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HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

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THURSDAY, MARCH 4, 2021
1:30 P.M.

PRESENTATION ON
ELECTION OVERSIGHT HEARING:
VOTER REGISTRATION

BEFORE:

HONORABLE SETH GROVE, MAJORITY CHAIRMAN
HONORABLE MARGO DAVIDSON, DEMOCRATIC CHAIRWOMAN
HONORABLE RUSS DIAMOND (VIRTUAL)
HONORABLE MATT DOWLING
HONORABLE DAWN KEEFER
HONORABLE ANDREW LEWIS (VIRTUAL)
HONORABLE RYAN MACKENZIE (VIRTUAL)
HONORABLE BRETT MILLER
HONORABLE ERIC NELSON (VIRTUAL)
HONORABLE JASON ORTITAY (VIRTUAL)
HONORABLE PAUL SCHEMEL (VIRTUAL)
HONORABLE CRAIG STAATS
HONORABLE ISABELLA FITZGERALD (VIRTUAL)
HONORABLE KRISTINE HOWARD (VIRTUAL)
HONORABLE MALCOLM KENYATTA (VIRTUAL)
HONORABLE MAUREEN MADDEN (VIRTUAL)
HONORABLE BENJAMIN SANCHEZ (VIRTUAL)
HONORABLE BRIAN SIMS
HONORABLE JARED SOLOMON (VIRTUAL)
HONORABLE JOE WEBSTER (VIRTUAL)
HONORABLE REGINA YOUNG

COMMITTEE STAFF PRESENT:

SHERRY EBERLY
MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

MICHAELE TOTINO
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DEMOCRATIC E.D. FOR STATE GOVERNMENT COMMITTEE

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*Pennsylvania House Of Representatives
Commonwealth of Pennsylvania*

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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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(Audio begins mid-sentence)

(Party sworn)

MAJORITY CHAIRMAN GROVE: Thank you. And we recognize you for any opening statements or remarks, and then we'll go to questions.

MR. MARKS: Sure. I've submitted written remarks. I won't read over those. I do want to say it's good to be here --

MAJORITY CHAIRMAN GROVE: Mr. Secretary, I don't mean to -- we're going to have to pause real quick. Our live stream just went down. So we'll take -- it's back up? All right. Never mind. It's back up. Please continue.

MR. MARKS: Okay. I first want to say it's good to see you, Chairman Grove, back in the chairman seat. I hope you're feeling well.

And good to see you as well, Chair Davidson.

And Chairman Grove, Representative Schemel did a great job filling in while you were out.

MAJORITY CHAIRMAN GROVE: I hear he owes you a T-shirt.

MR. MARKS: Yes. A T-shirt. And I realized after the hearing that that may have been a test. I know he's the chair of the Subcommittee on Integrity and

1 Transparency, so I want to say for the record that if the
2 Committee were to send such a T-shirt, I would promptly,
3 though respectfully, return it to the Committee.

4 MAJORITY CHAIRMAN GROVE: Very good.

5 MR. MARKS: But thank you. It is good to be here
6 this afternoon. Again, I won't read the written remarks.
7 I'm happy to be on this panel with the county election
8 director coming up, Forrest Lehman, as well as the
9 executive director of ERIC. So I will try not to step on
10 either one of those.

11 But I do want to say we're proud of the work that
12 we've done collaboratively with the counties and through
13 our membership with ERIC to advance voter registration best
14 practices and give counties tools that they need to keep
15 clean, up-to-date voter rolls. And really, that's all I
16 have to say, and I look forward to any questions from the
17 members.

18 MAJORITY CHAIRMAN GROVE: Will do. Thank you,
19 Deputy Secretary.

20 The first question will go to Representative
21 Schemel.

22 REPRESENTATIVE SCHEMEL: Thank you, Chairman
23 Grove.

24 And good to see you again, Mr. Marks. I meant no
25 entrapment by my earlier promise of a T-shirt. It was just

1 another politician's empty promise, but duly noted that the
2 Governor's gift ban, which is something the legislature
3 would do well to examine for its own members, is in full
4 effect and honored by all serving within the Commonwealth's
5 executive branch.

6 So in your written testimony, you detailed the
7 voter registration process in Pennsylvania. But for the
8 benefit of all those who are watching this hearing, and for
9 those of us who are members, would you please just briefly
10 summarize, sort of, from start to finish, the voter
11 registration process in Pennsylvania?

12 MR. MARKS: Sure. Absolutely. So the voter
13 registration process, whatever the mechanism for submitting
14 that, whether it's on a traditional paper voter
15 registration mail application, an application submitted
16 through a third party voter registration drive, or an
17 online application submitted to the Department of State, or
18 even Motor Voter -- we have -- there are -- there's a
19 federal law as well as a state law that provides for voter
20 registration opportunities through the Department of
21 Transportation, and other state agencies.

22 But no matter how you submit your voter
23 registration, it goes to the county election office or the
24 county voter registration office. If it's paper, they have
25 to do data entry, and then from there it goes through a

1 vetting process, which includes checking for duplicates to
2 make sure that the individual is not already registered.
3 It also involves using the SURE system, the statewide voter
4 registry that we talked about in a previous hearing, using
5 that to check the identification provided by the applicant
6 on their voter registration form.

7 And really, the process is the same for
8 electronic applications that come in, whether they're
9 coming through Motor Voter or coming electronically through
10 online voter registration.

11 I did want to point out, the one distinction with
12 Motor Voter applications is that PennDOT -- one of the IDs
13 is the driver's license, so obviously that streamlines the
14 process for counties quite a bit because the driver's
15 license has already been verified, so the application comes
16 through preverified, for lack of a better term.

17 From there, the county will check the address,
18 make sure that your date of birth is correct and that
19 you're entitled to vote in the next election. So if you're
20 17 years old, for example, and you register in September
21 but you'll be 18 by the day of the election, you get placed
22 in an on-hold status and then prior to closing the voter
23 registration rolls for the election, they'll run a job that
24 updates all of those voter registration records based on
25 birth date.

1 From there, the county will print out a voter
2 registration card. And this is sent to the registrant
3 confirming that they're registered. It provides other
4 information like their polling location, the precinct that
5 they're registered in, the municipality they're registered
6 in, and their polling place where they would go to vote.

7 I don't know how far you want me to go on --
8 there's a list maintenance component of this as well and by
9 list maintenance, I mean keeping the voter rolls clean. So
10 once somebody gets registered, and as Chairman Grove
11 mentioned at the beginning of this, this is -- next to
12 voting, voter registration is the most important component
13 of this entire process. And it's important to keep clean
14 voter rolls.

15 So the counties on an annual basis, pursuant to
16 both state law and federal law, conduct reasonable efforts
17 to maintain their voter lists. And the Department has an
18 integral role in this. We provide -- and now with our
19 membership in ERIC, we get much better data, much cleaner
20 data. But we provide counties with information on national
21 change of address. We give them information that they can
22 use for potential duplicate registrations that they need to
23 clean up, and also in-state and out-of-state moves that may
24 not be picked up already in the national change of address
25 program.

1 We also work closely with the Department of
2 Health to provide deceased voter information to counties so
3 that they can remove voters who are recently deceased.

4 And all of that wraps up in -- as anyone who's
5 voted in person knows, you have a poll book at the polling
6 place, and all of this activity builds up to that. Those
7 lists are printed and those lists are the official lists by
8 precinct of registered voters in the Commonwealth.

9 Hopefully that's short enough, succinct enough.

10 REPRESENTATIVE SCHEMEL: That is. That's a good
11 summary. And I think it helps to frame the rest of the
12 discussion today.

13 The second question, if I may, the Department's
14 2019 report to the General Assembly on the administration
15 of the voter registration in Pennsylvania includes data
16 relating to a variety of what are called implementation
17 tools, including list maintenance activities, online voter
18 registration, total agency registrations, and the SURE
19 system, just to name a few. This report also includes
20 statistics relating to a number of registered voters in the
21 Commonwealth.

22 According to the report, the total voter
23 registration in 2019 was, and I've written this down,
24 8,549,062. It's my understanding that for the 2020 general
25 election, voter registration hit record numbers. We

1 obviously haven't yet finalized (indiscernible - background
2 noise)but with totals in excess of nine million registered
3 to vote here in Pennsylvania.

4 So how did this record turnout impact the use of
5 these implementation tools that you have, and were those
6 implementation tools really able to be fully utilized in
7 the 2020 election?

8 MR. MARKS: They were. As I mentioned, so there
9 are statutorily required voter list maintenance, and those
10 are outlined in Pennsylvania's voter registration law.
11 With our membership in ERIC, we get additional
12 information -- information that supplements that, regarding
13 people that have moved or potential duplicates.

14 So the counties in 2020 actually went above and
15 beyond what they previously would've had to do pursuant to
16 the statute. And really, the volume of voter registration
17 didn't impact that. And you may note, if you look online,
18 we post on a weekly basis the current voter registration
19 statistics -- the number for the November election, the
20 official number went over nine million. Just in a few
21 months, that number has gone down by a little over 280,000.
22 And that's because counties are completing the second step
23 of those mandated voter list maintenance programs.

24 And I don't know if I have a good, succinct way
25 of explaining this, but there is a failsafe period, or a

1 grace period. If you get placed in inactive status, you're
2 not immediately canceled. And you stay in inactive status
3 through two federal elections. So it's not unusual after
4 each federal election for you to see the number -- the
5 total number of voter registrations go down, sometimes by
6 hundreds of thousands as counties are completing the
7 process of canceling voter records that have been in
8 inactive status through two federal elections. So that's
9 why you saw the number sort of climb above 9 million and
10 then within a few months after the election, it's actually
11 down to right around 8.8 million right now.

12 REPRESENTATIVE SCHEMEL: So that reconciliation
13 process always involves those numbers decreasing somewhat
14 postelection as the counties reconcile?

15 MR. MARKS: Yes. Post federal election for sure.
16 It is the -- both the federal requirement and the state
17 requirement is that a voter is not immediately canceled,
18 goes into inactive status through two federal elections.
19 So as soon as a federal election -- a November federal
20 election is completed, the counties finish that part of the
21 process where they cancel records that have been inactive
22 through that two federal election period.

23 REPRESENTATIVE SCHEMEL: Okay. So I think the
24 2020 election, since we had such record turnout, I'd assume
25 it stresses the system and shows us where, if any, weak

1 spots we may have. So in that way, maybe it's -- it works
2 out great for our analysis through this Committee. But the
3 implementation tools that you used, were any of them
4 stressed or challenged to a point where they needed to be
5 repaired? And if so, what fixes did you have or did you
6 implement as you went through?

7 MR. MARKS: Again, I don't know that the volume
8 had an impact on the tools. It certainly had an impact
9 on -- and this is true in every federal election, and
10 particularly a presidential election. When you have that
11 volume of activity with voter registration and in 2020 with
12 mail-in and absentee balloting, obviously, that puts a
13 strain on the human element of this with staff.

14 And the Department has worked over the years, and
15 we continue to work even after the 2020 election to build
16 in -- we still want to give counties the flexibility they
17 need. The statute is very clear. The Department does not
18 pass on the qualifications of registrants. Counties do
19 that. That's not the Department's role. But it is our
20 role to ensure that they have appropriate tools in place to
21 do what they need to do. And sometimes, that involves us
22 making changes to the system that will prompt somebody to
23 take the appropriate step at the appropriate time.

24 I don't know if I'm doing a good job of
25 explaining -- and maybe, providing an example. You know,

1 we have a lot of messaging in the system where if you're
2 going through the process you may get a pop-up that warns
3 you of some potential problem. And we don't take away the
4 ability of the county to make an independent decision, but
5 sometimes we will put hard stops in there to make sure they
6 don't make the wrong decision at the wrong time and allow
7 something to slip through the cracks.

8 REPRESENTATIVE SCHEMEL: One last point, then.
9 Do you track all of those changes, all of those comments?
10 Are those retained somewhere so you can go back
11 forensically later and look to see, where was there
12 confusion, and so forth, that should be addressed?

13 MR. MARKS: Sure. I mean, everything that is
14 entered and the transactions that the counties do inside
15 the SURE system are logged. So every voter record has a
16 log of changes and it drills down to individual user level.
17 So if there's a change made to a record, you'll not only
18 know when it was, what it was, but you'll also know which
19 user -- which county user made the change. So all of that
20 is logged, so you can sort of go back and piece together
21 what happened if a change was made to a voter record.

22 REPRESENTATIVE SCHEMEL: Very good. Thank you,
23 Mr. Marks. So good to see you again.

24 MR. MARKS: Good to see you. Thank you.

25 MAJORITY CHAIRMAN GROVE: Representative Staats?

1 REPRESENTATIVE STAATS: Thank you, Chairman
2 Grove.

3 And Deputy Secretary Marks, welcome back and once
4 again, thank you for your time. But in addition to this
5 record number that Representative Schemel brings up, this
6 election was the first time implementing the election
7 reforms of Act 77 of 2019 and Act 12 of 2020, which
8 included reforms relating to voter registration, namely, to
9 reduce the deadlines to register to vote from 30 days to 15
10 days prior to the election. Between the challenges faced
11 with the implementation tools and the record number of
12 voters registered, how difficult was it to implement such a
13 tight timeline?

14 MR. MARKS: Forrest Lehman, the county election
15 director, certainly he would be better able to answer how
16 it felt and how it went from the county's perspective.
17 From the Department's perspective, I -- it certainly
18 changed the way we support counties' efforts. Moving that
19 window, changing that window, meant that there was a lot of
20 activity in the system during a compressed period of time.

21 Prior to the changes of Act 77, you had a 30-day
22 voter registration deadline. You still had the two-week
23 deadline for requesting an absentee or mail-in ballot. And
24 the two of those didn't necessarily overlap. In 2020, they
25 did.

1 It wasn't a problem from the Department's
2 perspective, and it didn't create any unique challenges
3 from the Department's perspective, and I think it's
4 certainly good policy, and I think the counties did a good
5 job. But that's probably all I can say about it. I really
6 think it's probably a question that's better asked of a
7 county election official because they are the ones on the
8 ground, doing the actual work during that two-week --
9 essentially two-week window before the November election.

10 But the impact from us was really just moving our
11 support pieces around to make sure that we would be able to
12 fully support the counties' efforts.

13 REPRESENTATIVE STAATS: Did your department come
14 away with any best practices, or conversely, things that we
15 could do better moving forward that you're aware of?

16 MR. MARKS: I -- you can always do better. And I
17 testified in the last hearing on the SURE database, the
18 Department has embarked, as all of you know, on a SURE
19 modernization project. We'll have a new SURE system at the
20 beginning of next year. And the biggest challenge for us
21 in 2020, and even just within the last few years, is that
22 we have an aging voter registration system. And I know
23 that has caused some challenges for the counties, and they
24 articulated those to us and to you as well.

25 So I'm really looking forward to finishing this

1 modernization project and getting counties more modern
2 tools and a more modern database to do all of the work that
3 they need to do, now and into the future, irrespective of
4 what the statute looks like. I think -- I'm certain that
5 the new database, actually, will give us a lot more
6 flexibility that we have with the current database. And I
7 think that's a good thing for the process. It's certainly
8 a good thing for the hundreds of county users that are
9 entering data and managing data inside that system.

10 REPRESENTATIVE STAATS: I appreciate your
11 answers.

12 Thank you, Chairman.

13 MAJORITY CHAIRMAN GROVE: Thank you.

14 Before we go to the next question, I just want to
15 go back and -- Representative Christine Howard, I believe
16 you are able to say hi and do a quick introduction?

17 REPRESENTATIVE HOWARD: Yes. I am. Thank you.

18 MAJORITY CHAIRMAN GROVE: And Representative Eric
19 Nelson?

20 All right. We'll go back to Eric.

21 Next questioner, Representative Matt Dowling?

22 REPRESENTATIVE DOWLING: Thank you, Mr. Chairman.

23 And thank you, Deputy Secretary Marks, for making
24 time to be with us here again -- once again today.

25 I want to go back to the 2019 report once again

1 if we could, relating to implementation tools. One of the
2 tools that was referenced in the report is the web
3 application programming interface, or what is referred to
4 as the web API.

5 The report says, to quote it, a rigorous
6 certification process, managed by the Department of State,
7 ensures the individuals or organizations wishing to use the
8 web API tool meet the DOS identified testing standards
9 prior to their web API account being approved. Could you
10 explain that process to us, just a little bit about
11 approving those standards, or what standards need to be
12 made?

13 MR. MARKS: Sure. And I will also note that
14 there is information on our website that actually outlines
15 the specific requirements if you want to use the web API,
16 and it also provides a template of the agreement that you
17 have to sign. And I'm happy to send a link to the
18 Committee so you can look at the specifications and their
19 requirements for yourself.

20 But the Department has very, very stringent
21 requirements that anyone who wants to use the web API has
22 to meet. And as they're developing their application,
23 whatever that may be, whether it's an online web
24 application, whether it is a mobile application that
25 they're using on tablets, or something else, they all have

1 to meet the same specifications. And we go through a
2 testing phase.

3 You know, they sign the agreement, they develop
4 the application, and then we go through a testing phase to
5 ensure that the data that is coming to us through the
6 API -- and I want to make a point clear here. I know it
7 came up in the hearing on the SURE system. So I want to
8 be -- I want to make sure I'm clear. At no point in this
9 process does anyone who -- any of the registrants who have
10 web API have access to the SURE database, or even to the
11 Department's infrastructure. This is simply a portal for
12 data to flow through.

13 But during the testing phase, that data will come
14 to us, and we'll make sure everything is where it's
15 supposed to be, that it's in the field that it's supposed
16 to be in, and we test that to make sure that everything is
17 in place so that when we put it in the database -- and we
18 are putting it in the database, not the registrant -- when
19 we put it in the database, that everything that has to be
20 there for the county to process that application is there.

