

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

THURSDAY, MARCH 25, 2021
12:31 P.M.

PRESENTATION ON
COUNTY ELECTION DAY OPERATIONS AND SATELLITE OFFICES

MEMBERS PRESENT:

HONORABLE SETH GROVE, MAJORITY CHAIRMAN
HONORABLE RUSS DIAMOND
HONORABLE MATTHEW DOWLING
HONORABLE DAWN KEEFER
HONORABLE ERIC NELSON
HONORABLE CRAIG STAATS
HONORABLE JEFF WHEELAND
HONORABLE MAUREEN MADDEN
HONORABLE JOSEPH WEBSTER
HONORABLE REGINA YOUNG

MEMBERS PRESENT VIRTUALLY:

HONORABLE ANDREW LEWIS
HONORABLE RYAN MACKENZIE
HONORABLE BRETT MILLER
HONORABLE FRANK RYAN
HONORABLE LOUIS SCHMITT
HONORABLE MARGO DAVIDSON, DEMOCRATIC CHAIRWOMAN
HONORABLE ISABELLA FITZGERALD
HONORABLE KRISTINE HOWARD
HONORABLE BENJAMIN SANCHEZ
HONORABLE JARED SOLOMON

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

MICHAELE TOTINO

MAJORITY EXECUTIVE DIRECTOR

MICHAEL HECKMANN

MAJORITY RESEARCH ANALYST

SHERRY EBERLY

MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

NICHOLAS HIMEBAUGH

DEMOCRATIC EXECUTIVE DIRECTOR

I N D E X

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

P R O C E E D I N G S

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MAJORITY CHAIRMAN GROVE: Good afternoon.

Welcome to these public hearings of the Pennsylvania House State Government Committee on county election day operations and satellite offices.

Our Committee's extensive election oversight hearing schedule will allow this Committee to complete a deep dive into Pennsylvania election law from 1937 and how elections are administered in the Commonwealth in order to inform the public and this Committee so we may facilitate election changes which ensure our voting processes is designed so the voters select the winners and not the process.

While the 2020 general election has been debated and litigated ad nauseam, the General Assembly still has an important constitutional job to execute: the legislative oversight of laws we pass and the agencies which administer these laws.

Today, the Committee will discuss county election day operations and satellite election offices. Our first panel will be county election officials, followed by the city of Philadelphia, election day reporting by the news media, and concluding with the State best practices.

Many, many issues reported on election day here

1 in the Commonwealth stem from the 1937 election law and its
2 guidance which does not provide for a uniform election
3 system. Further, election officials and volunteers have
4 never been required to have a form of training, creating
5 further nonuniformity in the administration of elections.

6 Today, I hope to hear about best practices to
7 create a uniform election process for voters, county
8 election officials, election volunteers. Further, I hope
9 this Committee and the public will develop a better
10 understanding of how election results are reported.
11 Finally, I hope we hear about ways we can improve voter
12 convenience on election day.

13 With that, we're going to move on to
14 housekeeping. While the Capitol and our hearings are now
15 open to the public, there is limited seating available in
16 each hearing room due to COVID-19 mitigation orders by the
17 Governor. We have Members and testifiers in attendance
18 virtually, as well as the public viewing via live stream.
19 Due to Sunshine Law requirements, if either of these
20 platforms experiences technical difficulties, we will pause
21 the meeting in order to correct the issues.

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

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

4 With that, I believe Minority Chairwoman
5 Davidson, are you on? Do you want to make opening
6 comments?

7 DEMOCRATIC CHAIRWOMAN DAVIDSON: Yes, I'm on, but
8 I don't have any comments at this time.

9 MAJORITY CHAIRMAN GROVE: Okay. We'll do Member
10 introductions. We'll start with Committee Members in the
11 room. For Members attending virtually, I will call you one
12 by one for introductions. We'll start with our newest
13 Member.

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

16 REPRESENTATIVE WEBSTER: Representative Joe
17 Webster, 150th District in Montgomery County, good morning
18 -- afternoon.

19 REPRESENTATIVE STAATS: Good afternoon. Craig
20 Staats proudly representing the 145th District in Bucks
21 County.

22 REPRESENTATIVE DIAMOND: Good afternoon, Russ
23 Diamond from Lebanon County, the absolute best district,
24 the 102nd District.

25 REPRESENTATIVE KEEFER: Representative Dawn

1 Keefer from the 92nd District representing York and
2 Cumberland Counties.

3 REPRESENTATIVE NELSON: Representative Eric
4 Nelson, 57th District, Westmoreland County.

5 REPRESENTATIVE WHEELAND: Representative Jeff
6 Wheeland, 83rd District, including the city of
7 Williamsport, the home of Little League baseball.

8 MAJORITY CHAIRMAN GROVE: And for the audience,
9 Representative Joe Webster will be designated as acting
10 Minority Chair for this Committee hearing and a special
11 happy birthday to yourself. And I believe today is your
12 wife's birthday, so thank you for making a huge sacrifice
13 to be here.

14 REPRESENTATIVE WEBSTER: Thank you, Mr. Chairman.
15 It's our duty and we're here.

16 MAJORITY CHAIRMAN GROVE: Thank you. I just want
17 to recognize yours and her birthday.

18 Members attending virtually, Representative Lou
19 Schmitt?

20 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.
21 Good afternoon, everybody. Lou Schmitt, 79th Legislative
22 District, the city of Altoona and other portions of Blair
23 County.

24 MAJORITY CHAIRMAN GROVE: Representative Andrew
25 Lewis.

1 REPRESENTATIVE LEWIS: Good morning, Mr. Chairman
2 and Members of the Committee and our guests.
3 Representative Andrew Lewis, the 105th District, also known
4 as the older, wiser brother district to the 102nd. Thank
5 you. It's good to be here.

6 MAJORITY CHAIRMAN GROVE: Representative Brett
7 Miller.

8 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.
9 Brett Miller, 41st District, Lancaster County.

10 MAJORITY CHAIRMAN GROVE: Chairwoman Margo
11 Davidson?

12 DEMOCRATIC CHAIRWOMAN DAVIDSON: Sorry about
13 that. I was away for my microphone. But yes, this is
14 Chairwoman Margo Davidson, and I want to thank acting Chair
15 Joe Webster for filling in for me as I'll be popping in and
16 out of the meeting physically and virtually. So thank you
17 so much.

18 MAJORITY CHAIRMAN GROVE: Representative
19 Fitzgerald.

20 REPRESENTATIVE FITZGERALD: Good afternoon.
21 Isabella Fitzgerald representing the 203rd Legislative
22 District, Philadelphia, West Oak Lane, East Oak Lane, and
23 the lower northeast. Have a good afternoon.

24 MAJORITY CHAIRMAN GROVE: Thank you.
25 Representative Ryan?

1 REPRESENTATIVE RYAN: Frank Ryan, representing
2 the 101st District, Lebanon County, Pennsylvania. We serve
3 as the buffer between Andrew Lewis's district and Russ
4 Diamond's district to keep peace and tranquility, and we
5 are the birthplace of liberty in the Commonwealth of
6 Pennsylvania with Cornwall Iron Furnace.

7 MAJORITY CHAIRMAN GROVE: Representative Howard?

8 REPRESENTATIVE HOWARD: Hi, it's Kristine Howard
9 from the 167th District in Chester County.

10 MAJORITY CHAIRMAN GROVE: Representative
11 Mackenzie?

12 REPRESENTATIVE MACKENZIE: Good afternoon.
13 Representative Ryan Mackenzie from the 134th District in
14 portions of Lehigh and Berks Counties. Thank you.

15 MAJORITY CHAIRMAN GROVE: Our virtual warrior,
16 Representative Sanchez.

17 REPRESENTATIVE SANCHEZ: Thank you, Mr. Chairman.
18 Ben Sanchez from the 153rd in Montgomery County.

19 MAJORITY CHAIRMAN GROVE: All right. I think I
20 got everybody virtually. Thank you.

21 If you can't tell, this Committee has spent a lot
22 of time together over the past few months, so there are a
23 lot of inside jokes and a lot of camaraderie that has
24 developed on this Committee over the past few months, which
25 I'm very grateful of.

1 With that, we will turn to our first panel. We
2 have Mr. Ed Allison, voter registration Elections Director
3 for Lawrence County; and Ms. Patricia Nace, Election
4 Consultant for Northumberland County and Snyder Counties,
5 also retired Snyder County Election Director.

6 Director Allison and Director Nace, could you
7 both please turn your cameras on and unmute and raise your
8 right hands and we will swear you in? And we're just
9 waiting for Ed. All right.

10
11 (Witnesses sworn.)

12
13 MAJORITY CHAIRMAN GROVE: Thank you very much.
14 I'll open it up, Director Nace, or Director Allison, if you
15 have any brief opening comments, the floor is yours. And,
16 Director Nace, you can go first.

17 MS. NACE: Fine. I'm Patricia Nace. I was an
18 Election Director for Snyder County, retired last year,
19 February of 2020 and was hired back as a consultant to help
20 them through the election. And in the meantime
21 Northumberland County asked me to do the same. So
22 currently I'm working as a consultant for both counties.

23 MAJORITY CHAIRMAN GROVE: Wonderful. Director
24 Allison, any opening comments?

25 MR. ALLISON: Thank you, Mr. Chairman and

1 honorable Members of the Committee, for the opportunity to
2 address you today. Pat, it's always good to see you. I
3 read your written testimony, and you certainly laid out
4 election day very well. I took somewhat of a different
5 approach and a more broad brush as to where we've gone and
6 what it has caused and what I think can help remedy.
7 Again, thank you, Mr. Chairman, for the opportunity.

8 MAJORITY CHAIRMAN GROVE: Will do. Thank you
9 both. We'll go to Member questions, and the first one, can
10 you both briefly describe the considerations that factor
11 into your county's election day operations?

12 MR. ALLISON: We obviously have the goal in mind
13 to offer or to deliver I should say a fair, honest,
14 efficient, and economical election each and every cycle.
15 Two elections a year, this past year of course we had those
16 individuals that came out to vote in the election because
17 they believed there's only one election every four years,
18 which is unfortunate.

19 This particular -- since the passage of Act 77
20 and 12 has basically caused the two-headed monster. So on
21 election day we're scrambling to go in two different
22 directions, one we're very familiar with regard to precinct
23 voting and all of the details and legwork and the
24 background work that goes into it, as well as the mail-in
25 and absentee election, which is run here because it's been

1 mandated as a central count activity.

2 Poll workers at this particular point are going
3 to be in very short supply. I have less than 50 percent of
4 the vacancies that are on our 2021 ballot filled with
5 individuals who are looking to run for Judge of Elections,
6 Minority and Majority Inspectors. I contribute that both
7 to one of two factors, age and the additional work and
8 stress that was placed on them in this past election with
9 regard to the surrendering and/or voting in person of
10 individuals who had mail-in ballots issued to them or
11 individuals who wished to vote in person who didn't bother
12 to do anything with their ballots and had to vote
13 provisionally. Provisional ballots take up time. They
14 take up additional time in our office to adjudicate
15 following the election. And obviously takes longer at the
16 poll to complete all that paperwork, which leads to a
17 backup on occasion in getting individuals in and out of the
18 polling place.

19 Our election day started or at least mine starts
20 at roughly 4:00 a.m. when I get here. I have a polling
21 place I make sure that's set up that's on county property,
22 and then I move into whatever else has to be done prior
23 till. We ask coworkers to be at their stations at 6:00
24 a.m., get their equipment opened, get their paperwork
25 spread out so that they can move smoothly through the day.

1 We take care of machine problems at that point, and I must
2 say that in 2020 the staff that I have with regard to the
3 maintenance of the equipment, we had only two disturbances
4 at the polling place or failures of equipment, which were
5 quickly rectified. So that went very well. However, the
6 presentation of voters to the precinct, again, trying to
7 surrender ballots, trying to drop off ballots, trading in
8 ballots to vote in person, provisional ballots was
9 overwhelming for poll workers. That's election #1.

10 Election #2 was the mail-in ballot. We started
11 pre-canvass at 7:00 a.m. Now, I can't be in two places at
12 the same time, so I left my Deputy Director to handle the
13 election day activity at the polls, and I went to the mail-
14 in ballot.

15 Lawrence County isn't all that large. We have
16 roughly 56,000 voters. We had over 12,000 ballots to get
17 opened, flattened, scanned, and reported on election day,
18 so we started opening ballots, we purchased two high-speed
19 envelope openers. We opened the outer envelopes first,
20 checked for any naked ballots, which were then set aside as
21 a fatal defect, and then we ran the secrecy envelopes
22 through those envelope openers as well, removed ballots,
23 placed them in the same order in which they received them,
24 which was by precinct and alphabetical order. Of course
25 alphabetical order at that point won't make any difference

1 because you can't tell whose is whose.

2 That activity started at 7:00 a.m. We finished
3 up roughly at 2 o'clock in the afternoon. I had 15 crews
4 of three individuals to handle those ballots. We did all
5 of it in-house from the inception through mailings,
6 producing ballots, to getting them out the door, to getting
7 them back, getting them opened, getting them counted. We
8 started our -- as part of the pre-canvass as well to run
9 them through scanners at roughly 10:00 a.m. They finished
10 roughly at 5:00 p.m.

11 Those ballots were then secured, locked, placed
12 in a different room in the courthouse under surveillance.
13 The machines had already been locked down so as not to be
14 able to produce any results on those machines. We then
15 moved straight into getting prepared for the return of the
16 precinct materials. And once they started to come in, we
17 would run or read the thumb drives coming out of the
18 DS200s, which is an ES&S product that we use here in the
19 county. Once we started to run those thumb drives, we
20 stopped roughly at 25 precincts, 50, and then when we
21 completed at 75 precincts and we were then able to combine
22 that data with the ballots from mail-in and reported them
23 as such.

24 So there are roughly four items that are major
25 concerns, first of all, just the fact that we have to run

1 two elections now. The second is the ballot collection
2 activity at the polling place. The third are the number of
3 provisionals that are being created by individuals who just
4 flat out changed their minds. And aside to that of course
5 are the vacancies that are now open. I'll need at least
6 100 and some poll workers in order to fill the slate for
7 next year.

8 One of the other items that was listed on the
9 activity for this Committee were with regard to satellite
10 election offices. Lawrence County chose not to do anything
11 with that at all. First of all, I don't find clear
12 authorization in statute to run a satellite office.
13 Secondly, we don't have the personnel or the equipment to
14 set up a satellite office for any length of time
15 whatsoever. We did use for the first time a number of drop
16 boxes to facilitate return of ballots, but at this
17 particular point I can't see Lawrence County operating
18 satellite offices unless State and/or Federal funds become
19 available. And it would have to be done on a regional
20 basis within the county because we are not permitted to be
21 on real-time. We cannot go into a wireless network. It's
22 not permitted in the Commonwealth. It's not supported by
23 the Department of Justice or the Department of Defense. So
24 that's going to be an issue with regard to satellite
25 offices. I can't have individuals going to multiple

1 offices and trying to file multiple voter registration or
2 request for ballots. And the only way to do that is to
3 regionalize it within the county, which basically makes
4 them vote centers, quasi vote centers at that particular
5 point.

6 So those are my opening comments, and I would be
7 more than happy to take questions. I'll turn it over to my
8 esteemed colleague, Pat Nace. Nice to see you.

9 MS. NACE: Yes, nice to see you, too. I don't
10 get to see too many Election Directors anymore.

11 My statements are basically broken down into
12 three parts with Act 77 challenges, a scenario of what an
13 election day looks like in a county, and then of course if
14 you have problems, you need the solutions.

15 So the challenges for Act 77 was the voter
16 registration, which changed to the 15 days instead of the
17 original 30. And of course canvassing of the ballots,
18 absentees staying in the county, counting no earlier than
19 the closing of 8:00 p.m. Receipts on the ballots, which of
20 course someone can walk into the office and drop off their
21 voter ballot by 8:00 p.m., over-the-counter assistance
22 voting, voter awareness, the way the absentees are handled
23 at the polls, and mail-in voter applications.

24 So a typical election day -- now, I visited
25 Northumberland County early in the day, was there till

1 maybe midafternoon, and then went to Snyder County for the
2 rest of the day. And at both places the same scenario was
3 occurring. Staff was reporting very early in the morning
4 anywhere from 5:00 to 6:00 a.m., and poll workers were then
5 calling in. They were setting up. They were opening their
6 polls. Some of them had machine issues. Sometimes the
7 staff had to go and visit if there wasn't a rover
8 available.

9 By 8:00 a.m., the office is opening, and there
10 again you need staff as needed at the counter to assist
11 voters handling ballots before the 8:00 p.m. deadline, and
12 of course then you have to timestamp them, record them in
13 SURE, and add them to the other absentees.

14 7:00 a.m., the polls open. Now, you have calls
15 from poll workers coming in. And this is an all-day issue.
16 The calls from voters coming in all day, staff could remain
17 on the phone the entire 13 hours. Snyder County in 2016
18 had 16,600 ballots and in 2020 had 19,200 ballots.
19 Northumberland County in 2016 had 37,000 ballots, and in
20 2020 had 44,000 ballots.

21 Of course there was confusion with the Judges in
22 handling those absentees that voters brought to the polls,
23 and there again we had provisional ballots. That takes a
24 lot of time to prepare and lines were accumulating.

25 We had problems with SURE, big problems with SURE

1 running slow during the day when they're on the phone.
2 You're trying to answer a voter question or poll worker
3 question and the phones keep ringing. You're preparing to
4 canvass. You have a team that's set up. In Snyder County
5 it was downstairs, opening up those envelopes with the
6 high-speed opener, laying them flat, and getting them ready
7 to process at the end of the night.

8 After the polls close at 8:00 p.m., the Judges of
9 course are calling in with exit problems, how do they do
10 this paperwork, how do they do that, how do they close down
11 their machine. These poll workers only work two days a
12 year. They deserve our respect.

13 The staff of course in the office is preparing to
14 accept the returns. There again we have a team in both
15 counties. The staff is accepting inspectors, sorry, and
16 this could be a 23-hour day for most counties.

17 The solutions: Number one, I think the biggest
18 one that the counties face was the directives coming from
19 the Department of State at the last minute. Election
20 Directors and their staff are so busy they don't have time
21 to read these emails constantly all day or even the day
22 before the election. I wish that they would just take some
23 time and do these directives enough time ahead of time that
24 we can all follow them. Staff could eliminate the absentee
25 voting and go with all mail. Return to the 30-day deadline

1 for voter registration. Act 77's 15-day deadline is a
2 challenge when staff are trying to perform other tasks.

3 I always told everyone it takes three months to
4 get ready for an election. It takes three months to clean
5 up from an election.

6 Take away the absentees going to the polls. It
7 does confuse the poll workers. Vote absentee or go to the
8 polls.

9 Provide funding, more funding for poll worker
10 training. Poll workers are vital in the elections. Make
11 it easier to appoint poll workers. Poll workers are always
12 coming and going. They call in at the last minute and we
13 need to find workers. Snyder County has over 125.
14 Northumberland County has over 370 poll workers.

15 Give the counties a little more time to start
16 their canvassing, maybe even seven days out.

17 Change the deadline for the absentee
18 applications. The United States Postal Service is slow.
19 Even that seven day that we had before was way too little.

20 [inaudible] the counties with more expenses,
21 needed equipment, more staff to handle the volume of
22 absentees, finding spaces to do all of this. Budgets have
23 increased. Snyder County's in 2016 was \$175,000, but in
24 2020 it was \$281,000.

25 So that is my scenario of the problems election

1 day, and my solutions, my requested solutions. I certainly
2 do appreciate being here today and allowing me the time to
3 express my feelings. Thank you.

