

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PENNSYLVANIA

IRVIS OFFICE BUILDING
ROOM G-50

THURSDAY, MARCH 18, 2021
11:00 A.M.

PRESENTATION ON
ELECTION OVERSIGHT HEARINGS:
NO EXCUSE MAIL-IN AND ABSENTEE BALLOTS

BEFORE:

HONORABLE SETH GROVE, MAJORITY CHAIRMAN
HONORABLE MARGO DAVIDSON, MINORITY CHAIRWOMAN
HONORABLE RUSS DIAMOND
HONORABLE MATT DOWLING
HONORABLE DAWN KEEFER
HONORABLE ANDREW LEWIS (VIRTUAL)
HONORABLE RYAN MACKENZIE (VIRTUAL)
HONORABLE BRETT MILLER
HONORABLE ERIC NELSON
HONORABLE JASON ORTITAY (VIRTUAL)
HONORABLE CLINT OWLETT (VIRTUAL)
HONORABLE FRANK RYAN (VIRTUAL)
HONORABLE PAUL SCHEMEL (VIRTUAL)
HONORABLE LOUIS SCHMITT (VIRTUAL)
HONORABLE CRAIG STAATS
HONORABLE JEFF WHEELAND (VIRTUAL)
HONORABLE ISABELLA FITZGERALD (VIRTUAL)
HONORABLE KRISTINE HOWARD (VIRTUAL)
HONORABLE BENJAMIN SANCHEZ (VIRTUAL)
HONORABLE JOE WEBSTER (VIRTUAL)

HOUSE COMMITTEE STAFF PRESENT:

SHERRY EBERLY
MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

MICHAELE TOTINO (VIRTUAL)
MAJORITY ED FOR STATE GOVERNMENT COMMITTEE

MICHAEL HECKMANN
MAJORITY RESEARCH ANALYST

MATTHEW RINDFUSS
MAJORITY RESEARCH ANALYST

NICHOLAS HIMEBAUGH
DEMOCRATIC ED 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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3 MAJORITY CHAIRMAN GROVE: Good morning, everyone.
4 It's still technically morning. I guess we can get away
5 with it, 11:00. Welcome to Public Hearing of the
6 Pennsylvania House State Government Committee on No Excuse
7 Mail-In and Absentee Ballots. Our Committee's extensive
8 election oversight hearing schedule allows the Committee to
9 complete a deep dive into Pennsylvania election law from
10 1937, how elections are administered in this Commonwealth
11 in order to inform the public and this Committee, so when
12 we facilitate election changes which ensure our voting
13 process is designed so the voters select the winners and
14 not the process.

15 While the 2020 general election has been debated
16 and litigated ad nauseam, the General Assembly still has an
17 important constitutional job to execute legislative
18 oversight of laws we pass and agencies which administer
19 these laws. Act 77 of 2019 and Act 12 of 2020 brought
20 significant changes to our election laws last session. It
21 is our job to ascertain how these new laws as well as the
22 entire 1937 Election Law are administered.

23 We all know election changes are a requirement.
24 We have heard from numerous stakeholders, including
25 repeatedly by county commissioners and election directors,

1 the need for election law changes. Article VII, Section 14
2 provides the constitutional provisions for absentee
3 ballots, which clearly articulate the specific uses of
4 absentee ballots.

5 The legislature shall, by general law, provide a
6 manner in which the time and place at which qualified
7 electors, who may, on the occurrence of an election, be
8 absent from the municipality of their residence because of
9 their duties, occupation, or business require them to be
10 elsewhere, or who on the occurrence of any election are
11 unable to attend their proper polling place because of
12 illness or physical disability, or who will not attend a
13 polling place because of the observance of a religious
14 holiday or cannot vote because of election day duties, in
15 the case of a county employee, may vote for the return and
16 canvass of their votes in the election district in which
17 they respectively design.

18 Further, no excuse mail-in ballots were created
19 under Article VII, Section 4 of the Pennsylvania
20 Constitution, which is Methods and Secrecy in Voting, and
21 it states all elections by the citizens shall be by ballot
22 or by such other method as may be prescribed by law
23 provided that secrecy in voting be preserved. These two
24 constitutional provisions provide for the constitutional
25 construction of our mail-in election process, which

1 supports our statutory provisions under the Pennsylvania
2 Election Code. Constitutional absentee ballots and no
3 excuse mail-in ballots may seem similar, but our state
4 constitution provides a clear distinction.

5 Lastly, our state constitution expressly mandates
6 uniformity in our election laws under Article VII, Section
7 6, and I quote: All laws regulating the holding of
8 elections by the citizens or for the registration of
9 electors shall be uniform throughout the state.

10 We have four panels for this hearing. Panel 1 is
11 the Department of State, panel 2 is Academic Research and
12 Data, panel 3 is Election Expert, panel 4 is a County
13 Election Official. The committee is also in receipt of
14 written testimony from Richard T. Gebbie, CEO from Midwest
15 Direct and the National Vote at Home Institute. I look
16 forward to working with my colleagues, stakeholders, and
17 citizens to improve upon our Commonwealth's election laws
18 to ensure elections are easy to vote but hard to cheat.

19 Chairwoman Davidson, any opening comments?

20 MINORITY CHAIRWOMAN DAVIDSON: Thank you, Mr.
21 Chairman. Just a few. I wasn't sure of the efficacy of
22 these hearings. We certainly don't want to re-litigate the
23 2020 election that was litigated, quite frankly, ad nauseam
24 during the process and immediately following the election,
25 and elections were certified and voted overwhelmingly by --

1 in a bipartisan vote by Congress, both the House and the
2 Senate, that the election was fair, uniform, accurate.

3 And so what has come out of these hearings has
4 been some uniformity in terms of testifiers regarding the
5 need to pre-canvass. County official after county
6 official, most from red counties, as a matter of fact, also
7 talked about the lack of time that they had to count the
8 mail-in ballots, and how it would've been preferable had
9 they been able to pre-canvass. And many states that do
10 mail-in voting -- universally do mail-in voting, we're
11 calling it in Pennsylvania no-excuse mail-in voting. But
12 many states that do vote by mail do so without excuse and
13 also pre-canvass so that on election night, their results
14 were in when our results were not because we still had so
15 much counting to do. Because of the pandemic, many, many
16 people, many, many Pennsylvanians, hundreds of thousands of
17 Pennsylvanians decided that it was safer to vote by mail.

18 And so in the pandemic, you know, there really
19 was a reason that people were voting by mail is because it
20 wasn't really safe to come to polling places, so I hope
21 that as we look at that, there has been bipartisan support
22 for pre-canvassing. And I know we did try to do that --
23 amend Act 77 close to the election to allow for that, and
24 it did fail at that time.

25 But Pennsylvania is rated as one of the most

1 closed and restrictive election states in the nation, and
2 Act 77 did broaden the ability for people to be able to
3 vote, be able to vote safely, and be able to vote in a
4 number of modalities, and everyone uniformly had access to
5 those same voting options. And so hopefully, we will see
6 as a result of, you know, an unprecedented voter turnout in
7 the presidential election because people had those options.
8 Hopefully, we don't restrict voters' access to the ballot
9 box, but we continue to provide greater access for people
10 to exercise their constitutional right as a United States
11 citizen, as a citizen of the Commonwealth of Pennsylvania.

12 So one of the things that has come out of these
13 hearings is that there is a need for pre-canvassing, and
14 there was bipartisan support from county officials and
15 election officials that that is something that needs to be
16 done so that we can build greater confidence in the public
17 by being able to accurately and swiftly count the election
18 results and be able to report those results to the public
19 in a timely fashion, which was not the case in this last
20 election. It was accurately counted, but it took some time
21 to do so because there was no pre-canvassing. So thank
22 you, Mr. Chairman, and I hope we can get that done this
23 term.

24 (Pause - Audio Difficulties)

25 MAJORITY CHAIRMAN GROVE: All right. Let me redo

1 that. My apologies. I didn't have my speaker on. It was
2 an amazing speech, just amazing.

3 We have members and testifiers in attendance
4 virtually as well as the public viewing via livestream.
5 Due to Sunshine Law requirements, if any of these platforms
6 experience technical difficulties, we will pause the
7 meeting in order to correct the issues. For members
8 participating virtually, please mute your microphone.
9 Please know when you speak we all hear you. If you want to
10 be recognized for comments, please use the raise hand
11 function. After being recognized, but prior to speaking,
12 please turn on your camera and unmute your microphone.
13 After you've completed your question, please mute your
14 microphone again.

15 We'll go to Committee introductions. We'll start
16 with committee members in the room. For members attending
17 virtually, I will call on you one by one. Just unmute your
18 mic, turn on your camera, and introduce yourself and then
19 we will move on. Chairwoman, go ahead.

20 MINORITY CHAIRWOMAN DAVIDSON: Yes. Thank you,
21 Mr. Chairman. I'm Representative Margo Davidson,
22 Democratic Chair of this Committee and Representative of
23 the 164th Legislative District in Delaware County.

24 REPRESENTATIVE STAATS: Good morning. Craig
25 Staats, the 145th District in Bucks County.

1 REPRESENTATIVE MILLER: Brett Miller, 41st
2 District, Lancaster County.

3 REPRESENTATIVE KEEFER: Dawn Keefer, 92nd
4 District, York County.

5 REPRESENTATIVE DOWLING: Matt Dowling 51st
6 District, Fayette and Somerset Counties.

7 REPRESENTATIVE DIAMOND: Representative Russ
8 Diamond, Lebanon County, the 102nd District. Best district
9 in the entire state, by the way.

10 MAJORITY CHAIRMAN GROVE: Second best district in
11 the entire state. Seth Grove, 196th District, York County.
12 And we could probably go around the room on that one. Well
13 done. Well played, sir. First up on virtual, Andrew
14 Lewis. Representative Lewis.

15 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman.
16 Andrew Lewis, representing the 105th District of Dauphin
17 County, West Hanover, South Hanover, and Lower Paxton
18 Townships. Good to be here.

19 MAJORITY CHAIRMAN GROVE: Representative Clinton
20 Owlett.

21 REPRESENTATIVE OWLETT: Representative Owlett. I
22 have the privilege of serving Tioga County, which has the
23 Pennsylvania Grand Canyon, and parts of Bradford and Potter
24 County.

25 MAJORITY CHAIRMAN GROVE: Representative

1 Fitzgerald.

2 REPRESENTATIVE FITZGERALD: Good morning.

3 Representative Isabella Fitzgerald representing the 203rd
4 Legislative District of Philadelphia, West Oak Lane, East
5 Oak Lane, and the Lower Northeast.

6 MAJORITY CHAIRMAN GROVE: Representative Ryan.

7 REPRESENTATIVE RYAN: Representative Frank Ryan,
8 101st District of Lebanon County on the really great side
9 of the county itself. Serves as a buffer between
10 Harrisburg and the 102nd District.

11 MAJORITY CHAIRMAN GROVE: Touché'.
12 Representative Howard.

13 REPRESENTATIVE HOWARD: Hi. It's Christine
14 Howard from the 167th District in Chester County.

15 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

16 REPRESENTATIVE ORTITAY: Good morning everyone.
17 Representative Jason Ortitay, representing the 46th
18 District in Allegheny and Washington Counties.

19 MAJORITY CHAIRMAN GROVE: Representative
20 Wheeland.

21 REPRESENTATIVE WHEELAND: Good morning, everyone.
22 Representative Jeff Wheeland, County of Lycoming, City of
23 Williamsport, home of Little League Baseball.

24 MAJORITY CHAIRMAN GROVE: Representative Schemel.

25 REPRESENTATIVE SCHEMEL: Representative Paul

1 Schemel representing portions of Franklin County. Would
2 like to remind Representative Lewis that to be recognized,
3 he needs to be wearing a tie, and I can lend him one if he
4 needs one. Thank you.

5 MAJORITY CHAIRMAN GROVE: Representative Schmitt.

6 REPRESENTATIVE SCHMITT: Good morning, everybody.
7 Paul, I'm sorry. I don't have anybody to help me put my
8 tie on. I only have one arm that works right now, so I'm
9 begging leave to not have to wear a tie. But good morning,
10 everybody. Lou Schmitt, 79th Legislative District, City of
11 Altoona, Logan Township, and portion of Alleghany Township.

12 MAJORITY CHAIRMAN GROVE: Representative
13 Mackenzie.

14 REPRESENTATIVE MACKENZIE: Good morning.
15 Representative Ryan Mackenzie from the 134th District in
16 portions of Lehigh and Burks Counties.

17 MAJORITY CHAIRMAN GROVE: Representative virtual
18 warrior Sanchez.

19 REPRESENTATIVE SANCHEZ: Thank you, Mr. Chairman.
20 Ben Sanchez, relieved to be wearing a tie here, so I can
21 put my camera on and be recognized, and proudly
22 representing my hometown the 153rd District in Montgomery
23 County, PA.

24 MAJORITY CHAIRMAN GROVE: And the virtually
25 roving legislator, Representative Joe Webster.

1 REPRESENTATIVE WEBSTER: In fact, I will not live
2 that down, Mr. Chairman.

3 MAJORITY CHAIRMAN GROVE: No. You will not.

4 REPRESENTATIVE WEBSTER: And I sincerely
5 apologize.

6 MAJORITY CHAIRMAN GROVE: It's all good. We
7 enjoyed it.

8 REPRESENTATIVE WEBSTER: Joe Webster, House
9 District 150 in Western Montgomery County, and I'm very
10 pleased to be here. Thank you.

11 MAJORITY CHAIRMAN GROVE: Thank you. The members
12 in the public could probably tell we spend a lot of time
13 together on this Committee, and we spend a lot of time with
14 our first panelist, Deputy Secretary from the Department of
15 State, Jonathan Marks, who we greatly appreciate his
16 insight into the election process. So Deputy Secretary,
17 good morning. How are you?

18 MR. MARKS: Good morning. I'm doing very good.
19 How are --

20 MAJORITY CHAIRMAN GROVE: Good.

21 MR. MARKS: -- you doing, Chairman?

22 MAJORITY CHAIRMAN GROVE: Doing very well.

23 Thanks again for, once again, joining us. If you just mind
24 raising your right hand.

25 (Oath administered)

1 MR. MARKS: I do.

2 MAJORITY CHAIRMAN GROVE: Thank you, sir. Any
3 opening remarks or comments?

4 MR. MARKS: Just a couple real quick. And I
5 guess I'm going to have to get into the competition. I
6 live in the 86th District, formerly Representative Mark
7 Keller's district, now Perry Stambaugh's district. And I
8 would argue that we have the best legislative district in
9 the Commonwealth. I know that will be --

10 MAJORITY CHAIRMAN GROVE: Well, we're 26
11 better --

12 MR. MARKS: -- an ongoing race.

13 MAJORITY CHAIRMAN GROVE: -- sir. Twenty-six
14 better. Can you do the math?

15 MR. MARKS: Oh, Lord.

16 MAJORITY CHAIRMAN GROVE: Thank you.

17 MR. MARKS: But I'm very happy to be here with
18 you again. This is my sixth hearing, and as I understand
19 it, it may be my last at least in this series, and I want
20 to tell you, Chairman Grove as well as Chair Davidson, that
21 I've enjoyed the opportunity. I'm thankful for the
22 opportunity. Hopefully, the testimony I've provided in
23 previous hearings has been helpful to the committee
24 members, and I certainly look forward to you know,
25 continued discussions with committee members about

1 additional election reforms.

2 You know, the 2020 Election was historic in many
3 ways and it was challenging in many ways, but it was
4 overall a successful election. I know you're going to hear
5 testimony this morning from people much smarter than me who
6 can give you some really good data to bear that point out,
7 but I think it -- I think I'd be remiss if I didn't take
8 this opportunity in my last hearing in this series to say
9 how proud I am of Pennsylvanians who turned out at a rate
10 of 76 percent more than at any time in the last 100 years
11 and how proud I am of county election officials across the
12 Commonwealth and local election officials, who under very
13 difficult circumstances in the midst of a global pandemic
14 worked -- you know, to be blunt, worked their butts off to
15 make sure that Pennsylvanians had the freedom to vote, had
16 the freedom to cast their ballots.

17 And you know, I think the election was a success
18 on a lot of levels, and that is really because of the work
19 of county and local election officials. And I'm also proud
20 of the staff here at the Department of State, who worked
21 long hours to support those counties and county and local
22 election officials in a variety of ways. So again, I've
23 thoroughly enjoyed the opportunity to talk to the
24 Committee. I look forward to your questions this morning
25 about today's topic related to absentee and mail-in voting,

1 and I look forward to the future and how the department can
2 work with the Committee to address additional election
3 reform and build upon the success of last year.

4 MAJORITY CHAIRMAN GROVE: Thank you, Mr. Deputy
5 Secretary, and we've appreciated the insight, and
6 hopefully, throughout these hearings, we've educated the
7 general public on all the details that they miss on the
8 behind-the-scenes actions that occur to make elections
9 possible. I know from committee discussion in talking with
10 members thus far, it has been invaluable the amount of
11 education we -- I joke with the committee members the other
12 day. We could probably all be, at some point, county
13 elections directors for all the detail work they've been
14 doing diving into the election law, so we do appreciate
15 that.

16 And I'll just start off by asking a simple
17 question to get this off. Can you just provide us some
18 background information on the no excuse mail-in ballots as
19 well as the absentee voting in Pennsylvania, and then maybe
20 provide some background detail and some data in a little
21 bit? Maybe start off with the background.

22 MR. MARKS: Sure. So you know, as we've
23 discussed previously, Act 77 bipartisan legislation enacted
24 in the General Assembly in October of 2019, provided for no
25 excuse mail-in balloting, which was really a sea change in

1 Pennsylvania. We've always had absentee balloting in
2 Pennsylvania, at least over my rather lengthy career now,
3 but having no excuse mail-in balloting certainly was a huge
4 change. There are a number of other changes in Act 77 as
5 well that I think were valuable as we went into 2020.

6 Certainly, I would expect that none of the folks
7 who voted on Act 77 -- and certainly I didn't see a global
8 pandemic coming. You know, call it providence or whatever
9 you want to call it. I think it was fortuitous that the
10 General Assembly enacted Act 77 just months before the
11 global pandemic so that we had some time to prepare
12 ourselves for the volume of mail-in ballots that we would
13 see. In a typical presidential election, we would've
14 had -- previously, prior to 2020, we would have expected
15 around 300,000 absentee ballots. In the 2020 November
16 election, we had -- between absentee ballots and mail-in
17 ballots, we had roughly 2.7 -- just about 2.7 million
18 absentee and mail-in ballots cast by voters in the
19 Commonwealth; an exponential increase.

20 Certainly, that was driven by Act 77 to some
21 extent, but a lot of it was driven by COVID-19 and the
22 global pandemic and having that additional option for
23 voters I believe was invaluable. You know, voters we've
24 heard from and voters that you've heard from, I think, you
25 know, by and large, were thankful for the opportunity to be

1 able to cast their ballot in a way that would protect their
2 health.

3 You know, in addition, the Department and the
4 counties worked very hard to make sure that the nearly 4.2
5 million voters who showed up to vote on Election Day at the
6 polling places could do so safely. We helped counties
7 procure and we actually procured for counties personal
8 protective equipment. I know every county procured their
9 own personal protective equipment to protect both poll
10 workers and voters alike during the 2020 November election.

11 So you know again, I think the addition of mail-
12 in balloting was fortuitous, and I can't imagine what
13 administering last year's election, the Primary and the
14 November election, would've been like without that option.
15 You know, I would imagine we would've been discussing
16 trying to ramp up absentee balloting in a moment's notice.
17 Having Act 77 in place, I think, gave us a little bit of
18 runway so that we could prepare for it, and we were ready
19 to support that influx of mail-in balloting that would be
20 conducted in both the Primary and the November election.

21 MAJORITY CHAIRMAN GROVE: Thank you, Mr.
22 Secretary. And just note of members, Representative Nelson
23 is here and Representative Miller have arrived as well.
24 Chairwoman, any questions of (indiscernible)?

25 MINORITY CHAIRWOMAN DAVIDSON: Excuse me. Just a

1 few. Thank you, Mr. Chairman. If the Legislature were to
2 enact new sweeping changes to election laws -- Act 77 was
3 sort of a sea change in Pennsylvania in terms of how we do
4 elections. If we were to do something similar in scope,
5 how much time would you say election officials need to
6 properly prepare for sweeping changes to election law?

7 MR. MARKS: I'll be careful here. I don't want
8 to speak on behalf of the election directors across the
9 Commonwealth. You know, certainly they would have their
10 own opinion about it. I think one of the lessons we
11 learned from Act 77 -- and if you look at other states, I
12 know you're going to hear testimony from Pam Anderson of
13 Colorado about Colorado's system of mail-in voting. Most
14 jurisdictions when they've made those kinds of substantive
15 changes have done that across a number of years. We did it
16 with Act 77 -- and again, successfully, but we did it with
17 just, you know, little bit less than six months, and
18 really, you know, with the technical changes that needed to
19 be made, it was just a few months.

20 So I think normally, depending on the specific
21 election reforms, I would think you would at least need
22 months to do it, you know. And keep in mind too that the
23 election calendar starts many weeks before Election Day.
24 Ballots are going out to military and overseas civilian
25 voters two months before an election, and then around 50

1 days before an election, counties start to send out -- you
2 know, and in the weeks immediately after that they start to
3 send out domestic absentee ballots. So you really have to
4 be prepared for that well in advance of two or three months
5 before the election.

6 So I would say depending on the specific changes,
7 you would at least need months. Perhaps a year or more,
8 you know, depending on what -- you know, what enhancements
9 needed to be made to election infrastructure to carry out
10 whatever the election reform is.

11 MINORITY CHAIRWOMAN DAVIDSON: And last question,
12 what kind of budgetary challenges did you have -- the
13 Department of State is a small department, in terms of
14 enacting sweeping changes to election law?

15 MR. MARKS: We were fortunate, you know, with the
16 current system and the current support contract for the
17 system. We have an ongoing process for making updates and
18 changes, so there was already a process through which we
19 could make changes -- systematic changes. You know, we
20 have a regular schedule of builds to make enhancements, so
21 we were a little ahead of the game in that respect. Of
22 course, it obviously required us to set every other
23 priority aside and focus those efforts on making the
24 changes necessary to implement Act 77.

25 We did get some funding as well from the federal

1 government that we were able to use to make those changes
2 in the form of CARES Act funding to make additional
3 enhancements, you know, for example, to provide some level
4 of ballot tracking so that voters could track the process
5 of their absentee or mail-in ballot requests. So I don't
6 want to downplay the fiscal impact it had on the Department
7 and certainly the counties, but we were well positioned
8 because we do have an ongoing process for making
9 enhancements when they're necessary.

10 MINORITY CHAIRWOMAN DAVIDSON: Thank you.

11 MAJORITY CHAIRMAN GROVE: Representative
12 Mackenzie.

13 REPRESENTATIVE MACKENZIE: All right. Thank you,
14 Mr. Chairman. Deputy Secretary, can you describe for us
15 from the Department's end, what safeguards are in place to
16 ensure that mail-in ballots are only sent to eligible
17 voters?

18 MR. MARKS: Sure. That's a great question. So
19 the first thing I want to make clear because I know there's
20 been a lot of conflation, you know, with what other states
21 do. Pennsylvania is not a universal absentee or universal
22 mail-in state. If you want a ballot, you have to request a
23 ballot. We do have a permanent absentee and permanent
24 mail-in list, which was another change made by Act 77, but
25 you at least have to submit an application once a year to

1 receive a ballot, so we're not sending ballots out
2 automatically to registered voters.

3 They have to make a request, and on that request
4 they have to provide identification. And that
5 identification has to be verified, so that's either a
6 driver's license or other PennDOT ID number or the last
7 four digits of their Social Security number. If that
8 doesn't match or if they can't provide that, they'll still
9 be issued a ballot, but their ballot cannot be counted
10 until they provide some form of identification as outlined
11 in the Pennsylvania Election Code within six days after the
12 election. So that ballot will basically be set aside. If
13 they don't provide that identification, it can't be
14 counted.

15 In addition to that, once you do apply for an
16 absentee or mail-in ballot, the county issues it -- they
17 issue the ballot with a unique identification number that
18 is tied directly to your voter registration record, and
19 that ballot is sent to the address that you've provided
20 your -- either your residence address or if you've provided
21 an alternate address on your application, it will be sent
22 to that address and only that address. And that unique
23 identifier is both on the outgoing packet as well as the
24 incoming packet so that when it comes back, counties can
25 connect that through that unique ID to the request and to

1 the voter.

