 no changes after, in this case, October 11. So
23 therefore --

24 REPRESENTATIVE DALEY: For the voter
25 registration?

1 MR. BENYO: The voter registration. Then, with
2 that snapshot of the information, it's then disseminated
3 into the poll books, the proper poll books for your
4 precincts.

5 REPRESENTATIVE DALEY: And can you just describe
6 the security surrounding actually creating those poll books
7 to ensure that they're an accurate reflection of what's in
8 the voter database?

9 MR. BENYO: Well, the poll books are just a
10 recreation of the database, so from that point of October
11 11 there's no changes, so from that point that's what the
12 information that's used and then sent out.

13 REPRESENTATIVE DALEY: Okay. I'm probably making
14 too much of it, but I just like the idea that it's one big
15 database filtered through to the counties so that they
16 create the poll books and that's -- I mean, the elections
17 are such a local event that it seems that even the way the
18 poll book is done, which I think we all kind of take for
19 granted when we walk up and sign it and the whole process,
20 but that adds to the integrity of the election by having
21 the signature there and then you have to sign it and then
22 it's checked and then you go through and that there aren't
23 multiple databases for each county.

24 MR. BENYO: No, it's definitely one single --

25 REPRESENTATIVE DALEY: Right.

1 MR. BENYO: -- database and --

2 REPRESENTATIVE DALEY: Right.

3 MR. BENYO: And if someone were not to be in
4 there, then, again, the provisional ballot is available to
5 investigate why they weren't in the poll book at a later
6 time.

7 REPRESENTATIVE DALEY: And even Philadelphia
8 County, because I believe that issues have been raised now
9 about Philadelphia, but they would have exactly the same
10 process as every other county in the State. They don't
11 have a special process for the voting because they're a
12 city of the first class. They have exactly the same
13 process --

14 MR. BENYO: I believe it is the same.

15 REPRESENTATIVE DALEY: -- as across the State.
16 All right. And they also have the individual polls in the
17 individual neighborhoods with the poll workers staffed in
18 the same kind of manner.

19 MR. BENYO: Correct.

20 REPRESENTATIVE DALEY: Thank you.

21 MAJORITY CHAIRMAN METCALFE: Thank you,
22 Representative Daley.

23 Just a quick segue before Representative Miller
24 asks his questions, but there was a question raised about
25 fraud that had occurred in either one of your counties, but

1 there was a headline last year of three former Philadelphia
2 election officials pleading guilty. And the DA that picked
3 up that case down there and prosecuted it, that under the
4 plea deal the story reads "felony fraud charges were
5 dropped" against the three individuals, Robin Trainor,
6 Laura Murtaugh, and Cheryl Ali, that Trainor had served as
7 a Judge of Election in Juniata's Park's 33rd Ward, 5th
8 Division, and Murtaugh was the Minority Election Inspector
9 in that division. So, you know, there is fraud that occurs
10 and we've seen it even recently prosecuted in Philadelphia,
11 that they were committing that.

12 Representative Miller.

13 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

14 Thank you, gentlemen, for your testimony.

15 Mr. Allison, earlier, you had spoken about
16 testing for accuracy and audits and such. What exactly is
17 the error rate that you find when you do your testing?

18 MR. ALLISON: Just this past week we ran what we
19 call a test deck. We allow the system to create a set of
20 PDFs that ballots are made from. We run those ballots on
21 the scanners, and they should vote in a specific pattern,
22 in a numerical pattern. And when we got to that particular
23 point, it ran the pattern. We have 75 precincts so the
24 first position on that ballot should get 75 votes and it
25 did. The next one, 150, 225, 300, and so forth. We got

1 down to one and it was one vote off. So we sat down with
2 the test deck, pulled out that particular precinct based on
3 the audit log to come off of that particular scanner, sat
4 down and determined that one of the ballots didn't go
5 through or two got pulled through at the same time,
6 isolated the ballot. Once we isolated the ballot, we could
7 have run it back through. I chose not to so as to show
8 that that particular test was one vote off and then wrote a
9 written explanation as to why it was off. So we were off
10 by a vote of one in a write-in ballot at that particular
11 point.

12 Once I get to the logic and accuracy test, I've
13 not found in the seven years that I've been a Director in
14 Lawrence County, I've not found the logic and accuracy
15 testing to be off by any percentage. It's been dead on.

16 REPRESENTATIVE MILLER: To follow up, are you
17 using different language then -- I think you used previous
18 and perhaps I missed it -- but you spoke about an audit.
19 Is that the same as the logic and accuracy test, the same
20 as audit?

21 MR. ALLISON: No. The audits that are done post-
22 election is a comparison of the number of voters that have
23 voted on all of the voting equipment in the precincts
24 compared to the number of signatures that were scanned out
25 of the poll books. Those two items should match. Then

1 those two numbers are then compared to the numbered list of
2 electors that is kept by hand at the precinct, multiple
3 copies. And as long as those three numbers match up, we
4 know that that's a successful audit in that particular
5 point in that particular precinct.

6 REPRESENTATIVE MILLER: Can you describe the
7 experience of the audit results?

8 MR. ALLISON: The audit results themselves I will
9 only permit roughly less than half of a percent variance,
10 and we've met that at every election.

11 REPRESENTATIVE MILLER: So less than half a
12 percent of variance on what number of people?

13 MR. ALLISON: Anywhere from 16,000 votes through
14 40,000.

15 REPRESENTATIVE MILLER: So half a percent of 16
16 to 40,000 is a fairly large number, could make a
17 significant different in certain elections.

18 MR. ALLISON: Well, when we turn around and we've
19 actually worked in a lot of those differences back down.
20 We actually found that an entire Board of Election failed
21 to sign the poll book. They voted, brought it to their
22 attention, oh, yes, we forgot to sign the poll book. So
23 those discrepancies are few and far between, and they are
24 remedied and/or explainable.

25 MR. BENYO: The machines go out with a zero

1 percent of error. There are no issues with the machines
2 once they're sent out. Human error tends to be the area
3 where you get your half a percent of a problem, not the
4 machines. I would never send a machine out with a problem.

5 REPRESENTATIVE MILLER: It tends to be the error?
6 In other words, there's human error for sure but then there
7 are other errors that are not related to human error.
8 Would that be correct?

9 MR. BENYO: None that I find in our equipment.

10 REPRESENTATIVE MILLER: Not in the equipment.
11 Thank you.

12 MAJORITY CHAIRMAN METCALFE: Thank you,
13 Representative Miller.

14 Representative Sims.

15 REPRESENTATIVE SIMS: Thank you, Mr. Chairman.
16 And before I get to my point, with respect to that last
17 point that you made, do either of you have any thoughts
18 with respect to when those errors do occur, percentages
19 that are based on malice versus I would say simple human
20 error as in a mistake of belief?

21 MR. ALLISON: I don't believe any would have been
22 committed with any sense of malice whatsoever.

23 MR. BENYO: No, not at all. It's not the intent.

24 REPRESENTATIVE SIMS: Thank you. Mr. Chairman,
25 our Chairman pointed out rightfully that there was a case

1 of fraud in Philadelphia a number of -- or not a number of
2 years ago, just in the very recent past, which was
3 appropriately identified, I believe is a felony and should
4 be prosecuted as such. There are 1,686 precincts in
5 Philadelphia. Do you two know of fraud that was committed
6 in the other 1,685?

7 MR. ALLISON: I have no knowledge of any.

8 MR. BENYO: No knowledge.

9 REPRESENTATIVE SIMS: Gentlemen, do you have any
10 reason to believe that we as a Committee or that me as a
11 Philadelphia voter, that information has been hidden from
12 us about any fraud in those other precincts?

13 MR. ALLISON: No, sir.

14 REPRESENTATIVE SIMS: All right. Thank you.
15 Gentlemen, you spoke earlier about how the poll books are
16 polled directly from the database. Is it possible,
17 therefore, for an individual to remove a person before the
18 roll books are printed? Is it possible for somebody,
19 again, with malice, with intent, to take somebody that is
20 in the database and not have them show up on the poll book?

21 MR. ALLISON: Not to my knowledge. The only
22 individuals who have access to the Statewide Uniform
23 Registry of Electors or the SURE system for short that is
24 housed by the Department of State and cared for by the
25 Department of State. However, all changes, all

1 alterations, all new registrations are all done at the
2 county level. So at that particular point I have trust in
3 my staff that they would do nothing in that regard.

4 MR. BENYO: County or State employee are the only
5 people that touch that information.

6 REPRESENTATIVE SIMS: Gentlemen, do you believe
7 that the integrity of the voting process in each of your
8 counties would be improved by having poll watchers that
9 were from outside of your counties?

10 MR. BENYO: It's not been proven.

11 REPRESENTATIVE SIMS: I understand that it's not
12 been proven. Do you believe that the integrity would be
13 increased?

14 MR. BENYO: No.

15 REPRESENTATIVE SIMS: Okay. And the last
16 question that I have for you is each of you has testified
17 that you have very little to no experience with voter
18 fraud. Do you have experience with voter intimidation?

19 MR. ALLISON: No.

20 MR. BENYO: No.

21 REPRESENTATIVE SIMS: All right. Thank you very
22 much, gentlemen.

23 MAJORITY CHAIRMAN METCALFE: Thank you,
24 Representative Sims. That's all the time we have for
25 questions with these testifiers. I still have several

1 Republican Members that wanted to still ask questions, so
2 we'll get them into a future testifier's question-and-
3 answer period --

4 MR. BENYO: Super.

5 MAJORITY CHAIRMAN METCALFE: -- and hopefully
6 they can get their questions in. But thank you both for
7 making the trip here today. We appreciate it very much --

8 MR. ALLISON: Thank you very much.

9 MR. BENYO: Thank you, Mr. Chairman.

10 MAJORITY CHAIRMAN METCALFE: -- you sharing your
11 expertise with us. Thank you.

12 Next, we have Mr. Samuel Derheimer. He's the
13 Manger for Election Initiatives, the Pew Charitable Trusts.

14 MR. DERHEIMER: Good morning.

15 MAJORITY CHAIRMAN METCALFE: Good morning, sir.
16 You can begin when you're ready.

17 MR. DERHEIMER: Good morning. Again, my name is
18 Sam Derheimer. I'm a Manager with the Pew Charitable
19 Trusts, and I run all of our research and all of our
20 programs related to voting and elections. I want to thank
21 Chairman Metcalfe, the rest of the Committee for having me
22 here this morning. I'm excited to discuss what you've been
23 talking about all morning, how State and local election
24 officials can best prepare for a smooth and secure
25 election.

1 So Pew has spent the better part of the last
2 decade working with State election officials, academics,
3 and technology experts from across the country to assess
4 and improve State voter registration and election systems.
5 And over the past several general election cycles, Pew's
6 elections performance index has provided an in-depth and
7 data-driven look at State performance in elections.

8 And from the initial release of that index that
9 covered data from the 2008 election through the most recent
10 release this past summer covering the 2014 election,
11 Pennsylvania performs above average in key indicators of
12 State election systems. So these include the number of
13 provision ballots cast and rejected, registration and
14 absentee ballot problems, the number of mail ballots
15 rejected, and the number of military and overseas ballots
16 rejected. These are the vital components of an election
17 system, and Pennsylvania performs better than average
18 across the country.

19 Further, you can and should boast about having
20 one of the shortest recorded wait times to cast a ballot
21 nationwide at just about a minute-and-a-half. In fact,
22 you're bested only by three States that have all vote-by-
23 mail elections.

24 Pennsylvania also ranks highly in our index with
25 100 percent data completeness. Without full and

1 transparent data collection, it's difficult if not
2 impossible to assess the health of a State's election
3 system. And while it may not generate headlines, good data
4 reporting is the foundation for meaningful evaluations like
5 our election performance index at Pew, which can point
6 towards areas in need of improvement so that resources can
7 be appropriately allocated.

8 Pennsylvania has also adopted new tools and
9 technologies that will make the election more secure and
10 boost voter confidence. So you've heard a lot about them
11 through the testimony so far this morning. These tools,
12 rather than responding to incidents after the fact like
13 online voter registration and ERIC, which you've heard
14 about today, reduce opportunities for fraud and abuse
15 before they can occur. And Pennsylvania's participation in
16 the Voting Information Project, VIP, empowers voters by
17 arming them with the information they need to navigate the
18 electoral process.

19 So online voter registration, as you've been
20 talking about it today, as been in States for over a decade
21 beginning with Arizona in 2002. Today, citizens in 32
22 States and the District of Columbia can register or update
23 their existing registration record electronically without
24 that need to print, sign, and mail a piece of paper.

25 States like Pennsylvania that have moved to

1 online voter registration have seen significant improvement
2 in the integrity and accuracy of the voting rolls primarily
3 by removing that kind of middle man paper registration
4 process.

5 So online registration systems put that power of
6 registration directly in the hands of the voter, right?
7 It's the voters themselves who are in the best position to
8 ensure that their information is correct, legible, and
9 submitted directly to the election officials. When
10 citizens don't have access to a secure online portal, voter
11 registration is typically driven by third-party groups that
12 encourage citizens to fill out paper forms by hand and then
13 hold onto those forms until such a time that they deliver
14 them to the election officials.

15 And because online applicants in most States
16 provide a driver's license or State ID number that is
17 checked one-to-one against a voter's file on record with
18 the State, as is the case here in Pennsylvania, citizens
19 who register online go through additional identity
20 verification beyond that applied to those who register
21 through paper.

22 Voter registration applications received
23 electronically also result in more accurate records. By
24 eliminating that paper middle man, online registration
25 removes the primary causes of data errors such as sloppy

1 handwriting on paper forms and third-party data entry.

2 In 2009, election officials in Maricopa County,
3 Arizona, found that voter registration applications
4 received on paper were up to five times more likely to
5 contain an error in the official voter record than
6 applications received electronically.

7 Now, to ensure that voters' information remains
8 private and secure, States have commonly employed security
9 measures such as data encryption, audit logs, CAPTCHA, and
10 secure networks. It's also possible to flag IP addresses
11 from which unusual traffic originates for investigation.
12 Now, none of those security measures are possible for paper
13 registration forms.

14 And as you heard, earlier this year, Pennsylvania
15 also joined ERIC, the Electronic Registration Information
16 Center. Through its partnership with the 20 other ERIC
17 States, including several of your neighboring States,
18 Delaware, Maryland, Ohio, and West Virginia, State election
19 officials receive actionable data to improve the accuracy
20 and completeness of the State voter rolls.

21 ERIC points election officials to eligible but
22 unregistered citizens, allowing the election officials
23 rather than the campaigns and third-party advocacy groups
24 to reach out to these citizens prior to the registration
25 deadline and educate them on the most efficient and

1 accurate way to register, which here is through your online
2 voter registration system.

3 By encouraging potential voters to register
4 earlier in the cycle and online, election officials can
5 reduce the crush of registration applications that always
6 arrive right before the deadline of a major election, a
7 time when election officials are most busy with all the
8 other work of hosting a general election.

