

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

THURSDAY, JANUARY 28, 2021
1:30 P.M.

PRESENTATION ON
PENNSYLVANIA'S STATEWIDE UNIFORM REGISTRY OF ELECTORS
(SURE) SYSTEM/IT

MEMBERS PRESENT:

HONORABLE SETH GROVE, MAJORITY CHAIRMAN
HONORABLE RUSS DIAMOND
HONORABLE MATTHEW DOWLING
HONORABLE DAWN KEEFER
HONORABLE BRETT MILLER
HONORABLE ERIC NELSON
HONORABLE CLINT OWLETT
HONORABLE FRANK RYAN
HONORABLE PAUL SCHEMEL
HONORABLE CRAIG STAATS
HONORABLE JEFF WHEELAND
HONORABLE MARGO DAVIDSON, DEMOCRATIC CHAIRMAN

MEMBERS PRESENT VIRTUALLY:

HONORABLE ANDREW LEWIS
HONORABLE RYAN MACKENZIE
HONORABLE JASON ORTITAY
HONORABLE LOUIS SCHMITT
HONORABLE ISABELLA FITZGERALD
HONORABLE KRISTINE HOWARD
HONORABLE MAUREEN MADDEN
HONORABLE BENJAMIN SANCHEZ
HONORABLE BRIAN SIMS
HONORABLE JARED SOLOMON
HONORABLE JOSEPH WEBSTER
HONORABLE REGINA YOUNG

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

MICHAELE TOTINO

MAJORITY EXECUTIVE DIRECTOR

MICHAEL HECKMANN

MAJORITY RESEARCH ANALYST

SHERRY EBERLY

MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

NICHOLAS HIMEBAUGH

DEMOCRATIC EXECUTIVE DIRECTOR

I N D E X

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

P R O C E E D I N G S

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MAJORITY CHAIRMAN GROVE: Good afternoon.

Welcome to this public hearing of the Pennsylvania House State Government Committee on the SURE system and other IT stuff. This is the second hearing of 14 where this Committee will complete a deep dive into the Pennsylvania election law from 1937 and how elections are administered in the Commonwealth in order to inform the public and this Committee so we may facilitate election changes which ensure our voting process is designed so the voters select the winners and not the process.

While the 2020 general election has been debated and litigated ad nauseam, the General Assembly still has an important constitutional job to execute, legislative oversight of laws we pass and the agencies which administer these laws. Specifically, House Rule 45 states, quote, "Each standing Committee or Subcommittee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such Committee or Subcommittee, and for that purpose shall study all pertinent reports and data submitted by the House by the agencies and the executive branch of the government."

Today's hearing is focused on the Commonwealth's

1 SURE or the Statewide Uniform Registry of Electors, or SURE
2 system. While the Department's website lacks any
3 explanation of SURE, Title 25, Chapter 12, Section 1222
4 explains it as follows: "The Department shall develop and
5 establish a Statewide Uniform Registry of Electors to be
6 known as SURE.

7 "The requirements: The SURE system shall be
8 developed as a single uniform integrated computer system.
9 All Commissions, as in County Election Commissions, shall
10 be connected electronically to the SURE system and shall
11 maintain their registration records in the system.

12 "The SURE system shall, at a minimum, do all the
13 following: Contain a database of all registered electors
14 in this Commonwealth; ensure the integrity and accuracy of
15 all registration records in the system by prohibiting
16 unauthorized entry, modification, or deletion of
17 registration records; assign a unique SURE registration
18 number to each individual currently registered in this
19 Commonwealth; permit the Commissions" -- as in the County
20 Election Commissions -- "to add, modify, and delete
21 information in the system as necessary and appropriate;
22 permit each Commission and the Department to have instant
23 access to a Commission's registration records maintained on
24 the system; be the general registrar for a Commission once
25 the Commission is connected to the SURE system; permit each

1 Commission and the Department to review and search the
2 system and to permit the sending of notices to the
3 appropriate officials regarding death, change of address,
4 and other information which could affect the qualifications
5 of an applicant or the registration of a registered
6 elector; provide for the electronic transfer of completed
7 voter registration applications and changes of address in
8 accordance with this part; preserve the power of the
9 Commissions to make determinations as to the qualifications
10 of applicants; assign a unique SURE registration number to
11 each qualified elector who becomes registered and record
12 the registered elector in the general register of the
13 appropriate Commission; permit auditing of each registered
14 elector's registration record from the day of its creation
15 until the day it is canceled; permit the Department to
16 implement Section 1901(b)(1)(i) regarding removal of
17 electors; permit the timely printing and transmission by
18 Commissions of district registers and all other information
19 contained in the system as may be necessary for the
20 operation of polling places on Election Day; be designed
21 with an emergency recovery system to ensure that
22 registration records are not lost in the case of emergency,
23 natural disaster, or other such event that could cause the
24 system to malfunction; identify the election district to
25 which a qualified elector or registered elector should be

1 assigned; create and produce records required by this part;
2 identify duplicate voter registrations on a countywide and
3 statewide basis; maintain a record of polling place
4 locations and district election officers; identify
5 registered electors who have been issued absentee ballots
6 for an election in accordance with the act of June 3rd,
7 1937, known as the Pennsylvania Election Code; identify
8 registered electors who vote in election and the method by
9 which their ballots were cast and print the wallet-size
10 identification cards required by Section 1328 relating to
11 approval of registration of applications." Needless to
12 say, the SURE system is a very important system within the
13 election process.

14 Today, I'm very excited to have county officials
15 testifying. County governments actually administer our
16 elections. For me, their input is the most crucial as this
17 Committee continues its extensive review of the
18 Commonwealth's election law and the administration of
19 elections. I think we all agree we owe great debt of
20 gratitude to our election officials and county
21 Commissioners for their work this past year on our
22 elections and would ask the Committee to join me in
23 applauding them.

24
25 (Applause.)

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MAJORITY CHAIRMAN GROVE: To our testifiers, please accept our sincere thanks on behalf of all of your fellow 67 counties. We appreciate the good work that you have done.

It is my goal for this Committee to partner with our counties as much as possible so we gather their first-hand experience at every step of our election process review. We must ensure any changes we make must be workable and effective for the end-users, our counties, and our voters. I look forward to working with my colleagues, our stakeholders, and citizens to improve upon our Commonwealth's election laws.

When our co-Chair gets here, we'll let her have a few remarks.

Heading into housekeeping, we do have Members and testifiers in attendance virtually, as well as public viewing via live stream. Due to Sunshine Law requirements, if either of these platforms experiences technical difficulties, we will pause the meeting in order to correct the issues.

For the Members participating virtually, please mute your microphones. Please know when you speak, we all hear you. If you want to be recognized for comments, please use the raise-hand function. After being recognized

1 but prior to speaking, please turn on your camera and
2 unmute your microphone. After you've completed your
3 question, please mute your microphone.

4 Again, my goal is to allow as many Members as
5 possible to ask questions this afternoon, so please limit
6 your questions to one per person for a maximum of five
7 minutes. This should provide enough time for further
8 rounds of questions. Although this hearing is about the
9 SURE system, please keep your inquiries on other topics
10 until all Members' questions have been asked concerning
11 election guidance. We are holding 12 more hearings on
12 specific election topics. If you have a question which
13 falls under one of those hearings, please hold it for that
14 hearing.

15 We will introduce Members. We will start with
16 Members here in the hearing room, and then for Members
17 participating virtually, I will recognize you and just turn
18 on your mic and your camera and you can be recognized.

19 We'll start with myself, Chairman Seth Grove,
20 196th District, York County.

21 REPRESENTATIVE NELSON: Representative Eric
22 Nelson, Westmoreland County.

23 REPRESENTATIVE OWLETT: Representative Clint
24 Owlett. I have the privilege of serving Tioga, Bradford,
25 and Potter County.

1 REPRESENTATIVE STAATS: Craig Staats representing
2 the 145th District in Bucks County.

3 REPRESENTATIVE DIAMOND: Russ Diamond
4 representing the 102nd District in Lebanon County.

5 REPRESENTATIVE RYAN: Frank Ryan representing the
6 101st District in Lebanon County.

7 REPRESENTATIVE WHEELAND: Representative Jeff
8 Wheeland, 83rd District, Lycoming County.

9 REPRESENTATIVE MILLER: Brett Miller, Lancaster
10 County.

11 REPRESENTATIVE KEEFER: Representative Dawn
12 Keefer, 92nd District, York and Cumberland Counties.

13 REPRESENTATIVE DOWLING: Representative Matt
14 Dowling, 51st District in Fayette and Somerset Counties.

15 REPRESENTATIVE SCHEMEL: Paul Schemel, Franklin
16 County.

17 MAJORITY CHAIRMAN GROVE: Representative Lewis.

18 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman.
19 Representative Lewis, 105th District in Dauphin County.
20 Thank you.

21 MAJORITY CHAIRMAN GROVE: Representative
22 Fitzgerald.

23 REPRESENTATIVE FITZGERALD Representative
24 Isabella Fitzgerald representing Philadelphia County,
25 representing West Oak Lane, East Oak Lane, and the lower

1 northeast.

2 MAJORITY CHAIRMAN GROVE: Representative Howard.

3 REPRESENTATIVE HOWARD: Hi, it's Kristine Howard
4 from the 167th in Chester County.

5 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

6 REPRESENTATIVE ORTITAY: Jason Ortitay,
7 Representative in the 46th District, Allegheny and
8 Washington Counties.

9 MAJORITY CHAIRMAN GROVE: Representative Madden.

10 REPRESENTATIVE MADDEN: Good afternoon.
11 Representative Madden representing the 115th District,
12 Monroe County, the Poconos.

13 MAJORITY CHAIRMAN GROVE: Representative Young.

14 REPRESENTATIVE YOUNG: Regina Young, Philadelphia
15 and Delaware County, District 185.

16 MAJORITY CHAIRMAN GROVE: Representative Sanchez,
17 our virtual guru.

18 REPRESENTATIVE SANCHEZ: Good afternoon, Mr.
19 Chairman and all. Ben Sanchez from the 153rd, Montgomery
20 County.

21 MAJORITY CHAIRMAN GROVE: Representative Solomon.

22 REPRESENTATIVE SOLOMON: Good afternoon. Jared
23 Solomon, 202nd Legislative District in northeast
24 Philadelphia. Thank you.

25 MAJORITY CHAIRMAN GROVE: Representative

1 Mackenzie.

2 REPRESENTATIVE MACKENZIE: Good afternoon. Ryan
3 Mackenzie representing the 134th District and portions of
4 Lehigh and Berks Counties.

5 MAJORITY CHAIRMAN GROVE: Thank you. I greatly
6 appreciate all your participation today.

7 The Pennsylvania County Commissioners Association
8 has submitted written comments for the record, and all
9 Members should have them. If not, get in touch with my
10 office and I will make sure you get them.

11 New to the House operating rules this session, we
12 do have a new provision of swearing in testifiers for
13 standing Committee hearings, so if our testifiers today,
14 Commissioner Kantz, Mr. Benyo, Mr. Anderson, could you
15 please unmute, turn on your cameras, and raise your right
16 hands?

17 Commissioner Kantz, Mr. Benyo, Mr. Anderson, are
18 you there?

19 MALE SPEAKER: Yes, sir.

20 MAJORITY CHAIRMAN GROVE: All right. Can you --

21 MALE SPEAKER: Yes, sir.

22 MALE SPEAKER: Mr. Anderson was having some
23 technical difficulties.

24 MAJORITY CHAIRMAN GROVE: Got you. There you go.
25 Commissioner Kantz? All right, there we go. All right,

1 Tim and Joe.

2

3 (Witnesses sworn.)

4

5 MAJORITY CHAIRMAN GROVE: Good. And just to let
6 you know, I have no power to marry you, so you're good to
7 go.

8

9 (Laughter.)

10

11 MAJORITY CHAIRMAN GROVE: All right, gentlemen.
12 Panel 1 testimony, we are just going to go in order of the
13 agenda, so Commissioner Kantz, you're up first, Mr. Benyo
14 and then Mr. Anderson, so Mr. Benyo and Mr. Anderson, you
15 can go ahead and mute and turn off your camera if you want,
16 and once Commissioner Kantz is done, we'll next go to Mr.
17 Benyo and then Mr. Anderson, and then we'll open up to
18 questions.

19 So the floor is yours, Commissioner. Thank you
20 so much for participating.

21 MR. KANTZ: Thank you, Chairman Grove, and thank
22 you to all of the State Government Committee for allowing
23 us to be a part of this hearing today. I'll apologize up
24 front and hopefully this won't be an issue, but where we
25 live here in rural Pennsylvania, of course, they're working

1 on phone lines today next door, and that means I've already
2 lost Internet access once. So my cell phone is ready at
3 the hand just in case I lose you, but hopefully, that won't
4 be an issue.

5 You mentioned the paper and the notice from CCAP.
6 I appreciate that, Chairman Grove, as I also serve on the
7 Elections Reform Committee at CCAP. We have put in a
8 tremendous amount of time -- and the other two gentlemen
9 testifying today have been a part of that as well -- to
10 make sure that we're bringing the issues to light that we
11 hope that legislation can help to fix in the future.

12 As a County Commissioner who's actively involved
13 in our elections process, I hear the complaints, the
14 concerns, the many things that have worked well and those
15 things that have not worked well, you know, by my staff
16 every day. And of course with the historic passage of Act
17 77 and Act 12, our election staffs had a great deal more
18 challenges in 2020, as you might imagine, than in the past
19 13 years since I've been there combined.

20 So I'm going to share some of those issues with
21 you today. I won't read them verbatim, but I will share
22 them, do a highlight of them. I think you've all been
23 given my testimony ahead of time. But suffice it to say
24 that this is not just from my experience in my office but
25 also a neighboring county that I have a good relationship

1 with, that in Northumberland County. I've spoken to their
2 registration and voter folks in the past couple of weeks as
3 well. I can tell you that because they had a new Elections
4 Director and we had a new Elections Director in 2020, our
5 office has worked hand-in-hand not only to help each other
6 but to basically train each other as well. And that's one
7 thing that's not in our testimony today.

8 Our SURE system testimony is that one thing that
9 we lack in Pennsylvania is a true training system for
10 Elections Directors, which I'm sure over the next 20-plus
11 hearings you're going to have, Chairman Grove, you'll find
12 that that's a common thread that we need to address as
13 many, many counties have lost their Election Directors.

