



LEAGUE OF WOMEN VOTERS® OF PENNSYLVANIA

226 Forster Street, Harrisburg, PA 17102-3220 ♦♦ 717.234.1576

Testimony of the League of Women Voters of Pennsylvania

Regarding Preparations for the 2016 Presidential Election

October 3, 2016

Thank you for the opportunity to present testimony today on preparations for the upcoming elections. As you know, the League of Women Voters of Pennsylvania is a nonprofit civic engagement organization dedicated to encouraging informed and active participation in government by all Pennsylvanians, working to increase understanding of major local, state and national public policy issues and influencing public policy through education and advocacy. We do not support or oppose any candidate or political party.

The League has been working hard along with coalition partners to ensure that every eligible, registered, and qualified voter has a positive voting experience from registration through casting their ballot on Election Day. Voting is a fundamental right and it is incumbent on all of us, advocates, elected officials, and citizens to ensure that that right is not abridged. Ensuring the right to vote is the best way to hold government accountable to its citizens.

I would like to address two main points today: First, the preparations for this historic election, and second, the need for commonsense reforms to our voting process.

In addition to our extensive work on voter registration and voter education, the League is a leading member of a coalition dedicated to ensuring that Election Day goes as smoothly as possible for Pennsylvania. Other members of the coalition include the National Lawyers Committee for Civil Rights, ACLU-PA, Common Cause, and Pennsylvania Voices. Since August, we have been meeting with local election officials, working with the Pennsylvania Department of State, and connecting with on-the-ground groups conducting voter registration and get-out-the-vote in order to identify any potential problems that might occur and determine the best way to address them.

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

Some of the specific potential issues we are working to address include:

Accessibility/Assistance

Even for individuals without disabilities who are fluent in English, the voting process can be intimidating. The League and other coalition partners are working to ensure that all voters have access to the polls and the ability to vote. The Pennsylvania Election Code permits any voter who requires it to receive assistance from the person of his or her choice as long as that person isn't their employer or union representative.

Section 203 of the Voting Rights Act requires some places to provide ballots & other voting information in other languages; if there is info provided in English, it must be made available in other languages.¹ The law covers those localities where there are more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision who are members of a single minority language group, have depressed literacy rates, and do not speak English very well. Determinations are based on data from the most recent Census, and the determinations are made by the Director of the Census. Berks, Lehigh & Philadelphia Counties are required to provide access in Spanish. We are working with the election officials in those counties to help them educate voters about how language assistance can be provided if necessary.

Technology

Pennsylvania, along with much of the country, is using voting technology that is reaching the end of its natural life. Because of this, it is important that local election officials have contingency plans in place for technological failures on Election Day. Additionally, Pennsylvania is one of only a few places that use electronic voting machines that do not produce a paper trail. National election experts from the Brennan Center and other organizations, including the NSA², suggest that it is best practices for all voting machines to have a paper trail that will allow for independent verification of his or her vote by the voter. We at the League agree and hope that as Pennsylvania counties begin to make necessary upgrades to their voting technology, they will take this into consideration in choosing which systems to use.

However, while the lack of a paper trail puts us more at risk, the amount of risk remains very small. Pennsylvania voting machines are not connected to the internet and are not hackable that way. Machines without a paper trail still keep multiple logs of the votes. To be certified in Pennsylvania, voting machines must undergo strenuous testing and must be publically tested before each election. Additionally, the Department of Homeland Security has been consulting with Pennsylvania on measures that can be taken to further secure our election.

Poll Worker Recruitment and Training

¹ Sec. 203 reads: "Whenever any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language."

² <https://oversight.house.gov/hearing/cybersecurity-ensuring-integrity-ballot-box/>

Poll workers are at the front lines on Election Day. It is essential that they are properly trained and have a clear understanding of their roles and responsibilities as well as what is and is not permitted in and around the polling place. However, one of the things that we have heard from election officials across the state is about the difficulty of recruiting poll workers. The League and some of our coalition partners are working to get the word out about the need through our local leagues.

We are also working to flag crucial issues on which we believe poll workers must receive training. Many of these issues recur every election but have special significance given the polarization and the heightened tension surrounding this election.

Ensuring qualified voters have a positive voting experience

The logistics of Election Day are complicated. The primary goal of the election protection coalition is to ensure that voters have a positive Election Day experience. This involves everything from quick moving lines, to functioning machines, to knowledgeable poll workers to accessible polling places to ensuring that qualified voters don't face barriers to voting. We have been engaging in conversations with election officials across the state and with the Department of State to make sure that everyone is aware of potential issues and has plans in place to address them. We also want to serve as a resource for election officials to help them educate the voters in their counties about how elections work and what to expect on Election Day.