9 Once registered, voters can find information they
10 need to cast their ballot online with the Department of
11 State's information system or through the State's
12 participation in the Voting Information Project, VIP. VIP
13 is a partnership between Pew, Google, and the State
14 election officials to package the key and important
15 election information that voters need and put it where they
16 will naturally come across it, on Facebook, through their
17 campaign Web sites that they're interested in, or through
18 local newspaper Web sites.

19 During the April primary this year, we saw nearly
20 125,000 lookups of polling place information in
21 Pennsylvania through VIP's Get to the Polls application.
22 Those voters received accurate polling place information
23 sourced directly from their own election officials. Voters
24 are even given a map on how to get to their polling site.

25 So recently adopted tools like these have a

1 substantial impact on voters' experience on election day.
2 When voters cast a ballot on November 8th and experience a
3 smooth process, when they're able to show up to their
4 correct precinct, when their name is listed accurately on
5 the voter rolls, and when they wait in some of the shortest
6 lines in the Nation, their confidence in the outcome of the
7 election increases. In fact, researchers have actually
8 shown that a bad, mismanaged election precinct will
9 directly affect the voter's confidence that their ballot
10 was accurately collected and tabulated.

11 So when comparing like elections, Pennsylvania is
12 notably moving in the right direction, improving its score
13 in our Elections Performance Index in the 2012 data
14 compared to 2008 and also in the 2014 data compared to
15 2010. By adopting proven tools and policies that make
16 voter registration more accurate and efficient, and by
17 putting election information where voters can easily find
18 it, you have made significant strides to improve the
19 election experience for voters and to reduce opportunities
20 for fraud and abuse before they can rise.

21 The Pew Charitable Trusts applauds these
22 proactive efforts to ensure a secure and smooth election.
23 And while it may be impossible to avoid all problems on
24 election day, your work over the past several years to
25 eliminate problems before they can become realities by

1 employing modern technology and better data practices
2 should really be commended.

3 So again, I want to thank you so much for the
4 opportunity to discuss these issues with you, and I'm more
5 than happy to take some questions at this time.

6 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
7 you for being with us today.

8 And you were probably here when the Secretary was
9 testifying --

10 MR. DERHEIMER: Yes.

11 MAJORITY CHAIRMAN METCALFE: -- I assume, and
12 heard some of the questions because it was a surprise to me
13 that there was a broad-based mailing going out to millions
14 of people just before the election to try and increase the
15 voter rolls that we're trying to clean up and that some of
16 those mailings were going to people that were foreign
17 nationals that aren't eligible to vote. Knowing that it
18 was going to go there, they put, I believe, a sentence in
19 there to try and resolve that issue, but, I mean, there's
20 reports around the country. I mean, we've had reports out
21 of Philadelphia with foreign nationals voting in elections
22 that they weren't allowed to vote in.

23 And we've had reports of people registering to
24 vote I think coming from the Motor Voter, students that are
25 here, not understanding the question, inadvertently

1 registering to vote. As long as they don't exercise that,
2 then it doesn't create a problem in undermining the
3 integrity of our process, but if you have somebody
4 registering and then actually voting like we've had some
5 instances of, and then some very high-profile cases that
6 we've been made aware of, I mean, most recently with the
7 Turkish national that's a terrorist out in Washington State
8 that was registered to vote.

9 And I appreciate the work that your foundation
10 has done. I appreciate the ERIC system. I think it has
11 the ability to help us clean up our voter rolls and help us
12 reduce the possibility for fraud by doing so.

13 But with that said, there's probably been some
14 confusion among some of the people in Pennsylvania because
15 there is another group called the Voter Participation
16 Center. Are you aware of that group at all that's been
17 sending mailings out?

18 MR. DERHEIMER: I am, and that is completely
19 separate and distinct from the State election officials who
20 own and run ERIC.

21 MAJORITY CHAIRMAN METCALFE: Right. That's what
22 my understanding was. I appreciate you making that
23 difference.

24 But, you know, they sent a mailing to one of my
25 staff under maiden name at a previous address. I've got a

1 report from a constituent that they'd sent one to her
2 deceased grandmother who would have been 105 years old. So
3 you have people getting those mailings, they're coming
4 under other names, they're coming under maiden names,
5 they're coming to deceased relatives, and people start
6 questioning what's going on, who's doing this, are people
7 going to register to vote based on this activity that
8 shouldn't be registered to vote?

9 And I'd asked the Secretary what he can do, what
10 we can do together because personally I think that we
11 should be able to ensure that when somebody registers to
12 vote that they're a citizen. I think that you ought to
13 show that proof when you're registering. I know it's been
14 a battle in the courts across the country and for some
15 reason certain people in this continue to strike it down in
16 the courts.

17 But has the Pew foundation considered that aspect
18 of the election process with foreign nationals registering,
19 some that aren't allowed to, some voting? Is there
20 anything that Pew can recommend or have you analyzed that
21 problem in Pennsylvania or across the country?

22 MR. DERHEIMER: Yes, thank you for the question.
23 You've hit on a really key topic that's been discussed this
24 morning. And you heard from Secretary Cortés and you would
25 hear from the other Secretaries who own and manage ERIC

1 that that very concern was one of the reasons they got
2 together with Pew, some academics, to create the concept of
3 ERIC. And that core vision of making sure that eligible
4 voters and only eligible voters are able to participate in
5 the system was baked into the design of ERIC from the
6 beginning.

7 The concept really is give election officials,
8 the people who control and manage our elections, more power
9 to control that voter registration and election process, so
10 giving them the information to reach out earlier in the
11 election cycle. And that's a big deal to election
12 officials, as you've heard earlier. Getting that crush of
13 registrations, thousands and thousands of registrations
14 that come in right at the deadline and have to be
15 processed, there is an opportunity for error in that.

16 ERIC helps election officials by pointing them to
17 eligible individuals earlier in the election cycle so that
18 they can be reached out, encouraged, and educate them to
19 register through the most secure means and earlier in the
20 process, allowing for more time for vetting.

21 Now, you heard that I believe seven individuals
22 throughout the State who may not be citizens did receive
23 this postcard out of --

24 MAJORITY CHAIRMAN METCALFE: That contacted them.

25 MR. DERHEIMER: Yes, contacted them. So again,

1 you heard that on the outreach that they received it stated
2 very clearly the criteria to register, and what it did was
3 direct them to the online voter registration site where
4 they again for a second time saw all the criteria. They
5 must attest to being a citizen, residency, age
6 requirements. Again, this is actually one additional time
7 than traditional voter registration on paper would occur.

8 MAJORITY CHAIRMAN METCALFE: Now, just because of
9 our time being cut short, all of that is good, but what if
10 those people that received it that didn't call that decide
11 they're going to register, I got a postcard telling me to
12 register, well, yes, there's a sentence saying I should
13 call this number if I'm not a citizen because there are --
14 we know there's cases of foreign nationals that have
15 registered and we know that there's cases of foreign
16 nationals who have voted in Pennsylvania and other areas of
17 the country.

18 So has the Pew foundation looked at that? And
19 how do we -- because I know one of the suggestions that
20 I've read has been proffered to say, you know, we should
21 connect our election bureaus to the SAVE system like we've
22 been saying that we should do with our welfare system in
23 Pennsylvania to ensure that if you're going to get welfare
24 benefits, you have to get through that Federal check in the
25 SAVE system, that Federal system, and check your

1 verification and eligibility as an alien. Has Pew looked
2 at utilizing that, recommending that we utilize that or
3 doing anything else to stop foreign nationals from
4 registering and undermining our elections?

5 MR. DERHEIMER: No, we haven't. It's a great
6 research question, and I think you might have given me some
7 research for next year.

8 MAJORITY CHAIRMAN METCALFE: Thank you.

9 MR. DERHEIMER: You know, we have looked at the
10 systems that are being put in place across the States right
11 now. I mentioned online voter registration and ERIC and
12 their ability to reduce those opportunities. But I'm sure
13 there are other ways and other databases that might play
14 key roles in the future.

15 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
16 you. Representative Cohen.

17 DEMOCRATIC CHAIRMAN COHEN: Thank you,
18 Mr. Chairman.

19 And it's interesting, our concern about foreign
20 nationals voting. We also have allegations of foreign
21 governments trying to hack our governmental system
22 simultaneously.

23 The Pew center, have you looked into Internet
24 voting? I find myself participating in an experiment in
25 Internet voting by being a candidate for the Board of

1 Governors of the Philadelphia Bar Association. And for the
2 first time they are having the whole election by Internet
3 voting. And it'll be -- are you aware of other experiments
4 that have taken place on Internet voting? Do you see
5 positive things ahead? Do you see dangers in Internet
6 voting?

7 MR. DERHEIMER: Internet voting is an interesting
8 question. There are some foreign nations -- I believe
9 Estonia votes online. We are not there in the United
10 States. And a key component of why is the detachment of
11 identity to the vote, right? So when we look at online
12 voter registration, that must attach an identity to the
13 person conducting that online transaction. But when you're
14 voting, you want anonymity. So that's an entirely
15 different process of casting something, you know, sending
16 data through a system and completely detaching it from the
17 identity of the person who sent it.

18 I would say from what I've read, from the
19 research I've seen, we are not there yet. We may be in the
20 future, but I could not recommend online voting at this
21 time.

22 DEMOCRATIC CHAIRMAN COHEN: Thank you very much.

23 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
24 you, sir, for joining us today and we appreciate your work.

25 MR. DERHEIMER: Thank you. Again, thank you very

1 much.

2 MAJORITY CHAIRMAN METCALFE: Thank you.

3 Our next testifier will be Mr. Joe DeFelice.

4 He's the Chairman of the Republican City Committee of

5 Philadelphia.

6 MR. DEFELICE: Do you need copies?

7 MAJORITY CHAIRMAN METCALFE: We received it this

8 morning, and I think it's in the Members' packets.

9 MR. DEFELICE: Wonderful. Chairman Metcalfe,

10 Democratic Chair Cohen, Members of the Committee, my name

11 is Joe DeFelice. I'm Chairman of the Philadelphia

12 Republican Party. I have a long history of experience in

13 politics. I started as an intern with this body at the

14 House of Representatives, went on to become a legal intern

15 with the Office of the Attorney General, began working in

16 this arena dealing with election day operations in

17 Bush/Cheney '04. I stated on with the State party from

18 2006 until 2012, at which time I was hired by Mitt Romney

19 for President as Pennsylvania's Director of election day

20 Operations.

21 I've recently been elected Chairman of the

22 Philadelphia Republican Party. I also teach political

23 science at both Widener University and LaSalle University,

24 intro to American Government.

25 I've also served at the bottom level as a

1 Republican Committeeman, Clerk of Elections, a Ward Leader,
2 a Member of Republican State Committee, but I'm also
3 involved in several service organizations. I served as
4 President of the Mayfair Civic Association, Chairman of the
5 Mayfair Community Development Corporation, Board of the
6 Sons of Italy of America, board of my local parish, as well
7 as other service organizations.

8 Through my years of experience, I've noticed many
9 issues of great concerns with elections in our
10 Commonwealth. A lot of what we talk about on a regular
11 basis is at a high level. I'm talking really at the most
12 local level possible, which would be the Election Board,
13 the Judge of Elections, the Majority and the Minority
14 Inspector, the Clerk, the machine operator, and then
15 finally poll watchers and voters.

16 In the Commonwealth, one may be elected to a
17 local Election Board by circulating petitions and securing
18 a spot on the primary election ballot and thus getting
19 selected as either Judge of Elections or qualifying for one
20 of the two positions for Inspector of Election. Highest
21 vote-getter becomes the Majority Inspector, second-highest
22 vote-getter becomes the Minority Inspector.

23 Nevertheless, there are two other ways where one
24 can become an Inspector of Election. The first is by
25 securing enough write-in votes. The second is by getting a

1 court order within Philadelphia County signed by three
2 registered electors within that precinct prior to the
3 primary or general election. That court order is then
4 signed off by the President Judge of the Court of Common
5 Pleas.

6 In Philadelphia, it is quite difficult in many
7 neighborhoods for Republicans to get enough signatures to
8 appear on the ballot because in order to do so, they must
9 get five signatures from registered Republican electors in
10 that voting precinct. Some precincts in Philadelphia, it's
11 going to be a hard time to find five Republicans. We've
12 seen those 59 divisions that had zero votes for Mitt
13 Romney, try getting five Republican signatures in those
14 precincts to become an Inspector of elections.

15 Republicans have taken to the Court of Common
16 Pleas -- in this case so what we've ended up doing is going
17 to the Court of Common Pleas to get court-appointed. It
18 allows us procedure. The Democratic City Committee does
19 it, the Republican City Committee does it, and individual
20 voters do it. You need to find three registered electors
21 within your division, get them to sign a form, and that
22 appoints you for the remainder of the term.

23 Normally, after you file this paperwork, you then
24 must post in triplicate in English and Spanish a notice of
25 a hearing at every polling place where you plan on putting

1 in Election Board workers, whether it's a Judge of
2 Elections Majority or Minority.

3 Usually, there's nominal opposition. However,
4 the last Presidential cycle, prior to the general election
5 2012, opposition was logged to all 307 of our petitions.
6 Now, mind you, there are 1,687 voting precincts in the City
7 of Philadelphia. Roughly 800 had zero Republican
8 representation, meaning no Judge of Elections, no Majority
9 Inspector, no Minority Inspector, no clerk, no machine
10 operator, no bilingual interpreter, roughly 800.

11 So we took on the yeoman's work of going out into
12 the community, identifying Republicans that lived in those
13 voting precincts to ask them to consider serving on the
14 Election Board so that we had a balanced, fair election,
15 two members from one party, three to four members from the
16 other party. We were shocked that all 307 of our petitions
17 were objected to purely for partisan political reasons.
18 However, of those 307, 300 were approved by President Judge
19 Dembe.

20 Prior to election day, all appropriate parties in
21 each precinct -- specifically the Judge of Elections --
22 were notified by the Philadelphia City Commissioners that
23 these appointments were approved and that these individuals
24 must work on election day.

25 Also, as noted in Section 404 of the Pennsylvania

1 Election Code, each Minority Inspector has the sole
2 authority to appoint a clerk for the precinct in which they
3 serve. However, there is no procedure for such
4 appointment.

5 On Tuesday, November 6th, 2012, in the early
6 morning these 300 newly appointed Inspectors appeared for
7 work almost all prior to the 7:30 a.m. allowable time, and
8 between 7 to 100 were promptly denied entry to their
9 polling place. The Judges of Elections refused, refused to
10 abide by Judge Dembe's court order. Many of them felt
11 physically intimidated and threatened, heard such things as
12 "You can't come in," "There are only Democrats here," "We
13 don't have Republicans around here," and "I don't care what
14 the court order says.