21 REPRESENTATIVE DOWLING: Thank you. And just as
22 a follow-up, does that certification process happen every
23 election period, or if someone has gone through
24 certification in previous elections, does that one hold
25 going forward?

1 MR. MARKS: It would hold unless the
2 Department -- if the Department makes a change to voter
3 registration -- online voter registration that may require
4 a change on the part of the partner and we have -- in the
5 agreement, we've held ourselves to a standard. I can't
6 remember exactly what it is, I think maybe 90 days we have
7 to notify the registrant. And it goes the other way as
8 well. If the registrant makes a change to their
9 application that impacts at all -- first of all, it won't
10 work, and secondly, if they do that, they're obligated
11 under the agreement to notify us in advance so that we can
12 do additional testing as necessary to ensure that they're
13 still compliant with the agreement and with our data
14 standards.

15 REPRESENTATIVE DOWLING: Thank you. And another
16 tool that's discussed is Motor Voter registration
17 processes. Can you briefly explain that process?

18 MR. MARKS: Sure. The process for Motor Voter --
19 so when you go in to get your driver's license, you will --
20 you go to a kiosk and it's basically a computer screen that
21 you're looking at. You're interacting with a
22 representative of PennDOT and you're presented with
23 screens. And the very first screen will ask you about
24 qualifications, whether you're qualified to be registered
25 or not. And if you can't say yes to those questions about

1 your qualifications, it doesn't move forward.

2 If you are qualified, then you go through a list
3 of screens that will -- that basically provide all of the
4 information that is necessary -- that PennDOT doesn't
5 already have. They already have your signature. They
6 obviously already have your photo and they have other
7 address information. But it'll ask for additional
8 information about, for example, what political party you
9 want to register and if you want to register in a political
10 party. And it will ask you to confirm all of the
11 information there, your date of birth, your address, et
12 cetera.

13 And if you get through all of that, we get a file
14 from PennDOT that includes everyone. And this is on a
15 regular basis, three times a week, I believe, for initial
16 registrations. We'll get data along with the signature
17 image of the registrant and that information that is placed
18 in the SURE system. And they come through as Department of
19 Transportation applications for the counties to process.

20 REPRESENTATIVE DOWLING: Okay. And I know that
21 there have been some concerns with Motor Voter over the
22 past several years, and there's been some confusion
23 relating to the information the system provides, and
24 clarification and fixes were necessary, to my
25 understanding. Are you aware of any voter glitches for

1 registration for the 2020 election that occurred?

2 MR. MARKS: I am not. No. As you may know, the
3 Department corrected a long-standing issue a couple of
4 years ago that allowed some individuals to get into the
5 process even though they weren't qualified. That's been
6 taken care of. And in addition, we've made some other -- I
7 guess I'll call them cosmetic, but yet important, changes
8 to the screens. As I said, the qualification questions
9 have been moved all the way up to the front. In the past,
10 prior to a couple of years ago, those were like the third
11 or fourth screen in.

12 And we also translated the questions -- all of
13 the questions into a dozen additional languages.
14 Previously it was English and Spanish only. We translated
15 it into a dozen different languages so that as many people
16 as possible, including those who may be limited English
17 proficient, would understand what it was that they were
18 answering when they were answering questions.

19 REPRESENTATIVE DOWLING: Thank you so much for
20 your answers, Deputy Secretary. Also, I would ask and
21 appreciate, if time is permitting, that you would provide a
22 report following the hearing with some type of update on
23 Motor Voter because there has been some concern about that.

24 MR. MARKS: Certainly, we can do that. And I
25 also welcome -- if there's a specific concern that someone

1 has raised to you or that you have, you certainly can reach
2 out to me or to the Department, and we'd be happy to look
3 into any specific concern that you or one of your
4 constituents may have.

5 REPRESENTATIVE DOWLING: I appreciate that.

6 MAJORITY CHAIRMAN GROVE: Yeah. I think, Mr.
7 Deputy Secretary, one thing would be good is kind of the
8 outcome -- I watched the senate hearing from like four
9 years ago on the Motor Voter stuff. If we could kind of
10 get an update on the review your general counsel was doing,
11 what were the outcomes of that, that would be good.

12 And then a follow-up on the web API. The
13 organizations that do that -- do they keep that voter
14 registration data themselves, or is that all automatically
15 transmitted? Do they have their own kind of mini voter
16 registration database they keep?

17 MR. MARKS: Yeah. Just like a paper voter
18 registration drive, it's not unusual for voter registration
19 drives to keep photocopies if they're doing it on paper.
20 And they can keep a copy of the data that they submit to
21 the Department, which I think is a good thing. It's an
22 additional check. And certainly, any organization, whether
23 it's a political party or some other organization that is
24 doing a voter registration drive, probably has an interest
25 in following up or reaching out to the individuals who

1 registered through their drive.

2 So yes. They can keep their own copy of the data
3 as well, just as they would with a traditional paper drive.

4 MAJORITY CHAIRMAN GROVE: Gotcha. So follow-up
5 question. The information on a voter registration form is
6 the same information you need to apply for a mail-in
7 ballot, correct?

8 MR. MARKS: It is effectively the same
9 information. Much of it is the same information. Yes.

10 MAJORITY CHAIRMAN GROVE: Gotcha. What kind of
11 internal process is there -- I mean, conceivably, you could
12 do a voter registration drive and then start applying for
13 ballots for individuals with that same information,
14 correct? Is there any internal controls you have to kind
15 of review that process?

16 MR. MARKS: Well, I think it's important at this
17 point -- you do have the built-in systematic checks on
18 eligibility. You also have voter ID requirements, whether
19 it's -- for first time voters, whether that person is
20 voting in person or voting by mail-in or absentee ballot,
21 you do have voter ID requirements in place for first-time
22 voters. So I think -- and we actually saw this play out in
23 2020. We did have a handful of circumstances where an
24 individual attempted to request a ballot on behalf of
25 someone else and those validation processes inside the

1 system worked, and the counties were alerted to the issue.
2 And as a result, they were able to successfully prosecute,
3 as I understand, in each of those cases.

4 MAJORITY CHAIRMAN GROVE: I want to thank you for
5 that.

6 Next up, Representative Diamond.

7 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

8 Thank you, Deputy Secretary, for joining us once
9 again. As was mentioned at the beginning of our questions
10 to you, there's both a beginning to the voter registration
11 process as well as an end, beginning being when somebody
12 registers, but the end being voter registration record
13 cancellation and their maintenance, or what we refer to as
14 the voter rolls.

15 I had a few questions. One of them you answered
16 already regarding the county has more responsibility for
17 doing that list maintenance than the state, although the
18 state has some role in that.

19 I know that as the Department receives
20 information from agencies on -- certain information
21 relating to list maintenances, for example, the PennDOT
22 relating to change of address. I wanted to ask you,
23 similar to change of address, does the Department receive
24 death record information, and if so, how, from where, and
25 how often?

1 MR. MARKS: Sure. Yes. We receive death record
2 information from the Pennsylvania Department of Health.
3 And we get that -- I believe the statute requires that to
4 be transmitted monthly. We actually do it twice a month so
5 counties are not getting 12 big chunks of -- they're
6 getting it very couple of weeks and it's easier for them to
7 process if they're getting it more frequently. So that
8 comes essentially every two weeks throughout the year and
9 counties process them as -- they come through as
10 essentially applications into the system that the counties
11 then have to verify. They have to obviously connect it to
12 a registered voter, and then they can cancel that
13 registered voter based on that death notification
14 information.

15 I know you have legislation, I believe it's House
16 Bill 143 --

17 REPRESENTATIVE DIAMOND: Uh-huh (affirmative)

18 MR. MARKS: -- that would provide, and I think we
19 may have provided some input on at least the death
20 notification information last year. And you'll probably
21 hear this from the executive director of the ERIC program
22 as well. There is supplemental information -- death
23 notification information that we could obtain through the
24 ERIC program and provide to the counties if the General
25 Assembly would loosen up a little bit the tools of the

1 counties -- or expand, I guess, is a better word, the tools
2 the counties could use because right now it's a very
3 limited list of tools, the primary one being the Department
4 of Health.

5 And then there are a few others. But it would be
6 helpful to be able to use any authoritative source of that
7 information which, in this case, includes the data we get
8 from the ERIC program, which they in turn get from the
9 Social Security Administration through an agreement they
10 have with them.

11 REPRESENTATIVE DIAMOND: Yeah. We're well aware
12 of that. We've become aware of that limitation in
13 Pennsylvania law that prevents ERIC -- the ERIC data from
14 being used for this purpose. We are going to be working on
15 that in the coming weeks. So thank you for that.

16 And I think this was discussed in one of the
17 other hearings you testified at, but we hear this story all
18 the time that some constituent comes to us and they --
19 their loved one has passed and they see their loved one's
20 name on the voter rolls. And I wanted to just really delve
21 into this a little bit deeper with you. And I'm referring
22 to pages 4 to 8 in the 2019 report on list maintenance.
23 And I'm kind of referring to use -- the Department uses
24 both the words removal and cancellation. And it kind of
25 almost interchanges those two words. And I wanted to get

1 down a little deeper into what that actually means. And
2 this is the reason why.

3 I've compared a full voter export from after the
4 2020 election to one that was downloaded on April 6th of
5 2020. And there's about 55,800 and some voters who voted
6 in the 2020 election with voter registration dates way
7 preceding April 6th, 2020 and voting histories preceding
8 April 6th, 2020. But they don't appear in the full voter
9 export on April 6th, 2020.

10 So is there some sort of -- kind of a soft delete
11 that you do with some of those voters and then just kind
12 of, like, sit in the SURE system but they're not available
13 through the full voter export? Because that's kind of
14 surprising to me that, I mean, as -- I download these all
15 the time as a candidate for office, and I see some are
16 listed as active, some are listed as inactive.

17 But is there a third category of people who have
18 been either canceled or removed, but they're not really
19 removed from the SURE system itself, that is not available
20 to the public when they download it and pay for, by the
21 way, a full voter export? I kind of want to get some
22 clarification on what removed, canceled -- and is there
23 this third category of voters there?

24 MR. MARKS: Yeah. So canceled is a record that
25 has been canceled. And it is -- now, the system does

1 maintain a record of canceled records for logging purposes
2 so that the counties and the Department can monitor that.
3 And if you ever have to piece that back together, you have
4 that data available.

5 Removal versus cancellation is actually a
6 statutory term. There's a provision in Act 3 of 2002,
7 Pennsylvania's voter registration law, that is committed to
8 removal notices. And it's an interesting term used in the
9 context, because removal could include cancellation, but it
10 also could include a transfer from one county to another.
11 And without knowing specifically what you're looking at and
12 the data, I do know that there are -- the transfer process
13 in the SURE system involves a transaction on both ends. So
14 if somebody transfers from one county to another, no matter
15 how that is effectuated, it creates an application in the
16 old county to essentially cancel it there, and an
17 application in the new county.

18 And I said earlier, I was excited about SURE
19 modernization, and this is one of the things I'm excited
20 about. I think there are certainly more efficient ways to
21 do it. Certainly, there are some technical limitations in
22 the database that effectively make work on both ends for
23 both counties, and maybe that's not the most efficient way
24 to do it. But the most important thing, though, it is
25 tracked. The county cancels the record. The new county

1 picks up the transfer and activates the individual's
2 record. But for a period of time they may be in on-hold
3 status depending on when the old county processes theirs
4 versus the new county.

5 So I'm -- that's a theory. I'd have to probably
6 see more details, but -- specifically what you're looking
7 at, but there are occasions where something is in an on-
8 hold status waiting for the second part of the transaction
9 to be completed.

10 REPRESENTATIVE DIAMOND: So let me just clarify a
11 little bit. Is there a point in time where a voter's
12 record is completely eliminated and deleted from the SURE
13 system, or do we have record of every voter who's ever
14 registered since we had the SURE system, and it's notated
15 by some kind of cancellation?

16 MR. MARKS: I will have to verify, but I do
17 believe we have a cancellation record for every cancelled
18 record since the inception of SURE. But I'll have to
19 verify that. I don't believe that we have purged any of
20 that data from the system. Again, it does serve an
21 important sort of logging role --

22 REPRESENTATIVE DIAMOND: Uh-huh (affirmative)

23 MR. MARKS: -- if you ever need to go back and
24 look at sort of the lifespan of a voter record.

25 REPRESENTATIVE DIAMOND: Yeah. It just occurs to

1 me that that seems like an awful heavy data burden to
2 continue to carry, if somebody is long dead or has long
3 moved out of Pennsylvania, that their record is still being
4 carried, along with records -- so if there's any chance you
5 could get us a count of how many records like that exist in
6 the SURE system that are either -- I don't know how you
7 want to term it, soft-deleted, on-hold, non-active,
8 whatever, I would sure appreciate it because it just seems
9 like an awful lot of dead weight for the system to be
10 carrying and potentially, if somebody could get into that
11 SURE system, something that is exploitable. So I would
12 appreciate it if you could get the Committee some kind of
13 numbers on that. And thank you so much for your time. I
14 appreciate it.

15 Thank you, Mr. Chairman.

16 MAJORITY CHAIRMAN GROVE: Thank you,
17 Representative Diamond.

18 Representative Miller?

19 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

20 Thank you, Deputy Secretary. Deputy Secretary,
21 we are aware that in the system, a number of individuals
22 have very old birthdays, some of them from the 1800s. And
23 to look at that, it gives the appearance that there's
24 something not quite right with that. So we understand that
25 most of those, I would believe, are there because they are

1 subject protection from abuse order or some core protective
2 order. Can you give an idea about how many of those are
3 there in Pennsylvania on our voter rolls?

4 MR. MARKS: I believe at last check -- and I'll
5 give you an approximate because that number, obviously, is
6 point in time, but I believe at last check there were
7 somewhere between a total of 5,000 and 7,000 in the entire
8 database. And I do want to say, it includes the group you
9 mentioned. It also includes records that were brought over
10 from county legacy systems. In some of the legacy systems
11 the counties used, the database actually didn't capture a
12 specific date of birth. It only captured that the person
13 was of age. So there were placeholder dates used, like
14 January -- 1/1/1800 or 1/1/1900.

15 And this is another important facet of SURE
16 modernization as we are transitioning to the new database.
17 It is very much the Department's goal to eliminate those
18 sort of -- I won't call them anomalies because they were
19 conscious. But certainly, I understand from the outside
20 looking in what that -- what kind of perception that may
21 create. So the Department is, as part of this transition
22 to the new system, also looking at how we clean up the data
23 and I'm sure there will be a point in time this year where
24 we may even have to engage the counties to do some
25 additional direct outreach to a group of registrants if

1 that's necessary.

2 REPRESENTATIVE MILLER: If an individual has had
3 a PFA and that PFA is now over and done, is that person's
4 record updated?

5 MR. MARKS: I'm not an expert on the program
6 itself other than the voter registration aspect of it, but
7 yes. If the person is no longer in the program, they are
8 given information about how to update their voter record.
9 But I do believe there is some obligation on the part of
10 the program participant to update their voter registration
11 record.

12 REPRESENTATIVE MILLER: Is there any obligation
13 on the part of the Department of State to reach out to that
14 individual to verify the accuracy of that record?

15 MR. MARKS: There's not. I'm not aware of any
16 statutory obligation. And this obviously is a very
17 sensitive thing. I'm not sure the Department itself even
18 has access to the information it would need to reach out.
19 We would have to work through the Office of Victim
20 Advocate.

21 REPRESENTATIVE MILLER: As far as the legacy
22 records that you discussed from the counties, there's no
23 single methodology that all counties use in determining a
24 date of 1801 or 1901 or what have you in determining a date
25 for such a person; is that correct?

1 MR. MARKS: You're talking about something that
2 was brought over from legacy data?

3 REPRESENTATIVE MILLER: Is there a uniform
4 process? Yes.

5 MR. MARKS: In the system now -- the answer to
6 that question is no. In the system, anything moving
7 forward after SURE was brought online, there are
8 validations on date of birth. But on the legacy records --
9 and that's why I said, we may get to a point where we're
10 going to have to work with the counties to do some direct
11 outreach if necessary, and do it in such a way that we're
12 not violating the rights of the individual registrants, but
13 at the same time getting updated information necessary to
14 clean up that small percentage of registrants.

15 REPRESENTATIVE MILLER: Okay. Last question from
16 me, and then maybe if you stick around later on if we have
17 time at the end, I'll have more, but question -- would you
18 have any objections -- I'm aware that Ohio, for instance,
19 uses a birthday of about 18 years old for such individuals.
20 Would you yourself have any objections to a new system of
21 using, let's say, some date that would make those people 18
22 years of age?

23 MR. MARKS: Well, as I said, our hope is that we
24 will get accurate birthdates, so the actual birthdate. To
25 the extent that there is an occasion where we have to use a

1 placeholder date, I don't know that -- I'd have to discuss
2 it with our counsel. I don't know that I -- we would have
3 any strong feeling about what that date is. I think it
4 was -- the reason those dates were used, I think it was to
5 make it obvious so that it didn't look like it was being
6 hidden or somehow nefarious. It was fairly obvious,
7 January 1st of 1800 stands out pretty easily. So they're
8 easy to identify.

9 But yeah, I don't know that we'd have a strong
10 feeling about it, but our hope is that we don't have any of
11 these, and that as we go into the new system we have
12 correct, accurate birthdates for every single voter in the
13 Commonwealth. Now, you're going to have data entry errors.
14 That's going to happen, and I don't know that we're ever
15 going to eliminate the human element of this. But
16 certainly, the system can prompt, warn, and provide
17 messaging to users to avoid those occurrences as often as
18 possible.