2 REPRESENTATIVE MACKENZIE: So if I can, just a
3 quick follow-up on that. So we had heard at a previous
4 hearing about this option if you don't have your driver's
5 license number or the last four digits of your Social, you
6 could check off a box and still receive a ballot saying
7 that you didn't have that information. But you're saying
8 that those ballots that don't have that information
9 wouldn't be counted unless additional information was
10 provided then?

11 MR. MARKS: That's correct. There is a list
12 of -- first of all, I want to be clear. You're signing and
13 affirmation that says you don't have either one of those.
14 It's not an option. You can't decide I don't want to
15 provide it. You have to affirm that you have neither a
16 driver's license nor a Social Security number, and the
17 ballot can be issued. But when it comes back to the
18 county -- so it is marked systematically as ID not
19 verified. When it comes back to the county, for that
20 ballot to be counted, they have to provide an alternate
21 form of identification. And I don't have the list off the
22 top of my head, but it does include other forms of
23 government photo ID as well as some forms of non-photo ID.
24 But you have to provide that within six days after the
25 election; otherwise, your ballot will be set aside.

1 REPRESENTATIVE MACKENZIE: Okay. And the county
2 would do that additional check, correct?

3 MR. MARKS: That's correct. Yes.

4 REPRESENTATIVE MACKENZIE: Okay. Great. All
5 right. Well, thank you and thank you, Mr. Chairman.

6 MR. MARKS: Thank you.

7 MAJORITY CHAIRMAN GROVE: Thank you.
8 Representative Miller.

9 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.
10 And good morning, again, Deputy Secretary. I want to
11 follow up on Representative Mackenzie's question concerning
12 mail-in ballots. What is the Department doing to ensure
13 that the mail-in ballots that have been sent and received
14 by the counties are in fact genuine and were in fact sent
15 by that specific voter?

16 MR. MARKS: So again, the application process
17 requires identification that has to go through a
18 verification process. The balloting materials
19 themselves -- so whatever type of ballot or voting system a
20 county uses, they're going to provide an official absentee
21 or official mail-in ballot inside the envelope packet, and
22 that, again, has a unique identifier tied directly to the
23 voter's registration record. But that official ballot has
24 the signatures of the County Board of Elections on it. It
25 has other data and information on it that is hard to

1 reproduce, I guess, for lack of a better description. So
2 it's an official ballot issued by the County Board of
3 Elections. It bears indicia that is both required by the
4 Election Code and also built into the voting system to
5 ensure that those are bona fide ballots.

6 REPRESENTATIVE MILLER: And what steps are being
7 taken to verify that a specific voter actually sent in
8 their own ballot and no one else sent it in for them?

9 MR. MARKS: So again, it -- the ballot is going
10 directly to the voter at their address. They have to
11 complete a declaration on the incoming ballot, send it back
12 to the County Board of Elections or deliver it in person to
13 the County Board of Elections in order for that to be
14 counted. And there are very specific statutory
15 requirements. If somebody assists the voter, they have to
16 go through a very specific process. The voter has to
17 authorize them to provide that level of assistance, and
18 only then can they deliver balloting materials or assist
19 the voter in returning their ballot to the Board of
20 Elections. If they do not follow that process, there are
21 penalties in the Election Code -- you know, some rather
22 harsh penalties for not following that process.

23 REPRESENTATIVE MILLER: I just want to specify
24 that if it's not necessarily their home address, it's
25 whatever address is put down on the application that the

1 mail-in ballot is sent to.

2 MR. MARKS: They have to provide both their
3 residence address and an alternative address. So for
4 example, if a voter is -- you know, spends half of their
5 time -- or a significant portion of their time in the
6 winter months in Florida, for example, or Arizona, they may
7 be providing an address -- a mailing address that is
8 different than their residence address. It happens most
9 often with your military and overseas civilian voters. So
10 you have military voters who may be assigned to a base, you
11 know, anywhere in the United States or sometimes overseas,
12 and they will be providing their military address for
13 delivery of their balloting material, but they are still
14 entitled to vote from their last residence address here in
15 Pennsylvania before being deployed.

16 REPRESENTATIVE MILLER: Okay. Going back to the
17 previous question. You said that a person could register
18 to vote and then if they -- then vote, and if they did not
19 provide the documentation needed within six days after the
20 election, that vote would not be counted. Your thoughts on
21 why a person should be allowed to register to vote without
22 that information being affirmed prior to the vote.

23 MR. MARKS: Well, the voter registration
24 requirements are different. So to register to vote, you do
25 have to provide ID, and it's the same identification. If

1 you have a driver's license you have to provide that. If
2 you don't have a driver's license but do have a Social
3 Security number you have to provide that Social Security
4 number and that goes through the verification process as
5 well. However, there's no explicit federal requirement or
6 state requirement that requires that identification to be
7 validated. So if a voter registers to vote and they say
8 they don't have either one of those identification numbers,
9 the county will try to get the information. They have to
10 make reasonable efforts to get the information. They can't
11 flat out, absolute reject the application, but they do mail
12 a voter registration card to the voter at the address
13 provided.

14 And that voter, the first time they vote whether
15 it's by absentee ballot, mail-in ballot, or whether they
16 vote in person will have to show ID because we do have a
17 first-time voter identification requirement here in
18 Pennsylvania, which is a little more narrow than the
19 federal requirement. In Pennsylvania, a first-time voter
20 is considered anyone who's voting for the first time in
21 their precinct. So you may have lived in Pennsylvania all
22 your life, but if you move, you know, from one precinct to
23 another, you're going to have to provide ID the first time
24 you vote in that precinct whether you're voting in person
25 or by mail.

1 REPRESENTATIVE MILLER: Okay. Well, thank you,
2 and just the last question. I have requested some
3 information from the Department of State full voter export.
4 It's been three weeks, and I still have not heard anything.
5 As you know, there's a fee for that. I've paid the fee.
6 I've contacted the legislative liaison about that, and it's
7 been over three weeks since I've heard anything or received
8 the information that I've requested. Is there anything you
9 could do to expedite receipt of that information?

10 MR. MARKS: Yes. Absolutely. That file is
11 produced on a weekly basis, and it should be downloadable.
12 Once you make the request, the file is actually posted in
13 the location, and you should be able to download it within
14 a day or two. So I will absolutely look into that and make
15 sure that you get the file you requested.

16 REPRESENTATIVE MILLER: Well, thank you. Yeah.
17 This was actually a previous one, but I was told that I
18 paid the fee and I should be able to get it. Still it's
19 been over three weeks, so I would appreciate your help with
20 that. Thank you very much.

21 MR. MARKS: Absolutely.

22 MAJORITY CHAIRMAN GROVE: Representative Diamond.

23 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.
24 Thank you, Deputy Secretary, for joining us once again. I
25 do want to cover a couple things you already talked about

1 and just get some clarification. Mail-in ballots can be
2 requested to be sent to addresses other than the voter's
3 registered address. Is there any additional scrutiny given
4 to those requests or any attempt to contact the voter to
5 ensure that such a request is genuine?

6 MR. MARKS: Well, again, the process is
7 transparent. And I want to be clear. When you apply for a
8 ballot you have to provide both your residence address and
9 whatever the mail-to address is that you want your
10 balloting material to be mailed to, so the voter is
11 providing that information on the application. I mentioned
12 that our website provided for a tracking system, and we
13 also provide a file, a statewide file, that -- and the
14 counties are required to provide this file, too, that is
15 essentially a list of everyone who has requested a ballot,
16 you know, whether an absentee or a mail-in ballot, the date
17 they requested it, the status of that request, so the
18 process is very transparent.

19 If somebody wanted to determine if -- you know,
20 if a ballot was requested in their name, they could go onto
21 our website and just by putting in their name and I think
22 date of birth, they would be able to determine whether a
23 ballot has been requested. So I think the transparency of
24 the process, which, again was a provision of Act 77, making
25 sure all of that information regarding absentee and mail-in

1 requestors was completely transparent, I think adds an
2 additional security component into the process.

3 REPRESENTATIVE DIAMOND: Okay. Well, given that
4 we do have an absentee voting process in Pennsylvania, why
5 would we permit somebody applying for a mail-in ballot for
6 a different address? Shouldn't they actually be applying
7 for an absentee ballot, if they're not going to be at their
8 address of residence to cast a legal vote in Pennsylvania?

9 MR. MARKS: You know, that was something that was
10 debated, actually, and amendments were made in Act 12.
11 There was some concern that voters, if they made a request
12 for a mail-in ballot but should've made a request for an
13 absentee ballot that their ballot would be rejected purely
14 on the basis that they used the wrong avenue, and the
15 General Assembly determined that that was not the outcome
16 that they wanted.

17 So there were actually specific changes made in
18 Act 12 to the original requirements of Act 77 that
19 basically said if a person requests a mail-in ballot versus
20 an absentee ballot, or the other way around, that that
21 would not be a reason to set aside their ballot or to deny
22 their request for a ballot. You know, the process, whether
23 you're requesting an absentee or mail-in ballot, the
24 process is still the same. You still have to provide the
25 same identification. You still have to meet the same

1 requirements whether you're voting by absentee or mail-in.
2 So -- you know, that -- you know, it's a valid point,
3 but -- and it is something, though, that the General
4 Assembly debated and made specific changes in Act 12 to
5 make sure that somebody wasn't denied their freedom to vote
6 based purely on which avenue they chose to vote.

7 REPRESENTATIVE DIAMOND: Okay. Let me just
8 clarify one thing because quite frankly, you know, the
9 ability to send a mail-in ballot to a different address
10 other than your residence, this issue was brought to my
11 attention by a county commissioner, and this was just a
12 couple weeks ago, who I called and had a conversation with,
13 and he did this on behalf of some elderly relatives that he
14 had who can't operate a computer. But it was his claim, if
15 I recall the conversation correctly, that all he needed was
16 their name and their birthdate in order to order a mail-in
17 ballot and then have that mail-in ballot sent to a
18 different address. So can somebody order -- apply for a
19 mail-in ballot with just a birthdate?

20 MR. MARKS: Uh, No. And --

21 REPRESENTATIVE DIAMOND: Okay.

22 MR. MARKS: -- again, there are ID requirements
23 that are on both the absentee and the mail-in application,
24 and even if you check the box -- and you know, as I
25 mentioned earlier, even if you check the box indicating

1 that you don't have either one of those, you're still at
2 some point going to have to provide some form of
3 identification for that ballot to be counted, but no. The
4 application process requires you to provide your name, your
5 date of birth, and identification.

6 It also has additional -- I think it requires you
7 to indicate how long you've been a resident of the district
8 to provide, you know, your residence address and the name
9 of the municipality you live in, so you know, all of those
10 things have to be provided on the application for your
11 application to be approved. And if you don't provide or
12 have -- provide a verified ID at the time of application,
13 you're going to have to provide it at some point before
14 your ballot can be counted.

15 REPRESENTATIVE DIAMOND: Okay. All right. And
16 just one follow-up, and it's kind of like a homework
17 assignment for you on your last appearance here. Could you
18 provide us with a statewide count of how many mail-in
19 ballots were mailed to addresses other than an address of
20 residence or mailing address that's included with the voter
21 registration -- the voter's registration file?

22 MR. MARKS: Yes. I believe we can do that.

23 REPRESENTATIVE DIAMOND: Okay.

24 MR. MARKS: We would be able to pull records of
25 that and alternate mailing address.

1 REPRESENTATIVE DIAMOND: Okay. Thank you so
2 much. Thank you, Mr. Chairman.

3 MAJORITY CHAIRMAN GROVE: Thank you.
4 Representative Ortitay.

5 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.
6 Good to see you again, Deputy Secretary. I know this might
7 be early. I'm just going to throw out this question. Does
8 the Department have an estimate or just a gauge of the
9 level of use of mail-in voting their expecting in the
10 future whether -- I know we're still dealing with COVID
11 here, but even beyond COVID. I know we've only had one
12 election so far under this current act but just wondering
13 what you expect and what the Department expects moving
14 forward.

15 MR. MARKS: It really is hard to say. You know,
16 we looked at the experience of other states as we were
17 implementing Act 77, and we expected that there would be
18 sort of a slow build up in terms of people adopting a mail-
19 in ballot. COVID-19 blew all of that out of the water.
20 Our projections, obviously, were extremely low, and I think
21 that the permanent list is going to play a role.

22 I think you're going to see increased
23 participation because, you know, just by luck or whatever
24 you want to call it, we saw that very quick ramp-up in
25 terms of adoption and a significant number of voters who

1 voted in 2020 also asked to be placed on the permanent
2 list. And counties back last month mailed out applications
3 to them, and I believe a significant percentage -- this is
4 anecdotal so far, but you know, we've heard from individual
5 counties a significant percentage of those have come back
6 and people have requested ballots for this municipal
7 election.

8 So I think you're going to see increased
9 participation. I think it's a little early to say. I
10 think we have to be a few elections in before we figure
11 out, sort of, what you know, where that threshold will
12 ultimately land. But I certainly expect that it's going to
13 be a lot more than have previously voted by absentee ballot
14 in a municipal election cycle for sure.

15 REPRESENTATIVE ORTITAY: Well, thank you for
16 that. I was just curious. I didn't think that there was a
17 model or anything out there quite yet. But as we move
18 forward --

19 MR. MARKS: Yeah.

20 REPRESENTATIVE ORTITAY: -- that's going to have
21 a big impact on our counties and the amount of precincts
22 that we have. I know presidentials usually bring out a lot
23 more people to vote regardless. But just moving forward
24 just spacing those out making sure we have enough
25 employees, staff, whether that's people counting ballots or

1 people actually working the polls, I think those numbers
2 are going to be very important moving forward. So anything
3 we can do to help work on get those estimates up and be
4 better prepared moving forward.

5 MR. MARKS: I agree.

6 REPRESENTATIVE ORTITAY: All right. Thank you,
7 and thank you Mr. Chairman.

8 MAJORITY CHAIRMAN GROVE: Thank you.
9 Representative Wheeland. There you are, sir.

10 REPRESENTATIVE WHEELAND: Okay. Thank you, Mr.
11 Chairman and Deputy Secretary. Thanks for participating
12 once again. Prior to the start of this hearing, you had
13 indicated that you had been in a lot of communication with
14 counties, I'm assuming, a lot of the election directors.
15 Could you provide, based on your communication with those
16 folks, what do you think the top two, three, perhaps four
17 or five, whatever -- what are you hearing from them as far
18 as recommended legislative changes that would allow for
19 mail-in voting to be more efficient and easy for the
20 counties? What are you hearing from the folks that are on
21 the front lines?

22 MR. MARKS: Well, certainly the ability to pre-
23 canvass voted ballots is at the top of everyone's list --
24 you know, that's election directors, county commissioners,
25 that seems to be -- and I believe Chair Davidson mentioned

1 this earlier as well. That's, you know, probably what
2 you're hearing from a lot of your constituents or a lot of
3 them, you know, county election officials yourselves.
4 That's at the very top.

5 I know there's a desire as well among county
6 election directors to look at the deadlines and perhaps
7 align the voter registration deadline and the absentee and
8 mail-in deadline. You know, I know that's something that,
9 you know, I've talked to a number of county election
10 directors about. You know, providing as much time as
11 possible to process the amount of work that they're doing
12 with the mail-in balloting.

13 You know, the rest of the issues, you know, I
14 don't know that there's necessarily a consensus on those.
15 Certainly, it has an impact on their staffing levels and
16 will have an impact on their staffing levels going forward,
17 so you know, having the -- you know, the additional
18 equipment and having the infrastructure necessary to
19 streamline it. We saw in 2020, for example, counties
20 purchasing equipment that they probably never imagined that
21 they would purchase. You know, mail slicers, you know,
22 very specific exclusive type of equipment that was designed
23 for opening mail. So I think after those two things, the
24 pre-canvass and the deadlines themselves, I think that, you
25 know, counties' focus is on, you know, what is the best way

1 to make this process efficient so that it doesn't require
2 so much manual work on the part of county staff.

3 REPRESENTATIVE WHEELAND: Okay. Thank you very
4 much. Thank you, Mr. Chairman

5 MAJORITY CHAIRMAN GROVE: Thank you.
6 Representative Staats.

7 REPRESENTATIVE STAATS: Thank you, Chairman
8 Grove. And Deputy Secretary, thank you once again for your
9 time. We appreciate it. So we saw an increase of third-
10 party groups sending numerous and in some cases, inaccurate
11 mail-in ballot applications, which left many voters
12 confused, including my house. My wife applied for a ballot
13 early on, and we continued to get applications in the mail,
14 which seemed like daily. And many counties were burdened
15 by that confusion, you know, fielding phone calls and
16 emails and whatnot. So my question, does the Department
17 believe that it would be legally permissible to restrict
18 mail-in ballot applications to distribution by counties
19 only and to prohibit applications from being sent by
20 outside groups?

21 MR. MARKS: Well, I'm not the Department's legal
22 counsel, so I won't opine on whether such a change would
23 hold up, you know, in court or pass constitutional muster.
24 I will say this, if you restrict the sending of, you know,
25 application forms to the Department and counties, you're

1 probably going to hear from the political parties at both
2 the national and state level. I know, you know, both
3 political parties and even minor political parties here in
4 the state do quite a bit of mailing of applications
5 themselves. I received multiple applications from my party
6 in each election cycle, and I know a lot of people who do
7 as well.

8 You know, I think from a policy perspective,
9 without weighing in on, you know, whether restricting it
10 that far would pass constitutional muster. You know, it's
11 something that you'd have to look at. I would think that
12 the political parties would object pretty strenuously to
13 restricting it that far because it is something that they
14 do on a regular basis to get out their political party's
15 voters.

16 REPRESENTATIVE STAATS: And just a follow-up.
17 How do these outside groups go about getting that
18 information?

19 MR. MARKS: Well, it depends on the group. You
20 know, political parties focus a lot of their effort on
21 supervoters, so they're looking at voter registration data
22 that they obtain from the Department or obtain from the
23 county, and they're looking at folks who vote in every
24 election religiously. But they're also looking at, you
25 know, newly registered voters that they've registered

1 during their own voter registration drives.

2 Some of the other independent organizations,
3 they're trying to reach people who don't regularly
4 participate so they may start by using commercial mail
5 lists. You know, they'll go to a vendor that provides a
6 commercial advertising-type mail list. You know, we all
7 get junk mail, and usually whoever is sending us the junk
8 mail has gotten that from a commercial mail list of people
9 in the state or across the nation. So it really depends on
10 the organization. Political parties are probably focused
11 more on voter raw data, whereas a third party may be
12 focused on that, in addition to that commercial mailing
13 list as well.

14 REPRESENTATIVE STAATS: I appreciate your
15 answers. Thank you.

16 MAJORITY CHAIRMAN GROVE: Representative Owlett.

17 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman,
18 and thank you, Deputy, for being here today. I want to
19 talk a little bit more about some security measures with
20 mail-in ballots, something that I hear about quite often in
21 my district that I'm sure we all agree on needs to be of
22 the utmost important. But before that, I just want to --
23 okay. We've learned a lot of things even today. I mean,
24 for me I learned a lot about mail-in ballots, but
25 specifically, just really quick if you could clarify. So

1 if somebody -- in order to get a ballot in my hands, if I'm
2 in person, I have to show and get that -- that ID has to be
3 verified. If I go in person to get that ballot in my
4 hands, I have -- that ID has to be verified; is that
5 correct?

6 MR. MARKS: Correct.

7 REPRESENTATIVE OWLETT: For the first time.

8 MR. MARKS: If you're talking about voting in
9 person --

10 REPRESENTATIVE OWLETT: In person.

11 MR. MARKS: -- at that --

12 REPRESENTATIVE OWLETT: Yeah.

13 MR. MARKS: -- polling place.

14 REPRESENTATIVE OWLETT: Yeah.

15 MR. MARKS: Yes. You have to show a form of
16 either a photo ID or nonphoto ID.

17 REPRESENTATIVE OWLETT: But if I'm doing mail-in,
18 I don't necessarily have to have the ID to get that ballot
19 in my hands. That would be, then, verified on the back end
20 six day -- hopefully within the six days, right?

21 MR. MARKS: Right. You either have to provide an
22 ID that can be verified during the application process, or
23 you have to present to the County Board of Elections some
24 other form of identification within six days after the
25 election. Otherwise, your ballot won't be counted.

1 REPRESENTATIVE OWLETT: Okay. So why don't -- my
2 question is this, why don't we require that on the front
3 end versus the back end the same that we -- before we
4 actually put the ballot in the voter's hands like we do in
5 person? Why don't we make that ID -- especially for the
6 first time even with mail-in before they get that in their
7 hands, why don't we -- wouldn't that be a security measure
8 that would be -- instead -- I'm thinking of the whole six-
9 day thing? We had the whole holding ballots, and that was
10 problematic. It seems to me like, we -- to stay away from
11 that, wouldn't we want to do that on the front end?

12 MR. MARKS: Certainly. And the overwhelming
13 majority of, you know, applications that do come in the
14 person, obviously, is able to provide, a driver's license
15 or Social Security number that can be verified. But you
16 know, for the small percentage that that can't, I guess the
17 question is what would be the mechanism? Would they submit
18 a photocopy? You know, you'd have to look at the logistics
19 of that. But I certainly think it would be beneficial to
20 the voter to have that vetting done as early in the process
21 as possible so that they don't have to worry about
22 submitting a ballot and then somehow getting to their
23 County Board of Elections to present some other form of ID.

24 REPRESENTATIVE OWLETT: Well that's --

25 MR. MARKS: So --

1 REPRESENTATIVE OWLETT: Yeah. That's my thought,
2 too, because our county officials are busy as it is on
3 Election Day, and now all of a sudden that's an additional
4 sorting process that really doesn't need to be taking place

5 MR. MARKS: Right.

6 REPRESENTATIVE OWLETT: -- at that time. I would
7 think that that ID could've been and should've been
8 produced ahead of time. So do we -- do counties keep
9 track, or like, do we have any idea in the last election as
10 far as how many of these ballots that the ID needed to be
11 followed up on? Is that data that's available?

12 MR. MARKS: It is. That is data that we could
13 get from the database.

14 REPRESENTATIVE OWLETT: That would be great if
15 you could provide that to the Committee. I'm just
16 curious --

17 MR. MARKS: And I --

18 REPRESENTATIVE OWLETT: -- what kind of
19 (Indiscernible - simultaneous speech) this happens.

20 MR. MARKS: -- did want to clarify something. So
21 I had mentioned first-time voters at a polling place, and I
22 want to be clear. With absentee and mail-in, you have to
23 do it every time. So even if you voted before by absentee
24 or mail-in, each time you apply, you have to provide
25 identification, so it's something that has to be done every

1 single time. If you're going in person, you only have to
2 do it the first time you voted in the precinct.

3 But no, it's an interesting idea, and I agree
4 doing it on the front end probably benefits -- certainly
5 benefits the county. I think it probably benefits the
6 voter, but you just have to talk through the logistics.
7 You know, not everyone can photocopy a form of ID. You
8 know, you just have to look at how you would actually go
9 about implementing.

10 REPRESENTATIVE OWLETT: Yeah. I appreciate
11 anything we can do to streamline it on the front end makes
12 sense. So going into the security world a little bit
13 deeper, I'm sure you guys have thought -- I mean, the
14 security aspect is important. It's got to be. What are
15 some reasonable legislative changes that would reassure
16 voters of the security of mail-in ballots?

17 MR. MARKS: Well, I think -- you know, I first
18 want to say I believe voters -- you know, and you'll hear
19 shortly from Dr. Stewart, I think the majority of voters do
20 have high confidence that the process is secure; that their
21 ballot was counted. But to the extent that someone does
22 have concerns about security, you know, there are some
23 other mechanisms. I believe our process is secure. I
24 believe we're following best practices in terms of security
25 and integrity, but there are additional measures that can

1 be taken. You know, we just talked about one. You know,
2 the --

3 REPRESENTATIVE OWLETT: Right.

4 MR. MARKS: -- representation of the ID
5 requirements. I know some states require that ID to be
6 provided again at the time that the ballot is sent. You
7 know, and again, you have to talk about the logistics. As
8 I understand it, you're entering it, you know, on -- inside
9 the ballot envelope, so we have to be careful that it
10 doesn't jeopardize the secrecy of the ballot, but there are
11 ways to do that without going too far. You can go too far.
12 I think everyone agrees that security and integrity are
13 very important, but I think we also agree that we don't
14 want to put burdens up or barriers up that prevent --

15 REPRESENTATIVE OWLETT: Right.

16 MR. MARKS: -- people from exercising their
17 constitutional right, their freedom to vote. So it's
18 really that how it's done is just as important as whether
19 it should or shouldn't be done.