15 Many of them, as I said, felt intimidated. The
16 harassment from their own neighbors wasn't worth the \$95.
17 So they would just go home. They would go home rather than
18 stay there because you've got to understand. In
19 Philadelphia, unlike some rural areas, voting precincts are
20 like three blocks wide, which is, you know, essentially
21 half the size of the Capitol. So you have a situation
22 where you're going to work on election day and maybe the
23 Judge of Elections lives at your corner and they're
24 harassing you, and frankly, it's not worth the \$95 that
25 they get paid to take that harassment, you know, from their

1 fellow neighbors.

2 You know, this made national news stories. It
3 was a top story on the Drudge Report. Fox News reported on
4 it and frankly gave a black eye to the City of
5 Philadelphia.

6 Some specific issues that arose on election day,
7 in the 39th Ward, 1st Division in south Philly, the
8 Democrat Committeeman was also working the table. In the
9 2nd Ward, 12th Division, Election Board workers were
10 entering the booth with voters without them having fill out
11 assistance forms. In the 11th Ward, 16th Division in north
12 Philly, Judge of Elections would not allow the Minority
13 Inspector to sit. In the 56th Ward, 1st Division in
14 northeast Philly, an unofficial Democrat was working as
15 Judge, thereby not allowing the Minority Inspector to sit.
16 In the 15th Ward, 3rd Division in the city's Fairmount
17 section, someone who did not work at all was allowed to
18 sign the "payroll sheet" for the day.

19 That's one issue that always comes up pretty
20 regularly. Essentially what happens is a judge -- no one
21 runs for these positions. You have a Judge of Elections.
22 They just ask their sister, their mom, their brother to
23 come work for the day. And essentially, they get upset
24 because all of a sudden a Republican shows up even though
25 they were notified a week in advance, even though the

1 Democratic Ward Leader was notified, even though the
2 Democratic City Committeeman was notified, they come with a
3 court order and now their mom and their sister have to go
4 home for the day.

5 They don't take very kindly to that, and so what
6 they'll do is they won't allow the -- so even if they allow
7 the Republican to stay, they'll still allow their mom and
8 their sister to sign the payroll sheet as if they worked
9 and collect the check there afterwards, which I feel is a
10 certain level of fraud.

11 In the 56th Ward, 22nd Division in northeast
12 Philly, the Judge refused the inspector because it was "not
13 her person." In the 48th Ward, 13th Division the Judge
14 would not allow our inspector to serve. I mean, if you
15 keep going down this list, it's more and more and more of
16 the same.

17 Because of this type of treatment, it has become
18 increasingly harder to find registered Republicans to serve
19 in those precincts. Please note that many of these
20 individuals were treated this way not solely because of
21 affiliation, rather because two of the workers who had
22 previously worked, which I just spoke about, could have
23 been the mom or the sister or the brother of said Election
24 Board worker.

25 In many of these precincts, this practice had

1 gone unchecked for years and in some cases decades, leading
2 to a sense of entitlement by those soon-to-be displaced
3 workers or a sense of lack of respect felt by the Judge of
4 Elections or the Democrat Committeeperson or Ward Leader,
5 who, while having no official position, exerts
6 extraordinary control over many of the polling places in
7 Philadelphia.

8 It is because of this type of behavior that
9 simply allowing Philadelphia residents to act as poll
10 workers is underwhelming. Rather, Pennsylvania should get
11 in line with many other States such as Michigan and
12 Virginia that allow for watchers to come from anywhere in
13 the State.

14 The importance of a bipartisan board or watchers
15 from various parties is paramount to a free and fair
16 election. This level is the smallest subdivision of
17 government in our Commonwealth, but all parties should be
18 afforded equal access and the ability to be free from
19 intimidation or undue influence.

20 Actually, it was one of our credentialed poll
21 watchers that alerted us to the Obama mural in the 35th
22 Ward which that featured on national television. This
23 mural was there for quite some time -- complete with
24 campaign logo -- but had not previously been reported until
25 one of our watchers noted it and reported it.

1 Whatever the impact, polling places are supposed
2 to be free from all campaign materials, and many times that
3 is the case. Regularly, campaign literature is left on
4 tables and in some cases, like those I encountered in the
5 primary election of 2006 -- and, Ms. Brown, this will be of
6 special interest to you. It was actually your race against
7 Tommy Blackwell when he was trying to run a write-in
8 campaign at Ethel Allen School.

9 The Election Board workers were handing out
10 stamps at the polling place for Tommy Blackwell because
11 Tommy was removed from the ballot. He had the Election
12 Board workers in roughly seven precincts we visited handing
13 out stamps to people saying, hey, you know, I have Tommy
14 Blackwell's stamp here for you, and they were showing them
15 how to do the write-ins. You prevailed in that election, I
16 believe, and that was the primary. So that's just one
17 example.

18 It's not just a Republican-Democrat issue. A lot
19 of this stuff regularly comes about in Democratic
20 primaries. Unfortunately, in Philadelphia we don't see a
21 whole lot of Republican primaries. I mean, it is pretty
22 rare. But in the Democratic primaries it's very, very
23 prevalent. We see a lot of it specifically in the 7th and
24 the 19th Wards in the Latino section of the City of
25 Philadelphia and really just in other places as well.

1 For example, in the 18th Ward, 1st Division
2 Election Board workers engaged in actual voter fraud by
3 adding six votes to the machine after the polls closed.
4 Our poll watcher promptly called our office. We in turn
5 called Commissioner Schmidt's office -- that's Commissioner
6 Al Schmidt -- who in turn called the District Attorney's
7 Office, who filed charges. These workers were removed from
8 office and have since entered into an ARD program.

9 In the 28th Ward, 13th Division, the Judge of
10 Elections Dianah Gregory admitted to improper
11 electioneering and tampering with voting machines. In the
12 36th Ward, 10th Division a machine inspector admitted
13 voting for her mother, who was ill. In the 33rd Ward, 5th
14 Division the Judge of Elections signed for and voted for
15 her 23-year-old son. In the 2011 primary election, our
16 research revealed that 5 percent of approximately 1,700
17 divisions in Philadelphia recorded a higher vote total by
18 registered voters for one party in a particular race for
19 Mayor or City Council seat than the number of that party's
20 voters who signed that.

21 So take this for example. You have a situation,
22 there's 1,687 polling places. Roughly 200 in the City of
23 Philadelphia had actually more votes than voters that
24 signed the book. Now, after digging into it, it was since
25 rectified by the City Commissioner's Office.

1 But in the 2012 primary in 301 voting divisions,
2 there were 990 more votes cast than voters that signed the
3 ledger in those precincts. Also, in 194 divisions,
4 President Obama received 681 more votes than voters that
5 signed the ledger. And he was running unopposed.

6 So in that situation, essentially what happened
7 was when the Help America Vote Act came in in 2002 it
8 provided for provisional ballots. There are 67 counties in
9 the Commonwealth. Sixty-six counties got rid of what they
10 called voter slips. What is a voter slip? A voter comes
11 into the polling place to say hi, my name's Joe Smith; I'm
12 here to vote. And they would say, oh, you're not in the
13 book. Let me call down to the County Board of Elections,
14 at which point the Judge of Elections would get on the
15 phone to whoever and say, hey, Joe Smith's here ready to
16 vote; can he vote today? And they would say sure. He
17 would sign a voter slip rather than the ledger and his vote
18 would go on the machine.

19 You know, a lot of times when we talk about
20 elections, we talk about disenfranchisement. One of the
21 big things last year during voter ID is, you know, if one
22 person doesn't get to vote, you know, isn't that too much?
23 And frankly, I agree with that. But on the flip side, if
24 one extra vote is added to the machine wrongly, are we in a
25 situation that is also disenfranchisement of everyone else.

1 So what the City Commissioners did, to their
2 credit, is they outlawed voter slips because provisional
3 ballots were supposed to be the mechanism to allow someone
4 to vote if they're not in the poll book. But Philadelphia,
5 from 2002 until 2013, were still continuously using voter
6 slips, which ended up in a situation where Barak Obama gets
7 681 more votes than voters that showed at the polls.

8 And finally, who can forget the curious case of
9 Joseph Cheeseboro and the other Joseph Cheeseborough. Both
10 gentlemen were registered in the 26th Ward and shared the
11 exact same day of birth but were two years apart in age. I
12 actually went to both Mr. Cheeseboro's homes. One was
13 roughly 2300 South Broad Street. If you're familiar with
14 the city, it's diagonal from Southern High School. And it
15 was Apartment 711. Lo and behold, it was a 7-Eleven. I
16 went into the 7-Eleven and I asked for Mr. Cheeseboro. Of
17 course, he was not there.

18 The other property was -- I don't remember the
19 exact address but let's just say it was 3300 South 24th
20 Street. I went to 3300 South 24th Street and I ended up in
21 the middle of a vacant field. And when I say that the
22 property no longer existed, it wasn't just that the house
23 no longer existed. It was that the street no longer
24 existed. Essentially, you had old military housing that
25 had been torn down, the streets have been torn up, and new

1 streets with fancy Italian names had been laying
2 perpendicular over top of those streets.

3 So we had two Joe Cheeseboros both voting.
4 Thankfully, the City Commissioners took the issue and
5 struck both Cheeseboros from the roll.

6 Look, everyone has a right to a cast a fair vote,
7 and both parties should agree that election results should
8 reflect the voters will, period. I am happy that this body
9 is undertaking the often-scrutinized yet underappreciated
10 role of trying to reform elections in the Commonwealth and
11 hope that my testimony today will lead to better treatment
12 of our Election Board workers and, to a larger extent,
13 voters not only Philadelphia but in the Commonwealth of
14 Pennsylvania. Thank you. I'll be happy to take some
15 questions.

16 MAJORITY CHAIRMAN METCALFE: Thank you, sir, for
17 your testimony.

18 Representative Sims.

19 REPRESENTATIVE SIMS: Thank you, Mr. Chairman.
20 And thank you, Chairman DeFelice.

21 Sir, can you tell me how many registered
22 Republicans there are in the City of Philadelphia?

23 MR. DEFELICE: One hundred and twenty thousand.

24 REPRESENTATIVE SIMS: One hundred and twenty
25 thousand? I've seen data that says 140,000. Any idea

1 where the discrepancy could fall?

2 MR. DEFELICE: No, it's 120,000.

3 REPRESENTATIVE SIMS: It's 120,000. And there
4 are 1,687 voting precincts in Philadelphia?

5 MR. DEFELICE: Correct.

6 REPRESENTATIVE SIMS: So that comes down to, on
7 average, somewhere between -- and someone will correct my
8 math here -- somewhere between 70 and 80 Republicans per
9 precinct?

10 MR. DEFELICE: That's fair.

11 REPRESENTATIVE SIMS: Okay. And this legislation
12 is in some response to the argument that there are not
13 enough Republicans per precinct to be poll watchers. I
14 suppose my question to you is, are you aware of any other
15 time that the Pennsylvania Legislature has ever passed
16 legislation because Democrats couldn't do a good enough job
17 of organizing before elections?

18 MR. DEFELICE: No.

19 REPRESENTATIVE SIMS: All right. Thank you very
20 much, sir.

21 MAJORITY CHAIRMAN METCALFE: Mr. DeFelice, one of
22 the initiatives that you mention in you testimony was a
23 bill that we passed that we were hopeful would run on the
24 House Floor. Representative Saccone is the author of it.
25 It's to allow poll watchers from anywhere in the State to

1 be able to come to another area of the State where poll
2 watchers are needed. And you mentioned that legislation, I
3 believe, in your testimony. Could you expand on why that
4 would help in your situation?

5 MR. DEFELICE: Oh, sure, 100 percent. I mean, I
6 gave you examples of different areas of issues that have
7 happened throughout the City of Philadelphia specifically
8 dealing with the Election Board. And what we've shown is
9 we've tried to go through the right protocol of appointing
10 Minority Inspectors, but the issue that we run into is 100
11 -- so that's one-third with court orders -- and now we're
12 not talking about poll watcher certificates. Poll watcher
13 certificates are essentially a party function that the City
14 Commissioners stand up. This was a court hearing with
15 court orders from the President Judge that were openly
16 denied by Judges of Elections with no retribution. So
17 frankly, in some of these areas it's very hard for us to --
18 you know, we may have 120,000 Republicans, but you know
19 what, not in the 28th Ward, not in the 16th Ward. And
20 frankly, maybe I need to do a better job of recruiting more
21 Republicans in those areas, and I will take the hit for
22 that.

23 That being said, I feel that we -- you know, for
24 fair election purposes, I believe why don't we fall in line
25 with, say, Virginia or with Michigan. My concern is if

1 these issues are going on and you have entire Election
2 Boards fully filled by Democrats -- and look, let's face
3 it, poll watchers, unlike Election Board workers, are
4 volunteers. It's hard to get people in the City of
5 Philadelphia to volunteer on election day, specifically to
6 go maybe into a neighborhood where they're not from, a
7 place where they're not comfortable. So if we can expand
8 that universe, it will make it easier for us to make sure
9 that we have eyes and ears so that maybe the incidents that
10 happened in the 18th Ward where they're adding six votes to
11 the machine or in the 36th Ward, maybe that doesn't happen
12 again.

13 MAJORITY CHAIRMAN METCALFE: And I believe
14 another piece of legislation that we had passed is authored
15 by Representative Barrar from Delaware County that would
16 allow for Inspectors to be from anywhere in the county
17 instead of just the precinct.

18 So we have the Saccone bill that would allow for
19 poll watchers to be drawn from anywhere in the State for
20 another county and for the Inspectors to be drawn from
21 anywhere within the county, which seems like it would help
22 your issue where you may not have five Republicans in a
23 precinct.

24 MR. DEFELICE: Look, I think that would help
25 immensely. It would make our job easier. And frankly, I

1 mean, last year -- I think it was two years ago they
2 allowed circulators to be from anywhere else in the country
3 when circulating petitions, right, anywhere else in the
4 State circulating petitions. You didn't have to be in that
5 election district anymore.

6 So I don't see why not -- if you're allowing
7 circulators to be involved in the process from western
8 Pennsylvania while circulating a petition in Philadelphia
9 for election issues, I don't see why the same case couldn't
10 be made for someone to watch a polling place from
11 Philadelphia to say in York County or Forest County or Elk
12 County.

13 But with respect to the Inspector issue, I think
14 that's right on. It has shown time and time again, 2008,
15 2010, 2012, 2013, '14, '15 when I really began getting more
16 -- every year we have Election Board workers thrown out of
17 the polling places in the City of Philadelphia. And while
18 the District Attorney has been much better of addressing
19 these issues day of, there's really been no follow-through
20 thereafter.

21 MAJORITY CHAIRMAN METCALFE: And what you
22 mentioned about the circulation, that wasn't a legislative
23 change; it was a change that was made by those men and
24 women in black robes that, through judicial activism,
25 changed with the case law the current law that requires

1 circulators to be from the district when they're
2 circulating petitions, unlike these bills where we had many
3 more people that were involved in the decision of advancing
4 these bills to the full House in this Committee that voted
5 for them, many of the Committee Members who voted for those
6 bills.