14 So talking about the SURE system specifically,
15 you know, the first issue is downtime. In the midst of
16 trying to process thousands of mail-in ballots in our
17 county, in Snyder County, I have two full-time people on a
18 regular basis throughout the year. We brought in a number
19 of other volunteers and other paid assistants, part-timers
20 as well, and I'll talk about that in a little while. But
21 when the SURE system is down, it takes away from our time,
22 as you might imagine, to get things processed. And of
23 course it's a very large system. We understand that.
24 There's, you know, millions of names in that system. But
25 every time that system goes down, it slows us down and

1 slows down the process of processing the thousands and
2 thousands of ballots that we have in our county, as well as
3 all of the counties have to deal with throughout the
4 Commonwealth.

5 Printing issues, this is something that you might
6 not think about and I heard the complaints on an almost
7 weekly basis, but because of the way the SURE system is
8 built, there is no way to stop -- when you go to print, you
9 query a print and you go to print that query, it's going to
10 print. And hopefully, you print it to the right office
11 because if you are in Northumberland County, for example,
12 and Philadelphia, which on the scroll-down list is right
13 underneath Northumberland County, and somebody in
14 Philadelphia wants to print a query, if they grab
15 Northumberland County by accident, guess where it's going
16 to print? It's going to print in Northumberland County's
17 election office.

18 Now, this can be troublesome in a number of ways
19 because now not only do we have to take even more time from
20 the election staff in that county to call the correct
21 county that was trying to print the job, but then you also
22 have a lot of waste involved, as you might imagine. So the
23 printing system is something that the SURE system is maybe
24 in need of some updates or tweaks so that it's more
25 efficient and have less waste and hopefully less waste of

1 time for all the counties involved throughout the
2 Commonwealth.

3 The alternate address problems that we have in
4 the SURE system, when the SURE system pulls the alternate
5 address to send a mail-in ballot to, instead of the primary
6 address of that voter, as you might imagine, this can cause
7 the voter's actual ballot to be sent to the wrong address.
8 Maybe they live out of State part of the year, whatever,
9 you know, maybe they're at a cabin or a second home. If
10 they have that alternate address in the system and that's
11 the address that the SURE system pulls to mail that ballot
12 to, many times it can be overlooked very easily.

13 So, again, something that I know the Department
14 of State was working on that a number of times. I know
15 they know it was an issue. And the one thing I have to
16 give credit where credit is due, the folks that work the
17 helpdesk, the SURE helpdesk, as you'll see in my comments,
18 they were inundated many, many times over, and they were
19 always very pleasant to my staff as they had problems arise
20 even though I know that the helpdesk was working on
21 probably hundreds of issues at a time, always very pleasant
22 to work with, so I appreciate that.

23 Number four on my list is a blank precinct voter.
24 On some occasions, once voters have been assigned a
25 precinct by the voter registrar person, the SURE system

1 would change the voter's status to having no assigned
2 precinct, which then requires manual action by our staff to
3 do it all over again.

4 Number five is disappearing batches. As you
5 might imagine, when we get a group of mail-in ballots, we
6 are required by Act 77 to get them processed in so many
7 days. You do a batch of those ballots to get them in the
8 system -- applications I should say. The issue was
9 particularly present with mail-in absentee applications.
10 If a user reviewed a batch without fully completing it,
11 rarely an issue would occur that would make the batch
12 disappear from the pending applications menu, and then it
13 would be stuck in another area called "in use" by the user.
14 That then required more time to go back and have to
15 override that search that they were working on to get it to
16 work again and get it to actually file those applications
17 in the proper format.

18 Imported batches, again, we do a lot of batches
19 at one time in our office. Those batches of new voter
20 registration forms that come to counties from the
21 Department of Transportation, I know this has been an issue
22 that's been talked about many times ever since the PA Motor
23 Voter law had been passed. It's great that we have access
24 for people to register to vote easily. However, when those
25 formats are sometimes used, many times the information is

1 not complete. There's not complete and accurate spelling
2 of names, addresses, date of birth, those sorts of things.
3 And then when these batches are imported into the SURE
4 system, they sometimes cause the system to go unresponsive
5 for minutes and other large reports cause the system to
6 crash.

7 The batches from the Department of Health, which
8 would be the deceased reports, often do not have complete
9 information. And of course, as you might imagine, when
10 that happens, then our staff has to go through not only the
11 information from the SURE system, but we've got to then
12 match -- if we have two John Does in my county and one
13 shows as having been deceased, we've got to make sure we
14 take the right John Doe off the voter list that's saying
15 that they're deceased, so we've got to do research maybe in
16 the local newspaper, obituaries, what have you to make sure
17 we can confirm we have the right person that we're showing
18 as deceased.

19 System reboots, this is a big one of my office in
20 Snyder County. My staff's terminals would often need to be
21 rebooted. They would freeze up. One of my workers had
22 this happen every few days. My other person who is our
23 person that registers people to vote on a daily basis, her
24 computer screen, terminal from the SURE system would freeze
25 up two to three times a day. And this is on top of the

1 system working very slowly on a daily basis, especially
2 when we're in the midst of processing thousands of mail-in
3 ballots. It makes the job even harder and takes much
4 longer than what it should.

5 Other issues, just lastly, my staff had problems
6 with the SURE system showing pending labels for deceased
7 voters. Since we're not sure if it would accurately
8 generate labels, we did a three-step manual process to
9 delete the permanent status from the deceased person,
10 pending label and application as a precaution.

11 The other issue that seemed to generate a lot of
12 unnecessary work was the permanent records in the SURE
13 system. I know the permanent status check box has been an
14 area of contention among county election workers, and
15 that's something that we've got to continue to look at, but
16 that in the system, the permanent record in the SURE
17 system, we're not generating labels for the voter even
18 though we had their application from the spring primary and
19 the voter had selected annual mail-in ballot request. We
20 had to go through all of those applications by hand,
21 thousands of them, to find out if it was correct. So that
22 took an awful lot of time, many, many times over.

23 So, in closing my remarks, you know, the very
24 foundation of our democracy hinges on safe and secure
25 elections. We all know that. The SURE system is a very

1 big part of making sure -- no pun unintended -- our voter
2 rolls are accurate. Election staff being able to access
3 that information in a timely and efficient manner is also
4 crucially important.

5 So, Chairman Grove, I applaud you for having this
6 hearing today looking at an issue that many times is
7 overlooked, and that is the SURE system. We appreciate it,
8 and we're here to help in whatever way we can.

9 MAJORITY CHAIRMAN GROVE: Thank you, Commissioner
10 Kantz.

11 Next up, Mr. Benyo, thank you so much for
12 participating today.

13 MR. BENYO: Thank you very much, Chairman Grove
14 and Members of the Committee.

15 I'm in complete agreement with Commissioner
16 Kantz, and I'm sure that all the counties can definitely
17 give you examples of problems that we have faced over the
18 last almost 20 years with the SURE system.

19 I do have the original 2003 handbook with me. As
20 you can see, it's quite extensive. There's multiple
21 volumes coming after that with all of the upgrades.

22 Just to give you some kind of example, Microsoft
23 Windows has gone through numerous additions plus changes to
24 the platform, whereas the SURE system in the same amount of
25 time has gone over 180 different editions or builds, as the

1 Department of State calls it, and only on two platforms, so
2 the technology is more of a band-aid on changes that needed
3 to happen to the system because of legislation and changes
4 in the environment of the voting process.

5 I'm not exactly sure where your questions are
6 going to be coming to the SURE system and about the SURE
7 system, but focusing on the future, the Department of State
8 is moving forward with replacement to the SURE system, and
9 all 67 counties are rejoicing with that announcement. We
10 just recently had a meeting on the timeline on how it will
11 be rolled out. We've had numerous meetings in the past on
12 features that we wanted to see from balloting tracking to
13 different, easier ways and with less steps that we'd have
14 to go through to process people, registration changes, and
15 things like that.

16 So focusing on the improvements and the changes
17 that the new system can give us, I think we have an
18 opportunity here to make a great product that can last
19 maybe another 20 years like the SURE system did.

20 So I'm open for questions, and I thank you for
21 your time, and please continue to have us, the Election
22 Directors, in front of you to answer your questions and to
23 see how your changes affect how the process is done in each
24 county. Thank you very much.

25 MAJORITY CHAIRMAN GROVE: Thank you, Mr. Benyo.

1 Mr. Anderson.

2 MR. ANDERSON: Thank you. I appreciate it,
3 Chairman Grove, for having me on today. I will echo what
4 both gentlemen have said regarding the SURE system and the
5 issues that we have had. I'm right there with Tim, the
6 good old SURE manual.

7 You know, the bottom line with the SURE system is
8 that I believe that our partners with the Department of
9 State and working directly with SURE have done their best
10 to try to get SURE to work for all counties. There is, you
11 know, a large frustration with the SURE system as far as
12 just us trying to be productive workers and getting
13 everything done and SURE being slow or boring down or not
14 working correctly.

15 I try to be a positive thinker, as my colleague
16 Mr. Benyo had said, that there is a SURE modernization
17 project that is coming down the road for implementation
18 next year, and that's where my focus will be on, to help
19 any way I can to try to make the new SURE system work for
20 the counties and actually for what you're looking for, too.
21 I know that our local Representatives were looking for
22 certain aspects of the SURE system to be able to match to
23 certain things, and I was a very hard thing for the current
24 system to do.

25 And so, like my colleagues, I'm more than happy

1 to answer any questions that you have. I think they've
2 covered some of the deficiencies of the current system, and
3 I'm very much looking forward to trying to get the new
4 system to work for the way we need it to work as county
5 Election Directors, to work well for our local committees,
6 to get reports and things that they would need and
7 candidates, and then for what the General Assembly would
8 like to see from it as well. Thank you.

9 MAJORITY CHAIRMAN GROVE: Thank you. And, Mr.
10 Anderson, real quick, I got a little housekeeping stuff.
11 I've got to swear you in real quick, so can you just raise
12 your right hand for me real quick?

13 MR. ANDERSON: Absolutely.

14 MAJORITY CHAIRMAN GROVE: Yes.

15
16 (Witness sworn.)

17
18 MAJORITY CHAIRMAN GROVE: Thank you so much.

19 With that, just a first question for the three of
20 you or particularly, I guess, for Mr. Benyo and Mr.
21 Anderson. I know the administration already executed an
22 RFP for a new SURE system. Did you have conversations with
23 the Department leading up to that? Were your thoughts
24 included in that RFP to make sure your needs were met when
25 they're looking for a vendor?

1 MR. BENYO: Yes, Chairman. We've had numerous
2 conversations with the Department of State on features that
3 would definitely help us out and be more efficient and
4 productive and not having to work around processes to get
5 them completed. Yes, we've had numerous conversations, and
6 we have a great working relationship with the Department of
7 State.

8 MAJORITY CHAIRMAN GROVE: Okay. Chairwoman
9 Davidson?

10 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you. I
11 have no questions.

12 MAJORITY CHAIRMAN GROVE: Representative Owlett.
13 And just a reminder for those Members virtual, just raise
14 your hand, and I will get you recognized.

15 REPRESENTATIVE OWLETT: Thank you. Thank you,
16 Mr. Chairman. I had a quick question, and this really
17 stems from a conversation that I had with a constituent in
18 my district at a local VFW when I was at a veterans event.
19 She came up to me and said I've been voting in the same
20 spot for 40 years. When she went to vote this time, she
21 was marked as deceased, and she was very much alive. So
22 she just had some very big concerns about that.

23 So could you walk me through the process? If
24 someone passes away, what currently happens, and how could
25 that mistake have been made at a county level?

1 MR. ANDERSON: Tim, did you want me to take this
2 one?

3 REPRESENTATIVE OWLETT: Whoever wants it.

4 MR. ANDERSON: So a lot of those records come
5 from the Department of Health, and so when it comes
6 through, that is a county function to have those marked.
7 And then also what our county does -- and every county
8 could be slightly different -- is if we are aware of an
9 individual that is deceased or we see an obituary, we
10 always require an obituary before we mark someone as
11 deceased. That's how we'll get confirmation.

12 So in the instance that you're talking about, my
13 best guess without knowing particulars is that it was most
14 likely a user error where there was probably a match where
15 they probably matched to the wrong record and they marked
16 the wrong individual deceased. Unfortunately, that does
17 happen. I don't believe it happens very often.

18 Without knowing particulars -- I know we had an
19 instance just this past election where I worked with
20 Representative Diamond on where we had a matching error
21 where we were giving a record on somebody and marked them
22 as being moved, and when we researched it, it was strictly
23 that we picked up the wrong record and we didn't do enough
24 to make sure that we had the right person to be frank about
25 it. It shouldn't happen. Unfortunately, it was a user

1 error on our end, and so, I mean, without knowing
2 particulars, that's my best guess.

3 Tim, I don't know if you have anything you want
4 to add to that.

5 MR. BENYO: Yes, it does unfortunately happen.
6 We do also in Lehigh County go through the obituaries. It
7 does unfortunately happen. The good thing is on Election
8 Day that people -- if it was to happen to someone, they can
9 vote provisional ballot, and then we can make sure that it
10 is corrected and their vote will still be counted.

11 REPRESENTATIVE OWLETT: That was the follow-up
12 question is what is the remedy? Does the person then have
13 to contact the voter registration office? I mean, I
14 realize that they can vote provisionally, and that's
15 wonderful, but what's the next step for that individual?

16 MR. BENYO: Yes, if they contacted us, we would
17 definitely investigate and make sure to correct it in the
18 proper manner.

19 MR. KANTZ: Yes, and I would also say, Tim,
20 beyond that, you know, our local poll workers do just a
21 stellar job. First of all, they're basically volunteers
22 two days a year, but there's hardly a provisional ballot
23 that they don't have some kind of background information
24 on. So, you know, they're going to flag that to our staff,
25 you know, before that person even votes provisionally.

1 They're going to give us a call at our headquarters at the
2 election office and say just checking on this person and
3 their status, get to the bottom of it, and then make sure
4 that they vote provisionally and make sure they know they
5 have that as an option so that their vote does count.

6 MR. ANDERSON: Yes, and just to add on that, we
7 do go through every provisional ballot and what the reason
8 is so that if that is the reason given, then we'll research
9 to find out what indeed happened and if, you know --
10 obviously, that's a big red flag if someone showed up and
11 said they were deceased, then we're going to try to figure
12 out what happened on that.

13 We had, you know, 1,500 in Lebanon County
14 provisional ballots, so it was a long process to go through
15 those, but we went through every single one. And then our
16 board approved or didn't approve every single one of those
17 provisional ballots.

18 REPRESENTATIVE OWLETT: Great. Just another
19 question maybe in a different line if it's all right, Mr.
20 Chairman.

21 I wanted to talk a little bit about, you said at
22 the beginning that the training of the Election Directors,
23 you know, is something that we could improve on. As far as
24 the Election Directors, what would you say is the number
25 one thing that if we were to focus on at the State level as

1 far as training, what would be your big ask from the
2 Department of State as far as training goes?