20 REPRESENTATIVE OWLETT: Yeah. I totally agree
21 with that. Last question, really quick, Mr. Chairman. So
22 if somebody has done this, and they've -- they didn't
23 provide the ID and they did the mail-in, is that name,
24 then, flagged in any way, shape, or form for next time
25 saying this ballot -- they didn't provide ID? Is there any

1 way for the county officials to be able to see that -- for
2 the next election, that they did not provide the
3 adequate -- or the ID that was needed, and then that ballot
4 was not counted?

5 MR. MARKS: The data is there to do that, but I
6 don't believe -- I'd have to verify this. I don't believe
7 there's, like a canned report or something that they could
8 run that, you know, just focuses in on that list of
9 individuals --

10 REPRESENTATIVE OWLETT: Right.

11 MR. MARKS: -- whose ID didn't verify, but
12 certainly, the data is there. And as we -- you know, as we
13 work on the new SURE database, I think we'll be able to
14 take a lot of -- take advantage of the more modern
15 technology to give counties additional tools to run -- you
16 know, for example, to run ad hoc reports that they can't do
17 in the current system. So you know, I like this back and
18 forth. I think you've clearly thought a lot about it, and
19 you know, I think anything we can do to leverage the
20 technology, newer technology, to make these things easier
21 for counties and easier for voters, I think, would be very
22 beneficial.

23 REPRESENTATIVE OWLETT: Right. Thanks for your
24 time, again. Thanks for coming to all these hearings. We
25 really --

1 MR. MARKS: (Indiscernible - simultaneous speech)

2 REPRESENTATIVE OWLETT: -- do appreciate it.

3 MR. MARKS: Thank you.

4 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN GROVE: Representative Schemel.

6 REPRESENTATIVE SCHEMEL: Thank you, Mr. Chair.

7 And Mr. Marks it won't seem like a state government hearing
8 without you here next time, so (indiscernible -
9 simultaneous speech) maybe you can come as a -- just as a
10 participant. Question --

11 MR. MARKS: I'll miss your very striking bowties.

12 REPRESENTATIVE SCHEMEL: Yeah. Thanks.

13 MR. MARKS: It's a good look.

14 REPRESENTATIVE SCHEMEL: They're out for loan, as
15 you can ask Mr. Lewis. Real quickly, with regard to ballot
16 curing of nonfatal defects in ballots, some other states do
17 this as well. I was curious to know how the Department
18 sort of developed its guidelines, and then post-election,
19 what variations you saw among the 67 counties and how they
20 addressed ballot curing.

21 MR. MARKS: I think, I -- you know, the term you
22 used I think was a good one: variations. You know, it's
23 always important to remember that we're a commonwealth, and
24 we focus on government closest to the people, and I think
25 that's a good thing and it has a lot of benefits.

1 You know, the challenge of course is that you do
2 have some level of variation from one county to another.
3 And I think this is something that the General Assembly
4 should address and provide, you know, very explicit
5 authority for a curing process, where a voter has an
6 opportunity to cure their ballot.

7 Right now, the only option -- you know, statutory
8 option is to cast a provisional ballot. If your ballot has
9 been set aside for some reason and there's nothing you can
10 do to correct that error, you have to go cast a provisional
11 ballot, and the county has to adjudicate all of that on the
12 back end. You know, what we saw was -- because the process
13 was new, we saw during the -- first of all, not every
14 county pre-canvassed. It's not something their required to
15 do. It's optional (indiscernible - background noise) you
16 have that variation, and then even in counties that pre-
17 canvassed and during the pre-canvass, there was some
18 reticence. You know, it's a public process; it's a public
19 meeting, and if you're making determinations about ballots,
20 you obviously have to announce that or provide information
21 to folks who are in attendance. It's the whole point of
22 having authorized representatives there is to provide that
23 information.

24 But at that point in the process, a voter's
25 option really is kind of (indiscernible - background

1 noise). So I think having a -- you know, kind of,
2 (indiscernible - background noise) providing for and
3 noticing cure process, I think, would certainly benefit the
4 voters, and I think it would provide less variation among
5 counties in terms of how they handle voters who haven't
6 done everything they need to do to have their ballot count.
7 I'm sorry. Are you --

8 MAJORITY CHAIRMAN GROVE: You're on mute,
9 Representative --

10 MR. MARKS: -- are you on mute, or?

11 MAJORITY CHAIRMAN GROVE: -- Schemel.

12 REPRESENTATIVE SCHEMEL: There we are. Sorry.
13 Did the Department provide guidance in regard to ballot
14 curing, or really, did the 67 counties kind of each address
15 that in their own way?

16 MR. MARKS: The Department provided guidance
17 regarding the pre-canvass and canvass process, making sure
18 that what the counties were doing was transparent in that,
19 you know, authorized representatives, people in attendance
20 would have the opportunity to know why a ballot is being
21 set aside. In terms of the, you know, what counties may
22 have done prior to Election Day and prior to pre-canvass,
23 the Department did not provide any specific guidance on
24 curing ballots or (indiscernible - background noise).

25 REPRESENTATIVE SCHEMEL: Okay. Thanks. And one

1 last question. This stems off of, sort of, where
2 Representative Mackenzie was going in regard to ballot
3 security.

4 In my own mind, I want to make sure that -- I
5 think that the law needs to ensure going forward that
6 there's parity between those voters that vote in person and
7 those that vote by mail so that whatever levels of security
8 scrutiny we have for a voter in person when they show up at
9 the ballot -- at the polling station, not only the first
10 time do they have to exhibit ID, but following that, they
11 have to sign their name and presumably the clerk, then,
12 will compare that to the signature that they already have
13 on file. We do that with Act 77. We, you know, had, of
14 course, the signatures that would be on the ballots -- or
15 on the exterior envelope, and I recognize that was not the
16 Department's guidance to eliminate the necessity of
17 comparing those.

18 But I think, through a senior living facility in
19 my own district, where they had the data that you already
20 described that you need, you know, Social Security numbers
21 and so forth, they actually requested mail-in ballots on
22 behalf of all their residents as a -- sort of, a courtesy
23 to their residents, and then they would present them to the
24 resident and see if they wanted to complete them. But
25 without something -- a security feature like a signature

1 that actually demonstrates or exhibits that the voter
2 actually had their hands on that ballot, what other
3 security could there be that just someone working at the
4 senior living facility or other facility just completed all
5 of them?

6 So I was asking -- wanted to know your comment on
7 signatures if that's the best way from what you've seen
8 from other states, or is there some other security feature
9 that we can use on these mail-in ballots to make sure
10 they're scrutinized in the same way that in-person ballots
11 are.

12 MR. MARKS: Yeah. I did mention one, you know,
13 verifying the ID during the actual casting of the ballot
14 process. In terms of signature comparison, and as you
15 mentioned, you know, the courts ruled on this -- that is
16 not -- and you're actually going to hear testimony, again,
17 from Dr. Stewart, and I believe he has some additional
18 information in terms of best practices. But states that do
19 signature verification, you know, have the infrastructure
20 to do it.

21 Having human beings who aren't specifically
22 trained to do that, I'm not sure that is a successful
23 model, and you know, we've seen that. Someone who is not
24 an expert on, you know, doing that kind of analysis is
25 likely going to find -- is going to end up setting aside a

1 lot of ballots that shouldn't be set aside. So the states
2 that do it use technology to their advantage, and they use
3 signature verification software. So I think you'd have to
4 look at the infrastructure if you're going to do signature
5 verification, but there are other ways to validate ID.

6 And you can certainly put restrictions on -- you
7 know, you mentioned -- and I've heard this before. I think
8 facilities like that, they're trying to do something good
9 for the residents of their facility, but it does raise
10 questions. You know, the more somebody else intervenes in
11 that process, the less confidence folks outside of that
12 process have, and they're looking at it probably
13 skeptically.

14 You know, so again, you don't want to put up
15 unnecessary burdens. You don't want to prevent people from
16 exercising their freedom to vote, but there are things that
17 can be done to give folks more confidence in the process.
18 But if you're going to do that, you have to have the
19 infrastructure, and I think that's -- you know, you'll
20 probably hear that also from Ms. Anderson about Colorado
21 and how they've leveraged technology to make sure that
22 they're not setting aside ballots that shouldn't be set
23 aside.

24 REPRESENTATIVE SCHEMEL: Okay. Very well.
25 Thanks so much.

1 MR. MARKS: Thank you.

2 MAJORITY CHAIRMAN GROVE: Representative Nelson,
3 followed by Representative Ryan.

4 REPRESENTATIVE NELSON: Thank you, Mr. Chair.
5 And thank you for your testimony. I know we're going to
6 miss you, you know, with our frequent hearings and your
7 information. It really is helpful because I think, you
8 know, there is so very much that we agree on -- you know,
9 the goal of being easy to vote but hard to cheat is
10 something I think all Pennsylvanians can really build on as
11 we're trying to correct some of the concerns that voters
12 have.

13 Along that security perspective -- and we've had
14 past discussions about voter application or the ability for
15 people to go. Earlier in your testimony, when you were
16 touching on the signature or just clicking the box about
17 not having a driver's license and not having a Social
18 Security number, I'm on the PA Voter Services, and it is
19 just a box that you could click that says I do not have a
20 driver's license or a PennDOT ID or a Social Security
21 number. How would a lawful citizen not have a Social
22 Security number in Pennsylvania?

23 MR. MARKS: You know, what we've learned -- I'm
24 not an expert on Social Security numbers, who they're
25 issued to, but what we have learned over the years is you

1 have some elderly folks, who, for whatever reason, were
2 never issued a Social Security number. I know that is
3 something that is -- and some of them don't even have birth
4 certificates. Then you also have individuals who may have
5 come here from Puerto Rico. I understand that, you know,
6 birth certificates and Social Security numbers were -- you
7 know, were not something that were issued to folks until
8 recently.

9 So you know, I think in most cases, it's probably
10 a carryover. And again, this is a very small percentage
11 of -- it's less than a percent -- you know, a fraction of a
12 percent. You know, the overlying majority of folks who
13 request -- you know, apply for an absentee or mail-in
14 ballot are able to provide one of those numbers, and those
15 can be verified as well.

16 REPRESENTATIVE NELSON: So I know we're tight on
17 time, but if we're circling back in the third party, you
18 know, Rock the Vote API, we had a political organization
19 that was given access to collect that information and you
20 just shared that, like, 99 percent of the voters supplied
21 all of that information, and in earlier testimony and
22 hearings, Rock the Vote gets to keep that information. You
23 know, now that the Department of State does have its own
24 website up and has the ability, even though you're not
25 doing anything with the data, you're saying at least it's

1 there, is there a need to continue to let political groups
2 collect that information of our citizens? Because they do
3 get to keep it, right?

4 MR. MARKS: Certainly. I mean, the political
5 parties -- you know, whether you're doing it through API or
6 whether you're doing it on paper, if somebody is filling
7 out a voter registration form during a voter registration
8 drive, there is nothing that prevents that organization
9 from, you know, keeping photocopies, for example, of a
10 paper voter registration mail application. Now, they do
11 have a --

12 REPRESENTATIVE NELSON: My question is
13 specifically on the --

14 MR. MARKS: -- duty to not allow --

15 REPRESENTATIVE NELSON: -- the third party --

16 MR. MARKS: -- that information --

17 REPRESENTATIVE NELSON: -- API -- the electronic
18 third party API access. And they uploaded batches of these
19 voters to your office, which then uploaded them in the
20 counties, and counties testified that it was problematic
21 because data was missing. Do you feel that Pennsylvania
22 needs to continue to use third parties for API access
23 moving forward? Because remember that was one of the areas
24 of election security -- that cybersecurity report that
25 said, hey, this is a really vulnerable thing. You know,

1 now that we have our own website up and running, do you
2 think we could maybe step away from that third party API
3 access, or is that necessary?

4 MR. MARKS: I don't think it's necessary to step
5 away. And again, I want to be clear. The third parties do
6 not have access to the system. They don't have access to
7 data. They're given data by voters during the process of
8 registering to vote, and they're providing that data to us
9 through an API, and that is not, in any way, connected to
10 the system.

11 REPRESENTATIVE NELSON: Correct.

12 MR. MARKS: So I want to be clear --

13 REPRESENTATIVE NELSON: And I agree. They --

14 MR. MARKS: -- about that. It's just as
15 disconnected --

16 REPRESENTATIVE NELSON: -- email that --

17 MR. MARKS: -- as a paper (indiscernible -
18 simultaneous speech)

19 REPRESENTATIVE NELSON: They supply that to your
20 department --

21 MR. MARKS: -- administration.

22 REPRESENTATIVE NELSON: -- which has a very small
23 number of people. Electronically, a batch of voters gets
24 sent to your department, and then your department -- which
25 I understand and respect your limited on your vote -- on

1 your manpower, your department, then, uploads that batch
2 into the SURE system. So there is a step, but it's a
3 pretty direct step. And I appreciate -- maybe we have
4 difference of opinion there on the need to continue --

5 MR. MARKS: Yeah. And --

6 REPRESENTATIVE NELSON: -- to allow that third
7 party API access versus having the state, maybe, coordinate
8 it on its own. Thank you. Thank you, Mr. Chairman.

9 MR. MARKS: And I'm just going to say, too, I
10 want to be clear. If the application information is
11 incomplete, then the county can't process the application.
12 They can't accept it, and they'll have to reject the
13 application or reach out to the applicant --

14 REPRESENTATIVE NELSON: It was actually --

15 MR. MARKS: -- directly.

16 REPRESENTATIVE NELSON: -- confirmed earlier that
17 counties have the choice to do that, that that information
18 is uploaded, the voter gets to vote. Six days after the
19 election, they can be pulled, but we don't even know if
20 anybody has withdrawn that because -- I mean, you said the
21 data is there just nobody's looking at it. I mean, we
22 agree. We want it to be hard to cheat, but we should be
23 implementing some of these checks and balances because
24 there is a direct pathway that if somebody wanted to maybe
25 be inappropriate, you can connect those dots. Thank you.

1 Thank you, Mr. Chairman.

2 MAJORITY CHAIRMAN GROVE: Thank you. Deputy
3 Secretary, we are out of time. We need to move on to our
4 next panel. Again, thank you so much for your time. We
5 appreciate your vast knowledge. And thank you, again, for
6 your participation. It has been invaluable.

7 MR. MARKS: Thank you. And I will follow up on a
8 couple of immediate items, I believe, one for
9 Representative Miller, as well as the other requests, I'll
10 follow up with our legislative staff. But thank you,
11 again, for the opportunity. And again, I hope --

12 MINORITY CHAIRWOMAN DAVIDSON: Mr. Chairman --

13 MR. MARKS: -- my testimony over the course of
14 these hearings has been helpful. Thank you.

15 MINORITY CHAIRWOMAN DAVIDSON: Yes. Deputy
16 Secretary, I just wanted -- I was just confused by the
17 last -- I just wanted to make sure we were all clear on the
18 last batch of questions regarding third party registration.
19 I think it's an important point, so I want to make sure
20 we're all on the same page on what your answer is and what
21 the issue is.

22 I believe the issue was regarding third party
23 organizations, which gets voter information from various
24 sources. There's outside sources that have voter
25 information. The Democratic Party has access to voter

1 rolls. The Republican Party has access to voter rolls.
2 Many third party organizations have access to voter rolls.
3 There's public information regarding the voter rolls. So
4 voter rolls are -- you know, people call voter rolls all
5 the time, so that's an open -- everyone has -- almost
6 everybody has access to voter information. When folks are
7 registered by a third party organization, they have a
8 number of ways of getting that information about the voter
9 and registering voters. They do not have access to the
10 SURE system; is that correct?

11 MR. MARKS: That's correct. Yes.

12 MINORITY CHAIRWOMAN DAVIDSON: But if they
13 register folks, whether it's an organization or individual,
14 any registration goes to your office if they do it on the
15 website. What is the process -- I guess for clarity. What
16 is the process when a third party or anybody registers and
17 it goes to the State Department website? What is the
18 process?

19 MR. MARKS: Well, it doesn't go to the website.
20 So it'll be a data file that we then upload. And I want
21 to -- I also want to make, you know, something else clear.
22 You know, every one of these organizations has to register.
23 We go through a testing process. You know, we have IP
24 addresses. I think we can actually -- if somebody were to
25 do something nefarious with one of these applications, I

1 think we would have a much better chance of tracking down
2 the culprit through this process than we would through a
3 paper-based process because we have all of that additional
4 information about the organization, the IP address it came
5 through, et cetera, so -- but yeah. It's coming through in
6 workflow -- it's a batch of data. It's not direct
7 connectivity to the database.

8 And what I was trying to clarify, is there's
9 nothing -- and you know, maybe there should be. You know,
10 that's a discussion that the General Assembly will have to
11 be. There's nothing that necessarily prevents a third
12 party, whether they're conducting voter registration
13 electronically or on paper, from collecting information
14 about people that are registering. There are certainly
15 laws that prevent them from disseminating, you know,
16 personal information about those individuals.

17 But you know, they're not getting it from the
18 Department of State. We do not provide any personal
19 identification -- identifying information other than the
20 birthdate, which is required to be provided in the public
21 available -- publicly available lists. But we're not
22 providing driver's license or even partial Social Security
23 numbers.

24 MINORITY CHAIRWOMAN DAVIDSON: Thank you.

25 MAJORITY CHAIRMAN GROVE: Thank you. Again,

1 thank you, Deputy Secretary. Dr. Stewart --

2 MR. MARKS: Thank you very much.

3 MAJORITY CHAIRMAN GROVE: Will do. Thank you.

4 Dr. Stewart, are you there?

5 DR. STEWART: I am indeed.

6 MAJORITY CHAIRMAN GROVE: Thank you so much for
7 joining us from Massachusetts. We got tons of out of state
8 -- we had Florida last time. We have Massachusetts today.
9 We have Colorado. So we're grateful for your participation
10 in our hearing schedule. Let me first swear you in, so if
11 you don't mind raising your right hand quickly.

12 (Oath administered)

13 DR. STEWART: I do.

14 MAJORITY CHAIRMAN GROVE: Thank you. And I
15 understand your time crunch, so we will expedite questions
16 as fast as we can. And any opening comments or statements,
17 please feel free to begin.

18 DR. STEWART: Sure. And thank you, Chair Grove,
19 for holding these hearings and for inviting me today. I'm
20 discovered at the beginning of today's session that I'm,
21 first of all, required to extoll the virtues of my state
22 legislative district, which in this case in the 25th
23 Middlesex, but it's the wrong commonwealth, so I'll just
24 stop there. But --

25 MAJORITY CHAIRMAN GROVE: We won't hold that --

1 DR. STEWART: We're all in --

2 MAJORITY CHAIRMAN GROVE: -- against you. It's
3 okay.

4 DR. STEWART: We all live in great legislative
5 districts. So it's a delight to be here today. Given the
6 time and my desire to be helpful to the Committee, I would
7 just like to say a few words by way of introduction, and
8 then I'd be delighted to take questions. Also just given
9 the nature of the work that I do, I'd be delighted to take
10 questions away from me and to get back to the Committee if
11 there's any particular data analysis or other types of
12 research the Committee would be interested in. It's the
13 sort of thing that I do.

14 So the first thing I would say is that it's an
15 honor to be on a series of panels with Deputy Secretary
16 Marks, Pam Anderson, Thad Hall, all of whom are -- I mean,
17 I've known for many years. In fact, with one of these
18 people, I've even written an academic paper. They're all
19 superstars in this space, and they've gotten there by being
20 hands-on and running elections, and I cannot compete with
21 that. And so it's great that you all have access to them.

22 What I do is I -- you know, I study elections.
23 I've been studying elections and election administration
24 for 20 years. You can probably guess which historic event
25 got me into this business. And I've been trying to do what

1 we do best at MIT, which is to approach election
2 administration and election policy from a dispassionate,
3 nonpartisan, scientific basis. And that's what I do as an
4 individual, and that's what I have done collectively with
5 my colleagues in the two labs that I run in this area, so
6 that's my perspective.

7 The written testimony that I've provided is long,
8 and I beg your indulgence. I'll just say, you know, there
9 are three parts, and the parts that I would just highlight
10 are the following from each of those. First of all, in
11 part 1, is a historic look at mail balloting in the United
12 States and has already been reflected by Deputy Secretary
13 Marks, you know, COVID really, kind of, knocked us back in
14 many, many ways. But I would say, most importantly, in the
15 development of mail balloting policy across the country,
16 that states have been gradually adopting mail and absentee
17 ballot laws, expanding them, making them more flexible and
18 have been doing it in a slow and organic way.

19 And in fact, have been doing it in a way that I
20 think, you know, we've been witnessing here today, which is
21 that rolling things out -- rolling them out in -- you know,
22 initially in a few small elections, learning from them,
23 coming back and filling in the holes. And I think what we
24 saw in 2020 what can happen when one has to really hurry up
25 and innovate on the fly.

1 Pennsylvania was lucky in Act 77 and the other
2 pieces of legislation that had gotten y'all already set up
3 to do no excuse mail balloting for this election. I think
4 we saw in several other states, and if I can just mention
5 one -- since they're probably not listening, New York,
6 which was not prepared, quite frankly, and -- which gave
7 rise to all sorts of problems that I think were not quite
8 under the spotlight the way maybe it should've been because
9 it wasn't a battleground state.

10 So y'all are actually lucky in certain ways in
11 that you have a good foundation, a legal foundation. You
12 learned a lot during the 2020 election, and now just
13 listening to the testimony, it looks like you're trying to
14 fine tune it, which is great. But be happy to talk about
15 my experience, what I've learned as other states have
16 rolled out mail-in and absentee balloting.

17 The second part of my written testimony points to
18 research that I have done through the Survey of the
19 Performance of American Elections, the SPAE, which is a
20 survey that I've been conducting after every presidential
21 election since 2008. And there's a lot in that survey. I
22 highlight in my written testimony, first of all, the
23 experience of Pennsylvanians when they marked their ballots
24 by mail, and it was, by and large, a positive one as it was
25 in the rest of the nation. The one outlier there was

1 Pennsylvanians seem to be more likely to say that they had
2 delays in receiving their ballots, but even there, the
3 percentages were very small: four percent of my
4 respondents compared to two percent nationwide. But
5 overall, you know, very good experiences among Pennsylvania
6 voters.

7 Apropos, one of the questions that was asked in
8 the last session, less than half of the people who voted by
9 mail said that they were very likely to vote by mail in the
10 future. That's less than respondents nationwide. There
11 are ways of trying to estimate demand for mail balloting,
12 and I'd be happy to talk about that moving forward.

13 There's some computer modeling, there's experience, et
14 cetera, and there's ways of trying to figure out what's
15 going to happen most reliably on state elections. But I
16 think we're all kind of flying by the seat of our pants
17 nonetheless in trying to figure out what's going to happen
18 in the future. But I think we can assure that -- we can be
19 certain that demand for mail balloting in Pennsylvania as
20 well as in the rest of the nation will recede in coming
21 elections.

22 And then finally, in part three, I just mention
23 some policy issues, many of which were just discussed and I
24 would be more than happy to talk about those issues related
25 to signature matching this verification, particularly when

1 the ballot comes back. Deadlines -- I mean, one of the big
2 issues has been the deadline on the back end, that is,
3 what's a cut-off date for the receipt of ballots. And
4 then, finally, just the signature-matching process and
5 maybe alternatives to signature matching that may, in fact,
6 be more secure and more objective.

7 So with all of those, I'm happy to -- with that
8 throat clearing out of the way, I'm more than delighted to
9 take any questions that might come my way.

10 MAJORITY CHAIRMAN GROVE: Will do. Thank you so
11 much, Dr. Charles. Representative Mackenzie.

12 REPRESENTATIVE MACKENZIE: Thank you, Mr.
13 Chairman. If you can, Doctor, you started down the path of
14 talking about the history of mail voting over recent
15 decades. Can you just continue to expand on that and tell
16 us about the trend and what you're seeing in that expansion
17 of voting?