19 REPRESENTATIVE MILLER: Thank you, Mr. Marks.

20 Thank you, Mr. Chairman.

21 MAJORITY CHAIRMAN GROVE: Quickly, next up,
22 Representative Ortitay.

23 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.

24 And thank you, Deputy Secretary, for being here.

25 I want to turn your attention to questions about voter

1 registration for special elections. In my neck of the
2 woods, over the last five or few years, we've had a number
3 of special elections from congressional seats, to state
4 senator seats, to state representative seats. How is voter
5 registration handled when those special elections are not
6 on general election or primary election days?

7 MR. MARKS: The same deadlines apply. So a
8 special election, there's a -- and I don't recall the site
9 off the top of my head, but there is a provision in the
10 election code that effectively says a special election is
11 to be treated like a November election in all aspects. And
12 that's why you have -- even when a special election is
13 concurrent with a primary, it's treated as a November
14 election, meaning everyone gets to vote on at least the
15 special election, whether they're entitled to vote in the
16 primary or not. So any deadline, whether it's the 15-day
17 voter registration deadline or the two-week -- or the week
18 absentee or mail-in deadline, is applicable to the special
19 election just like a November election.

20 REPRESENTATIVE ORTITAY: So the system wouldn't
21 shut them out, let's say, if the special election was
22 October 1st and the general election was November 2nd, they
23 could theoretically do their application in the same period
24 and still be eligible to vote in the general election? The
25 system would allow that to occur?

1 MR. MARKS: That's correct. And the system --
2 and it is a function that the counties do before any
3 election, even in a special election, if somebody has
4 applied at the age of 17 and affirmed that they'll be 18 by
5 the next election, they run that same utility that updates
6 anyone who has met or who will meet that by the date of
7 that special election.

8 REPRESENTATIVE ORTITAY: Okay. Thank you. And
9 keeping along the same theme, is there a law or a rule that
10 voter rolls can't be cleaned up so many days before an
11 election day, including a special election? I didn't know
12 if it was a federal law or if there was something out there
13 like that.

14 MR. MARKS: It's actually both. So in federal
15 elections, there is a 90-day blackout period, for lack of a
16 better term. So 90 days before a federal election you
17 cannot conduct voter list maintenance. Now, it doesn't
18 apply to deceased voters. So that is ongoing throughout
19 the year.

20 In Pennsylvania's voter registration law, there
21 is also a 90-day deadline, but interestingly, it only
22 applies to the November elections. So counties are
23 required to complete their voter list maintenance no later
24 than 90 days before the November election. But yes. Both
25 federal and state law do have that 90-day window in place

1 to prevent purging or voter removal right before an
2 election.

3 REPRESENTATIVE ORTITAY: Okay. Yeah. That was
4 kind of my concern because we've had special elections that
5 weren't on the election day, and it was just causing a
6 problem for Allegheny and Washington Counties to be able to
7 do that because they had so many different elections coming
8 up that they just didn't have that 90-day window. So that
9 might be something -- I don't know if we can address that
10 at just the state level because it's federal law or not,
11 but it's just a concern of mine.

12 MR. MARKS: Yes. And I know -- yeah. A couple
13 of years ago, Allegheny had more than its fair share of
14 special elections and they seemed to have one every other
15 week, so --

16 REPRESENTATIVE ORTITAY: Let's hope that ends.
17 But anyway, thank you for answering the questions.

18 And Thank you, Mr. Chairman.

19 MR. MARKS: Thank you.

20 MAJORITY CHAIRMAN GROVE: Thank you.

21 Before we let you go, one kind of request for
22 information. Can you provide the statutory limitations for
23 not being able to use the ERIC death report? In their
24 testimony you kind of had a footnote there that there was
25 something in our law that doesn't allow that. So at some

1 point can you just provide that to the Committee?

2 MR. MARKS: Sure.

3 MAJORITY CHAIRMAN GROVE: Yeah. That's all the
4 questions we have. As always, we greatly appreciate your
5 in-depth knowledge and it is always invaluable to help us
6 understanding our election process. So once again, thank
7 you so much, Deputy Secretary.

8 MR. MARKS: Thank you, Chairman. Appreciate it.

9 MAJORITY CHAIRMAN GROVE: As we transition to the
10 next panel, I think Eric Nelson is on, and you want to do a
11 quick intro, Representative?

12 REPRESENTATIVE NELSON: We'll see if we have
13 success this third time around. So hello from Westmoreland
14 County, 57th district. Thank you, Mr. Chair.

15 MAJORITY CHAIRMAN GROVE: Thank you,
16 Representative.

17 Our next panel is the Ohio Secretary of State,
18 Frank LaRose.

19 Are you on, Mr. Secretary?

20 SECRETARY LAROSE: Mr. Chairman, I'm here.

21 MAJORITY CHAIRMAN GROVE: Wonderful. It's great
22 to hear you, and welcome to Harrisburg from Columbus.

23 SECRETARY LAROSE: Well, it's great to be there
24 and thank you so much, Chairman Grove and Chairman
25 Davidson. Thank you to the members of the State Government

1 Committee. Really an honor to join you all this afternoon.
2 I want to offer some testimony, and then I look forward to
3 the questions that you all have.

4 But Chairman, do you need me to take the oath
5 first?

6 MAJORITY CHAIRMAN GROVE: Yeah. If you don't
7 mind, just raising your right hand.

8 (Party sworn)

9 MAJORITY CHAIRMAN GROVE: Thank you, sir. And
10 the floor is yours. Thank you.

11 SECRETARY LAROSE: Okay. Well thank you so much.
12 So I think that we're all, as state leaders, familiar with
13 the 10th Amendment to the Constitution. I want to start
14 off with that. It says, all powers not delegated to the
15 United States by the Constitution, not prohibited by it to
16 the states, are reserved to the states.

17 And simply, what that means is that, as we know,
18 we've got 50 laboratories of democracy. What that means is
19 that each state does it differently. Now, that's a
20 feature. That's not a glitch. The fact that all 50 states
21 are trying different things to provide better quality of
22 life or a better system of elections for the people of
23 their state is a good thing. And when we all have the
24 opportunity to learn from one another, it provides a great
25 chance for that laboratory of democracy type system to

1 really flourish. And that's the spirit with which I bring
2 my testimony today.

3 The fact is, Ohio has been in the national
4 spotlight for many years as it relates to elections. You
5 all may have heard the saying, as goes Ohio, so goes the
6 nation. That has held true since 1960 when Ohio has voted
7 with the majority in every presidential election. In fact,
8 the first time that it hasn't happened in 60 years was last
9 year in the 2020 presidential election.

10 Now, as a result of that, we've been accustomed
11 to the idea that our boards of elections are going to be
12 under a great deal of scrutiny. We expect large numbers of
13 legal filings and the litigation that we've had to work
14 through over the years. Our state legislature has been
15 thoughtful about putting in place good legislation to make
16 sure that we are ready for the kind of national spotlight
17 that Ohio has whenever we conduct a presidential election.
18 And I would argue that our boards of elections have really
19 focused on professionalizing the work of elections
20 administration in each of Ohio's 88 counties.

21 Now, what has that that national scrutiny for
22 many, many decades brought us? I would humbly argue, some
23 of the best-run elections in the nation. It is the result
24 of many, many hundreds of bipartisan elections officials in
25 each county that that is the case.

1 Now last year, under the most challenging
2 circumstances we've ever faced, and I don't think it's
3 hyperbole, I don't think it's exaggeration to say this, it
4 has never been harder to run elections than it was last
5 year. Certainly, that's the case in Ohio. In all 218
6 years of our state's history, I don't think it's ever been
7 harder to run elections than it was last year. But in the
8 midst of all of that, we also ran what I would call the
9 most successful election Ohio's ever had.

10 Let me talk about why I would say that. I mean,
11 first of all, you can just quantify this. And I think it's
12 important to look at the numbers. We had nearly six
13 million people cast a ballot. That was a record-breaking
14 voter participation rate. That's 74 percent of Ohio's
15 registered voters that voted. We've never seen numbers
16 like this. Fifty-nine percent of our ballots were cast
17 before the polls ever opened on election day. Fifty-nine
18 percent. That means that Ohioans at close to 60 percent
19 were taking advantage of early voting and absentee voting.
20 Why does that matter? It helps us take the pressure off of
21 election day so that we were able to minimize the instances
22 of lines or crowding at our polling locations on election
23 day.

24 This is something that I'm particularly proud of.
25 Ninety-four percent of our absentee ballots were returned.

1 Of those millions of Ohioans who requested a ballot by
2 mail, 94 percent of Ohioans returned that. Again, a
3 record-setting number. We were able to reduce the
4 rejection rate when a voter requests an absentee ballot and
5 makes a mistake, maybe they forget to sign it or they
6 forget to put the correct identification information on
7 there. Historically for 20 years that Ohio's had no-fault
8 absentee voting, that number's hovered around 1 percent
9 rejection rate. We were very intentional. In fact, I was
10 afraid that with a record number of people voting absentee
11 for the first time, we just thought intuitively when people
12 do something for the first time, they're more likely to
13 make a mistake. Rookies make mistakes, right? And so we
14 were very intentional about a public information campaign,
15 but also directing our boards of elections to pick up the
16 phone and call the voter, to work with them to get their
17 error corrected. And so we cut that rejection rate from 1
18 percent down to .42 percent. What that means is many
19 thousands of Ohioans having their voices heard that would
20 not have otherwise.

21 We saw all-time lows in the number of provisional
22 ballots. And you all are familiar with the need for
23 provisional ballots in some circumstances, but we work hard
24 to keep that number down.

25 We also had 56,000 poll workers. We've never

1 seen that many. We were very intentional about poll worker
2 recruitment. In fact, one of my great fears throughout the
3 summer last year was that we wouldn't have enough poll
4 workers. We know that a large percentage of our
5 traditional poll workers are people over 65. We know that
6 that is a demographic that's more susceptible to the virus,
7 and so we knew that many of them would opt out this year.
8 We launched five distinct recruiting programs for poll
9 workers and had 56,000 so that no voter found a locked door
10 at 6:30 a.m. on election day.

11 Now, higher turnout than ever, more
12 accessibility than ever, stronger cybersecurity standards
13 than we've ever had, that's why I call it the most
14 successful election Ohio's ever had. But again, that
15 didn't happen by accident. Here's some of the things that
16 we do in Ohio that your neighbors to the west here would
17 humbly submit are good ideas for other states to emulate as
18 well.

19 First of all, the very structure of how elections
20 are administered in Ohio is very strictly bipartisan. I
21 always joke that it takes a Republican and a Democrat to
22 screw in a lightbulb at a county board of elections, and
23 actually, speaking of that, literally the buildings are
24 designed in a bipartisan way. There are two locks on every
25 door.

1 I love giving tours of boards of elections
2 because I'll always point out, there are two locks on every
3 door. There's a Republican key and a Democratic key. So
4 to get into the room where the ballots are stored, where
5 the machines are stored, where the tabulation equipment is,
6 or the server room -- to get into any of the important
7 rooms in the board of elections, you have to have two keys.
8 It's like those old submarine movies from the 1980s where
9 it takes two keys to launch the torpedo. That's that kind
10 of bipartisan oversight of every aspect of elections. What
11 this is about is about building voter confidence.

12 One of the other things that is essential for
13 voter confidence is allowing the boards of elections to get
14 the numbers to the people as quickly as they can. This is
15 something that Ohio has done for close to 20 years, but we
16 process our absentee ballots immediately. Now, it's
17 important to make the distinction, we don't count a single
18 ballot until after the polls close on election night. But
19 we begin processing them. What that means is that as soon
20 as they arrive at the board of elections we cut the
21 envelope open. We verify the identification information.
22 Again, bipartisan teams doing all of this. We flatten it
23 out so it can go through the scanner. So on election night
24 at 7:30, once the polls close, we can tabulate our results
25 and get them reported that night. It's something that I

1 think is definitely worth considering.

2 Outstanding absentee ballots and getting them in.
3 We had a process -- we have a process in Ohio where boards
4 of elections can receive ballots up to 10 days after the
5 election. That's been state law in Ohio for a long time.
6 As long as they are postmarked by election day, they can
7 arrive up to 10 days later. That allows -- even if the
8 postal service is moving slow, that allows adequate, plenty
9 of time for the boards of elections to get their absentee
10 ballots to come in. But what we knew is because of that,
11 there could be a large number of outstanding absentee
12 ballots.

13 We highlighted this on our website because it's a
14 knowable number. The board of election knows how many
15 ballots they mailed out. They know how many have come back
16 in. And so when we did our reporting on election night, we
17 highlighted right there on my website the number of
18 outstanding absentee ballots.

19 Here's why this is important. If the election --
20 let's just say a presidential election, for example, is
21 very close, then that number can tell you whether the
22 election night report, that unofficial canvas on election
23 night, is a conclusive tally or not. I'll give you a
24 hypothetical example. If your favorite candidate is
25 winning by 100,000 votes on election night, but there are

1 still 200,000 outstanding absentee ballots that we know a
2 large portion of which will come back in eventually over
3 that next 10 days, then by definition, that contest is not
4 over yet. You can't call it. It's not a conclusive
5 contest. But the flip side of that, if your favorite
6 candidate is ahead by a half million votes and there are
7 only 250,000 outstanding absentee ballots, well, then it's
8 over. Even if every single one of those absentee ballots
9 came in for the other candidate, it wouldn't change the
10 outcome. And so again, that's just about transparency and
11 that's something that we did that I think made a difference
12 in Ohio and certainly would've made a big difference if the
13 margins had been tighter.

14 We've worked to modernize voter registration in
15 Ohio. This is something I'm proud of because I worked in
16 our state General Assembly to do this when I was a member
17 of our state senate. I sponsored the bill that created
18 online voter registration. But it's important that it have
19 the right safeguards. I know that that's something that
20 you all have discussed in Pennsylvania as well.

21 One of my concerns, by the way, not that we're
22 here to talk about federal legislation, but one of my
23 concerns with H.R. 1 is that it would sort of implement
24 this one-size-fits-all federal solution as it relates to
25 online voter registration and how it works. And I think

1 that that might be problematic because again, I think that
2 the way that we do it, at least the Ohio system, is much
3 more secure because it requires authentication. It
4 requires the right kind of identification in order to take
5 advantage of the system.

6 Now again, talking about modernizing voter
7 registration, we have introduced a bill in our state
8 legislature to try to automate the process so that when
9 someone comes in to their Bureau of Motor Vehicles, for
10 example, any time we've got an Ohioan in a BMV location I
11 want to take that opportunity right then to either get them
12 registered to vote if they're not already, or to update
13 their voter registration.

14 I think you all know that one of the most
15 important things that we can do to prevent voter fraud, and
16 to be clear, voter fraud is exceedingly rare -- the reason
17 it's rare is because we take it seriously -- but one of the
18 best things that we can do to prevent voter fraud is to
19 maintain accurate voter rolls. And so this is something
20 that our team spends a lot of time on. And I know that the
21 previous witness was talking a lot about voter list
22 maintenance as well. Ohio has many different processes.
23 I'll just highlight a few of them.

24 We work very aggressively as a member of ERIC to
25 use the data provided by ERIC. We receive vital statistics

1 information from our State Department of Health on a
2 monthly basis that we push out to our county boards of
3 elections so that the deceased can be removed from the
4 voter rolls. We work with the national change of address
5 database through the U.S. Postal Service to highlight those
6 that have moved out of state or moved within the state for
7 updating their information.

8 And of course, it's not a perfect system. Voter
9 registration databases are by definition a highly dynamic
10 database. It is changing right now by the second as people
11 are turning 18, passing away, moving out of state. Ohio
12 also has a process that requires a six-year lookback that
13 will -- if you've been inactive for six years, if you
14 haven't voted or filled out a petition or showed up at a
15 Bureau of Motor Vehicles location during that six years, or
16 if you haven't responded to the multiple mailings that we
17 send you -- if you skip 12 elections, or six years of
18 voting, then Ohio removes you from the voter rolls. And
19 that's a process that has had some controversy because
20 inevitably, there are some that end up removed that have
21 just become inactive and decided to sit the process out for
22 six years.

23 But the vast majority of those that get removed
24 through that process really are what I call the three D's.
25 They're deceased, which is self-evident; they're duplicate,

1 which is a duplicate record that gets created; or they're
2 departed, which is meaning moved out of county or moved out
3 of state. So voter list maintenance is really important.

4 These are just some of the things that we do here
5 in Ohio. I think that elections are a -- I think that the
6 work of running elections is done well at the state level.
7 And I think that we can all learn from each other, and
8 that's why it's something that -- I'm here, happy to
9 provide testimony on and just share a few things that your
10 neighbors to the west are doing here in Ohio.

11 So thank you so much, everybody. I look forward
12 to your questions.

13 MAJORITY CHAIRMAN GROVE: Thank you so much,
14 Secretary LaRose. I'll start first. Can you kind of walk
15 through and explain the golden week process, which is very
16 unique for Ohio and a number of states? Can you kind of
17 work through that, what it is, and how you were able to
18 deal with that constitutional kind of crisis that was
19 created in Ohio?

20 SECRETARY LAROSE: Yeah. So I guess it's
21 important to talk about what it was, right? Because in
22 Ohio that process no longer exists, Mr. Chairman. The
23 golden week, as it sort of came to be known, was this
24 awkward overlap of time when two things kind of converged.
25 Ohio's constitution says you must be registered to vote 30

1 days before the election. That's long been the case. So
2 as long as you're registered to vote 30 days before the
3 election, you're fine. But about 20 years ago, Ohio
4 created an extensive period of early voting, in fact, one
5 of the most extensive periods in the country. They started
6 with 35 days of early voting.