4 MAJORITY CHAIRMAN GROVE: Thank you.
5 Representative Mackenzie.

6 REPRESENTATIVE MACKENZIE: All right, there we
7 go. Thank you, Mr. Chair. So from the testimony one of
8 the things I heard about was the operation of satellite
9 offices, and so I just want to go back to that and kind of
10 touch on that a little bit. So if I heard correctly, none
11 of the -- in Lawrence, Northumberland, or Snyder Counties,
12 none of those counties operated satellite offices in 2020's
13 general election. Is that correct?

14 MS. NACE: Correct.

15 MR. ALLISON: Correct.

16 REPRESENTATIVE MACKENZIE: Okay. When you were
17 notified about the availability of in-person voting prior
18 to election day and -- well, when were you notified about
19 the availability of in-person voting prior to election day
20 and the ability to establish satellite offices? Is that
21 something that you were notified about in advance or had
22 the opportunity to do or it just wasn't feasible? Tell me
23 how that decision came about.

24 MS. NACE: I can probably only speak maybe for
25 Ed's, but I don't recall any emails or any directives

1 coming out. I do have access to the listserv, so I would
2 see the emails. I don't recall. I -- vaguely about the
3 possibility of satellite offices, but neither county had
4 the manpower or the funds to do it. That was something
5 that they chose they just couldn't do.

6 REPRESENTATIVE MACKENZIE: You know, it -- go
7 ahead, Ed. I'm sorry.

8 MR. ALLISON: Yes, at this particular point we
9 knew about in-person or lets a mail-in balloting when the
10 act was passed in late 2019 and then again at 12 in the
11 first part of 2020. There was no mention at that
12 particular point or even to my memory even through the
13 primary. We did get guidance from the Department of State
14 that if a county wished to take on satellite offices, they
15 gave us advice as to what should be there, perhaps hours of
16 operations were suggested, and a number of things like
17 that. However, with the manpower that we have -- and you
18 just can't go out and hire somebody off the street. I'm
19 sorry, that's not possible. They've got to be trained,
20 they've got to understand the SURE system, they've got to
21 be able to understand the election programming. They've
22 got to be able to produce a ballot at that particular site
23 unless I'm going to supply ballots for 75 precincts to one
24 particular satellite office. And at that point now you've
25 got security issues or security concerns that you didn't

1 have before. Just the four drop boxes that we initiated we
2 placed in the magisterial district offices and one here at
3 the courthouse, they were under camera, they were under
4 surveillance, there were employees in the building if there
5 was an issue. Roughly 10 percent of the mail-in ballot or
6 absentee ballots that came back to us came through those
7 drop boxes. And they [inaudible] roughly 2 weeks ahead of
8 time. So if we're going to do anything along those lines
9 without additional help from the legislature in the form of
10 funding or from the Federal Government in the form of
11 funding, I don't see that happening in this county just
12 given the parameters or given the lack of assets that we
13 have available to us.

14 REPRESENTATIVE MACKENZIE: Understood. But the
15 interest would be there if resources were available, you
16 think?

17 MR. ALLISON: At this particular point I would
18 leave that to the Board of Election to make that decision
19 similar to what they did with the drop boxes. As you keep
20 adding layer upon layer upon layer upon layer of, let's
21 say, conveniences for the voter means an overwhelming
22 amount of work at the election office, as well as those
23 individuals who are responsible for carrying out those
24 activities. Literally over the three months prior to the
25 general election I spent 80 hours a week here, seven days a

1 week. You could only do that for so long. And as soon as
2 you keep adding in another layer on top means additional
3 responsibility, additional oversight. It would require
4 additional personnel in the office, qualified and educated.

5 REPRESENTATIVE MACKENZIE: Understood. Well,
6 thank you. I'll wrap up there, but I will just say as a
7 statement, you know, I was a little concerned when some
8 outside resources came in for certain areas of the State
9 and guidance was provided late in the process, which, you
10 know, led to maybe some areas that had more resources able
11 to provide more convenience for their voters. And really I
12 think it's important that we provide the same level of
13 convenience and accessibility and service and options for
14 voters in a uniform fashion all across the Commonwealth,
15 and so I would like to see any reforms that we do provide
16 those same options for voters, whether they be in urban,
17 suburban, or rural parts of the State, regardless of their
18 county, and just want to make sure that that's really
19 uniform across the State. And, you know, I have concerns
20 about how that's being handled so far and want to make sure
21 that we try to fix that going forward.

22 So thank you again, and I'll turn it back to the
23 Chairman.

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

1 REPRESENTATIVE MILLER: Thank you, Mr. Chairman,
2 and thank you to our testifiers. I appreciate your
3 testimony and the work that you've done through the years
4 and these most recent elections.

5 A question for you, Mr. Allison. You had
6 mentioned about 50 percent of your people, you know, you're
7 going to have vacancies of about 50 percent of your people.
8 Is that about what it has been through the years, or is
9 that a new phenomenon? You mentioned stress and an aging
10 group of people serve in that capacity. Is 50 percent what
11 you experience pretty much all the time, or is that a new
12 higher level?

13 MR. ALLISON: Well, it's a new lower level if you
14 want to look at it from that standpoint. Generally, I
15 would probably fill 70 to 75 percent of those vacancies or
16 individuals would file their petitions for those positions
17 at roughly 70, 75 percent in prior years. This has been
18 very, very tough on them.

19 REPRESENTATIVE MILLER: All right. And, Ms.
20 Nace, in the counties you were referencing, is the rate
21 that we just described similar in the other areas?

22 MS. NACE: Absolutely. Absolutely. It had a lot
23 to do with not just it being a presidential year and all
24 the changes that were happening at the polls but also to
25 COVID. We had a lot of Judges resign, and at the last

1 minute it's tough to find individuals to step up to the
2 plate. Some of the polls may have only worked with a
3 limited amount of people because they just can't find
4 someone. I would hope that it will come in the future that
5 we are not having our poll workers jump through hoops and
6 loops to be appointed or elected, that we're more apt to
7 get them a little more training also. Only two days a year
8 is just not enough, especially with all the changes that
9 have happened. And we have 90-year-olds. The majority of
10 them are over 70. We certainly do appreciate all our poll
11 workers.

12 REPRESENTATIVE MILLER: Yes, I know in my
13 particular area here I've noticed that there's a lot of
14 vacancies in the Inspector and Judge of Elections spot as
15 well, so I think --

16 MS. NACE: Yes. Pardon me. I don't think there
17 are enough petitions either this year.

18 REPRESENTATIVE MILLER: Yes. Okay. Mr. Allison,
19 I want to go back to something you referenced about the --
20 you said you had an automatic machine that opens up some of
21 the ballots, correct?

22 MR. ALLISON: We have automatic envelope openers,
23 high-speed, that we use first to open the return envelope,
24 the outer envelope where the voters mail their ballots
25 back, and then once we extracted the secrecy envelope from

1 those, we kept, again, by precinct because we knew very
2 well that we were going to have to be in a position where
3 we could complete our risk-limiting audit as well. So
4 keeping them in precinct order was paramount to make that
5 process go fairly smoothly. And then once we removed the
6 secrecy envelope, we ran them through the letter opener and
7 so at that point we'd opened pretty close to 25,000
8 envelopes in about five, six hours' time.

9 REPRESENTATIVE MILLER: All right. Let me ask a
10 question. So the envelopes are going through by precinct
11 through this machine.

12 MR. ALLISON: Yes.

13 REPRESENTATIVE MILLER: So let's say an envelope
14 goes through and it has the outer envelope, the secrecy
15 envelope, and the outer envelope is removed but the secrecy
16 envelope is contained and intact and then that's separated.
17 What if an envelope comes through and it does not have a
18 secrecy envelope?

19 MR. ALLISON: At that particular point, sir, the
20 ballot itself is not opened, not read --

21 REPRESENTATIVE MILLER: Can I ask, how do you
22 know if an envelope does not have a secrecy envelope until
23 it's opened?

24 MR. ALLISON: You won't know that there's no
25 secrecy envelope until such time as you open the outer one.

1 REPRESENTATIVE MILLER: Okay. So when that
2 machine opens this up, is there a special mechanism or
3 programming in the machine that says this one has a secrecy
4 envelope, this one does not, so they separate them?

5 MR. ALLISON: No, sir, it does not.

6 REPRESENTATIVE MILLER: So then that ballot that
7 is opened that doesn't have a secrecy envelope, that one
8 just goes through and is counted?

9 MR. ALLISON: No, sir, that ballot gets set aside
10 as a fatal defect without being in a secrecy envelope.

11 REPRESENTATIVE MILLER: And does the machine do
12 that automatically?

13 MR. ALLISON: No, the individuals who are
14 separating the envelopes or separating the ballot from the
15 secrecy envelope will know at that particular point if they
16 pull it out and it's merely just a ballot, they bring it to
17 me, we quarantine it, we set it aside, and those ballots
18 then are not counted.

19 REPRESENTATIVE MILLER: Okay. And those ballots
20 that do not have a secrecy envelope are then -- is there an
21 auditing that occurs of them, how many there are?

22 MR. ALLISON: Just a count, that's it. I don't
23 know by party, I don't know by how anyone voted. There was
24 no tally on those ballots. They are merely set aside in
25 groups of 10 so that we could count them easily. In the

1 primary we had over 400 ballots that came without a secrecy
2 envelope. They were set aside. There's still locked up
3 here in the courthouse. In the general election, that
4 number dropped to less than 150, so the educational process
5 that we went through to try to get individuals to
6 understand this is the process, some things can be cured
7 relatively quickly, some things cannot. And a secrecy
8 envelope, which was upheld by the court, is one of those
9 fatal defects.

10 REPRESENTATIVE MILLER: Okay. Well, thank you
11 both for your service to the Commonwealth and particularly
12 through the years but this particularly challenging time,
13 so thank you very much. Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN GROVE: Representative Webster.

15 REPRESENTATIVE WEBSTER: Thanks, Mr. Chairman,
16 and thank you very much to our experts and testimony.

17 I have a question more around the economics and
18 the personnel involved if you will. I think I've learned
19 now going into my second term that Pennsylvania, you know,
20 is very proud of our volunteers, and we typically don't
21 like to pay too much for our government services. But
22 we're now in a position where our -- you know, and I'll
23 speak for Montgomery County where I serve -- that we're a
24 fairly affluent community but we don't pay our election
25 services officials very much. And you're talking about

1 absences and, you know, vacancies and all of the new
2 responsibilities.

3 So to get to my question, obviously, you need
4 some help administering the election itself, but can you
5 talk to us a little bit about, you know, do we need to be
6 more robust on an annual basis now that, you know, our
7 elections, our cycle's off-year, you know, presidential
8 years, is there a requirement to have more full-time people
9 in the county, you know, on an annual basis, not just in
10 the six weeks of the election cycle itself, if you could
11 talk about that part? Because I'm trying to understand,
12 you know, you can't -- I don't think that we can create a
13 surge capability right before an election in terms of
14 trained personnel to run an election, so it would have to
15 be a staff that's permanent and full-time and if those
16 requirements are changing, how do you view that? And I
17 hope -- that was a long question, but if you can see what
18 I'm trying to get to understanding your needs sort of as a
19 director or an employer running that election cycle.

20 MS. NACE: I'm not quite sure. I'm not quite
21 sure what the question is.

22 REPRESENTATIVE WEBSTER: Well, so, let me try one
23 more time.

24 MS. NACE: Are you asking if we need more help?
25 Are you going to pay for it?

1 REPRESENTATIVE WEBSTER: And would it be
2 justified, you know, 12 months a year, not just in the two
3 months around the election itself? Are there other duties
4 and responsibilities that are expanding across the board?
5 I guess it's my question.

6 MR. ALLISON: Everything that we do has expanded
7 with the mail-in ballot.

8 MS. NACE: Yes, that's it.

9 MR. ALLISON: At this particular point I have a
10 staff of three people plus myself. One of those
11 individuals is responsible for programming the ballot,
12 programming media to go into the voting equipment, so I
13 lose him basically out of the office for that time period.
14 So that leaves me two. I have as many as 12 individuals
15 working here anywhere from 8 to 12 hours a day putting
16 envelopes together, putting labels on envelopes, matching
17 envelopes with ballots, getting ballots sealed, getting
18 them ready to go out the door, on and on and on.

19 So a lot of the activity that's actually going on
20 are very basic activities, but there just aren't enough
21 people, aren't enough hours in the day to handle it all.
22 So those individuals can certainly be trained as to what
23 needs to be done as long as we can keep them on a regular
24 basis.

25 But as far as with regard to 12-month staffing, I

1 don't think that's going to happen within the budgetary
2 constraints that Lawrence County has, so I'm going to do
3 everything I can with what I have.

4 And as far as, let's say, sharing the cost of
5 elections, the county has pretty much covered all of it for
6 decades with the exception of the CARES Act and HAVA monies
7 that were available this year to help offset the personal
8 protective equipment, overtime, staffing to increase
9 election security and so forth. I spent every penny of it,
10 and I've already gotten every penny of it back under those
11 grant proceeds, but the State and Federal Government have
12 to adopt a formula by which they pay their fair share
13 annually for their portion of what has to be done to the
14 ballot.

15 So therefore, in 2022 when all legislators are on
16 the ballot, the Governor's race and the other cabinet
17 races, the State should be reimbursing the counties for
18 those elections. In a presidential year, it should be
19 shared between the State and Federal Government. Counties
20 should not be burdened every election cycle with the total
21 cost of elections.

22 I spent every penny in my budget for supplies,
23 personnel just to get through the primary because we didn't
24 know what to expect. I spent an additional \$185,000 to get
25 through the general election. That basically was with the

1 implementation of the mail-in ballot.

2 And Pat made a good point. We have to even run a
3 dichotomy in the mail-in and absentee ballots. One, we
4 still have to have the absentees for the State
5 Constitution, and you have the mail-in ballots, which were
6 a legislative action. So those two have to be married
7 together so that Pennsylvania -- if they're going to
8 continue -- going to have to have one no-excuse mail-in
9 ballot. Good luck.

10 MS. NACE: Both Snyder County and Northumberland
11 County employed teams to handle all of those mail-in
12 ballots. They were brought in as soon as the absentees
13 were ready to go out. They were brought in, they were
14 trained on the SURE system, and they stayed on staff until
15 the absentees were received. It was a huge expense for
16 both counties.

17 REPRESENTATIVE WEBSTER: Thank you. You answered
18 my long, rambling question. Thank you.

19 MAJORITY CHAIRMAN GROVE: Representative Diamond.

20 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.
21 Ed, just a quick follow-up on Representative Miller's
22 question. I understand that the naked ballots were set
23 aside as fatal. Did you also set aside those corresponding
24 outside envelopes with those naked ballots for any
25 particular reason? Did you segregate them from the other

1 outside envelopes that contained valid ballots?

2 MR. ALLISON: I believe we did, yes.

3 REPRESENTATIVE DIAMOND: Okay, thank you. All
4 right. Your testimony mentioned higher costs for the past
5 election. Can you provide us with, you know, the
6 difference between 2020 and 2016 in expenditures total?

7 MR. ALLISON: Roughly \$200,000.

8 REPRESENTATIVE DIAMOND: Okay. And when
9 considering this cost increase, did Lawrence County -- you
10 know, did you benefit financially from the passage of Act
11 77 and the provision of funds within it for replacing
12 voting machines?

13 MR. ALLISON: At that particular point, the
14 counties are going to get reimbursed 60 percent of a new
15 voting system. We moved in 2019 to have ours implemented
16 so that we had a year underneath our belt before we even
17 got to the presidential, which paid off in dividends.

18 The fact that the State Government decided to
19 decertify the non-paper trail systems, which I believe we
20 could have gotten another four years' utilization out of,
21 at that particular point cost the county money. We're
22 going to pay 40 percent of the new system. It isn't
23 anything that we could have -- I don't think until we got
24 to the end of life on the old system, but we'd have lucky
25 to replace them.

1 REPRESENTATIVE DIAMOND: All right, sir, thank
2 you so much. And let me just clarify that the General
3 Assembly had nothing to do with the decision to decertify
4 any voting machines, but it's very interesting that you
5 point out that the old system would have had four more
6 years of useful life. But that was not our decision to
7 enter into that settlement agreement to decertify all the
8 machines.

9 And from what I'm hearing from you is that the
10 mail-in voting, which was passed by the General Assembly
11 and signed by the Governor, seems to me that in manpower
12 and in dollars it seems like it's a very, very high cost
13 for the convenience. And I'm not going to ask you to
14 respond to that. It just seems to be my view from what you
15 folks are telling me today.

16 Thank you so much, Mr. Chairman.

17 MAJORITY CHAIRMAN GROVE: Representative
18 Fitzgerald.

19 REPRESENTATIVE FITZGERALD: Thank you so much for
20 your testimony. I'm just curious, what is the process for
21 the training of the election board workers, and how often,
22 how long is that process and when does it start if I'm
23 asking --

24 MS. NACE: Do you want me to take this, Ed?

25 MR. ALLISON: Sure, Pat, go for it.

1 MS. NACE: Poll worker training, you can never do
2 enough. They always have a class before the election. It
3 depends on the election. If it's a small turnout election,
4 it can be just that we're training the Judges. If it's a
5 huge election and there's a lot of new things, we will
6 train everyone. If there is a new Judge or a new
7 Inspector, Snyder County and Northumberland County has
8 invited them to come in and witness the testing to get some
9 hands-on with the machine, hopefully have a meet-and-greet
10 with their other board members. There is a book. I had
11 designed a poll worker instruction book many years ago, and
12 it's been updated and I shared it with Northumberland
13 County. Every poll worker that comes to school gets a
14 book. This is a resource book from the start of the day to
15 the end of the day. It tells them how to open up, how to
16 close up, what to bring back. This is a constant thing
17 that we do before every election. And there's a lot of
18 money spent on it, but it is certainly worth the while.
19 These poll workers are worth every penny.

20 REPRESENTATIVE FITZGERALD: Thank you.

21 MR. ALLISON: We went through a similar process
22 in Lawrence County where we will schedule meetings with the
23 Judge of Election and the Inspectors. Out of the 225
24 elected positions, we get, I'm going to say roughly 200 of
25 that group either appointed or elected to come to a

1 refresher training. We cover all changes since the
2 previous election. We do practical demonstrations with
3 regard to the equipment. We go over our standard operating
4 procedures for various topics. Whatever we thought we were
5 perhaps weak in in the previous election, we will hit those
6 much harder. We will sit down and do one-on-ones with the
7 new Judges, especially since they are in charge of the poll
8 for the election day, no one else.

9 And that's been a standard practice here in
10 Lawrence County before I came here in 2009. We have
11 tweaked that training. We also have a standard operating
12 procedure book that goes out with the Judge of Election in
13 their supplies. They are certainly to refresh their
14 memories straight through that particular book. We also
15 have one that's called the Election Day Digest, which is
16 kind of like a question-and-answer for the most frequently
17 run into problems that gets published by the individuals
18 who take care of our election supplies.

19 There is a myriad of information available to the
20 poll workers either through our office or through the
21 Department of State, and they've done a number of videos,
22 as well as additional training materials available for
23 dissemination, and we will take advantage of those that we
24 feel are appropriate.

25 REPRESENTATIVE FITZGERALD: Thank you.

1 MAJORITY CHAIRMAN GROVE: Representative Dowling.

2 REPRESENTATIVE DOWLING: Thank you. Ms. Nace, I
3 would like to go back to some information about the
4 Department of State guidance. And you had placed in your
5 testimony that close to election day there was new guidance
6 coming in. And my question is primarily how long prior to
7 an election should any of these rules be set into place in
8 your opinion?