7 So we thank you for your testimony today, sir.
8 Thank you for --

9 MR. DEFELICE: Thank you for having me.

10 MAJORITY CHAIRMAN METCALFE: -- joining us and
11 for the information.

12 DEMOCRATIC CHAIRMAN COHEN: Mr. Chairman?

13 MAJORITY CHAIRMAN METCALFE: Representative
14 Brown?

15 REPRESENTATIVE BROWN: Yes, thank you,
16 Mr. Chairman.

17 Mr. DeFelice, you named a lot of precincts by
18 numbers in the City of Philadelphia where there were
19 deficits. Could you actually tell us what areas of the
20 city they are?

21 MR. DEFELICE: Oh, 100 percent. For example, the
22 18th Ward is in Fishtown. The 28th Ward is in north
23 Philadelphia. The 36th Ward is in south Philadelphia. The
24 33rd Ward is in the lower northeast. The 65th Ward is in
25 the northeast. The 37th Ward is in north Philadelphia.

1 The 60th Ward is in west Philadelphia. The 18th Ward is in
2 the River Wards. The 5th Ward is in Center City,
3 Representative Sims' district. The 53rd Ward is in
4 northeast Philly, which I believe is right near
5 Representative Cohen's district; the 36th Ward, again,
6 south Philadelphia; the 21st Ward, northwest Philadelphia,
7 which is Rep. DeLissio's area; the 56th Ward, again,
8 northeast Philadelphia; the 11th Ward, north Philly; the
9 2nd and 39th Ward, south Philly.

10 So realistically, every issue, every single ward
11 and division that I put on here represents every section of
12 the City of Philadelphia.

13 REPRESENTATIVE BROWN: I'm glad you didn't say
14 west Philadelphia.

15 MR. DEFELICE: Oh, I did say west Philadelphia.

16 REPRESENTATIVE BROWN: Southwest, not my area.

17 MR. DEFELICE: Did I not say southwest? I'm
18 pretty sure --

19 REPRESENTATIVE BROWN: But that's okay. Thank
20 you. I just wanted to clear that up.

21 MR. DEFELICE: Oh, I did. You're right --

22 REPRESENTATIVE BROWN: Okay.

23 MR. DEFELICE: -- it was not.

24 REPRESENTATIVE BROWN: Yes.

25 MR. DEFELICE: But it was your district, and when

1 I went to the 28th Ward when Representative Blackwell had
2 the Election Board workers handing out his stamps.

3 REPRESENTATIVE BROWN: Well, that was --

4 MR. DEFELICE: While not west Philadelphia, it
5 was definitely your district --

6 REPRESENTATIVE BROWN: Okay.

7 MR. DEFELICE: -- before you took over.

8 REPRESENTATIVE BROWN: Thank you.

9 MAJORITY CHAIRMAN METCALFE: Thank you,
10 Representative Brown.

11 Representative Cohen, I believe.

12 DEMOCRATIC CHAIRMAN COHEN: Thank you,
13 Mr. Speaker.

14 In 2017 we're going to be electing -- Judges'
15 elections, and the Majority Inspectors, Minority
16 Inspectors, and so forth in the City of Philadelphia. Is
17 the Republican Party going to be making a significant
18 effort citywide to get those positions filled?

19 MR. DEFELICE: And what we do is essentially we
20 go back to the people that we've appointed and said, hey,
21 look, now you need to run for this spot. But honestly, the
22 issue is so much -- in order for us to get a court
23 appointment, it's three signatures from registered
24 electors, one of which can be the petitioner themselves.
25 So they need to get two others.

1 In some of the areas in west Philadelphia and
2 north Philadelphia specifically it's really hard to find
3 five registered Republicans over a three-week period in the
4 winter at home. This process can be done over the course
5 of an entire summer, an entire spring, and an entire fall,
6 and we're just trying to, you know, even the playing field
7 and make sure that we have representation on the Election
8 Boards.

9 But to answer your question, 100 percent. I
10 believe that we will increase the numbers that we did in
11 2013, almost double, which at the same time I believe we
12 increased that probably by 50 percent from what we did in
13 2009.

14 DEMOCRATIC CHAIRMAN COHEN: Yes, I certainly
15 believe there's room for improvement in my election
16 division. There are about 75 Republicans, and it's been a
17 long time since anybody filed for an Inspector or Judge of
18 Elections in that district on the Republican ticket.

19 You know, I think an awful lot of these problems
20 could be solved with better organization. Generally
21 speaking, in areas that are heavily black, you don't
22 provide election day money and you do provide election day
23 money in white areas. And you're making a practical
24 political judgment that, you know, where --

25 MR. DEFELICE: So are we talking -- I'm sorry.

1 DEMOCRATIC CHAIRMAN COHEN: -- your votes are and
2 I understand you don't have unlimited resources. But I
3 would think if you did spend some money on election day in
4 the black community, you would get more votes. You would
5 build up an infrastructure over time.

6 MAJORITY CHAIRMAN METCALFE: Representative
7 Cohen, could you clarify for the Members that aren't
8 familiar with Philadelphia politics what election day money
9 is?

10 DEMOCRATIC CHAIRMAN COHEN: Yes. People get paid
11 for working at the polls. Democrats have a citywide
12 operation. Generally --

13 MAJORITY CHAIRMAN METCALFE: You mean the
14 campaign workers outside -- they have to be outside of 10
15 feet of the door that are --

16 DEMOCRATIC CHAIRMAN COHEN: Yes.

17 MAJORITY CHAIRMAN METCALFE: -- working outside
18 the poll --

19 DEMOCRATIC CHAIRMAN COHEN: That's correct,
20 for --

21 MAJORITY CHAIRMAN METCALFE: -- that they get
22 paid to --

23 DEMOCRATIC CHAIRMAN COHEN: For advocating the
24 election of Mark Cohen or Barack Obama or whoever else the
25 candidate is.

1 MR. DEFELICE: Well, Representative Cohen, I
2 never thought we'd be speaking about street money here in
3 the State Government Committee, but I am happy to discuss
4 street money. Street money is a Philadelphia institution.
5 When I go out to Republican State Committee meetings in
6 Harrisburg, they find it very odd that poll workers are
7 paid in the City of Philadelphia.

8 Frankly, you know, political mercenaries on
9 election day isn't our way to build the party. You know,
10 we do need to make sound investments in communities. We
11 try to run candidates where we have viable candidates.
12 We're not going to run candidates just to have a name on
13 the ballot. It's a waste of everyone's time. However, if
14 we have viable candidates -- a special election last year
15 we ran Adam Lang who's been known a long time as a
16 community activist. We knew Adam's chances were slim but
17 we knew he's the same kind of guy that's invested in his
18 neighborhood that would go out and put out a fighting
19 chance.

20 We're trying to build that, you know, around our
21 candidates frankly one seat at a time. And it's going to
22 take time. You know, Rome wasn't built in a day and, you
23 know, the Republican Party's been torn down for 60 years.
24 I've only been in charge six months so I'm trying to build
25 it back up --

1 DEMOCRATIC CHAIRMAN COHEN: We certainly can't
2 blame you for all the problems of the Republican Party. I
3 would agree on that. But I do think that, you know, if
4 there was greater efforts, there probably would be some
5 public benefit --

6 MR. DEFELICE: Thank you.

7 DEMOCRATIC CHAIRMAN COHEN: -- to having
8 Republicans run for Judge of Elections and Inspector in
9 areas where there are more than 5 or 10 Republican voters.
10 And I would think that if you campaigned in nonwhite areas
11 more than you do, you'd get more votes.

12 MR. DEFELICE: Well, you'll be happy to know we
13 just opened three offices, two in northwest Philadelphia
14 and one in north Philadelphia, which is probably the first
15 time in City Committee's history that we've ever opened
16 offices, you know, in those neighborhoods. And we've taken
17 issues recently specifically dealing with the soda tax and
18 other types of issues that we feel will resonate in the
19 minority community.

20 Our party had never taken positions on anything
21 for 60 years, so now we're trying to -- whether it's school
22 choice, whatever those issues may be -- to find ways to
23 enter into various communities where frankly we have not
24 been. You're correct about that. But, you know, we're
25 making a strong effort.

1 DEMOCRATIC CHAIRMAN COHEN: Okay. Thank you,
2 Mr. Chairman.

3 MAJORITY CHAIRMAN METCALFE: Thank you,
4 Representative Cohen.

5 Representative Ward.

6 REPRESENTATIVE WARD: Thank you, Chairman.

7 It was interesting to hear the earlier testimony
8 of the gentlemen from Lawrence County and Lehigh County.
9 And it sounds like they had a very good system in place, a
10 sound system in place. But my question to them was going
11 to be is this the case other places? And clearly, with
12 your testimony, it seems that it is not the case in every
13 area of the State.

14 I think if I'm hearing you correctly, you are
15 just looking for an even playing field. It's not a
16 Republican or Democratic issue; it's what's right and
17 what's proper and what's fair. That's what you're asking
18 for, is that correct?

19 MR. DEFELICE: Correct, yes.

20 REPRESENTATIVE WARD: Thank you, Chairman.

21 MAJORITY CHAIRMAN METCALFE: Thank you,
22 Representative Ward.

23 Representative Bullock, who will be our last
24 question or questions.

25 REPRESENTATIVE BULLOCK: Thank you, Chairman.

1 And thank you for coming, Chairman DeFelice, to our
2 Committee hearing today. And I encourage you to work a
3 little harder to recruit more members to your party in
4 Philadelphia. In my district alone I have actually more
5 registered Independents than I have registered Republicans,
6 so I do know you have a challenge ahead of you.

7 One of your comments in regards to -- I know
8 you've been looking at a lot at the table workers, the
9 Judge of Elections and the Inspectors, but in regards to
10 poll watchers and the legislation that's been put before us
11 in the last couple of weeks, my concern is, one, if we're
12 looking at bringing in poll watchers from other parts of
13 the Commonwealth in such short time notice, one of the
14 aspects of this bill was amended to have it effective
15 immediately. Do you think you have the resources to
16 actually get those poll watchers from across the
17 Commonwealth within the next four to five weeks?

18 MR. DEFELICE: I mean, sure. I mean, the beauty
19 about the Internet nowadays is emails come pretty
20 instantaneously. So frankly, if an email comes in and we
21 are allowed to appoint poll watcher certificates, we send
22 them down to the County Board of Elections. We will hold
23 several trainings throughout the city. We have six
24 regional offices we will hold trainings in, any one of
25 those offices. We have Skype available now, FaceTime to

1 train people that are outside the City of Philadelphia to
2 bring them into the City of Philadelphia should people want
3 to poll watch in the City of Philadelphia and push for that
4 fair and honest election as Rep. Ward said. I don't see
5 why not. I mean, there's no difference if you're coming
6 from northeast Philadelphia or if you're coming from
7 Montgomery County.

8 REPRESENTATIVE BULLOCK: And one of your earlier
9 comments -- and I think you were incorrect in stating that
10 circulators can be from anywhere within the Commonwealth.
11 I think that you still have to be within the county to
12 circulate petitions. You don't have to be necessarily from
13 that district, but you still have to be within the county
14 if I'm correct.

15 MR. DEFELICE: I'm not sure you're correct on
16 that --

17 REPRESENTATIVE BULLOCK: No? Okay.

18 MR. DEFELICE: -- Representative. I believe that
19 not only do you not even need to be from the -- I think in
20 some instances you don't even have to be from the State
21 anymore.

22 REPRESENTATIVE BULLOCK: Oh, okay.

23 MR. DEFELICE: I mean, when I went through this
24 in -- we've done ballot challenges through the years, and
25 I'm regularly doing ballot challenges, 2013, 2014. We were

1 in front of Judge Collins, and it essentially became if you
2 could find the person registered anywhere, we'd be happy to
3 allow them to be the circulator. And I believe in one of
4 the more recent cases the people didn't even have to be
5 registered voters. So you had no way of knowing where
6 exactly they reside. They could reside in Dover, Delaware;
7 Newark, New Jersey; Youngstown, Ohio, and circulate
8 petitions in the Commonwealth of Pennsylvania.

9 REPRESENTATIVE BULLOCK: Okay.

10 MR. DEFELICE: It's pretty ridiculous.

11 REPRESENTATIVE BULLOCK: So lastly, and I'll
12 close my remarks here, do you think you can -- because I
13 think there's two versions of this bill, one saying you can
14 come from anywhere within the county, not specifically the
15 district or the precinct; and then the other one is
16 statewide. Do you think you can garner enough poll waters,
17 your party, from Philadelphia County to serve in
18 Philadelphia?

19 MR. DEFELICE: Well, that's the current law in
20 Philadelphia County. That was changed in 2004. You used
21 to have to be within the precinct. So this 12 years later
22 it's now saying that it can go outside the county.

23 Frankly, as I've shown, it's been very hard.
24 People are intimidated. They don't want to come back. The
25 constant treatment of Philadelphians by the local Election

1 Boards has been disparaging, so frankly, I feel that if
2 people are interested in watching in polls in the City of
3 Philadelphia and it helps build our local organization in
4 the process, we will make sure that they have a place to
5 say.

6 REPRESENTATIVE BULLOCK: I'm sorry, Chairman, I
7 have one last question.

8 What steps are you willing to take -- I think
9 some of the fear from Philadelphians is intimidation from
10 those individuals coming from outside, frankly, outsiders
11 coming in to be agitators. What steps are you providing or
12 planning to provide in your training should you be able to
13 do this to prevent and to educate poll watchers to prevent
14 intimidating, you know, coming in?

15 MR. DEFELICE: Well, being a political animal
16 myself, it seems like every two years the rhetoric becomes
17 intimidation and suppressing and all this type of stuff.
18 Look, we're not interested in that. We're looking for a
19 fair election. Any poll watcher that I would train or my
20 staff would train would be perfectly versed in the
21 Pennsylvania poll watching rules, what they're allowed to
22 do, what they're not allowed to do: sit six feet away from
23 the table, only check the book when it's not being used,
24 don't go behind the machines, and don't interfere with the
25 operations of elections. That's what I would put forward.

1 Now, I'm sure stories coming out of some media
2 outlets will be much different than that, but frankly,
3 look, I've been doing this now for 12 years in the City of
4 Philadelphia. The only issue that they could -- there was
5 a recent story that came out in *POLITICO*, and the only
6 thing they could do was reference something from 2004 in
7 Pittsburgh. No issues since I've taken control of
8 Philadelphia has -- and I challenge the Representatives on
9 this body to name an instance where a Republican has been
10 criticized or charged in the City of Philadelphia in the
11 last 12 years with intimidating a single voter.