7 Now, the intention -- because I've talked to some
8 of the legislators that were around back then, the
9 intention was always that if you were going to vote on day
10 35 or 34 or 33 at the very beginning of it, they
11 interpreted that as you would've had to have been
12 registered 30 days prior to that. But as a result of some
13 litigation, it was determined that election day is when
14 that 30-day timeclock starts. So what that effectively
15 meant was, there was a five-day period where you could
16 register to vote and vote on the same day.

17 Now, here's why that's problematic. The boards
18 of elections, in a bipartisan way, by the way -- our county
19 association of elections officials had been saying for many
20 years that there was not adequate process for them to
21 actually verify that that's a real address, or even take
22 the time to make sure that you weren't registered in
23 multiple places. And so when someone walked in during that
24 five-day period, they said, I want to register and I want
25 to request a ballot right now on the spot. And so that

1 caused some concern. As a result, the simplest, and I
2 would say, the sort of modest fix that we did was we simply
3 lined up things so that when the voter registration window
4 closes, which is 30 days before the election, the day after
5 is when the early voting window opens.

6 And so Ohio still has a full month of early
7 voting, which makes us clearly top 10 in the nation. But
8 what we don't have is this awkward overlap where you can
9 register to vote and vote all at the same time, which would
10 have -- again, which does not allow the time for the board
11 of elections to do the verification and security checks
12 that they need to do.

13 MAJORITY CHAIRMAN GROVE: Thank you, Mr.
14 Secretary.

15 Representative Diamond?

16 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

17 And thank you, Mr. Secretary. Thank you for
18 joining us from beautiful downtown Columbus today.

19 So let's fast forward to the present and at least
20 to the 2020 general election. It's my understanding that
21 voter registration in Ohio, like Pennsylvania, had a record
22 turnout, and you mentioned in your testimony that nearly
23 six million Ohioans voted. But now that the history you
24 discussed previously is behind you, so to speak, I wanted
25 to ask you, how did the current registration process work

1 for this election, what kind of obstacles did you face, and
2 how did you overcome them, and did you learn anything from
3 this history that helped you to address any of the
4 challenges that you faced in the past election cycle?

5 SECRETARY LAROSE: Well, I thank you,
6 Representative, Mr. Chairman. I appreciate the question.

7 So this is something that we were very
8 intentional about last year. We knew that in the midst of
9 a global pandemic, that it was going to be hard to do voter
10 registration, right? I mean, the traditional going out on
11 the streets with clipboards, or meeting people at the
12 county fairgrounds, or going door to door to get people
13 registered to vote was going to be difficult. We wanted to
14 make sure that every person possible was registered to vote
15 so they could make their voice heard. We also wanted to
16 create ample opportunities for people to update their
17 address. I think that particularly younger people -- I can
18 remember myself, my wife and I were adding it up the other
19 night, in our twenties and thirties we moved like five
20 times. And that's not uncommon, right? So making sure
21 that we provide opportunities for people to update their
22 address, for example, is very important.

23 So we got creative with it. First of all, we
24 started a program that we called Raise a Glass for
25 Democracy. I don't know if you can see, but there's a --

1 I've got a beer bottle back there on my table. It's not
2 because I've been drinking on the job, although it's
3 tempting sometimes. But the beer bottle back there is from
4 a collaboration that we did with the Ohio Craft Brewing
5 Association. And we thought, what's a people gather to
6 talk politics? Well, craft breweries. Or breweries of any
7 kind. But barrooms -- and it's a legendary place for good,
8 robust, civil, hopefully political conversation. And so we
9 said, why not put a reminder right there in people's hands?
10 This started as a collaboration with one or two craft
11 breweries in Ohio. It grew to something like 60 craft
12 brewers all throughout the state where they were
13 producing -- all throughout the summer and throughout the
14 fall, they were producing their beers in cans and bottles
15 that had a label on it that said, every vote counts, and on
16 the back had information about how to get registered to
17 vote and when the deadline was to get registered to vote.
18 Just one idea.

19 We also were again brainstorming of places where
20 people talk politics. The idea came up of barbershops and
21 beauty salons. And so we started a thing called Styling
22 for Democracy. It started with a barber named Al Adams
23 here in Columbus with a barbershop called A Cut Above the
24 Rest, and then a guy in Cleveland named Waverly Willis has
25 a place called Urban Kutz. And it grew to I think over a

1 hundred barbershops and beauty salons where they had a
2 table, and we provided them with posters and voter
3 registration forms. The guy here in Columbus, Al Adams, he
4 registered 2,000 voters out at his barbershop, and it was
5 really remarkable because every time there wasn't somebody
6 in the chair, he'd walk out front and he'd wave the
7 neighborhood kids down. And he would say, hey, you turned
8 18 this year, get over here, get registered. And so that
9 was another great program.

10 We have a thing that we call Grads Vote where we
11 built a packet, just a paper packet that goes to every
12 graduating high school senior. The instructions that we
13 give to the high schools are to place them with the packet
14 of information that they get when they graduate, along with
15 their diploma, for example, and so it gives them an
16 opportunity to register. So again, just some ideas.

17 And then, of course, a very aggressive campaign
18 for utilizing our online voter registration system. I'll
19 tell you that by the time -- and then also, by the way,
20 participating in National Voter Registration Day where we
21 were all over the state. We had a partnership with the
22 Cleveland Cavaliers professional basketball team where they
23 did a voter registration drive. Of course, it was all
24 socially distanced, but people could come through the
25 basketball arena and they had the cheerleaders and a couple

1 players out there to kind of encourage people. And so
2 again, another way to get it done.

3 The day that we went over eight million
4 registered voters was just a celebration here in our
5 office. We were really, really happy about that.

6 REPRESENTATIVE DIAMOND: So just one follow-up,
7 quickly. Can you give us just a rough guess as to how many
8 of Ohio's eligible citizens are actually registered to
9 vote, just percentage-wise?

10 SECRETARY LAROSE: Yeah. So the number that I've
11 used is 92 percent. It can be a hard number to arrive at
12 because it comes down to eligible population that is over
13 18 and is a U.S. citizen, and that kind of thing. But we
14 think it's about 92 percent of eligible Ohioans are
15 registered to vote.

16 REPRESENTATIVE DIAMOND: All right. Thank you so
17 much, Mr. Secretary.

18 And Thank you, Mr. Chairman.

19 MAJORITY CHAIRMAN GROVE: Thank you.

20 Representative Nelson?

21 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

22 And thank you Secretary LaRose. Very much
23 appreciate your testimony, and it's always great -- my
24 office is in a train station, so if you hear rumbling in
25 the background, there's a train heading top overhead of us.

1 So I had some process-related questions related
2 to your voter registration itself. As Ohio registers their
3 citizens to vote, and then also it looked like when I was
4 doing some pre-Googleing that you have some pretty strict
5 voter identification requirements, both when you're
6 voting -- you mentioned earlier about voter registration
7 security through your mail-in process. Can you touch on
8 those for us, please?

9 SECRETARY LAROSE: Well thank you, Representative
10 Nelson and (indiscernible - telephonic speech).

11 In Ohio it's long been the practice that we
12 require people to authenticate their identity at the point
13 when they register to vote or when they request an absentee
14 ballot, or certainly when they vote in person. We've got a
15 variety of ways to do that that I think strike the right
16 balance. And I use the word balance intentionally. We
17 want to have a process that takes reasonable steps to
18 prevent fraud, but at the same time is knowledgeable of the
19 fact that everybody has different circumstances that they
20 live in. Not everybody has a driver's license, for
21 example. Or some people may have one that has become out
22 of date, for example. We don't want to cause somebody to
23 miss out on the essential right to vote because of that.

24 So here's what the law says in Ohio. You are to
25 show -- when you vote in person, you're required to show a

1 photo ID, a state-issued photo ID. But if you don't have
2 one, and we know that there's a percentage of the
3 population that doesn't, then you can bring an alternative
4 form of identification. And there's a whole list, but some
5 examples are: a paystub that shows your name and address;
6 a government document, such as the stub that comes with a
7 public assistance payment or something like that; a utility
8 bill that shows your name and address. All of those are
9 acceptable for in-person voter identification.

10 Now, of course, if you don't have one of those
11 documents, you are presented with a provisional ballot so
12 we can cast -- you can cast your vote right then but it's
13 going to be put aside to be remediated in those 10 days
14 after the election. And during that time, you'll have the
15 opportunity to come in and present your ID so that you can
16 make sure that your vote is counted.

17 Now, when it comes to requesting an absentee
18 ballot, you've got to prove your identity when you request
19 it using either the last four of your Social Security
20 number or your state driver's license number, and then
21 you've got to do that again when you actually submit your
22 ballot. Plus, one of the things that we do in Ohio is
23 signature verification. Not perfect, but what it does is
24 allows the opportunity for that bipartisan board of
25 elections to scrutinize the signatures. It is very seldom

1 that ballots are rejected because of a mismatched
2 signature. But several hundred times a year it does
3 happen. And so it's just another one of the safeguards
4 that exists. But again, any time a signature is declared
5 invalid, it is a vote of both the Republicans and the
6 Democrats that serve on that county board of elections that
7 do so.

8 REPRESENTATIVE NELSON: And on the signature
9 verification portion, there was a good bit of drama in
10 Pennsylvania's mail-in ballots associated with signature
11 verification. That is comparing to the original voter
12 record where it's a visual look between that bipartisan
13 commission, or do you use automated scanning machines?

14 SECRETARY LAROSE: Some of our larger counties
15 that have the resources have chosen to use the automatic
16 scanning machines, but what those do is filter out the sort
17 of most egregious examples for human inspection, right?
18 And so then it still has to be people that look at it.
19 When you ask the most recent signature on file, under our
20 system they can use the whole record.

21 And we know that particularly as people age,
22 their signatures change over time. I had a woman approach
23 me at that event with the Cleveland Cavaliers that I was
24 telling you about when I was in Cleveland, and she said
25 that her mother now suffers from Parkinson's, and so her

1 signature is very different. In fact, it's very
2 inconsistent. And so there's a form that she can file with
3 the county board of elections to notify them of that. And
4 so again, I think that there are reasonable safeguards
5 built into the system to make sure that it works well.
6 It's again, not a perfect system, but it's just one more
7 way that we prevent fraud in Ohio.

8 REPRESENTATIVE NELSON: That's great. And as a
9 final, you had mentioned about -- we struggle, and our
10 counties have submitted testimony, with trying to keep
11 track with our SURE system and voters that have maybe died
12 or moved, and the communication between the SURE, which is
13 our primary registration database, and the counties
14 themselves. You mentioned that in Ohio there's a
15 monthly -- like an auditable monthly report that tracks
16 both of those. Can you touch on that? Or I don't know if
17 it's a monthly report, but you had said something very
18 quickly in your testimony earlier about how you clearly
19 communicate those who have moved and those who have passed
20 on.

21 SECRETARY LAROSE: Yeah. So this was during my
22 time in the state legislature as a state senator. I worked
23 on the bill that created this system. We have -- we call
24 it the STEVE file. Effectively, it's the report that comes
25 from the State Health Department that our office then

1 disaggregates down to the county level and passes it to the
2 county.

3 Let me pause on that because here in Ohio we have
4 a system that I actually would love to replace eventually
5 because we're one of only five states in the nation that
6 does it way, where we have a very bottom-up system. It's a
7 very decentralized system. So each of my 88 county boards
8 of elections are responsible for maintaining their county's
9 voter registration system. Of course, I aggregate those
10 together for one statewide voter registration list, but
11 again, I rely wholly on what those counties provide.

12 And to give you an example, we recently uncovered
13 an example where one of my counties was not doing the work
14 to maintain accurate voter rolls. They were not adequately
15 removing deceased voters from the voter rolls. And I've
16 actually relieved people of their duty as a result of this
17 because this is something that we take very seriously.

18 So that STEVE file is the file that we get. We
19 send it down to the county. We say, hey, we've got reason
20 to believe that these voters in your county are now
21 deceased. You should begin the process of removing them
22 from the voter rolls. And it is a process. It does take a
23 little bit of time to do to get those removed from the
24 voter rolls.

25 Something else that we do, while we're talking

1 about voter list maintenance, that I forgot to add earlier,
2 is that we do an annual inspection of our voter rolls for
3 those that are noncitizens. Again, not 100 percent
4 perfect, but we have (indiscernible - telephonic speech)
5 based on driver's license registrations. We compare that
6 to our state voter registration database. And where we end
7 up with positive matches, we then notify the individual, we
8 believe that you're a noncitizen and registered to vote.
9 You should withdraw your registration or potentially face
10 prosecution for it. Again, it ends up with just a small
11 number every year, maybe a few hundred. But again, we take
12 that process seriously.

13 REPRESENTATIVE NELSON: Great. Thank you. Thank
14 you for spending your time for Pennsylvania today.

15 And thank you very much, Mr. Chairman for the
16 opportunity to ask those questions.

17 MAJORITY CHAIRMAN GROVE: Thank you.

18 Representative Keefer?

19 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

20 My question is, you spoke about the three D's and
21 how you keep your list maintenance going. Does Ohio law
22 specifically provide for that system of maintaining and
23 cleaning your voter rolls?

24 SECRETARY LAROSE: Yes. As a matter of fact, it
25 does, Representative.

1 And thank you, Mr. Chairman, for the opportunity
2 to answer the question.

3 In Ohio, this lookback, this six year of
4 inactivity is required in law. It's been maintained by
5 both Republican and Democratic secretaries of state because
6 again, it's what the law says, although it has in recent
7 years become controversial with some. Here's where my
8 office has found a better way to carry out the process too.
9 And this is something that I'm especially proud of.

10 What the law says is that I must, as Secretary,
11 direct the boards of elections to remove from the rolls
12 those inactive registrations. And inactive means they've
13 gone six years with no activity. They haven't voted,
14 signed a petition, haven't come into a Bureau of Motor
15 Vehicles, they haven't responded to the multiple mailings
16 that we send them. They've essentially gone completely
17 dark for a period of six years. Now again, we know that
18 there are some small portion of those that aren't just bad
19 data, although most of them are bad data. Most of them are
20 people that have moved out of state, or it's a duplicate,
21 or what have you. But there are some that maybe have just
22 become, disenchanted or decided that they just want to sit
23 out democracy for a few years and not respond to all the
24 things that we send them.

25 And so we've tried to be very purposeful about

1 that. We also know that because of our decentralized
2 system -- imagine 88 different sets of fingers at 88 county
3 boards of elections on 88 different keyboards, all
4 maintaining voter registration databases that come from, I
5 think, five or six different vendors that provide these
6 databases -- there's just plenty of room for data entry
7 error, database error, human error, technological error.
8 And so here's something that my office has started doing,
9 and we crowdsource this, basically.

10 So in the past, there was just a point in time
11 where the Secretary's office would tell every board of
12 elections, hit the delete button on this day, right? And
13 we've said, hold on. Let's stop the process and go ahead a
14 few months. Let's get the list together four or five
15 months in advance. Let's put it out there to be
16 crowdsourced.

17 Now, here's the political challenge with that,
18 right? We put that out knowing that people were going to
19 find errors. We wanted to find the errors. Unfortunately,
20 as politics go, sometimes people use that to attack me and
21 say, oh, look, this has all these errors. Well, that was
22 the point. We wanted to find the errors so that they could
23 be corrected before they were processed for removal.

24 So we worked with the League of Women Voters, and
25 the NAACP, and the Urban League, and the Ohio Republican

1 Party, and the Ohio Democratic Party, and we asked them to
2 scrutinize the list to do two things, find errors, help us
3 find people that we want to keep registered, and we would
4 break it down by zip code. We were working with churches,
5 and we would send them -- we would say it's a daunting list
6 when it's 300,000 for the whole state. But when it's 200
7 for your zip code, then it's a more manageable list.

8 And we said, go knock on these doors. See if
9 you -- certainly, before the pandemic that was easier --
10 see if you can find these folks and get them to keep their
11 registration current by simply filling out this form that
12 says, I want to stay a registered voter. As a result of
13 that, tens of thousands of registrations were saved. And
14 again, we work really hard to get people registered. The
15 last thing we would ever want to do is remove someone from
16 the rolls unnecessarily.

17 REPRESENTATIVE KEEFER: You have enough
18 flexibility in that statute as it's written in your laws to
19 do all of that?

20 SECRETARY LAROSE: I do, to do all of that. But
21 again, that was in its -- by design it was sort of my way
22 of working around what I think is kind of an antiquated
23 statute that we have here in Ohio. What I want to do, and
24 this is why I've proposed this, is to create that more
25 automated system. And this has been -- I proposed it in

1 our state legislature. It's got bipartisan support. It
2 hasn't passed yet. But it would create that more automated
3 system so that every time somebody comes into a BMV, which
4 in Ohio you have to do at least every five years to update
5 your driver's license or state ID, and again, I'm fully
6 aware that there's still a certain percentage of our
7 population that doesn't maintain a state ID or driver's
8 license, but 90 something percent of us do.

9 And so under that system, you would have to
10 update your name or address when you're in the BMV for the
11 purpose of registration. You would have to make a decision
12 whether you wanted to be a registered voter or not right
13 there on the spot at the counter as you're doing your
14 transaction with the BMV. And by doing that, it would
15 largely make this six-year lookback superfluous. It would
16 simply -- it would sort of become unnecessary because we
17 would be helping people keep their information much more
18 up-to-date.