9 MS. NACE: Well, absentee ballots start -- I
10 mean, when they start to go out, there's basically no time
11 for anything else. They are constantly accepting the
12 applications processing. You have voters coming in the
13 door. I know that the Election Director that was hired
14 after me said she absolutely had no time to look at these
15 emails, that she was busy from sun up to sunset.

16 I would suggest that if they're going to make new
17 changes, that they do it two months ahead of the election
18 before we start to finalize our ballots, before we start to
19 finalize everything ready for the election. We do our
20 testing. We stop everything. I think two months is not
21 much to ask for.

22 REPRESENTATIVE DOWLING: Thank you, Ms. Nace, and
23 thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN GROVE: Representative Keefer.

25 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

1 Ms. Nace, in your testimony you mentioned the
2 benefit of the counties' administration from pushing back
3 that voter registration deadline to the 30 days prior to
4 the election and then pushing back the deadline to request
5 the mail-in ballots 14 days prior to the election.

6 MS. NACE: Yes.

7 REPRESENTATIVE KEEFER: Can you explain how the
8 changes would benefit specifically the county?

9 MS. NACE: Well, certainly. Of course when
10 absentee balloting starts, we're all focused on that, voter
11 registration, if we can get that back to where it was, it
12 was at 30 days, it makes it a lot easier for voter
13 registration personnel to get those applications in and
14 then to process absentee ballots when the applications come
15 in. That would help those individuals register.

16 And then with the 14-day for applications, there
17 again, it would make it easier to get those ballots out of
18 the mail and get them received in time for the election
19 day.

20 REPRESENTATIVE KEEFER: Okay.

21 MS. NACE: I mean, we'd have less of those
22 received-too-late ballots.

23 REPRESENTATIVE KEEFER: Okay. And then I have
24 another question for you. Are you familiar with an
25 unverified ballot?

1 MS. NACE: Unverified? I'm not sure that I know
2 that terminology.

3 REPRESENTATIVE KEEFER: Okay. It was something
4 that was explained to us in our last hearing, so I had not
5 heard about it at any county level, so I was just checking
6 to see if at the county level --

7 MS. NACE: Voter not verified?

8 REPRESENTATIVE KEEFER: Excuse me?

9 MS. NACE: What does that mean?

10 REPRESENTATIVE KEEFER: It was explained to us
11 that when the State sends to you voters to enter into the
12 SURE system and they do not have all the information
13 required to validate their identity but they've checked the
14 box that they are an eligible voter, that you have to enter
15 them into the SURE system. And they said what happens is
16 that voter is sent out then -- if they request a mail-in or
17 an absentee ballot, they are sent out an unverified ballot,
18 and then when that's mailed back, those are set aside. Do
19 you have a process for that?

20 MS. NACE: I'm not sure how voter registration
21 would handle that in either county, but I'm assuming that
22 if they did not have the information, I'm not sure why they
23 would get an absentee ballot to begin with if there was
24 something missing that they really should have continued to
25 try and find the information on that voter before the

1 absentee ballot would go out.

2 REPRESENTATIVE KEEFER: Okay.

3 MS. NACE: I'm not sure why the ballot would go
4 to someone who was not verified.

5 REPRESENTATIVE KEEFER: Mr. Allison, are you
6 familiar with that process or that type of ballot?

7 MR. ALLISON: I understand what you're suggesting
8 at that particular point. We cannot decline a voter based
9 on the fact that they don't submit a driver's license or
10 the last four of their Social Security number. We are told
11 at that particular point if they checked the box that they
12 say they don't have either or as we come down to the close
13 of registration, if we have them in pending, we have to get
14 them processed and put on the roll. That's Department of
15 State guidelines.

16 REPRESENTATIVE KEEFER: Correct. And so when
17 they would request a mail-in ballot, would they receive
18 this unverified ballot?

19 MR. ALLISON: Yes, they would. And then of
20 course at that particular point it is clearly delineated in
21 the list whether or not it's been valid or verified or
22 unverified. If it's unverified, then we go after the
23 missing information, again, to get their file up to 100
24 percent complete.

25 REPRESENTATIVE KEEFER: And that's done after --

1 you still mail out that ballot, though, even though -- and
2 that's with the unverified ballot?

3 MR. ALLISON: That is correct. If they are
4 registered, they get a ballot.

5 REPRESENTATIVE KEEFER: Okay. So then you have a
6 process in place to hold all of those when you receive them
7 back?

8 MR. ALLISON: Yes, ma'am.

9 REPRESENTATIVE KEEFER: Okay. And one last
10 question, Mr. Allison, for you is that you explained to us
11 that you didn't do the satellite offices because you didn't
12 believe that the law provided for satellite offices. And
13 the courts determined that drop boxes were permitted
14 because they deemed them to be satellite offices. So in
15 your drop boxes that you had at your county, how were those
16 managed as far as people collecting them, observers, and
17 making sure that the process and the chain of custody
18 wasn't compromised?

19 MR. ALLISON: At that particular point we would
20 send one person from the election office, as well as a
21 sheriff's deputy to each one of the locations. They would
22 complete the form that was provided for us. They have to
23 sign off as to the number of ballots that were there.
24 Everything is placed separately from each one of the
25 lockboxes. When they're brought back to the courthouse,

1 then additional election personnel will sign off on the
2 fact that they received, let's say, 19 ballots from
3 Magistrate Smith's office, and that is exactly what was in
4 that particular pouch. And then we can go ahead and
5 process those ballots.

6 REPRESENTATIVE KEEFER: Do you think that we need
7 clarifying language then for those drop boxes as well?

8 MR. ALLISON: Yes, ma'am, because they are --
9 other than the court case, drop boxes are not mentioned in
10 the action code.

11 REPRESENTATIVE KEEFER: Right, okay. Thank you.

12 MR. ALLISON: That was a court interpretation and
13 a court decision.

14 REPRESENTATIVE KEEFER: Right, thank you. Thank
15 you, Mr. Chairman.

16 MAJORITY CHAIRMAN GROVE: Thank you. I did want
17 to recognize that Representative Madden is here present,
18 and Representative Solomon is attending virtually.

19 I recognize Chairwoman Davidson for a question.

20 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you, Mr.
21 Chairman. I have a few questions.

22 In the beginning of the panel there was a
23 reference to drop boxes as opposed to satellite offices.
24 And I understand the testifiers reported that they did not
25 have satellite offices but there were drop boxes. Under

1 what authority -- and also was testified, I believe, that
2 they didn't believe that there was authority to do
3 satellite offices in the statute. Under what authority did
4 you do the drop boxes? I think that's for the gentlemen.

5 MR. ALLISON: That was based on the Supreme Court
6 decision that they felt that there was language in the code
7 that permitted drop boxes.

8 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you. And
9 some counties believe that satellite offices authorized the
10 drop boxes, but how are you defining satellite offices?
11 Because you're determining that a satellite office is
12 different from a drop box. So what is your definition of
13 satellite office?

14 MR. ALLISON: A satellite office for us would
15 basically be a direct extension of the office with services
16 available similar to what we would do in-house, voter
17 registration work, getting ballots to that particular
18 individual, not just drop off.

19 DEMOCRATIC CHAIRWOMAN DAVIDSON: And so in your
20 opinion as an expert witness here today, you believe it's
21 more cost-effective to use drop boxes as opposed to doing a
22 complete satellite office, would you say?

23 MR. ALLISON: Certainly having the drop box
24 situation in a secured fashion as we did is certainly more
25 economical than running satellite offices.

1 DEMOCRATIC CHAIRWOMAN DAVIDSON: Okay, thank you
2 so much for those answers.

3 And this question is for both of you or either of
4 you. How is your county budget structured in terms of the
5 division between Federal funds, State funds, and county
6 funds to create your overall budget in terms of
7 percentages?

8 MR. ALLISON: The budgeting process as far as
9 income is concerned is not within the purview of our
10 office. We are merely looked at as a cost center as
11 opposed to a for-profit or whatever the income may be in
12 order to help cover the cost of elections at that
13 particular point. The income is handled on a much higher
14 level than mine.

15 DEMOCRATIC CHAIRWOMAN DAVIDSON: You testified
16 that the counties were expected to do 40 percent of the
17 cost of the voting machines, so I'm wondering, are other
18 costs assigned to the county as opposed to State funds
19 being generated? So I'm trying to understand what the
20 usual and typical balance is between State funds and county
21 funds, taxpayers that pay taxes into the county and
22 taxpayers that pay taxes into the State.

23 MR. ALLISON: The purchase of the previous voting
24 system was all covered under the Help America Vote Act, so
25 therefore, it was at no expense to the county. Those funds

1 were not available when the Administration -- and yes,
2 you're absolutely correct, and we are well aware of the
3 fact that the Administration decertified a non-paper-
4 verifiable paper trail. So at that particular point the 60
5 percent funding that's coming from the bond issued through
6 PEDFA leaves 40 percent to the counties to pay.

7 DEMOCRATIC CHAIRWOMAN DAVIDSON: All right.

8 MR. ALLISON: And we are doing so.

9 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you so
10 much. And I do certainly appreciate your testimony that
11 said that you expect the Federal Government to chip in more
12 to help offset a lot of these costs that the counties are
13 absorbing right now, especially during presidential
14 elections when the volume is so increased for all of our
15 county officials.

16 Which leads me to the last line of questioning as
17 it relates to your staffing on the county level. Surely
18 with the amount of changes that Act 77 placed upon all of
19 our county officials' backs in such a short period of time,
20 many of you had testified that you felt you were
21 understaffed and did not have enough time to execute as you
22 would have liked to all the things that had to be done with
23 the new voting act.

24 So would you say at this time your counties would
25 benefit for additional resources to have additional full-

1 time staff that would execute all the things that have to
2 happen in an election that have two elections a year so
3 that you have adequate staff year-round?

4 MR. ALLISON: Pat, you want to take the first
5 shot?

6 MS. NACE: I think the bulk of the manpower
7 happens, again, there with the absentees. When the
8 absentees are -- the applications are coming in, when the
9 absentees have to be mailed out, when the absentees have to
10 be received back in, this is when the manpower is needed.

11 If I had to go back to my years in, say, 2000, I
12 did the election by myself. I did everything. I did all
13 the stocking, the preparation, the balloting, the absentee,
14 sending them out, receiving them back. We can't do that
15 anymore. You just can't do it. It went from 1,000
16 absentees in 2008 to 4,000 absentees in 2020. That's the
17 time that the manpower is needed.

18 MR. ALLISON: In the primary of 2020, we
19 processed roughly 6,000 applications for mail-in and
20 absentees. In a normal presidential year we would have
21 done 700. In the general election where we would have
22 normally processed roughly 2,500 to 3,000 absentees, now it
23 ballooned up over 12,000. And again, the full-time staff,
24 we were able to keep up with the SURE system with my
25 permanent staff because they're good at it.

1 The other activities with regard to, you know,
2 getting envelopes ready, getting ballots matched up,
3 getting the stuff out the door, those activities can be
4 taught and mastered in a relatively short period of time.
5 I have people calling me right now that worked with us in
6 the fall wanting to know if we're ready to go again for the
7 spring because they fully understand and saw what we were
8 up against. And I think one of the pluses for us is that
9 the additional help for the most part we went to our Judges
10 of Election that were available to work during the week.
11 They know at this point what the office went through and
12 what has to be done in order to facilitate the mail-
13 in/absentee ballots.

14 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you so
15 much. I do really appreciate your testimony regarding the
16 Herculean task that all of you did at the county level, in
17 particular your poll watchers and that additional
18 resources, additional pay might be something that the
19 legislature should consider for all the work that you do
20 and all the time that you spent in training and especially
21 when there's monumental changes to the act.

22 I also appreciate the testimony that suggested
23 that maybe we should just do all mail-in voting and not
24 have a separate category of absentee voting so then that
25 creates a separate process. So thank you very much for

1 your testimony today. I think it was very helpful.

2 MR. ALLISON: Thank you.

3 MAJORITY CHAIRMAN GROVE: Thank you, Ed and Pat.
4 That's all the time we have for your panel. We greatly
5 appreciate your work as election officials. Your testimony
6 today has been invaluable and hopefully will help
7 facilitate obviously a better election system for
8 yourselves, for voters in the Commonwealth moving forward.
9 So again, thank you for your service, and we greatly
10 appreciate your time today.

11 MS. NACE: Thank you. If I can just have one
12 more minute, please?

13 MAJORITY CHAIRMAN GROVE: Sure.

14 MS. NACE: I would also like to suggest that you
15 read -- there is a job description for an Election Director
16 that I included with my remarks to give you a better idea
17 of what Election Directors are required to do and also to
18 invite every one of them that are there in this room today
19 and virtually to visit their local election offices when
20 it's close to election and actually see what's going on. I
21 think that would certainly give them some assurance, too,
22 that you know what they're doing. And thank you for having
23 me.

24 MAJORITY CHAIRMAN GROVE: Thank you, Pat. That's
25 an excellent suggestion.

1 With that, we will move on to our next panel.
2 Chief Deputy Commissioner Seth Bluestein is the Chief
3 Integrity Officer for the City of Philadelphia. If you
4 could turn on your screen.

5 MR. BLUESTEIN: Ready when you are, Chairman.

6 MAJORITY CHAIRMAN GROVE: Will do. We're just
7 trying to get you profiled. All right, here we go.

8 Chief Deputy Commissioner, can you just real
9 quickly raise right hand and we'll swear you in?

10

11 (Witness sworn.)

12

13 MAJORITY CHAIRMAN GROVE: Thank you. We really
14 appreciate your attendance here today. Obviously,
15 Pennsylvania is a very diverse and a very unique State.
16 Obviously, we have elections in 67 counties with 67
17 different operations of county elections, so hearing
18 firsthand how the city of the first class has done
19 elections in the past will really help us -- I usually say
20 that, you know, an election in Forrest County is very much
21 different than an election in Philadelphia or any of the
22 bigger counties, so having your input today will be much-
23 needed as we move forward.

24

25 With that, do you have any opening remarks or
comments?

1 MR. BLUESTEIN: Sure. I just want to introduce
2 myself and say good afternoon, Chairman Grove, Chairwoman
3 Davidson, Honorable Members of the House State Government
4 Committee. My name is Seth Bluestein. I currently serve
5 as the Chief Deputy Commissioner for Philadelphia City
6 Commissioner Al Schmidt. Since 2018, I've also served as
7 the Chief Integrity Officer for the Office of the City
8 Commissioners.

9 In Philadelphia, the City Commissioners are a
10 three-member bipartisan board of elected officials, and
11 they are in charge of elections and voter registration for
12 the city. And pursuant to the Pennsylvania Election Code,
13 the Commissioners constitute the Board of Elections for our
14 county.

15 And at this time I'm happy to answer any
16 questions you have.

17 MAJORITY CHAIRMAN GROVE: Will do. We'll start
18 with Representative Nelson.

19 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.
20 And I appreciate, you know, your being able to join us
21 today.

22 Philadelphia was definitely in the national eye,
23 you know, this past election. The administration of the
24 election itself, can you touch on how this November 2020
25 election, you know, differences in how this election was

1 administered not so much COVID-specific things because
2 we've heard a lot of the testimony but the changes of Act
3 77 and how it impacted Philadelphia?

4 MR. BLUESTEIN: Sure. I have served with the
5 City Commissioners since 2012, so this was my third
6 presidential election. And in the past what I've always
7 said is the presidential general is different than every
8 other election cycle. So out of the primary general for
9 every year we have four years in a cycle, so there's eight
10 elections, and seven of them are similar, and the
11 presidential general is much more challenging. And that
12 was even more so in 2020 for a couple of reasons, starting
13 with the need to implement new voting systems prior to the
14 2020 election. We managed to get ours up and running in
15 November of 2019, which was invaluable to get that up and
16 running. And then on top of that layering in Act 77 and
17 the no-excuse mail-in ballots. And then third, I would add
18 that because of the pandemic, it added an additional
19 wrinkle to the 2020 election cycle.

20 REPRESENTATIVE NELSON: Can you dig a little bit
21 deeper in the administration? Specifically, how was that
22 administrative changes, you know, related to those mail-in
23 ballots?

24 MR. BLUESTEIN: Sure, yes, so the 2020 primary
25 was the first election cycle, and we didn't know exactly

1 how many ballots to expect. The prior highest number we
2 had received in Philadelphia was back in 2008, and that was
3 just over 20,000. So based off of conversations with the
4 Department of State, we were expecting anywhere between,
5 you know, four times and, you know, 10 times increase
6 possibly, but it was more likely going to be about four
7 times as many ballots, which would put us at about 80,000
8 ballots pre-COVID.

9 With the pandemic, we ended up receiving 174,000
10 ballots in the primary, but we didn't have the equipment to
11 do those, process those in an automated way. So we did a
12 lot of work in the primary for 174,000 ballots by hand. We
13 did manage to get two what -- we refer to them as grinders.
14 Basically, they grind the top of the envelope so you can
15 open them quicker, but you're still opening them manually
16 after that first cut.

17 So over the summer we worked to procure automated
18 sorters and extraction equipment so that we could handle
19 the expected influx of ballots. And we actually ended up
20 having 374,000 ballots in the general election, so having
21 the automated equipment allowed us to process those ballots
22 much more efficiently.

23 REPRESENTATIVE NELSON: And administrative
24 changes, national news, the shutdown of the count, has that
25 happened in past elections, you know, administratively

1 ending the count? Has that occurred in the past in
2 Philadelphia?

3 MR. BLUESTEIN: If you're referring to the court
4 case that occurred, there was a pause of a few hours from
5 processing, but nothing was shut down per se the way that I
6 think it's being framed. We started processing our ballots
7 in the general election at the opening of the polls on
8 election day and continued to do so throughout election day
9 and only having a short pause while we rearranged how
10 closely observers were to the process. And then once that
11 was done, we immediately started back up again and
12 continued until completion.

13 REPRESENTATIVE NELSON: Yes, and you've mentioned
14 the observers. Can you touch a little bit more about that
15 observation in Philadelphia, you know, and, you know, that
16 was a -- it seemed to be, at least my understanding, a
17 significant change in how those observers may have been
18 located in the past.

19 MR. BLUESTEIN: No, there was no change from how
20 observers were in the past. The setup we had at the
21 convention center, while much larger in scale because we
22 had many tens of thousands and hundreds of thousands times
23 more ballots, mirrored exactly the setup we've had at our
24 voter registration office in the past. And in fact the
25 observers that observed our primary, which we operated out

1 of the voter registration office, the setup was identical.

2 REPRESENTATIVE NELSON: And access for observers,
3 I remember --

4 MR. BLUESTEIN: Yes, it was exactly the same.

5 REPRESENTATIVE NELSON: So were all observers
6 allowed access?

7 MR. BLUESTEIN: Yes. I was present at the
8 convention center personally from the opening of the
9 election for the duration of our 24-hour cycle. We stayed
10 there. I actually worked 82 straight hours without sleep
11 and only managed to get six hours of sleep within the first
12 88 hours, personally interacting with many of the
13 observers. And the level of access was identical, and the
14 observers were always present that entire time.

15 REPRESENTATIVE NELSON: Thank you, Mr. Chair. I
16 know I'm pushing it on time. I appreciate your testimony.

17 MR. BLUESTEIN: Thank you, sir.

18 MAJORITY CHAIRMAN GROVE: Representative Owlett
19 is on virtually, and you have the next question.

20 REPRESENTATIVE OWLETT: Well, thank you, Mr.
21 Chairman, and thank you, Deputy Commissioner, for being
22 here.

23 Philadelphia was one of the few counties that
24 were able to offer satellite election offices along with
25 evening and weekend availability for in-person voting prior

1 to election day. Can you describe how these offices
2 function?