12 REPRESENTATIVE BULLOCK: Thank you.

13 MAJORITY CHAIRMAN METCALFE: Thank you,
14 Representative Bullock.

15 And I think now we're done with the Q&A. But
16 thank you, sir. Thank you, Chairman DeFelice, for making
17 the trip up --

18 MR. DEFELICE: All right.

19 MAJORITY CHAIRMAN METCALFE: -- and for sharing
20 your expertise with us.

21 MR. DEFELICE: Thank you very much. I appreciate
22 it.

23 MAJORITY CHAIRMAN METCALFE: Have a good day,
24 sir.

25 Our next testifier is Mr. David Thornburgh,

1 President and CEO of the Committee of Seventy. Thank you
2 for joining us, sir. You can begin when you're ready.

3 MR. THORNBURGH: Thank you, Mr. Chairman. I know
4 we've covered a lot of ground this morning already, and
5 I'll try not to cover that same territory again, but I hope
6 I have a couple of points that would be useful to you.

7 Just a little background on the Committee of
8 Seventy -- and you do have my testimony, right?

9 MAJORITY CHAIRMAN METCALFE: Yes, sir.

10 MR. THORNBURGH: Okay. A little background on
11 the Committee of Seventy, we're a longstanding,
12 nonpartisan, nonprofit advocate for better government in
13 Philadelphia and Pennsylvania. We are led and supported by
14 a group today of 62 prominent private-sector leaders who
15 are committed to open, honest, and effective government.

16 One of the founding goals that motivated the
17 Committee of Seventy's formation in 1904 was to protect and
18 improve the election process, so this has been an issue
19 that's been near and dear to our hearts since that time.

20 I want to say a couple of things just in summary
21 about some of the territory we've covered. You raised with
22 Secretary Cortés the questions about security breaches,
23 hackers, the machines, the technology. I'm not going to
24 cover that ground again. That's not my area of expertise.
25 I would only say that I think it's incumbent on all of us

1 to hold all of our election officials, both elected and
2 appointed, accountable for any issues that arise in that
3 area.

4 I would underscore, I think, a point that was
5 made earlier, which is in our view -- it is the human
6 factor that is most important and probably the weakest link
7 in this chain of the voting process. I think we share -- I
8 heard some of the earlier testimony. We share longstanding
9 concerns about the recruitment and training of Election
10 Boards and the poll workers that are really the foundation
11 of integrity of this process throughout the Commonwealth
12 and note that in Philadelphia and to my knowledge around
13 the Commonwealth we have many, many Election Boards that
14 are riddled with vacancies, have trouble attracting younger
15 members who might bring new ideas and energy to the
16 process. And I think that should continue to be a primary
17 of our focus going forward.

18 So I know one of your questions, the motivation
19 for this is how's everything going to work on November 8th?
20 You know, I'm confident that the thousands of men and women
21 around the Commonwealth who are staffing the Election
22 Boards will do their best, but the real answer is that we
23 don't really have a comprehensive way of judging either how
24 well they're prepared or how well they perform on election
25 day.

1 I would note and commend the gentleman from Pew
2 and their Election Performance Index, which is a very
3 useful way of looking at the overall experience of voting
4 in Pennsylvania and the performance of our Election Boards.
5 But I don't think that goes quite far enough. And we've
6 tried to develop a tool that gets us below the State level
7 because the diversity of Pennsylvania is such that we
8 really ought to be able to look county by county to assess
9 the performance of our election process.

10 Partly to fill that gap we began two elections
11 ago an online voter experience survey that we offer to any
12 and all folks that we can reach either through our own
13 networks or other community organizations. And this was a
14 survey developed from other national surveys of the like,
15 so it's been sort of pressure-tested in that sense.

16 And in this last April primary we got about 1,000
17 responses in the Philadelphia area to that survey. And
18 I've attached the survey results to my testimony.

19 I would note two things. One is this is not a
20 random sample of all voters so you can't easily generalize
21 or extrapolate from that. The second thing is there's no
22 guarantee that everyone who filled this voter experience
23 survey out was in fact a voter. But I think we didn't want
24 to let the perfect stand in the way of the possible, so off
25 we go with this survey.

1 The results from that survey, with those caveats,
2 I think suggest a system that works, I would say, okay.
3 Maybe if I were grading, I would give it kind of a C-plus,
4 B-minus. The one area that was interesting is a final
5 question asks respondents whether -- it's really about
6 their confidence that the election process produces fair
7 outcomes. And there we had about 21 percent who ranked
8 that either the lowest or the second-lowest on the scale.

9 So I think this is something we ought to -- we're
10 going to field this survey again, and I think we ought to
11 keep our eye on that number. There's no comparison to that
12 at least in Pennsylvania or in Philadelphia. But as we
13 continue to use this survey as a tool, then we'll get some
14 better insight as to what's going on there.

15 And in fact this is our first experience and my
16 first experience in this role at Committee of Seventy in
17 what I'll call the pressure cooker of our Presidential
18 general election. And we are very anxious and we were
19 concerned at the time that we not repeat the experience of
20 the 2012 Presidential election, which in our judgment was
21 probably the worst-run election in the city's history and
22 an embarrassment that generated probes by a number of
23 different parties, not one single probe but several
24 different probes by various political actors.

25 Chairman DeFelice has pointed out some of the

1 issues in 2012. I'll throw a couple others on the pile.
2 We had about 27,000 provisional ballots cast, including,
3 according to Mayor Nutter's probe, about 12,000 by voters
4 who were properly registered to vote, showed up at the
5 right place and should have been permitted to use the
6 machine.

7 Two weeks before the election, we had about
8 28,000 voter registration applications that hadn't been
9 processed. Chairman DeFelice noted that we had some issues
10 with Republicans who were legally entitled to serve as
11 Minority Inspectors but were not permitted to serve by
12 Democratic Judges of Elections, and we had about 7,000
13 voters appearing at the wrong polling place.

14 So we had a lot of issues. I hope that online
15 registration and the accuracy and the ERIC system that
16 we've started to use will clear up some of the data-driven
17 problems in that, but I think we would be wise to keep our
18 fingers crossed as to what happens on November 8th, maybe
19 to hope for the best but be prepared for the worst.

20 And we have a right to expect as close to zero
21 tolerance of these kinds of issues as we can get, knowing
22 that it's not going to be a perfect system but that ought
23 to be the standard that we uphold.

24 Just a few thoughts about -- it's always easier
25 to talk about the medium or the longer term than the

1 shorter term, but let me just throw a couple of thoughts
2 and then I'd be happy to take your questions. You know,
3 Seventy has always held that the voting process has to
4 respond to the realities of how people live their lives
5 today and that it is time that we move into the 21st
6 century in voting, as in other areas. And we do look at
7 online registration as a great leap forward for
8 Pennsylvania, and I think we've heard some of the reasons
9 today.

10 We've also championed reforms like no-excuse
11 absentee ballots, early voting, the use of electronic poll
12 books to help maintain accurate voter rolls. And I think
13 it's also time in this increasingly diverse Commonwealth
14 that we take seriously language access issues for voters
15 with limited English proficiency, and we also owe our
16 citizens with disabilities every opportunity to vote as
17 required by law and by all standards of fairness. It's
18 also long overdue, I think, to take a look at how we
19 compensate polling place workers and how we train them as
20 well.

21 Finally, and this came up today, we're probably
22 also overdue in a thorough review outside the pressure
23 cooker of this election of looking at election technology
24 in Pennsylvania.

25 One final thing. We have special concerns in

1 Philadelphia about the leadership of our election process.
2 As you know, Philadelphia is unique in that we elect three
3 City Commissioners to provide oversight for the process.
4 And because we're now in a situation where about 80 percent
5 of the voters in Philadelphia are Democrats, the current
6 system has shown itself to be open to political influence
7 and has not produced the professional leadership on these
8 issues that we deserve. That would be the case if the
9 numbers were reversed, I think, and the Republican Party,
10 as it did up until essentially World War II, had the same
11 kind of dominance.

12 So we have been actively working with a coalition
13 called the Better Philadelphia Elections Coalition, a group
14 of dozen civic and community organizations ranging from our
15 Chamber of Commerce to the League of Women Voters and
16 Disability Rights Pennsylvania to advocate for
17 professional, efficient, and effective appointed leadership
18 of the election process in Philadelphia, as we have in all
19 other 66 counties in the Commonwealth.

20 So I'll stop there. I hope that's added
21 something to your insights and be happy to answer
22 questions.

23 MAJORITY CHAIRMAN METCALFE: Thank you,
24 Mr. Thornburgh.

25 Members with questions?

1 DEMOCRATIC CHAIRMAN COHEN: Yes.

2 MAJORITY CHAIRMAN METCALFE: Representative

3 Cohen.

4 DEMOCRATIC CHAIRMAN COHEN: Thank you,

5 Mr. Chairman.

6 Mr. Thornburgh, you have supported a long list of
7 changes in the system, and generally, the changes that
8 you're supporting are aimed at increasing participation in
9 the system. Do you have any concerns about Secretary
10 Cortés' mailings to unregistered voters urging them to
11 register?

12 MR. THORNBURGH: Well, I haven't seen the letter
13 itself, and I think it is important that it move the
14 questions about citizenship towards the top because that is
15 the threshold issue that determines eligibility. You know,
16 we live in a political world now where both parties,
17 particularly a Presidential elections, are mobilizing
18 people and paying, you know, millions of dollars to
19 register voters and get them out to vote. So it seems to
20 me to complement that with kind of nonpartisan efforts by
21 the Commonwealth don't seem out of bound to me.

22 DEMOCRATIC CHAIRMAN COHEN: Okay. Thank you very
23 much.

24 MAJORITY CHAIRMAN METCALFE: Thank you. Other
25 Members?

1 Thank you, sir, for joining us.

2 MR. THORNBURGH: Okay.

3 MAJORITY CHAIRMAN METCALFE: Thanks for making
4 the trip up. We appreciate your testimony today.

5 MR. THORNBURGH: My pleasure.

6 MAJORITY CHAIRMAN METCALFE: Thank you.

7 Our next testifier is Suzanne Almeida, Esquire,
8 Executive Director for the League of Women Voters of
9 Pennsylvania. Good afternoon.

10 MS. ALMEIDA: Good afternoon. If it's all right
11 with the Committee, my President Susan Carty will be
12 joining me.

13 MAJORITY CHAIRMAN METCALFE: Sure. Who's going
14 to give the testimony?

15 MS. ALMEIDA: It will be Ms. Carty.

16 MS. CARTY: I'd be happy to.

17 MAJORITY CHAIRMAN METCALFE: You can begin --

18 MS. CARTY: Thank you.

19 MAJORITY CHAIRMAN METCALFE: -- when you're
20 ready.

21 MS. CARTY: Okay.

22 MAJORITY CHAIRMAN METCALFE: Thank you for
23 joining us.

24 MS. CARTY: I've abbreviated my notes to you, but
25 you have the full document and I don't think at lunchtime

1 you need me to read the whole thing to you at all so I'm
2 going to just cover some of the highlighted areas.

3 And thank you again for the opportunity to
4 present testimony today. As you know, the League of Women
5 Voters of Pennsylvania is a nonprofit civic engagement
6 organization that's dedicated to encouraging informed and
7 active participation in government of all Pennsylvanians.

8 The League has been working very hard with
9 coalition partners to ensure that every eligible voter has
10 a positive voting experience from registration through
11 casting their ballot on election day. Voting is a
12 fundamental right, and it is incumbent on all of us to
13 ensure that that right is not abridged. Ensuring the right
14 to vote is the best way to hold government accountable to
15 its citizens.

16 First, I would like to address two main points:
17 first, the preparations for this historic election; and
18 second, the need for commonsense reform. In addition to
19 our extensive work in voter registration and voter
20 education, the League is a leading member of a coalition
21 dedicated to ensuring that the election day goes as
22 smoothly as possible. Other members of the coalition
23 include the National Lawyers Committee for Civil Rights,
24 ACLU of PA, Common Cause, and Pennsylvania Voices.

25 Since August, we have been meeting with local

1 election officials, working with the Pennsylvania
2 Department of State, and connecting with on-the-ground
3 groups conducting voter registration and get-out-the-vote
4 in order to identify potential problems that might occur
5 and to determine the best way to address them.

6 The League and other members of the Election
7 Protection Coalition have been working to make sure that
8 the public has confidence in the integrity of the voting
9 process in Pennsylvania, including educating them about
10 their rights and responsibilities enumerated in the
11 Election Code, and helping them understand the multiple
12 safeguards in place to protect their vote.

13 A few specific issues that we are working on at
14 the moment include addressing Section 203 of the Voting
15 Rights Act, which requires some places to provide ballot
16 and other voting information in other languages. The law
17 covers those localities where there are more than 10,000 or
18 over 5 percent of the total voting-age citizens in a single
19 political subdivision who are members of a single minority
20 language group and have depressed literacy rates and do not
21 speak English very well.

22 Determinations are based on data from the most
23 recent census, and the determinations are made by the
24 Director of the census. Berks, Lehigh, and Philadelphia
25 Counties are required to provide access in Spanish. We are

1 working with the election officials in those counties to
2 help them educate voters about how language assistance can
3 be provided if necessary.

4 With regard to technology, Pennsylvania, like
5 much of the country, is using voting technology that is
6 reaching the end of its natural life. And because of this,
7 it is important that local election officials have
8 contingency plans in place for technological failures on
9 election day.

10 Additionally, Pennsylvania is one of the only few
11 places that use electronic voting machines that do not
12 produce a paper trail. National election experts from the
13 Brennan Center and other organizations, including the NSA,
14 suggest that it is best practice for all voting machines to
15 have a paper trail that would allow for independent
16 verification. League members agree and hope that as
17 Pennsylvania counties begin to make upgrades, they will
18 take this into consideration when choosing upgrades for
19 their systems.

20 Of note, Pennsylvania voting machines are not
21 connected to the Internet and are not hackable that way.
22 Machines without a paper trail still keep multiple logs of
23 the votes. To be certified in Pennsylvania, voting
24 machines must undergo strenuous testing, as we heard,
25 before each election. And additionally, the Department of

1 Homeland Security has been consulting with Pennsylvania on
2 measures that can be taken to further secure the election.

3 The logistics of election day are complicated.
4 The primary goal of the Election Protection Coalition is to
5 ensure that voters have a positive experience. This
6 involves everything from quick-moving lines, to functioning
7 machines, to knowledgeable poll workers, to accessible
8 polling places, to ensuring that qualified voters do not
9 face barriers to voting. We've been engaging in
10 conversations with election officials across the State and
11 with the Department of State to make sure that everyone is
12 aware of potential issues and has plans in place to address
13 them. We also want to serve as a resource for election
14 officials to support their efforts to educate the voters in
15 their counties about how elections and how they work and
16 what to expect on election day.

17 On election day, we will be deploying trained
18 volunteers to help voters understand the process and know
19 their rights. The Lawyers Committee will also be running a
20 hotline for voters to call if they need help locating their
21 polling place or if they experience any problems. The
22 hotline will be staffed by trained lawyers and will work to
23 connect volunteers and voters to resources and solutions.