19 REPRESENTATIVE KEEFER: Thank you.

20 SECRETARY LAROSE: Thank you.

21 MAJORITY CHAIRMAN GROVE: Representative Lewis?

22 REPRESENTATIVE LEWIS: Good afternoon, Mr.
23 Secretary, and thank you for being with us here virtually
24 in Pennsylvania. It's an honor to have you. Last year,
25 you had done an interview talking about a lot of these same

1 issues, and in that interview you made several references
2 to county-related activities. And so my question for you,
3 sir, is in Ohio, what are the roles and duties of the
4 counties when it comes to voter registration and list
5 maintenance or cleaning voter rolls, and does the
6 Department of State and the counties work in conjunction
7 with one another on implementation?

8 SECRETARY LAROSE: Yes. Thank you. And as I
9 like to say, I serve as Ohio's chief elections officer.
10 And I love that role because I love elections, and I love
11 voting, and I love trying to make sure that every voice can
12 be heard in our state. But as much as I love being the
13 chief elections officer, I don't run any elections. And I
14 mean that because at the county level is where the
15 elections really are run. Each of Ohio's 88 counties has
16 two Republicans and two Democrats that run their county
17 board of elections. Depending on their size, they have a
18 staff -- it could be anywhere from two people to 120
19 people, that make sure that they can carry out that work.
20 And so the rubber meets the road, the real work gets done,
21 at the county level.

22 And that's why, by the way, I've been very
23 intentional about making sure that when we get dollars,
24 that we don't hoard them here in Columbus. They go right
25 out to where they're needed. This is something that comes

1 from my 10 years in the army. It was always a great
2 frustration when those of us that were out there in the
3 dirt doing the real work didn't have the best stuff, and
4 then you'd go back to the headquarters where people sit at
5 a desk all day and they've got like a cool new scope on
6 their rifle, and you'd think, like, hey, I could use that
7 out where the fight's actually happening. So I've always
8 said, we're going to make sure the resources go out where
9 they're needed. So when we got CARES dollars, straight out
10 to the county. When we got state money for new voting
11 machines, \$115 million to fund new voting systems in the
12 state, straight out to the counties.

13 Now, what I view our role is, at least under
14 Ohio's system, is to support the counties. It's almost
15 like a franchise system, right? Like if you're a
16 franchisee that owns a restaurant, it's up to you to make
17 the coffee in the morning and to fry the burgers and to mop
18 the floors and do all the work. But at the corporate
19 level, the franchise sort of sets the menu, provides you
20 with advertising, resources, the latest uniforms for your
21 cooks to wear, or whatever else. That's kind of the way I
22 view this. The real work is done at the county level, but
23 we're the ones that set the statewide standards and then
24 make sure that they have the resources that they need. I
25 hope that --

1 REPRESENTATIVE LEWIS: That completely answers my
2 question. Thank you, Mr. Secretary.

3 Thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN GROVE: Thank you.

5 Representative Schemel?

6 REPRESENTATIVE SCHEMEL: Very good. Thank you,
7 Mr. Chair.

8 And thank you very much, Secretary, for being
9 here with us today.

10 So you alluded to this a little bit in your
11 answer to other questions. You said that going through the
12 election process, especially this last one we had such
13 demand because of high turnout, there are changes that you
14 would seek to make in Ohio in regard to that relationship
15 between the county and the state. You talked about greater
16 automation. But can you just sort of give for us some of
17 your own thoughts and ideas on how you would improve that
18 relationship in voter registration between the county and
19 the state?

20 SECRETARY LAROSE: Yeah. Thank you so much.

21 And thank you, Mr. Chairman.

22 One of the things that I would like to see is
23 Ohio join the vast majority of other states in having a
24 top-down voter registration system so that we truly had a
25 statewide voter registration database. Again, what we have

1 right now is 88 county databases that are aggregated up to
2 the state level. The vast majority of my counties do a
3 good job maintaining those, some don't. And as I said, I
4 just recently have relieved people of their duties because
5 of this -- because we found that they were doing a sloppy
6 job of maintaining in part and other problems that they had
7 at that county board, but we found that they were doing a
8 sloppy job of maintaining their voter registration
9 database.

10 With a statewide system -- with a top-down
11 system, the counties could still process registrations at
12 the local level but it would be processed through a
13 statewide system that would allow us to have much more
14 ready ability to prevent duplications, to catch when people
15 move from one county to another -- because let's be honest,
16 those of us in state and local government, we know where
17 the city line is and the township line is and the county
18 line is. But to the average person, that stuff is all
19 pretty esoteric. They work in one county. Their children
20 go to school maybe in another. They worship in a third
21 one. I mean, they drive pretty readily between these
22 locations and so that's something that we at the state
23 level need to do.

24 As far as other reforms that I'm looking to do,
25 one thing that I've got in front of the state legislature

1 right now is to create online absentee ballot requests. In
2 Ohio, at least, to request an absentee ballot, you've still
3 got to fill out a dead tree piece of paper and mail it to
4 the board of elections. That adds extra time. And
5 candidly, it adds extra opportunities for mistakes with
6 again, trying to read somebody's handwriting, data entry
7 error, and that kind of thing. An online absentee ballot
8 request system is something that I started calling on the
9 state to do seven years ago when I served in the State
10 Senate. So that's another one. And that would be a big
11 help to the counties.

12 REPRESENTATIVE SCHEMEL: Good. Thanks. Those
13 are some good reforms.

14 SECRETARY LAROSE: Thank you.

15 MAJORITY CHAIRMAN GROVE: Thank you, Mr.
16 Secretary. And last question, because we know you're on a
17 time crunch to get out. We had Deputy Secretary Marks from
18 our Department of State testify about extremely old
19 birthdates from early 1900s and 1800s. Some of this was
20 caused from legacy systems being integrated into the SURE
21 system. The other aspect is it's due to individuals who
22 need protection from abuse orders and so forth. They come
23 in the system and they're given this birthday at 1800,
24 which kind of does the reverse. I think it kind of
25 highlights their identity as someone who may be in this

1 program. How does Ohio address these type of circumstances
2 when it comes to voter registration and protecting
3 individuals but not giving them a birthdate that to a
4 layman looking at it would say, why do you have so many
5 dead people voting in the Commonwealth?

6 SECRETARY LAROSE: Sure. Thank you, Mr.
7 Chairman. So in Ohio we have two identity protection
8 systems. One is called the Safe at Home program. This is
9 for survivors of sexual violence and domestic violence.
10 And so for these individuals, of course, we want to make
11 sure that they can be fully participating in the civic life
12 of our state as a voter, while at the same time not
13 exposing their home address so that their abuser could find
14 them. And so that Safe at Home program is one that we
15 maintain, and in that program, my understanding is that we
16 enter them in as an 18-year-old so it would raise less
17 attention, but we don't enter in their true birthdate
18 because again, that could be another thing that somebody
19 could use to try to find them.

20 We also have a program called Shielding Our
21 Protectors that is specifically for first responders and
22 judges and some prosecutors, I believe, those that interact
23 with the bad guys from time to time and who want to not
24 disclose their address to those individuals. And I believe
25 the same situation exists with them.

1 Now, Ohio did have -- this is kind of just an
2 interesting story, and Chairman, I shared it with you a
3 couple of days ago. But when -- I think we can all -- many
4 of us can, I can barely remember, but we remember that
5 whole Y2K thing when a lot of computer experts were worried
6 that all of a sudden on New Year's Eve when it went from
7 '99 to 2000 that all these computer systems weren't going
8 to know what to do, flipping from 1999 to 2000.

9 And so at some point somebody went through the
10 Ohio Voter Registration Database in an attempt to prevent
11 the Y2K problem from happening, obviously, 21 years ago at
12 this point, and they changed everybody's year of birth to
13 like 1800 and something so that it wouldn't have that
14 problem. Well, naturally, what that meant was that for a
15 number of years it looked like there were a bunch of like
16 150-year-olds in the voter database, which was never the
17 case. We've -- I think, mostly gotten those worked out,
18 found them and corrected them and that kind of thing. But
19 every now and then one of those will pop up and the
20 conspiracy theorists will run wild about, there's a 150-
21 year-old that voted in Cleveland. Well no, there's not.
22 And we're able to debunk that pretty quickly.

23 MAJORITY CHAIRMAN GROVE: Great. Thank you.

24 And one final question from Chairwoman Margo
25 Davidson.

1 MINORITY CHAIRWOMAN DAVIDSON: Thank you. I just
2 wanted to thank you for your testimony and highlight a few
3 things that you said that I thought was very helpful. Your
4 voter registration drives, and of course, we want to
5 increase access to the ballot as you're doing in Ohio and
6 were able to point to the record number of voters that you
7 had. I just wanted to highlight your programs that you had
8 at barber shops, beauty salons, graduate roles, churches,
9 places of faith. I just want to commend you on that. I
10 think that's something really great that we could do as a
11 statewide effort, which I think would be wonderful.

12 While I'm not necessarily supportive of state
13 voter ID laws, at least in your state you allow for other
14 types of ID, recognizing that not everyone is going to have
15 a driver's license. So you accept government letters,
16 utility bills, government program statements, and other
17 kinds of identifying information that will allow a wide
18 berth of people to be able to access the voter rolls.

19 So I just want to commend you on those programs
20 and as we look to increase access to the ballot box as well
21 as secure our elections, that we don't leave people out,
22 and I think that's been the philosophy of your testimony
23 today. So thank you so much.

24 SECRETARY LAROSE: Well, thank you Chairman. We
25 love to steal good ideas from other states and use them in

1 Ohio. And so we would love for you all to take our good
2 ideas and use them in your state. In fact, the offer
3 stands if any of you want to get in touch with me, we'd be
4 happy to send you over even the posters and collateral that
5 we have so that you can use them as an example, or some of
6 the web toolkits that we have like social media graphics
7 and gifs and that kind of things that we created, just as a
8 way to help you all get started with a program like that.
9 So don't hesitate to contact me. The Chairman has all of
10 my contact information and I'd be happy to do that.

11 As it related to the ID requirements in Ohio,
12 we've had these in place for now many decades, and so
13 Ohioans are familiar with that. Of course, the vast
14 majority of people bring their state ID or driver's license
15 because most of us have it in our pocket or in our purse.
16 But we do have that alternative available for people as
17 well, and so Ohioans have gotten accustomed to that. It's
18 been challenged and upheld in the courts. It works pretty
19 well.

20 MAJORITY CHAIRMAN GROVE: Thank you. And with
21 that, we will let you go. Thank you so much for your time
22 today, Secretary. We thoroughly enjoyed the conversation
23 and the input, and I can't let you go without saying Go
24 Steelers.

25 SECRETARY LAROSE: You know what? You guys got a

1 quarterback from Ohio, I believe, though, so --

2 MAJORITY CHAIRMAN GROVE: We do. We do. He's
3 wonderful. Hopefully they work it out. So --

4 SECRETARY LAROSE: Hey. Take care. Thanks
5 everybody.

6 MAJORITY CHAIRMAN GROVE: Thank you, Mr.
7 Secretary.

8 As we bring up our next panelist, elections
9 director for Lycoming County, Mr. Forrest Lehman.

10 Forrest, are you on?

11 MR. LEHMAN: Good afternoon. Yes.

12 MAJORITY CHAIRMAN GROVE: All right.

13 MR. LEHMAN: Can you see and hear me okay?

14 MAJORITY CHAIRMAN GROVE: Yep. We can see and
15 hear you perfectly.

16 Mr. Lehman is a veteran election director. He is
17 battle tested and has been through a multitude of
18 elections, so we're really excited to have you today.

19 Before we start any opening comments that you
20 might have, do you mind raising your right hand?

21 (Party sworn)

22 MAJORITY CHAIRMAN GROVE: Thank you so much. And
23 any opening remarks or statements you have?

24 MR. LEHMAN: Nothing extensive. Just to thank
25 you, Chairman Grove and Chairwoman Davidson, and the entire

1 Committee for having me today.

2 I mean, county election officials are always
3 thankful to have a chance to engage with the General
4 Assembly about election reform, about election policy
5 matters as we are today. So I hope this relationship will
6 continue. And I guess the only other thing I would add up
7 front is just to underscore Deputy Secretary Marks'
8 assertion that this SURE modernization project is really
9 important in Pennsylvania. The county's experience in 2020
10 is that we really need some relief on the voter
11 registration system front. We're very hopeful that a new
12 system will deliver some of the relief counties need, and
13 just that we support the Department of State and its
14 efforts to roll out this new system.

15 MAJORITY CHAIRMAN GROVE: Excellent. We are
16 actually rather excited about it too, and hopefully we can
17 follow up with some additional hearings with elections
18 directors and the Department on the roll-out of that so
19 we're all on the same page and have the same understanding.

20 With that, we'll turn it over to Representative
21 Keefer.

22 REPRESENTATIVE KEEFER: Thank you, Mr. Lehman.
23 So I want to get to -- after a county -- I have some
24 questions regarding your process with voter registration.
25 So after a county office receives the voter information

1 from the Department of State as they explained to us, or
2 another agency because we understand there's third-party
3 agencies that also send information to you, voter
4 information. What is it that -- the first thing that
5 happens with that data in your agency?

6 MR. LEHMAN: Well, all of the application data
7 comes into the counties in the voter registration system.
8 And they show up in batches. And they're identified with a
9 code that tells you what the source of that data is, among
10 other things. And so you could have batches of
11 applications that come from PennDOT. You could have
12 batches that come from Department of Health. We were
13 talking about notifications of deceased voters. So there
14 are a lot of different classifications. And so you can go
15 into a batch and work on those.

16 And the first thing that you do with that data
17 when you're dealing with it, is you try to link it to a
18 voter record. You're looking in the SURE system to see, is
19 there somebody already registered in my county, or maybe
20 somewhere else in the state, that this application needs to
21 be linked to. And you do a couple different searches.
22 You're searching by name. You're looking against the date
23 of birth. So there are a few of those that you do so that
24 you can make sure that we're not accidentally creating a
25 duplicate registration.

1 And of course, almost all the time, we're able to
2 find somebody if there is somebody, and we associate that
3 application with the voter's record and it becomes a part
4 of their record. So that's the first step that you take is
5 you get the data, you try to link it to a voter record, and
6 then it becomes a part of their history. And of course,
7 depending on what type of application that is, or what kind
8 of piece of data that is, it could cause a whole lot of
9 different things to happen.

10 REPRESENTATIVE KEEFER: So you are matching those
11 up. What are you using to validate those? So you said you
12 use the SURE system. Are there other mechanisms you're
13 using to validate those records?

14 MR. LEHMAN: Yeah. There's a search
15 functionality in the SURE system where, when you have that
16 application, you're looking at data that's in those fields.
17 You've got -- like, if it's something from PennDOT you've
18 got a first name, a last name, date of birth, driver's
19 license number, and you're going to run a search, based on
20 that data, against everything in your county and elsewhere
21 to see if that data matches up to somebody who's already
22 registered. And so if, say, it was a PennDOT application,
23 maybe it links up with someone in your county and it's a
24 party change, and you find that person and say, oh, yeah, I
25 see they just want to change their party. Conversely, it

1 might be somebody who's coming into your county from
2 somewhere else, and you find that they're registered in
3 another county. And that triggers the linking process that
4 Deputy Secretary Marks referenced, where a notification
5 goes to the other county saying, hey, we have this person,
6 or we want this person. Can you cancel them so we can
7 register them here.

8 REPRESENTATIVE KEEFER: Okay. So you are just
9 checking them internally within the SURE system. You're
10 not using any other county databases or anything to cross-
11 reference that person?

12 MR. LEHMAN: No. The entire check to link it to
13 an active voter record -- this is all functionality that
14 exists within the SURE system, and it's happening within
15 the SURE system.

16 REPRESENTATIVE KEEFER: Okay. And how often do
17 you do that?

18 MR. LEHMAN: Every time an application comes in.
19 And every county's different. I mean, every county gets at
20 least some applications every day, and some of the larger
21 counties get many, many applications every day. But we
22 have multiple different types of batches of applications
23 that are coming into our county every day. And for
24 reference, we've got a little over 70,000 registered
25 voters. So on any given day, we could be getting a batch

1 or two of PennDOTs. We could get a Department of Health
2 notification batch which comes in about every two weeks.
3 You can be getting online registration applications. So if
4 someone goes online at the Department of State, they fill
5 that out, those trickle into the county 30 minutes to an
6 hour after they're submitted. So those are coming in all
7 day. And every one of those is an application, a data
8 point that we're trying to match against someone in the
9 SURE system in order to process it.

10 REPRESENTATIVE KEEFER: Okay. That makes sense.
11 I was just trying to figure out, though, if you were using
12 any outside other sources. But my question is -- so our
13 understanding with the third-party entities that are
14 registering, some of them are not collecting driver's
15 license or the last four of the Social Security, which you
16 can choose one or the other when you're doing it. How do
17 you process those?

18 MR. LEHMAN: Well, yeah. So there is a section
19 on a voter registration application where a voter is asked
20 to either provide a driver's license number or last four of
21 a Social Security number. But there is also an option that
22 a voter can select where they are affirmatively stating
23 that they have neither a driver's license nor a Social
24 Security number. So if that entire identification number
25 field is blank and the voter has not checked that box,

1 that's going to trigger a notice going out to that voter
2 that the application is missing information, that we did
3 not get an ID number and the voter did not check the box
4 saying they don't have a DL or Social Security number.

5 Now, if they check the box we process it because
6 the voter is telling us they have neither one.

7 REPRESENTATIVE KEEFER: Do you still process it
8 as a registered voter, just waiting for more information?

9 MR. LEHMAN: Yes.

10 REPRESENTATIVE KEEFER: So you still process them
11 that that person's a new registered voter?

12 MR. LEHMAN: Yes. A voter indicates on a paper
13 application or on an online application that they
14 affirmatively state, I have neither a driver's license
15 number nor a Social Security number, we have to process
16 that application. That's an affirmative selection the
17 voter made, and the information they're providing on that
18 application, they're signing off on it stating that the
19 information is true and accurate to the best of their
20 knowledge and belief.