18 DR. STEWART: Sure. And thanks for the question.
19 The first thing I'll say is, you know, let's pretend like
20 2020 hadn't happened, just for the moment because I think
21 that that helps to characterize how states, just in their,
22 kind of, normal state of the world, have been expanding on
23 this. You know, starting in the 1980s, states began to
24 move away from excuse requirements. And from the 1980s up
25 until 2016, we've seen almost a linear growth in the

1 percentage of ballots cast by mail nationwide. So that in
2 2016, it was about 20 percent, I believe, that were cast
3 nationwide. Most of that growth has come in two ways: one
4 through loosening up -- I mean, basically getting rid of
5 the excuse requirement, and then the second in the western
6 states, particularly Oregon, Washington, and Colorado,
7 going to an all-mail systems.

8 So actually, as an aside, when you look at -- in
9 my testimony I have a timeline from 1996 to 2020. You see
10 the steady growth. Half of that growth is actually these
11 three vote-by-mail states. That states that have gone to
12 no excuse absentee voting have seen their numbers go from
13 around say five -- three to five percent up to usually in
14 the 12 to 15 percent range, maybe 20, depending on the
15 details, but usually in the 12 to 15 percent range.

16 So up until 2016, that was the -- you know, that
17 was the trend. By 2016, something of an order of all but
18 about a dozen states now had no excuse absentee voting,
19 although what we call it in Massachusetts is no-lie
20 absentee voting because what was happening in
21 Massachusetts, for instance, is -- which has only recently
22 gone to no excuse absentee voting, is that we were
23 discovering that there were a whole lot of people in the
24 wealthy suburbs of Boston who found themselves out of town
25 on Election Day, and so they don't have to misrepresent

1 where they're going to be anymore. So that was kind of how
2 things went.

3 2020 -- I mean, I think we all lived through that
4 experience. The percentage of people voting by mail more
5 than doubled for a lot of reasons that all of y'all know.
6 About four states on a temporary basis went to all mail
7 balloting, and all but three or four states at the very
8 least, even if they didn't have no excuse absentee
9 balloting allowed no excuse absentee balloting for this one
10 election. So we saw Election Day turnout plummet to
11 something around 20 percent, I believe, and most ballots
12 being cast by mail. But that very enormously nationwide --
13 I mean, really enormously nationwide. And we can talk
14 about why it varied so much by -- you know, state by state.

15 The Pennsylvania experience in 2020 actually was
16 kind of typical for a state that moved from having an
17 excuse to having no excuse absentee balloting under these
18 circumstances. I believe 20 percent, roughly, of your
19 ballots in 2020 were cast by mail, which is kind of what we
20 would've expected under these circumstances. So anyway,
21 that may be more than you bargained for, but be happy to --
22 any other questions to follow up on that.

23 REPRESENTATIVE MACKENZIE: Yeah. I appreciate
24 that. And the only follow-up I have is, I have --
25 personally, I've seen data and stories that say increased

1 mail voting access has led to greater participation, and
2 then in other cases they say no change in participation in
3 voting. What's your either opinion or your data show or
4 tell you?

5 DR. STEWART: I think the scientific evidence
6 shows the following that in high turnout elections -- and
7 there's actually a couple of things. I would distinguish
8 between no excuse absentee balloting going to that or going
9 to all vote by mail, which I know is not an issue here, but
10 it does get caught up in these discussions about the
11 consequences of voting by mail.

12 From my reading of the literature, at most in a
13 high turnout election, a state adopting vote by mail may
14 get a point or two more turnout as a consequence of that.
15 It primarily is a method for adding convenience to people
16 who would've voted anyway. From what I can tell, the
17 causal effect of going to no excuse absentee balloting is
18 no effect at all on turnout. Again, it's a convenience
19 feature.

20 Finally, I will say there's another question
21 sometimes that comes behind this one about turnout, about
22 partisan use -- kind of how the parties use it. And up
23 until 2020, there was, in general, no partisan --
24 nationwide partisan tilt of the use of mail balloting, and
25 there's been some new research done to I think pretty

1 definitively show that, at least in a causal sense, that
2 just expanding mail voting doesn't have -- doesn't appear
3 to have partisan consequences.

4 REPRESENTATIVE MACKENZIE: So just so that I can
5 restate, just so that I'm clear. So you're saying in high-
6 turnout elections, all mail would increase turnout by one
7 or two percent; is that what you said?

8 DR. STEWART: Yes. Yes.

9 REPRESENTATIVE MACKENZIE: Okay. And your
10 opinion -- your reading of the literature and the data is
11 that no excuse mail voting does not lead to any change?

12 DR. STEWART: That's correct.

13 REPRESENTATIVE MACKENZIE: Okay. All right.
14 Well, that's all the questions I have. Thank you very
15 much. I appreciate you being here. And I'll turn it back
16 over to the Chair. Thank you, again.

17 MAJORITY CHAIRMAN GROVE: Thank you.
18 Representative Dowling.

19 REPRESENTATIVE DOWLING: Thank you, Mr. Chair.
20 And thank you so much for being here today. One of the
21 concerns that's been expressed in the past is the length of
22 time prior to Election Day that you have -- that some votes
23 are cast, especially in presidential primaries. We know
24 that there are, you know, some cases where a candidate may
25 pass away shortly before an election. We also have all

1 heard of the October surprise that can come up. My
2 question is, specifically, the statistical impacts of the
3 effect that these votes have been cast and locked in so
4 early, have you seen statistical impacts like that in the
5 past?

6 DR. STEWART: Thanks for the question. I don't
7 know that this is actually a statistical question other
8 than just an -- almost like an accounting question really.
9 And we certainly observe situations where, as you say,
10 particularly in primaries, and especially presidential
11 primaries, where the rolling nature -- it's a combination
12 of the rolling nature of the season plus requirements, say,
13 under the UOCAVA Act that basically has mail ballots going
14 out so early, that you could have voters end up voting for
15 people who are out of the running. And we've certainly
16 seen that -- we certainly saw that in 2020. Like,
17 California was a good example of that and some other
18 states.

19 There have been some proposed solutions for that,
20 which actually have been implemented more often really with
21 UOCAVA voters -- overseas voters because of these
22 deadlines, and that is to allow some sort of ranking, for
23 instance. As you probably know there are activists and
24 zealots about rank choice voting and those sorts of things,
25 and I'm not one of those folks, but I do think that if it

1 is a concern about the length of the period, especially in
2 primaries, then allowing people, perhaps, to rank -- you
3 know, rank candidates might be valuable.

4 The final thing I'll say as well, though, and
5 this ends up being a problem in the primaries, is that so
6 many presidential candidates when they pull out actually,
7 quote/unquote, suspend their campaign. So I mean, it seems
8 to me that if the Legislature were to want to go down the
9 route of providing some fail-safe for people who have
10 already put their ballot in, then one needs to think about
11 the conditions under which the state recognizes someone as
12 having withdrawn from the race because they may not have
13 formally withdrawn their candidacy.

14 REPRESENTATIVE DOWLING: Thank you.

15 MAJORITY CHAIRMAN GROVE: Representative Keefer.

16 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.
17 So the question I have -- sorry. The question I have is,
18 so do you know of any other states providing means for
19 voters to cancel or amend their already mailed-in votes in
20 these -- in any type of situation?

21 DR. STEWART: The one state that comes
22 immediately to mind, and there may be a couple of others,
23 is the state of Michigan, which has a process -- I won't --
24 I'm not an expert on it. There are people -- we can get
25 you information on that, but as I understand it, if you

1 have already sent in your ballot, you may request to
2 withdraw it, I believe, up to the day before the election
3 and maybe even on Election Day, which is, you know,
4 responsive to the concerns that was just responding to.

5 And it also is one of the reasons why, in
6 Michigan, they've -- you know, I think in Michigan it was
7 harder for them to consider pre-canvass provisions, right,
8 because once you've canvassed a ballot and taken it out of
9 the privacy sleeve, maybe, then you can't withdraw that
10 ballot. But in any case, Michigan would be one of the
11 places to take a look at for this.

12 REPRESENTATIVE KEEFER: Thank you.

13 MAJORITY CHAIRMAN GROVE: Representative Lewis.

14 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman.

15 And I want to thank the gentleman from Franklin County for
16 his coaching and assistance and style inspiration on making
17 sure I have the appropriate attire to be recognized with a
18 tie. Professor Stewart, thank you for being with us today.
19 Members of the Pennsylvania House, we run in relatively
20 small districts, only around 62,000 constituents on
21 average, and we're pretty far down on the ballot.

22 But some races are even further down the ballot
23 than us in smaller jurisdictions than ours, and so
24 campaigning can take place up to and including on Election
25 Day and even with folks on their way to the polls, and this

1 has been a vital part of local politics for a long time.
2 And so my question to you is, is there any scholarly
3 analysis or data on whether the national transition to
4 mail-in voting has harmed local or less funded political
5 campaigns? Thank you.

6 DR. STEWART: That's a great question, and I will
7 have to -- I will punt by saying I'm actually not aware of
8 research, but I can certainly take a look and report back.
9 I would also encourage you to ask the same question of Ms.
10 Anderson later on because she was, you know, an election
11 clerk in Colorado when their changes were made. So she has
12 direct, on-the-ground experience about the effects on local
13 politics.

14 REPRESENTATIVE LEWIS: Wonderful. I thank you,
15 sir. I thank you for your contributions to research, which
16 has been so impactful.

17 DR. STEWART: Thank you.

18 MAJORITY CHAIRMAN GROVE: That's a beautiful
19 bowtie, Representative.

20 REPRESENTATIVE LEWIS: Thank you, Chairman.

21 MAJORITY CHAIRMAN GROVE: Representative Diamond.

22 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.
23 And I didn't realize that Instagram filters were able to be
24 used on these teams meetings. So congratulations to
25 Representative Lewis for doing that. Dr. Stewart, what is

1 the impact, if any, on under voting after the expansion of
2 mail-in voting, just so we can clarify for people who are
3 watching. My understanding of under voting, and you can
4 clarify or correct me if I'm wrong, is when someone gets a
5 ballot -- and we all get the ballots, and they have a
6 number of different races on, and you only vote in a couple
7 of those races, and like down ballot, you kind of just skip
8 those races because you don't know who those people are.
9 That's what we're talking about here about under voting.

10 And if you have any clarification of that, go
11 ahead. But what is the impact, after the expansion of
12 mail-in voting, on the number of voters who actually under
13 vote because it seems like they would take a little bit
14 more time to not feel rushed when they're voting at home,
15 you know, that sort of thing.

16 DR. STEWART: Yes. Thanks for that question.
17 There's two aspects to the question. And on the question
18 of under voting, I mean, that -- the claim that you make is
19 a common one, and I think -- I actually think it's
20 intuitive. I will admit that it's hard to find academic
21 research on that question. And actually my lab has
22 supported a little bit of research to try to, kind of, get
23 at these issues of under voting down ballot and also of
24 increased information for voters. That's another
25 justification for these. And so I -- again, I will punt on

1 that. I will also look for -- you know, kind of, look for
2 good academic studies on that and get back to you.

3 REPRESENTATIVE DIAMOND: All right. Well, thank
4 you so much. It's actually interesting to me as someone,
5 you know, who's involved in the process here because I know
6 a lot of times, especially in presidential years, people go
7 out and just vote in the presidential race. And there are
8 other important races. I've always thought that the local
9 races were way more important than the presidential race,
10 but that's because I'm kind of a local guy, but I always
11 thought they were more important. So it would be of
12 interest. If you do find anything, we would appreciate it.
13 Thank you, Mr. Chairman.

14 DR. STEWART: Happy to do that. And actually, if
15 I could just say one more thing, and this relates to the
16 first question I was asked. The research on turnout, by
17 the way, does show that in vote by mail states, they
18 actually get greater turnout in local elections when you --
19 not surprisingly when you mail everybody a ballot. What I
20 don't know is -- again, there's probably an analog there,
21 too, for instance, what happens with local elections when
22 someone is, say, on a permanent list and they get a -- say,
23 a primary ballot when they may not have thought about
24 voting in a primary or in a city or a county election. So
25 there's also similar questions there as well.

1 MAJORITY CHAIRMAN GROVE: Thank you.
2 Representative Schemel.

3 REPRESENTATIVE SCHEMEL: Thank you, Mr. Chair.
4 Dr. Stewart, you had said in response to one of the earlier
5 questions that you expect demand for mail-in voting to
6 recede when we don't have a pandemic. So looking at your
7 own testimony and the information you provided -- looked
8 like about 42 percent you believe voted by mail. Do you
9 expect those percentages to recede significantly? Is
10 voting by mail going to be a modest percentage of the vote
11 going forward do you think, or is this a new trend where,
12 you know, we will have a permanent, sort of, stock of
13 people that always select that option?

14 DR. STEWART: I wish I -- honestly, I wish I knew
15 the answer to that question. I think, you know, certainly
16 supporters of vote by mail will claim that once you've
17 taken a bite out of the apple, you're going to love it and
18 you're going to keep doing it. I think, though, it's very
19 clear from my research that a lot of people were voting by
20 mail this time because they were worried about the
21 pandemic. And you know, there are people who enjoy voting
22 in person. There are people who, you know, would like to
23 wait late if they could, et cetera. And so we're going to
24 have to wait this one out. I mean, I do think that the
25 local elections will be certainly informative coming up.

1 One of the things that I've been doing, and I
2 actually did it before this presidential election, was
3 actually doing public opinion surveys before the election
4 asking people what they intended to do, and I and some
5 other groups had a good experience doing that. And so if
6 there is great concern moving -- especially moving into the
7 state elections where you might be worried about missing
8 big, one could do fairly inexpensive public opinion surveys
9 to figure out ahead of the election whether it's going to
10 be, you know, big, medium, or small moving forward. So
11 this is -- I mean, obviously I'm going to say we need more
12 research, but I really think in this case, we need -- we do
13 need to do a little research.

14 REPRESENTATIVE SCHEMEL: So following on that, in
15 your answers to some of the other questions, is there any
16 data that would indicate whether there's any large
17 percentage in states -- especially states that have more
18 mature vote-by-mail programs that there's -- do many people
19 express voter regret, where maybe their mind was changed
20 between when they cast their mail-in ballot and Election
21 Day, or is there really no good data to indicate that one
22 way or the other?

23 DR. STEWART: Yeah. I don't know that I would
24 say there's no good data, but we just -- when we ask people
25 about their experience voting by mail, I mean, that issue

1 doesn't come up in large enough numbers to kind of make a
2 dent in survey research.

3 I think one of the things to keep in mind is that
4 people who vote by mail, especially in -- most states are
5 like Pennsylvania where you have to apply for a ballot.
6 And people who are applying for a ballot are generally, you
7 know, more interested in politics and public affairs, and
8 usually, quite frankly, already know how they're going to
9 vote. And so they're less primed to be disappointed in a
10 big way than people who -- you know, who will vote in
11 person. People who vote in person in a normal election
12 tend to be -- I think, more likely to be swayed by events
13 at the last minute, so no.

14 REPRESENTATIVE SCHEMEL: Very good. Yeah. Thank
15 you so much.

16 DR. STEWART: Thank you.

17 MAJORITY CHAIRMAN GROVE: Thank you. Dr.
18 Stewart, I want to discuss signature verification because
19 obviously integrity is a critical part of the mail-in
20 ballot process. You know, we've had discussions. Here in
21 Pennsylvania, we basically have your -- for the most part,
22 your original signature you sign with and a lot of states
23 update that. They capture all the signatures so they have
24 a robust analysis throughout the year. Some even allow
25 individuals with Parkinson's and other diseases that may

1 have an impact on your handwriting to actually file
2 paperwork and disclose that for, obviously, that signature
3 check purpose. Can you review, kind of, that signature
4 verification process?

5 And also I'm very interested in how other states
6 are doing it because it's a very difficult task to do.
7 Obviously, we have some sorting machines here in
8 Pennsylvania that use AI. Not every county has that
9 option. So what are other states looking at as
10 alternatives of signature verification and how successful
11 have they been with that?

12 DR. STEWART: Right. And I was looking really
13 quickly at my report to see if I had included the citations
14 associated with the Healthy Elections Project, which I ran
15 before the election. We had a couple of reports
16 specifically on signature verification, and if they aren't
17 cited in my testimony, I will get them to you for you to
18 take a look at. One is a report about what happened in
19 California counties, which are about as variable as the
20 state's, and then another report by law students at
21 Stanford University Law School on the nationwide issue, and
22 so I will definitely get those to you.

23 So signature verification, a number of points to
24 be made. The first one is that, you know, signature
25 verification really is intuitively appealing to people. It

1 is to me. And I mean, I'm not denigrating it. It's
2 intuitively appealing, but it's very hard to implement
3 consistently. It's harder than it looks. And some states
4 seem to take that difficulty more seriously than others.
5 And evidence of that is in two forms. One, some states
6 spend a lot of time and effort at training election workers
7 in how to do this.

8 One example, for instance, that I've gotten to
9 know because I'm on the secretary -- in Georgia, I'm on the
10 Secretary of State's Advisory Committee, and I've learned
11 there, for instance, that they have the Georgia Bureau of
12 Investigation train workers in signature matching. So you
13 know, relying on people who have forensic experience --
14 experience in forensic signature matching, and I believe
15 that's the model in western states as well. Ms. Anderson
16 probably has some good ideas about how they -- but I know
17 she has good knowledge and ideas about what they do in
18 Colorado. So training. That's the first thing.

19 The second thing is bringing in automation to do
20 that. Bringing in automation is controversial because it
21 does take the human element out of that, and the rules are
22 usually that you can't -- you can accept ballots through
23 automation, but you can't reject them. And so that's
24 something that needs to be looked at carefully. The one
25 thing I will say as a general matter in elections is that

1 automation -- whether it be in counting ballots or
2 verifying signatures or doing things like that, automation,
3 machines, computers are better at tedious things than human
4 beings are, and verifying a signature and counting a ballot
5 are two really tedious things.

6 And so I think that, especially for large
7 jurisdictions, there is good reason to investigate
8 artificial intelligence machines that have been developed
9 in the commercial setting. That technology has been
10 developed and financed, and I know there are vendors
11 willing to sell that. Again, I think talking to Ms.
12 Anderson about that would be really informative.

13 And so just to wrap up, I would say that training
14 and automation are the two issues. And off the top of my
15 head, I don't have a really good state-by-state mapping of
16 who does it well, except to say the western states because
17 they've had more time with this and -- you know, when you
18 do all of your ballots by mail you think really hard about
19 all of these issues with respect to mail ballots. And so
20 Washington, Oregon and Colorado would be the states that I
21 would grill them on how they do it and learn from them.

22 MAJORITY CHAIRMAN GROVE: Will do. And from your
23 experience and research, particularly with a lot of western
24 states and states completely going to mail-in votes, has
25 those signature requirements and the integrity provisions

1 put on those mail-in ballots, were they effective in
2 ensuring that those ballots were true ballots and those
3 integrity provisions were effective?

4 DR. STEWART: I know because I've listened to the
5 secretaries of states and the election directors out there
6 testify about this, and they're convinced that they've been
7 able to verify signatures with integrity. And again, Ms.
8 Anderson -- I mean, you'll definitely want to hear from
9 her. They will also point out, by the way, that all vote-
10 by-mail states do other things to make sure that the entire
11 process is -- that you're getting the ballots to the right
12 people.

13 And one of the things for vote-by-mail states,
14 they'll also say is that if you are only dealing with -- if
15 you are always dealing with voters by mail, you will always
16 know when they move, and you can kind of keep track of them
17 better. If you're mailing somebody a ballot four or five
18 times a year and you're working closely with the postal
19 service to make sure that you have good addresses, then
20 your voter roll is cleaner. So there are other things that
21 they will also point out that go beyond signature matching
22 that make them more satisfied, certain that the ballots are
23 going to the right people and the right places.

24 MAJORITY CHAIRMAN GROVE: Excellent. And just a
25 point of -- the articles you pointed out, they're the

1 articles on what other states have used outside of
2 signature verification to try to build in some integrity in
3 the process, correct?

4 DR. STEWART: Yes.

5 MAJORITY CHAIRMAN GROVE: Okay. Thank you.
6 Chairwoman Davidson.

7 MINORITY CHAIRWOMAN DAVIDSON: Thank you. Thank
8 you for being here. I just wanted to clarify a few of the
9 points that you made and then I do have one question. You
10 talked originally about the percentage of folks. I believe
11 you were talking about the percentage of people in terms of
12 the growth of mail-in voting over the course of a time
13 period. Can you just restate that so I'm clear on what
14 those statistics are?

15 DR. STEWART: Yes. And actually, now that I've
16 actually opened up my report, I can give you the exact
17 numbers. If you had stopped in 2016, about 20 percent of
18 Americans nationwide had voted by mail, 60 percent voted in
19 person on Election Day, and another 20 percent, roughly,
20 voted early in person. So let's call it, 60/20/20.

21 MINORITY CHAIRWOMAN DAVIDSON: Okay.

22 DR. STEWART: In the 2020 election, 46 percent --
23 so I probably misspoke before, but 46 percent according --
24 and this is survey based, but 46 percent of Americans voted
25 by mail, and then roughly a quarter of Americans, then,

1 voted either on Election Day or early in person.

2 MINORITY CHAIRWOMAN DAVIDSON: Okay. And I
3 wasn't sure when you were speaking then, if you were
4 talking about the percentage of voters, which now I'm clear
5 you were. I'm interested in the number of states, also.
6 Do you have data in terms of the number of states that had
7 early -- I'm sorry, mail-in voting, that was no excuse or
8 however they termed it, in 2016 as opposed to 2020?

9 DR. STEWART: I do. Excuse me. I do. It's not
10 in my written testimony. I can certainly send this to the
11 Committee offline, but the National Conference of State
12 Legislatures is actually where I go to get this
13 information.

14 MINORITY CHAIRWOMAN DAVIDSON: Okay.

15 DR. STEWART: Their website has really excellent
16 coverage of what the policy is and actually very helpful
17 here, they actually make distinctions between what the
18 permanent legislation is in various states, what happened
19 in -- what those states did in 2020 that may have been
20 emergency or one time only. But I can get those -- you
21 know, those citations for you.

22 MINORITY CHAIRWOMAN DAVIDSON: And finally, on
23 this part of my questions, there's only three states in the
24 union that have all mail-in voting systems; is that
25 correct?

1 DR. STEWART: That was true up until 2016.

2 MINORITY CHAIRWOMAN DAVIDSON: Okay.

3 DR. STEWART: That was Washington, Oregon, and
4 Colorado. For the 2020 Election, Hawaii -- I'm going to
5 get this wrong, but Hawaii, the District of Columbia, and
6 one more state that I'm blanking -- Utah also decided to do
7 all vote by mail.

8 MINORITY CHAIRWOMAN DAVIDSON: Okay.

9 DR. STEWART: And then there were some other
10 states, such as Vermont and California, Nevada, which
11 mailed -- and New Jersey, of course, that mailed ballots to
12 all voters but only for the 2020 election. And again, I
13 can -- rather than going off the top of my head, I can also
14 get you those exact states.

15 MINORITY CHAIRWOMAN DAVIDSON: Okay. All right.
16 Thank you so much. Just a couple of other points as it
17 relates to down-ballot voting. I have a few phrases that I
18 like to say around here, some that annoy people, but I like
19 to say gerrymandered Republican Majority, and I also like
20 saying that I didn't vote for Act 77. It's the second
21 thing I like to say.

22 And particularly because of down-ballot voting, I
23 was really concerned since we changed the whole straight
24 ticket voting, which I know -- I don't know Pennsylvania is
25 one of the few states that still does that. But we had

1 straight party voting prior to Act 77, and I don't know if
2 there was a drop-off in down-ballot voting in the 2020
3 election as a result of that. What have you seen in other
4 states, if you've been able to study that at all? I'm not
5 sure. But if you have, what do you have on that?

6 DR. STEWART: Yes. In general, when you get rid
7 of -- and many states have abandoned straight ticket voting
8 over the last two decades, and when you do that, quite
9 naturally, as one would imagine, the number of votes down
10 ballot is reduced. That's certainly true.