3 MR. ANDERSON: That's a good question. For us,
4 you know, I think our training program is pretty good for
5 what we do. I run it. We try to make it as available as
6 possible to all of our poll workers. One of the things
7 that we run into is we don't get full participation. I
8 know there's been talk about making it mandatory, but my
9 issue with making it mandatory is I'm having a hard enough
10 time recruiting and getting poll workers, you know, for all
11 of my precincts. I only have 60. You know, a lot of other
12 counties have a lot more.

13 So, you know, I think probably one of the things
14 that's kind of slightly unrelated but would probably help
15 more in the training is maybe having more people available
16 to be able to be poll workers. You know, right now, we
17 can't use county or State workers, you know, so if you do
18 have something where you make mandatory training, there
19 would be more of a pool of individuals to use, especially
20 in Dauphin, in Lebanon Counties where there's a lot of
21 State workers that we could use at this point where we
22 can't.

23 That's the thing that comes to mind. I know that
24 really didn't answer your question, but that's the first
25 thing is maybe if you want to make it mandatory, I would

1 love to have everybody there, but then we have to figure
2 out how we can fill in for those individuals that end up
3 not being able to work.

4 MR. KANTZ: And, Representative, if I might, you
5 know, my take on your question even though I'm a
6 Commissioner and not an Elections Director, you know, my
7 point of view and my statement was as we have now lost 20-
8 plus Elections Directors across the State, we have real
9 need to fill and we don't have a trained pool of people who
10 have worked in elections prior to this that may be taking
11 over the entire elections office in each county. So if we
12 had some type of uniform or mandatory training for
13 Elections Directors from the Commonwealth's perspective, I
14 think that would go a long way because, you know, you look
15 at planning directors and sheriffs and all the different
16 things we have around the Commonwealth, many of those
17 Departments have a set training whether it's through their
18 association or whatever.

19 I don't know if -- and Tim and Michael might be
20 able to answer this better, but do we have a set training
21 for Elections Directors who are new to the job?

22 MR. BENYO: Commissioner, there isn't anything
23 official or sanctioned through the Department of State
24 other than giving as much assistance as possible. The one
25 issue that we've had this year is we weren't able to meet.

1 We have a statewide association meeting every summer, and
2 it was canceled due to, of course, the conditions. The
3 East hasn't been able to meet, and our June meeting is in
4 jeopardy, along with our summer of '21 meeting. So this is
5 where a lot of the new Directors got help to get up to
6 speed on different issues that would come up. And the
7 Department of State is an integral part of those meetings.

8 And at this time I'm not even sure if the West
9 has an association any longer because of the loss of a lot
10 of their officers. Late last year, we invited them to our
11 meeting in the East so that they could get at least some
12 information from the Department of State.

13 REPRESENTATIVE OWLETT: Thank you very much. And
14 I think that was one of the things that I'm going to
15 probably take away from this is, you know, we lost I think
16 in the last hearing if I'm correct, Mr. Chairman, like 25
17 Election Directors. I mean, it was brought up that it's
18 like a third of the knowledge and experience is huge. And
19 having the next generation of election officials really
20 trained and hearing that there's no real official or
21 mandatory, you know, training is something that I think
22 that we need to look at, especially since we're embarking
23 on a new system and we're still trying to figure out the
24 old system to make sure that it works properly, that
25 there's still a lot of data in there that's going to be

1 moved over, so making sure that everybody's up to speed and
2 making sure that we can get this done effectively and
3 efficiently as possible is very much important.

4 And I do want to also say our election officials
5 in the counties that I serve have just done a phenomenal
6 job, the poll workers, the amount of work that they did was
7 just phenomenal, so thank you very much for your time, and
8 thank you, Mr. Chairman.

9 MAJORITY CHAIRMAN GROVE: Representative Nelson.

10 REPRESENTATIVE NELSON: Thank you, Mr. Chairman,
11 and thank you for your testimony.

12 I share with, you know, the Representative here,
13 our Commissioners in Westmoreland County have touched on
14 the challenges when somebody moves or dies within the
15 system, and they were encouraging some type of monthly or
16 quarterly straightforward report so that these individuals
17 that have issues can get clarified.

18 So I'm going to shift my initial questions in
19 that area to kind of explore a little bit more, in your
20 testimony you mentioned about imported batches and the
21 problems that batches of new voters, whether it's coming
22 from -- in your testimony you talked about the Department
23 of Transportation. As a County Commissioner, when you
24 receive a batch of imported new registered voters, does it
25 say where that batch came from or the entity it came from?

1 MR. KANTZ: So, as a person who hasn't actually
2 done that work himself, I will clarify my answer that way.
3 But it is my understanding that the batches come in either
4 from the Department of Transportation or the Department of
5 Health. If I'm wrong about that, I'm sure Tim or Michael
6 can correct me, but that's my understanding of the system.

7 REPRESENTATIVE NELSON: Gentlemen, is that --

8 MR. ANDERSON: Yes, they are marked where they
9 are coming from based on codes through the system.

10 REPRESENTATIVE NELSON: Okay.

11 MR. BENYO: That's correct.

12 REPRESENTATIVE NELSON: And so when they're
13 missing information like birthdates and addresses, as this
14 incomplete application comes through, are they
15 automatically afforded the voter registration, or do those
16 things have to be confirmed before the voter registration
17 happens?

18 MR. KANTZ: Go ahead, Michael. I'll let you
19 answer that.

20 MR. ANDERSON: Well, I was actually hoping Tim
21 would, but --

22 REPRESENTATIVE NELSON: I know, it's tough,
23 gentlemen. It's tough.

24 MR. ANDERSON: I can't tell you that I know the
25 specifics of voter information coming in complete.

1 Probably the biggest issue we have is not getting the
2 record at all. So, for instance, we'll be told a husband
3 and wife said they went to the DMV together, and we will
4 get like the husband's but we won't get the wife's, but we
5 have absolutely no idea that we didn't get it because we
6 have no idea that they filled out anything there.

7 As for incomplete data, I could check with my
8 staff, but I have not heard that complaint as much as --
9 especially with the Department of Transportation, it's we
10 get one, we don't get one at all, and then, you know,
11 they're questioning that. And we have no idea why that
12 occurs.

13 MR. KANTZ: Yes, and Representative, let me
14 clarify my testimony because I'm not sure how I said it,
15 but it's not necessarily that the information is incomplete
16 but it's not completely accurate. If I didn't say that,
17 that's what I meant to say, and I apologize. And what I
18 mean by that is, you know, for an example, if someone lives
19 on Redhill Road Road, they live on Redhill Road, but
20 because of the way the system is set up that they filled it
21 out in, it will save Redhill Road Road. It will say road
22 twice or street twice or something. But the system doesn't
23 know that, so it sucks in all of that information that it
24 shows, and so now it's not completely accurate, which can
25 then cause problems with the Postal Service and other

1 things.

2 REPRESENTATIVE NELSON: And as I was
3 understanding it, we had some issues within Westmoreland
4 County because those voters actually were listed multiple
5 times, and then during the mail-in ballot process, they
6 were received as multiple votes that were, you know,
7 supposedly during the plinking or plunking process or
8 whatever was supposed to get filtered out, but it seemed to
9 be a pretty large inconsistency within the system itself.
10 You know, to me it's ironic months after one of the most
11 questionable elections in Pennsylvania's history we're
12 going to go with a new system. And the issue of this gap
13 and how imported batches are vetted I think is something
14 that we really need to make sure that we straighten out for
15 you guys.

16 MR. KANTZ: Yes. And the word is binking. It
17 was added to my vocabulary last year as well.

18 REPRESENTATIVE NELSON: Binking, yes. Thank you.
19 And just --

20 MAJORITY CHAIRMAN GROVE: So I'm going to pull a
21 Chairman here. Can you just explain what binking is? We
22 have a lot of people watching here. You're using
23 terminology most people don't know, so what is binking?

24 MR. KANTZ: So I'll let Tim or Michael answer
25 that. I could try to take a stab at it, but they're going

1 to explain it better than I can.

2 MR. BENYO: So the electronic pollbooks or the
3 paper pollbooks that you sign in at your polling place,
4 they have a barcode next your name, and that barcode of
5 course correlates with your name and your record. And
6 after an election with a paper system, the SURE system
7 requires to take a small handheld scanner, go page by page
8 through every pollbook, and bink. It makes a weird sound.
9 It sounds like bink. And you scan that barcode, and that
10 person then gets credit for voting. Of course, electronic
11 systems, it's the end of the binking.

12 MR. ANDERSON: Yes. And that system is very
13 manual, and it sounds like -- because we don't have
14 electronic pollbooks in Lebanon County. We bink. It
15 sounds like you're at Walmart or Giant or whatever you want
16 to call it when we're here scanning in those pollbooks
17 because you're basically finding the line in that barcode
18 that somebody actually voted where they had the signature
19 and then you're binking it in.

20 And just one last point on the Department of
21 Transportation records. One of the things that we also ran
22 into is that, you know, they're there to do their job as
23 far as what they have to do, the Department of
24 Transportation. I think sometimes they really don't like
25 having to do anything with voter registration. You know,

1 and I'm trying to say that as politically correct as
2 possible because, honestly, you know, when we tried to
3 question certain things, we don't get a lot of great
4 feedback on that.

5 And I know that the Department of State has tried
6 to work with the Department of Transportation on that and a
7 lot of other issues. For me, even simple things as what
8 screen comes up first, it took a while for that to get
9 changed. And so just kind of want to keep that in mind
10 because, you know, that cooperation, even though, yes, you
11 have a Motor Voter law where they have to do it, it's
12 because they have to do it, I don't think it's because they
13 want to do it. Let's put it that way.

14 REPRESENTATIVE NELSON: And just circling back, I
15 know I'm out of time here. You know, you touched on your
16 testimony on the benefit of the local poll workers because
17 they know the workers and the in-person side, but the
18 binking was really the only kind of security checks and
19 balances, methods for the mail-in voting side with the
20 signatures being eliminated and postmarks. That binking
21 was a critical step in making sure voters weren't voted
22 twice. Was that like it's intention?

23 MR. BENYO: Oh, absolutely true. So, yes, once
24 you inventory any of those ballots that come back and put
25 them into the system that they were returned, those

1 previous ballots, if they received a second or third
2 because they say they didn't receive them, those barcodes
3 are then deleted so that only one ballot will be counted.
4 So yes, it is definitely a safe catch so that they don't
5 get to vote more than one time.

6 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN GROVE: Thank you.

8 Representative Keefer.

9 REPRESENTATIVE KEEFER: Thank you. So have two
10 questions here. The first is think it was Lebanon County.
11 You said that you had 1,500 provisional ballots. How many
12 provisional ballots do you usually have?

13 MR. ANDERSON: 10, 20.

14 REPRESENTATIVE KEEFER: Okay. And so one of the
15 issues we were having and you mentioned it briefly was that
16 the box that had to get checked for that permanent annual
17 ballot to receive that, some people were getting the
18 ballots and they did not request one. A lot of them threw
19 them away because they thought they were applications and
20 that they weren't an actual ballot and so when they showed
21 up at the poll, they had to vote on a provisional if they
22 didn't have that or some were told that they had voted
23 already.

24 So, therefore, if somebody had voted for someone,
25 their provisional ballot, if it had already been cast,

1 would not be counted in the system, right, because if you
2 did a mail-in, that would trump the provisional, correct?

3 MR. ANDERSON: That is correct.

4 REPRESENTATIVE KEEFER: And so were you catching
5 any overlaps there? I mean, I know that's a lot of
6 provisional ballots to go through, so when you have 1,500
7 to go through, were you capturing any anomalies there or --

8 MR. ANDERSON: No, I think we had one person that
9 voted provisional that sent in a ballot.

10 REPRESENTATIVE KEEFER: Okay.

11 MR. ANDERSON: We had a few people that claimed
12 that they did not get their first ballot, so we sent them a
13 second ballot, and then they sent both ballots back --

14 REPRESENTATIVE KEEFER: Okay.

15 MR. ANDERSON: -- even though it told them to
16 destroy their first one if they ever got it. Those were
17 probably the biggest issues we had with that.

18 And that whole checkmark on the permanent status,
19 you're absolutely correct, and it's something that really
20 needs to be addressed at some point. I know today is not
21 the day, but a lot of confusion with that checkbox.

22 REPRESENTATIVE KEEFER: That is high on my list.
23 That was a huge issue in York and Cumberland Counties.

24 MR. ANDERSON: Absolutely. Thank you very much
25 because it needs to be addressed.

1 REPRESENTATIVE KEEFER: Okay.

2 MR. ANDERSON: People do not know or do not read
3 -- they don't know what they were doing with that. And
4 it's just going to continue to be a problem. But, you
5 know, the first year it was a huge problem, I think, for
6 every county.

7 REPRESENTATIVE KEEFER: And you said you had to
8 go through those -- somebody was -- and I apologize I don't
9 recall which one of you had mentioned you had to go through
10 there and check those in the system manually off of the
11 applications? If they checked the checkbox for the
12 application, you had to go into the system and manually
13 mark it. Is that accurate?

14 MR. KANTZ: Yes, what I had mentioned,
15 Representative Keefer, is when we had someone call in and
16 say I did not mark that permanent status because they
17 didn't remember marking it, these are brand-new forms,
18 they've never seen them before, so they're confused. And
19 they are confusing. And so they call and say I know I did
20 not fill out that permanent status. So we would actually
21 physically go through the thousands of applications and
22 say, yes, they did actually or maybe they didn't, but we
23 could prove it then and let them know, you know what, you
24 did mark it, I have a copy here if you'd like it, but we
25 can have you change that with another form --

1 REPRESENTATIVE KEEFER: Right.

2 MR. KANTZ: -- yet another form.

3 REPRESENTATIVE KEEFER: My county was doing
4 similar. They were digging back through because we did.
5 We had the same thing.

6 And going back to the RFP system, the new system
7 that's coming out, and you were asked if you were part of
8 the process and you said yes, we provided a lot of intel
9 information about, you know, what works, what doesn't work,
10 but did you have any -- are any County Commissioners
11 sitting on that panel for the selection in the actual
12 creation of the RFP? Are any of you or any other County
13 Commissioners that you know of part of the stakeholders in
14 the development of that RFP?

15 MR. KANTZ: So from the County Commissioners'
16 standpoint I don't know if there's anybody in our
17 association that was a part of that. I really had not
18 known a whole lot about it until I read the notice last
19 week. My Elections Director let me know that the
20 Department of State had let our Elections Directors know
21 that they had secured a company from the RFP process. So
22 that was the first I had known that that had actually
23 happened. I knew it was going to happen sometime. I
24 didn't know exactly when. But I don't know of any
25 Commissioners. They may have -- I'm sure you'll be able to

1 ask that question of Deputy Secretary Marks later today.