3 MR. BLUESTEIN: Sure. So in Philadelphia we have
4 two permanent offices that are public-facing in our
5 department. We have an office at City Hall, which is our
6 main office. It is where we house the main staff from the
7 county Board of Elections. We also have our voter
8 registration office not too far from where City Hall is
9 where most of our data entry staff work, which also has a
10 public-facing component. So in the past, those are two
11 locations where constituents would be able to receive
12 services. Those services would include voter registration,
13 dropping off applications for absentee ballots at City
14 Hall. They would be able to receive their ballot once the
15 application had been processed on the spot. So we were
16 fairly familiar with the processes that occur, the only
17 difference being the addition of the no-excuse mail-in
18 ballots opening up to a much larger population.

19 Because of that increase in Act 77 of the number
20 of people we expected to want to use vote-by-mail,
21 especially in conjunction with the pandemic, we were able
22 to open up an additional 15 offices in addition to our two
23 permanent offices. So we had a total of 17 election
24 offices geographically dispersed through the city so that
25 voters in the far northeast part of the city or the far

1 southwest part of the city wouldn't have to travel downtown
2 to receive the same services as people who lived nearby
3 there.

4 REPRESENTATIVE OWLETT: So were all of these
5 other 15 locations, were they brick-and-mortar places?

6 MR. BLUESTEIN: Yes, we predominately used
7 schools, public schools, so beyond our two permanent
8 offices, the other 15, 14 of them were public school
9 buildings, and the other one was a building of Temple
10 University.

11 REPRESENTATIVE OWLETT: So none of them were
12 mobile? They were all fixed locations that --

13 MR. BLUESTEIN: No, with the election offices,
14 the satellite election offices, they needed to be fixed so
15 that they could access the SURE system and have the
16 computers available and the ballot printers available.

17 REPRESENTATIVE OWLETT: And how many staff would
18 typically be at one of these mobile satellite election
19 offices?

20 MR. BLUESTEIN: Yes, on average, any given site
21 at a particular time was staffed by between 7 and 10
22 people.

23 REPRESENTATIVE OWLETT: And they went through the
24 typical training that any election office would go through,
25 correct?

1 MR. BLUESTEIN: Yes, each site had at least one
2 and sometimes multiple of our permanent staff who use SURE
3 on a daily basis, and they were all trained with the
4 ballot-on-demand software, which we purchased from our
5 voting machine vendor. And then we brought in staff from
6 other city departments and hired temporary employees to
7 flesh out those offices, and we trained them in advance of
8 them working at our election offices.

9 REPRESENTATIVE OWLETT: All right, that's all I
10 have. Thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN GROVE: Thank you,
12 Representative Owlett.

13 Representative Ryan.

14 REPRESENTATIVE RYAN: Mr. Chairman, thank you,
15 and it's great that we have two [inaudible] a Chairman of
16 the Committee. And then Mr. Bluestein, thank you so much
17 for being here with us today and all of your help.

18 I'm going to have a couple of quick questions if
19 you don't mind. One is very straightforward. When was
20 Philadelphia notified that the in-person mail-in balloting
21 would be an option during the 2020 election?

22 MR. BLUESTEIN: It was written into Act 77, so
23 when the legislation was approved, we immediately
24 recognized that possibility in the bill.

25 REPRESENTATIVE RYAN: And so you didn't get any

1 advance notification from the Department of State after the
2 act was passed saying here's how we would recommend that
3 you prepare for it? You on your own used your own
4 initiative to determine what next step would be?

5 MR. BLUESTEIN: So we, prior to the primary, had
6 many conversations internally and with the Department of
7 State just understanding what that part of Act 77 meant.
8 The official guidance, I believe one of the panelists
9 earlier mentioned, came at some point in the 2020 election
10 cycle, and that was including recommendations on how to
11 kind of evenly disperse where your offices would be if the
12 county chose to open multiple offices.

13 REPRESENTATIVE RYAN: When you look at that and
14 the timing of the issue relative to some of these, one of
15 the things that I've noticed -- and I've done a tremendous
16 amount of research about the entire election, and I've been
17 incredibly impressed with how hardworking all the county
18 election officials were. So if you were to ask me a
19 personal opinion about the perspective, it's the fact that
20 there were so many changes and getting so many different
21 people trained and spun up on it.

22 So we heard prior testimony about the transition,
23 the training, and the education of the people and the
24 staff, and with these type of changes that took place such
25 as with the mail-in balloting and the like and the timing

1 of the guidance from the Department of State and the timing
2 of the two Supreme Court court cases, did that pose any
3 challenges for you relative to training of those staffs?

4 MR. BLUESTEIN: I mean, as an election official,
5 we would always prefer to have guidance and decisions from
6 courts as early as possible. Receiving guidance closer to
7 the election is very much a challenge. As far as satellite
8 election offices go, there wasn't much guidance that
9 changed close to the election on how to operate those
10 offices.

11 REPRESENTATIVE RYAN: In doing a military
12 operation, as an example, if something were to change at
13 the last minute, the probability of everyone getting the
14 word, as I would like to call it, simultaneously can be
15 somewhat challenging. Do you feel that that was
16 potentially an issue with the changing guidance and the
17 fact that so many people were so hardworking, diligent, and
18 tried to understand and incredibly complex SURE system?
19 Did that complicate any of the mail-in balloting processing
20 and how the election was handled?

21 MR. BLUESTEIN: As it relates directly to
22 satellite election offices, not in my opinion. As it
23 relates to other mail-in ballot processes and how to
24 interact with the SURE system, certainly. There were
25 certainly late guidance related to the SURE system and how

1 they use it that was a challenge. And to be honest,
2 anything related to the SURE system is a challenge.

3 REPRESENTATIVE RYAN: Without going into a
4 tremendous amount of detail -- and I would ask that if you
5 have any comments on this, you might want to submit them
6 back to Representative Grove to get out to all the Members.
7 But if we were to ask you could you identify what you saw
8 as process control flaws in the way the guidance came out
9 and the last-minute nature of certain things in certain
10 training and education, with the experience that you had in
11 Philadelphia -- and I was very pleasantly surprised that
12 Philadelphia's numbers were well within what I would call
13 to be a margin of error. Most other the counties I
14 found -- not most, many other counties -- I should be
15 careful about that. Many other counties came out with well
16 beyond a margin of error number. Philadelphia did not,
17 which surprised me for the size and the scope of
18 Philadelphia. Would you be able to provide us that type of
19 information relative to what you would see as process
20 control improvements that you would recommend?

21 MR. BLUESTEIN: Sure, I can certainly be in touch
22 with the Chairman's office to provide anything that the
23 Members need.

24 REPRESENTATIVE RYAN: And again, once again,
25 thank you to you and your staff for the great effort. Mr.

1 Chairman, that was my last question.

2 MAJORITY CHAIRMAN GROVE: Thank you.

3 Representative Staats.

4 REPRESENTATIVE STAATS: Thank you, Chairman
5 Grove, and thank you, Deputy Commissioner Bluestein, for
6 being with us today. We certainly appreciate it.

7 And I'd like to get a sense for your experience,
8 Philadelphia's experience in operating satellite offices.
9 So my first question is when did they open, when did they
10 close, so, in other words, when were they available to the
11 voters?

12 MR. BLUESTEIN: Sure. So we rolled them out on a
13 rolling basis as the staff that we brought in were
14 sufficiently trained. So they gradually opened up at the
15 end of September when our first mailing went out. So, you
16 know, as you're processing applications for absentee
17 ballots or mail-in ballots, you start getting a queue of
18 ballots that need to be mailed out before the ballot itself
19 is ready. And that was determined by petition challenges
20 on when we can send those ballots out.

21 So when we were finally able to have the ballot
22 finalized and mailed out, we opened the first batch of
23 satellite offices and then gradually expanded the number
24 available to provide services to our voters until we had
25 our full complement of 17 offices, and then they remained

1 open through the close of polls on election day, at which
2 point they closed at 8:00 p.m. sharp on election day.

3 REPRESENTATIVE STAATS: Can you tell us how many
4 voters in Philly used these offices?

5 MR. BLUESTEIN: I can give you approximate
6 numbers. So it depends on which service, you know, you
7 want to know about specifically. So, again, we don't keep
8 track of how many people submitted their registration
9 applications at these locations, but we know that a number
10 did.

11 As far as individuals who submitted an
12 application and then received a printed ballot at that
13 location, it was approximately 50,000 people who used that
14 service. And then there were a number of people who had
15 received ballots mailed to them and then utilized the
16 satellite office essentially as a drop box and, you know,
17 instead of putting it through the Postal Service with the
18 risk of the ballot not being returned to us, they went to
19 their local election office and handed it in directly to
20 us. So there was a number of tens of thousands of voters
21 who did that as well.

22 REPRESENTATIVE STAATS: We heard from earlier
23 testimony but could you speak to the cost of operating
24 these offices?

25 MR. BLUESTEIN: Yes, the cost to operate a

1 satellite election office is fairly expensive. In order to
2 have it operate, you need to pay rent for the location. We
3 had to receive the computer equipment for the SURE system
4 from the State. We purchased the ballot-on-demand
5 printers, and then the most expensive component is staffing
6 the office.

7 So there's a number of different ways, you know,
8 these offices can be arranged from a numbers perspective,
9 and a lot of what we rely on would be queuing theory,
10 especially there's a some good work out of MIT, so the goal
11 essentially is to provide a sufficient amount of resources
12 and check-in stations to prevent lines from, you know,
13 being caused. So, you know, having fewer offices but more
14 check-in stations at each office, essentially a bigger
15 office, could mitigate some of the costs of having more
16 employees.

17 But at the end of the day I believe we
18 approximated each office to cost about between 100 and
19 \$100-150,000 per an election.

20 REPRESENTATIVE STAATS: And one more question if
21 I could, Mr. Chairman. What was the funding source used to
22 operate these offices?

23 MR. BLUESTEIN: Yes, so we utilized for City Hall
24 and our other facility at our voter registration office, we
25 already had those offices. Our ability to open additional

1 election offices was provided from the grant that we
2 received.

3 REPRESENTATIVE STAATS: Okay. Mr. Bluestein,
4 thank you for your answers. I appreciate it. Thank you,
5 Mr. Chairman.

6 MR. BLUESTEIN: Thank you.

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

9 REPRESENTATIVE WHEELAND: Thank you, Mr.
10 Chairman, and, Deputy Commissioner, thank you for your
11 testimony today.

12 Does Philadelphia plan to offer these satellite
13 election offices in the current year, the upcoming primary
14 in general? I mean, will this be, you know, every year for
15 primary? What is your opinion on what --

16 MR. BLUESTEIN: Yes, so I would say the Board of
17 Elections, the Commissioners, they haven't had any formal
18 discussions or made any decisions at a public meeting or
19 any conversations whatsoever about this topic going
20 forward. But our fiscal year in Philadelphia goes from
21 July through June, so we're coming on the back end of our
22 fiscal year. And out of the budget that has been allocated
23 to us from the Administration and City Council, we don't
24 currently have funding for additional satellite election
25 offices. So these resources will be available out of City

1 Hall and potentially our voter registration office, but
2 without it being included in our new budget starting on
3 July 1st or any other grant funding, we do not currently
4 have funding for additional satellite election offices.

5 REPRESENTATIVE WHEELAND: So I forget how many
6 weeks -- we're not very many weeks away from the primary,
7 so Philadelphia County will not have any satellite offices
8 except for City Hall?

9 MR. BLUESTEIN: With the potential of possibly
10 using our voter registration office as a second site.

11 REPRESENTATIVE WHEELAND: Okay. And I guess your
12 gut feeling, what is the optimal number of satellite
13 offices for the city of Philadelphia?

14 MR. BLUESTEIN: That's a great question. So we
15 are currently doing some additional analysis with some
16 outside groups, academics to kind of determine what the
17 optimization would be. My gut feeling is that the ideal
18 number would be somewhere between 7 and 10 sites.

19 REPRESENTATIVE WHEELAND: Except perhaps the
20 presidential, you would have more?

21 MR. BLUESTEIN: It would depend on the size of
22 the sites, so, essentially, the most important factor is
23 the check-in tables and the voting, like the SURE system.
24 So, you know, if I have three SURE terminals at 17 sites or
25 I have 10 SURE terminals at seven sites, you know, the

1 amount of people that I would be able to process their
2 applications would be similar, but you would possibly be
3 able to have a quicker queue at a larger site. So that's a
4 long way of saying it really depends on the makeup of what
5 the sites look like. If we're using school buildings
6 again, which we probably wouldn't be because the students
7 will be back, you would need more sites in a higher-turnout
8 election.

9 REPRESENTATIVE WHEELAND: So just curious, do you
10 have any experience at all with e-pollbooks?

11 MR. BLUESTEIN: I am familiar with electronic
12 pollbooks. We have not used them in an election in
13 Philadelphia before though.

14 REPRESENTATIVE WHEELAND: Understood, but it
15 would be interesting -- you said you have some experience
16 with them. You've read about them or you've talked to
17 other folks?

18 MR. BLUESTEIN: During the procurement process
19 for our new voting system in 2018 we did an RFI and an RFP
20 for electronic pollbooks, and my colleagues and I have
21 visited other election jurisdictions to observe their
22 primary elections utilizing electronic pollbooks.

23 REPRESENTATIVE WHEELAND: Okay, very good.
24 That's it for now. Thank you.

25 MAJORITY CHAIRMAN GROVE: Representative Schmitt.

1 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.
2 Deputy Commissioner, we've heard some testimony from other
3 witnesses on other panels regarding especially in certain
4 counties the many positions for Judge of Elections and
5 Majority and Minority Inspectors are vacant for the
6 upcoming 2020 primary. Do you anticipate that being an
7 issue of any significance in Philadelphia in the upcoming
8 primary?

9 MR. BLUESTEIN: Vacancies in Election Board
10 positions including and especially Judges of Elections is a
11 regular problem that we face in most elections. The past
12 November election where we had a glut of people interested
13 in serving on the Election Boards is a rarity. So
14 certainly these positions are up for election this primary
15 in November, and there are not candidates for every
16 position. And there will likely be vacancies going forward
17 in the upcoming primary.

18 REPRESENTATIVE SCHMITT: Thank you, Deputy
19 Commissioner. That's all I have for you.

20 MR. BLUESTEIN: Thank you.

21 MAJORITY CHAIRMAN GROVE: Very efficient,
22 Representative Schmitt. Representative Diamond.

23 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.
24 And thank you, Deputy Commissioner.

25 Can you give the Committee just a brief look at

1 the total expenditures by Philadelphia to administer the
2 2020 election, including all the funds received from
3 Federal, State, or private funds, and then give us
4 comparison to what you might have expended in 2016, a
5 comparable presidential election?

6 MR. BLUESTEIN: Sure. So in prior elections I
7 would say before the new voting system and Act 77, our
8 typical budget would be between \$10-12 million, \$10-11
9 million of which would be appropriated from City Council
10 and, you know, anywhere in the hundreds of thousands would
11 be used from our allocation of our HAVA funding from the
12 2002 HAVA Act. After the procurement of the new voting
13 systems, our costs went up significantly. Prior to 2019,
14 we had it what are called DREs or direct recording
15 electronic machines, so they did not have paper backups.
16 And those machines, in order to put new procedures in place
17 to have our voters voting with paper and the quality
18 controls that go along with that, it increased the cost of
19 elections. And then if you add on top of that the change
20 in the registration deadline from 30 days to 15 days and
21 the inclusion of no-excuse mail-in voting, the cost of
22 running those operations also went up.

23 Our appropriated budget from City Council was
24 approximately \$12 million after the Mayor had to change his
25 budget proposal because of the reduction in revenue from

1 COVID. The initial budget that we expected would have been
2 somewhat closer to \$24 million, 22 to 24. We ended up
3 spending that much money and just getting the additional
4 revenue in a midyear transfer from Council. So
5 essentially, from the city's allocated budget we spent
6 somewhere north of \$21 million. We received grant funding
7 from the Federal Government from CARES. We received grant
8 funding from the HAVA security grant from the Federal
9 Government, and then we received additional private grant
10 funding from CTCL.

11 So with all of that included, I would say a
12 majority of the CTCL money was spent on capital funds for
13 equipment, sorters, extractors, additional scanners. But
14 if you're including the capital funding, which I just will
15 momentarily, I would estimate our total expenditures to be
16 just north of \$30 million.

17 REPRESENTATIVE DIAMOND: Okay. So \$30 million,
18 and the CTCL grant that you mentioned, that was about \$10
19 million of that, roughly speaking, about one-third of your
20 total expenditures then?

21 MR. BLUESTEIN: The grant was approximately \$10
22 million, and I would estimate about 60 percent of that went
23 to capital funding.

24 REPRESENTATIVE DIAMOND: Okay, thank you. And
25 just a couple quick follow-ups based on other Members'

1 questions. You had mentioned -- did Philadelphia have both
2 satellite election offices and then standalone drop boxes?

3 MR. BLUESTEIN: We did.

4 REPRESENTATIVE DIAMOND: Okay. And you said that
5 you did not have any mobile satellite election offices
6 because technologically you can't do that, but did you have
7 mobile drop boxes?

8 MR. BLUESTEIN: There were a few mobile drop box
9 sites. Essentially what that means is we would notify the
10 public that our staff would be present at a certain
11 location at a certain time with a manned drop box where
12 they could drop their ballots off. And those ballots would
13 be returned to our election headquarters.

14 REPRESENTATIVE DIAMOND: And how long would your
15 staff be in that particular location? I mean, would it be
16 like a two-hour window or like a whole day or what have
17 you?

18 MR. BLUESTEIN: Yes, it depended on the site. In
19 the primary when we did that we did them for two-hour
20 windows. In the general election some of them were for an
21 entire day.

22 REPRESENTATIVE DIAMOND: Okay. And then just to
23 follow up on Representative Nelson's questioning -- and he
24 asked about observers. And I'm just trying to get a
25 personal opinion from you as a -- there's a lot of talk

1 about what meaningful observation is. And you had said
2 that what you did at the convention center was no different
3 than what you had done in previous years. So what exactly
4 to you is meaningful observation? I mean, if I'm an
5 observer, should I be able to read some paper that a poll
6 worker is -- you know, if they're handling a ballot, should
7 I be able to see that ballot and be able to determine what
8 that ballot says? I mean, what exactly do you think
9 meaningful observation really is?

10 MR. BLUESTEIN: Yes, that's a very good question,
11 and I'm not familiar with that phrase being anywhere in the
12 statute, so I'm not sure of an official definition. But
13 essentially the way things operated at the convention
14 center and in prior elections is our staff have
15 responsibilities to do what's called a sufficiency review.
16 And our staff are responsible for making sure that the
17 declaration envelope is sufficiently signed, dated, it's
18 from an eligible voter who has requested that ballot. When
19 that occurs, they put those sufficient declaration
20 envelopes into one tray. Any that they determine may not
21 be sufficient go for a second-level review by supervisor,
22 and those get put aside. And then the envelopes that are
23 deemed to be sufficient go through the extraction process
24 where you open up the first declaration envelope, you check
25 to make sure that it has the secrecy envelope. If it does

1 not, it gets put aside. If it does have the secrecy
2 envelope, it goes forward to the second extraction, at
3 which point the ballot is then removed, flattened, and
4 scanned. All those activities were clearly visible for the
5 entire time for every observer who wished to observe them.