11 MINORITY CHAIRWOMAN DAVIDSON: Okay. And my --

12 DR. STEWART: So the number of under votes down
13 ballot increases as a consequence, so.

14 MINORITY CHAIRWOMAN DAVIDSON: Okay. My final
15 two questions, I'm going to ask them together because I
16 know I'm running out of time. You said that the signature
17 verification system -- the automated system accepts but not
18 rejects. So in that instance, if you have a batch of votes
19 that go into the automated system, it just tells you which
20 ones are accepted, then there's some that are not accepted,
21 but the system -- the automated system can't reject them,
22 what happens then? Is that when it goes to an in-person
23 system? Because I'm sure each party would want to know,
24 you know, what signatures had a problem and whether or not
25 it gets rejected. Is that how that usually works in

1 states?

2 DR. STEWART: Yeah. So to be very clear -- and
3 the last thing you said is really important. Every state
4 is going to be slightly different. And in fact, I like to
5 say that the one law in election administration is that
6 every law of election administration you state will be
7 false in at least one state. But in general, the practices
8 are that if you have an automated system that -- at best,
9 you can accept that the machine -- if you set it to the
10 tolerances of -- in accepting at a certain level, if the
11 machine decides to accept it, usually the decision is,
12 okay, this ballot or this application or whatever will be
13 accepted.

14 If the quality of the signature falls below a
15 certain threshold and the machine does not accept it, that
16 ballot envelope then is basically thrown into another bin,
17 where it's then subject to human adjudication. And you can
18 think about that adjudication as being the same sort of
19 adjudication that you would give to an absentee ballot if
20 you were looking at -- if you were manually judging every
21 one.

22 MINORITY CHAIRWOMAN DAVIDSON: And my very final
23 question, for historically disadvantaged communities,
24 communities that have been historically discriminated
25 against in voting, what does your research show in terms of

1 those communities voting by mail or not voting by mail
2 prior to 2020?

3 DR. STEWART: I could go on for a long time. The
4 short version of that is that I do know that African-
5 American voters, in general, have been less likely to vote
6 by mail, once you control for party and other demographics.
7 And that was also true in 2020 as well. So African-
8 Americans did vote by mail at greater numbers in 2020 than
9 in 2016 nationwide, but it wasn't as big of a jump as for
10 White voters and also for Hispanic voters as well.

11 MINORITY CHAIRWOMAN DAVIDSON: That's consistent
12 with my findings and my reasons for voting no on Act 77.
13 Thank you. Thank you. This was very helpful.

14 MAJORITY CHAIRMAN GROVE: Thank you, Dr. Stewart.
15 We don't have any other questions. Well, I have one more,
16 and I got to do it because it's Pennsylvania. So as a
17 tenured professor at MIT, who is your number one favorite
18 alumni?

19 DR. STEWART: Of MIT?

20 MAJORITY CHAIRMAN GROVE: Yes. Of the political
21 science department of MIT?

22 DR. STEWART: Of the political science department
23 of MIT. I'm wondering. Let me look to my bookcase over
24 here. Oh, look. I see a doctoral dissertation by one
25 Thomas Wolf, who wrote the best dissertation in the field

1 of American politics in the year that he wrote it about a
2 son of Pennsylvania, Thomas Brackett Reed, and the
3 institution of the Reed Rules in the House of
4 Representatives, so I would say he's my favorite.

5 MAJORITY CHAIRMAN GROVE: Yeah. I've read
6 through it. I believe the title and a lot was discussion
7 about -- I call it congressional chaos a little bit, but --
8 with the legislative branch, which some of us find very
9 ironic, but yeah.

10 DR. STEWART: Yeah.

11 MAJORITY CHAIRMAN GROVE: But thank you very
12 much, Dr. Stewart. I appreciate that.

13 DR. STEWART: No problem.

14 MAJORITY CHAIRMAN GROVE: Enjoy the rest of your
15 day.

16 DR. STEWART: Thank you very much. Good luck
17 with your hearings.

18 MAJORITY CHAIRMAN GROVE: Thank you. Next, we're
19 going to Pam Anderson. She's a former election official
20 from the State of Colorado and is a mail-in ballot expert,
21 as Colorado has now gone to all mail-in ballots. Are you
22 there Ms. Anderson?

23 MS. ANDERSON: I'm right here. Can you hear me?

24 MAJORITY CHAIRMAN GROVE: We can hear you.
25 Great. Thank you. Can you click on your video?

1 MS. ANDERSON: So I am showing that my video is
2 active.

3 MAJORITY CHAIRMAN GROVE: Yep. There you go.
4 Now we can see you. All right.

5 (Oath administered.)

6 MS. ANDERSON: I do.

7 MINORITY CHAIRWOMAN DAVIDSON: Thank you so much.
8 And with that, any opening remarks for the Committee this
9 morning?

10 MS. ANDERSON: Certainly. Yes. Thank you very
11 much, and I very much appreciate the invitation to have me
12 at your hearing -- at your committee hearing, honorable
13 committee members. My name is Pam Anderson. I am
14 President of Consilium Colorado, LLC, and an expert in
15 elections policy administration. I've really appreciated
16 the previous testimony, and a shout out to Dr. Stewart, who
17 I have worked with in the past primarily around elections
18 metrics and data, which has informed a lot of my elections
19 administration.

20 I was elected the Wheat Ridge City Clerk back in
21 2003. I have about 17 years' experience as both an elected
22 official for 13 years and a -- I'm sorry, 11 years and as
23 an administrator for nearly 17. I inform and support local
24 jurisdictions, states, federal agencies as well. I serve
25 on multiple volunteer boards in elections administration

1 and best practices. I was also elected the clerk and
2 recorder. We do several things as the clerk and recorder.
3 I was a Republican election official for eight years.

4 Jefferson County, just to keep with the theme, is
5 a large county west of Denver, that is both politically and
6 geographically diverse. I represented constituents --
7 about 500,000 at the time, both urban and suburban as well
8 as mountain precincts. We are the gateway. Our county
9 seat is Golden, Colorado, so you may recognize that from
10 Coors beer commercials, which has their original brewery in
11 our state, and we were the territorial capital of Colorado
12 prior to statehood.

13 My constituency as an election official -- and I
14 was partisan elected as a county clerk and unaffiliated
15 elected at the municipal level, so I'm happy to answer any
16 of those local election race questions, as both I
17 experienced three campaigns and am familiar with, sort of,
18 that political environment as well. My county is
19 politically diverse. And there's a saying here in
20 Colorado, as Jeff Co goes, so does the state. Our
21 political makeup represents the state -- overall statewide
22 makeup. And at the time, we were a third Republican, a
23 third Democrat, and a third unaffiliated. Now we see a
24 much larger unaffiliated population in Colorado.

25 My written testimony that I submitted provides a

1 lot of detail around elections administration, but one of
2 the main points I want to make is that elections are -- and
3 I've heard this from others, are an ecosystem, and our
4 system developed over time. The details will be primarily
5 about mail ballot and absentee, the topic of the hearing
6 today. There's no element or tool or vote method that can
7 be evaluated in isolation.

8 I've heard previous hearings and previous
9 testimony that, sort of, demonstrates that for you and for
10 local election officials. And you know, we built our
11 system over time, and it's very, very true, similar to what
12 Dr. Stewart was saying, that we had the blessing and
13 opportunity to evolve this over several decades with a lot
14 of reform happening during my tenure, starting in 2006
15 through 2014.

16 As an election official, as an elected official,
17 I served with the Colorado County Clerks Association, which
18 is a very robust professional association. I served on the
19 board. I was co-chair -- bipartisan co-chair for our
20 Legislative Committee and our Election Statute Review
21 Committee. I was also president of the association when we
22 passed our major reform bill, the Colorado Voter Access &
23 Modernization Bill in 2013 that codified our transition to
24 our hybrid system.

25 You often and heard today that we are an all-

1 mail-ballot system for federal, state, and also odd-year
2 coordinated elections, which include statewide initiatives.
3 We are a very robust initiative state. We have very long
4 ballots because local jurisdictions, whether they're
5 municipalities, towns, or local special districts, like
6 water or fire districts can coordinate their board and
7 taxing elections. We had a constitutional amendment in
8 2000 -- or I'm sorry, 1992 that passed that required a vote
9 of the people for any tax increases. And so within that
10 amendment, it provided that taxing, odd-year taxing
11 elections could also be conducted by mail.

12 We moved to mail-ballot primaries in 2010, and we
13 had no excuse absentee for many decades. We went to a
14 permanent mail list beginning in -- it passed in 2007, and
15 my county was sort of on the forefront of that evolution.
16 We typically saw, prior to the permanent mail list, about
17 half of our voters choosing and requesting a ballot every
18 single year. And so it became very clear that reducing
19 that bureaucracy for our voters could be helpful.

20 My permanent mail list went from 50 percent
21 requesting immediately to almost 70 percent being permanent
22 mail by 2007, the 2007 election. By 2008, we were at 75
23 percent mail, and by 2000, permanent mail, and by 2014,
24 when our all-mail system passed -- the first general
25 election, the all-mail system passed the General Assembly.

1 Prior to that, our list was at 81 percent, so it was always
2 a very popular option for my constituents.

3 Colorado model was evolved through a
4 collaboration between legislature and local officials, as
5 you are doing. I really commend you for inviting experts
6 and local election officials from your state to give
7 feedback. Voters can be securely provided options on voter
8 registration and voting options with efficiency and
9 transparency with ballot accountability safeguards,
10 signature verification, and really robust public accounting
11 and audits, which I can describe in more detail as we do it
12 in Colorado.

13 Robust and modernized voter registration database
14 and election management is vital. That's part of that
15 ecosystem. I know you've had hearings on that topic alone.
16 It's incredibly important. Participation by local election
17 officials and functionality, development, upgrade, and
18 maintenance of those systems is important. List
19 maintenance couldn't be more important, not only for
20 efficiency but accuracy of your voter rolls. We were a
21 founding member of the ERIC program. I know you are a
22 state that utilizes and are members of the ERIC program.
23 And we fully use the data provided through that system to
24 maintain our lists.

25 Our Colorado voting options, I would say it's a

1 little bit more of a hybrid system than what is routinely
2 demonstrated. Yes. We do mail a ballot to every active
3 eligible voter in the state, for generals, for
4 presidentials, and for odd-year coordinated elections and
5 any local taxing district elections. But vote centers and
6 in-person options are available, hundreds of them,
7 throughout the state. This is available for full-service
8 options so that the choice comes to the voter on whether or
9 not they need a replacement ballot that they can carry out.
10 They can drop off their ballot. We have full, accessible
11 voting for ADA, and also for anybody that just chooses to
12 vote in person and have that preference.

13 So on average, we have about five to seven
14 percent of our voters that actually choose to vote in
15 person. So while our mail ballot mailing is all-mail
16 ballot, the return is not all-mail ballot. Military
17 overseas voters and voters with disabilities have
18 additional access options for electronic delivery in our
19 state as well.

20 Ballot preparation, I can answer any questions
21 about how we do that in detail. I gave you some written
22 testimony. And paper ballot accounting and audits are
23 extremely important and a big part of our election
24 ecosystem. We do have in-person paper ballots and mail
25 ballots that are dropped off in person. All of our ballots

1 are actually centrally counted and tabulated, not in the
2 precincts. This allows for us to do some best practices
3 and audits. We're the first state -- and my co-chair and I
4 were advocates at the legislature for risk-limiting audits.
5 We passed that initially back in 2011. It actually took us
6 nearly 10 years to fully implement that because the systems
7 needed to be built and put into place.

8 Pre-election day processing, what you call pre-
9 canvassing, we do do that in Colorado. Jurisdictions --
10 local jurisdictions can begin processing, pre-validating,
11 as well as scanning ballots as early as 15 days before
12 Election Day. And I can describe to why I feel like that's
13 an extremely important option, not only for local elections
14 administration but for voter confidence as well.

15 I am an advocate for some standardization and
16 especially for resources for training of local election
17 officials, standardizing certain and various election
18 process and training and statute, and more specifically,
19 under the authority of your chief election official -- in
20 our state, it's the Secretary of State -- with guidance,
21 when practical, is beneficial for both voters and election
22 officials in our state. It can allow for thoughtful
23 differences in population density, urban versus rural,
24 resource and space, and we've codified that in our state
25 statute both on the number of vote centers that we make

1 available as well as drop boxes. And you know, space and
2 resources is extremely important. We invest and require in
3 local election official training with the state
4 certification for training for local officials required for
5 clerks and recorders in our state, and they also train
6 their staff. And our Colorado County Clerks Association
7 has robust training.

8 These types of certification programs can
9 positively contribute to staff development in that election
10 professional marketplace when you're experiencing a lot of
11 turnover, as I've heard in previous testimony. We also
12 have experienced a lot of turnover in our state for local
13 election officials. I think the Baby Boomer turnover is
14 going to be real and is a thing, and so training is
15 important.

16 But I appreciate -- thank you. I can provide any
17 other detail for questions, and I'm happy to answer -- I'm
18 sorry, any of that detail.

19 MAJORITY CHAIRMAN GROVE: Thank you so much, Ms.
20 Anderson. First question goes to Representative Schmitt.
21 Representative Schmitt. There you are.

22 REPRESENTATIVE SCHMITT: Yep. I got it. Thank
23 you, Mr. Chairman. Ms. Anderson, I was curious. Over what
24 period of time was Colorado's system of mail-only elections
25 implemented.

1 MS. ANDERSON: Thank you, Representative, for
2 that question. Excuse me. I have a little tickle in my
3 throat. So many decades for absentee -- so we've had no
4 absentee for a very, very long time. And as I heard
5 described earlier, you know, we often had -- have folks
6 that travel. We have a lot of mountains. You might be
7 aware the Rocky Mountains exist. We have a lot of strong
8 tourism industry in Colorado, and we have a lot of
9 snowbirds, so our no excuse absentee process has been in
10 place forever.

11 Registration reform started back in the '80s
12 for -- with Motor Voter. We actually passed under
13 Republican legislature Motor Voter registration prior to
14 the federal law. And so that type of reform started in the
15 '80s. Dr. Stewart sort of describes that trend of reform
16 in that. I think Colorado is probably a good case study
17 for that trend. We're also a wonderful laboratory because
18 we are so politically diverse and have been historically
19 extremely competitive, and we also have coordinated
20 ballots. So our local elections can be coordinated by the
21 county to give that voter that down-ballot experience in a
22 consolidated ballot.

23 Starting in 2006, is when we started seeing, you
24 know, after the 2000 election, just like a lot of states
25 experienced a lot of reform in elections administration,

1 and we weren't unique in that. Colorado in 2006, we were
2 the first state to implement vote centers. So Larimer
3 County, Scott Doyle, the clerk and recorder there, was the
4 innovator on that, and it was really driven by a pragmatic
5 approach. You know, we had early voting in vote centers
6 where within the county jurisdiction, any voter can go to
7 any location for the early voting period, and then on
8 Election Day they were required to go to a specific
9 precinct. It sort of made sense in our state to say, why
10 can't you take that early voting model to that full county
11 Election Day experience.

12 And so that passed by our legislature in 2006, at
13 the county option to move to vote centers. My county
14 actually did not go to vote centers in 2014. It was
15 primarily driven by an equipment decision and I was
16 shifting to paper ballots, which provides a more unique
17 administrative challenge for vote centers. But we saw a
18 lot of innovation, and I think that's my main theme here.
19 A lot of innovation with technology that gave us better
20 infrastructure to roll out more access points and choice
21 for our voters.

22 And so after 2006, you saw online voter
23 registration. We centralized and upgraded. I recommend
24 this. We upgraded and rolled out our registration and
25 election management system. In Colorado, we call that

1 SCORE, similar to your SURE database. That happened in
2 2008, and we did it in a presidential year; don't recommend
3 that. But it was -- the voter registration system is your
4 fundamental tool. And I think that's a really important
5 thing.

6 We then went to permanent mail. We went to mail
7 ballot primaries after permanent mail. And then again in
8 2013, we had a major election reform. We also saw multiple
9 reforms on registration database maintenance. How we
10 communicate with voters and what choices and integrity
11 pieces we provide. We saw security elements like signature
12 verification implemented as early as 1993.

13 REPRESENTATIVE SCHMITT: Okay. Great. Your
14 testimony notes that Colorado -- the Colorado ballot
15 management system allows for reconciliation of ballots.
16 What are the security characteristics of the ballots
17 themselves? I mean, are they serialized or secured in some
18 other way?

19 MS. ANDERSON: So you know, ballots are -- have
20 some in-built in -- built-in security with paper and
21 certain functionality on the ballots. The ballots
22 themselves are anonymous. We do have precinct numbers that
23 are in place on that, and we also have, sort of, ballot
24 layout and style provides some built-in security that the
25 layman may not be familiar with. On our envelopes, we

1 require -- we have some templates that we provide. Our
2 outgoing envelopes have, you know, our addressing,
3 either -- you know, a smaller county will do labels.

4 And our voting system actually has the capability
5 to print those, and so it's integrated with our voting
6 system, which I think is extremely helpful. You're not
7 dealing with a third party in your -- you know, in your
8 office, but you're also providing all that data
9 specifically into the label making from the system.

10 The other thing that we do on return envelopes is
11 we do have our sworn affidavits. We do signature
12 verification. We only ask for the signature and date for
13 the affidavit. We don't require additional ID information,
14 like, name or anything like that. The voter information is
15 actually either over-sprayed or labeled by the election
16 official based on the information from our database. We do
17 uniquely code our elections with a ballot ID, so we do know
18 that a particular ballot that goes out is assigned to a
19 particular person in a particular precinct, and it has a
20 numerical number for that ballot ID so that when it comes
21 back it can be barcoded in what we -- I heard someone
22 describe this in a previous hearing -- call binking (ph).
23 That's like a thing in election administration. That's
24 universal.

25 REPRESENTATIVE SCHMITT: Binking?

1 MS. ANDERSON: Where you have a barcode scanner
2 that can tell you what -- you know, that was the
3 appropriate ballot sent out in the envelope. Anonymous
4 ballots are very important, so we do not identify to a
5 particular voter any identifying information. Voter
6 privacy is built in to our state constitution.

7 And so we also provide replacement ballots. So
8 you can get more than one ballot -- up to three ballots --
9 in Colorado. And the security is in the return. We know
10 if that's the replacement ballot or the original. Our
11 system can only accept one ballot back, and first ballot,
12 whether it's the replacement or someone found the original
13 and sent that one. We can void ballots in the system and
14 make sure that we're accounting for that.

15 Our system also produced -- and that -- this has
16 been built over time -- is administrative reports that help
17 you to balance and account for the ballots that come back
18 and the voters that have a record for voting, and all of
19 that's extremely transparent. We have very robust ballot
20 tracking as well.

21 In my county, we had a poll system of ballot
22 tracking, where a voter could go to our website and that's
23 built into our online voter registration system, and see
24 the disposition of your ballot. That's an important
25 confidence and security --

1 REPRESENTATIVE SCHMITT: Yes.

2 MS. ANDERSON: -- measure.

3 REPRESENTATIVE SCHMITT: Yes. Yes.

4 MS. ANDERSON: Yeah. And with the CARES Act this
5 year, we were really excited because the Secretary of State
6 was able to provide grant funding to allow for the push
7 ballot tracking system. Our medium- and large-sized
8 counties have had this for over 10 years, where you can
9 send an email or a text or a notification, your ballot's
10 been mailed, your ballot has been received, your ballot has
11 been accepted or rejected, and that voter has that more
12 push communication as across the entire state, including
13 our rural counties, which has been a functionality they
14 haven't had up until now. It's always been, the voter can
15 go look it up themselves. I think that's a really
16 important and valuable --

17 REPRESENTATIVE SCHMITT: Yes.

18 MS. ANDERSON: -- tool --

19 REPRESENTATIVE SCHMITT: Yes.

20 MS. ANDERSON: -- for --

21 REPRESENTATIVE SCHMITT: Yes. Absolutely.

22 MS. ANDERSON: -- voters. You know, for example,
23 I heard earlier saying how does a voter know -- or how do
24 you know that person got the right ballot and sent -- they
25 were the one that sent it in.

1 REPRESENTATIVE SCHMITT: Yes.

2 MS. ANDERSON: The signature verification on
3 return, ballot accounting on return, but also I can tell
4 you after millions of ballots processed in my jurisdiction
5 and with ballot tracking through that entire time, I can
6 tell -- and we do notifications after an election. If
7 someone did not vote, our records show you didn't vote --
8 you know, confirmation cards. If a person received a
9 notification that their ballot was processed and they
10 didn't send it in, we would hear from them, and we just
11 don't see that.

12 REPRESENTATIVE SCHMITT: All right. Well, I tell
13 you what, this is fascinating to hear, and I would love to
14 continue this conversation, but I cannot monopolize you.
15 So I appreciate all the information. And I'll turn it back
16 over to Chairman Grove. Thank you. Thank you. And thank
17 you, Mr. Chairman.

18 MAJORITY CHAIRMAN GROVE: Thank you,
19 Representative Schmitt. Representative Owlett.

20 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman.
21 And thank you, Pam, for joining us. Really quick, three-
22 level question here. How does the signature verification
23 work specifically? I know that it's something you talked
24 about. Very important. So that'd be kind of the high
25 level. Maybe middle level, if there's a dispute and

1 adjudication is needed, what's that process look like? And
2 then the lower level, specifically what signature records,
3 does Colorado use for comparison?

4 MS. ANDERSON: Thank you, Representative, for the
5 question. And it's an extremely important one, and I am an
6 advocate for signature verification, so let me tell you
7 where I sit. And the reason why I'm an advocate is because
8 I tested the system, and I want to share that with you a
9 little bit as well. I'm a data geek, and my husband and I
10 have a small manufacturing company, so quality assurance is
11 a thing for me, so I'm going to --

12 REPRESENTATIVE OWLETT: Very much so.

13 MS. ANDERSON: Yeah. So I'm going to share my
14 experience as both an election official and an elected
15 official. And when I came in as a clerk and recorder, you
16 know, mail ballot was popular, but before the expansion, I
17 did a deep dive on the signature verification process. And
18 as Dr. Stewart has described, I would completely agree with
19 his characterization of signature verification. We've been
20 doing it for many decades. And your infrastructure around
21 that is important, and I know you guys are discussing your
22 registration database. And we're very lucky in Colorado
23 because we've built -- starting with our registration
24 database, a lot of infrastructure in for that process and
25 system. So first I'd like to address that.

1 With Motor Voter, we now -- and this is the
2 driver's license. We have a fully integrated system with
3 our driver's license system, so we can capture the driver's
4 license signature image and import that into our
5 registration system because we have an initial driver's
6 license reference from every registered voter with a
7 driver's license or ID; that's really important. And over
8 time, we have also been able to scan, clip, and import any
9 example of any signature on voted ballots, on registration
10 forms, on back when we had absentee requests on those --

11 REPRESENTATIVE OWLETT: So you're --

12 MS. ANDERSON: -- forms --

13 REPRESENTATIVE OWLETT: -- constantly collecting
14 those signatures all along so that you can -- keep an eye
15 on them. Okay.

16 MS. ANDERSON: Correct. So with the voter, over
17 time, they can build a library of signatures that show
18 differences, you know, over time. I know, Mr. Chair, you
19 mentioned -- I think it was you that mentioned -- you know,
20 signatures can denigrate with age or health conditions. I
21 don't know about you, I have -- my son just graduated from
22 college. I have a college student. Eighteen-year-olds and
23 older, 16-year-olds can pre-register in Colorado. Your
24 signature may change a little when you're young, you know,
25 as you're forming your signature identify. So we do have

1 libraries of images.

2 Now, for new voters and voters that just moved
3 in, we may have a smaller number of signature references,
4 but our signatures -- our voter registration system and
5 verification program will populate the three most recent
6 signatures onto a screen for our -- what we call election
7 judges that are appointed, first by parties, and then if we
8 need additional judges to review a series of signatures or
9 at least one signature for every voter. If a ballot is
10 rejected due to a mismatch or -- teams of two judges do a
11 deeper dive into the analysis. So they can go in to the
12 system and look at more references if they have them and
13 have a more intense conversation around that signature.

14 We have signature automated equipment that is
15 primarily used by large jurisdictions with mail sorters
16 that have that software capability. It is the local
17 election official's decision on whether or not they utilize
18 automated signature verification. My county was the first
19 county to implement a sorter -- a high-speed mail sorter on
20 return. We did not -- initially, we did not do automated
21 signature verification. That was early in the development
22 of the technology. Now, that has expanded in Colorado.

23 We have limitations on how many signatures can be
24 reviewed through an automated process. As Dr. Stewart
25 described, they can only be accepted. Every rejected

1 ballot needs to have that bipartisan team scrutiny and have
2 more signature references available to -- because the
3 sorting equipment -- the automated signature equipment may
4 only look at one: the most recent signature.