2 REPRESENTATIVE KEEFER: Okay. And we could ask
3 CCAP as well. That's just one of my things I have hanging
4 out there is just, you know, making sure that those that
5 are using the system right and most intimate with them need
6 to be part of that process in developing that RFP.

7 And I think you answered the other questions, so
8 thank you very much. I appreciate it.

9 MR. BENYO: Representative, if I may?

10 REPRESENTATIVE KEEFER: Yes.

11 MR. BENYO: We do have workgroups, the SURE
12 system, all the different areas that we deal with, so those
13 workgroups aren't necessarily the RFP process but they go
14 in and give the Department of State information on what's
15 working well, what's not working, what features we'd like
16 to see. So the Department of State is not a large
17 department. It's a small amount of people working on
18 different focuses of the whole process, so yes, I believe
19 that and I hope to believe that they do speak to each other
20 and have included our concerns in the RFP that they did
21 choose.

22 REPRESENTATIVE KEEFER: Thank you.

23 MR. BENYO: Thank you.

24 MAJORITY CHAIRMAN GROVE: Representative Ryan.

25 REPRESENTATIVE RYAN: Mr. Chairman, thank you

1 very much.

2 And for Michael Anderson, who's my county's
3 Election Director, thank you all for being here. We very
4 much appreciate it. A lot of my questions are going to be
5 very quick to kind of just make sure there's a common
6 understanding of it. And again, I just really appreciate
7 it.

8 So the first question -- and Michael, you and I
9 have been through some of these already. Is the SURE
10 system the only way to determine who actually voted in an
11 election in terms of by name and address? You don't all
12 have to answer at once. Can you --

13 MR. BENYO: I'm not exactly sure, Representative,
14 what --

15 REPRESENTATIVE RYAN: Well, let me ask a second
16 question. It might help along the same way. If I wanted
17 to contact the county and ask you for a list of everyone
18 who voted in this election, this past election, as an
19 example, or any election, would you get it off of the SURE
20 system or do you have another way of providing that data?

21 MR. BENYO: So either the paper-based pollbooks
22 or electronic database from the electronic pollbooks are
23 the other -- that's the origination where it goes from
24 those products into the SURE system. There are other ways,
25 but the main place where all the reports come from is the

1 SURE system with that data.

2 REPRESENTATIVE RYAN: And, as we indicated, the
3 SURE system is the only basis for the voter election system
4 in Pennsylvania for voter history, and so, Michael, when
5 you and I had that discussion, your answer was pretty much
6 that issue that the SURE system is where you would
7 typically go. Would it be a very laborious task if you
8 were to try to do it outside of the SURE system to answer
9 who voted in a particular election?

10 MR. ANDERSON: You would be going through every
11 list of voters in every precinct. That's the only other
12 place you would have that or in your pollbook. So Tim is a
13 little bit different. His county had electronic pollbooks,
14 so they probably could get some information from an
15 electronic pollbook. For me in Lebanon County, we would be
16 looking at all the paper pollbooks, so we would be pulling
17 all the pollbooks from 60 precincts to get that
18 information.

19 REPRESENTATIVE RYAN: After an election, I
20 understand the SURE system is locked down for a period of
21 time where there are no other changes permitted to it other
22 than the uploading from the system. How long is that
23 period of time for?

24 MR. ANDERSON: So it all, I guess, depends on how
25 fast the county processes, so, you know, we have a

1 registration deadline. Once the registration deadline
2 passes and you get everything in that meets or was received
3 by that date, then that's closed off. And then you're
4 going to have your -- which is unfortunately a different
5 date, you're going to have your application deadline where
6 you can enter applications for mail-in and absentee
7 ballots, and then once that date gets to that point, then
8 that closes that off and then you're just talking about
9 emergencies. So there's not one clear date that everything
10 closes off. It all depends on what it is and then when the
11 county is finished processing.

12 And, Tim, I don't know if you want to add anymore
13 on that but --

14 MR. BENYO: No, Mike, I think that's definitely
15 how it works and you did a great job explaining it.

16 REPRESENTATIVE RYAN: Outstanding, thank you. Is
17 there a difference between the SURE voter history file and
18 who actually voted in an election that you then have to
19 reconcile? Like, Michael, you and I had that discussion
20 where you had to go through every individual pollbook and
21 try to identify what the differences are. Is that normal
22 that you would experience that difference?

23 MR. ANDERSON: Yes, if you have electronic
24 pollbooks -- or, excuse me, paper pollbooks because what we
25 do is we do our initial going through every pollbook and

1 giving people credit on, you know, the binking and then we
2 run the reports and then we reconcile based on if we're
3 off. And then if we're off, it could be that we either
4 missed a page in a pollbook or missed a line.

5 So like the process I explained to you and to
6 Representative Diamond that we're doing is that we went
7 through every single pollbook for all 60 precincts and then
8 every single mail-in and absentee ballot envelope to make
9 sure we give everybody credit because of, you know, the
10 small amount that we were off to try to make sure we didn't
11 miss anybody.

12 So, Tim, you can maybe explain what you do in
13 your county since you have electronic pollbooks, but that's
14 what we have to do. It's a very manual process, and it
15 takes a very long time, especially when you have 72,000
16 people vote like we did in Lebanon County.

17 MR. BENYO: The electronic pollbooks are great at
18 taking that manual part of the binking process out of the
19 equation. So the weeks that it would take to go through
20 every pollbook, that's done with an upload of a database.

21 We do have similar circumstances where one of the
22 poll workers may not have completed the transaction on the
23 electronic pollbook kind of the same way that someone may
24 not have signed the paper pollbook when they went through
25 the process, so there are still areas where there could be

1 discrepancies, but as Michael said, we go through and we
2 make sure that those numbers are as close as possible and
3 we can figure out why they're off.

4 REPRESENTATIVE RYAN: And, again, I want to
5 emphasize all three of the counties on this have done a
6 phenomenal job, and the counties have done a great job, but
7 as an example, in the case of Lehigh County as of December
8 14th, we had a voter deficit of about 777 votes. For a
9 county your size, I would expect that, for Lehigh County's
10 size. And it was well within a margin of error. But that
11 can be a very laborious process to reconcile, I would
12 presume. I know in Lebanon County's case it was 536, and
13 Michael has been working that number down. And the numbers
14 dropped by a fairly good number. But I would imagine
15 whether you've got an electronic pollbook or a manual
16 pollbook, that could be a difficult thing to do. Is that
17 correct?

18 MR. KANTZ: Yes, Representative Ryan, I mean, in
19 Snyder County I've not heard that discrepancy issue come up
20 in the past. I do know that it is very laborious. I mean,
21 it takes -- as Michael said, it could take, you know, a
22 week or two -- maybe Tim mentioned it -- to blink in all of
23 those names out of the pollbooks. But we've always done
24 well in Snyder County coming up to the number where we're
25 supposed to come up to.

1 REPRESENTATIVE RYAN: Just very quick, in Snyder
2 County, it was a voter deficit of one so --

3 MR. KANTZ: Yes.

4 MR. ANDERSON: And you have to remember, too,
5 this was the first year where we had the sheer amount of
6 mail-in and absentee ballots to scan in, too, so that was a
7 new process. I think all of the 67 counties will get
8 better at making sure that those are done -- I don't want
9 to say correctly because I don't think they were not done
10 incorrectly -- but to make sure that we are giving those --
11 because of the importance of making sure that those are in
12 the system so we don't have duplicate voters and that those
13 numbers come out the way that we want them to.

14 And my guess with Lehigh that's probably where
15 some of theirs are is just maybe -- and I don't want to
16 speak for you, Tim, but maybe some of those might have been
17 missed. I don't know, but, you know, that's what we're
18 finding as we're going through all of that.

19 REPRESENTATIVE RYAN: Yes, and again, just very
20 quickly, I think you all did a great job. Just one thing,
21 just thank you very, very much for all of your time. I
22 appreciate your testimony.

23 MR. BENYO: And, Representative, I'm not sure
24 where you got that 700 number from, but that is very
25 similar to the amount of secluded or excluded mailed

1 ballots that arrived after election night, so that may be
2 the difference that we're looking at.

3 MAJORITY CHAIRMAN GROVE: Representative Diamond.

4 REPRESENTATIVE DIAMOND: Thank you very much.

5 Thank you, gentlemen.

6 Commissioner, I wanted to go back to the
7 disappearing batches question that you mentioned. Could
8 you tell me for how long did they disappear?

9 MR. KANTZ: Yes. And the one thing I did mention
10 in that, Representative Diamond, is that was an occurrence
11 that happened rarely. That was one of the many issues I
12 presented, but that was a rare instance that that one
13 actually happen thankfully. So they would not go away
14 completely. They would go into a different title. Instead
15 of pending, they would go into an end-use category. But in
16 order to finish that out, they would have to override and
17 go back into the system into the end-user category and then
18 recover those applications and then finish them out.

19 REPRESENTATIVE DIAMOND: And how long would that
20 take?

21 MR. KANTZ: So it was another step.

22 REPRESENTATIVE DIAMOND: How long would it take,
23 minutes, hours?

24 MR. KANTZ: Again, I didn't do it myself. It was
25 one of the many issues that were presented to me as a

1 problem. I'm guessing that less than an hour they could
2 easily have that recovered and done.

3 REPRESENTATIVE DIAMOND: Okay, thank you. We've
4 mentioned batches received from the Department of
5 Transportation, Department of Health. Are these the only
6 entities from which you accept batches of voter
7 information?

8 MR. KANTZ: Again, I'd move that question to my
9 colleagues in the Election Directors' positions. They do
10 it every day.

11 REPRESENTATIVE DIAMOND: Okay. And would they
12 answer if they could tell us where they go to find the
13 missing information that is missing from those batches?
14 And that'll be my final question if you could expand on
15 that, gentlemen.

16 MR. ANDERSON: Tim, did you want to take that
17 one? I assume we -- we get all types of batches, and I
18 will admit I don't do the daily processing from SURE. I
19 don't know if Tim does. So, Tim, do you have an idea if
20 there's more than just those two? I'm pretty sure there is
21 because I think the State allowed certain entities to
22 directly load especially in presidential years. Does that
23 come through electronically, Tim, if I remember correctly?

24 MR. BENYO: I believe you're correct, Mike. That
25 was the first thing that came to my mind when that question

1 was asked. Yes, there's different categories of different
2 types of applications that come through from different
3 organizations. Different county organizations have
4 different types of nomenclature or identifier on them, so
5 there's different types.

6 REPRESENTATIVE DIAMOND: And if they have missing
7 information, where would you go to get that missing
8 information to make the record complete?

9 MR. BENYO: To make the record complete?

10 REPRESENTATIVE DIAMOND: Yes.

11 MR. BENYO: We'd go to the voter. There would be
12 some kind of conversation between our office and the voter
13 to make sure that we get all the proper information,
14 whether it be birthday or address or party.

15 REPRESENTATIVE DIAMOND: So you would send a
16 letter out or a phone call or something like that?

17 MR. BENYO: Email --

18 REPRESENTATIVE DIAMOND: Okay.

19 MR. BENYO: Yes, email seems to work best for us.

20 MR. ANDERSON: Yes, if they provide it -- I mean,
21 letters are usually the last resort because it takes the
22 longest, but if they have a phone number, email, we try to
23 use that.

24 REPRESENTATIVE DIAMOND: And is there a set
25 number of voters who would be included in any such batch,

1 or it just varies depending on where you get it from? Yes,
2 you're both nodding your head yes, so I'm going to take
3 that that's a yes answer?

4 MR. ANDERSON: Depending on when we got it, when
5 it is, how close it is to the deadline --

6 REPRESENTATIVE DIAMOND: Okay.

7 MR. ANDERSON: -- to be honest with you because
8 everyone waits till the last minute.

9 REPRESENTATIVE DIAMOND: All right. Thank you
10 very much.

11 MAJORITY CHAIRMAN GROVE: You get an award for
12 the most efficient line of questioning, Representative.

13 DEMOCRATIC CHAIRWOMAN DAVIDSON: I second that.

14 MAJORITY CHAIRMAN GROVE: Representative
15 Mackenzie.

16 REPRESENTATIVE MACKENZIE: All right. Well,
17 thank you, Mr. Chairman, and thank you to our panelists
18 today. I certainly appreciate all the work that each of
19 you has done. And, Tim, I appreciate the work you do right
20 here in Lehigh County, so thank you.

21 My question is about the SURE system and
22 following a similar line to what Representative Ryan was
23 talking about with some of the discrepancies. We've heard
24 from our own constituents and, you know, things in the
25 press about some closely watched House and Senate races

1 both in terms of the countywide data that's reported, you
2 know, there's that information that comes in and text files
3 that goes out to different campaigns or campaign
4 committees, they can see, you know, the overall number of
5 ballots that maybe a county has requested or mailed, and
6 then also individual voters have some transparency as well.
7 If they go online, they can track their ballot through the
8 process.

9 So I guess are you aware of any discrepancies
10 that you saw personally? And if so, do you have an
11 understanding of maybe why those happened in the system?
12 And if not, I can provide a little more on the examples
13 that I've heard and maybe we can try to discuss those
14 little further. But have you guys seen any discrepancies
15 and issues with the system, maybe delays or things taking a
16 while to catch up, et cetera?

17 MR. BENYO: Well, Representative, I'd love the
18 details on the specifics that you're speaking of, and I'd
19 be happy to look into those.

20 You mentioned the ballot tracking, that was
21 helpful and very painful for a lot of Election Directors.
22 It gave good information but not specific enough
23 information that I think will be corrected in the future as
24 we move along in that process.

25 The information going out to the voters was not

1 necessarily how they interpreted it. I guess to boil it
2 down was what they interpreted the -- what was happening
3 was not necessarily happening. So when we had to print off
4 a label, the voter got a message that it was processed and
5 then sent, but when it hit the mail, it may not have been
6 the same time as when they received the message that it was
7 sent, so there are some quirks to work out, but it was very
8 impressive that so many people were so updated with where
9 their ballots were in the process.