6 REPRESENTATIVE DIAMOND: Okay. And clearly
7 visible is different than actual meaningful observation. I
8 mean, for example, you said the person looking at the
9 envelope is looking at the information on the envelope. Do
10 you think, is it your opinion that someone who is an
11 official poll observer should be able to actually read that
12 same information and you'd have a Republican and a Democrat
13 who could both be watching that at the same time and
14 confirm that that person who's actually employed there to
15 do that job is actually doing the job correctly? I mean,
16 would that fit in with meaningful observation to you, or
17 would it be okay to be able to see, you know, 30 feet
18 across the room that, okay, that's the job somebody's
19 doing? Or should they be able to see the detail of what
20 that job encompasses?

21 MR. BLUESTEIN: Sure, yes, no, like I said, it's
22 a good question. The past practice has been that that's
23 never been the case. I think it's a reasonable definition
24 of meaningful observation if the legislature chose to do
25 so, but I'm not aware of any instance in Philadelphia for

1 sure and possibly throughout the Commonwealth where the
2 activity you're describing has occurred.

3 REPRESENTATIVE DIAMOND: All right. Thank you so
4 much. That's very informative to us because I think we do
5 need to kind of define that a little bit better in the law
6 as to what the observer should be able to meaningfully
7 observe. Thank you, Mr. Chairman.

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

10 REPRESENTATIVE MILLER: Okay. Just hang on a
11 second. Let's try that. There we go. I'm having some
12 technical difficulties here.

13 Thank you, Deputy Secretary Bluestein. A
14 question for you. Some of the other counties had mentioned
15 in their testimony both here today and other times that the
16 15-day voter registration deadline and as well the seven-
17 day mail-in ballot deadline was very challenging for them.
18 Philadelphia obviously is much larger. Can you talk about
19 the impact of those deadlines on Philadelphia County?

20 MR. BLUESTEIN: Yes. Those deadlines are
21 extremely challenging. During this election cycle, I guess
22 the one saving grace was that there was not a ton of
23 registration activity and that most of the focus was on
24 vote-by-mail. If we had been slammed with both
25 simultaneously, those deadlines would have been nearly

1 impossible to achieve.

2 For example, in 2016 we received 50,000
3 registration applications on the deadline day itself, which
4 back then was 30 days. To receive 50,000 applications 15
5 days prior to the election would be extremely challenging
6 to get processed in time. And likewise, with the
7 application deadline for mail-in and absentee ballots, we
8 successfully processed all of those applications by the
9 statutory deadline. But with the Postal Service the way it
10 was and how close that date is to election day, for us to
11 process those applications, the voter to receive the
12 ballot, vote the ballot, and mail it back to us by election
13 day would be extremely challenging.

14 REPRESENTATIVE MILLER: Do you have
15 recommendations concerning those deadlines?

16 MR. BLUESTEIN: Yes, we believe that they should
17 be changed. At a minimum, I would say the Friday prior to
18 the current application deadline for vote-by-mail would be
19 an improvement, so that would put it at approximately 10 or
20 11 days before election day. And certainly any adjustment
21 to the registration deadline, whether that's back to the
22 full 30 or even 20 or 21 days would be an improvement over
23 the current 15 days from an administrative perspective.

24 REPRESENTATIVE MILLER: Okay. Thank you. You
25 had talked a previous question about the funding that you

1 received, the \$10 million grant. Here's what I'd like to
2 ask. Do you have that funding broken down to where it was
3 received from and how it was spent, and can you send that
4 to the Committee?

5 MR. BLUESTEIN: So we are finalizing our grant
6 reporting documentation for that grant, which will detail
7 exactly how we spent the grant money. I expect that to be
8 done in the next four weeks probably, so that would
9 certainly be something that we would have completed.

10 REPRESENTATIVE MILLER: Yes, if you could kindly
11 send that along to the Chairman, I'd appreciate that. It
12 would be interesting to see that information.

13 Mr. Chairman, thank you all, and thank you,
14 Deputy Secretary. I appreciate it.

15 MAJORITY CHAIRMAN GROVE: Thank you. I really
16 appreciate your testimony, and again, the struggles of our
17 largest city was very complex this last election cycle. So
18 with that taken in mind, are there any recommendations for
19 us to improve your election process in light of mail-in
20 ballots, deadline changes? Are there a few key areas that
21 you would really recommend us to help facilitate elections
22 better in the city of our first class?

23 MR. BLUESTEIN: Yes, thank you, sir. So in
24 addition to some of the recommendations that I've given as
25 part of my answers to other questions, I would be remiss if

1 I didn't take this opportunity to advocate for pre-
2 canvassing prior to election day. A lot of the questions
3 that the Representatives have as they relate to observers
4 or our procedures or how the equipment works, a lot of that
5 would be easier to operate with more time. Knowing the
6 election results sooner would help with a lot of what we
7 experienced as a city and as a country over the last couple
8 months.

9 So with that being said, we need to have time to
10 pre-canvass those ballots. Whether that is 3 days or 7
11 days or 14 days or 21 days, I've seen the gamut of
12 recommendations from many sources. Most recently, I've
13 been hearing recommendations that are either 7 or 14 days,
14 which I believe would be entirely reasonable from an
15 administrative perspective to allow for a much more
16 transparent and results-driven process for our elections.

17 MAJORITY CHAIRMAN GROVE: Will do. I appreciate
18 that. And the very last question to follow up on
19 Representative Wheeland's line of questioning, e-pollbooks,
20 how would they impact the elections in the city of the
21 first class?

22 MR. BLUESTEIN: So electronic pollbooks would be
23 useful in two different instances, the first being it would
24 allow us to process those registrations for a longer period
25 of time and update those records for the polling places for

1 voters to sign in. Currently, we need approximately 14 to
2 15 days' lead time from election day prior to election day
3 from when we have to print those pollbooks. So essentially
4 what that means is with the registration deadline at 15
5 days, we have to process those registrations before
6 midnight and then that night or the very next morning send
7 our files to the printer to print the pollbooks. With 1.1
8 million voters, we have 3,400 pollbooks, so that is --
9 electronic pollbooks would help significantly there.

10 They would help from an integrity perspective
11 because the way the pollbooks were designed in November's
12 election, the voters who returned a vote-by-mail ballot
13 were actually removed from the main section of the
14 pollbook. So it removes an opportunity for that person to
15 go in and vote a regular ballot or vote on the voting
16 machine because they're not capable of signing in because
17 we've already received their ballot. So having electronic
18 pollbooks would allow us to have those records be even more
19 updated, providing for greater integrity.

20 The second potential opportunity that electronic
21 pollbooks allow for is if the Commonwealth ever wished to
22 move to vote centers for early voting, electronic pollbooks
23 would allow that to be possible because, otherwise, that
24 type of model would not necessarily work in the
25 Commonwealth.

1 MAJORITY CHAIRMAN GROVE: Will do. It's very
2 helpful. And it really put into perspective how tight your
3 window is with the 15-day registration, trying to turn that
4 around to your printer for the pollbooks. I really
5 appreciate that.

6 And with that, we are out of time. I know you
7 have pressing matters to get to. We greatly appreciate
8 your testimony today, and we definitely want to stay in
9 touch as we move forward to make sure we get election law
10 that benefits all of our counties, so thank you very much.

11 MR. BLUESTEIN: Thank you. I appreciate that.

12 MAJORITY CHAIRMAN GROVE: Our next panel --

13 DEMOCRATIC CHAIRWOMAN DAVIDSON: Before you --
14 Mr. Chairman?

15 MAJORITY CHAIRMAN GROVE: Oh, go ahead,
16 Chairwoman.

17 DEMOCRATIC CHAIRWOMAN DAVIDSON: Yes, before you
18 swear in your next testifier, I just wanted to say that
19 Philadelphia certainly has the most voters of any county,
20 and their structure is a little different just for the
21 Members' attention. They do have three elected
22 Commissioners that are full-time election officials, which
23 is an advantage that many counties don't have. And they
24 also have, you know, paid election workers full-time. I'm
25 not sure what their staff complement is, but it's way more

1 than most counties can afford. And part of their county
2 budget, the Philadelphia city budget, which is also a
3 county, goes towards their election operations, so that is
4 also something to consider.

5 I know one of the Members noted that Philadelphia
6 was in the margin of error, whatever margin of error he was
7 calculating, but it's probably due to the fact that they
8 have such a professional operation with a high quality and
9 quantity full-time equivalent complement of workers. So I
10 just wanted to state that for the record. Thank you, Mr.
11 Chairman.

12 MAJORITY CHAIRMAN GROVE: Thank you. With that,
13 we'll move onto panel three, Shane Fitzgerald, the
14 Executive Director of the *Bucks County Courier Times* and
15 *The Intelligencer* and also the PA State Editor for the USA
16 Today Network system.

17 And, you know, we did do a right-to-know hearing
18 where we got to actually ask questions of the press. We
19 get that opportunity again today. We really appreciate you
20 participating, Shane, and if you could turn on your camera
21 and your mic and we'll bring you up on the screen.

22 MR. FITZGERALD: All right. Can you see and hear
23 me now?

24 MAJORITY CHAIRMAN GROVE: Yes. And give us a
25 second, we'll bring you up. All right, we're good to go.

1 If you don't mind, real quick raise your right hand and
2 we'll swear you in.

3
4 (Witnesses sworn.)

5
6 MAJORITY CHAIRMAN GROVE: Thank you so much. We
7 greatly appreciate your testimony today. Obviously, people
8 tune in especially last year on election results to the
9 news media source, and it'll be good information for us to
10 figure out how election results get from county elections
11 office up to the news, how you have been reporting those
12 throughout the years and how they've changed over time, so
13 greatly appreciate your testimony today, and I'll throw it
14 over to you for any opening remarks.

15 MR. FITZGERALD: All right. Thank you very much.
16 I appreciate the time and the opportunity to address you
17 all.

18 Good afternoon, Chairman Grove, Madam Chair
19 Davidson, and Members of the House State Government
20 Committee. I'm Shane Fitzgerald. I serve as the
21 Pennsylvania State Editor for the USA Today Network. Our
22 company represents 260 daily and more than 400 weekly
23 newspapers across the country, and I represent 14 here in
24 Pennsylvania from all four corners from Erie to suburban
25 Philadelphia and from tiny Honesdale to Somerset and

1 several points in between.

2 I've been an Executive Editor in Pennsylvania in
3 Beaver and Bucks County since 2013 and have worked and
4 consulted with numerous other States, including Texas, New
5 Jersey, and Colorado. The USA Today Network is owned by
6 Gannett, which is the Nation's largest newspaper media
7 chain with 46 States represented by its newspapers. We
8 also are proud members of the Pennsylvania News Media
9 Association, which represents our interests at the capital.

10 The media are essential to democracy, and a
11 democratic election is impossible without media. The media
12 acts as a crucial watchdog to elections, safeguarding the
13 transparency of the process. The media also has other
14 roles in enabling full public participation of elections,
15 including educating voters on how to exercise their
16 democratic rights by reporting on the development of an
17 election campaign; by providing a platform for candidates
18 to communicate their message; by providing a platform for
19 the public to communicate their concerns, opinions, and
20 needs to the candidates; by allowing candidates to debate;
21 by reporting results and monitoring vote counting; and by
22 scrutinizing the electoral process, including electoral
23 management to evaluate the fairness of the process. Media
24 presence at voting and counting centers are critical to
25 preventing electoral fraud, given the full measures

1 protecting freedom of speech are guaranteed and the media
2 are free to act independently and with impartiality.

3 In the past, the PA News Media Association has
4 advocated for legislation which provided for expanded media
5 access to polling places. It will permit properly
6 identified media representatives to enter polling places to
7 witness and record events while ensuring the media presence
8 would not disrupt voting procedures, and that individual
9 voters would not be identified without their permission. I
10 would strongly recommend that such legislation be
11 reintroduced and considered in this Committee. The 2020
12 election has demonstrated that there is a strong public
13 mistrust and disagreement surrounding the election and
14 voting processes. Allowing local expanded media access
15 would ensure greater transparency.

16 The 2020 election was unlike any other in modern
17 history, and I certainly don't have to tell you all that.
18 All eyes were on us, the news media, on election day as the
19 votes were tallied. For us it's all hands on deck for
20 weeks and months leading up to the election. Once
21 candidates are determined, we accumulate and prepare
22 detailed information about them and their issue positions.
23 Through news reports, voter guides, and public debates
24 often hosted by newspapers, readers become informed. They
25 often exchange views and opinions through letters to the

1 editor and guest columns.

2 On election day we plan for our reporters and
3 photographers to be onsite, at least pre-COVID, to collect
4 results directly from where the ballots are counted. The
5 larger elections are actually simpler. We wrap up even
6 further when we have to cover multiple smaller municipal
7 elections. Sometimes gathering results is as simple as
8 going to a dedicated website that a government entity
9 supports with the Department of State site being the most
10 prominent. But other times it can be more of a manual
11 process. Some smaller counties and municipalities don't
12 have the infrastructure to disseminate information quickly
13 and often rely on their local media to get the results out
14 in an expedient manner. And sometimes it's not simple at
15 all. I've had staff members track down election officials
16 at local restaurants and frankly bars, oh, we forgot to
17 call you, sorry about that. And that's happened more than
18 once.

19 Newsrooms typically have a point person on
20 election night who coordinates the input of the election
21 results gathered from multiple places so we're consistent
22 in our handling of this important data. The last thing we
23 want to get wrong is an election result, no matter the
24 size. We will stay up late into the evening, early morning
25 because the internet allows us to publish in real time.

1 Most of our papers will run results in the printed product,
2 but those are almost always a day later because the county
3 simply lasts too late into the night for us to publish for
4 print the next morning. Our election results are always
5 our top-performing content on our websites by a lot as
6 readers come back to us over and over through the evening
7 for updates.

8 The most reliable information about election
9 results is the process guided by the Constitution. The
10 Electoral College chooses the President, but that all takes
11 about a month. Over a century ago, news outlets began
12 gathering election results across the Nation to get answers
13 for the impatient public who just didn't want to wait that
14 long according to the Associated Press. The AP has been
15 leading this charge and counting the vote since 1848,
16 earning its gold standard for calling races. Many if not
17 most news organizations look to AP on election night and
18 share its reporting and election calls with their
19 audiences.

20 Our local reporters and editors do not call the
21 winners or the losers in elections. We rely on election
22 analysts and researchers with the AP to determine whether
23 candidates for office no longer have a statistical path to
24 victory.

25 Last year, the AP declared winners in more than

1 7,000 races, starting with the White House and reaching
2 down the ballot to every seat and every State legislature.
3 Race calls made by other organizations have no bearing on
4 when AP declares a candidate a winner. AP's race callers
5 are staff who are deeply familiar with the States where
6 they declare winners. Their exhaustive work begins once
7 before election day as they study election rules, recount
8 requirements, and track changes, as well as the updates to
9 the election law.

10 Every paper I've worked for or consulted with
11 relies on the AP to make election calls. The integrity of
12 news organizations is on the line when making those calls,
13 which is done either prematurely nor recklessly. The AP
14 approach is deliberate and meticulous. The AP does not
15 make projections or name apparent or likely winners. If
16 race callers cannot definitively say a candidate has won,
17 they do not engage in speculation. Only when AP is fully
18 confident that a race has been won will it make a call.
19 And we won't make the call at our newspapers unless AP
20 makes the call first.

21 As you know, Act 77 of 2019 makes sweeping
22 changes to the election code that our news outlets needed
23 to be aware of so we can provide our vital duties. Not
24 only do we focus on the voting but also counting
25 irregularities, court challenges, misinformation, and more.

1 The 2020 general election was unprecedented because of the
2 record number of mail-in ballots and overall voter
3 participation. Complete vote counts were not tallied for
4 days, given the record volume of mail-in ballots. More
5 than half a dozen counties didn't begin counting mail
6 ballots until the day after election day.

7 Reporters cover election day and the election
8 results with up-to-the-minute developments. Not only do
9 they cover the races at all levels of government, some
10 monitor vote tabulation and collect county results.
11 Newsrooms will also monitor the Department of State
12 website. Our reporters watch from the sidelines as
13 election officials hand-deliver the electronic data card
14 containing their precinct results, along with supporting
15 paper documentation to the county, and remain there until
16 after the last officials arrive with the results. If the
17 county has issues posting numbers or there are delays in
18 precinct reporting, our outlets question the election
19 officials and then relay that information to reporters and
20 editors who are writing elections stories. We provide the
21 AP with the same information.

22 Newsrooms announce election winners as we have
23 them. In races that are less competitive, particularly
24 where one party dominates in voter registration, candidates
25 in those races can run up margins that are statistically

1 insurmountable, and they may be the declared winners before
2 the remainder of the mail ballots are counted.

3 Newspapers are your local media. We are not CNN,
4 we're not MSNBC, we're not Fox News. Yes, we cover the
5 national news, but our focus is local. In some areas of
6 the State, newspapers are the only way for people to get
7 their local news.

8 Thank you for allowing me to discuss the process
9 of how the media announces election results. I'm happy to
10 answer any questions you may have.

11 MAJORITY CHAIRMAN GROVE: Thank you so much, Mr.
12 Fitzgerald. And I greatly appreciate your distinction
13 between the national news cycles and other media sources.
14 I usually call them talking heads on the national news. To
15 me, it's more elaborated opinion pieces repeatedly out
16 there. You can't get good substance out of it.

17 MR. FITZGERALD: I completely agree with you,
18 Chairman Grove, and we look at it the same way. It's
19 really one of the more frustrating parts of the job. As
20 local media, we really care about these communities and
21 what we're serving there, and, you know, all that other
22 stuff is noise and we get lumped in with that, and that's a
23 difficult -- there really is a deep distinction between the
24 two types of media outlets, and I wish more people
25 understood that better than they seem to.

1 MAJORITY CHAIRMAN GROVE: Yes. So when you get
2 your election data -- and we had issues of the last one
3 where people saw at any national news entity where one
4 ticker across would have X amount for this candidate and
5 then the next ticker amount it would adjust. When you get
6 your data and report your data, where do you get it? Are
7 you looking at county elections offices and the State and
8 then look at a combination of the two and then if you see
9 discrepancies, you call one or the other and say, hey, on
10 the county website -- well, I'll just use York County.
11 York County reporting, you know, 30,000 ballots are in, the
12 Department of State is showing 50. Why do we have that
13 discrepancy?

14 MR. FITZGERALD: Yes, and sometimes it's just a
15 lag in the reporting or us updating our websites as well.
16 We do immediately when we notice that -- and that's why we
17 have experts on that and really kind of get just a couple
18 people really involved in it so we're consistent in our
19 reporting across each of our entities there so we have
20 somebody who's expert at that and, you know, really looking
21 -- our most experienced people are doing that kind of work,
22 and we do notice those quickly.

23 Pennsylvania has been pretty good. We don't have
24 a lot of discrepancies. It's pretty solid honestly. You
25 know, back in the day when I first started this, there was

1 -- like I say, we would drag results out of people who were
2 in bars before, so I'm glad we're pretty much past that
3 point now.

4 MAJORITY CHAIRMAN GROVE: Do you know where the
5 national news entities get their data from? Because
6 obviously they're not pulling from a State. Where do they
7 get their data, do you know?

8 MR. FITZGERALD: They're getting it from the same
9 places. They rely on AP a significant amount. And some of
10 those entities just go and hire and do the same thing we do
11 and independently, you know, do the same things that we're
12 doing there, too, depending on how big they are. I'm not
13 as familiar with the big national players and their
14 processes there, but I know AP, it's one of their biggest
15 responsibilities, and many outlets, you know, that's a key
16 reason for keeping AP on board is the election coverage.

17 MAJORITY CHAIRMAN GROVE: Got you. Thank you.
18 And with that, Representative Keefer.

19 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

20 So with the major changes that we had covering
21 the 2020 election in Pennsylvania when compared to your
22 experience covering prior elections, particularly those
23 related to Act 77 or mail-in voting rather than COVID-19,
24 what are the differences that you saw and the challenges?