5 Our laws -- our verification laws are written to
6 the benefit of the voter. One of the very important pieces
7 that we have regarding signature verification because as I
8 described, it's an ecosystem -- no single thing; it's part
9 of a system. We have cure available. And so in the event
10 that a voter's signature is rejected or is missing, we
11 notify the voter. By statute, it's within three days.
12 It's a rolling window. It's one of the reasons why pre-
13 canvassing is so very important for us because it gives
14 voters that time opportunity that may be remote, military,
15 overseas or temporarily away or serving in other -- or our
16 snowbirds or anybody that may need a little time to have a
17 cure instance to say, yeah, that was me.

18 Some of our most common rejections are -- you
19 know, people do move, so there are small numbers that are
20 appropriately rejected because it wasn't voted by the
21 appropriate person. Our rate of rejection is anywhere from
22 0.3 percent to about one percent on average. That varies
23 by election. High-participation elections have a little
24 bit higher rejection rate. In my experience that's because
25 you have more new voters -- first-time voters with every --

1 you know, every four years --

2 REPRESENTATIVE OWLETT: Right.

3 MS. ANDERSON: -- presidential elections. We
4 also have voters mistakenly sign a family members' ballot
5 or an adult child, like a college student, mistakenly, and
6 so that can be resolved and looked at more clearly.

7 And then I -- not -- it's not in any sort of
8 flippant way, but we have drive-by drop off. I like to
9 call them our steering wheel ballot, people that are
10 signing their ballot on their steering wheel. Sometimes
11 they're not -- you know, or your grocery store PIN pad
12 signature. It needs to be precise, and so if you don't
13 take care with your signature you may need to resolve that.

14 The cure is an extremely important piece for us.
15 We give voters up until eight days after Election Day to do
16 the cure. We make that easy. You can send in on the
17 affidavit as well as an acceptable form of ID to cure your
18 ballot, and you can do that electronically. So we also
19 make that list public. So from the political perspective,
20 we have seen campaigns actually reach out independently to
21 voters to cure their ballot and make sure they're noticed.
22 We notify them through every method of notification we can:
23 by mail, email, if we have one, and phone if we have it.

24 REPRESENTATIVE OWLETT: Great. Well, I
25 appropriate your passion for this. It's something that's

1 super important, being able to verify that signature. I
2 think that's a -- it's a -- we do it in a lot of other
3 things in life. It makes sense to do it with our ballots.
4 I really appreciate your time, and thank you for being
5 here, and thank you, Mr. Chairman.

6 MS. ANDERSON: If I could just add one more
7 thing. The reason why I know this works -- and we -- and
8 I -- as an election official I did this. I conducted
9 operational audits of our signature verification process.
10 I knew that ballots that were rejected got a real close
11 scrutiny, but I also wanted to make sure -- the ballots
12 that are accepted -- how are the judges doing it? How's
13 our training? Training of this process is extremely
14 important. We built our training over time, but we do use
15 FBI and CBI based training -- forensic training. We train
16 judges every single election, and a lot of times we get
17 repeat -- election judges that come back to us with
18 experience, which is also helpful.

19 And we audit -- you know, I audited that process
20 to make sure -- is fatigue playing a role? You know, how
21 are they doing? Is it accurate? And I have a lot of
22 confidence in it. We saw no issues, once we started doing
23 those operational audits. You know, and if you saw someone
24 that had a slightly higher rejection rate or something like
25 that, you went to them, you observed -- how's their

1 training? Do they need additional training? Anything of
2 that nature. So I do have a pretty good level of
3 confidence in the process.

4 MAJORITY CHAIRMAN GROVE: Thank you. Next
5 question is Representative Ryan.

6 REPRESENTATIVE RYAN: Ms. Anderson, first of all,
7 thank you so much. I'm a CPA, so when you're talking about
8 audits, I have a -- you just warmed my heart. And I also
9 want to say I do quite a bit of -- used to do quite a bit
10 of work with the Colorado Society of CPAs. And Colorado
11 has always been known for its very robust auditing system.
12 So a lot of your questions hit -- or comments hit on some
13 of the concepts I'm looking at.

14 So you mentioned voter centers, and one of the
15 issues that I'd like to really get an idea from is how
16 they're used and inherent -- and from your prior answer
17 about voter centers, I got the distinct impression that you
18 have an incredibly balanced and intense performance audit
19 capability along the way and a significant -- almost like a
20 Six Sigma flowchart to ensure that they -- the system has
21 enough touch points that you can tell if something is going
22 wrong.

23 So in that same question of voter centers and
24 your other testimony, could you give us some idea about
25 your post-election audit results -- those kind of things.

1 And then finally, if you have any links to documents that
2 you've used in the building up of the Colorado system, I
3 would personally very much like it if we could get that to
4 the Committee. So thank you very much.

5 MS. ANDERSON: Thank you. Thank you,
6 Representative. Yeah. So election geeks like auditing
7 mostly. I mean, you know, I think having the
8 infrastructure in place to check the process, whether --
9 you know, from an operational perspective, having the tools
10 available to do it efficiently. You know, whether or not
11 they happen during the election or post-election, I
12 think -- I'm a fan of audits at whatever point you can do
13 it. Timelines are extremely important.

14 When we began talking about our risk-limiting
15 audit in Colorado, you know, we passed legislation that
16 said we were -- and it was in 2011, and -- as I recall.
17 And when we passed that legislation, we actually couldn't
18 do it, technically. We had to set an implementation out.
19 You know, I think the original implementation date was five
20 years out. It ended up being -- getting pushed off to 2017
21 because the voting systems, at the time, could not
22 produce -- we were shifting to paper ballots whether
23 they're delivered by mail or in person.

24 Voter-verified paper ballots are really important
25 for us for independent election accountability. And so we

1 wanted to do a risk-limited audit that gave us a high level
2 of confidence that the voting systems were tabulating the
3 equipment -- that ballot appropriately.

4 One of the reasons we chose to centrally count is
5 we -- it enabled us to do a risk-limited audit on -- where
6 we could account and batch ballots and go -- our audit
7 boards are publicly appointed -- our audit boards can go
8 seek out a particular ballot and have a cast vote record on
9 how that ballot was tabulated. And that's the
10 significantly valid sampling of the ballot and tabulation
11 system that we were able to build in Colorado.

12 I'm an advocate for any type of audit that -- you
13 know, whether it's a comparison audit or otherwise a two --
14 I know many states do two percent. I think your state does
15 that. You know, a more parallel audit where you're coming
16 to the same outcome. I think, you know, ensuring that that
17 equipment is operating effectively and accurately is
18 important.

19 We do the same for the automated signature
20 verification. Our code requires if you use automated
21 signature verification that you audit the software in the
22 system as you use. We have robust pre-election logic and
23 accuracy testing as well as, we do our risk-limited --
24 statewide risk-limited audits. And we keep auditing, and
25 we ramp up the number of ballots we select based on the

1 margin, how close an election is. And if we're not getting
2 a satisfactory audit report, we audit more, which could
3 result in a full hand count, if necessary, if we found --
4 if we could not have that level of confidence that the
5 tabulation was accurate.

6 The signature verification on the manual system
7 is not required by law for manual. This is a best practice
8 that I recommend, and many of our counties do that.

9 REPRESENTATIVE RYAN: This has been helpful.
10 Just one very quick final question: if the system has not
11 been completely audited and a performance check in advance,
12 is a post-election risk-limited audit of significant value?

13 MS. ANDERSON: I believe it is. I think it's an
14 incredibly important one from a voter confidence, as well
15 as an election official confidence level. I think
16 auditing's -- and audits are the standard across the
17 country. And while we have a risk-limited audit, we've
18 been able to build the infrastructure over time. I'm a fan
19 of any types of audit. And a friend and colleague from
20 Colorado, Jennifer Morrell, would be the person to come and
21 talk to you because she's published great work on that that
22 you can find and happy to send you reference for that.

23 REPRESENTATIVE RYAN: Please do.

24 MS. ANDERSON: But I'm a fan of both some
25 operational audits when you can. Another study that we did

1 is we looked at the type of ID that people presented in
2 person and for ballots to, you know, help us both know how
3 our election was operating. And we did that post-election,
4 right, by taking a look back. But help to inform best
5 practices or improvements. And one of the themes for local
6 election officials is we're always looking to get things
7 better.

8 REPRESENTATIVE RYAN: Thank you so much. Mr.
9 Chairman, thank you.

10 MAJORITY CHAIRMAN GROVE: Thank you,
11 Representative Ryan. Representative Staats.

12 REPRESENTATIVE STAATS: Thank you. And thank
13 you, Ms. Anderson. Welcome to Pennsylvania, even if
14 virtually. And in your testimony, you mentioned that your
15 statewide voter registration database includes a ballot
16 management system and electronic pollbook capability. Can
17 you speak to those aspects and the benefit of those
18 aspects?

19 MS. ANDERSON: Thank you, sir. Yes. It is a
20 vital and important tool, both for providing the amount of
21 access we can provide for our voters as well as some of the
22 security elements in our system.

23 So Donetta Davidson was Secretary of State when
24 we were starting to build and design our SCORE system. And
25 one of the key decisions that I think helped is county

1 officials are required to register voters, and we do the
2 verification and validation of voter registration, but our
3 system is an independent county systems that feed into a
4 state system. When we implemented it, it became a state
5 system that fed -- that interacted back and forth with the
6 county system.

7 So every county utilizes the SCORE system for
8 registration as well as an election management system that
9 allows us to keep ballot inventory information in our
10 system as well as to provide -- and at the beginning to
11 provide information on that ballot accounting. So
12 assigning a particular ballot, not allowing another -- a
13 second ballot for -- to be received. It gives you
14 indications of that and as well as implementing our
15 signature verification and providing efficiencies for that.
16 So for example, having the ability to see signature
17 references without any other information about the voter --
18 their name, their party, anything -- you're just looking at
19 signatures. That sort of capability got built over time.

20 For accounting purposes, one of the really
21 instrumental things for us was building in what is more
22 commonly known as sort of an e-pollbook system -- a
23 statewide e-pollbook system. It is a module web score that
24 in our vote centers for early voting, we wanted a system
25 that could issue a ballot to a voter -- an in-person ballot

1 or a mail ballot replacement as part of that entire system.
2 It is internet based, so we -- you know, we have that
3 access. We have contingencies for if the internet goes
4 down, provisional ballots being one of them, paper pollbook
5 backup for jurisdictions, if necessary. Election officials
6 always work on, what's our backup plan? So that's also
7 helpful.

8 Our registration system and our ballot accounting
9 system provides reports. We have public participation
10 reports, so campaigns and -- as a former candidate and
11 elected official, you may be interested in -- and I think
12 you probably have some of this as well, but you can do a
13 chase of voters, whether they vote early, whether they vote
14 by mail, who's voted, who hasn't, who we've received a
15 ballot back. We also can provide reports that help in
16 administration and accounting. We batch and account for
17 our ballots, so that our public canvass board can account
18 for the ballots that we received -- the pieces of paper,
19 the batches, throughout the entire process and provide
20 reports to -- for voter participation, which are mostly
21 public and compare those and reconcile the election by
22 precinct.

23 So one of the big developments -- and that was
24 part of our 2013. List maintenance is extremely important.
25 Our comparison database doing National Change of Address,

1 keeping people updated, we actually evolved that system.
2 We use National Change of Address. We do Social Security
3 number validations. We validate to our driver's license
4 database. We do data exchanges for address changes and new
5 voters daily with our Department of Revenue, who does our
6 driver's licenses.

7 And we also have connectivity to our Corrections
8 database. In Colorado, you are eligible to vote if you are
9 on probation or have served your sentence of time, not if
10 you're incarcerated for a felony. And so that data changes
11 for eligibility over time. We get monthly data exchanges
12 for those. And so it has a lot of functionality that's
13 been beneficial to those values of list maintenance
14 integrity.

15 And what we've learned is our voters don't
16 distinguish between agencies in government or levels of the
17 government. You and I may not be the average voter. Most
18 people say, well, if I change my driver's license address,
19 why doesn't it change this here? And what we've found is
20 that automatically updating registration -- we actually do
21 automatic voter registration for new voters with driver's
22 licenses. And being able to access that live across the
23 entire state has provided us the ability not to have to ask
24 voters to vote provisionally, which was one, very popular
25 with voters -- voting in vote centers and getting issued a

1 ballot and doing same-day registration, but it provided the
2 needed security to ensure that we can see statewide that a
3 ballot was not cast by that voter anywhere else in the
4 state.

5 REPRESENTATIVE STAATS: And then very quickly,
6 regarding the e-pollbook, I mean, many times when you go to
7 the poll, that's where a bottleneck takes place.

8 MS. ANDERSON: Uh-huh (affirmative).

9 REPRESENTATIVE STAATS: I would imagine one
10 benefit would be the e-pollbook is more efficient getting
11 people through the line.

12 MS. ANDERSON: Thank you for that question. The
13 e-pollbook is efficient now. I can tell you historically,
14 the robustness of the system is extremely important for
15 that to be true. So our e-pollbook is held in the SCORE
16 system and it's held, you know, on servers and backup
17 servers at the Secretary of State's office, and it is an
18 internet system, and so, you know, outages whether they're
19 local or statewide -- we did, early on, experience outages
20 frequently in an election that did contribute to some line
21 management issues. But building that infrastructure over
22 time, we have not experienced any of that in the last
23 couple of cycles, which has been great.

24 REPRESENTATIVE STAATS: Well, very good. Thank
25 you very much. And thank you, Chairman Grove.

1 MAJORITY CHAIRMAN GROVE: Thank you.

2 Representative Diamond.

3 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

4 Thank you, Ms. Anderson. Your testimony mentions
5 that Colorado requires the ballots be mailed to voters no
6 later than 18 days prior to an election, and currently
7 Pennsylvania law allows voters to request a ballot -- mail-
8 in ballot up to 7 days before an election. Can you
9 describe the benefits of Colorado's earlier deadline?

10 MS. ANDERSON: Thank you, Representative. One of
11 the big benefits of our 2013 reform was some of the
12 consistency across county jurisdictions and our model. So
13 this is very helpful, one, for voters and reducing voter
14 confusion, but also it's frankly very helpful for campaigns
15 and advocacy groups, and in medium markets across your
16 state that vary in having a consistent message to voters.
17 So we do have a window, so it's not a single day but a
18 window of that initial ballot mailing for the original
19 ballot to go out prior to an election, and as you said, it
20 was 15 to 18 days.

21 Now, I have -- we do have a little additional
22 time in the event that the election falls -- if there's a
23 Monday federal holiday, because then mail service is
24 slower, so we get a little extra time on the front end in
25 the event of a federal holiday. We have one of the latest

1 mailing windows in the country, if I -- I believe. I think
2 our local election officials wouldn't mind maybe just a
3 little bit -- in hindsight, a little bit more time to
4 ensure that any challenges with U.S. Postal Service can be
5 accommodated, but one of the positive things is having that
6 consistent window to communicate to voters across media
7 markets, across campaigns, directly from election officials
8 to their voters, your ballots will begin to be mailed out
9 starting this date and you should see them, you know, going
10 out across the state over that next week or so. Ballot
11 delivery to our rural counties is a little bit -- takes a
12 little bit longer so we want to provide enough time to get
13 the ballot out, have a voter be able to take their ballot,
14 contemplate, and vote it, and have time to mail it back.

15 We also have an eight-day -- we -- not that a
16 voter can't mail their ballot back, but we cannot mail a
17 ballot to a voter after eight days before the election day.
18 We want to make sure we have enough time to get that out
19 there. But another safeguard for us for that mail ballot
20 is we have our vote centers, so in the event a voter had
21 any challenge or they did not update their address, for
22 example, or their ballot delivery was delayed, we have that
23 (indiscernible) person option for someone to come get their
24 ballot.

25 REPRESENTATIVE DIAMOND: All right. Thank you.

1 Thank you, Mr. Chairman.

2 MAJORITY CHAIRMAN GROVE: Representative
3 Mackenzie.

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

6 And Ms. Anderson, thanks for joining us. I
7 appreciate you being here and hearing your testimony today.
8 So in your testimony, you mentioned that a large number of
9 Colorado voters take their mail ballot and vote in-person
10 on election day by dropping that off. So can you explain
11 how that process works as compared to another drop-box
12 location where they might drop it off or any other option
13 they may have to drop off a ballot?

14 MS. ANDERSON: Yeah. So in Colorado, we value
15 and have institutionalized voter choice. So we have
16 hundreds of drop box locations in jurisdictions across the
17 state. The minute we create -- same with vote centers, by
18 statute, a minimum number required by county, and it's
19 tiered by the size of your county, by the number of voters,
20 the population density, and so forth. It's a floor, not a
21 ceiling, so we allow local election officials to determine
22 if they need more or want more. Voters have the option to
23 go to 24-hour drop boxes to drop their ballot at any time
24 during the voter -- voting period. Those ballot drop boxes
25 open as soon as ballots are available. They can drop them

1 off also in their vote center, so they can carry them in
2 and drop them off. They can be issued a mail ballot and
3 then decide they want to vote it there and then drop it in
4 the drop boxes. We have a lot of ballot custody and
5 security around that process. Best practices that are also
6 memorialized in Secretary of State Rule, so generally, the
7 statute provides and the Secretary of State Rule then
8 specifies some of the detail around security and provision
9 of those access points.

10 But in Colorado, historically, our voters still
11 like voting on election day. By mail, they vote -- the
12 primary tool is their vote-at-home ballot, but they choose
13 to drop it off on election day, so we get as much as a
14 third to 40 percent of voters, even if they're voting their
15 mail ballot, dropping them off. And we have a -- we're a
16 ballot-at-hand state so that we have to receive it by close
17 of polls, which in Colorado is 7 p.m. At that point, we
18 have distributed staff that close the ballot boxes and we
19 have personnel at U.S. Postal Services to secure those
20 ballots and bring them back for processing.

21 So you do see, we're able to preproc -- you can
22 see in time with results processing. You know, we have
23 close of polls at 7:00. That's when the tabulation system
24 brings together the election results and they get publicly
25 published. We have a statewide election results system, so

1 that gets fed up to the state as soon as -- both at the
2 local it can be projected, as well as fed into the
3 statewide system.

4 And you see, shortly after close of polls --
5 again, with -- you know, typically what you see with our
6 local election officials, they go what we call, going in
7 clean to election day where every ballot that they have,
8 whether it's early in person or mail ballot has been pre-
9 processed and accounted for prior to election day, so
10 you'll see, shortly after close of polls, anywhere from,
11 you know, 60 to 70 percent of election results that
12 correlate to that pre-election day time period and then you
13 see unofficial election results updated throughout the
14 evening and over the next several days, because in our
15 densely populated areas, you know, mail ballots take longer
16 to process and verify. So you'll often see in our urban
17 areas and some of our rural areas some unofficial updates
18 the day after or a few days after election day. Those are
19 going to be in-person election day voters and those voters
20 that dropped their ballots off on election day.

21 The last unofficial results posting will be our
22 military overseas voters that voted by election day but we
23 give time for those voters to receive back their ballot, or
24 those cure ballots that I referred to earlier, you have an
25 opportunity up until election day. And with final results

1 posting, typically by Friday in the most densely populated
2 areas, but you can see those results trends correlate in
3 time that make sense and correlate with participation,
4 which I think is helpful.

5 I'm sorry, Representative. I think you're on
6 mute.

7 REPRESENTATIVE MACKENZIE: Thank you. So let me
8 just ask a few logistical questions about, again, those
9 mail voters who are choosing to drop it off on election
10 day. Do they have to drop it off at their precinct or they
11 can drop it off at any location -- any election or, you
12 know, polling location?

13 MS. ANDERSON: Yes. Thank you for that question.
14 So voters can drop off their ballot at any location
15 statewide. So what we mostly see is, though, they'll drop
16 their ballots off in the jurisdiction they reside in. You
17 know, at times -- so for example, one of the advantages to
18 our system that we've discovered is it's very versatile and
19 resilient in disasters. We have a lot of fires out here in
20 the West, and so you may have a firefighter that is
21 fighting a fire in a different part of the state. They can
22 drop their ballot off in any location in the state.
23 They're secured by the election official and we exchange
24 those ballots within that eight-day period in order to
25 count every eligible vote that we can in Colorado.

1 REPRESENTATIVE MACKENZIE: So here in
2 Pennsylvania, we had our mail ballots being counted at the
3 county level, so if these ballots come into an election day
4 polling location, they aren't counted there that evening;
5 they're then taken at the close of polls to the county
6 location. Is that correct?

7 MS. ANDERSON: That is correct.

8 REPRESENTATIVE MACKENZIE: Okay.

9 MS. ANDERSON: We centrally count all of our
10 ballots at our elections office.

11 REPRESENTATIVE MACKENZIE: And then those that
12 are from outside the county, you're saying, get exchanged
13 over the next eight days?

14 MS. ANDERSON: That is correct.

15 REPRESENTATIVE MACKENZIE: Gotcha. Okay. All
16 right. That's all the questions I have. Thank you very
17 much again. Appreciate it.

18 MS. ANDERSON: Thank you.

19 MAJORITY CHAIRMAN GROVE: All right.

20 MS. ANDERSON: I should probably add, and I don't
21 think I included this in my elections testimony, we do
22 enable voters, electors to give their ballot to someone
23 else to collect and drop off. Under State statute, an
24 individual can drop off up to 10 ballots in Colorado. That
25 was increased from, I think, 5 ballots to about 10 ballots

1 back in 2010. We do, again, with signature verification --
2 the signature verification is extremely important. Our
3 comms are, you know, we don't recommend voters give their
4 ballot to someone they don't know but it also really
5 supports our homebound voters. I believe healthcare
6 facilities came up earlier, as well. I thought I would
7 mention that we do send bipartisan teams of judges to
8 nursing homes and healthcare facilities with a threshold of
9 eight or more voters in order to provide voting assistance,
10 if needed, and we deliver those ballots and provide
11 accessible options, if they need them.

12 MAJORITY CHAIRMAN GROVE: Is that -- is -- are
13 those bipartisan teams, is that statutory language or is
14 that just best practices?

15 MS. ANDERSON: Thank you, Mr. Chair. No. It's
16 statutory. So our process for assigning poll workers and
17 election workers, I described it in some detail on the
18 written testimony, is our local county parties provide
19 lists of poll workers that election officials are required
20 to use and choose from, if possible. Local -- the clerks
21 and recorders can supplement those judges if those -- they
22 can't find enough judges, which is -- or poll workers,
23 which is often the case, to -- with their database of
24 previous judges, and so on and so forth, and so first by
25 the parties but then we can be supplemented. Election

1 judges can also -- or poll workers can also serve in a
2 county that they don't reside in.

3 And so, for example, we often have -- you know,
4 rural counties and urban counties may be more politically
5 homogeneous. So my county was very diverse so I didn't
6 really struggle as much at the time with finding
7 bipartisan -- enough bipartisan poll workers -- or election
8 workers. But my neighbor in Boulder, which is primarily
9 Democratic, or my neighbor in El Paso County, which was
10 very heavily Republican sometimes struggled with getting
11 enough lists -- names for those interested in serving.
12 We're a -- we are a caucus state so we -- you know, the
13 list starts at the caucus level and moves through the
14 county party structure, but we have the flexibility
15 because, you know, poll workers shortages are real, it's a
16 thing, from, you know, to recruit and bring in additional
17 workers, if needed.

18 All of our operations, by statute -- many of them
19 by statute, many by rule -- for example, ballot collection,
20 transferring ballots -- again, we centrally count from --
21 or collecting ballots from 24-hour drop boxes or our vote
22 centers, must be done with bipartisan teams. I described
23 our signature verification process. Our vote centers are
24 balanced politically, as well.

25 MAJORITY CHAIRMAN GROVE: Excellent. Thank you.

1 And unfortunately, we are out of time. We need to move on
2 to our next panel. Thank you so much for your
3 participation. It was very informative, and we really
4 appreciate it. Thank you so much.