10 REPRESENTATIVE MACKENZIE: Okay. Yes. So, Tim,
11 I mean, that goes directly to some of the concerns or, you
12 know, confusion that we had from constituents. Something
13 would say that it was mailed in the system and they would
14 wait and they wouldn't see, and then they would contact our
15 office and we would, you know, obviously encourage a little
16 leeway because of the mail system at the time, et cetera.
17 But then if it still hadn't shown up, you know, we would
18 contact offices in the area, voter reg offices, and they
19 would say, oh, you know, that actually has not been mailed.
20 And so there was some kind of -- like you're saying, so
21 there's a big difference between when it actually -- even
22 though it said that it was mailed, there's a difference
23 between it being mailed -- maybe I'll put that in quotes,
24 air quotes -- versus what was actually happening in
25 practice.

1 MR. BENYO: Sure. We could have, say, on a
2 Friday printed off the label that it says that it's going
3 to be mailed but it doesn't get to the post office until
4 Monday, so there's definitely improvement in that system,
5 but we're definitely moving in the right way to make sure
6 that people are more engaged in the process and know what's
7 going on.

8 REPRESENTATIVE MACKENZIE: Okay.

9 MR. ANDERSON: And just to put on that, too,
10 because I can tell you for my county with some of the stuff
11 that they gave us to help with that, I messed it up the
12 first time, so, you know, I sent two text messages to
13 everybody with different dates, so user error on my part.
14 And also with some of that, too, is we used a mail house
15 for the first time for this past election, and so we were
16 guesstimating when we thought they were going to be able to
17 print everything and fulfill it, so basically, you know,
18 put everything together and actually get it in the mail
19 because we weren't doing it here. And so we had a little
20 leeway with what that date could be. So in some regards it
21 was kind of a guess.

22 We had some major mail issues, though, because we
23 knew that mail delivery was delayed five, six days, had
24 conversations with the post office because they had people
25 out, you know, anywhere from 10 to 12 people out at that

1 time because of COVID or whatever, retirement, so there was
2 just a lot of different things that went into that not only
3 how we processed it, different for how we normally do it,
4 and then how fast it got to them and how fast the mail was.

5 MR. BENYO: And, Representative, I'm sure you
6 know about the change in the date for Lehigh County, same
7 situation. People that had already received ballots were
8 getting notices that it shipped out again, another second
9 ballot shipped out, and it caused a lot of confusion. I'm
10 not sure why the people that already went out got it, but
11 it went through Harrisburg, went through the helpdesk and
12 all the people there, so they definitely know about some of
13 the quirks in the system, and hopefully, it gets improved
14 in the near future.

15 REPRESENTATIVE MACKENZIE: Okay. So that's
16 helpful, and I appreciate that. And so let me, I guess,
17 ask a more global or universal kind of question here in the
18 sense of -- you know, and I'll give an example. Another
19 case we heard was where people were following along day by
20 day getting text files of the amount of ballots requested.
21 You know, one day it would be one number, and then the next
22 day it would actually come down in terms of the number of
23 ballots requested, and so they were a little confused by
24 that. So where are checks occurring in the process that
25 might either bounce out duplicates or these issues that

1 you're talking about? Like where are the checks? When you
2 send a batch, you know, or scan things and it goes to the
3 Department of State, are they doing a check then or where
4 are checks occurring in the process?

5 MR. BENYO: Well, if we had applications for the
6 mail ballot and it's a second, I mean, those duplicates, we
7 process so many duplicates, so that's the first thing that
8 comes to mind of why the number would go down is, okay, we
9 have this total number requested, but these aren't going to
10 be processed because they've already applied for it. So I
11 could probably get that information out of the system and
12 determine how many duplicates there were, but that was the
13 fluctuation of the reporting.

14 REPRESENTATIVE MACKENZIE: And so where did that
15 check get bounced out, though? Does it actually go into
16 the SURE system and then it gets cleared out at some point
17 or where --

18 MR. BENYO: That's my understanding,
19 Representative. The application gets into the system, and
20 then once it gets processed, it either goes as a good
21 legitimate request or it gets bounced out as a duplicate or
22 something's wrong with it or not registered or something
23 like that.

24 MAJORITY CHAIRMAN GROVE: Representative Ryan,
25 we've got to move on here, bud.

1 REPRESENTATIVE MACKENZIE: All right, thank you,
2 sir.

3 MAJORITY CHAIRMAN GROVE: Thank you.

4 REPRESENTATIVE MACKENZIE: Thank you, Mr.
5 Chairman.

6 MAJORITY CHAIRMAN GROVE: Representative Staats.

7 REPRESENTATIVE STAATS: Thank you, Mr. Chairman.
8 And again, thank you to our panelists for your
9 participation today.

10 And my questions revolve around training because
11 that seems to be an obvious area of opportunity. So our
12 State is beginning to plan to transition the SURE system to
13 a new software.

14 MALE SPEAKER: Is your mic on?

15 REPRESENTATIVE STAATS: It is.

16 MALE SPEAKER: Get a little closer. There you
17 go.

18 REPRESENTATIVE STAATS: So again, gentlemen, my
19 question revolves around training because that seems to be
20 an obvious area of opportunity for us. Our State is
21 beginning to plan to transition the SURE system to a new
22 software, so I'm curious, how have your counties been
23 included in preparations for that process?

24 MR. KANTZ: Yes, I mean, I'll answer for Snyder
25 County. Again, I had a new Elections Director last year

1 who was inundated with learning the job, so outside of
2 learning that job, we did not task her with being any part
3 of any potential new system group or anything like that.
4 You know, Tim had mentioned that earlier from Lehigh that,
5 you know, he's participated in the SURE working group, but
6 I know my county has not. The only thing we found out is
7 more of a secondhand, hey, we're moving forward with that,
8 and that's good to know, but at the same time, Tim or
9 Michael would probably be able to have a better answer for
10 you.

11 MR. ANDERSON: Yes, we were part of a conference
12 call with the Department last week where they gave us --
13 and I agree with Tim. I mean, I have been an Election
14 Director for four and half years, and I have known a new
15 SURE system was coming for a while. And I can tell you
16 that the Department probably would've had it sooner than
17 later except the presidential election, they knew they
18 couldn't roll something out or we would have probably all
19 revolted and more than 20 people would have quit.

20 And obviously, then, we had the new mandate of a
21 paper-based system that happened in 2019 for a lot of us,
22 so, you know, that's kind of where SURE was. I think
23 they've known for a while that it needed to be replaced. I
24 know that being in the position I have been in, being able
25 to go to these conferences and these different meetings,

1 you know, it's something that we've had discussions with
2 them.

3 As far as their new rollout, they did obviously
4 give that press release. They did let all the Directors
5 know. I think that's probably how Mr. Kantz found out.
6 And then we did have a Zoom meeting or whatever you call it
7 these days with them last week so they would just kind of
8 let us know what they're expecting from us, that they want
9 involvement from all 67 counties, and that this is kind of
10 the rollout. They let us know that February 2022 is their
11 date that they'd like to implement. And so it sounds like
12 they're going to have the counties involved as much as
13 possible.

14 You know, Tim, if there's something you want to
15 add to that, you might know more than I do, but we were all
16 involved in that call, had the opportunity to find out
17 information as it's been given to us.

18 MR. BENYO: Yes, and to an earlier question,
19 Representative, about the RFP process, I got a text from
20 someone, one of the Directors in the State, who confirmed
21 that there were Election Directors on the RFP process and
22 helping to fulfill that task.

23 As far as training, I wasn't around in 2003 when
24 the SURE system was first implemented, but I know -- it
25 wasn't long after, though, Michael. I know when I came on

1 board, I went to Harrisburg and sat and got trained
2 personally and made arrangements for that when I came on
3 board as a Director so that I could be up to speed. But
4 that is not a place where I feel that would be neglected.
5 I think the Department of State will have a plan for that.
6 As of yet, I don't know that plan, but in the past, they've
7 included us in how they roll things out. So I don't think
8 it will be a flight or a whim that they're just going to
9 roll it out and not get everyone trained. That's not a
10 recipe for success.

11 REPRESENTATIVE STAATS: And a couple quick
12 follow-ups. Given your county's degree of use of the
13 current system during the most recent election, how much
14 training do you believe counties will need on the new
15 system?

16 MR. ANDERSON: I will answer that. I can tell
17 you that I want to know everything. So I can tell you --
18 well, I guess I'm not new anymore compared to all these
19 people that left, but I was able to rely on my deputy. She
20 knew the SURE system, so I did not elect to go to
21 Harrisburg to learn it because she knew a lot of it. But I
22 can tell you that I want to know everything. And so at
23 this point they have not told us, you know, what that's
24 going to entail. I don't know if they know because I know
25 that the vendor they picked, there's going to have to be

1 some customization done to meet Pennsylvania statute, so I
2 think they're probably working on some of that. But they
3 have told us that we will be involved, and I take them for
4 their word on that.

5 How long that's going to be, it's probably going
6 to be lengthy because you're basically going to relearn a
7 whole new system because my understanding, it's going to be
8 a completely different platform, so that's something to
9 keep in mind, too.

10 REPRESENTATIVE STAATS: Okay. And I get it. I'm
11 going to move onto my last question if I can, Mr. Chairman.

12 So how is this type of training executed? I
13 guess what I'm getting at is is it initiated by you or is
14 it provided by the Department of State?

15 MR. BENYO: I'm sure Deputy Secretary could
16 answer that better than we can at this point, but, I mean,
17 I can't answer for how the training will happen, but I can
18 almost guarantee that all 67 Directors want to know
19 everything they can possibly know about a new system being
20 implemented that they're going to have to use every day and
21 affect their performance.

22 REPRESENTATIVE STAATS: Thank you. Thank you,
23 Mr. Chairman.

24 MAJORITY CHAIRMAN GROVE: Thank you. We have
25 about 10 minutes left with this panel. We have two more on

1 the list, so Representative Miller.

2 REPRESENTATIVE MILLER: Thank you, Mr. Chairman,
3 thank you to the panelists.

4 I want to start with some comments about some of
5 the problems, Commissioner Kantz, that you referenced in
6 terms of the problems, and I think all the other testifiers
7 also echoed some of the problems with the SURE system. One
8 of the issues we had in our county was the fact that when
9 an individual moved from one address to another address
10 within their county, the mailing label within the SURE
11 system did not update. So in Lancaster County there were
12 4,000 mail-in ballots that were moved that were the wrong
13 address because within the county the address was not
14 updated. Was that something that each of you could say you
15 experienced something along those lines?

16 MR. ANDERSON: Yes, in Lebanon.

17 MR. BENYO: Yes, I'll agree in Lehigh, too.

18 REPRESENTATIVE MILLER: Okay. Well, thank you.
19 We'll add that one to the list I guess.

20 Second question I have has to do with the number
21 of employees, and Lancaster has approximately 13 full-time
22 and part-time employees, but for this election they had to
23 hire 30 temps. I presume that each of you had to increase
24 your employment staff to handle the election, is that
25 correct?

1 MALE SPEAKER: That is correct.

2 REPRESENTATIVE MILLER: Here's my question. In
3 terms of the -- a lot of those employees were involved with
4 putting data into the system when they get a mail-in
5 application or an absentee ballot application or what have
6 you. So here's my question. Do you do any audits of those
7 employees and their work checking for accuracy or what have
8 you?

9 MR. ANDERSON: No in my county.

10 MR. BENYO: Not as much as we would like, but
11 yes, there is -- we definitely look at the accuracy of the
12 data that goes out, formation of addresses, and the way
13 that names are written with hyphens or spaces and whatever
14 we're used to. So not as much as we would like to, but
15 there's definitely some overlook onto the quality of the
16 product going out.

17 MR. ANDERSON: Yes. Well, and one thing, too, I
18 should mention for us is we used people that have
19 experience already in the system to come back to help us
20 for this. And so other people that didn't have experience
21 in the system, we didn't give them access. They had other
22 things that they needed to do. So I should probably make
23 sure that you just don't think I just let anybody -- we
24 didn't check anything. It was really based on experience
25 and really did restrict to just certain people to have

1 access to SURE, and then everybody else was kind of like a
2 support to that.

3 MR. BENYO: Yes, absolutely, same in Lehigh. If
4 someone has been with me for more than one election, they
5 definitely had different responsibilities than someone that
6 just came on board.

7 MR. KANTZ: And, Representative, in Snyder County
8 where we only have two full-time election staff, obviously,
9 we did hire some part-timers or pull staff from other
10 departments as they had time to help out so obviously,
11 going back to the previous question, the training, there
12 was not nearly enough time to train someone new, whether
13 they're part-time or from another Department, to learn the
14 SURE system, so they weren't even hands on that system.
15 There's no way you'd have time to train them for this. It
16 was more you're going to help stuff envelopes, you're going
17 to help put, you know, stamps or whatever it might be on
18 those envelopes and get them out in a timely manner. But
19 no, the two full-time people in our county, they check one
20 another when possible, but we have to rely that they're
21 doing their job and make sure that we're training them
22 properly so they can do that.

23 REPRESENTATIVE MILLER: Okay. Final question.
24 As I understand it at least in Lancaster County those that
25 are involved in this process with count and computation

1 take an oath. Is that true of your respective counties?

2 Okay.

3 MALE SPEAKER: Yes.

4 REPRESENTATIVE MILLER: So my question is is
5 there any oath for the actual data entry process that is
6 taken, or is it just the count and computation process
7 where the oath is taken?

8 MR. KANTZ: That's a very good question. To my
9 knowledge -- and I could be wrong about this -- but I don't
10 remember having ever had our folks inputting the data
11 swearing an oath. I don't think that the legislation
12 requires that, and I'm not aware that we do.

13 REPRESENTATIVE MILLER: Any follow-up?

14 MR. ANDERSON: Not specifically for that, but I
15 can tell you everybody that ended up doing data entry end
16 up taking an oath because they did more than just data
17 entry and were involved in other things, and so then they
18 did take an oath that way. But if they were just data
19 entry, no, not in my county.

20 MR. BENYO: Same in Lehigh.

21 REPRESENTATIVE MILLER: Okay. Thank you very
22 much.

23 MAJORITY CHAIRMAN GROVE: Thank you.

24 Representative Schemel.

25 REPRESENTATIVE SCHEMEL: Thank you, Mr. Chair.

1 Gentlemen, just a couple quick questions.

2 We had in my district office a lot of questions
3 from confused constituents in regard to mail-in ballots and
4 applications for mail-in ballots. So two questions.

5 First, did any of your three counties send mail-in ballot
6 applications to every registered voter or just to those who
7 specifically requested it?

8 MR. ANDERSON: Only the people that requested it
9 in Lebanon County even though everybody thought I was
10 sending them the applications because my name is on the
11 return by third parties, so that caused a lot of confusion
12 because people thought I kept sending them an application,
13 so they kept filling it out. In some cases, we got five or
14 six applications filled out by the same person.