25 MR. FITZGERALD: Well, obviously, the mail-in

1 balloting and just waiting and waiting, that was the first
2 time we didn't have a plan on election night to what we
3 were going to do to name a President or the winners. We
4 knew in Pennsylvania it was highly unlikely we were going
5 to have results on election night. And we actually
6 communicated that with our readers in the days prior to,
7 hey, let's -- you know, don't be mad at the election
8 officials or us when we don't have results election night.
9 It's going to be a long haul because of the number of mail-
10 in ballots. And that was a lot different there, and I
11 think that led to some angst both, you know, internally and
12 in the media organizations and externally, given the
13 gravity of the election. And that was easily the biggest
14 change is not that frantic election night call, call the
15 President and the big races. We knew we were going to be
16 able to do that and then just kind of waiting that out over
17 the next several days before we could do that.

18 REPRESENTATIVE KEEFER: So you locally are
19 collecting the data and so you're getting that from the
20 counties or from the precincts or a combination of both?

21 MR. FITZGERALD: Combination of both. Usually
22 the counties are real good about providing the lion's share
23 of that. It can go down to the precinct level at times,
24 too, particularly on State legislature results.

25 REPRESENTATIVE KEEFER: So prior to the start of

1 counting, did you get the numbers from the counties, for
2 example, of the mail-in vote ballots?

3 MR. FITZGERALD: We knew approximately how many
4 were coming, but we didn't have any results or anything 100
5 percent, but we were waiting like everybody else.

6 REPRESENTATIVE KEEFER: Oh, no, I'm sorry. Let
7 me clarify. I meant so you knew what the expectations were
8 as far as how many more votes were outstanding from that
9 side of things?

10 MR. FITZGERALD: Yes. Yes, and the election
11 officials --

12 REPRESENTATIVE KEEFER: Yes.

13 MR. FITZGERALD: -- knew roughly how many were
14 coming in and had all -- they weren't exact numbers, but we
15 know it was substantially more than it had ever been.

16 REPRESENTATIVE KEEFER: Okay. Thank you.

17 MAJORITY CHAIRMAN GROVE: Representative Lewis.

18 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman.
19 And thank you so much, Shane, for being here with us and
20 for everything you do.

21 Your testimony had talked about some past
22 legislation had been advocated for by the News Media
23 Association regarding transparency. And my question to you
24 is were there any transparency issues related to the
25 counting of mail-in ballots in 2020 that we could also be

1 considering for legislative changes?

2 MR. FITZGERALD: I didn't think it was real bad
3 at least where I had issue where I cover, I mean, and my
4 editors who reported to me throughout Pennsylvania and
5 locally, we didn't have a whole lot of that. You know, it
6 seemed like everything went really well, and our reporters
7 on the ground were asking that question. Are the poll
8 watchers in? And both parties represented? And time after
9 time after time we got confirmation that that was going as
10 expected and as mandated.

11 REPRESENTATIVE LEWIS: So, well, that's actually
12 good to hear. So from what you're saying then from what
13 you observed, transparency-wise there weren't issues where
14 you were that would necessitate any changes? You felt like
15 things were smooth and transparent?

16 MR. FITZGERALD: There were a couple -- like Mr.
17 Diamond had noted that you couldn't really see exactly what
18 was going on. We had a little bit of that, but, you know,
19 we were not certainly as big as Philadelphia, we were all
20 that far away, so we really didn't -- and most of the
21 entities that we were at, that really wasn't much of an
22 issue. You could see pretty clearly what was going on and
23 what was happening.

24 REPRESENTATIVE LEWIS: Understood. And just for
25 the benefit of those watching, you're editors and kind of

1 what regions were you guys in on election day?

2 MR. FITZGERALD: We're literally across the State
3 there, Erie, Beaver County, and Ellwood City, Somerset,
4 York County, Lebanon, Hanover, Waynesboro, Honesdale, the
5 Stroudsburg area, suburban Philadelphia, so we touch a
6 significant number of places in Pennsylvania. And we have
7 a State Capital Bureau as well, so we were locked in there
8 as well.

9 REPRESENTATIVE LEWIS: Excellent. Well, I think
10 that's a dose of good news, and I thank you for your
11 testimony today and for your time before the Committee.

12 MR. FITZGERALD: Thank you, Mr. Lewis.

13 MAJORITY CHAIRMAN GROVE: Representative Nelson.

14 REPRESENTATIVE NELSON: Thank you, Mr. Chair.
15 And in your testimony you had touched on the media's role
16 in elections, including voter education, some of those
17 bullets, you know, in your provided written testimony.
18 What were some of the challenges that, you know, your
19 entity experienced as associated with voter education
20 associated with Act 77?

21 MR. FITZGERALD: I would say a whole lot with Act
22 77. I think, you know, the State and the -- I think when
23 we saw the primary, there was a little bit of a
24 misunderstanding about the security envelopes. There was a
25 decided push by both government and media to make sure that

1 was clear to readers. That was probably the number one
2 thing.

3 The readers were very engaged this year, so they
4 were -- and so were the politicians, and, you know, even
5 like in voter education, getting the issues out and giving
6 a forum to candidates, they participated and they
7 participated at a very high level, and, you know, knowing
8 that we were a good vehicle to reach -- newspaper readers
9 vote, and I think legislators understood that. And if you
10 then engaged -- we had our best traffic and our best sales,
11 you know, since 2016 because of the interest in the
12 election this year.

13 REPRESENTATIVE NELSON: That's great. And part
14 of your testimony touched on expanding media access to
15 polling places, you know, kind of building on
16 Representative Lewis and some of that transparency side.
17 Is the media currently allowed access inside, you know, the
18 counting, let's say, that large stadium that was referred
19 to earlier?

20 MR. FITZGERALD: In a limited role in different
21 places. It can vary from entities from my understanding.
22 There are some places -- we can certainly be outside a
23 polling place and talk with voters that are inside directly
24 with the polling place in some of the smaller outlets. You
25 know, the media isn't necessarily allowed in there.

1 REPRESENTATIVE NELSON: And if you were allowed
2 inside, how do you feel that that would help voter
3 confidence?

4 MR. FITZGERALD: You know, I think it's just one
5 more layer of observation within the process. You know,
6 clearly, there was mistrust in this past election there,
7 and, you know, a free and independent media certainly can
8 provide another set of eyes and ears on the process to keep
9 it true to our readers and to our voters.

10 REPRESENTATIVE NELSON: And when you touch on the
11 public mistrust, which, you know, I do appreciate your
12 acknowledgment that there is a good bit of distrust or
13 caution, you know, around those results. Associated
14 specifically within Philadelphia, you do not have people
15 reporting inside Philadelphia on that election day?

16 MR. FITZGERALD: We actually did send a couple
17 people to Philadelphia from within the Gannett and USA
18 Today Network. We took resources from some places near
19 surrounding Philadelphia. They were very obvious, some of
20 the results, and they were very one-sided and we took
21 reporters who might normally be assigned there and sent
22 them into Philadelphia to report on that story there. So
23 we had a couple of reporters and a photographer there
24 throughout.

25 REPRESENTATIVE NELSON: That's great. And the

1 earlier testifier said in his experience there was a
2 shutdown of that counting process but just for a brief
3 period of time. My recollection was that that was for a
4 number of hours. What was the experience of your
5 reporters? Did those counting stations close for a while?

6 MR. FITZGERALD: Yes. And forgive me for not
7 recalling exactly how long it was. At the time I was
8 probably more focused on Bucks County and elsewhere because
9 our Delaware and south New Jersey editors were helping with
10 the Philadelphia one. But I don't think it was terribly
11 long, you know, a few hours maybe, as I recall, and then
12 they picked right back up. I think they were satisfied,
13 you know, that there was enough -- that they could keep
14 going. I'm sorry I don't recall the details exactly.

15 REPRESENTATIVE NELSON: Okay. Thank you. Thank
16 you very much. Mr. Chair?

17 MAJORITY CHAIRMAN GROVE: Thank you. I've got a
18 final question. When did you get the jump on this hearing?
19 Were you listening the entire time?

20 MR. FITZGERALD: I was. I've been on since the
21 beginning, the very beginning of it, yes.

22 MAJORITY CHAIRMAN GROVE: So in your assessment
23 of kind of other election hearings that have been
24 transpired across the Nation, how would you compare our job
25 today to those other ones?

1 MR. FITZGERALD: Well, I've been impressed with
2 the questions and the line of questions from the Committee
3 Members and the testimony. I think, you know, I feel like
4 you're genuinely trying to figure out what exactly is the
5 best way to go with this. And, you know, while I know
6 where you sit on the political spectrum on many of you, I
7 think, too, though, you're listening and you're trying to
8 figure out what is really truly the best for the
9 Commonwealth. I haven't noticed a great partisan debate
10 here. I just feel like more of a fact-finding mission
11 here. I've been impressed.

12 MAJORITY CHAIRMAN GROVE: Yes, I appreciate that.
13 And, you know, I think the Members of the Committee deserve
14 a lot of credit for digging in, and obviously we've had
15 great testifiers, too, so it really, really helps, and I
16 really appreciate that feedback, so thank you very much.

17 MR. FITZGERALD: Well, you all have a tough job
18 here. I mean, we all want fair elections. We all want,
19 you know, the best processes we can, and, you know, I
20 appreciate you digging deep on this and, you know, trying
21 to find a way where we're not arguing about whether it's
22 real results or not, that we've got one way to go.

23 MAJORITY CHAIRMAN GROVE: Amen. The only
24 excitement on election day should be watching results come
25 in in close elections. That's --

1 MR. FITZGERALD: It doesn't matter what side of
2 the aisle you're on on that, that's certainly true I think.

3 MAJORITY CHAIRMAN GROVE: All right, perfect. So
4 thank you very much, Mr. Fitzgerald. I really appreciate
5 your testimony on behalf of the Pennsylvania News Media
6 Association, as well as helping us gather some background
7 about how results come in and obviously your advocacy for a
8 little more transparency in the process, which probably is
9 needed everywhere, so thank you very much.

10 MR. FITZGERALD: Thank you for the opportunity.
11 I appreciate it.

12 MAJORITY CHAIRMAN GROVE: Will do, thank you.

13 And our final panel this afternoon is on State
14 best practices. We have Sambo Dul, State Elections
15 Director, Arizona Secretary of State; Tim Mattice,
16 Executive Director of the Election Center; and coming back
17 for a second time, Pam Anderson, Principal, Consilium
18 Colorado, LLC, an elections policy and administration
19 expert.

20 If the three of you could turn on your cameras
21 and turn on your microphone, we'll get you up on the screen
22 and get you sworn in.

23 MR. MATTICE: Tim Mattice is here.

24 MAJORITY CHAIRMAN GROVE: We see you, thank you.
25 We're still waiting on Pam and Sambo.

1 MS. DUL: Sambo Dul is here.

2 MAJORITY CHAIRMAN GROVE: Sambo, we do not see
3 you. Is your camera on? There you are. There you are.
4 We have you. Okay. And Pam? There you are, okay, we've
5 got the three of you. If the three of you could just
6 quickly raise your hands.

7

8 (Witnesses sworn.)

9

10 MAJORITY CHAIRMAN GROVE: Thank you. And just to
11 let you know, State legislators have no power to marry
12 anybody, so you don't have to worry about that.

13 We appreciate your testimony today. We look
14 forward to hearing some best practices for county election
15 day operations moving forward. And I know, Sambo, you have
16 a tight schedule, so if you don't mind, I'm going to start
17 with you so you can get on the road. So if you have any
18 opening comments, please feel free to share.

19 MS. DUL: Yes. Good afternoon, Mr. Chairman and
20 Members of the State Government Committee. Thank you for
21 the opportunity to testify today. Again, my name is Sambo
22 Dul, and I'm the State Elections Director serving under
23 Arizona Secretary of State Katie Hobbs. I'm honored to be
24 here to provide testimony regarding two aspects of
25 Arizona's election laws that we believe serve our State

1 very well.

2 Mr. Chairman, are you hearing an echo?

3 MAJORITY CHAIRMAN GROVE: Yes, we do have a
4 slight echo. Maybe if the other testifiers, if you give us
5 a mute, I think they are both muted. Okay. Whoever is
6 telephone number 602-254 beginning numbers, you are live.

7 MS. DUL: I'll try --

8 MAJORITY CHAIRMAN GROVE: Okay. They're muted.
9 Go ahead. All right. We got them muted, so hopefully that
10 should clean it up.

11 MS. DUL: Can you hear me?

12 MAJORITY CHAIRMAN GROVE: Yes, we can hear you.

13 MS. DUL: Okay. My apologies about that. So I'm
14 here to --

15 MAJORITY CHAIRMAN GROVE: Yes, I think that was
16 you, Sambo. If you can unmute.

17 MALE SPEAKER: I think we muted our testifier
18 there, Chairman.

19 MAJORITY CHAIRMAN GROVE: Yes, there we go. Now
20 you're unmuted. Okay. Go ahead. It might be because --

21 MS. DUL: Okay.

22 MAJORITY CHAIRMAN GROVE: -- you're calling. It
23 might be your telephone, but go ahead.

24 MS. DUL: Okay. So I'll testify about two
25 aspects of Arizona's election laws that we believe serve

1 our State very well. The first is the election procedures
2 manual and the second is the election office's training and
3 certification program.

4 So prior to today, I have relevant statutory
5 provisions pertaining to the procedures manual and our
6 certification program, as well as a copy of the current
7 manual and the detailed agenda, the certification and
8 recertification program that was administered most recently
9 in 2019. Today, I'll provide an brief overview of both
10 before answering any questions from the Committee.

11 I'll start with the procedures manual. The
12 manual spells out election rules and procedures basically
13 from start to finish covering voter registration, early
14 voting, election day voting, producing, distributing, and
15 counting ballots, and certifying election results, as well
16 as many other topics in between. The purpose of the
17 manual, as stated in statute, is to achieve and maintain
18 the maximum degree of correctness, impartiality,
19 uniformity, and efficiency in election administration in
20 Arizona. The function of the manual is really to elaborate
21 on statute and court decisions to address gaps in issues
22 that are not covered by statute and court decisions and to
23 provide a level of flexibility in election procedures, so,
24 for example, when needed, the manual can be updated more
25 easily than statutory provision.

1 Arizona Revised Statute 16-452, which was shared
2 with the Committee, requires that the Secretary of State
3 produce an election procedures manual in consultation with
4 the county. So we worked very closely with our county
5 election officials in drafting and updating the manual of
6 the odd-numbered year, and we also post a draft for public
7 comment and hold public hearings before finalizing the
8 draft for submission.

9 The Secretary is required to submit an updated
10 manual to the Governor and the Attorney General by October
11 1st of each odd-numbered year, and the Governor and the
12 Attorney General must review and approve the manual by
13 December 31st. And once approved, the manual has the force
14 and effect of law, and violation of this provision is
15 punishable as a class II misdemeanor.

16 In Arizona, as it is in most States, election
17 administration is relatively decentralized, so while the
18 Secretary of State's office has important responsibilities
19 and we play an important oversight role, our counties are
20 really the boots on the ground to put on our elections.
21 And the procedures manual is a crucial tool to ensuring a
22 level of consistency in each of our counties across the
23 State.

24 I'll move on now to election officer training and
25 certification program. Under Arizona Revised Statute

1 16-407, the Secretary of State is required to provide for
2 an election office certification program that includes
3 instruction in the technical, legal, and administrative
4 aspects of conducting elections within the State. So
5 election officers are any State and local staff who perform
6 election functions as part of their job duties. The law
7 provides that the election officers must be certified by
8 the Secretary of State's office before January 1st of each
9 general election year.

10 So under the statutory directive, the Secretary
11 of State's certification program is administered every odd-
12 numbered year and consists of two parts. The first is the
13 initial certification for new election officers, and the
14 second is recertification for previously certified
15 officers. The initial certification program is generally a
16 five-day, 40-hour course that's aimed at providing training
17 and instruction to new election officers on the applicable
18 law and procedures and the nuts and bolts of election
19 administration from start to finish in Arizona. We
20 generally offer that initial certification course three
21 times in the odd-numbered years to ensure that all county
22 staff who need to attend can attend. And new election
23 officers must complete that initial course, pass an
24 examination, and complete the recertification course in
25 order to become fully certified by the Secretary of State.

1 The recertification program provides instruction
2 to all election officers, including those who had
3 previously been certified, and this recertification
4 provides the latest updates to election laws and
5 procedures. So recertification is generally an eight-hour
6 course. It's designed to reinforce key election
7 administration fundamentals to provide legal and procedural
8 updates and to ensure preparedness of upcoming general
9 election year. So in 2019 we offered the recertification
10 course 10 times throughout the State and recertified course
11 to 500 election officers statewide.

12 To our office it's an honor and a privilege to
13 train and certify our State's election officials, and we
14 believe that the certification and recertification program,
15 along with the election procedures manual, are crucial to
16 their continued success.

17 So with that I can address any questions that the
18 Committee may have.

19 MAJORITY CHAIRMAN GROVE: Thank you. You
20 mentioned your election procedures manual has the force of
21 law. Because you have that established well before an
22 election cycle, one, does your Secretary of State, do they
23 have the ability to give election guidance to county
24 officials? And two, because of the procedures manual in
25 place, does it mitigate the need to give further guidance

1 to your county officials during election season?

2 MS. DUL: Thank you, Chairman. Those are great
3 questions. So the Secretary of State's office gives
4 guidance to the counties via the procedures manual, so
5 that's our mechanism for providing binding, binding
6 guidance to the counties.

7 In addition to the procedures manual, we also
8 issue a number of handbooks and informal guidance documents
9 throughout the election cycle as issues emerge, so the
10 documents do not have the force and effect of law, they're
11 informal. But we work very hard to foster a very
12 collaborative and participatory relationship with our
13 county election officials to where when we issue those
14 informal guidance documents, we have a high level of
15 confidence that they will be followed by our counties.

16 MAJORITY CHAIRMAN GROVE: Got you.

17 MS. DUL: And when the next cycle comes around
18 and it's time to update the procedures manual, again, we'll
19 take into account the informal guidance that had been
20 issued in the prior years as to whether any of it should be
21 formalized in the procedures manual.

22 MAJORITY CHAIRMAN GROVE: Got you. In what
23 circumstances does the Arizona Secretary of State give that
24 informal guidance? And do you try to not give that
25 guidance within a certain time frame of an election?

1 MS. DUL: Yes, so the procedures manual is timed
2 so that it's finalized by December 31st before the general
3 election year precisely to ensure that our rules are in
4 place well before our elections are started. We give
5 informal guidance usually at the request of the counties.
6 When an issue comes up or a situation emerges where the
7 counties, we realize, may be handling similar circumstances
8 differently, in those situations it's in the interest of
9 the State for the Secretary of State's office to convene
10 the counties, to hear from the counties as to how each
11 county is handling that particular situation, and then to
12 take that and synthesize it into a document that can help
13 ensure consistency and efficiency across the State. So
14 generally, we don't issue guidance willy-nilly. We issue
15 it in response to emerging needs and circumstances that may
16 not have been anticipated when the procedures manual was
17 last updated.

18 MAJORITY CHAIRMAN GROVE: Got you. So you're
19 really looking at issues that the procedures guide may not
20 have hit, trying to clarify and bring uniformity and
21 standardization to your election systems. Fascinating.

22 MS. DUL: Exactly.

23 MAJORITY CHAIRMAN GROVE: And, you know, we don't
24 do training here in Pennsylvania. I've described our
25 election system as kind of the wild, wild West between our

1 67 counties, and we've heard testifier after testifier from
2 our counties asking for uniformity and standardization.
3 Does training of election officials, the intensity of the
4 multiday training, would you describe that as bringing more
5 standardization and uniformity to the election process in
6 Arizona?