24 Regarding House Bill 29, the League believes that
25 passing this bill within a month before election day will

1 throw a wrench in the election administration process.
2 Election officials already deal with numerous logistical
3 issues, and changing the poll watchers' eligibility rules
4 with very short notice will add to our election officials'
5 substantial workload.

6 While poll watchers serve an important role in
7 the election process, the hyper-partisanship of this
8 election season may serve to paint poll watchers in a
9 negative light, particularly if the rules are changed at
10 the last minute and remove the county residency requirement
11 as well. There's potential to not only undermine their
12 legitimate purpose but also to create discomfort for some
13 voters at the polls. We urge you to oppose this bill.

14 We have additional commonsense voting reform
15 suggestions. The biggest threat to election integrity is
16 low voter participation. Increased voter participation is
17 the best way to hold our elected officials accountable for
18 their actions in office. In the 2012 Presidential
19 elections, Pennsylvania ranked 29th in voter turnout. In
20 the 2015 elections, less than 25 percent of Pennsylvania's
21 registered voters participated. Many States have taken
22 steps to eliminate this problem by expanding voter access.

23 So I would like to identify four tested and
24 proven policies that other States have adopted to encourage
25 voting participation for all residents. I think what I

1 will do to save your time, too, is just name them, these
2 four suggestions. I think you're familiar with them. And
3 if then you would like to discuss them, that would be
4 preferable for you, too, I'm sure.

5 One would be the optional vote by mail. The
6 second one would be youth voter preregistration, which I
7 don't believe I did hear discussed yet here today, and that
8 refers to youth preregistration that allows young people
9 ages 16 and 17 to complete a registration form even if
10 they're not old enough to vote in the next election, and it
11 ensures that they are on the rolls and able to vote once
12 they are 18. As most Pennsylvanians register to vote
13 through PennDOT, allowing new drivers to register and to be
14 added to these rolls before they turn 18 could help
15 increase youth civic engagement.

16 The third one is early voting. Early voting
17 allows any eligible voter to cast a ballot prior to
18 election. And Pennsylvania is one of only 13 States that
19 does not permit early voting. Early voting mitigates the
20 intimidation of busy voting lines. It accommodates voters
21 who have extenuating circumstances on election day. And
22 again, we can discuss that a little further if you choose
23 to.

24 The fourth item is same-day voter registration.
25 With same-day registration, eligible voters can update

1 registration records or register at their polling place on
2 election day. Many citizens become most interested and
3 engaged in elections in the final weeks when campaigns
4 reach their peak. However, Pennsylvania voters are
5 required to register or update their registrations 30 days
6 before an election in order to vote. Same-day registration
7 mitigates this deadline and also makes it possible for
8 citizens to register when they are actually most engaged.

9 In order for our democracy to function properly
10 and for our elected representatives to be held truly
11 accountable to voters, we must modernize our election
12 systems. After all, voting is central to our democracy.

13 And thank you so much for this opportunity to
14 speak with you today.

15 MAJORITY CHAIRMAN METCALFE: Thank you, ma'am.

16 Our first question will be from Representative
17 Cohen.

18 DEMOCRATIC CHAIRMAN COHEN: Thank you. I
19 generally agree with your testimony. On voter-verified
20 ballots where people would get a receipt, it seems to me
21 that if we had such a system, we would have to limit
22 people's ability to show the receipt around because
23 otherwise, you know, people would be subject to all sorts
24 of intimidation from employers, from unions, from elected
25 officials, from party workers. Do you agree with that?

1 MS. CARTY: I think that's a potential certainly.
2 Do you have something?

3 MS. ALMEIDA: Yes, I'll just jump in really
4 quick.

5 MS. CARTY: Go ahead.

6 MS. ALMEIDA: So I think that that is certainly a
7 concern when we're talking about having a record of a vote.
8 It's a counterbalance, right, so you need to balance the
9 need to be able to verify a vote with the possibility of
10 voter intimidation in that particular way.

11 I know that there are some court cases actually
12 just came down yesterday I believe in New Hampshire talking
13 about the "ballot selfie," which is a similar type issue
14 that might have some guidance, and I'm happy to provide
15 that to you.

16 DEMOCRATIC CHAIRMAN COHEN: Okay. Thank you.
17 Would you support if we have voter-verified systems, would
18 you support barring voters from showing their ballot to
19 anyone else?

20 MS. CARTY: I don't know how you would enforce
21 that.

22 DEMOCRATIC CHAIRMAN COHEN: I don't know how you
23 enforce it either.

24 MS. CARTY: Enforce that either.

25 MS. ALMEIDA: Without looking closer into that

1 issue --

2 DEMOCRATIC CHAIRMAN COHEN: But if you don't have
3 that ban, if they're free to give to anybody who asks or
4 ban anybody from asking for it, I mean, I know voters came
5 into my office frequently and they had some kind of problem
6 and they said, by the way, I voted for you in the last
7 election. Well, you know, who knows if they voted for me.
8 But if you had a receipt that was handed out, you know,
9 people could say could I see your receipt? You know, I
10 don't know how you'd stop anybody, and it would seem to me
11 you'd have to set a norm of that information being private
12 information and red flags should go off when somebody is
13 asked to provide it; otherwise, you don't have the secret
14 ballot anymore.

15 MS. ALMEIDA: I mean, I agree that that could be
16 a problem. I do want to point out that the Election Code
17 has very strict prohibitions and penalties for people who
18 would require that, you know, that there's any vote buying.
19 I don't have the citation but it's in the penalty section
20 of the Election Code that it does lay out where that would
21 be a problem, and so those people who would require a
22 receipt would then be subject to penalty.

23 DEMOCRATIC CHAIRMAN COHEN: It's not about vote-
24 buying. It's about various forms of social and economic
25 pressure and political pressure placed on people.

1 MS. CARTY: Even family pressure.

2 DEMOCRATIC CHAIRMAN COHEN: Yes, even family
3 pressure. Yes.

4 MS. CARTY: Yes.

5 DEMOCRATIC CHAIRMAN COHEN: So this is a battle
6 for secret ballot. So the vast majority of our nation's
7 history there were no secret ballots. It was only around
8 the turn of the century that we started having secret
9 ballots. So I think we ought to retain the secret ballot
10 if we have a voter-verifiable paper trail.

11 I have no further questions right now. Thank you
12 very much.

13 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
14 you, Representative Cohen.

15 Thank you for joining us today. We appreciate
16 your testimony.

17 MS. ALMEIDA: Thank you so much.

18 MS. CARTY: Thank you.

19 MAJORITY CHAIRMAN METCALFE: Have a good day.

20 MS. CARTY: You, too.

21 MAJORITY CHAIRMAN METCALFE: Our next testifier
22 will be Mr. J. Christian Adams. He's the President and
23 General Counsel for the Public Interest Legal Foundation.
24 Thank you for joining us today, sir. Thanks for making the
25 trip up here to Harrisburg. And you can begin your

1 testimony when you're ready, sir.

2 MR. ADAMS: Chairman Metcalfe, Ranking Member
3 Cohen, Members of the Committee, thank you for the
4 invitation to testify.

5 I am the President and General Counsel of the
6 Public Interest Legal Foundation, which is a nonprofit
7 charity devoted to promoting election integrity. I also
8 served for five years as a career attorney in the Voting
9 Section at the United States Department of Justice and have
10 therefore spent many long hours inside Pennsylvania polling
11 places as a Federal election observer.

12 I appear today before you because there are
13 problems with Pennsylvania voter rolls that only this body
14 may be able to fix. Simply, ineligible voters are being
15 added and kept on the list of eligible voters, and local
16 election officials are not taking this situation seriously
17 enough.

18 Congress has acknowledged how important clean and
19 accurate voter rolls are and therefore passed Section 8 of
20 the National Voter Registration Act and parts of the Help
21 America Vote Act to ensure that ineligible registrations
22 are discovered and removed from the lists of eligible
23 voters.

24 Through litigation representing the American
25 Civil Rights Union, my organization has unearthed facts

1 showing that many aliens, noncitizens, have populated the
2 voter rolls in Philadelphia and dozens have voted in
3 previous elections. The Public Interest Legal Foundation
4 has completed a detailed report cataloging these findings,
5 examining the Philadelphia voter rolls, attached it to my
6 submitted written testimony. The report includes specific
7 names of individuals who are aliens who voted in specific
8 Federal elections. And that is attached to my written
9 testimony.

10 Please take note: When an alien votes in an
11 election, it is a felony. One would hope when election
12 crimes are discovered that they be vigorously prosecuted by
13 either local or Federal authorities. Failing to prosecute
14 election crimes such as these encourages more election
15 crimes.

16 In our litigation against the City of
17 Philadelphia, we discovered that aliens were registering to
18 vote. Now, you all know that foreigners are not eligible
19 to vote in Pennsylvania, and other States have adopted
20 citizenship verification procedures to prevent this very
21 thing from happening. Unfortunately, some of these
22 foreigners also voted.

23 The problem we describe in the attached report to
24 my testimony extends far beyond the City of Philadelphia
25 and far beyond just aliens in Philadelphia who were caught

1 by happenstance. Philadelphia happens to be the only
2 jurisdiction in which we sued to obtain these records, but
3 I understand there are public-records requests out to
4 several other Pennsylvania jurisdictions about the same
5 matter.

6 The easiest thing this Legislature can do is to
7 seek from other local election officials the exact same
8 documents we obtained from Philadelphia, which is the list
9 of aliens who were caught on the records, on the polls, and
10 their voting history. The list of aliens we provide to
11 this Committee who registered to vote are just the ones we
12 know about because they voluntarily asked to be removed
13 from the rolls. These were not people that were discovered
14 through investigations or other measures. These were
15 aliens who asked to be removed from the voter rolls.

16 The City of Philadelphia, as far as we know, and
17 the State, does nothing to actively prevent or discover
18 noncitizen registration. For example, to our knowledge the
19 Commonwealth does not use the Federal SAVE -- which is the
20 Systematic Alien Verification for Entitlements -- database.
21 This database is free and available by Federal mandate to
22 every State. All you need to do is ask.

23 And it also means, therefore, because these tools
24 are not being used, that there are certainly still more
25 aliens on the voter rolls in Philadelphia and across the

1 Commonwealth.

2 Worse, the system is failing to respond to aliens
3 who are participating illegally in our elections as I
4 cannot find any evidence of any prosecution of these
5 individuals who are named in the report that you have.
6 That's noncitizens.

7 Public Interest Legal Foundation also discovered
8 that incarcerated felons are not removed from the voter
9 rolls in Philadelphia. Now, you know the law is that
10 felons are ineligible to vote in Pennsylvania because they
11 are incarcerated or in halfway houses. City election
12 officials are not taking any steps whatsoever, any,
13 regarding these convicted felons such as placing them on
14 inactive status or even notating the records, not removing
15 them but just putting something in the records to note that
16 they're an incarcerated felon. Indeed, city election
17 officials seem surprised that our organization even cared.

18 It is important to note that city election
19 officials were adamant that they need not pay any attention
20 to ineligible felons' status and made these arguments both
21 to our representatives, our client representatives, as well
22 as in court papers in the United States District Court.

23 We can agree or disagree one whether felons
24 should not be permitted to vote in Pennsylvania, but if
25 this body has passed a law that says incarcerated felons

1 are ineligible to vote, then Pennsylvania law should be
2 enforced. Election officials do not even obtain the list
3 of felony convictions. Let me say that again. They don't
4 even get the list of people who are not permitted to vote.

5 Now, clean rolls are the most important
6 ingredient to clean elections. If Pennsylvania voter rolls
7 merely noted that the registrant was a recently convicted
8 felon, election officials could take extra care to ensure
9 that that person does not cast an illegal ballot. Absentee
10 ballots move to prisons all the time. Non-felony
11 incarcerated inmates are permitted to vote in Pennsylvania.
12 And plenty of felons are in halfway houses with relative
13 freedom to cast a regular ballot.

14 The attached report, which you have, catalogues
15 our findings about the problems of ineligible registrants
16 in the City of Philadelphia through the list maintenance
17 documents we obtained through National Voter Registration
18 Act records requests. Most certainly, these problems are
19 not confined to the City of Philadelphia. We simply
20 haven't had time to expand our investigation.

21 I have five suggestions for this body to take
22 steps to fix the problem. Number one, make sure that
23 incarcerated felons should not be on the rolls or at least
24 make a notation in the election database and ask for the
25 information.

1 Number two, consider citizenship verification
2 procedures that work and do not remove anybody who is
3 eligible from the rolls. This can be done either at the
4 point of registration, as some States do, or afterwards as
5 many other State election officials do.

6 One way they do that -- and this is my third
7 suggestion -- is to use databases such as the SAVE
8 database, the Federal SAVE database that I referred to
9 earlier in routine statewide list maintenance or routine
10 local list maintenance.

11 Fourth, ensure that county courts, the Department
12 of Corrections, and other Pennsylvania agencies are
13 integrating felon incarceration data with election records.
14 If nothing else, put an asterisk in the file so you know
15 that an absentee ballot should deserve extra scrutiny
16 during the period of incarceration.

17 Fifth and last, fully prosecute voter fraud of
18 the sort we detail in our report. Our report names the
19 names of foreigners who illegally voted in the Commonwealth
20 of Pennsylvania. If that's not taken seriously, it will
21 keep happening.

22 Thank you very much for your time and attention.

23 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

24 Members with questions?

25 Representative Brown.

1 REPRESENTATIVE BROWN: I don't know if this is a
2 question as much as I just want to be clear on the record
3 that in the State of Pennsylvania felons can vote in the
4 State of Pennsylvania unless they are incarcerated. I want
5 to make sure that we have that clear on the record to
6 anyone listening to this because we're having a very hard
7 time educating felons in the Commonwealth of Pennsylvania
8 that they are eligible to vote. So I don't want any
9 confusion. If you are a convicted felon in Pennsylvania,
10 you can vote.

11 Thank you.

12 MAJORITY CHAIRMAN METCALFE: Let's be clear also.
13 I believe that the law said that they couldn't but that it
14 was case law that created a situation where they're now
15 allowed to? That was --

16 MS. BOYLE: That wasn't voter registration. It
17 was like a three- to five-year window --

18 MAJORITY CHAIRMAN METCALFE: So the time frame
19 afterwards that they were not allowed to vote but now that
20 was struck down so they're allowed to vote immediately.

21 MR. ADAMS: Once they're out of prison or the
22 halfway house, they are allowed to vote. And my testimony
23 does lay out the difference.

24 MAJORITY CHAIRMAN METCALFE: Right.

25 MR. ADAMS: The problem is that no steps are

1 being taken whatsoever, none, zero, to even get the list of
2 the incarcerated felons among election officials. We ought
3 to at least do something rather than nothing.