On Election Day, we will also be deploying trained volunteers to help voters understand the process and know their rights. The Lawyers Committee will also be running a hotline for voters to call if they need help determining their polling place or if they face any problems. The hotline will be staffed by trained lawyers and will work to connect volunteers/voters on the ground to resources and solutions.

House Bill 29

Regardless of the intent behind House Bill 29, the League believes passing this bill less than a month before Election Day will throw a wrench in the election administration process. Election officials already are dealing with a million different logistical issues and changing the rules regarding poll watcher eligibility will only add to their substantial workload.

Further, while poll watchers serve an important place in the election process, the hyper-partisanship of this election season may serve to paint poll watchers in a negative light particularly if the rules are changed to remove the county residency requirement, which could undermine their legitimate purpose and may make some voters feel uncomfortable at the polls. Accordingly, we urge you to oppose this bill.

Commonsense Voting Reforms

The biggest threat to election integrity is low voter participation. Increased voter participation is the best way to hold our elected officials accountable for their actions in office. It's no secret that the United States suffers from low civic participation. Unfortunately, Pennsylvania is not innocent when it comes to these challenges. In the 2012 presidential elections, Pennsylvania ranked 29th³ in voter turnout. In the 2015 elections, less than 25% of Pennsylvania's registered voters participated. Many states have already taken steps to eliminate this problem by expanding voter access. Pennsylvania has several opportunities to modernize elections and make them more accessible to its citizens. I would like to discuss four tested and proven policies other states have adopted to ease voting participation for all residents.

The League is a member of Keystone Votes, a nonpartisan coalition of over 40 Pennsylvania advocacy and community organizations all working toward commonsense voting reforms to make the process of voting more cost-effective, efficient, and accessible.

Optional Vote by Mail

Pennsylvania currently allows voters who cannot make it to the polls on Election Day to cast absentee ballots by mail only in cases of sickness or work obligations outside of their respective voting district. This policy limits options for those whose needs do not fall within the purview of qualified "excuses" for absentee voting, and is a particular hardship for voters with demanding work schedules, childcare needs or who prefer to avoid the long lines on Election Day. A policy of "No-Excuse Absentee Ballots" allows registered voters to request an absentee ballot without having to provide a reason. Optional vote by mail also reduces the burden on local election offices and leads to shorter lines at the polls on Election Day.

Youth Voter Preregistration

Youth preregistration allows young people ages 16 and 17 to complete a registration form, even if they will not be old enough to vote in the next election. This ensures that they are on the rolls and able to vote once they are 18 years of age. Young people who preregister are more likely to stay registered and participate in elections after they turn 18.⁴ Most Pennsylvanians register to vote at PennDOT. Allowing new drivers to register and be added to the voter rolls before they turn 18 will help increase youth civic engagement. While we understand that there are logistical issues that would need to be resolved in order to ensure that the voter rolls do not become inflated, but firmly believe that pre-registration is a key way to engage more young adults in voting.

³ <https://www.washingtonpost.com/news/the-fix/wp/2013/03/12/the-states-with-the-highest-and-lowest-turnout-in-2012-in-2-charts/>

⁴ <http://www.nyujlpp.org/wp-content/uploads/2012/11/Michael-P.-McDonald-Matthew-Thornburg-Registering-the-Youth-Through-Voter-Preregistration.pdf>

Early Voting

Early voting allows any voter to cast a ballot prior to Election Day. Pennsylvania is one of only 13 states that do not permit early voting.⁵ Early voting mitigates the intimidation of busy voting lines, and accommodates voters who have extenuating circumstances on voting day (work, childcare, appointments, vacation, religious events, etc.).

Same-Day Voter Registration

With same-day registration, eligible voters can update registration records or register at their polling place on Election Day. Many citizens become most interested and engaged in elections in the final weeks, when campaigns reach their peak. However, Pennsylvania voters are required to register or update their registrations 30 days before an election in order to vote. Same-day registration mitigates this deadline and makes it possible for citizens to register when they are most engaged.

In order for our democracy to function properly and for our elected representatives to be held truly accountable to voters, we must modernize our election system. We must institute an efficient system that enables all eligible voters to cast a ballot when they so choose. After all, voting is central to our democracy.

Pennsylvania lags behind much of the country in implementing voting modernization reforms that would address many of these issues. In fact, Pennsylvania is only one of nine states that do not have any of the key voting modernization reforms: early voting, optional vote by mail, pre-registration for 16 and 17-year-olds, and same-day registration. These solutions are not novel ideas, either. In fact, each of these policies was first adopted as early as the 1970s.

Organizations like the League of Women Voters of Pennsylvania work hard to register voters while equipping them with the tools, information, and opportunity to have their voices heard at the polls.

Thank you for the opportunity to speak to you today. I'm happy to take any questions you may have.

⁵ <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>