21 REPRESENTATIVE KEEFER: Okay. One last thing is,
22 how often do you -- once you enter all that voter
23 registration data, how often are your poll books updated?

24 MR. LEHMAN: Well, poll books aren't something
25 that we update periodically in between elections. Poll

1 books -- the way you want to think of poll books is that
2 they are -- it's an elaborate report that you print based
3 on the data in the voter registration system. And the date
4 that you print them before an election is a snapshot in
5 time.

6 REPRESENTATIVE KEEFER: Okay.

7 MR. LEHMAN: And so you want to wait and print
8 them as close to the election as you can so that they're as
9 accurate as possible. But depending on the size of the
10 county, a smaller county might be able to wait a little
11 longer, print them at the last minute before the election.
12 A larger county may have to print them weeks in advance.
13 But the poll books themselves aren't something you keep
14 updated. You're keeping the voter registration rolls as
15 accurate and up-to-date as possible so that when you print
16 the poll books, they are as accurate a reflection as
17 possible of your voter registration rolls.

18 REPRESENTATIVE KEEFER: So they would be as
19 current as possible? Okay.

20 MR. LEHMAN: Right.

21 REPRESENTATIVE KEEFER: Thank you so much.

22 MAJORITY CHAIRMAN GROVE: Thank you.

23 A couple follow-ups on that. I got my voter
24 registration card here. It's a little bent because it sits
25 in my wallet 24/7. Why don't we require the voter ID

1 number on applications instead of last four and a driver's
2 license number, right? So everybody has kind of like their
3 unique voter ID number. Why don't we ever use that as a
4 form of kind of verifying who you are? Because it would
5 probably be easier for you to look that up than anything
6 else because you have that.

7 MR. LEHMAN: Well, on one level that would be
8 difficult for me to answer because it -- the registration
9 cards and the application forms and everything, those are
10 designed and prescribed by the Secretary of the
11 Commonwealth.

12 MAJORITY CHAIRMAN GROVE: Gotcha.

13 MR. LEHMAN: But on a kind of practical and not
14 statutory level, it's the type of number that I would
15 imagine a lot of people are not going to know the way that
16 they would know their driver's license number or last four
17 of their Social Security number. So any change to
18 something like that, you'd probably have a steep learning
19 curve.

20 MAJORITY CHAIRMAN GROVE: Gotcha.

21 MR. LEHMAN: There's also some material -- some
22 content in the election code that gives the impression that
23 that number is supposed to be private. For instance, it's
24 not supposed to show up on reports.

25 MAJORITY CHAIRMAN GROVE: Okay. Fair enough.

1 The batches you get -- I assume the only voter registration
2 data you get directly from voters is paper form, right?
3 Everything else flows through the Department of State, so
4 online voter registration, PennDOT, whatever else flows
5 from Department of State down to you. The only thing you
6 see is paper ballots?

7 MR. LEHMAN: That's correct. And so all of that
8 data that's coming from Department of State, those
9 applications are able to be processed much faster because
10 they're electronic. They don't have to be data entered.
11 And so online registration and online applications to vote
12 by mail have been helpful in that regard. But the paper
13 applications are still there as an option. And that's the
14 option where someone can come in, fill it out, and we do
15 see the application. We enter it in, and we retain those
16 just like application data is retained inside SURE.

17 MAJORITY CHAIRMAN GROVE: Gotcha. To follow up
18 on some of Representative Keefer's questions, I have a
19 question on individuals who move in from Pennsylvania. How
20 do we validate that an individual who moves here, is
21 registered in another state, we register them -- how do we
22 really validate that they're not voting here and sending an
23 absentee ballot -- requesting an absentee ballot in their
24 home state. I come from York. We're right next to
25 Maryland. We have a lot of individuals move here, to

1 Maryland, college students or whatever, temporary employees
2 coming in. How do we know that they're not -- what's
3 the -- is there any validation process to ensure that
4 that's not occurring, we have double votes between states?

5 MR. LEHMAN: Yeah. So the SURE system --
6 obviously, it covers Pennsylvania. And so we have very
7 good checks in place when people are moving in between
8 counties to make sure we don't have duplicate registrations
9 when someone needs to change addresses.

10 When you talk about people crossing state lines,
11 moving from one state to another, keeping track of that
12 becomes more complicated. We do get data periodically from
13 other states. It comes either from the counties or
14 sometimes from the Secretary of State's office, depending
15 on the state and its statutory arrangement. But that data
16 passes through Department of State and is then sent to the
17 counties. In fact, it sounds like we're supposed to get
18 another batch of those pretty soon. But it introduces
19 additional lag time. So we get those things periodically
20 rather than regularly and with -- on a sort of fixed
21 schedule.

22 ERIC has a lot of promise in that we may be able
23 to get that kind of data more frequently, but it raises the
24 issues that Deputy Secretary Marks has already discussed, I
25 think, pretty accurately, that right now the election code

1 does not expressly authorize counties to make use of that
2 data. So for example, with deceased voters, it says that a
3 county can cancel a voter who is deceased based on one of
4 the following very specific types of documents. So it
5 enumerates an obituary, a Department of Health
6 notification, and I think something from a register of
7 wills. And it doesn't permit anything else. And so the
8 only way we're able to use ERIC data is during the half of
9 the year when we're not 90 days out from an election. And
10 we can do it as voter maintenance under what's federal law,
11 NVRA. So you're kind of -- you're able to use the data,
12 but only about half the year. So it's like you're doing it
13 with one hand tied behind your back.

14 MAJORITY CHAIRMAN GROVE: Gotcha. So kind of
15 merging two questions into one, here. From a county
16 perspective, we had mass new registrations last election
17 cycle. Coupled with that, we had election reforms in Act
18 77 and Act 12, one of which was reducing the deadline for
19 voters to register from 30 to 15 days prior to the
20 election. In thinking about those two things coming into
21 conflict with each other, and the reality of that
22 happening, how did that impact counties, and do you have
23 any recommendations on trying to improve that process?

24 MR. LEHMAN: Yeah. The 15-day close of
25 registration was a huge impact on counties last year. And

1 I should be clear. Counties did not ask for the close of
2 registration to be moved from 30 days to 15 days. I think
3 if we had been asked, we probably would've said that -- we
4 would've advised against it. In the past, the 30-day close
5 of registration, it coincided with the start of mailing out
6 absentee ballots. So counties were able to put down the
7 burden of processing voter registrations and then take up
8 the burden at the same time then, of administering voting
9 by mail. But one transitioned into the other.

10 The 15-day close of registration has created this
11 new two-week period of what I can only describe as
12 administrative chaos in counties, where we have had to
13 simultaneously keep up with last-minute voter registration
14 application volume and vote-by-mail applications at the
15 same time, while we are also supposed to be doing all the
16 other things to get ready for the election -- testing and
17 sealing our voting equipment, preparing precinct supplies
18 for in-person voting.

19 During those two weeks, we are getting voter
20 registration applications and vote-by-mail applications
21 from voters that -- they contain conflicting information
22 that is consuming just absurd amounts of staff time to
23 resolve. Before the primary last year, just for instance,
24 we had voters -- they received their ballot in the mail
25 before the 15-days close of registration. And so they

1 changed their party affiliation. Because they got mad that
2 they got, in their mind, the wrong ballot. So they wanted
3 to change their party after we already had sent them a
4 ballot. So now, they want the other party ballot and we
5 find ourselves doing double, triple, even quadruple the
6 amount of work on these voters because we're changing their
7 party, we're reissuing a ballot, canceling the old ballot,
8 all because you have this overlap between registration and
9 ballots going out in the mail.

10 The 30-day registration period -- it was not an
11 arbitrary rule that was intended to make voters' lives
12 difficult. It created an important space, 30 days before
13 the election, where counties could focus on what they
14 needed to do: mailing out ballots, testing the equipment,
15 printing poll books that would accurately reflect all the
16 voter's information, and doing all those final
17 preparations.

18 And now that it is down to 15 days, it is -- this
19 permissiveness of last-minute address and party changes
20 after ballots have already gone out in the mail, is deeply
21 dividing counties' attention during these crucial weeks
22 just before an election.

23 And we desperately need some kind of relief on
24 that front, even if it's something like just moving the
25 party registration deadline back out to 30 days. Or maybe

1 letting new people register up to 15 days but no other
2 changes. If your address is -- you need to change your
3 address or you got married and need to change your name,
4 we're going to hold off on that until afterward and we
5 don't have to do those because right now, it's got counties
6 spinning around in circles, and it's very, very difficult.

7 MAJORITY CHAIRMAN GROVE: So one thing I do hear
8 from you moving forward is that when we do policy, put
9 ourselves in the thought process of a county election
10 director, all these things tend to be a silo. So if we
11 have to overlap voter registration and election -- you have
12 finite number of resources, so allowing your staff to focus
13 on one thing at a time allows you to be more efficient and
14 be able to effectively utilize your resources moving
15 forward.

16 MR. LEHMAN: And a lot of this was exacerbated by
17 the SURE system because a lot of these cases as I
18 described, you had applications coming in where voter
19 registration applications and vote-by-mail applications are
20 not sort of interacting or talking with each other in
21 constructive ways. So you get someone who does an address
22 change at the last minute. Then they already have an
23 application on file to be mailed a ballot. And that
24 address change only changes their address on their voter
25 registration record. It didn't change the address to which

1 their ballot was scheduled to be mailed.

2 And it looks pretty clear that the next-
3 generation registration system will address that and some
4 of those other interactivity issues, but in the meantime,
5 counties are having to go in and manually massage all of
6 these things. And everything now has come down to a
7 workaround. You've got to know a workaround for
8 everything, so that if this happens, you can make sure that
9 that voter's taken care of because you can't always trust
10 that the system -- that the software is going to catch
11 those things and fix it for you.

12 MAJORITY CHAIRMAN GROVE: Gotcha. Thank you.

13 Next up, Representative Diamond.

14 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

15 And thank you, Mr. Lehman, for joining us today.
16 It's good to see you in person for once -- well, online in
17 person for once. I appreciate all the input you provided
18 when Chairman Everett was the chairman of the Committee
19 previous to Chairman Grove. So I appreciate you coming
20 here and joining us.

21 I want to talk a little bit more about how you
22 update registrations and how you update records, and that
23 sort of thing. And especially in light of some of the
24 conversation we had with Deputy Secretary Marks --
25 example -- changing a voter status from active to inactive,

1 or from inactive to active, or out of this removed or
2 canceled category, or what have you. I mean, is this a
3 uniform process across all the counties, and how often do
4 you revive those removed or canceled voters? I mean, how
5 does -- what triggers that from happening?

6 MR. LEHMAN: Well, the statuses you're
7 describing, the canceled status, the inactive status --
8 those are in the SURE system. So they are uniform across
9 counties. An inactive status is triggered -- or it can be
10 triggered by a couple different events. It can be
11 something as simple as mail coming back undeliverable. But
12 it also could be circumstances like what Deputy Secretary
13 Marks described, or even what Secretary LaRose described,
14 where if you have a voter record where there is no activity
15 or updates for a period of five years in Pennsylvania, that
16 record would be marked inactive.

17 And when a voter's record is marked inactive, it
18 is not removing them from the rolls. It's not canceling
19 them. They are still eligible to vote. But it does -- as
20 Deputy Secretary Marks described, it starts a clock on that
21 person's record where if they are marked inactive and then
22 they do not participate in two federal general elections,
23 then they could be removed. However, if they do show up to
24 vote at some point before that, while they are marked
25 inactive, they would be able to vote at a polling place.

1 But they're required to complete an affirmation. It's a
2 one-page form. They have to provide what is their current
3 information, name, address, all of that, even if it's
4 exactly the same as what's on file. But either way, we
5 want to know what it is so that we can use that and
6 reactivate their record.

7 Some people will show up at a polling place who
8 are inactive, have to do that, and then we reactivate them.
9 Other people may respond to a mailing and we can reactivate
10 them. Many other people, however, they do -- I think
11 somebody described it as, they go dark. We never hear from
12 them again. And in our county, just as an example, after
13 the November election we canceled -- it was just a little
14 bit over 2,000 people -- 2,177 voters who were inactive,
15 marked inactive at some point prior to the November
16 election in 2018. They did not vote in November 2018 or
17 November 2020. And then as a result of that, their records
18 were canceled. So it's a pretty long timeline.

19 REPRESENTATIVE DIAMOND: Okay. So let me just go
20 back quickly and revisit what you talked about a little bit
21 about time crunches, when these deadlines are approaching,
22 and that sort of thing. In relationship to voter
23 registrations, we had talked earlier in a previous hearing
24 with Deputy Secretary Marks and then Secretary Boockvar
25 about when those registrations come in and they're missing

1 data. And then it's the county's responsibility to go out
2 and verify somehow, by letter, by phone call, even knocking
3 on the door if necessary.

4 So I would imagine there's a lot of organizations
5 that do voter registration drives, and then they kind of
6 like, backload those things so they're getting them all to
7 you on the very last day. So tell us about the time crunch
8 of that, and how it's possible for a county to actually
9 keep up with that and make sure those registrations are
10 logged on time, in time for those people to be registered
11 to vote in that next proceeding election, regardless of
12 whether it's 15 days or 30 days. I mean, is there a huge
13 workload that you have to go through when those last-minute
14 registrations come in?

15 MR. LEHMAN: Yeah. I mean, whatever your
16 registration deadline is, whether it's 15, 30 days,
17 whatever, we would never advise people to wait to register
18 at that late a date in the calendar because, as you're
19 pointing out, if there is a problem, missing information on
20 an application or what have you, that leaves very little
21 time to correct the error because the form that usually
22 takes is, we find an application where maybe they forgot to
23 provide some required element: they forgot to sign, they
24 missed an ID number. In most cases, our only remedy is
25 going to be sending out a notice to that person in the

1 mail, which has its own delay time associated with it.

2 Sometimes, they do provide a phone number.

3 Unfortunately, it is a relative minority of applications.

4 But if there is a phone number, we have a faster way to try
5 to reach them and let them know so they can correct it.

6 But in many cases, yeah, we're just sending out a notice.

7 And generally, the responses to those are -- the response
8 rate can be low, particularly if that application was the
9 result of a registration drive.

10 REPRESENTATIVE DIAMOND: So if you do have
11 trouble verifying some missing information, is that
12 something that the voter could just show up at the polls
13 and provide then, or would they be provided with a
14 provisional ballot and maybe come to you after the fact to
15 say, here's my ID, please count my vote; is that what the
16 process is?

17 MR. LEHMAN: Yeah. I understand what you're
18 asking. So yeah. We try to resolve that with the voter,
19 but ultimately, if we don't get a response and they're not
20 able to provide us the missing information, those
21 applications get declined after the close of registration,
22 before we print poll books.

23 Now, if someone -- someone can always go to a
24 polling place and if they request a provisional ballot they
25 can receive one. And out of the many applications that

1 counties can process in the course of a year, there's
2 always a possibility that there was an administrative
3 error. And so the voter can cast a provisional, protect
4 their right to vote until after there can be some more
5 research done after the election, and maybe we will
6 discover there's a reason they should've been registered.

7 And we had a -- after the November election, we
8 had 1,000 provisionals, and we counted quite a lot of them.
9 In a couple cases, there was an administrative error. So
10 that's what that process is there for.

11 REPRESENTATIVE DIAMOND: All right. Well, thank
12 you so much for your time, and for your willingness to come
13 forward. And I look forward to working with you and your
14 compatriots from across the state as we formulate new
15 revisions to the election code.

16 Thank you, Mr. Chairman.

17 MR. LEHMAN: They're a lot of great people. And
18 if you haven't before, everybody should reach out to your
19 county election director and get to know them.

20 MAJORITY CHAIRMAN GROVE: That's a great idea,
21 Forrest. And maybe we could've prevented a lot of these
22 issues we're dealing with today had we done that.

23 Representative Mackenzie?

24 REPRESENTATIVE MACKENZIE: Well, thank you, Mr.
25 Chairman.

1 And thank you, Mr. Lehman, for joining us. My
2 question is in regard to deceased voters. We've heard a
3 number of people on the call, yourself and Secretary
4 LaRose, bring up this topic and how we make sure our voter
5 rolls are accurate when there are individuals who
6 unfortunately pass away. A number of people in my district
7 had brought to my attention deceased voters who ended up
8 apparently casting a vote because they had voted by
9 absentee or by mail, but then they were deceased between
10 that time period where they submitted their ballot and
11 election day. And so the way that these individuals had
12 uncovered that was just through public records, newspaper
13 obituaries, et cetera, and they had approximately -- just
14 off the top of my head, approximately maybe 30 or 40 of
15 these individuals they had definitively verified, in their
16 opinion, maybe 10, 15 of them because it was a unique name
17 and there was no other record in the county with that type
18 of name. And then some were more common and they weren't
19 able to verify.

20 But so again, the person had passed away before
21 election day but they had already cast an absentee or mail
22 ballot. I've done a little bit of research on this topic
23 just online. It seems like NCSL had brought this up as a
24 topic around the country that people are trying to grapple
25 with. And in Pennsylvania it's my understanding that those

1 votes are not supposed to be counted if they passed away
2 before election day. I want to understand how this
3 actually plays out at a county level when you see
4 obituaries like that in the timespan leading up to election
5 day. Can you scrub your records fast enough of the voter
6 rolls? What happens if they've already submitted a mail or
7 absentee ballot? Just practically, how does this play out?