7 MS. DUL: Yes. I think that's a crucial goal of
8 the training is to ensure that every staff person at the
9 county level, at the State level, at the municipal level,
10 if they perform election functions, that they receive a
11 baseline level of training. And obviously there's a lot of
12 on-the-job learning that's involved in terms of
13 administering elections, but our training gives our
14 election officials a baseline to start with so that they
15 know where to go to get additional information.

16 MAJORITY CHAIRMAN GROVE: Thank you.
17 Representative Wheeland.

18 REPRESENTATIVE WHEELAND: Thank you, Mr.
19 Chairman. And thank you, Director, for taking the time out
20 of what I'm sure is a busy schedule that you have.

21 I'm not sure when you jumped on this hearing, but
22 prior testifiers today and obviously in other hearings that
23 we have had have raised concerns about the ability to
24 recruit folks, election officials, primarily at the county
25 level. So has Arizona experienced similar problems

1 recruiting election officials at the county level actually
2 working the polls? Specifically because of these extensive
3 training that's required, are you having trouble recruiting
4 people?

5 MS. DUL: So I want to make a quick
6 clarification. The training that's required is for county
7 employees and office employees. That's separate and this
8 is a different group of election workers from the poll
9 workers who work the polls. Those are more seasonal,
10 temporary folks who are recruited for specific elections.
11 So this very extensive training that is required by statute
12 is only for permanent staff who perform election functions
13 as part of their job duties. It's not for the poll
14 workers, so I'm not sure if that changes your question.

15 But in 2020 in Arizona, as it was in a lot of
16 other States, there was significant concern on the part of
17 the counties in terms of being able to recruit a sufficient
18 number of poll workers in light of the pandemic and the
19 fact that the vast majority of our poll workers are elderly
20 citizens who are at higher risk of serious illness from
21 COVID-19. So we engaged in a concerted, statewide effort
22 to assist our counties in recruiting poll workers, and that
23 ended up not being a problem for 2020. But it is an
24 ongoing issue that we work to address with our local
25 officials cycle after cycle, just ensuring sufficient

1 staffing because there's such a huge need in the general
2 election year.

3 REPRESENTATIVE WHEELAND: Thank you. And that
4 does answer or clarifies where Arizona is at on this.

5 Now, what -- again, getting back to the county
6 folks, the people, you know, on the frontlines on election
7 day, are you familiar with what they get compensated
8 financially for -- you know, I guess it's kind of
9 voluntary, but at the same time here in Pennsylvania, you
10 know, our frontline people are compensated by the counties.
11 Are you aware what certain counties compensate those
12 frontline poll workers?

13 MS. DUL: I have documentation of it. I don't
14 know it off the top of my head right now, but if I -- I
15 think it's around -- from my best recollection right now,
16 it's around \$12-\$15 an hour for the training that they have
17 to complete, which for poll workers in Arizona I think is
18 on average two to four hours of training, and then for the
19 time that they serve from opening up the polls to closing
20 the polls.

21 REPRESENTATIVE WHEELAND: Well, thank you very
22 much. That's very interesting. Is that a document that
23 you could share with our Committee?

24 MS. DUL: Yes, I can find that and pass it onto
25 the Committee.

1 REPRESENTATIVE WHEELAND: Thank you so much. I
2 appreciate it very much. Thank you, Mr. Chairman.

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

5 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.
6 Election Director Dul, I was interested, what is the cost
7 if you can give us a ballpark figure of providing the
8 training for the permanent election staff, including any
9 compensation for the staff who attend?

10 MS. DUL: The cost for the election officer
11 certification training is not significant. I don't have an
12 exact number, and I can pull that number and share it along
13 with a spreadsheet of poll worker compensation rates across
14 our State. But we have permanent staff who are responsible
15 for administering that training. The instructors for the
16 training are staff of the Secretary of State's office, as
17 well as county election officials who are veterans in their
18 field, attorneys from our Attorney General's office and
19 county attorney's office who practice in election law. So
20 we utilize kind of internal State resources to staff the
21 training and the county election officials that come to be
22 trained there, it's considered part of their work hours, so
23 they're not compensated by our office. They're compensated
24 by their employers, the county directly. So the expenses
25 are minimal I would say. It's the printing of the binder

1 of materials that we provide to each participant, the
2 renting of space sufficient to hold the training in in each
3 city that we do it in across the State.

4 REPRESENTATIVE SCHMITT: Great. Thank you very
5 much. I appreciate that information. And, Mr. Chairman,
6 that's all I have. Thank you.

7 MAJORITY CHAIRMAN GROVE: Thank you. That's all
8 the questions we have for you, Director Dul, so we'll get
9 you on the road and back to your other meetings you have.
10 Thank you so much for joining us from Arizona, and anytime
11 during the winter you want to send us up some nice Arizona
12 weather, we'd take it here.

13 MS. DUL: Thank you very much.

14 MAJORITY CHAIRMAN GROVE: I'm sorry, there is one
15 more question I didn't get. Representative Webster.

16 REPRESENTATIVE WEBSTER: Thanks, Mr. Chairman.
17 I'll ask this question for Ms. Dul and then will follow up
18 with the others as well later. I'm curious. If you were
19 paying attention to our hearing earlier, Pennsylvania
20 elections are primarily paid for by the counties, and I did
21 want to ask how does Arizona pay for it elections? You
22 know, is that State funds are county funds? How do you do
23 that?

24 MS. DUL: In Arizona I think it's similar to
25 Pennsylvania. The vast majority of the expenses are borne

1 by the county. There is specific items that are provided
2 for in statute that the State reimburses the county for, so
3 a few things that I can think of off the top of my head is
4 the counties are required to send sample ballots to each
5 household where the registered voter prior to the election
6 will reimburse the county for those sample ballots.

7 Counties are required to verify a sample of statewide
8 initiative petition signatures when they are filed and
9 processed by our office. We reimburse for that signature
10 verification at a statutory rate. But in terms of putting
11 on the election, printing the ballots, mailing the ballots,
12 counting the ballots, voting equipment, that's all expenses
13 borne by the county.

14 REPRESENTATIVE WEBSTER: Thank you.

15 MAJORITY CHAIRMAN GROVE: Thank you. With that,
16 I don't believe I have any more questions, so thank you
17 very much, Director. We appreciate your testimony, and
18 thank you very much.

19 MS. DUL: Thank you.

20 MAJORITY CHAIRMAN GROVE: Moving onto our other
21 testifiers this panel, Executive Director Tim Mattice of
22 the Election Center and Pam Anderson, again, back for a
23 second hearing. She had so much fun the last time, she
24 couldn't help herself. We'll start with you, Tim, any
25 opening comments?

1 MR. MATTICE: Yes, thank you very much. I have
2 submitted some background information on the Election
3 Center and what we do, and so I'd be happy to jump right
4 into your questions. And certainly if you have any
5 questions about that background information, happy to
6 answer those as well.

7 MAJORITY CHAIRMAN GROVE: Will do. Ms. Anderson,
8 any opening remarks? You're muted again, Pam.

9 MS. ANDERSON: Geez, rookie move. My apologies,
10 Committee.

11 MAJORITY CHAIRMAN GROVE: Okay. We can hear you
12 now.

13 MS. ANDERSON: I am Pam Anderson. I'm a former
14 election official from Colorado. I was elected as a
15 municipal clerk, nonpartisan, and as Republican County
16 Clerk in Jefferson County, Colorado, a large jurisdiction
17 west of Denver. I'm happy -- I provided written testimony
18 as well, and I may have a few comments on the topic of
19 watchers and observers when we get to that point after Mr.
20 Mattice.

21 I do want to give a shout-out to the Committee.
22 I have been listening to the entire hearing, as well as to
23 the previous hearing that I attended and some of the other
24 hearings, and I want to commend the Chairs and the
25 Committee for the great and thoughtful questions around the

1 actual administration around elections and the challenges
2 for policy and implementation.

3 I also want to talk about, you know, when I'm
4 speaking about the best practices for Colorado, we have
5 built this infrastructure over time, and it is costly. And
6 the previous election officials, it really resonated with
7 me. Pennsylvania is not alone with respect to how to both
8 navigate and fund elections administration. And I've been
9 an official for 17 years, and the professionalism and
10 professionalizing the industry has been increasing. It
11 used to be administrative and clerical, you know, pushing
12 paper. Now election officials are IT specialists, cyber
13 security specialists, technology specialists, personnel
14 specialists, project managers, just to name a few of the
15 demands. So it very much resonated and I appreciate the
16 opportunity to share.

17 MAJORITY CHAIRMAN GROVE: Will do, thank you.
18 First question, Representative Owlett.

19 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman.
20 And Tim, this question's for you. We've been working at
21 these hearings for a number of weeks now really trying to
22 gather a lot of information as far as kind of best
23 practices nationwide. Are there any States that you would
24 point to and say, you know, right there, those are the best
25 practices, that something you really need to look at? Give

1 us some States that you would say, you know, we should
2 really be looking at their election code and election
3 procedures.

4 MR. MATTICE: Well, and I think part of the
5 answer to that question would be what specific part of the
6 policy would you be interested in because there are certain
7 States that do things really well. For example, if we were
8 going to talk about mail-in voting, Washington State was
9 the first State to do that, and they've had over 10 years'
10 experience in getting that in place, so they'd be a great
11 resource for that. I know that Colorado is a terrific
12 State for gathering data and using that data to form
13 policy, and so, you know, it depends on what specific area
14 you're looking at. And most States do a pretty good job as
15 far as having some kind of supportive training for their
16 localities.

17 But, you know, I think surprisingly enough --
18 we're a national organization. We have 44 States as
19 members, and many of the issues that you're talking about
20 today are the same types of issues that they are all sort
21 of wrestling with. So I think it would be remiss of me to
22 point one out as the star because everybody is pretty much
23 struggling with, you know, with -- bottom line is they all
24 want to do the same thing. They want to put on a fair and
25 equitable election, and they want to follow the election

1 law of that State. And so that's a pretty predominant
2 theme throughout, so --

3 REPRESENTATIVE OWLETT: Great. Well, I
4 appreciate that, and that's our goal is to kind of -- and
5 if there are observations that you have, you know, from our
6 election code that, you know, we could be looking at from
7 other States, please, you know, reach out to us and let us
8 know because we want to do the best we possibly can. And I
9 appreciate your answer, you know, where it really does
10 depend on what aspect of the election that we're looking
11 at, so any feedback you can continue to give to
12 Pennsylvania would be very much appreciated.

13 MR. MATTICE: I'm happy to do so.

14 MAJORITY CHAIRMAN GROVE: Representative Ryan.

15 REPRESENTATIVE OWLETT: Thank you, Mr. Chairman.

16 MAJORITY CHAIRMAN GROVE: Representative Ryan.

17 REPRESENTATIVE RYAN: Thank you so much, Mr.
18 Chairman. And, Tim, this question is for you. I truly
19 appreciate everyone's joining us and thank you again.

20 I was interested a number of months ago -- and
21 you mentioned the State of Washington -- the Washington
22 Senator in D.C. made the comment that it took the State of
23 Washington about 10 years to really somewhat get it right
24 the way he felt comfortable, and he said that it was a
25 great learning curve that they had to go through in order

1 to do it.

2 So if you were to look at that and since you
3 mentioned the State of Washington, where do you think
4 Pennsylvania falls? And I don't mean to put you on the
5 spot, but where do you think we fall in Pennsylvania in
6 consideration of those best practices, some things that we
7 might be able to learn from what other States have done,
8 particularly, say, the State of Washington and Colorado
9 where I was equally impressed with how well that was done
10 so we can incorporate those best practices into what we do
11 to short-circuit and truncate that 10-year window?

12 MR. MATTICE: Yes, well, and I think what you're
13 going at is really what happened when the pandemic hit and
14 so many States were forced to look at mail balloting as
15 more of a predominant form of voting for their citizens.
16 And actually Washington State was pretty much inundated
17 with other States contacting them and saying can you share
18 your model, can you, you know, tell us about the process?
19 And they did that, and they did a great job. Here, they're
20 trying to put on their own election and they were taking a
21 lot of time to assist other States in sort of dealing with
22 this, which is a huge undertaking.

23 And I think when people say, oh, it's easy to
24 switch to mail balloting, well, it's not. I mean the cost
25 and the process and the fundamentals of changing the way

1 you've been doing things for decades is not an easy thing
2 to do. And I think probably the best thing that
3 Pennsylvania could do is to continue to reach out to States
4 that have been doing mail balloting successfully.

5 And, you know, one of the things we do as a
6 national organization, one of the things that we are most
7 successful at is bringing election officials together and
8 allowing them to network and share with each other. And
9 you don't have to necessarily take the model that
10 Washington State uses, you know, to put in place in
11 Pennsylvania, but you can piggyback on a lot of those
12 things and make them fit into your process. So I would
13 encourage dialogue and communication as much as you can
14 with those States that have successfully put it in place.

15 And Washington State will be the first State to
16 tell you that they're still continuing to learn about the
17 process. So it's not an overnight process, and I think
18 everybody can appreciate for those States like Pennsylvania
19 that had to ramp up their mail balloting processes, you
20 know, kudos, because to do that in such a short period of
21 time, it's an understatement to say it's a monumental
22 achievement, so --

23 REPRESENTATIVE RYAN: It's interesting. Pam,
24 when you testified the last time, I was impressed with the
25 way you described how you did what you did and how you got

1 involved in the process. And, Pam, since you've had
2 experience with us before on this, are there -- as a
3 Marine, I would say are there landmines that you're seeing
4 that we're walking into where you would say to us at this
5 point be careful you don't keep going in that direction?
6 Anything that you're seeing as it relates to what other
7 States are doing that can help us make sure that we can
8 accommodate the security and the confidence that people
9 want to have in an election?

10 MS. ANDERSON: Yes, you know, I think your
11 hearings and the questions you're asking and the panelists
12 that you have are indicating that you sort of identified
13 the areas. You know, I like to think of an election, you
14 know, like a three-legged stool. It's often an analogy we
15 use. And, you know, when you're doing an election, time is
16 extremely important. It's a the calendar. It's a
17 timeline. The people, you know, that are in the election
18 are extraordinarily important. And the resources, funding,
19 and the tools that you use for voters, for access,
20 security. And if you don't pay attention to all of those
21 equally, like if you -- as we experienced last year across
22 the country, you don't have a lot of time to adapt, you
23 know, so less time, you need more people and more resources
24 to address the challenge.

25 The people and training and the infrastructure in

1 place for those best practices to make sure you're
2 educating and informing on your legal framework and the
3 operational tools, the challenge for finding poll workers
4 and experienced election officials is real. You know, in
5 Colorado we experienced -- one-third of our elected
6 election officials turned over in 2018, so we had to spend
7 a great deal of time, you know, training and implementing.

8 And then resources, in Colorado we do fund
9 elections. The State legislature funds the elections based
10 on the number of active voters per jurisdiction. We pay
11 some attention to economies of scale so the large count,
12 larger jurisdictions get 80 cents a voter, and the small
13 jurisdictions get 90 cents a voter. That doesn't come
14 close to funding the actual operational cost of an
15 election, but, you know, those three things, the people,
16 the time, training, and resources are the things that you
17 really need to pay attention to build a robust system.

18 REPRESENTATIVE RYAN: Listen, thank you very
19 much. And I'm using up my time and yours as well, so thank
20 you so much, but Tim and Pam, I appreciate your efforts.
21 And, Mr. Chairman, back to you, sir.

22 MAJORITY CHAIRMAN GROVE: Representative Webster.

23 REPRESENTATIVE WEBSTER: Thank you, Mr. Chairman.

24 SENATOR Ms. Anderson, you started to answer the
25 question that I asked earlier about how Colorado pays for

1 funding the election services, and maybe you can tell us a
2 little bit more about that. But first, I do want to tell
3 you that I have the privilege for eight years of my life to
4 live in Colorado, and I'm very familiar with Wheat Ridge,
5 and I'll tell you that Wadsworth Boulevard does play in
6 quite a few good memories.

7 MS. ANDERSON: I lived in Wheat Ridge, so there
8 you go.

9 REPRESENTATIVE WEBSTER: I thought you might.
10 Thank you much. And if you could talk more about how those
11 costs are shared between, you know, the State funding and
12 the counties, that would be helpful.

13 MS. ANDERSON: Sure. Yes, so, you know, the
14 primary source of funding for elections really does reside
15 at the local level. As I said in our statute we have a
16 reimbursement that the Secretary of State is funded out of
17 cash funds, and so that's primarily business license fees
18 that fund that. There has been some both policy and legal
19 debate on whether or not that's appropriate, should be
20 general funded to speak your budgetary language a little
21 bit. That adjustment for that rate, that 80 or 90 cents
22 per voter, doesn't get adjusted very often, so it doesn't
23 have any sort of, you know, inflationary adjustment or
24 anything like that.

25 And, you know, we often debate at the legislature

1 when additional requirements for elections or services for
2 voters or additional vote centers are provided or we see
3 more demand for an election. You know, Colorado has the
4 second-highest turnout rate in the country, so as those
5 demands increase, we don't really adjust that as frequently
6 as we need to.

7 HAVA funds are another funding source that
8 counties have been able to receive. That's managed by the
9 Secretary of State's office, federally funded. We saw
10 CARES Act funding last year, but that really was the first
11 time we saw a lot of operational funding or any operational
12 funding.

13 One of our moves, you know, following our voters
14 to mail ballot, you know, to become more efficient, yes,
15 mail ballot is costly. Polling places are also costly when
16 you factor in the capital cost of equipment and precinct
17 polling. So as we saw shifting to interest in mail ballot
18 and centralizing those operations, we really saw that the
19 requirement to purchase a lot of the polling place
20 equipment from my county alone it would have been about \$12
21 million. The shift to mail ballot for us saved us
22 approximately \$10 million just in my jurisdiction alone.
23 And so, you know, thoughtful policy that pays attention to
24 all of the cost of elections can also support the local
25 election officials.

1 REPRESENTATIVE WEBSTER: Thank you, that's very
2 helpful. And I think some of my colleagues here would
3 appreciate how you mentioned right away that some of the
4 smaller jurisdictions got a little bit more because they
5 need it that way, so that's very helpful. Thank you.

6 MS. ANDERSON: You're very welcome.

7 MAJORITY CHAIRMAN GROVE: Representative Staats.

8 REPRESENTATIVE STAATS: Thank you, Chairman
9 Grove. And, Ms. Anderson, I think you can now add
10 professional testifier to your list of skill sets that you
11 now need to have as an election administrator.

12 MS. ANDERSON: Thank you. I'll do that.

13 REPRESENTATIVE STAATS: And my question is
14 directed to Mr. Mattice. And I just wanted to get your
15 take. We know many States have expanded the availability
16 of mail-in voting prior to election day. As Pennsylvania
17 continues to make adjustments, can you provide any insight
18 to the experiences of other States regarding the
19 administration of the election day as they work through the
20 process?

21 MR. MATTICE: Yes, I would think that at least
22 what we hear from a lot of our Members who were dealing
23 with that for the first time during the pandemic is -- and
24 even the States that have been doing it for a while just
25 not on that grand scale that they did in November -- is to

1 make sure that they have plenty of time to -- you know, and
2 the terminology here is different -- to canvass them, to
3 open them, to start processing them. You know, if we are
4 to increase the number of mail ballots that States are
5 going to start receiving, and if we want to have results
6 available when the voters and the public expect to hear
7 them, then giving them enough time to be able to process
8 those mail ballots is crucial, you know, if you're going to
9 start especially in those jurisdictions that have millions
10 of voters. Maybe not such an issue for the smaller
11 jurisdictions, but for the larger ones, they need plenty of
12 time, you know, to be able to open them, to count them, to
13 consolidate them with the in-person voting, and so giving
14 them ample time to be able to do that certainly would be
15 something that they, you know, would appreciate for sure.