4 REPRESENTATIVE BROWN: And I just wanted to ask
5 this question. So if a convicted felon is incarcerated,
6 how would they vote?

7 MR. ADAMS: Lots of ways, multiple ways. For
8 one, that absentee ballot could go to their former
9 residence upon a request. Somebody else could vote for
10 them. Or that ballot could be sent to their residence and
11 walked into the prison. That ballot could go to the prison
12 because ballots are going to prisons for non-felon
13 incarcerated individuals. There's another way they could
14 vote. If they're incarcerated in a halfway house, they're
15 still ineligible to vote. If they're incarcerated in a
16 halfway house, they could walk to the polling place where
17 they're registered and they could vote, and that's a felony
18 in Pennsylvania. So there's multiple ways a felon could
19 vote.

20 REPRESENTATIVE BROWN: And I understand that, but
21 I'm just having a hard time with your position because as
22 an advocate trying to get people to vote, it has been the
23 hardest to go into the prisons because there are some
24 people who are being held that are still eligible to vote
25 within our penal system here in the Commonwealth of

1 Pennsylvania. They are eligible and we've had a hard time
2 getting into those prisons to register them.

3 I think that there is more of an issue of us
4 getting people to vote than there is people who shouldn't
5 be voting, voting. And I just want to put that on the
6 record. And I can't dispute what you're saying as not
7 being accurate, but I just want to let the public know that
8 as an advocate trying to get people registered and voting
9 and to the polls and getting their vote to count, it has
10 been harder to do that than what you're presenting here
11 today. Thank you.

12 MAJORITY CHAIRMAN METCALFE: Thank you. I just
13 think while people are viewing this across Pennsylvania,
14 they're shaking their heads because I know the majority of
15 people in my district aren't concerned about people in
16 prison voting at all.

17 Representative Cohen.

18 DEMOCRATIC CHAIRMAN COHEN: Thank you,
19 Mr. Chairman. Mr. Chairman, I don't see how you can stop
20 people -- you can invalidate their registration because
21 somebody is in prison. Under Federal law they have up to
22 seven years of not voting in an election. So if somebody
23 is sentenced for a 5- to 10-year period, you know, they may
24 not serve 5 to 10 years. If they're on probation, they're
25 allowed to vote, are they not?

1 MR. ADAMS: Well, that's exactly right, but that
2 doesn't mean you don't do anything.

3 DEMOCRATIC CHAIRMAN COHEN: Right.

4 MR. ADAMS: At least we should do something to
5 indicate that maybe an absentee ballot shouldn't be sent to
6 Rockview, okay, for a convicted felon from the City of
7 Philadelphia. Don't send the absentee ballot to Rockview.
8 That's one solution.

9 DEMOCRATIC CHAIRMAN COHEN: I think that
10 something could be done, although if there are people who
11 are in Rockview who have not yet been convicted, if they're
12 there for nonpayment of bail, that would invalidate that
13 solution.

14 But I agree with you in the broad sense that
15 something ought to be done. I think you've raised an
16 interesting point.

17 Let's look at the voter listings you have. You
18 have different lists here. Did I get you that all these
19 people are self-reporting people who are asking that their
20 names be struck because they're not citizens?

21 MR. ADAMS: That's exactly right. That's why
22 this list is certainly not exhaustive of all the foreigners
23 on the rolls. These are people who are getting mailings,
24 perhaps they got a piece of campaign literature. And it's
25 rather interesting how hard some of them had to struggle to

1 actually be removed from the rolls even though they were
2 foreigners because it jeopardizes their immigration status
3 to tell you the truth.

4 DEMOCRATIC CHAIRMAN COHEN: Yes. Why are these
5 three separate lists?

6 MR. ADAMS: Think they probably are by year --

7 DEMOCRATIC CHAIRMAN COHEN: Okay.

8 MR. ADAMS: -- but I'm not sure about that.
9 They're all noncitizen removals. And you could see, I
10 mean, people are getting registered in 2003 and voting in
11 the 2012 Presidential election like Lizarondo Bizan from
12 Dauphin Street in Philadelphia. I mean, these are real
13 examples of voter fraud.

14 And, you know, what can be done to stop aliens
15 from getting on the rolls in the first place? Pennsylvania
16 does, as far as I know, absolutely nothing compared to
17 other States. And I can tell you about what other States
18 do because I practice this area all over the country.

19 DEMOCRATIC CHAIRMAN COHEN: It would seem to me
20 that we want to -- maybe the State ought to be sending
21 mailings out to everybody who's here in the country
22 illegally and making sure they're aware of what the process
23 is for becoming a citizen and that becoming a citizen is a
24 necessary step in voting.

25 But, you know, I'm not sure from your experience

1 other places in the country -- you have here, let's see,
2 32, 30, and 23 names so that's 62 -- it's 85 names of
3 people who have asked that their names be removed because
4 they're not citizens. In other parts of the country, have
5 you produced similar lists?

6 MR. ADAMS: Indeed. In just Prince William
7 County, Virginia, alone I believe -- and that's not self-
8 reporting. They're doing more aggressive investigation in
9 other States -- Prince William County alone in Virginia, I
10 think the list had 460 people on it, a similar list of
11 people.

12 So, look, I mean, I don't think anybody would
13 argue credibly that there's only 80 noncitizens on the
14 rolls in Philadelphia if these are the self-reporting ones.

15 DEMOCRATIC CHAIRMAN COHEN: I'm sure there's some
16 ratio, you know, of other people on the list.

17 MR. ADAMS: Look, I guess my most --

18 DEMOCRATIC CHAIRMAN COHEN: It doesn't seem like
19 there's any pattern, Democrats, Republicans, nonpartisans,
20 greens are represented here. It would look to me like the
21 Democratic percentage of these voters --

22 MR. ADAMS: But that's only because it's
23 Philadelphia --

24 DEMOCRATIC CHAIRMAN COHEN: -- is slightly lower
25 than the Democratic percentage of the City of Philadelphia

1 as a whole. But whatever the facts are in terms of the
2 party affiliation of the voters, I think, you know,
3 something should be done, but we have to make clear, you
4 know, we don't want to kick legitimate voters off. And
5 some names are very common like Kristin Hill or Kristin
6 Phillips or Mark Cohen or Pedro Cortés. You can find
7 thousands of people across the country with those names.
8 You want to make sure you're keeping the right person off
9 and not getting off a lot of people who are legitimate.

10 MR. ADAMS: Absolutely. And some of the tools to
11 do that are to use birth dates, very particularized data
12 that the DHS has that the saved database makes available.
13 There are tools to accomplish exactly what you seek to
14 accomplish.

15 DEMOCRATIC CHAIRMAN COHEN: Okay. Thank you very
16 much, Mr. Chairman.

17 MAJORITY CHAIRMAN METCALFE: Thank you,
18 Representative Cohen.

19 Representative Knowles?

20 REPRESENTATIVE KNOWLES: Mr. Adams, thank you.
21 Thank you for getting it. You get it. Anybody who sat
22 through this hearing -- and I apologize; I had to leave for
23 a bit -- if we lived in a perfect world where everybody was
24 honest and where everybody did the right thing, we wouldn't
25 need laws, we wouldn't need election laws because everybody

1 would do what they're supposed to do. The problem is that
2 they don't.

3 The people that I represent couldn't care less
4 about a felon voting. They couldn't care less about that.
5 The people that I represent want to be certain that when
6 they cast their vote, their right to vote, they want to be
7 certain that their vote is counted and that their vote is
8 not put aside because of a noncitizen that is voting.

9 Mr. Chairman, what I would say is there's work to
10 be done here. When I sit here and I think to myself that
11 voter ID was not implemented as it should have been, it
12 makes me sick to my stomach. When I hear the problems that
13 are going on throughout this Commonwealth, it makes me sick
14 to my stomach. It's not fair to the good citizens of this
15 country, to the good citizens of this Commonwealth, and to
16 the good citizens of my district who vote. And they do it
17 the right way. So I thank you for bringing much of this to
18 our attention.

19 Again, Mr. Chairman, I think there's work to be
20 done by this Committee, and I appreciate the opportunity to
21 speak.

22 MR. ADAMS: Thank you, sir.

23 MAJORITY CHAIRMAN METCALFE: Representative
24 Knowles. Representative Daley.

25 REPRESENTATIVE DALEY: Thank you, Mr. Chairman.

1 And thank you, Mr. Adams, for being here today.

2 In listening to you, you came up with reasons for
3 -- I'm going to go to the felons issue -- how felons might
4 be able to vote, but do you actually have documentation of
5 convicted felons who are in prison voting?

6 MR. ADAMS: That's a great question. I wish I
7 did, and I'll tell you why I don't, because election
8 officials aren't even getting the list. That's how to get
9 -- for me to get the list is to have election officials to
10 have the list because they should be more interested than
11 me. And so when we went to the City of Philadelphia, we
12 asked for that list.

13 And let me tell something else. Federal law
14 mandates, federal law mandates that election officials have
15 the list from United States attorneys for felony
16 convictions in Federal court. So there's a Federal law
17 that speaks to this already to show how important it is
18 that they get the information.

19 When we went to the City of Philadelphia simply
20 to inspect that federally mandated piece of information,
21 they didn't have it because they didn't care. They weren't
22 doing anything with the list of individual felons,
23 including even obtaining it so I couldn't get the list.
24 I'd love to have it now. This Committee could get the
25 list. This Committee could get the list of ineligible

1 felons and I'll run it against public record databases to
2 see if they're voting.

3 REPRESENTATIVE DALEY: So I appreciate your
4 response. I agree with my colleague, Representative
5 Vanessa Brown, that there are times when people are in
6 prison and they are, you know, incapable of -- they haven't
7 been able to pay their fines or they're being held until
8 their trial, so everyone in prison is not a convicted
9 felon, which I believe you understand.

10 I guess, Mr. Chairman, my concern is that I'm
11 concerned if people who are voting are not really eligible
12 to vote. I do not want to see that in any way. But I'm
13 not sure whose responsibility it is. I don't know if it's
14 the city's responsibility, I don't know if it's the State's
15 responsibility, and I kind of wish that we had some ability
16 to ask the State officials who are no longer here in the
17 room with us what the process is. They seem to have made a
18 very good effort at ensuring that the voting rolls are
19 clean, and so right now, I mean, you're the last testifier
20 and I'm not trying to impugn what you're saying. I think
21 that you're raising valid points.

22 But it's unfortunate that some of these issues
23 weren't raised earlier or that we had asked someone from
24 the Department of State to be here or have some ability to
25 ask the questions. I mean, I'll certainly follow up with

1 people I know there and ask those questions. But I feel
2 like we're going to leave this session with the last
3 testifier's testimony in our ears but without knowing
4 whether or not -- how to verify that information.

5 MR. ADAMS: These are government documents.
6 These aren't my documents. These are documents produced by
7 the City of Philadelphia that show ineligible people voting
8 in Federal elections. These are not my documents.

9 REPRESENTATIVE DALEY: You know, we just received
10 this today, so it's difficult to have an absolute
11 understanding of exactly what they are.

12 MR. ADAMS: Well, I can explain what they are.

13 REPRESENTATIVE DALEY: Well, I'm just telling you
14 that I'm more than happy to look at them, I'm more than
15 happy to follow up on it, but -- they're in your testimony.
16 And I think these are the aliens that you're talking about.
17 I'm talking --

18 MR. ADAMS: Correct.

19 REPRESENTATIVE DALEY: -- more about the felons.

20 MR. ADAMS: Which, as I said, I'd love to have
21 that list but the City of Philadelphia doesn't ask for it.

22 MAJORITY CHAIRMAN METCALFE: Thank you,
23 Representative Daley.

24 I think when people are hearing that foreign
25 nationals that are either here legally or illegally are

1 voting and dozens of them that have been acknowledged in
2 Philadelphia and the story that is related to Virginia, I
3 think the majority of people are incensed that their
4 government is not protecting their ballot. And they should
5 be incensed. We have a lot of work to do in Pennsylvania.
6 We passed three bills recently. We're hoping to get a
7 chance to move those forward.

8 But in the meantime, we have Representative
9 Miller to ask a question.

10 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.
11 Thank you for your testimony.

12 Several questions for you. Just a point of
13 clarification for my benefit, perhaps others, when an alien
14 votes in an election it's a felony under Federal law or
15 State law or both?

16 MR. ADAMS: Both.

17 REPRESENTATIVE MILLER: And the penalty for that
18 is what? Do you know?

19 MR. ADAMS: I should know, and I apologize that
20 -- I think it's three years to five years under the Federal
21 statute. I can't tell you what it is under the State. We
22 have conveniently provided the list of at least, I believe,
23 several dozen in my testimony that have committed those
24 felonies but have not been prosecuted.

25 REPRESENTATIVE MILLER: Follow-up question: If

1 those in authority who are delegated the responsibility to
2 prosecute those who commit a felony fail to act, what is
3 the recourse in that situation?

4 MR. ADAMS: Well, look, you could ask them as a
5 Committee why they haven't acted. You could call them
6 before you. I do know the DA in Philadelphia is a very
7 good fellow, and I think it may be that he just doesn't
8 know about this. But if you don't act, you encourage more
9 lawlessness. And lawlessness is the last place you want
10 any -- elections are the last place you want lawlessness
11 because it begins to pervade the culture.

12 Last time I was before this Committee I was here
13 to testify about the role of lawlessness, and we saw what
14 happened after that, especially lawlessness as it relates
15 to elections. It's the worst place to have it.

16 REPRESENTATIVE MILLER: Another follow-up
17 question if I may. On page 4 of your testimony you talk
18 about a list of aliens in Philadelphia and that the State
19 of Pennsylvania does nothing to your knowledge to prevent
20 or discover noncitizen registration. The State could use
21 the SAVE system. My question is what would it take to
22 enact and implement the SAVE system?

23 MR. ADAMS: Texas did this. The Texas Elections
24 Committee authorized, I believe, the Secretary of State of
25 Texas to seek use of the SAVE system. Your Secretary of

1 State merely needs to ask. You don't need enabling
2 legislation in my view. Now, others may differ. But I
3 don't believe you need enabling legislation to have the
4 Secretary of State simply ask for access to the SAVE
5 database. That's the easiest thing to do. It could be
6 done by the end of the week.

7 REPRESENTATIVE MILLER: Very good. Thank you
8 very much.

9 MAJORITY CHAIRMAN METCALFE: Thank you,
10 Representative Miller. You took one of my questions. I
11 appreciate it.

12 Representative McCarter.

13 REPRESENTATIVE MCCARTER: Thank you,
14 Mr. Chairman. And again, thank you for your testimony. I
15 find it very fascinating to say the least and I think very
16 concerning.

17 And again, recordkeeping, I think, in any of
18 these -- and again, as we all know through voter
19 registration and through the voter rolls over the years,
20 we've found many, many discrepancies to say the least in
21 every county across the State. For a long time it was very
22 clear and so forth people were kept on the voting rolls
23 that shouldn't have been, who had died. And we're all
24 aware of that I think taking place.