8 MR. LEHMAN: So yeah. I mean, it gets back to
9 the data sources that we're permitted to use to cancel a
10 deceased voter, and also how often are you getting that
11 data, how reliable is it. That is one of the activities
12 that at least in our county we continue to carry out after
13 the close of registration, up until we print poll books, is
14 that we look at those obituaries every day because we're
15 permitted by statute to do so. And so if there's -- we
16 find that there's a registered voter, we can cancel them
17 and in the course of doing that, we would see if they had
18 an absentee or a mail-in ballot for the current election.
19 And so that would give you an opportunity to say okay, they
20 were an absentee voter. Did we get the ballot back? If
21 so, then yes, we need to write void on the outside, that
22 they were deceased. And that ballot would not be
23 prec canvassed on election day.

24 But it all gets down to the data. So your
25 obituaries, you get those every day. But we're not getting

1 as many of them as we used to because it's not as common
2 for people to run obituaries in print newspapers anymore.
3 It seems like a lot of people -- more people are foregoing
4 that. And so we're relying increasingly on the DOH
5 batches, which are biweekly. So there's lag time there,
6 and can you get that last batch in before the election?
7 And then the issue of the ERIC data -- that you have this
8 other data stream that right now we're not able to use
9 during that late slice of the election calendar that you're
10 describing because it's well within 90 days. And so that's
11 not authorized by statute.

12 One thing that we've at the county level noticed
13 is, in lieu of print obituaries, we see a lot more notices
14 that are going on line, on like the funeral home websites
15 where this is happening. And I don't know how this would
16 work in statute or practically, but being able to get ahold
17 of data streams from -- or data from funeral homes would
18 potentially be another source that counties might be able
19 to use that is coming in more quickly and regularly, maybe,
20 than Department of Health. And it's appearing on their
21 websites, and if they're able to provide sufficient data to
22 a county to match it to a voter, maybe you could start
23 making determinations based on that.

24 REPRESENTATIVE MACKENZIE: Okay. I appreciate
25 that. So I don't want to -- I won't try to summarize or

1 put words into your mouth. But if you had a recommendation
2 for us, how to improve this process of cleaning up the
3 voter rolls in that final period of time, what would you
4 suggest?

5 MR. LEHMAN: Well, I think in particular,
6 authorizing counties to make use of ERIC data for
7 purposes -- in the election code. So we're not just using
8 it under NVRA where we have to stop employing it 90 days
9 out from an election. So there -- I don't know the site,
10 but there's a section of the election code that states
11 counties may use obituaries, DOH data, and I think it's
12 like register of wills letters, to cancel deceased voters.
13 You'd want to add more sources into that, whatever you,
14 Department of State, and counties could put their heads
15 together and say, hey, these are other reliable data
16 streams that we want counties to be able to use, which I
17 would definitely say ERIC, but maybe also data from funeral
18 homes as well.

19 REPRESENTATIVE MACKENZIE: Okay. Great. Thank
20 you. I appreciate that Mr. Lehman.

21 Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN GROVE: Thank you,
23 Representative Mackenzie.

24 Next up, Representative Dowling.

25 REPRESENTATIVE DOWLING: Thank you, Mr. Chairman.

1 Mr. Lehman, the question I have is in regards to
2 the SURE system. We've talked a lot about the 2019 report,
3 and we've referenced it several times today. As described
4 by the report, and I quote, the SURE system is a
5 centralized uniform registry that is accessible to all
6 county offices, and it greatly enhances the overall
7 accuracy and integrity of voter registration rolls and the
8 resulting quality of voter services.

9 My question to you, sir, in your opinion, was the
10 registry, in fact, uniform, and why or why not?

11 MR. LEHMAN: Well, I mean, the SURE system -- all
12 the counties are on the same system. They're working with
13 application data that is structured the same way. When you
14 talk about processing applications to vote by mail,
15 printing labels, all of those mechanism are the same across
16 all the counties. So any time a county user logs into that
17 SURE system, it's the same interface, the same
18 functionality, the same reports, the same processes that
19 are available to you. So in that regard, I mean, yes. It
20 is uniform.

21 REPRESENTATIVE DOWLING: Thank you. And then
22 just one follow-up. What would be the benefits of the
23 system, and what were some challenges that the counties
24 were faced with its use this last year?

25 MR. LEHMAN: Well, I think the issue with the

1 SURE system is it's a 20-year-old system. So you've got an
2 aging code base. It's become -- from what I understand, at
3 least, it's become very expensive for Department of State
4 to maintain. It's become difficult for counties to use
5 because we're asking it to do more and more things that it
6 was not necessarily designed for. And that's particularly
7 the case since Act 77. And it's been necessary to put more
8 and more functionality into it with respect to mail-in
9 voting, and Department of State was able to do that.

10 But really what we need is a next-generation
11 system that is built from the ground up, that imagines
12 mail-in voting as a major part of the system, and looks at
13 what are the workflows that counties find themselves doing
14 all the time, that maybe we didn't even know that we would
15 be doing them all the time 20 years ago, and tries to
16 streamline those so that it can all be done more quickly
17 because right now, we have issues with performance. We
18 have issues with, as I mentioned before, interactivity
19 between registration and vote-by-mail applications where
20 they're not updating each other enough. And these are all
21 issues that need to be addressed if the system is going to
22 be sustainable in the future.

23 REPRESENTATIVE DOWLING: Thank you.

24 MR. LEHMAN: Yep.

25 MAJORITY CHAIRMAN GROVE: Thank you.

1 Representative Miller?

2 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

3 Thank you, Mr. Lehman. Question for you. What
4 percentage, would you say, of the new registrations that
5 you receive in your county are from a paper format?

6 MR. LEHMAN: I'm not sure I could put a super
7 accurate percentage on it. I would say it's still a
8 respectable amount. We still have many people who when
9 they -- I'm going to get into my own stories here -- but
10 they call on the phone and you, of course, attempt to
11 direct them to online registration or even your website
12 where they can download a paper application. And there's
13 still a lot of people out there who are not -- they don't
14 have a computer, they're not comfortable with computers,
15 particularly a lot of older voters. So there's still a lot
16 of people who ask you to put an application in the mail, or
17 they're going to come in and fill one out. So that has not
18 gone away. It continues to be a not insignificant part of
19 what we do.

20 But at the same time, if you look at the
21 statistics, it's interesting to see just how quickly online
22 registration, after it was introduced in 2015, that it even
23 eclipsed -- I think it's eclipsed PennDOT, or it came very
24 close to it very quickly as a source for registrations.

25 And that's been both a blessing and a curse. It

1 eased some burdens on counties as far as data entry, but it
2 also -- I think because it's made it easier for people to
3 do, it's also led to a lot more applications in the form of
4 people doing, like, duplicate applications and things like
5 that that you don't necessarily get as many of when it's on
6 paper. But the short answer is, we still do a fair amount
7 of paper and maybe different counties have different
8 responses to that, though.

9 REPRESENTATIVE MILLER: So would you say, maybe
10 50 percent ball parking it?

11 MR. LEHMAN: I wouldn't say that many. If you're
12 going to force me to come up with a number, maybe in kind
13 of the 30 percent, 25, 30 percent?

14 REPRESENTATIVE MILLER: Okay. Yeah. It was not
15 a trick question. I'm just trying to get an idea. So I
16 just want to go back to what you said previously. So a
17 person can register either on paper or online and have
18 neither a driver's license or a Social Security number, and
19 then that registration would be accepted, correct?

20 MR. LEHMAN: If they -- it is critical that they
21 are -- they have to check a box on the application where
22 they are stating or affirming that, among all the other
23 information that's correct on that application, they are
24 stating that they do not have either a driver's license or
25 a Social Security number, that they literally do not

1 possess one. If they check that box, they are saying that
2 that is true, and in that case, the county is required to
3 process that application and register them.

4 Now, if they do not provide an ID number and they
5 do not check that box, in that case, it's considered a case
6 of missing information that is required, and the county
7 would follow up with that voter and say, hey, we need your
8 DL number or your Social Security number.

9 REPRESENTATIVE MILLER: Can you give me a
10 circumstance -- I can understand a situation where a person
11 would not have a driver's license -- but a situation where
12 a person would not have a Social Security number?

13 MR. LEHMAN: I would not want to speculate on
14 people's personal circumstances, or what is the chain of
15 events that might lead to that situation. We're operating
16 based on what is the information -- the fields that are
17 provided on that application, and guidance we were provided
18 as to what to do in that circumstance.

19 REPRESENTATIVE MILLER: Okay. So I know again,
20 ball parking it. You would say roughly 30 percent of the
21 registrations you're getting are paper and 70 percent are
22 just coming in from the SURE system. And any number of
23 those may have neither a driver's license or a Social
24 Security number?

25 MR. LEHMAN: You are correct that it is also

1 possible to make that selection on online registration as
2 well. A voter can check -- I think it's a box they can
3 check, or a radio button they can fill in where again, they
4 are stating or affirming they do not have either type of ID
5 number. And in that case, the application would come
6 through and the county is supposed to process it.

7 REPRESENTATIVE MILLER: Okay. Thank you.

8 Mr. Chairman, I would just add that I think it's
9 something we need to look into as identifying the voter.
10 So thank you.

11 MR. LEHMAN: I would just add, from my own
12 experience, that's a pretty small number that we're talking
13 about. It's not a terribly common occurrence.

14 MAJORITY CHAIRMAN GROVE: Will do. Any other
15 thought on -- or suggestions on improving the voter
16 registration process for counties that we didn't touch on?

17 MR. LEHMAN: No. I don't think so. I mean, I've
18 been gratified to see a number of discussions and
19 demonstrations of what a next-generation voter registration
20 system might be capable of, and just the very preliminary
21 indications are that it could address a lot of the
22 challenges that counties have been facing with the current
23 system. It obviously represents a steep learning curve for
24 county users. A change is always going to be difficult,
25 moving to -- this is a once in a 20-year thing, but I'm

1 hoping that when we get through that -- the transition,
2 which will have some pain, we would be in a much better
3 place on the back end as far as some of these challenges
4 counties faced.

5 MAJORITY CHAIRMAN GROVE: Will do. With that,
6 thank you so much, Director Lehman. We really appreciate
7 your due diligence, your work on behalf of all the voters
8 across Pennsylvania. Thank you so much for your time and
9 your commitment.

10 MR. LEHMAN: Thank you very much. Take care.

11 MAJORITY CHAIRMAN GROVE: And our final panel is
12 Mr. Shane Hamlin, executive director of ERIC, who is not my
13 cousin Eric, but an interstate kind of compact working
14 toward helping states validate and improve voter
15 registration.

16 Director Hamlin, are you there? There you are.
17 How are you today, sir? You're muted. Still nothing.

18 Is he muted?

19 UNIDENTIFIED VOICE: Aren't you the one who's
20 also using his phone? Remember? I thought you were going
21 to testify from your phone. Still has you muted.

22 MR. HAMLIN: Okay. This is Shane.

23 MAJORITY CHAIRMAN GROVE: There you are. We hear
24 you.

25 MR. HAMLIN: Yeah. Someone muted me on your end.

1 MAJORITY CHAIRMAN GROVE: Gotcha. All right. You
2 are off mute. Before we open it up to you, can you just
3 quickly raise your right hand for us, and we'll swear you
4 in?

5 (Party sworn)

6 MAJORITY CHAIRMAN GROVE: Thank you so much. And
7 we'll start, if you have any opening questions -- or
8 opening remarks or statement, go ahead.

9 UNIDENTIFIED VOICE: Still no sound.

10 MAJORITY CHAIRMAN GROVE: You're still muted.
11 Something happened where you were off mute.

12 MR. HAMLIN: Okay. Can you hear me now?

13 MAJORITY CHAIRMAN GROVE: Perfect. We're good.
14 We can hear you. Can you hear us? Now you're muted again.

15 MR. HAMLIN: I can't hear you.

16 MAJORITY CHAIRMAN GROVE: We can hear you.

17 UNIDENTIFIED VOICE: He just hung up his phone.

18 MAJORITY CHAIRMAN GROVE: What's that?

19 UNIDENTIFIED VOICE: He just hung up his phone.

20 MAJORITY CHAIRMAN GROVE: Did you -- are you --
21 did you hang up your phone?

22 UNIDENTIFIED VOICE: Do you have a pen?

23 MR. HAMLIN: Hello. This is Shane. Can you hear
24 me?

25 MAJORITY CHAIRMAN GROVE: Yep. We can hear you.

1 MR. HAMLIN: All right. I guess I'm going to
2 have to deal with an echo on my end.

3 MAJORITY CHAIRMAN GROVE: Umm.

4 MR. HAMLIN: Not a problem. So I just -- thank
5 you for the invitation to talk with you. I know we are at
6 the end of your hearing -- scheduled hearing time, so I'm
7 happy to answer any questions you may have.

8 MAJORITY CHAIRMAN GROVE: Will do. Thank you so
9 much. Can you just give us a brief overview of who ERIC
10 is, how it works, and then we'll start from there?

11 Thank you.

12 MR. HAMLIN: Sure. So ERIC's mission is to help
13 state and local election officials maintain more accurate
14 voter rolls, register eligible citizens, reduce costs, and
15 improve efficiencies in the voting process.

16 Can everyone still hear me okay?

17 MAJORITY CHAIRMAN GROVE: Yeah. Perfect.

18 MR. HAMLIN: Okay. ERIC is a nonpartisan
19 501(c)(3) membership organization. Our members are the
20 chief election officials of the states who choose to joint.
21 The chief election official appoints a member
22 representative who serves on our board of directors. In
23 this way, ERIC is state run. Member states are in control
24 of ERIC. They set the dues, adopt the budget, set policy,
25 et cetera.

1 Basically ERIC was designed to address many of
2 the challenges that you have been focused on today in terms
3 of maintaining accurate voter registration lists. High
4 mobility of your population, people move around a lot, 11
5 to 15 percent every year depending on the region. You've
6 got citizen expectations. The government is already
7 maintaining their data across multiple agencies, and then
8 you have sort of the inefficiencies that are built into
9 paper-based voter registration systems. ERIC was built to
10 design -- designed really to help mitigate all of those
11 challenges that election officials face every day in
12 maintaining accurate voter rolls.

13 MAJORITY CHAIRMAN GROVE: Awesome. And then,
14 obviously, there's bylaws and membership agreements. For
15 the benefit of the members, what's required to be part of
16 the states in the membership agreement? What's our
17 requirement?

18 MR. HAMLIN: The requirements are that you be
19 able -- that the state be able to upload voter registration
20 and driver's license and state ID data at least once every
21 60 days. And you upload that in a secure process that's
22 detailed in the testimony that I submitted. And that you
23 then in return request certain reports from us within
24 timeframes specified in the agreement, and you act on those
25 reports.

1 Those reports are sort of broken up into three
2 categories, again, detailed in what I hope you all have.
3 We have a report that identifies unregistered but
4 apparently eligible individuals. We have four list
5 maintenance reports. And then we have a couple of optional
6 reports, including an NCOA report which lives sort of
7 outside the ERIC system. And we have a voter participation
8 report that can be used to identify cases of possible
9 double voting, or cases where it appears someone voted on
10 behalf of a deceased individual.

11 MAJORITY CHAIRMAN GROVE: Those optional reports,
12 does the state request them to be done, or do you just
13 automatically do them and kind of send them?

14 MR. HAMLIN: They're delivered on request.

15 MAJORITY CHAIRMAN GROVE: Got you. So the voter
16 participation report that identifies possible cases of
17 illegal voting, and then the National Change of Address
18 report -- you wouldn't have that for Pennsylvania unless we
19 requested it?

20 MR. HAMLIN: That's correct.

21 MAJORITY CHAIRMAN GROVE: Okay.

22 MR. HAMLIN: And Pennsylvania does request the
23 NCOA report, and Pennsylvania did request to participate in
24 the voter participation report for the 2020 general
25 election. That report won't be ready, though, for several

1 more months.

2 MAJORITY CHAIRMAN GROVE: Got you. Okay. Thank
3 you very much.

4 Next questioner, Representative Dowling.

5 REPRESENTATIVE DOWLING: Yes. Thank you so much
6 for being with us, Mr. Hamlin.

7 In your written testimony, you stated that member
8 states are required to request list maintenance reports at
9 least once every 425 days. Can you explain to us what that
10 means, and why the time frame is just over a year long to
11 comply?

12 MR. HAMLIN: Sure. So when the membership
13 agreement was first drafted, the requirement was to request
14 those reports within a year. And that was back in 2012 --
15 2011, 2012. And then we've got a couple of years of
16 experience under our belt as an organization and realized
17 that for many states -- every state has a different
18 elections calendar.

19 As you all know, every state is a little
20 different. And in some states, they might have three
21 elections a year. Some states might have six elections a
22 year. Some states actually even have more than that. And
23 those requirements for requesting the reports once a year
24 made it difficult for some states to meet. Their elections
25 calendar made it difficult for them to meet that

1 requirement. So the membership agreed to extend the time
2 to 425 days to allow states that have exceptionally busy
3 elections calendars and can't do certain types of list
4 maintenance for large periods of the year, to give them
5 time.

6 I will say that we -- now with having even a few
7 more years of experience, and now 30 states, several of us
8 have discussed whether or not that 425-day deadline is
9 really needed anymore as states have modernized their
10 systems. Many states have consolidated their elections
11 calendars. Some have fewer elections now as their
12 legislators have realized that it's a -- there are a lot of
13 challenges to running multiple elections in a year.