5 MS. ANDERSON: Thank you very much, and I really
6 appreciate giving the Colorado experience.

7 MAJORITY CHAIRMAN GROVE: Chairwoman?

8 MINORITY CHAIRWOMAN DAVIDSON: Yes. Thank you
9 for your testimony. I know you're leaving. I just wanted
10 to illuminate some of the things that you said that I found
11 to be impressive. One, you know, the level of quality
12 assurance. I like the use of that word, as opposed to
13 election security. I think it kind of militarizes our
14 election system, but you talked about quality assurance,
15 which was very important, but you also balanced that with
16 widespread voter access, widespread levels of voting,
17 options for voters, ability to be able to cure your ballot,
18 for lack of a better term. I don't really like that term
19 because it sounds like the ballot is sick or something, but
20 you used that term as well. So you allow voters many, many
21 options so people can access the ballot box in a number of
22 ways. They could drop it off at various locations. You
23 also provide security where elections officials are there
24 to be able to secure those ballots at the end of the day.

25 And nursing homes are particularly problematic

1 because you have a number of folks that are in there that
2 lack capacity, so it is a place where quality could be
3 jeopardized in many instances, but you had a way to even
4 make sure that those folks -- that the folks who are
5 casting ballots know what ballots they're casting and are
6 the actual person making those choices and making those
7 decisions. So I really liked what you had to say today,
8 balancing quality assurance as well as voter access. So
9 thank you very much for your testimony.

10 MS. ANDERSON: Thank you, Madam Chair. I
11 appreciate that. I think -- you know, I appreciate those
12 comments very much because, again, it is a full ecosystem
13 and local election officials, myself as a former one, but
14 I'm the number one fan for local election officials and a
15 shout-out to the Commonwealth's officials that -- we all
16 had an extremely challenging year last year with
17 circumstances that were remarkable. Every local official
18 really cares about their process. And helping with best
19 practices and tools to enable and to take a look at their
20 process and improve it, their value, that's where it's at.
21 Resources, time, and support for training in those
22 processes are -- you know, restrictions and that are real,
23 and so any support that you can give in balancing that
24 system, providing access and the security and integrity
25 necessary to maintain that high level of confidence for

1 their local election official, as well as voters, you know,
2 benefits us all for our constitutional rights. Thank you
3 so much.

4 MAJORITY CHAIRMAN GROVE: Thank you so much.

5 Dr. Hall, are you with us?

6 DR. HALL: Yes. I am.

7 MAJORITY CHAIRMAN GROVE: Thank you. Thank you
8 so much for joining us once again.

9 DR. HALL: Yes, sir.

10 MAJORITY CHAIRMAN GROVE: Our final panel for
11 this hearing is Dr. Hall, who has been with us before. He
12 is the Elections Director of Voter Registration Elections
13 for Mercer County; also a former elections official in the
14 State of Arizona. So if you could turn your screen on
15 and -- oh, there you are. Okay. I see you. Just raise
16 your right hand and we'll swear you in.

17 (Party sworn)

18 DR. HALL: I do.

19 MAJORITY CHAIRMAN GROVE: Thank you so much. And
20 any opening statements or remarks?

21 DR. HALL: Yes. The 2020 election was quite an
22 experience for all the counties in Pennsylvania, and we
23 went from, you know, having a relatively small number of
24 people vote by mail in 2016 to having 26 percent of our
25 voters cast a mail ballot in 2020. And election officials

1 went from running primarily an election day election with
2 some people voting absentee to now we run three different
3 elections, basically. We run an election day election,
4 just like we did before, but we're also running a mail-in
5 voting election, which requires us to have staffing and
6 support for mailing ballots out to people, getting them
7 back, and also dealing with the forms required for people
8 who request ballots. And then we're also doing in-person
9 absentee voting, which should not be confused with early
10 voting because, you know, what we're doing is bringing
11 in -- people are coming to our offices and we're having
12 them vote using the mail-in process but they're giving us
13 their ballot at the end of that process. This has meant
14 that counties have -- are working through what our staffing
15 needs are going forward and understanding what our various
16 resource needs are as we move into this new phase of
17 elections in Pennsylvania.

18 There's a couple of points I want to make. First
19 is, there are some timeline issues that affect all of us.
20 For example, the last day to challenge somebody for the
21 election last year bumped into when we needed to have
22 ballots printed and processed for our military and overseas
23 voters and also pushed into when some of us wanted to have
24 our ballots ready for mail-in to our regular voters. That
25 deadline is something that's -- was established by a

1 Consent Decree, and it would be great if the timelines for
2 our elections could be looked at broadly so that we can
3 make sure that we have, as election directors, enough time
4 to do the various tasks that we need to do.

5 The previous speaker was talking about the
6 importance of having -- or the benefits of having a uniform
7 date for mailing out ballots. When I was in Arizona, that
8 date was between 27 and 24 days before the election, and as
9 she was noting, it does allow for you to have consistent
10 messaging across the state of when ballots are going to go
11 out, which would be very beneficial, you know, to all
12 election offices.

13 The issue of the election -- the request date for
14 a mail-in ballot is also something that should be reviewed.
15 Currently, it's a week prior to the election, and the issue
16 we have is we can't actually ensure that we can mail
17 somebody a ballot and process their application in that
18 time. We want to serve everybody who wants a mail-in
19 ballot, but we also need to be cognizant of the fact that
20 if we accept an application and we mail something to them,
21 they may not receive it in time to vote that ballot and
22 then return it, and so looking at what a better date would
23 be is important.

24 The other thing I would note for the primary
25 elections is that the date for changing your -- for voter

1 registration for changing your party affiliation is
2 actually after most of us are going to have mailed out all
3 of our permanent mail-in ballots, so a person can actually
4 change their party affiliation after we've done this
5 mailing and then we have to cancel out the original ballot,
6 and then we mail them a new one. If they returned the old
7 ballot it wouldn't count, but it does create headaches for
8 us in that area and so addressing what the cutoff is for
9 party changes would be very important, as well.

10 Obviously, the canvassing deadline is something
11 that affects all of us. We would like to be able to pre-
12 canvass at least a week before the election. That would
13 allow us to make sure that we can go through the ballots
14 the best way possible. In Mercer County, we did not do any
15 pre-canvassing prior to the 2020 election because we wanted
16 to focus 100 percent of our resources on election day
17 voting, which is where 75 percent of my voters voted, and
18 it's a critical activity that requires, you know, very
19 clear focus on election day.

20 One thing that probably has not come up that I
21 did want to mention is the issue of people -- third party
22 groups mailing information to people. All of our offices
23 were flooded with calls because various interest groups
24 were mailing documents to people that looked like they were
25 either from the State or from our office, and it would be

1 very helpful if there was a required disclaimer so that
2 people could understand what is an official piece of mail
3 from my -- our office versus what is coming from third-
4 party groups. Obviously, third-party groups have a first
5 amendment right to do whatever mailings they want to, but
6 if they had to -- if they were required to disclose that
7 they're not the election office it would be very beneficial
8 to us.

9 A couple of last things. One is the code section
10 regarding drop boxes and satellite locations. It would be
11 very helpful if we had better statutory guidance on how
12 those are to be handled. In Mercer County, we did not have
13 drop boxes, in part because that area of the law was murky
14 to us. In addition, when we're going to do in-person mail-
15 in voting also would be beneficial for it to be cleared
16 up -- you know, what the time period is for that, when it
17 starts, when it stops, and how do we handle people who may
18 have requested a mail-in ballot prior to the deadline but
19 then they come to our office on Thursday or Friday, and
20 then they want a ballot. You know, there are certain types
21 of issues like that that arise that it would be very
22 helpful to have clarified.

23 Finally, on signature verification, I know that
24 that is something that came up earlier, as well. When I
25 was in Arizona, no one was allowed to engage in signature

1 verification unless they've been trained by the State, so
2 the State hired experts to do training and it was very
3 problematic if a staff person did signature verification if
4 they had not completed and received a certificate that
5 they're allowed to do signature verification because it's
6 definitely an art and not a science, and it requires quite
7 a bit of training to do it effectively.

8 I'm happy to answer any questions you all have.
9 I'm sure that you have quite a few.

10 MAJORITY CHAIRMAN GROVE: Absolutely. Thank you
11 so much.

12 First, Representative Lewis.

13 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman.

14 Thank you, Dr. Hall, for being with us. Can you
15 talk a little bit about your perception and advice to us
16 regarding drop boxes? I mean, do you think they should be
17 treated like a polling location? What are your thoughts on
18 drop boxes and your advice to us as a committee? Thank
19 you, sir.

20 DR. HALL: Well, sure. There's -- let me answer
21 that question in two ways. One is, I know that in the
22 previous discussion the issue of dropping off ballots on
23 election day at a polling place came up, and that's
24 actually a relatively common activity. It varies by state
25 on, you know, whether or not you're allowed to do that.

1 One benefit of dropping ballots off at a polling place is
2 that you can engage in any kind of checking you want to do
3 of who's dropping off the ballots and things like that.
4 It's also very convenient.

5 For drop boxes, the big issue with drop boxes is
6 making sure that they're properly secured and that they
7 won't be vandalized or otherwise -- there won't be any kind
8 of issue with the security of the box. And you know,
9 Colorado, Arizona, and other states in the West have very
10 good procedures for how to handle drop boxes and you know,
11 they're very beneficial. I think that, you know, one of
12 the things you do want to make sure of with drop boxes also
13 is that there is some sort of consideration to making sure
14 the drop boxes are dispersed uniformly across a
15 jurisdiction so that there's no benefit to one party or
16 another in how the boxes are being put out.

17 REPRESENTATIVE LEWIS: Thank you. I understand
18 you. So it sounds like, in your opinion, the security's
19 important, as well as just the fairness of making sure
20 equal distribution; is that what I'm hearing from you, sir?

21 DR. HALL: Yes, sir.

22 REPRESENTATIVE LEWIS: Wonderful. I appreciate,
23 Dr. Hall.

24 Thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN GROVE: Representative Ortity.

1 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.

2 I want to kind of talk about the financial aspect
3 here, because when we started Act 77, it was really an
4 effort to offset the County's costs in purchasing new
5 voting machines prior to the 2020 election.

6 DR. HALL: Sure.

7 REPRESENTATIVE ORTITAY: What financial impact
8 did widely used mail-in voting have on your county?

9 DR. HALL: It's having an impact. It had an
10 impact in 2020, and it's having an impact now. One of the
11 biggest issues that we're all experiencing right now is the
12 requirement that we do the annual mailing to people who are
13 permanent mail-in voters. That mailing is very expensive
14 for us, and so that was a new cost that we all incurred.
15 And I can tell you that, you know, I've talked to several
16 election directors over the last couple of days and the
17 costs associated with processing all of those applications,
18 especially in the SURE system before we had the new system,
19 is very costly to us. It requires a lot of staff time, you
20 know, to process them, and that has been a very big cost
21 for all jurisdictions is just the manpower required to
22 process the applications. You know, I know that there are
23 counties who are hiring additional staff right now. There
24 are counties who were having staff work overtime on
25 occasion to get them all processed. So that has been a big

1 cost.

2 The other cost that existed for the -- that's
3 going to happen, going forward, is the cost associated with
4 in-person absentee voting. You know, we had two people who
5 worked for us as temporary employees who helped with that
6 process, but you know, even if we just had mail-in voting
7 in our -- in-person mail-in voting in our office, I need
8 two or three people just to serve basically as poll workers
9 in that situation, and so the staffing costs associated
10 with the increase in in-person absentee voting, mail-in
11 voting, and processing all the applications and making sure
12 all the mailings are going out correctly -- you know, that
13 staffing cost is real and it also is something that's
14 extending throughout the year because we're processing
15 those applications, you know, in the spring and summer, and
16 then in the fall, you know, we need people to be helping
17 with the in-person component and also with -- if you have
18 drop boxes or anything like that you have to have staff go
19 to it and you technically probably need two staff to go and
20 pick up everything. And so there is a -- there's a lot of
21 costs associated with this that we're all having to work
22 through.

23 REPRESENTATIVE ORTITAY: Could you give me a
24 ballpark figure or maybe a percentage of how much your cost
25 increased over the course of this election?

1 DR. HALL: Well, I can tell you, we hired three
2 temporary employees that we did not normally hire and that
3 cost us -- just those three people alone cost us more than
4 \$50,000, and then I also had staff -- we were working --
5 especially during in-person early voting, I had three staff
6 people that were working six hours of overtime a day. So
7 you know, that's 90 hours of overtime pay that I was doing
8 for, you know, four or five weeks, in addition to the
9 period prior where they were working late to process all
10 the applications, so the costs were quite -- you know,
11 that's well over \$100,000 in just personnel costs alone,
12 not including mailing costs and envelopes and all of that
13 that were required with the mail-in voting.

14 REPRESENTATIVE ORTITAY: Well, judging by that
15 response, I have a feeling, for my last question I think I
16 know the answer to, but compared to the expected costs of
17 replacing the voting machines after the governor
18 decertified -- or yeah, decertification of the older
19 machines --

20 DR. HALL: Right.

21 REPRESENTATIVE ORTITAY: -- did your county
22 benefit financially from the passage of Act 77?

23 DR. HALL: I wasn't here. I've only been here
24 for eight months, but you know, I would -- you know, I
25 think that the costs are -- there are definitely additional

1 personnel costs and mailing costs associated with this,
2 and -- you know, and that's something that -- in part, one
3 of the things that we're seeing is that counties in
4 Pennsylvania are kind of catching up with their counties in
5 other states where these costs have already existed. If --
6 and so the staffing here in Pennsylvania is now becoming
7 like the staffing in -- for instance, in South Carolina or
8 Arizona, or other places.

9 REPRESENTATIVE ORTITAY: No. I appreciate that
10 answer, and I just think it's important that the things
11 that we do in Harrisburg -- that we see the financial
12 aspect of that and the impact that it has on our counties.
13 And I believe we provided around \$90 million for the
14 counties, but I just think it's important to keep that in
15 mind as we move forward. I appreciate your answers.

16 And thank you, Mr. Chairman.

17 MAJORITY CHAIRMAN GROVE: Thank you.

18 Representative Nelson.

19 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

20 Just kind of building on, a little bit, as you
21 were touching on the in-person mail-in voting, I think it
22 was 26 percent of -- that you had testified earlier that
23 used the mail-in ballot process. How many of those do you
24 think were the in-person mail-in or in-person absentee
25 voting?

1 DR. HALL: We only had one location, which was in
2 our courthouse, and I would estimate probably about 5 -- 5
3 to 10 percent out of those people voted -- about 5 percent
4 of the people who voted mail-in voted in person in our
5 office.

6 REPRESENTATIVE NELSON: So that was your only
7 satellite location -- or you had --

8 DR. HALL: Yes.

9 REPRESENTATIVE NELSON: -- no satellite
10 locations. It was at your office during --

11 DR. HALL: Yes.

12 REPRESENTATIVE NELSON: -- working hours. So
13 nothing on the weekend or evening?

14 DR. HALL: That's correct.

15 REPRESENTATIVE NELSON: You already had touched
16 on the staffing requirements. If you were going to offer
17 some of those satellite locations -- you know, what type of
18 financial resources would you need in order to be able to
19 offer that? Some areas had a number of those within the
20 county. If you were going to try to offer some of those
21 satellite stations, what type of resources would you need
22 to have for that?

23 DR. HALL: Sure. Well, you can think about it
24 basically as when you open up a satellite location, it's
25 like opening up a polling place, and so you would need to

1 have four to five people working at the location, depending
2 on the volume of people who went there, and so you would
3 need to have that for two or three weeks. And so that's a
4 fairly sizable cost. I can work out what the cost would
5 be.

6 And the other thing you have to keep in mind too
7 is -- so in Mercer County is a county where we have a --
8 you know, one urban area where we have in the cities of
9 Hermitage, Sharon, Farrell, altogether, and then we have a
10 much more rural part of the county with smaller townships.
11 And you know, we would need to open up satellite locations,
12 not just where our population center is, but in some of the
13 other locations, as well, so that there's a fair
14 distribution around the county of early voting sites, and
15 obviously, that would make it more costly as well.

16 REPRESENTATIVE NELSON: Yeah. That's a -- it
17 would almost -- sounds like it might be a fourth election
18 for you to work within.

19 After the election, in earlier testimony today,
20 they talked about the missing information from some voters
21 that were registered in the system and that there were six
22 days that a county had in order to review those and remove
23 those votes from the system. If the votes were already
24 counted and then you were going to remove a voter from the
25 system, how would that actually happen?

1 DR. HALL: So I apologize for not being on the
2 entire hearing, so I'm not sure exactly what they were
3 referring to, but you know, when people sent back their
4 ballots, if we had not been able to verify their identity
5 by doing matches against their driver's license, Social
6 Security number, or other information, those ballots were
7 held aside and those people were contacted. We had
8 contacted -- there was a form actually put in with their
9 ballot to tell them that they needed to provide information
10 to us because they had not provided it on their application
11 for a mail-in ballot, and so those ballots were triaged
12 separately. So we never -- those ballots were -- you know,
13 in our office were kept separate and were not processed
14 until that six-day period was up and we had received their
15 information.

16 REPRESENTATIVE NELSON: That's great. And that
17 seems to be a pretty appropriate way to address that. Was
18 that something that your county came up with or was that a
19 directive from the Department of State?

20 DR. HALL: It was -- to be honest, I came here
21 in -- at the end of August, and that was the process that
22 we had put in place to do that. So I think it was done by
23 our county because I do know that there was some variation
24 in how counties handled that.

25 REPRESENTATIVE NELSON: Okay. Great. Thank you.

1 Thank you, Mr. Chairman.

2 MAJORITY CHAIRMAN GROVE: You're welcome,
3 Representative.

4 Representative Owlett

5 REPRESENTATIVE OWLETT: Thank you so much.

6 And thank you, Mr. Chairman.

7 Just real quick off of Representative Nelson,
8 about how many of those ballots that didn't have correct ID
9 information did Mercer County get in this past election,
10 just out of curiosity?

11 DR. HALL: It was probably around 50 or so. It
12 was a very small number that we didn't have it, and about
13 half of those people did provide the information that they
14 needed to provide.

15 REPRESENTATIVE OWLETT: Okay.

16 DR. HALL: And so it was a relatively small
17 number.

18 REPRESENTATIVE OWLETT: Yeah. When it comes to
19 the in-person absentee voting, when was -- when were you
20 notified that this was going to be part of this 2020
21 election?

22 DR. HALL: Well, when I arrived at the end of
23 August -- you know, we worked through a -- you know, a plan
24 for how we were going to handle everything. We ended up
25 using some money that we had received to purchase a ballot-

1 on-demand printer, so we were able to service all of the
2 people who may come into our office. Otherwise, you had to
3 print a ballot when a person comes in for every precinct in
4 our county. And we opened up that process about, you know,
5 three weeks prior to the election, and it was just -- it
6 was something that we planned for although, you know, the
7 staffing needs that we had -- we planned for that also but
8 it's also complicated because of getting access to SURE
9 sometimes can be difficult, and so -- for staff to get
10 them the security check-ins that they needed. And we
11 didn't have -- our office also doesn't have a lot of space
12 for in-person early voting.

13 REPRESENTATIVE OWLETT: Well that was --

14 DR. HALL: -- a challenge.

15 REPRESENTATIVE OWLETT: Yeah. That was my other
16 questions is what -- I mean, simultaneously, they're
17 working at other tasks in your office --

18 DR. HALL: Yes.

19 REPRESENTATIVE OWLETT: -- and then this --

20 DR. HALL: Right.

21 REPRESENTATIVE OWLETT: -- so how did that work?
22 I mean, what was the --

23 DR. HALL: They --

24 REPRESENTATIVE OWLETT: (Indiscernible -
25 simultaneous speech).

1 DR. HALL: -- they did not work at other tasks.
2 They -- we had to work on early --

3 REPRESENTATIVE OWLETT: They didn't.

4 DR. HALL: -- in-person early voting and then,
5 you know, when 4:30 rolled around we, you know, locked our
6 doors and then we switched gears and did all the other
7 things that we normally would do in an election.

8 REPRESENTATIVE OWLETT: So --

9 DR. HALL: -- processing voter registrations and
10 applications and pulling the labels you have to pull to
11 mail out the next set of ballots to people who, you know,
12 made requests. And so it was a very -- that's why we had
13 so many overtime costs.

14 REPRESENTATIVE OWLETT: So you probably weren't
15 encouraging voters to necessarily do that because you knew
16 the bandwidth wasn't there.

17 DR. HALL: We weren't discouraging it either.
18 We --

19 REPRESENTATIVE OWLETT: Right.

20 DR. HALL: -- you know, obviously -- you know, we
21 made people aware of it and -- you know, it -- you know,
22 going forward, we'll be in a bigger -- we'll be in a --
23 we're moving offices to a different office space that will
24 allow us to have a better flow of people. I think that the
25 new SURE System, which the company that's doing that system

1 did the system in Arizona, which I'm familiar with. It's a
2 much easier process to check somebody in, to vote in-person
3 mail in, and so I think that the process will be a lot
4 easier and we'll be able to handle it with temporary staff,
5 as opposed to having to have our permanent staff involved
6 in the process.

7 REPRESENTATIVE OWLETT: All right. Thank you for
8 your time and your service. Appreciate it.

9 Thank you, Mr. Chairman.

10 MAJORITY CHAIRMAN GROVE: Thank you.

11 Dr. Hall, I'm just going to inform you now
12 because you have experience with the new SURE System,
13 you're probably going to be our go-to guy moving forward
14 when we have discussions about the new SURE System, so.

15 DR. HALL: (Indiscernible - voice lowered).

16 MAJORITY CHAIRMAN GROVE: Congratulations, I
17 think.

18 DR. HALL: Thank you. I'll trade that for if
19 you'll make permanent mail-in voters permanent.

20 MAJORITY CHAIRMAN GROVE: All right. All right.
21 We can have discussions.

22 DR. HALL: So we don't have to mail them things
23 every year. If we could just do -- if they're -- want to
24 be permanent, we would love for them to be permanent.

25 MAJORITY CHAIRMAN GROVE: Right. And actually, I

1 was going to ask that question at the end. How has that
2 permanent list mailer been? I know my county elections
3 director was very frustrated about the cost and having to
4 do it, so you know, do we need it, and kind of, what's your
5 thoughts on kind of improving that process?

6 DR. HALL: Sure. Well, so first of all, you
7 know, last year was the first year where, you know, you had
8 widespread use of vote by mail. The form that was used, I
9 think, people have a way of just checking boxes on forms,
10 and so we had a lot of people who checked box 7, which was
11 the box to make yourself permanent, and so that created,
12 you know, all sorts of issues going into the 2020 election.
13 And then you had people who may have checked the box but
14 then they decided that they wanted to vote in person, which
15 created, you know, people voting provisionally in polling
16 places at much higher rates than was normal, so the mail we
17 did this year, I think, actually, even though it was --
18 it's very frustrating, you know, may have been necessary
19 just to allow people to cancel who made a mistake and want
20 to cancel out.

21 But I think going forward, it would be very
22 helpful if we could make people who are permanent
23 permanent, and so we would just mail them a ballot for
24 every election, or it could be -- they could at least be
25 permanent for an election cycle, for four years, where we

1 would just do a mailing once every four years because the
2 processing of these applications and mailing them out is --
3 the mail out is costly and the processing of them when they
4 come back is costly. And I know that many of us are -- you
5 know, have a couple thousand of them to process. I know in
6 Bucks County, they have tens of thousands of them that have
7 come back, and you know, having people process them is a
8 pretty slow endeavor. It's not a very -- it's not
9 something you can do very quickly in the current SURE
10 System.

11 MAJORITY CHAIRMAN GROVE: Right. So addressing
12 that would be a --

13 DR. HALL: Yes.

14 MAJORITY CHAIRMAN GROVE: -- a cost saver and an
15 efficiency for counties moving forward.

16 DR. HALL: It would, and it would also allow us
17 to plan better because we would know who was permanent.
18 And so if I know, for instance, that I have a polling place
19 with 2,000 voters but I know that 800 of them are permanent
20 voters, it lets me prepare better staffing for that polling
21 place and thinking about what that polling place needs.
22 And that's, you know, obviously very helpful.

23 MAJORITY CHAIRMAN GROVE: Okay. Thank you.

24 Representative Ryan.

25 REPRESENTATIVE RYAN: Mr. Hall, thank you so

1 much. And first of all, I promise you I'll keep you in my
2 prayers since you've been now named the go-to person for
3 the new SURE System --

4 DR. HALL: I know.

5 REPRESENTATIVE RYAN: -- since I wouldn't -- I
6 wouldn't do that to anybody. But no, seriously, thank you.

7 First of all, Mercer County had exceptional
8 results. In looking at a deep dive of all the numbers, you
9 had a slight voter surplus, which is what should happen.
10 You were one of 19 counties in the Commonwealth where all
11 the numbers literally tied in perfectly pretty quickly, so
12 your expertise is very helpful in this.