15 REPRESENTATIVE SCHEMEL: I see --

16 MR. ANDERSON: So no, only if requested to answer
17 your question.

18 REPRESENTATIVE SCHEMEL: I see nodding heads from
19 the other two counties. So that actually leads into my
20 next question is that a lot of the confusion that we had
21 coming into our office is people would bring in what looked
22 like applications or were applications that were already
23 populated and had been sent to them, I think, by third-
24 party organizations. So what information from either
25 county records or the SURE system is publicly available

1 that third parties were able to utilize, and any
2 recommendations on what to do about third-party
3 applications?

4 MR. ANDERSON: Oh, I have lots of opinions on
5 this one. So, first of all, the records are available
6 because you can buy the database directly from the
7 Department of State or from your local county. There is
8 not much that you can't get on that. A lot of the
9 information that was pre-populated on those applications
10 they could purchase through that means because the voter
11 record is public.

12 As for suggestions on third parties, they
13 absolutely, I believe, should be treated like campaign
14 finance where they should have to have who paid for them on
15 the form clearly. I don't think there's a way to actually
16 stop it, but I think it needs to be very clear on who's
17 sending them because I tell you we got a ton of phone calls
18 because some of the databases that they did use were old.
19 They were sending them to deceased people, they were
20 sending them to people that had moved years ago, and of
21 course those calls came to us and it was our fault. So I
22 would like it somehow to be marked who paid for, who's
23 sending it, and be very, very clear because everybody
24 thought it was us.

25 MR. KANTZ: Yes, and in addition to who paid for

1 it, somewhere on it should also say this was not sent by
2 your county elections office.

3 MR. BENYO: That's a fantastic idea.

4 MAJORITY CHAIRMAN GROVE: Thank you, gentlemen.
5 Panel time is up. And just for the people out there, I
6 know the May primary is pretty far away, but we've already
7 seen reports of you guys actively starting the primary
8 election process currently. If I'm not mistaken, you were
9 required to send some letters out on permanent mail list,
10 correct? So the process has started for the counties, and
11 the timeline has clicked and you're already in primary
12 election season as far as your processing, correct?

13 MALE SPEAKER: Correct, sir.

14 MAJORITY CHAIRMAN GROVE: Yes, okay.

15 MALE SPEAKER: That's correct.

16 MAJORITY CHAIRMAN GROVE: Well, I want to thank
17 you all for your participation, for your information.

18 Oh, Representative Davidson, go ahead.

19 DEMOCRATIC CHAIRWOMAN DAVIDSON: Yes, thank you,
20 gentlemen, for your participation. I thought the
21 suggestion of having third parties be treated as campaigns
22 and have to fill out some kind of -- have to at least show
23 who they are that are sending the information to voters as
24 a campaign, I think that's a very good suggestion.

25 I want to thank you for all your work. It sounds

1 like you ran a thorough, fair, and accurate election, and
2 that you did everything you could to make sure that voters
3 were accurate in your system and that people that were
4 registered to vote were actually registered voters and
5 voted. You did a great job of making sure there was not
6 duplication. There was a lot of checks and balances that
7 you indicated that you took, so I want to thank you for
8 that as well.

9 And finally, even though people may have gotten a
10 lot of mail-in ballots, I heard every one of you say
11 regardless of how many mail-in ballots people got and how
12 many they may have sent in, you made sure that there were
13 not duplicate votes through your processes and your
14 systems, and I want to thank you for that and thank you for
15 the accuracy in which you administered this election.
16 Thank you so much.

17 MR. KANTZ: Thank you.

18 MAJORITY CHAIRMAN GROVE: Thank you, gentlemen.
19 If you want to stay on and listen in, next up, we do have
20 Deputy Secretary Jonathan Marks, and I believe he is on the
21 line. Deputy Secretary, are you there?

22 MR. MARKS: I am. How are you doing this
23 afternoon, Mr. Chairman?

24 MAJORITY CHAIRMAN GROVE: Doing very well, sir.
25 Thank you again for joining us, and I'm just going to

1 quickly swear you in again, so just raise right hand.

2

3 (Witness sworn.)

4

5 MAJORITY CHAIRMAN GROVE: Thank you so much.

6 First, obviously, we'd like to hear some
7 testimony, information on what the SURE system is. We've
8 obviously heard from the counties on you initiating that
9 new vendor with executing the RFP, so maybe provide maybe a
10 brief timeline on at least what you have so far on
11 implementing that as well because obviously the SURE system
12 -- probably nobody has, again, probably heard of that.
13 It's kind of like that behind-the-scenes issue that
14 election administrators know that the general public might
15 not understand. So if you could just start with your
16 testimony on what the SURE system is and then moving
17 forward what you're looking to do to update and so forth.
18 And again, thank you for your participation.

19 MR. MARKS: Certainly. I will try to be as brief
20 as possible in summarizing what the SURE system is, and I
21 will talk a little bit about the new SURE system.

22 But the SURE system is the statewide -- SURE
23 stands for Statewide Uniform Registry of Electors. And
24 pursuant to Act 3 of 2002, it is the official voter
25 registration database for the Commonwealth of Pennsylvania.

1 And to give you an idea of how old SURE actually is, the
2 SURE database is, it predates -- the database itself is
3 something the Commonwealth purchased back in 2002, 2003, so
4 it predates Act 3, the law that provided for it. And
5 ironically, it slightly predates the beginning of my work
6 in elections at the Department of State. And I'm pretty
7 old and I've been doing this for a long time, 18 years as a
8 matter of fact, so that's how old the current SURE system
9 is.

10 The SURE system over the years -- we did one
11 major overhaul of the SURE system. And again, the SURE
12 system is the official voter registration list for the
13 Commonwealth. But prior to SURE, each county maintained
14 its own voter registration rolls. There was no statewide
15 list. There was no communication between the 67 counties.
16 Each county had what we called their legacy system. And
17 some counties, actually some smaller rural counties were
18 still maintaining their records on paper and didn't use any
19 kind of database.

20 So the Department moved all of those legacy
21 systems onto the statewide voter registry, which, in
22 addition to being -- you know, in addition to being
23 required by Act 3 of 2002, the State law, it was also a
24 requirement of the Help America Vote Act signed by
25 President Bush in 2002 as well. And there were certain

1 Federal requirements that had to be met.

2 Over the years, we've added functionality.
3 There's a SURE advisory board, which is made up of a half a
4 dozen county Election Directors, a couple of which are
5 selected by the Secretary of the Commonwealth, and the
6 other four are selected by the leadership in each of the
7 caucuses for the General Assembly. And that's the group of
8 county Election Directors that we work with most closely to
9 get information about what they need out of the SURE
10 system.

11 In addition to serving as the official voter
12 registration list, the Department over the years added
13 functionality that would enable counties to conduct
14 absentee voting through SURE, in other words, track that,
15 print labels, mail ballots, do all of the things associated
16 with absentee balloting. It's also the database that
17 counties would use to generate reports that would provide
18 information about each of the tasks that they are
19 undergoing in the SURE system.

20 In 2010, 2011, about a decade ago now, the
21 Department added the SURE portals, which enabled us to
22 deliver some additional services not only to the counties
23 but also to voters without impacting the security of the
24 SURE system itself. And probably the thing that most folks
25 who are listening and will be familiar with are things like

1 the, you know, find your polling place, you can look up
2 your voter registration up online, and this past year we
3 introduced the process for voters to track the status of
4 their absentee or mail-in ballot.

5 All of those public-facing pieces are delivered
6 through the SURE portal so that there's no direct
7 connectivity to the SURE database itself, which, you know,
8 as you can imagine, maintaining the security of that
9 database is a primary goal and a primary duty of the
10 Department of State, as well as the county voter
11 registration offices that use it.

12 As we move into 2021, we're almost a full month
13 into 2021, you mentioned the new SURE database. That's
14 something that we began working on over a year ago. We put
15 out a request for proposal using a lot of the information
16 that we gleaned from our members of the SURE advisory
17 board, as well as other county election officials
18 throughout the Commonwealth.

19 You know, I'd like to think -- and certainly the
20 other three gentlemen on the call, you know, can speak to
21 their own experience with the Department. I'd like to
22 think that we have a close working relationship with all
23 our county election officials, and we certainly take into
24 consideration their needs whenever we're, you know, making
25 changes to the current SURE system or in this case

1 developing a new SURE system.

2 And in fact the counties are going to be an
3 integral part as we move forward over the next 12 months or
4 so to implement the new SURE system. We're going to be
5 involving counties directly in the process of customizing
6 this database. And this database that we're moving to is a
7 -- the term that has been used is customized off-the-shelf.
8 It's a proven database. Other jurisdictions are already
9 using it, so it has a proven track record, the product
10 itself, but of course we'll have to do some customization
11 to ensure that the system meets the requirements of
12 Pennsylvania election and voter registration.

13 I want to leave time for questions, so I don't
14 want to cut too much into the Committee's time.

15 MAJORITY CHAIRMAN GROVE: Right. I appreciate
16 that. And, Deputy Secretary, I really appreciate
17 emphasizing the role of our counties in all of this. I
18 think we all recognize they are the end users and working
19 with them to have a wonderful system would be a huge burden
20 I think lifted off them moving forward, so I'm very
21 thankful for hearing about that.

22 Let me start this first question. Can you take
23 me through from start to finish what the process looks like
24 for a new voter entering the SURE system from the time the
25 person has registered to vote to the time the vote is

1 recorded on their record? And then what's the Department's
2 role, responsibility when it comes to that data kind of at
3 every stage within that process as quickly as you can of
4 course?

5 MR. MARKS: Sure. The Department's
6 responsibility, you know, as it's outlined in Act 3 of
7 2002, is to really, you know, provide access and maintain
8 the statewide voter registry. The Department does not pass
9 on the qualifications of any voter. Act 3 is very clear
10 that that is a role of the county election officials and
11 not a role of the Department of State, and I think that's
12 an important provision. Certainly, you know, they're best
13 able and they're the ones who should be passing on the
14 qualifications of the voter.

15 But, you know, we do provide a number of tools.
16 And voter registration comes in a variety of different
17 ways. You know, a lot of folks are probably familiar with
18 our online voter registration tool that enables people to
19 register to vote online. I would expect that a significant
20 number of folks are familiar with the Motor Voter process,
21 which has been in place now since the 1990s, you know, so
22 registrations come in electronically through online voter
23 registration. They come in electronically through the
24 Department of Transportation. And then, you know, that
25 data comes into us, we deliver it to the county in the form

1 of batches of applications to process.

2 There are also other agencies, you know, that
3 fall under the National Voter Registration Act that are
4 required to provide opportunities for voter registration,
5 so you'll see, you know, some percentage of voters who are
6 coming through that process.

7 And then of course you have the old-fashioned way
8 of registering to vote where you fill out a paper
9 application, submit it to your county election office, and
10 no matter how you complete your application, you have to
11 provide personal information, including either your
12 driver's license or the last four digits of your Social
13 Security number, and that is the information the county
14 uses to verify your qualifications to be registered.

15 From that point, it really goes into the
16 counties' workflow, and then the county does a variety of
17 checks that the system allows for or provides for. In
18 fact, some of them are required. They're, you know, for
19 lack of a better term, hardcoded. The counties have to
20 check for duplicates. They have to go through the
21 verification of the information provided on the
22 identification of the registrant. It's called a HAVA
23 verification. We named it after the Federal law, Help
24 America Vote Act. Counties have to go through that.

25 And then there are additional checks that they

1 can do. If they find, for example, that they may have, you
2 know, two or three voters in their county that match on the
3 high-level criteria in the application, they can dig a
4 little deeper and research additional information to
5 determine if somebody has perhaps submitted a duplicate
6 registration or to confirm that in fact the individual is a
7 different individual than the one that they're seeing in
8 the system. So that's really the voter registration
9 process.

10 Once counties do all of those checks and make a
11 determination and if they determine -- I will say this. If
12 the county determines that they have incomplete information
13 or incorrect information or if, you know, the registrant's
14 information doesn't check out for any reason, they can
15 reject the application. The applicant has an opportunity
16 to appeal that, but the county would reject the
17 application, give the applicant an opportunity to appeal
18 the decision or provide whatever missing information if
19 that's the issue so that they can be properly registered.

20 MAJORITY CHAIRMAN GROVE: Thank you.

21 MR. MARKS: Once they get registered to vote, the
22 county then will send out a voter registration card. The
23 election code calls it a voter certificate, certificate of
24 registration. Those people call it their voter
25 registration card. And it will provide -- it has a copy of

1 the signature, you know, that's on your voter record. It
2 also has information about your polling place and other
3 details about your voter registration record. And that's
4 how the voter is notified that they've been appropriately
5 registered to vote in the county.

6 And you wanted me to go, Mr. Chairman, through
7 the process of voting then as well?

8 MAJORITY CHAIRMAN GROVE: No. No, that's outside
9 the SURE system. We don't need that.

10 MR. MARKS: Okay.

11 MAJORITY CHAIRMAN GROVE: Yes, yes.

12 MR. MARKS: I'm trying to be brief, but it is a
13 journey.

14 MAJORITY CHAIRMAN GROVE: I get it. You did an
15 excellent job.

16 Representative Diamond.

17 REPRESENTATIVE DIAMOND: Thank you so much, Mr.
18 Chairman. Thank you, Deputy Secretary, for joining us
19 today. I go way back with you. I have been involved here
20 almost as long as you have, and I appreciate you showing up
21 today.

22 I want to ask you a number of questions regarding
23 the SURE system and other systems in reference to the 2017
24 decision by the Department of Homeland Security to
25 designate this infrastructure as critical infrastructure

1 and in relationship to a CISA report from July 20th, 2020,
2 which was very concerned about compromises to the integrity
3 of State-level voter registration systems.

4 So, in Secretary Boockvar's written responses to
5 us, she told us that the Department of State personnel,
6 Commonwealth IT support staff, and contracted IT support
7 vendors, as well as county elections personnel, have direct
8 individual access to the SURE system data, correct?

9 MR. MARKS: Yes, you know, there are different
10 levels of access. There's read-only access.

11 REPRESENTATIVE DIAMOND: Okay.

12 MR. MARKS: When we're talking about county-level
13 officials, that's ultimately up to, you know, the county
14 Election Director, whoever's in charge, whoever requested
15 access for the individual. You know, they can provide them
16 anything from read-only access up to data-entry access, and
17 all the user activity is actually logged in the system.

18 REPRESENTATIVE DIAMOND: Okay.

19 MR. MARKS: For our folks at the Department, you
20 know, there are different levels of access, you know, and
21 it's primarily read-only access because we're not updating
22 voter registration records, counties.

23 REPRESENTATIVE DIAMOND: So all those people who
24 have write privileges to that file, do they have some kind
25 of background clearance or a security check or anything

1 like that?