25 And as I look at your list that you presented to

1 us here, I mean, there are some anomalies on here as well
2 that I guess raise questions for me. For instance, on the
3 first page of the list in your report, down number 11,
4 Mr. Wong from Byberry Road, as it says, registered
5 10/18/2013, but the document was last changed on
6 10/17/2013, the day before.

7 MR. ADAMS: Yes, I don't know what that means.
8 It's --

9 REPRESENTATIVE MCCARTER: And I think going
10 through the list just very quickly, and again, having just
11 gotten these, every list on here has that same flaw.

12 MAJORITY CHAIRMAN METCALFE: But that list is
13 from Philadelphia.

14 MR. ADAMS: Yes, this is not my record.

15 MAJORITY CHAIRMAN METCALFE: That's not his
16 documentation.

17 REPRESENTATIVE MCCARTER: That's my point. My
18 point is these tend to be -- it seems to me almost all of
19 these are probably clerical errors.

20 MR. ADAMS: No, the City of Philadelphia will
21 disagree with you on that. They admitted these are people
22 who got on the rolls and illegally voted.

23 REPRESENTATIVE MCCARTER: Or some of them never
24 voted; some were just registered and then asked to have
25 their names --

1 MR. ADAMS: That's not accurate.

2 REPRESENTATIVE MCCARTER: Well, it's --

3 MR. ADAMS: That's totally not accurate. The
4 City of Philadelphia confirmed to us that the last vote
5 column is accurate, that indeed these individuals voted.

6 REPRESENTATIVE MCCARTER: Well, but --

7 MAJORITY CHAIRMAN METCALFE: Excuse me. Can you
8 tell us --

9 REPRESENTATIVE MCCARTER: Could I come back --

10 MAJORITY CHAIRMAN METCALFE: -- who in the City
11 of Philadelphia --

12 MR. ADAMS: You could probably help me with that.
13 He is the Election Director there.

14 REPRESENTATIVE MCCARTER: Let me go to number 11,
15 again, to go back to that example. In the column where it
16 says "last voted," there's nothing there.

17 MR. ADAMS: Well, it says he didn't vote
18 illegally. That's exactly right.

19 REPRESENTATIVE MCCARTER: Correct.

20 MR. ADAMS: But he still committed a Federal
21 felony by registering as a noncitizen.

22 REPRESENTATIVE MCCARTER: I understand --

23 MR. ADAMS: There's two different Federal
24 felonies involved.

25 REPRESENTATIVE MCCARTER: If I could ask the next

1 question, please. The next question is how many of these
2 people were put on here by Motor Voter?

3 MR. ADAMS: Well, probably most of them actually.
4 And that means they lied, committed another Federal felony,
5 on their voter registration form --

6 REPRESENTATIVE MCCARTER: Did they do something
7 literally by not knowing what they were doing on there,
8 possibly --

9 MR. ADAMS: You can't. If you look at the
10 Federal voter registration form, twice you have to lie, and
11 one of them says "I hereby declare under penalty of perjury
12 that I'm a United States citizen." And you sign right
13 above that language.

14 REPRESENTATIVE MCCARTER: I understand that they
15 did that, but was it duplicitous is my --

16 MR. ADAMS: It's a felony.

17 REPRESENTATIVE MCCARTER: The question --

18 MR. ADAMS: I mean, if you want to excuse that,
19 then I guess you can excuse it, but it's a --

20 REPRESENTATIVE MCCARTER: No, what --

21 MR. ADAMS: -- felony.

22 REPRESENTATIVE MCCARTER: -- I'm -- excuse me.
23 What I'm trying to point out is that there are also
24 multiple cases that I can provide for you of individuals
25 who in Motor Voter registered believing they were

1 registering in the Republican Party or Democratic Party,
2 but because of the long list of things on Motor Voter of
3 all the different registrations, registered in a wrong
4 party. Errors get made in terms of this taking place.

5 Now, you're correct when it says in here -- and I
6 have no difficulty in your testimony -- saying that, you
7 know, individuals who voted on particular dates obviously
8 did something completely wrong and without a doubt. And by
9 the act of registering, they committed what we would say is
10 a crime.

11 But if it was not done duplicitously for the
12 purpose of voting fraud, and a large number of these people
13 never voted and asked to have their names removed, that's a
14 different circumstance. That is a different circumstance,
15 and I think that's an important one and a distinction to be
16 made, especially while we're seeing in here numerous
17 clerical errors of dates of registration and then having
18 the changes made before that.

19 MR. ADAMS: Yes, I think that's a computer
20 function, your reliance upon date last changed.

21 But let me address your more important point, and
22 that is whether they acted duplicitously. The
23 Congressional record of Motor Voter addresses this, and
24 there was a great debate in Congress about what the Federal
25 voter registration form should say. And so Congress very

1 deliberately added two steps -- not just one -- two that
2 every single voter the register would have to go through
3 because they wanted to be able to build a case of criminal
4 intent. And what they did is they have the citizen
5 checkbox. "Are you a U.S. citizen?" Yes or no. And then
6 they added the signature line with that language that I
7 cited. So any prosecutor will have a much easier case to
8 prove that the Federal felony occurred.

9 REPRESENTATIVE MCCARTER: Well, again, not
10 knowing how many are Motor Voter or were done by forms of
11 zealous people out registering people in both the
12 Republican and Democratic Party, we have no way of knowing
13 without that data in terms of being provided to us. Thank
14 you.

15 MAJORITY CHAIRMAN METCALFE: Thank you,
16 Representative McCarter.

17 Just one of the sheets here that Mr. Adams
18 provided that's looking at 01/01/2013 to 12/31/2013,
19 there's 18 individuals there that were registered that are
20 foreign nationals that shouldn't have been registered as
21 I'm reading it. And out of those 18, it looks like a quick
22 count, there's about nine of them that have a last-voted
23 date. So 50 percent of those individuals voted, so they
24 registered to vote committing a felony and then they voted
25 committing a felony. So I think there's certainly room for

1 prosecution and for our changing our laws here to make sure
2 they're not getting on the ballots in the first place.

3 Representative Brown.

4 REPRESENTATIVE BROWN: Thank you, Mr. Chairman.

5 Mr. Chairman, I just want to bring to your
6 attention that in the City of Philadelphia there are over
7 300 formerly convicted people, many who have felons.
8 Within every county in the Commonwealth of Pennsylvania,
9 there are convicted felons. And I just want to let all of
10 them know that, again, they can vote in the Commonwealth of
11 Pennsylvania and it doesn't sicken me that they have rights
12 and that I will be continuing to fight for their rights to
13 be able to vote in the Commonwealth of Pennsylvania. Thank
14 you.

15 MAJORITY CHAIRMAN METCALFE: Representative Hill.

16 REPRESENTATIVE HILL: Thank you, Mr. Chairman.

17 Mr. Adams, thank you for being here today.

18 I wanted to follow up on the line of questioning
19 that Chairman Metcalfe had begun with you. What efforts
20 are States taking to verify citizenship status, not just
21 are you a U.S. citizen but are you actually a resident
22 citizen of the State or Commonwealth as in the case of
23 Pennsylvania? And I say that from personal experience.
24 There are people who are voting in multiple States --

25 MR. ADAMS: Yes.

1 REPRESENTATIVE HILL: -- and by all accounts,
2 people would say they were lovely individuals. My husband
3 and I had the occasion to meet a couple in Cape May County,
4 New Jersey, while we were vacationing there who also had a
5 home in south-central Pennsylvania and very happily
6 informed us that they vote in both places because they own
7 property in both places. So I don't think that people
8 should be able to vote more than once. If you want to vote
9 in New Jersey, great, vote in New Jersey. If you want to
10 vote in Pennsylvania, great, vote in Pennsylvania, but
11 don't vote in both.

12 So, you know, what other efforts do States take
13 to check not only citizenship of the United States but
14 citizenship of that State?

15 MR. ADAMS: Great question, and there's an easy
16 tool to use. There's two tools actually. This is a
17 problem around the country. I'll name -- Wendy Rosen was a
18 Congressional nominee in Maryland's 1st Congressional
19 District and she was voting in both Maryland and Florida.
20 And that might have been the only reason she was caught.
21 It is a Federal felony, a Federal felony to vote twice in
22 the same Federal election.

23 The two tools that are used by other States --
24 and I confess I don't know if Pennsylvania was because this
25 was not part of my testimony. Number one is ERIC. I

1 believe I heard testimony that says you use ERIC. ERIC is
2 one tool, and that's why you do the mailings to the
3 nonregistered because that's part of the condition of entry
4 into the ERIC program. So using ERIC helps you see where
5 people are registered in other States.

6 The other tool is the Kansas Interstate
7 Crosscheck Compact. Kansas has a compact with -- it
8 fluctuates from year to year -- approximately 15 to 20
9 States where all of these States pull their statewide
10 databases for an instant, a snapshot, and they generate a
11 list of duplicates through the Kansas Interstate Crosscheck
12 Program. I'm pretty sure Pennsylvania does not participate
13 in that, and it's something the Secretary of the
14 Commonwealth could do very easily. And it's just another
15 tool to catch multiple-State registrations.

16 Now, in Pennsylvania's case you're going to need
17 to be worried about New Jersey, Florida, West Virginia,
18 Maryland, and New York, maybe Ohio. And I'm not sure how
19 many of those surrounding States participate in either ERIC
20 or the crosscheck program. The bottom line is the more
21 tools you use, the better.

22 MAJORITY CHAIRMAN METCALFE: And my understanding
23 was that we were using crosscheck. We were engaged in that
24 program and that now they've gone to ERIC in lieu of using
25 the crosscheck because they thought ERIC was going to

1 provide a larger group because there's more States, I
2 think, that were involved in some of the things and some of
3 the responses were false positives I think they said they
4 had.

5 REPRESENTATIVE HILL: Can I follow up,
6 Mr. Chairman?

7 MAJORITY CHAIRMAN METCALFE: Yes.

8 REPRESENTATIVE HILL: So, Mr. Adams, those tools
9 will also help identify people who are not legally residing
10 in the United States as well?

11 MR. ADAMS: Boy, that's a good question. I
12 haven't thought about -- I don't think it will. The ERIC
13 and Kansas program I don't think will. SAVE would.

14 MAJORITY CHAIRMAN METCALFE: Representative Hill
15 or does that conclude your --

16 REPRESENTATIVE HILL: Thank you very much,
17 Mr. Chairman. Thank you, Mr. Adams.

18 MR. ADAMS: Thank you.

19 MAJORITY CHAIRMAN METCALFE: Representative
20 Cohen?

21 DEMOCRATIC CHAIRMAN COHEN: Mr. Chairman, just a
22 follow-up question.

23 You said that, as a condition of participating in
24 ERIC, there has to be mailings to nonvoters?

25 MR. ADAMS: Yes, I heard you talk about that

1 earlier, and I thought when I heard you say that that's
2 probably the ERIC precondition to participation.

3 DEMOCRATIC CHAIRMAN COHEN: Okay. Thank you very
4 much.

5 MAJORITY CHAIRMAN METCALFE: And that was a
6 condition of the contract was to be included in ERIC then
7 you've got to do that mailing?

8 MR. ADAMS: That's right.

9 MAJORITY CHAIRMAN METCALFE: Which I think coming
10 at this time of the year created even more confusion for
11 people.

12 MR. ADAMS: Which I knew nothing about, I'm
13 sorry.

14 MAJORITY CHAIRMAN METCALFE: Right. Right. So
15 that's something we did address earlier.

16 Can you tell us, Mr. Adams, Texas, you said,
17 started utilizing SAVE for checking voter registrations so
18 that would let you know if somebody is an alien -- if
19 they're an alien or not?

20 MR. ADAMS: Yes. And Florida made an effort,
21 too. Now, understand, this is work and that's one of the
22 reasons that it doesn't get used.

23 MAJORITY CHAIRMAN METCALFE: Now, are there any
24 other initiatives that have not been knocked down by the
25 courts that any States are using to verify --

1 MR. ADAMS: Sure.

2 MAJORITY CHAIRMAN METCALFE: -- someone's
3 citizenship status? I think Arizona had been allowed to
4 use the citizenship requirement for State elections but it
5 was struck down --

6 MR. ADAMS: That's right.

7 MAJORITY CHAIRMAN METCALFE: -- for the Federal
8 elections or --

9 MR. ADAMS: It's --

10 MAJORITY CHAIRMAN METCALFE: -- they had to keep
11 two different -- I mean --

12 MR. ADAMS: That's being litigated --

13 MAJORITY CHAIRMAN METCALFE: -- as a result of
14 it, they had to keep two different -- so they're still on
15 appeal?

16 MR. ADAMS: Kansas, Georgia, Alabama. Look,
17 there's things you can do to ask for citizenship
18 verification. Georgia does a computer process. There's
19 different tools, and how you use the tools and if you use
20 the tools can vary from State to State. Do what's best for
21 Pennsylvania. But the worst thing you could do is nothing.

22 MAJORITY CHAIRMAN METCALFE: Now, are those
23 States that you mentioned, are -- because I know some
24 States have moved forward with trying to put a verification
25 of citizenship in process for when somebody registers to

1 vote and they've been knocked down. So there are States
2 that have some processes in place that we could find out
3 with follow-up from you on who they are, I'm sure, and --

4 MR. ADAMS: Even Kansas lets you have a phone
5 hearing. If you come up initially as a noncitizen, you can
6 have a phone hearing and call into the Secretary of State
7 there and eventually get on the rolls.

8 I mean, look, there's ways for a Legislature to
9 craft a solution, but the status quo of doing nothing is
10 not the answer.

11 MAJORITY CHAIRMAN METCALFE: I agree. I agree.
12 And I think that the majority of Pennsylvanians would
13 demand that if asked.

14 MR. ADAMS: That's an interesting point you make.
15 When you talk to people about citizenship verification,
16 with very few exceptions, everybody agrees, right? Who
17 would argue that we shouldn't worry about noncitizens on
18 the rolls? Only the completely lawless.

19 MAJORITY CHAIRMAN METCALFE: Right. Well, thank
20 you, sir. Thank you for making the trip and originally, as
21 it was mentioned, from Westmoreland County so --

22 MR. ADAMS: Yes.

23 MAJORITY CHAIRMAN METCALFE: -- welcome back to
24 your home State. And we thank you for the work you're
25 doing and thank you for sharing your expertise with us

1 today, sir.

2 MR. ADAMS: Thank you.

3 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
4 you to the Members. This hearing is concluded. Motion to
5 adjourn by Representative Hill, seconded by Representative
6 Wheeland, this hearing is adjourned. Everyone have a great
7 day.

8

9 (The hearing concluded at 1:02 p.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5

6

7

Christy Snyder

8

Transcriptionist

9

Diaz Transcription Services