13 And so you had mentioned in your testimony
14 that -- your concerns and issues about the seven-day
15 notification and the seven-day period of time created by
16 being able to request a mail-in ballot seven --

17 DR. HALL: Right.

18 REPRESENTATIVE RYAN: -- days in advance. Could
19 you describe some of those challenges and how you yet were
20 still able to pull off what I believe to be an absolutely
21 perfect election result that we should be looking forward
22 to and concur with that if, as a result of all your
23 experiences, if you think there's any written comments that
24 you could make back to the Committee at any point in time
25 relative to all the recommendations you might have as

1 you're designing the new SURE System that would help us as
2 we're looking at various legislative fixes?

3 DR. HALL: Sure. Well you know, part of -- you
4 know, one of the things that's happening seven days out is
5 that we're getting -- you know, so and this actually goes
6 to people who were requesting that Thursday before. So if
7 you think about the voter registration deadline. It's on a
8 Tuesday -- or Monday, and you know, that's 15 days, so
9 anything that we got -- received from a voter requesting a
10 mail-in ballot basically after that Wednesday, so about 13
11 days out, you know, it has to be processed. We have other
12 things going on in the office, so you know, they may be
13 processed -- instead of being processed first thing in the
14 morning, they may be processed at 8:00 at night. We print
15 out their -- you know, we get their ballot.

16 We're mailing them out to them because, you know,
17 for the last two weeks of the election we mail everything
18 out of our office as opposed to using a vendor, and the big
19 issue was there was just so many postal issues in this past
20 election. We weren't sure if people were -- you know, when
21 people were receiving things. And so getting those
22 mailings out was just -- you know, it was time-consuming
23 for our staff and it's also -- you know, we couldn't have
24 confidence that it was going to get to that voter in time.
25 And so -- and that creates a big problem for people because

1 then they get really nervous and then they're calling our
2 office that -- where's my ballot, and then that takes up
3 more bandwidth and resources.

4 REPRESENTATIVE RYAN: Mr. Hall, if I could ask
5 you, Ms. Anderson made a comment that Colorado was looking
6 at going to a push system, and I know in my district office
7 a lot of the questions we got were -- even though Vote PA
8 had -- the fact that a ballot went out and stuff like that
9 it didn't really say that it was received. Do you --

10 DR. HALL: Right.

11 REPRESENTATIVE RYAN: -- think that might help
12 making people more willing to stay on a permanent mailing
13 list?

14 DR. HALL: Right. So one of the things that --
15 you know, that you can do is to have ballot tracking, and
16 ballot tracking, I think, makes people much more confident
17 because they can know where their ballot is in the process.
18 They can at least know it's stuck in Pittsburgh, or
19 wherever it is, so I think that that makes -- you know,
20 that does make things a lot easier.

21 The other thing too is the more people that we
22 have on the permanent list, those people are all going to
23 receive their ballots basically, you know, 25, 30 days
24 before the election, which benefits us. The problem is
25 when you have these people dribbling in to get -- at the

1 end to get mail-in ballots. And I think part of that was
2 because of COVID. I think that -- you know, going forward,
3 once everybody's vaccinated and hopefully things become
4 much more stable, we'll have more people who are on the
5 permanent list and fewer people who are making one-off
6 requests in the two weeks before the election.

7 REPRESENTATIVE RYAN: Fantastic. Thank you so
8 much.

9 Mr. Chairman, thank you so much.

10 MAJORITY CHAIRMAN GROVE: Thank you.

11 Representative Staats.

12 REPRESENTATIVE STAATS: Thank you, Chairman.

13 Thank you, Mr. Hall. We heard earlier testimony
14 about the e-pollbooks, and on the surface I'd say it seems
15 like a good system. In your testimony, it references the
16 statutory difficulty of implementing --

17 DR. HALL: Right.

18 REPRESENTATIVE STAATS: -- e-pollbooks. Can
19 you --

20 DR. HALL: Right.

21 REPRESENTATIVE STAATS: -- speak to that? And --

22 DR. HALL: Sure. So one of the fun things about
23 the Pennsylvania statute is you can read parts of it and
24 determine which parts were written in 1890, that have been
25 just continued on, and one of the components of it is we're

1 required to have two poll workers fill out a numbered list
2 of voters, so you're supposed to have a democrat and a
3 republican, and when this person is checked in, they write
4 in a separate list on a piece of paper that person's name
5 and then -- you know, they might write out their party or
6 primary or -- you know, they put another piece of
7 information there. And so when you have that requirement,
8 that's two to three people because I may have a person with
9 a pollbook and then two people with numbered lists of
10 voters -- that's three people doing check-in when I really
11 only need one person with a Poll Pad to do check-in, and if
12 I'm legally required to have numbered lists of voters, it
13 means that implementing Poll Pads requires me to either
14 break the law or find a work-around for the numbered lists.

15 So you know, that's an example of one of the
16 problems. You know, the benefit of the e-pollbooks is --
17 you know, for instance in Arizona we had e-pollbooks and
18 what that meant was at 8:00 -- at 8:01, I knew how many
19 people had voted in every precinct in my county, and so --
20 you know, because they did a last sync when they closed and
21 that was -- that data came to our office, and I could know
22 exactly how many people had voted in every precinct, which
23 meant that when I was uploading results into our
24 Electionware, I knew exactly how many votes should be
25 uploaded into the system, so I knew immediately if I had

1 any kind of problem with people voting. So I knew, for
2 instance, if a poll worker had had somebody who was a
3 provisional voter sign the pollbook when they shouldn't
4 have. I knew immediately that that happened.

5 And so -- you know, having the numbered lists and
6 the specific requirements that certain people do certain
7 tasks in polling places just makes things much more
8 complicated for us because it's a legal requirement.

9 REPRESENTATIVE STAATS: I see. Do you like the
10 system, I guess, is my question?

11 DR. HALL: Do I like e-pollbooks?

12 REPRESENTATIVE STAATS: Yes.

13 DR. HALL: They're a very -- they're very
14 helpful. They can be costly and they do require having a
15 bit of technical expertise, but they definitely make things
16 easier. It would also mean that when we were doing our
17 pollbooks for the election that we could have in-person
18 early voting through the end of the -- if you had e-
19 pollbooks, you could have in-person early voting go through
20 the week prior to the election because you could then
21 immediately sync up who had in-person voted and give them
22 credit for voting and ensure that they couldn't vote in a
23 polling place. And so being able to do those kind of
24 updates electronically is very helpful.

25 REPRESENTATIVE STAATS: It seems to me like it's

1 a good system to increase efficiency at the polls, so
2 that's very helpful. Thank you.

3 DR. HALL: Yes, sir.

4 REPRESENTATIVE STAATS: Thank you, Chairman.

5 MAJORITY CHAIRMAN GROVE: Thank you.

6 Doctor, I want to follow up with e-pollbooks.

7 DR. HALL: Yes, sir.

8 MAJORITY CHAIRMAN GROVE: They're very enticing
9 on a multiple of reasons. You know, my brother votes in
10 Florida and they have e-pollbooks. He walks up. He swipes
11 his driver's license, and it populates everything.
12 Obviously, that's a function. I often think we all get
13 voter registration cards mailed out as soon as you're
14 registered to vote. Is it possible to put a Scantron on
15 those so when you walk into your poll you just scan those
16 in and it populates you, of course, and then you have the
17 redundancy of looking up a person, as well?

18 DR. HALL: Yeah. To be honest, I'm not -- I'm --
19 I mean, I would think they would not be hard to put a bar
20 code onto people's voter ID cards. In Arizona, we scan
21 people's driver's licenses because people were required to
22 show a photo ID, and you're absolutely right, it was a
23 very -- it's a very effective way to pull people up because
24 you can -- as long as they've updated their residency, you
25 can -- you're getting the right person, you know who they

1 are, and it definitely provides for much more accuracy in
2 the process.

3 MAJORITY CHAIRMAN GROVE: Right. And right now,
4 in my polling place, we use the paper books, right?

5 DR. HALL: Yes.

6 MAJORITY CHAIRMAN GROVE: So we break up A
7 through M and N through Z. We have a lot of Kronos in
8 Dover, so the A through M line is always long and then the
9 N through Z line usually goes a lot faster, so you don't
10 have those alphabetical breaks up -- breakups, so you can
11 literally have two lines of whoever you want. If you have
12 two pollbooks, and you can get in whatever line you want,
13 so it kind of equalizes that wait time and you don't have
14 the poll worker looking up each individual one -- you know,
15 90 percent of people have a driver's license. You just
16 walk up and boom, slide it through, or scan it, or do
17 whatever, and it's populated. You sign and you move on.
18 So I would assume it's a quick process, right?

19 DR. HALL: It is. There's one other benefit too.
20 So for instance, in this primary election, we -- all the
21 counties will have three types of ballots. We'll all have
22 a Democratic ballot, a Republican ballot, and then we'll
23 have a nonpartisan ballot for the constitutional
24 amendments. One of the nice things about an e-pollbook is,
25 is so if I go into a polling place and I check in for the

1 primary, it will know that I'm a -- I'm not party
2 affiliated and when it scans my -- you know, when it looks
3 me up, what it will do is it will print a ticket that will
4 say I should get a nonpartisan ballot and it would say, you
5 know -- Representative Grove, it would say you should
6 receive a Republican ballot, and it would say, for a
7 Democrat you should receive a Democratic ballot. And what
8 that does is it provides greater assurance that the person
9 who's handing out ballots hands out the right ballot
10 because they're getting a ticket. They look at the ticket.
11 They get -- look at the ballot. They make sure they're
12 giving the right one. That's another very big benefit of
13 e-pollbooks is that they can ensure that people are getting
14 the right ballots and they also provide for a bit of
15 quality -- you know, for quality control even in a general
16 election.

17 MAJORITY CHAIRMAN GROVE: And I would assume --
18 like, I have read articles about them failing. Have they
19 improved on that failure rate? And --

20 DR. HALL: I think they have improved. The big
21 failure you get would be in areas where you have dead zones
22 and so for instance, in Arizona we had two polling places
23 that literally are off the grid. You can't even use
24 satellite phones there. There's just nothing there. It
25 was on the Navajo Nation. And you have to have procedures

1 in place for how to handle those types of polling places
2 but -- and so the big failure you get is when you lose
3 connectivity, but as long as you have connectivity the
4 systems work, they work well, and the connectivity issue is
5 most important if you have vote centers. If you're having
6 precinct voting it's less of an issue because if I have
7 a -- if I'm using a Poll Pad based system and I have a
8 polling place lose connectivity, they can still bring in
9 their Poll Pad and I can sync it in my office the day after
10 the election or on election night and know how many people
11 voted. So the big failures come when you have vote centers
12 and you need 24/7 connectivity; that's the big failure you
13 get.

14 MAJORITY CHAIRMAN GROVE: So for Pennsylvania, a
15 precinct-based district, you basically --

16 DR. HALL: Right. It isn't really a problem.

17 MAJORITY CHAIRMAN GROVE: -- log on, you take
18 them to the precinct, and you're good to go. And then
19 finally, I guess, worst case scenario, you still have the
20 paper backups, I would assume, correct?

21 DR. HALL: Right. So we -- yes. We provided --
22 in Arizona, we provided every polling place with a paper
23 pollbook and -- as a backup in case the world ended, they
24 were ready to keep processing people.

25 MAJORITY CHAIRMAN GROVE: Great.

1 And next up, Representative Keefer.

2 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

3 So Thad, I have a question. Your testimony
4 referenced the Arizona signature verification procedures.
5 Can you --

6 DR. HALL: Right.

7 REPRESENTATIVE KEEFER: -- describe for the
8 Committee how the process works and what the benefits --

9 DR. HALL: Sure.

10 REPRESENTATIVE KEEFER: -- are?

11 DR. HALL: So we were all required to undergo
12 training that the State -- they hired a vendor to do the
13 training. The person who did my training and the training
14 for our office was a person who is an expert witness in
15 signature verification. So this person did court cases and
16 they were a certified expert by the courts, and so they go
17 through a three-hour process of explaining to you how to do
18 signature verification, what to look for, what are the
19 things to do, not to do. How do you -- you know, how do
20 you take into account people's signatures changing over
21 time?

22 So for instance, I have a couple who live in my
23 county who -- you know, they were married in 1948, and they
24 moved into a house in 1951, and they have never moved, and
25 they have never changed their registration. And I am sure

1 that their signatures are slightly different now. And they
2 explain to you, well, how do you deal with something like
3 that?

4 And the other thing that they do in Arizona that
5 I think is very important is that every time you sign a
6 document through the elections process -- so if you're a
7 mail-in voter, every time you sign, we re-captured their
8 signatures. So for instance, I might have eight versions
9 of your signature based on when you registered and then
10 when you returned a mail-in ballot and all of that, and so
11 I have -- I don't have just one comparison to make. I have
12 a set of exemplars to look at, to know what is your
13 signature and how is it changing over time, and that made
14 things a lot easier, as well, to understand how that works.

15 REPRESENTATIVE KEEFER: That's great. Thank you
16 very much.

17 DR. HALL: Yes, ma'am.

18 MAJORITY CHAIRMAN GROVE: Thank you. And final
19 question, you went over a litany of election timeline
20 changes, and that is --

21 MINORITY CHAIRWOMAN DAVIDSON: Wait.

22 MAJORITY CHAIRMAN GROVE: Oh, Chairwoman,
23 questions? Go ahead.

24 MINORITY CHAIRWOMAN DAVIDSON: I'm sure it's an
25 oversight that you keep forgetting to ask me if I have

1 questions. But I do, and I want to give you the courtesy
2 of going last, so I would like to be asked.

3 So anyway, a few questions I have regarding cost.
4 I'll start with that part at first. Most of your costs to
5 run the election apparatus in Mercer County comes from the
6 County; is that correct? And how much do you receive?

7 DR. HALL: We -- so it's hard to answer that for
8 2020, because we received grants from various people, and
9 there was COVID funding, and we received funding from the
10 Center for Technology and Civic Life, but we spent -- I
11 want to say that we spent about \$100,000 more than we did
12 the previous year, so it was -- you know, there was quite a
13 bit of cost -- and part of -- and we're a pretty frugal
14 county, and so we kept -- tried to keep our costs down as
15 much as possible. But the personnel costs were a big cost
16 and then all the mailings that we're doing -- you know,
17 from the mailing we just did for the permanent mail-in
18 voters to mailing out ballots to people and all of that --
19 you know, and printing envelopes --

20 MINORITY CHAIRWOMAN DAVIDSON: I'm -- I'm sorry.
21 I'm asking what your budget is from the County for the
22 office.

23 DR. HALL: Oh, it's -- I want to say we spent --
24 I'm not -- \$700,000, roughly.

25 MINORITY CHAIRWOMAN DAVIDSON: Okay. And then --

1 DR. HALL: (Indiscernible - simultaneous
2 speech) --

3 MINORITY CHAIRWOMAN DAVIDSON: -- as you stated,
4 you also got money from the State. Do you -- are you aware
5 of how much money you received from the State since Act 77
6 allocated \$90 million. I'm interested in how much counties
7 got, so what did you receive; do you know?

8 DR. HALL: To be honest, not, because quite a bit
9 of that money was spent prior to my arrival last year, and
10 so I apologize.

11 MINORITY CHAIRWOMAN DAVIDSON: Okay. So it seems
12 like there -- but there were multiple revenue streams or
13 sources of income in anticipation, one, that there was a
14 presidential election that would -- where there was going
15 to naturally be --

16 DR. HALL: Right.

17 MINORITY CHAIRWOMAN DAVIDSON: -- an uptick in
18 participation. And two, we had a number of changes that
19 were required by statute that counties needed to make, so
20 you had multiple streams of revenue that you didn't
21 previously have; is that correct -- that helped you --

22 DR. HALL: Yes.

23 MINORITY CHAIRWOMAN DAVIDSON: -- to do some of
24 the things, even though you would have liked to have more;
25 is that correct?

1 DR. HALL: Right. And we also all need that
2 money now when we have -- municipal elections are actually
3 our most complicated elections because of how many ballot
4 styles and races and contests there are, and so a lot of us
5 are in the situation of -- you know, we had resources last
6 year from outside of our counties and now that -- those
7 funding sources don't exist and we're having to work within
8 a constraint, but we still have a lot of the same amount of
9 work that we did in the past.

10 MINORITY CHAIRWOMAN DAVIDSON: Okay. You talked
11 about the mail-in -- I'm sorry. You talked about the drop
12 boxes and how you've operated drop boxes in Mercer County.
13 You have one drop box at the county location. You talked
14 about having multiple people watch those drop boxes. I'm
15 just curious as to why? Are they asking voters what
16 they're doing there or -- how are they engaging the voters
17 that they need to -- you need to have so many people?

18 DR. HALL: Oh, I'm sorry. What I -- we had one
19 person at our -- so we had a drop box within the courthouse
20 where people could come and drop things off, and it was one
21 person there. What I was referring to is if you actually
22 have to go out to drop boxes and pick up ballots, you need
23 to have two people just so that there's a chain of custody
24 and there's no -- nobody claims that there's a partisan
25 advantage of having people picking up boxes who are

1 Democrats or Republicans. You want to have a bipartisan
2 team go pick up those ballots. That's what I was referring
3 to and so in our office --

4 MINORITY CHAIRWOMAN DAVIDSON: Okay. If you have
5 multiple locations. Thank you.

6 DR. HALL: -- we had one drop box and we had one
7 person manning that drop box.

8 MINORITY CHAIRWOMAN DAVIDSON: Okay. If you had
9 multiple locations, that was your concern of who would pick
10 up the ballots.

11 DR. HALL: I would have had to have multiple --
12 like two people go to pick up the ballots because you want
13 to have a bipartisan team do that just for -- even if you
14 trust everybody, you want to have it for how it looks.

15 MINORITY CHAIRWOMAN DAVIDSON: I understand.
16 Some of the things that you talked about that I wanted to
17 highlight is -- that I actually do agree with. The time
18 frame for petition challenges in Pennsylvania is -- it's a
19 week, and then there's another week to do something else,
20 and then there's another week. And you know, your timeline
21 for mailing out ballots conflicts with those deadlines, and
22 I know, even in Chester County, one petition challenge went
23 all the way up to the Supreme Court, and they didn't
24 necessarily fall within that three-week guideline for
25 appeals and that sort of thing. So you would like to see

1 mail-in ballots sent out after that three- or four-week
2 petition challenge period; is that what you were saying?

3 DR. HALL: Right. I would like to -- it would be
4 great if the petition challenge period just -- if
5 everything was moved back a month and so that we could --
6 you know, we were certain at the end of August what was
7 going to be on our ballot so that we could have the time to
8 get -- you know, there's a lot of programming involved and
9 we also have to test all of the tabulators and our central
10 count tabulators before we can mail anything out, and so
11 there's just a lot of steps involved before we can just
12 mail out ballots. We have to make sure that everything is
13 tested and it works before we do the big printing of the
14 ballots for everybody and then do the mailing, and having a
15 uniform date for that mailing or a uniform small window
16 obviously makes things better, as well.

17 MINORITY CHAIRWOMAN DAVIDSON: Okay. And the
18 final thing I would like to highlight from your testimony,
19 which I thank you for, is the need to have a disclaimer
20 from all -- for all third party groups that are sending out
21 ballots because every group does them: nonpartisan groups,
22 very partisan groups -- they all do them, and it is
23 confusing for voters if they're getting seven different
24 mail-in ballots and particularly if you have multiple
25 people in a household that are registered differently,

1 which is often the case now in the United States of
2 America, you'll have just numerous mailings, which look
3 similar to the official ballot but don't have any kind of
4 claim as to who was sending it out. So you think that
5 would really cut down on the confusion of --

6 DR. HALL: Yes.

7 MINORITY CHAIRWOMAN DAVIDSON: -- who's sending
8 out a ballot?

9 DR. HALL: I do. And one of the issues that we
10 ran into were -- there were groups that made their
11 materials look like something from the State and then it
12 would say you have not returned your mail-in ballot
13 application, and they were sending that to everybody
14 because the idea is, if I send it to you then you'll think,
15 oh, my goodness, I must have not done this and then you'll
16 send it in, which created phone calls to us of people being
17 confused. It created numerous duplicates in the system
18 that we had to then process. So we had people who sent in
19 five, six, seven applications because they kept getting
20 these forms in the mail and so it created a lot of
21 headaches for all of us.

22 MINORITY CHAIRWOMAN DAVIDSON: Understood. Thank
23 you so much for your testimony.

24 DR. HALL: Thank you.

25 Thank you Mr. Chairman.

1 MAJORITY CHAIRMAN GROVE: Thank you. Just a
2 follow-up on the financial questions. I would assume that
3 a lot of foundations after presidential elections kind of
4 disappear from municipal because, unfortunately, nobody
5 cares about municipal elections, when I would say they're
6 probably far more important than the presidential because
7 they impact your life on a day-to-day basis more than
8 anyone, so when you go for foundation money, who are they,
9 and then are -- do they continue -- like this year, can you
10 go back to those foundations and get grants for this year
11 or is it the next time they really care is the mid-year
12 elections, or is it just presidential?

13 DR. HALL: Historically, groups care the most
14 about presidential elections. There is -- there's likely
15 to be an uptick in 2022, just because of redistricting. I
16 would assume that there's going to be quite a bit of
17 political activity surrounding that because of -- you know,
18 you'll have new districts and new people running, and so
19 people care about us definitely once every four years and
20 they may care about us in 2022, but I wouldn't bet on them
21 caring about us in 2026. And so -- and nobody is emailing
22 us this year telling us that there is funding available, so
23 it definitely makes for a challenging process.

24 MAJORITY CHAIRMAN GROVE: Gotcha. I was curious
25 about that because, again, this is school boards, judges.

1 It's an important election cycle and it's a real shame.
2 It's the lowest voter turnout, so.

3 With that, I don't think we have any other
4 questions, so Dr. Hall, thank you so much. You are --

5 DR. HALL: Thank you.

6 MAJORITY CHAIRMAN GROVE: -- you're a wealth of
7 information on a multitude of fronts, so we have -- always
8 appreciate your testimony and hearing from you.

9 DR. HALL: Well, thank you very much.

10 MAJORITY CHAIRMAN GROVE: Thank you.

11 Any closing comments, Chairwoman?

12 MINORITY CHAIRWOMAN DAVIDSON: Thank you so much,
13 Mr. Chairman. You're a gentleman and a scholar.

14 I just want to say that I appreciate all the
15 testifiers, particularly from Colorado talked about a very
16 open and fair and secure election system, so as we continue
17 to look at Act 77, I do hope and pray that we will take
18 into consideration historic disparities in communities,
19 historic barriers and discrimination to various voting
20 communities and providing a system where there's open
21 access to our constitutional rights while also providing
22 security, and I think Colorado was an excellent example of
23 that.

24 Thank you, Mr. Chair.

25 MAJORITY CHAIRMAN GROVE: Thank you very much.

1 I'd like to thank all the testifiers too. I'd
2 like to thank the Members for their patience and their
3 questions. Today, we clearly heard testimony concerning
4 the need of improving our election systems, our election
5 timeline, ways to really benefit, I think, our voters and
6 our counties moving forward. Specifically today, we heard
7 testimony on the need for process change in mail-in
8 balloting, as we see a drastic need for improved integrity
9 provisions around signature verification. Having 1937
10 signature verification laws seems obsolete in 2021,
11 especially with 2021 voting processes in place. Our
12 integrity provisions under statute and provided by the
13 Pennsylvania Supreme Court in their recent ruling in the
14 fall of 2020, are far behind the times and completely
15 ineffective.

16 Further, we need to ensure that law provides
17 clarity between constitutional absentee ballots and no-
18 excuse ballots, including uniformity and standardization
19 among our counties. Uniformity in elections and voter
20 registration is not a suggestion; it is a constitutional
21 mandate. We must ensure our constitutional requirements
22 under Article VII are at the forefront of any and all
23 election policy changes we institute. I look forward to
24 continuing the bipartisan election oversight hearings and
25 partnering with stakeholders like our counties, Department

1 of State, and of course, our county election directors.

2 With that, this hearing is adjourned. Have a
3 great weekend, everyone.

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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.

Natalie Webb
Transcriptionist
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