2 MR. MARKS: I can't speak to the process that
3 counties go through in vetting their employees. I can tell
4 you, though, that at the Department there are background
5 checks even for the contractors that are given access to
6 the SURE system. There's actually a criminal history check
7 done as a prerequisite to anyone working even as a
8 contractor.

9 REPRESENTATIVE DIAMOND: Okay. And let me go to
10 another item here. On September 15th, 2016, an
11 organization called Pennsylvania Voice and Rock the Vote
12 announced that they had entered an agreement with the
13 Department of State regarding the online voter registration
14 Web API, that they would be using that to go out and
15 register voters and voter registration drives, that sort of
16 thing. Did they have to go through any kind of background
17 check, security clearance in order to enter into that
18 agreement?

19 MR. MARKS: They did have to sign an agreement
20 with the Department. There's no background or security
21 checks for the folks who are volunteering. I want to be
22 clear here. They don't have access to the SURE system --

23 REPRESENTATIVE DIAMOND: Correct. Thank you for
24 clarifying that.

25 MR. MARKS: -- the API partners. They're using

1 their own application and providing data that is then
2 uploaded, so they don't have any direct or even indirect
3 access to the SURE system.

4 REPRESENTATIVE DIAMOND: Sure. So we had talked
5 before with the county guys about the different places they
6 get batches of information from. Rock the Vote would
7 probably be one of them, Department of Health, PennDOT.
8 Can you provide within the next, I don't know, three days
9 or something a list of all those kind of entities that
10 would send batches of voter registration information that
11 you guys would then shunt down to the counties to upload?
12 Can you provide us with a list of that?

13 MR. MARKS: Sure, I'll check with our counsel's
14 office, but I believe we can provide a list of entities.

15 And I want to make another point, too, just to be
16 clear. In 2016 or prior to 2016 when we rolled out Web
17 API, we actually reached out to a number of -- we reached
18 out to the political parties. We reached out to, you know,
19 Representatives of even the minor political parties and
20 political bodies that we were aware of to make them aware
21 of this opportunity. So anyone who is willing to sign the
22 agreement and follow through all of the technical
23 requirements can use the Web API.

24 REPRESENTATIVE DIAMOND: Is there any kind of fee
25 for an organization such as Rock the Vote to kind of apply

1 for that access or no?

2 MR. MARKS: There's no fee. They have to do all
3 the development on their end. You know, they're just
4 providing us a file in our format. We don't help them
5 develop whatever their tool is, so, you know, they have to
6 bear all the cost of that. But we do tests to make sure
7 that what they're providing us meets our specifications.

8 REPRESENTATIVE DIAMOND: Okay. So then when they
9 send a batch of information in, say, from Rock the Vote,
10 what does the county have to go through in order to verify
11 the fact that the information they're sending comes from a
12 resident of Pennsylvania and a citizen of the United
13 States?

14 MR. MARKS: They go through essentially the same
15 process that they would go with any application, including
16 a paper application.

17 REPRESENTATIVE DIAMOND: Okay.

18 MR. MARKS: And then verifying either the
19 driver's license number provided or the last four digits of
20 the Social Security number, as well as the voter's, you
21 know, address and name as it is on record.

22 REPRESENTATIVE DIAMOND: And one more. On March
23 5th, 2020, it is my understanding that through this Web API
24 third parties were allowed the ability to order a mail-in
25 ballot on behalf of voters, is that correct?

1 MR. MARKS: That's not correct, no.

2 REPRESENTATIVE DIAMOND: That's not correct?

3 MR. MARKS: The voter must apply. The only way a
4 voter gets an absentee ballot is if the voter applies for
5 the absentee ballot.

6 REPRESENTATIVE DIAMOND: I think we may have to
7 come back and visit this because I think we're little
8 confused because I have some information that maybe that
9 ability was offered. But any rate, thank you so much for
10 your time. Thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN GROVE: Thank you. Just to
12 clarify on the Web API, the data batch that they -- let's
13 say they walk around with, I don't know, a laptop of some
14 sort, they fill it out, it generates a list, you just get
15 the list sent to you, correct, in a form you specify? You
16 capture it and then you send it down to the counties, and
17 then the counties --

18 MR. MARKS: Correct. We are getting --

19 MAJORITY CHAIRMAN GROVE: -- do the verification?

20 MR. MARKS: Right. We're getting the raw data in
21 the format that we specify and then we're passing that to
22 the counties. That's to ensure, you know, that the third
23 party does not have any kind of access or any ability to
24 impact the integrity of the system.

25 MAJORITY CHAIRMAN GROVE: Correct. So the

1 counties would then upload it to the SURE system, so it's
2 really not even your -- it's really -- would you say they
3 have access to the SURE system or they don't have access to
4 the SURE system?

5 MR. MARKS: No, they don't have access to the
6 SURE system.

7 MAJORITY CHAIRMAN GROVE: Okay. All right.

8 MR. MARKS: We upload the data provided by the
9 third party so that the county has that in their workflow.
10 But at no point does the third party have access to the
11 SURE system.

12 MAJORITY CHAIRMAN GROVE: Okay.

13 MR. MARKS: It's really just like a voter
14 registration drive conducted on paper. You know, they will
15 submit the paper applications on behalf of the voter, you
16 know, and they may keep copies for their own records.

17 MAJORITY CHAIRMAN GROVE: Got you. Okay, thank
18 you. Representative Ryan?

19 REPRESENTATIVE RYAN: Thank you very much, sir.
20 I didn't know I was going to get an opportunity to ask a
21 second question.

22 Mr. Marks, thank you again very much for being
23 here.

24 The Philadelphia situation had a case where
25 Domenick Demuro pled guilty to a situation of ballot

1 stuffing for 2014, 2015, and 2016 elections. How would
2 that have been caught through the SURE system or through
3 any other type of system integration that would be done to
4 identify that more people voted than had been registered to
5 vote? How would that have been determined? How would you
6 have found that?

7 MR. MARKS: Well, I'm not familiar with the
8 details of the case. So the official record of who voted
9 at a precinct, at a polling place is actually captured in
10 two places. It's captured in the pollbook, and it's also
11 captured on the numbered list of voters. And the counties
12 reconcile those documents. But those are the official
13 records, so you would look at the numbered list of voters,
14 you'd look at the pollbook to, you know, validate that the
15 correct number of ballots were cast. In fact, precinct
16 workers, you know, even have to provide, you know, an
17 accounting of how many provisional ballots they issued, you
18 know, how many unissued ones come back to the county, so
19 there's a lot of paperwork, and that's the official record
20 that you would use to reconcile that and identify a
21 situation where, you know, more ballots were submitted than
22 voters on those lists.

23 REPRESENTATIVE RYAN: And then, Mr. Chairman, the
24 last question -- and again, thank you very much for the
25 answer to Representative Diamond, but there was a document

1 ID PA OVR specification version 1.5, which was the Web API
2 specification document dated March 5th, 2020. And in that
3 document it appears -- and again, I'm presuming I'm reading
4 it correctly -- that the posted entries would be granted
5 access and authority not only to create voter registrations
6 but also to submit mail-in ballot applications and
7 permanent mailing list selection. If I could just ask you,
8 I don't want to put you on the spot, but if you could take
9 a look at that specification and just get back with us to
10 determine if in fact that's the accurate interpretation of
11 it.

12 MR. MARKS: Yes, and again, I want to be clear
13 that third-party API, whether it's voter registration or,
14 you know, absentee or mail-in application, the voter is
15 still completing the information. You know, any third
16 party, you know, whether it's a third-party voter
17 registration drive or a third party that sends out
18 applications to apply for an absentee or mail-in ballot,
19 the voter is providing that information. The third party
20 is only providing a tool. And again, at no point does the
21 third party have access to the SURE system.

22 REPRESENTATIVE RYAN: Thank you, Mr. Chairman.
23 Mr. Marks, thank you.

24 MAJORITY CHAIRMAN GROVE: Thank you.
25 Representative Mackenzie.

1 REPRESENTATIVE MACKENZIE: All right, thank you,
2 Chairman, and thank you, Mr. Deputy Secretary, for joining
3 us.

4 So my questions are around maintaining accurate
5 voter rolls in the SURE system. And I have two different
6 examples that I want to touch on. The first came from an
7 individual, a registered voter here in Pennsylvania. She
8 moved here for graduate school and she lived here, voted as
9 a resident of another State because she was here
10 temporarily at that time, and then ultimately decided to
11 stay in Pennsylvania so ultimately did register as a voter
12 here in Pennsylvania.

13 But at this election cycle many States opted to
14 mail everybody on their voter rolls absentee ballots, and
15 so all of a sudden she received an absentee ballot from
16 another State years after she had been living there. And
17 at that time she was planning to vote by mail here in
18 Pennsylvania. So she did the right thing. She contacted
19 that voter reg office now back in the other State and said,
20 hey, I've moved years ago, please take me off your rolls,
21 you know, after she talked to me about it.

22 But at what point does the Department of State
23 here in Pennsylvania update its rolls or coordinate with
24 other States about move records? Because clearly she was
25 on those roles after having moved years ago, and she only

1 caught it because they started mailing ballots to
2 everybody. So what we do here in Pennsylvania to make sure
3 that that's not happening where people are registered in
4 two States?

5 MR. MARKS: Sure. I'll first address the, you
6 know, other States issue. I don't know who the other State is.
7 I don't know if they're a member of -- you may have heard
8 of the ERIC system, the Electronic Registration Information
9 Center. Pennsylvania is one of -- it's about 30 States and
10 now the District of Columbia who has membership in the ERIC
11 program. And ERIC has been a huge benefit to the
12 Department and to our counties in keeping our voter
13 registration list updated.

14 You know, in addition to doing what's required by
15 Pennsylvania statute, every county in the Commonwealth is
16 required to do voter list maintenance on an annual basis,
17 so that has to be conducted in accordance with Federal law
18 and State law. And it generally involves the National
19 Change of Address program where you mail out -- if you get
20 information indicating that somebody may have moved,
21 whether it's to another address in your own county, in
22 another county in Pennsylvania, or to an address outside of
23 the State, the county is required to send a mailing to the
24 voter indicating that, you know, their records indicate the
25 voter has moved, and they can either confirm that or they

1 say, no, I haven't moved, that's a mistake. And if they
2 don't reply, they get placed in an inactive status, and
3 they ultimately can't be canceled if they don't otherwise
4 update their registration.

5 Where ERIC has been helpful is it gives us
6 additional more timely information. You know, us and all
7 of the other member States provide records to ERIC, and
8 ERIC uses other more sophisticated tools, outside things
9 like the National Change of Address. In fact, they have an
10 agreement with the Social Security Administration. And
11 using that, we get more accurate information about people
12 who may have moved, potential duplicates within our own
13 State and across States, and, you know, again, I'll defer
14 to my county partners to talk about how that works at the
15 county level, but at the State level we provide that
16 information to the counties. We track the progress of
17 that. And, you know, just last year counties mailed out
18 thousands of list maintenance mailings to individuals who
19 appeared to have moved or appeared to have had a duplicate
20 registration at some point. So that's really how -- and
21 our role is providing that information through our
22 membership with ERIC and also through our partnership with
23 the Department of Transportation.

24 With deceased voters, it's primarily the
25 Department of Health. ERIC does have additional

1 information about deceased voters, and this is something --
2 and I apologize for the blatant plug, Representative, but
3 there was legislation last year floating around, and the
4 Department recommended giving counties the authority to use
5 that additional tool, additional information we get from
6 ERIC through their partnership with the SSA. Right now,
7 it's limited to the Department of Health, Pennsylvania
8 Department of Health information, obituaries, letters of
9 testamentary. It would be helpful if we could open up that
10 other avenue so that we can fully utilize the data we get
11 from the ERIC program.

12 REPRESENTATIVE MACKENZIE: Okay. Thank you for
13 bringing that to my attention. The second question I have
14 is on the same topic. It's something that comes up every
15 so often about inactive voters since there is a designation
16 in Pennsylvania statute about inactive voters. What is
17 required to be put into inactive status? At what point is
18 a voter going to be removed from the rolls or are they
19 removed from the rolls after being inactive at such a
20 point, and how often does that occur? And when was the
21 last time the Department conducted an exercise like that?

22 MR. MARKS: Again, that's part of the annual list
23 maintenance conducted by the counties, so when you get one
24 of those list maintenance notices, if you do not reply --
25 if you reply and confirm, you get canceled immediately

1 because -- and that's pursuant to Federal law. You can't
2 just cancel somebody. It has to be upon their request. So
3 if they confirm, they're canceled right away. If they
4 don't respond, they go into that inactive status, and then
5 there is a sort of like this failsafe period of two Federal
6 elections. If the voter does not reply to a mailing, does
7 not otherwise update, take some action to update their
8 record, eventually, they'll be canceled, and they'll be
9 canceled after the second general election for Federal
10 office. So that is pursuant to both Federal and State law,
11 so it's kind of this failsafe period. So it could take --
12 you know, for somebody who has failed to vote for five
13 years, that's the other primary tool, the five-year notice.
14 It could take up to four years after that five-year notice
15 is mailed, but for most voters, is a period of two Federal
16 elections.

17 REPRESENTATIVE MACKENZIE: Okay. So it's five
18 years to get the inactive status, and then two general
19 elections after that to be removed?

20 MR. MARKS: Correct, if you've had no activity on
21 your record at all, yes.

22 REPRESENTATIVE MACKENZIE: Okay. Thank you, Mr.
23 Chairman. Thank you, Deputy Secretary.

24 MAJORITY CHAIRMAN GROVE: Thank you. Thank you.
25 Representative Nelson.

1 REPRESENTATIVE NELSON: Thank you, Mr. Chairman
2 and Mr. Secretary.

3 Just following up a little about the third-party
4 access, you know, looking to dig a little bit more into the
5 Rock the Vote situation because the CISA that you had
6 mentioned, the Cybersecurity and Infrastructure Security
7 Agency, they issued a security tip stating, "Voter
8 registration databases are rich targets and maybe an
9 attractive target for computer intrusions." So you had
10 mentioned earlier Rock the Vote was given this access, you
11 know, through the API access for free. Why do we allow
12 third-party access at all if it's a recognized area for
13 voter intrusion?

14 MR. MARKS: You know, I want to reiterate they do
15 not have access to the SURE system. I want to make that as
16 clear as possible.