14 So my point is, the situation on the ground may
15 have changed and it's time, probably, for us to look at
16 that frequency. But I think really what I want to
17 highlight here is while there is a 425-day deadline, nearly
18 every state requests these reports much more frequently.
19 And we strongly encourage them to do so. They know that to
20 get the best value out of their membership, to ensure their
21 rolls are as accurate as possible, they need to use the
22 reports much more often than what the -- sort of the floor
23 is in the membership agreement.

24 REPRESENTATIVE DOWLING: Thank you.

25 Thank you, Mr. Chairman.

1 MR. HAMLIN: Yeah.

2 MAJORITY CHAIRMAN GROVE: Thank you.

3 Representative Diamond?

4 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

5 And thank you, Mr. Hamlin, for joining us today.

6 I just heard what you just said -- six or more elections a
7 year just sounds absolutely crazy to me. I don't know what
8 state would do that.

9 I viewed -- I watched your informational video on
10 your website that mentioned that the process for
11 maintaining voter rolls should be simpler, and I quote, it
12 also states that one in every eight voter registration
13 records isn't accurate. Now, I'm presuming that's only
14 amongst the 30 states that participate. But why is that?
15 Why is one out of eight records just not accurate?

16 MR. HAMLIN: Yeah. So first, let's put that
17 video in context. That video was produced as -- in ERIC's
18 early years. And the video actually summarizes data from a
19 report that the Pew Charitable Trusts produced prior to
20 ERIC being developed. That report and that research was
21 actually designed to help inform what kind of modernization
22 states could undergo to improve the accuracy of their voter
23 rolls. But at the time, nobody really knew how inaccurate
24 they were. We just knew anecdotally they were inaccurate.

25 And so convening a bunch of election

1 administrators, working with data scientists and experts,
2 they did that research. If you read the actual report that
3 that data's pulled from, you see that the largest driver of
4 those inaccuracies is simply people moving and not updating
5 their address. They update their license. They make
6 sure -- maybe they do an NCOA. They make sure the
7 important pieces (indiscernible) but people rarely remember
8 to update their address. And that's why at the very
9 beginning, when I was sort of rushing through some of those
10 challenges, really it is a challenge to keep up with a
11 highly mobile population. And some parts of the population
12 are more mobile than others. That's probably the number 1
13 challenge.

14 And then I think the second challenge is people
15 already think government is maintaining their information.
16 To most voters, government is government. If they update
17 their address at DOL, they think their address has been
18 updated everywhere in which they interact with government.
19 If they update it at the county, they think -- they just
20 don't make the distinction. I think that's another
21 challenge. A lot of it is just educating the public on the
22 need to maintain their information themselves.

23 REPRESENTATIVE DIAMOND: All right. And I thank
24 you for that. And it does confuse me a little bit.
25 Because if you update your driver's license, in almost

1 every state in the union except North Dakota, you're going
2 to be asked whether you want to update your registration.
3 So it kind of puzzles me as to why people wouldn't do that
4 when they're doing that.

5 Can I ask you then, with respect to Pennsylvania,
6 in your opinion, does our system have any kind of problems
7 with maintaining accurate records? And maybe let me put
8 this a little easier way. Since that video was done
9 earlier, and now you've had a chance to work with all these
10 different states, I mean, do you kind of like, rank states
11 as to accuracy? Maybe just tell us what shortfalls
12 Pennsylvania might have so that we can improve on that so
13 we can keep more accurate voter rolls.

14 MR. HAMLIN: Sure. So as far as I know, no one
15 has done updated research on that number of one in eight.
16 And I think a lot of organizations are using that number
17 now. So I would always caveat that that research is over a
18 decade old. And that was done before ERIC and before
19 states started really paying attention to how they -- best
20 practices in list maintenance.

21 In terms of Pennsylvania, we do not rank our
22 members' list accuracy at all. But when you ask about what
23 can Pennsylvania do to ensure its lists are as accurate as
24 possible, I think you've heard many of those suggestions
25 today. It would be great if Pennsylvania could use the

1 death data that ERIC gets from the Social Security
2 Administration. I will say there's some lag time in that.
3 So if you're trying to address the dead voter who mailed in
4 their ballot, probably not going to catch them in the
5 Social Security data that comes once a month at the
6 beginning of the month. And there's, of course, a lag in
7 that data. But that's the easy sort of low-hanging fruit.
8 Allow the counties and the state to use the Social Security
9 death data that we provide.

10 The second one you're already on the path to do,
11 modernize your system. It's old. It's inefficient. It
12 doesn't adapt to policy changes. You've heard from all the
13 other people who testified, from Jonathan and Director
14 Lehman on the issues with that. So supporting that and
15 ensuring that that is a nimble system that can adjust to
16 policy ideas and changes would be really important.

17 And then I would just say, maintain the
18 safeguards to protect those voters who might be
19 misidentified. Believe it or not, I mean, lists -- there's
20 good list maintenance and there's bad list maintenance.
21 And even the good list maintenance isn't going to get it
22 right all the time. ERIC is not a perfect system. We've
23 never claimed to be perfect. But we know we're really
24 quite accurate. But there will be voters who are
25 misidentified as movers or as deceased because the Social

1 Security Administration doesn't get it right all the time.
2 So it's important to maintain those safeguards so voters
3 aren't inadvertently removed from the rolls or flagged when
4 they shouldn't be flagged.

5 REPRESENTATIVE DIAMOND: All right. Well, thank
6 you so much for joining us today.

7 And thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN GROVE: Thank you.

9 Representative Nelson, you're on, bud.

10 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

11 And thank you, Shane. As a country mouse, I
12 struggle with the world of internet and online. So I can
13 appreciate the mute/unmute struggles you were having
14 earlier. Hopefully I won't lock up with my question. I
15 really appreciate your time, and kind of that broader state
16 perspective.

17 If we're trying to dig in a little bit deeper
18 into that technology and security overview components that
19 you offer states -- I know there's kind of three major
20 steps: preparing and protecting the voter registration,
21 securing the data transmission to ERIC, and then securely
22 accessing reports. I know there has been concerns about
23 data transmission back and forth or the ability to
24 states -- can you dig -- I know you can't fully divulge
25 your security measures. But let's say for voters that

1 would be registered in two states -- and I know H.R. 1 is
2 looming down in D.C., which I don't know if that would
3 create any challenges about states making sure a voter
4 isn't registered in two different spots. Can you expand a
5 little bit on secured data transmission and how you
6 maintain and protect those voter registrations information?

7 MR. HAMLIN: Be happy to. Thank you. Those are
8 good questions. ERIC -- data security and privacy are
9 foundational to what we do. Those -- data security and
10 privacy is written into our governance documents, and it
11 sort of lies at the heart of our entire information
12 security management plan. So those three areas you talked
13 about -- preparing and protecting voter registration and
14 licensing data before ERIC even receives it. And I did
15 summarize this in my written testimony. I'll try not to
16 repeat it, and I'll try to make it even simpler here to
17 understand.

18 Basically, we give the states, our members, a
19 tool to protect that data before they send it to us. We
20 give them a hashing application. You've probably heard of
21 encryption. Hashing is different. Hashing is like turning
22 a pig into sausage. Once you make the sausage, there's no
23 going back to the pig. There's no key when you hash data.
24 There's no key to turn it back. So they hash the most
25 sensitive elements: the dates of birth, the driver's

1 license number, and the last four of the soc.

2 We can -- everyone's using the same application
3 to do that, so we can still compare those data across the
4 states. So they hash those data, then they encrypt the
5 entire file. Using a computer that we know and recognize
6 that's already registered with us, they upload that file to
7 a secure server that is not accessible on the internet, and
8 then our systems engineer, within a secure environment,
9 collects that data, pulls it into our secure environment,
10 decrypts the file using a shared key, then hashes those
11 sensitive data elements a second time, and then does a
12 little more preprocessing, pulls that data into our data-
13 matching system.

14 The data-matching system is all protected within
15 a secure, managed environment through a contractor that we
16 use. It's not on Microsoft's cloud. It's not on Amazon's
17 cloud. It's not on Google's cloud. This is a company out
18 of the Midwest that's been doing this for a long time with
19 highly sensitive data, even more sensitive than ours.

20 We run the reports. We prepare those reports.
21 We put them back on that secure server where again, limited
22 access to that server on the state side. They grab the
23 report. They pull it down. Those reports do not have the
24 date of birth, the soc, or the driver's license number in
25 them anymore. Even the hashed value is stripped out.

1 On that secure server when a state is either
2 uploading data or downloading the report, they do not have
3 access to any other state's data. They're partitioned off,
4 and they can only get their stuff.

5 Was that helpful?

6 REPRESENTATIVE NELSON: Yes. Yes. It was. And
7 we've had some earlier hearings and testimony where there's
8 been concern about third-party API uploads, batch uploads
9 that counties had testified there were some struggles
10 vetting some of the information of those.

11 If -- as Pennsylvania is taking their old system,
12 which is acknowledged to have problems and be old -- we
13 were only in a 2019 audit able to verify 30 percent of the
14 voters in that SURE system because some counties blocked or
15 refused to participate. So if, as we transfer those
16 existing registered voters to this new system and we have
17 bad voters in the system, ERIC will not help us with that,
18 correct? Because once something is in the system coming to
19 you, the transition may be secure, but we have to ensure
20 that we have good data that we're sending to you on what
21 would be our step one.

22 Is that accurate, how I'm -- so you're not
23 necessarily verifying any Pennsylvania voter records,
24 you're making sure there's an accurate and secure
25 transition between what Pennsylvania is sending you and

1 what you're engaging. Would that be accurate?

2 MR. HAMLIN: Uh, Yes. In that -- and I want to
3 explain -- so Pennsylvania's sending us their voter file --
4 the only -- the entire voter file. So we are assuming in
5 the data set we're getting that they have vetted -- that
6 they have processed those voter registrations. And as you
7 know, voter registrations are not -- the authenticity of
8 the voter application is not vetted on the front end.
9 There's an assumption that when the voter signs the oath
10 and affirmation and is swearing under penalty of perjury
11 and violation of law, that everything they provided is
12 accurate. So when we receive voter registration --

13 REPRESENTATIVE NELSON: (Indiscernible -
14 simultaneous speech) -- from a security perspective there
15 was a cybersecurity report that raised questions about this
16 third-party API access. Does ERIC have any recommendations
17 to the 30 states you're working with about third-party
18 uploads of voters into those state systems, or do you not
19 get involved in those intricacies within the state?

20 MR. HAMLIN: That is outside our lane. That's
21 outside our lane. I would say, I mean -- I think states
22 take seriously the security of their online voter
23 registration portals and any API tools that they provide to
24 third parties. ERIC does not -- the voter registration in
25 general benefits from online voter registration because you

1 do eliminate the largest source of errors, and that's that
2 data entry stuff. But I think if you want to talk about
3 the API, that's probably back in Director Marks' ballpark.

4 REPRESENTATIVE NELSON: All right. Wonderful.
5 Thank you very much. I appreciate the overview.

6 Thank you, Mr. Chairman.

7 MR. HAMLIN: Thanks.

8 MAJORITY CHAIRMAN GROVE: Representative Keefer?

9 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.
10 And Thank you, Mr. -- is this working? Can you
11 hear me? Okay.

12 MR. HAMLIN: Yes. I can.

13 REPRESENTATIVE KEEFER: Mr. Hamlin, I appreciate
14 your time. Following up on Representative Nelson's
15 questions regarding the security. I like the idea of
16 participating in ERIC and that we have a way to vet some of
17 this information collectively and comprehensively. But as
18 I was reading the online summary that you have of the
19 organization, and you spell out the privacy and technology
20 advisory board, it gave me a little bit of pause.

21 I understand that the board of directors will
22 appoint the privacy and technology advisory board, correct?

23 MR. HAMLIN: That is correct.

24 REPRESENTATIVE KEEFER: And so what gave me pause
25 is that one of the -- well first of all, one of the

1 gentlemen, Joseph Lorenzo of the Center for Democracy and
2 Technology, is on that board. And my concern is that
3 the -- that organization is an extremely hyperpolitical
4 organizing, number 1 --

5 MR. HAMLIN: Uh-huh (affirmative)

6 REPRESENTATIVE KEEFER: -- and number 2 is, which
7 is more alarming, is that according to the Center for
8 Democracy and Technology's own 2016 tax return, Kaspersky
9 Labs is a Russian-based software company banned from
10 working on U.S. Government projects due to concerns about
11 the firm's ties to the Russian government. And they
12 provided them with \$120,000 worth of income on their 2016
13 statement.

14 I'm curious -- one, why that organization would
15 be included, and two, how these entities are selected to
16 serve on this advisory board?

17 MR. HAMLIN: Thank you. So Mr. Hall is a member
18 of our privacy and technology advisory board. But he is no
19 longer with the Center for Technology and Democracy. I
20 think the security brief that's downloadable on our website
21 has his old position listed. He's actually now with the
22 Strong Internet at Internet Society.

23 The privacy and technology advisory board --
24 these actually -- most of these members have been on the
25 advisory board for a long time, since the early days of

1 ERIC's formation. Periodically, the board reviews who's on
2 there. We haven't done that in a few years. But I will
3 say, the nature of their advice is literally advisory.
4 They're not directing or setting policy. They don't have
5 access to ERIC's systems. They meet approximately once a
6 year, actually, for a meeting to sort of discuss the
7 current state of our security. So the Center for
8 Technology and Democracy is not involved in ERIC, ERIC's
9 governance or any of our security or IT infrastructure.

10 REPRESENTATIVE KEEFER: Well, my concern is, Mr.
11 Hall prior to that was an attorney for the ACLU. So just
12 as we're talking about being a bipartisan organization, I
13 found that one most alarming of all that was on there.

14 And then, Mr. Jonas of the Senzing -- who's the
15 founder of Senzing, sounds like a very reputable -- but a
16 conflict of interest possibly because you use his hashing
17 model and his matching engine as part of your operations?
18 Is that accurate?

19 MR. HAMLIN: We do use that product. Yes. But
20 again, those advisory board members receive no
21 compensation. They have no say or control over the
22 governance of the organization. He serves as an advisor
23 because he knows the technology and he's a leading world
24 expert on entity resolution and data matching. There are
25 few people that know more about data matching and entity

1 resolution than Mr. Jonas.

2 REPRESENTATIVE KEEFER: I did find -- I did read
3 that on his credentials. Thank you.

4 And then two other questions I have real quick,
5 is -- the data for center -- your datacenter vendor -- is
6 that -- are you able to disclose who that is -- who you use
7 for that?

8 MR. HAMLIN: I can. If you're asking me
9 directly, I'll tell you. They are in the Midwest.

10 REPRESENTATIVE KEEFER: Okay. It's the company
11 you had referenced before that's in the Midwest. Okay.

12 MR. HAMLIN: Pardon me?

13 REPRESENTATIVE KEEFER: The information
14 security -- go ahead.

15 MR. HAMLIN: I'm happy to answer that. It's not
16 that -- obviously, no one really likes to tell you where
17 their data's at, but I can tell you it's ISCorp.

18 REPRESENTATIVE KEEFER: And then the information
19 security and business continuity consultant that you added
20 in 2017; who is that?

21 MR. HAMLIN: His name is Rick Retzman. He's a
22 retired chief information security officer for the State of
23 Oregon -- within the Secretary of State's office of the
24 State of Oregon.

25 REPRESENTATIVE KEEFER: What was that last name?

1 Reckman? Okay.

2 MR. HAMLIN: Retzman, R-E-T-Z-M-A-N.

3 REPRESENTATIVE KEEFER: And then last, just to
4 wrap everything up, is -- in -- of all the information that
5 you collect, is there anything else, or any additional
6 alternative information or sources that would make the
7 process more efficient or accurate that you could collect
8 from Pennsylvania than what we're already transmitting?

9 MR. HAMLIN: I think for all the states we could
10 benefit from additional data from vital statistics agencies
11 or vital health records -- not health records, but death --
12 basically, your death records in state. We don't have the
13 infrastructure for that yet, but it is on the long-term
14 plan to be able to collect that data from our states.

15 REPRESENTATIVE KEEFER: Thank you. That makes
16 sense.

17 MR. HAMLIN: Other agency information could be
18 useful as well. Obviously, any data that would help us
19 verify the identity of the individual for the purpose of
20 matching a record to determine if we're talking about the
21 same person when we're comparing a voter record in
22 Pennsylvania to a voter record in Ohio, for example. That
23 would be helpful.

24 REPRESENTATIVE KEEFER: Okay. Thank you very
25 much.

1 MAJORITY CHAIRMAN GROVE: Thank you. And I know,
2 Mr. Hamlin, you have a dead stop that was about three
3 minutes ago. So we appreciate you hanging in there and
4 answering those last few questions. We really appreciate
5 your participation, and hopefully we can work to be more
6 involved with ERIC at the state level. I think the product
7 that you put out and help states with is invaluable to help
8 us maintaining a really good voter registration list. So I
9 just wanted to thank you.

10 MR. HAMLIN: Thank you.

11 MAJORITY CHAIRMAN GROVE: With that, any closing
12 remarks, Chairwoman?

13 MINORITY CHAIRWOMAN DAVIDSON: No.

14 MAJORITY CHAIRMAN GROVE: No? Okay.

15 Well, I appreciate all our testifiers from today.
16 This hearing has been invaluable, learning about the voter
17 registration process. As I stated, it is the most
18 important aspect of our election process outside of voters
19 actually voting. We have a lot of work to do to kind of
20 fix our broken election law. I think this testimony today
21 will help us advance legislation forward to drafting that.

22 I look forward to continuing the bipartisan
23 election oversight hearings and partnering with
24 stakeholders like our counties and the Department of State,
25 and of course, our county governments. And the hearing of

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the House State Government Committee stands adjourned.

C E R T I F I C A T E

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

Nicole E. Holmes
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