17 REPRESENTATIVE NELSON: And let me clarify then
18 that --

19 MR. MARKS: What we're talking about is --

20 REPRESENTATIVE NELSON: So what they do --

21 MR. MARKS: -- them providing data --

22 REPRESENTATIVE NELSON: -- have access to is to
23 input voters and gather a voter database and then send that
24 to the Department, which the Department then sends. In
25 your earlier testimony you were saying that a county can

1 look to confirm the information, and then a county can
2 reject a voter if the information is incomplete. But could
3 not a county also not confirm that information and receive
4 this voter -- particularly if the county was very large and
5 these uploads were large, a voter would have the ability to
6 upload through -- and I'm just going to define Rock the
7 Vote as they're defined, "a nonprofit progressive aligned
8 organization in the United States whose stated mission is
9 to engage and build political power."

10 So this third party can upload to your system,
11 and then we give it to individual counties, but a county,
12 what if they don't catch those incomplete voters and
13 they're added into their system?

14 MR. MARKS: Well, this system -- and a little
15 earlier I said when I was describing the SURE system, there
16 are mandated activities within the SURE system. There is a
17 minimum requirement that counties must go through to verify
18 that the applicant is not, you know, currently registered,
19 it's not a duplicate of another application, and they're
20 also required to go through the ID verification process.
21 And if they can't verify the identification as provided by
22 the registrant, then the application is either rejected or
23 it's placed in a pending status while the county reaches
24 out to the voter, directly to the voter, not to the third-
25 party, and requests clarification about the qualifications

1 of the voter.

2 It's really no different than a third party voter
3 registration drive that occurs on paper. The vetting
4 process within the SURE system, the vetting process that
5 the counties go through is exactly the same.

6 REPRESENTATIVE NELSON: Well, and I guess we beg
7 to differ there because local county registration drives
8 don't have an advised warning from the U.S. Cybersecurity
9 Agency that this is an attractive target for computer
10 intrusions. And our County Commissioners just stated
11 earlier, significant confusion about voters who stated
12 they've moved in an area and how these batches go.

13 So I appreciate your response. I know we
14 disagree about it. Thank you, Mr. Chairman.

15 MAJORITY CHAIRMAN GROVE: Representative Owlett.

16 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman.
17 And, Deputy Marks, I appreciate you being able to be here.
18 Were you able to tune in to the prior testimony from the
19 counties?

20 MR. MARKS: I wasn't able to hear all of it. I
21 did hear probably the last 20 minutes or so.

22 REPRESENTATIVE OWLETT: Great. I would just
23 encourage you to go back. I think one of the things that
24 they -- and watch that if you have an opportunity. It was
25 very helpful --

1 MR. MARKS: I will.

2 REPRESENTATIVE OWLETT: -- to hear their basic
3 plea to please let us be involved in the next system in
4 designing it. And I think you said that that was
5 important.

6 I wanted to talk quickly about the helpdesk.
7 Part of the testimony was that it's imperative that our
8 counties have timely and efficient responses. Did the
9 State Department hire any additional help to man the
10 helpdesk at the SURE system during this past election?

11 MR. MARKS: We did. We did prior to the 2020
12 election we hired additional -- we essentially ramped up
13 our SURE helpdesk staffing to meet the additional demand.
14 You know, we also obtained, you know, additional staff, you
15 know, just within -- you know, within the Elections
16 Department, which is very small. I mean, we're a small
17 agency. We have a very small budget, and a significant
18 portion of that actually gets dumped into maintaining the
19 SURE system.

20 But we did ramp up our presence on the helpdesk
21 and also our own internal staff to help counties, and we
22 proactively ramped up the capacity of the SURE system in
23 advance of both the primary and the November election
24 knowing that we were going to have high demand.

25 REPRESENTATIVE OWLETT: So what was the typical

1 wait time for our counties? That was one of their concerns
2 is just how long it took. Do you have any idea?

3 MR. MARKS: I don't, and I'm not sure, you know,
4 what is meant by wait time if it's, you know, waiting for
5 the helpdesk to pick up a call or if you're talking about
6 waiting for resolution on a specific issue.

7 We do monitor, you know, through our phone system
8 sort of the average, you know, wait time for a call, and
9 usually it's a few minutes. There were, you know, high-
10 traffic periods where we probably went above that a number
11 of times, usually around specific deadlines, but typically
12 those are within the parameters we set, but, you know, I'd
13 have to get more information about what they are
14 specifically referring to.

15 REPRESENTATIVE OWLETT: Yes, that's fine. Would
16 third parties that we're talking about for some reason be
17 calling the helpdesk?

18 MR. MARKS: Third parties would not necessarily
19 be calling the helpdesk. You know, we do have a portion of
20 the helpdesk that is for county election officials, and
21 then there's one for voters. Our helpdesk takes calls from
22 military and overseas voters as well. You know, we thought
23 that was the most efficient way to handle that group of
24 customers. But they typically don't take calls from groups
25 outside of counties and a specific subsection of voters

1 themselves.

2 REPRESENTATIVE OWLETT: Great. I just want to
3 make sure that moving forward with the next system and any
4 election moving forward that we don't hear testimony that
5 there were long wait times. We've got to help our county
6 officials as much as we can. So thank you, Mr. Chairman.

7 MR. MARKS: I absolutely agree with that
8 sentiment, and I did hear the comment -- I came on in time
9 to hear the discussion about training, and I just want to
10 assure the Committee Members and the county election
11 officials who testified here today that there will be
12 training. It's part of the plan, and we'll be unveiling
13 details about that as we move forward over the next several
14 months.

15 MAJORITY CHAIRMAN GROVE: And as far as planning
16 process, you just approved the RFP, right? So you're in a
17 very early stage of rolling out a new system, correct?

18 MR. MARKS: We are. We are, and we had our first
19 call with the counties last week, with all of the counties.
20 You know, this has been something that's been talked about
21 with the SURE advisory board for, you know, a number of
22 months, actually more than a year, but all the counties had
23 the opportunity to get on a call last week where we
24 officially unveiled -- talked at a high level about, you
25 know, what our expectations from them are and what they

1 should expect from us, you know, in terms of our
2 assistance.

3 But we really need their help. We want this
4 system to meet their needs, and, you know, so far we've
5 gotten wonderful participation. There were over 80
6 election officials, Directors, and some of their staff on
7 the first call, so I'm very encouraged that we're going to
8 have high participation from our counties.

9 MAJORITY CHAIRMAN GROVE: Good. And last
10 question, Representative Keefer.

11 REPRESENTATIVE KEEFER: Thank you, Mr. Marks. I
12 appreciate all your help in answering a lot of the
13 questions that are here. One issue that I had in my
14 district, and I received a lot of them, was the unsolicited
15 ballot applications. And there was a lot of confusion
16 around that because a lot of people believed that those
17 applications were the actual ballot itself and, you know,
18 so they were saying, oh, I got a ballot and I never
19 requested one, but what they did receive was a pre-
20 completed -- you know, it was filled in -- the areas were
21 already filled in with their information for the
22 application, which I think created a lot of chaos
23 definitely for my office and people were getting
24 frustrated. Then they were getting really frustrated with
25 the county. Was it these third-party organizations? So my

1 understanding they were using the SURE system to generate
2 these applications for the mail-in and absentee ballot?

3 MR. MARKS: You know, pursuant to Act 3 of 2002,
4 we do provide public information lists, which is a list of
5 voters, and that's a requirement of the statute. We have
6 to provide it, and the counties have to provide it. Some
7 third parties, though, use commercial mailing lists, and,
8 you know, they're authorized to do it. The law allows it.
9 You know, I'm not particularly happy with the end product
10 in some cases. We get calls from -- you know, I myself
11 have had to talk to parents who got an application for a
12 deceased child.

13 REPRESENTATIVE KEEFER: Yes.

14 MR. MARKS: You know, that's not coming from the
15 SURE system. That's coming from commercial mailing lists
16 in those cases. But in some cases, yes, they do. And we
17 strongly recommend -- you know, the ones that are willing
18 to work with us, we recommend that they run their list
19 against our list to make sure that they're not sending an
20 application to someone who's already registered. And, you
21 know, I know it's not an exact science, but it is
22 unfortunate, and it's usually the result of commercial
23 mailing lists that is really not, in my opinion, the best
24 source of information.

25 REPRESENTATIVE KEEFER: Right. The counties had

1 a recommendation about putting some kind of disclaimer,
2 like a campaign disclaimer down there who it's paid for,
3 but part of my issue with that I would have to say, you
4 know, maybe not an official State document in that some of
5 these looked official, right? It said from, you know, the
6 official information voter center, which really raise the
7 hackles, so one of the things we've definitely got to look
8 at honing in on.

9 And then one other question I have is I know that
10 some of the groups that were out collecting it like Rock
11 the Vote and others, when they were collecting the
12 information from the voters to register them, they were
13 able to skip through the actual like ID and the Social
14 Security number. And my experience was when I have helped
15 people who have come into my legislative office and want to
16 register and, you know, I let them use our computer and
17 walk through that system is they can't get past an ID or
18 that, so how are they able to do that through the Web API
19 if they don't have to have -- how are they not able, you
20 know, to process it without having to have that
21 verification information?

22 MR. MARKS: A simple answer is they can't. They
23 can't skip through it. The applicant has to affirmatively
24 indicate that they have neither a driver's license nor a
25 Social Security number. And that's the same as the paper

1 application. If you look at the paper application, there's
2 a box there. Obviously, that is a very small percentage of
3 applicants who fit into that group. And certainly, if a
4 county sees a large number of those coming, then they know
5 that there's an issue there, and they work with the third
6 party to ensure that they are collecting all of the
7 information that they are required to collect.

8 But systematically, whether it's coming through
9 online voter registration, whether it's coming through
10 paper, or whether it's coming through Web API, the voter
11 has to affirmatively indicate that they don't have either
12 one of those numbers.

13 REPRESENTATIVE KEEFER: Okay. So that would
14 raise the flag. So they're not able to enter all that data
15 by bulk and just kind of ignore the fact that they have
16 that box checked there?

17 MR. MARKS: Correct. And that's why we require
18 testing. When they build an application, we actually
19 require that they go through rounds of testing with us so
20 that we can insure that their application, what the voter
21 is actually seeing or the applicant is actually seeing
22 meets all of the requirements in terms of required fields
23 that must be filled out by the voter.

24 REPRESENTATIVE KEEFER: Thank you. Thank you,
25 Mr. Chairman.

1 MAJORITY CHAIRMAN GROVE: Thank you. Thank you.
2 We have one really, really, really brief question by
3 Representative Wheeland.

4 REPRESENTATIVE WHEELAND: Thank you, Mr.
5 Chairman, and thank you, Deputy Secretary. It is going to
6 be a quick question.

7 If my math is correct, we're 16 months away from
8 the next Federal election, and we're about 37 months away
9 from the next presidential election. How confident are you
10 that the new SURE system will be up to assist our counties?

11 MR. MARKS: I'm very confident. You know, we are
12 on a timeline that would deliver this actually before the
13 primary of next year. There are two additional phases
14 where we'll be bringing in the campaign finance and
15 lobbying functionality, as well as our nomination petition
16 functionality. But the core functionality that the
17 counties need, that's our priority is making sure that they
18 have that in advance of the next busy Federal election
19 cycle.

20 MAJORITY CHAIRMAN GROVE: Thank you. Closing
21 comments, Chairwoman?

22 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you, Mr.
23 Chairman, and thank you, Deputy Secretary, for your
24 testimony today.

25 I was a little skeptical, quite frankly, about

1 the efficacy of this hearing, but I'm pleased to say that
2 the hearing did bear out what we knew before, which is that
3 this is the most investigated election that has ever taken
4 place in the history of America, especially in the history
5 of the Commonwealth in terms of the investigations, audits,
6 recounts, and so forth, certifications, recertifications.
7 And once again, even after this hearing, it has been proven
8 that the election was free, fair, accurate, and uniform,
9 and that our county election officials did an excellent job
10 in calculating the election results.

11 It's also been proven today that checks and
12 balances were in place to ensure that there was not
13 duplication of voters. Even if there was duplication of
14 ballot requests, even if there was duplication of ballot
15 applications being issued, the checks and balances that the
16 county officials talked about meant that they were checking
17 to make sure that there were no duplicate votes so that if
18 they received two ballots from a voter, one was thrown out
19 or the provisional ballot was thrown out. So they had a
20 system in place, these county officials testified, that
21 would allow them to flag any duplication of votes.

22 We also found out that there were some
23 recommendations that were made here today that I think
24 we're also valid. I do believe that third parties, whether
25 they're progressive or conservative, should identify

1 themselves when doing voter registration drives. Both
2 sides of the aisle does them. Third parties that are
3 conservative -- we can name conservative ones. Rock the
4 Vote is certainly a progressive one that was named a lot by
5 my colleagues today. But I think all of them should
6 identify themselves because it does create voter confusion,
7 especially when we had a lot of changes.

8 Which brings me to my final point. I hope that
9 at the end of this when we start talking about what changes
10 we want to make to election law, that we do not do what we
11 did with Act 77, which is create wholesale changes to how
12 we do elections in a time of a pandemic and at the time
13 where we had the greatest interest in a national election
14 that we've seen in Pennsylvania history or in recent
15 history in terms of voter participation. So any new law
16 that we come up with as a result of our hearings and
17 deliberations, that we provide adequate time for the county
18 officials, for the State officials to be trained to get an
19 understanding of the changes in the law, to be able to
20 apply them accurately, and to be able to test the systems
21 and make sure that those systems are ready to administer
22 the new requirements and any new law that we create, that
23 we do not, as Harrisburg elected officials, sow additional
24 confusion into the system by swiftly enacting something
25 without allowing the State and county officials the time to

1 adequately understand the changes that we've made and to
2 make sure their systems can execute those changes
3 accurately and effectively.

4 Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN GROVE: Thank you. Deputy
6 Secretary Marks, I just want to thank you again for your
7 time. Your input has been invaluable in the Department,
8 and we view you as a partner moving towards election
9 reforms as we move forward.

10 I'll also note the emotion. I saw it in your
11 eyes when you brought up the parents having to receive a
12 voter registration of a deceased child, and I can tell
13 you've had numerous conversations which are very, very
14 difficult, so I do want to recognize that and also your due
15 diligence in that.

16 As we continue these hearings, we are not here to
17 relitigate. We're here to find issues. And again, today,
18 we did find salient issues to fix. We heard it from our
19 counties. We heard it from the Deputy Secretary, and we
20 will continue engaging our partners to make sure we have
21 the best election law in this country to have seamless
22 elections. We appreciate all their work, their due
23 diligence over the past year. We've made major reforms,
24 and we will continue to fix the problems plaguing our
25 elections moving forward. And again, Deputy Secretary, we

1 appreciate the input of the Department.

2 With that, I call the hearing of this House State
3 Government Committee adjourned.

4

5 (The hearing concluded at 3:53 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.

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