16 REPRESENTATIVE STAATS: And that's very
17 consistent with what we've been hearing throughout these
18 hearings, so thank you for your answers.

19 MR. MATTICE: Certainly.

20 MAJORITY CHAIRMAN GROVE: Representative Nelson.

21 REPRESENTATIVE NELSON: Thank you, Mr. Chair.
22 It's always great to get perspective from other States.

23 As we were talking about the election policy
24 debate and we're getting deep into the details on this
25 Committee, in Pennsylvania a lot of raw feelings about the

1 election, and voters are not so sure about trusting this
2 mail-in ballot and the integrity of the process. Can you
3 touch on the use of mail-in ballots? Because there's also
4 a push in completely the opposite direction of saying let's
5 eliminate mail-in ballots and eliminate all that additional
6 cost and expense and just go back to the way things were,
7 which in Pennsylvania would be primarily in-person voting
8 with, you know, a travel absentee ballot option. You know,
9 so in your States how do you respond to the implementation
10 of mail-in ballots?

11 MS. ANDERSON: You or me, Tim?

12 MR. MATTICE: Go ahead, Pam.

13 MS. ANDERSON: Well, you know, as you're aware,
14 Colorado automatically mails a ballot to all eligible
15 active voters, but we also provide vote centers, so we have
16 more of a hybrid model than some all-mail-ballot States
17 might have and pretty robust -- you know, that's scaled
18 based on -- because we have we pay a lot of attention to
19 the size of a jurisdiction, but it's scaled appropriately
20 in tiers and formulas. And so, you know, our approach is
21 follow the voters. And, you know, our mail ballot is
22 extraordinarily popular. With the in-person option, we
23 have about 5 to 7 percent. We follow the data. As Tim
24 mentioned earlier, we're extremely data-driven, and so when
25 we're, you know, developing our policy, we prefer to leave

1 the choices in place and let the voters decide. It is more
2 efficient for us than doing requests and the administrative
3 burden of requests and the timeline, I think you heard
4 from your election officials that that is extremely
5 administratively burdensome.

6 So we found when we got to that tipping point for
7 voters really appreciating the mail ballot, we have the
8 structure in place and the infrastructure in place to
9 administer that, it was far more efficient to mail the
10 ballot and leave the choice to the voter if they preferred
11 to vote in person and maintaining that level of choice, as
12 well as efficiency.

13 REPRESENTATIVE STAATS: And just jumping in there
14 with, you know, I think we'll have a shared bipartisan
15 theme of it should be easy to vote and hard to cheat. How
16 have you been able to assure that election integrity, you
17 know, through that mail-in ballot process, identification,
18 signatures, what are some key things that Colorado has done
19 so that your voters aren't feeling the way that many
20 Pennsylvanians are feeling now?

21 MS. ANDERSON: Yes, I appreciate that question,
22 Representative. Yes, it really is a system, as you
23 described. You mentioned a few examples there. One, I
24 believe in the previous hearing we talked a lot about the
25 registration database and how important your registration

1 database and election management system is in building that
2 robust system, keeping in mind on how do you issue ballots,
3 how do you account for them. The other piece is signature
4 verification. We do use that. It is the best system we
5 have now to validate the ballot coming back belonging to a
6 particular voter, but we also maintain a cure because we
7 want to make sure, just like provisionals, we have
8 safeguards for voters in place so that if something
9 administratively were to happen, that they have an ability
10 to resolve that with integrity.

11 We also build in and election observers -- and
12 it's under the public information that's available for us,
13 we build in the transparency as well into our full system,
14 treating polling places and election ballot processing and
15 independent validation of an election into our entire
16 system so that voter confidence, as voters choose which
17 method and convenient access point to their constitutional
18 rights is taking place, we can make sure that we're
19 validating that the outcomes were accurate.

20 REPRESENTATIVE STAATS: Great. That was a
21 fantastic answer. Thank you. Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN GROVE: Representative Diamond.

23 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.
24 And thank you both for coming in and testifying today.

25 Pam, your testimony notes the importance of

1 election observers, as well as Colorado's law for allowing
2 for observers to be appointed from anywhere in the State.
3 Has this provision created any issues since it was changed
4 from a county residency requirement?

5 MS. ANDERSON: Thank you, Representative, for
6 that question. Well, I want to clarify, yes, that
7 observers can move around the State. They must be
8 certified and verified by the county jurisdiction. So
9 there is an administrative process to credentialing
10 observers, as well as we have requirements for training
11 that observers need to go through so that they understand
12 both their legal obligations and their duties under our
13 State law, but that credentialing process also has
14 timelines in place so that the parties, the local parties
15 and the parties that are appointing them, we also have
16 issue committees and candidates that can appoint. We can
17 get that validation and paperwork done.

18 So there is still, you know, real importance in
19 making sure that the election officials can both accurately
20 certify them, they must be eligible electors in Colorado,
21 so out-of-state observers with the exception of
22 international observers or Secretary of State observers, so
23 they must be eligible, but they can be certified in
24 multiple jurisdictions. That's important because you may
25 have politically homogenous jurisdictions, counties. My

1 county is very politically diverse. My neighbor county
2 Boulder is far more democratic. Another county, El Paso
3 County, is far more Republican. And so we have held the
4 value of both being able to appoint so that, you know, in
5 the more densely populated areas that the interested
6 parties can have observation more fluidly. We do that as
7 well for our poll workers and election workers. We don't
8 have to utilize our Election Judges just from residence in
9 the county. The parties can name officials or appoint
10 officials that are nearby as well.

11 REPRESENTATIVE DIAMOND: Actually, I was just
12 really asking about the observers, not the election
13 officials themselves, the observers, but can you just tell
14 me quickly what do you mean when you say verify? If the
15 counties --

16 MS. ANDERSON: So --

17 REPRESENTATIVE DIAMOND: -- have to verify
18 something, what do they have to verify?

19 MS. ANDERSON: So the interested parties,
20 candidates, parties, or issue committees can certify an
21 election observer saying we've trained them and they're
22 eligible to be an observer. That goes to the county, and
23 we have a credentialing process where they receive a
24 certificate, they have to have an oath administered. That
25 certificate, they can have multiple copies for multiple

1 locations within the jurisdiction or in another
2 jurisdiction that's surrendered. And that goes with them.
3 And so -- and submitted. What the county election official
4 is doing to credential them is to look them up to make sure
5 that they're an eligible elector in Colorado.

6 REPRESENTATIVE DIAMOND: All right. Thank you
7 very much. Thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN GROVE: Representative Keefer.

9 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

10 And, Ms. Anderson, just to follow up on Representative
11 Diamond's questions, you answered most of mine, so you said
12 that the organizations were responsible for training the
13 certified electors. So what's involved in that training?
14 How are those individuals -- so I'm going to assume the
15 parties that you're talking about that would train them, is
16 that the party that they're representing is responsible for
17 that?

18 MS. ANDERSON: Thank you, Representative, for the
19 question. Yes, so the training program is most often --
20 now, we also have nonpartisan elections, but it's most
21 often doing the training program. They're required to have
22 a training reviewed by the Secretary of State, and so then
23 the election observer -- we call them watchers in Colorado
24 -- then have a certificate that they went through that
25 training, and it has to be within the year they need to

1 undergo that training.

2 I can tell you in real life, while they go
3 through the training, it is not unusual to have an election
4 observer that shows up that says I'm not sure what I'm
5 doing. I'm not sure what I'm supposed to do here. And so
6 some of the recommended best practices that we utilize is,
7 by rule, you have someone, either a supervisor in a polling
8 place or in elections operations for ballot counting, that
9 is the point person. We, you know, often take our
10 observers and give them a quick overview of what they're
11 seeing. This speaks to sort of that infrastructure and
12 demand. This is like another job within an election often
13 if you are a jurisdiction that gets lots of observers.

14 REPRESENTATIVE KEEFER: Okay. And so what I was
15 trying to get to what's included in that training, so is it
16 just, you know, how far away you're supposed to stand, not
17 interfering with the election or asking voters questions,
18 you know, what you're supposed to be observing, you know,
19 the ballots or the process? Is that was involved in the
20 training?

21 MS. ANDERSON: Yes. So in my written testimony I
22 included, you know, selections of the main election
23 observer law, so the training covers that. There's also a
24 very robust Secretary of State rule that, you know,
25 provides additional detail to the obligations for observers

1 and election officials on that. We also acknowledge that
2 different jurisdictions have space concerns, right, or
3 smaller jurisdictions have space concerns. So we've
4 created a process under rule that says, you know, the
5 election official needs to allow this number of people,
6 right, and structures proximity around that.

7 In our largest jurisdictions we have innovative
8 election officials that want to be able to provide the
9 opportunity to observe and verify, and proximity can be a
10 challenge. And so in ballot processing areas or, for
11 example, in the mechanism with which to do this as
12 effectively if space is a concern, like for duplicating
13 ballots or determining voter intent for paper ballots, they
14 may provide screens up on the wall so they can see the work
15 that's being done and then, you know, if there's a high
16 demand for observation, there are mechanisms under rule for
17 lot drawing or for immediate observers, pool observers, and
18 trading out those folks.

19 REPRESENTATIVE KEEFER: Thank you. This might
20 help us in our issues of, you know, what meaningful
21 observation is, so possibly defining it that way. Thank
22 you.

23 MS. ANDERSON: Yes, and meaningful observation is
24 very important, but I also want to make sure that I say
25 that the observer and the watcher, we call them watchers,

1 that's exactly what they're doing. There are provisions
2 under our law that they cannot interfere or interrupt or
3 disrupt the voting process or the processing of ballots.

4 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN GROVE: Your observers,
6 obviously, if they see something, do they bring attention
7 to the Judge of Elections? Do they call the Attorney
8 General's office? What is their process for reporting
9 issues? And do they have the ability to -- like for a
10 signature verification, they're just there to watch, they
11 don't have any ability to really object, correct, or is
12 there an objection process they can utilize?

13 MS. ANDERSON: Thank you, Mr. Chair. Yes, that's
14 a great question. So under the rule there's a designee
15 that the election watcher can communicate with to bring an
16 issue forward. That is one option for observers. Another
17 option is while they can't use electronic equipment within
18 a voting or processing area, they can report back to
19 whomever their interested party representative is, so, for
20 example, we had a very robust communication -- and this is
21 a good practice with party chairs, local party chairs and
22 with party attorneys in the event that there was an issue
23 that they wanted to bring to the attention.

24 Regarding signature verification, again, our
25 statute says you cannot interrupt the process, so an

1 observer can't, in other words, challenge a signature for
2 lack of a better term. But our rule does say that a local
3 election official could allow an observer to elevate
4 something to a bipartisan team if they so choose. That is
5 not a frequent practice because I think it's an important
6 point to say that election observers are not the only point
7 of transparency in our process. The interested parties can
8 appoint or send us the list for which the election
9 officials are appointed. And so those bipartisan
10 representatives are also part of that transparent process,
11 and that includes signature verification judges.

12 MAJORITY CHAIRMAN GROVE: Got you. So to be
13 clear, observers are there to actually watch your teams of
14 kind of individuals who would do certification or signature
15 validation. They are brought in through the county
16 elections office versus your observers would be your point
17 people from a campaign or a candidate or a party, correct?

18 MS. ANDERSON: I'm sorry, can you restate that?
19 I'm not quite sure I understood that.

20 MAJORITY CHAIRMAN GROVE: So your teams that
21 would look at signature verification and have the power to
22 question a ballot, that's not your observers. They are
23 individuals brought in, trained by the elections office
24 itself. The observers are basically a party or candidate,
25 volunteers brought in to watch the process, right? I'm

1 just trying to --

2 MS. ANDERSON: Yes, that's an accurate --

3 MAJORITY CHAIRMAN GROVE: Okay.

4 MS. ANDERSON: That's an accurate description of
5 our process. Yes, observers don't go through signature
6 verification training.

7 MAJORITY CHAIRMAN GROVE: Got you, okay.

8 Chairwoman Davidson.

9 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you, Mr.
10 Chairman. Let me see if I can lower my hand. There we go.
11 Thank you so much for your testimony.

12 I guess I have more of a comment, and you can
13 comment on my comment. It seems that your election
14 observer process is a very organized and well-tuned
15 operation so that folks are trained, they are certified by
16 the counties. I remember in Pennsylvania there was a
17 proposal to allow election workers to come observe from all
18 over the Commonwealth. There was a great deal of pushback
19 on that because there wasn't a full process like you're
20 describing. This process or this proposal in Pennsylvania
21 would allow folks to come from, say, Snyder County into
22 Philadelphia and conversely allow folks from Philadelphia,
23 the Black Panther organization or some of the other
24 organizations that Members of this Committee have mentioned
25 that they don't find particularly acceptable, but they

1 would be allowed to come to Snyder County and observe the
2 election and without a whole lot of guidance as to what
3 they could and could not do. In your system for folks
4 moving from county to county, there's a well-defined
5 training protocol and certification protocol and do's and
6 don'ts that govern how that person is to function and
7 operate in another county, is that correct?

8 MS. ANDERSON: Thank you, Madam Chairwoman. Yes,
9 that is correct. And I would also like to point out that
10 our code empowers local election officials to remove and
11 replace observers if they're being disruptive or violating
12 their obligation under their oath.

13 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you so
14 much. I think that's very important in order to not
15 intimidate voters. I know in our election code as well
16 guns are not allowed in polling places and also I believe
17 law enforcement being there is frowned upon so folks are
18 not intimidated to come into the election office. Usually
19 the sheriff is allowed but not law enforcement unless
20 there's something really criminal taking place in terms of
21 a fight or some kind of really out-of-the-ordinary
22 occurrence that included violence. Police officers are not
23 called in to verify signatures or anything like that or to
24 ask a voter to leave a voting place. That's usually a
25 sheriff.

1 I ask this question. If there's some disruption
2 at the polling place, whether it be an observer or a voter,
3 how does Arizona, how does your State handle that when
4 there's disruption at a polling place?

5 MS. ANDERSON: Thank you, Madam Chair. Well, in
6 Colorado, you know, we have the law that requires both
7 observers, our election officials as well, that you must
8 follow the law. And so, you know, there is enforcement
9 capability under that under offenses. I would point out
10 that it is really important to have that structure and
11 those rules in place in advance of an election. And our
12 local election officials submit watcher accommodation plans
13 to the Secretary of State, so that, you know, it's
14 important to know that our elections are conducted and
15 administered by the public, by appointed interested people,
16 poll workers, election officials, judges. But everybody
17 needs to know what the ground rules are going in.

18 In the event, you know, there is disruption,
19 again, the local election official has the ability to
20 remove them and, you know, I'm not an attorney, nor a law
21 enforcement officer, although every member of my family
22 besides me is a law enforcement officer I should say, give
23 a shout-out, but, you know, there have been extremely rare
24 instances where, as an election official, I've had to call
25 law enforcement. It's primarily someone that is not

1 following the rules and essentially are trespassing on the
2 process and if they refuse to leave. I've not had any
3 challenges in my jurisdiction with the interested parties
4 understanding that having a safe and secure voting
5 environment and election environment is in everyone's best
6 interest, so it's an extremely rare example, but our laws
7 empower that ability at the local level.

8 DEMOCRATIC CHAIRWOMAN DAVIDSON: Thank you so
9 much. Thank you, Mr. Chair.

10 MAJORITY CHAIRMAN GROVE: Representative Miller.

11 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.
12 And thank you. Welcome back, Ms. Anderson. I appreciate
13 your testimony and Mr. Mattice.

14 I have a question. We are looking at both the
15 election before, during, and after. So I want to start
16 with you, Ms. Anderson. After the election, does Colorado
17 allow access to the ballots themselves?

18 MS. ANDERSON: Thank you, Representative. So
19 yes, you know, another piece not just observers and the
20 appointed election officials, but our access to election
21 records is an important piece of that independent
22 validation. And so we have paper ballots, and we also have
23 images. We are no longer on the legacy system, so we have
24 digital images of ballots that are utilized in our
25 elections.

1 Our ballots are public record, and so under the
2 Colorado Open Records Act, they are available after the
3 conduct of election but prior to the contest period. So
4 after the election has been certified and audited and
5 canvassed, our images and our paper ballots are available
6 for inspection. And so that is up until our retention law
7 is 25 months. Federal is 22 I believe, and so we're just a
8 little bit longer than that, those records are available,
9 all election records.

10 REPRESENTATIVE MILLER: Okay.

11 MS. ANDERSON: We do redact a very small number
12 or we look for unique identifying marks on ballots to make
13 sure that we're also preserving -- it's built into our
14 State Constitution voter privacy and anonymity.

15 REPRESENTATIVE MILLER: Now, what would you
16 redact? What would cause you to redact something if a
17 person just selected candidate B here with this race and
18 candidate A for the next race? What might you redact?

19 MS. ANDERSON: So that's an excellent question,
20 and it's probably a situation that wouldn't at least
21 currently occur in Pennsylvania as much as it does in the
22 West, but we have coordination on our ballot. We have very
23 lengthy ballots, and we have coordination for local
24 jurisdictions. And so there may be a unique ballot style
25 based on the content of the ballots, so in other words if

1 you have a ballot style where there's a water district
2 issue, like taxing issue, and it only encompasses three
3 voters of that particular style in a jurisdiction, we would
4 redact the voted ballot from the giant pile of 500,000
5 ballots in order to protect the anonymity of that voter.
6 Because we provide so much public information, we cannot
7 disclose how a particular person may have voted if you have
8 isolated. So our State law says that if we have 10 or less
9 of a very particular style of ballot, then we need to
10 redact that information.

11 It's paper ballots, so unique identifying marks,
12 if someone writes their name on their ballot or we can
13 redact the image, you know, and make sure that no one is
14 disclosing anything. Unique identifying marks in order to
15 prevent any vote-buying is also an important element for
16 reduction.

17 REPRESENTATIVE MILLER: Okay, thank you. Mr.
18 Mattice, do you have anything to add about reviewing
19 ballots after an election?

20 MR. MATTICE: No, that really is, you know, up to
21 the individual States, you know, in their open records laws
22 and canvassing dates and so really it's up to the
23 individual States, and I'm not an authority on each of the
24 States' canvassing processes, but they are different. The
25 periods and the open records laws vary tremendously from

1 State to State.

2 REPRESENTATIVE MILLER: Okay. All right. Well,
3 thank you both, and thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN GROVE: Thank you. Tim, quick
5 question on training and setting standards for training.
6 Who would be a good group to do that? So we have an
7 election law advisory board. It's kind of new. It
8 encompasses -- actually, we have a member of each kind of
9 legislative caucus on it. We've got Election Directors
10 from across the State and the Department of State operates
11 in there on that. Would that be a good model group to kind
12 of help develop what training looks like for Elections
13 Directors, as well as putting together manuals or even
14 training poll workers, standards for training poll workers?

15 MR. MATTICE: Yes, I was delighted to hear when
16 you said the Election Directors, you know, because
17 oftentimes local election officials are not included in
18 sort of policy and development and training processes, and,
19 you know, it's kind of like trying to make a cake without
20 the flour. I mean, those people must be involved in the
21 process if it's going to be successful because they're the
22 ones that are down in the weeds and on the frontlines
23 implementing those programs. So absolutely, you know,
24 kudos to you for making sure you include the election folks
25 in that process from beginning to end, absolutely.

1 MAJORITY CHAIRMAN GROVE: Yes, well, we don't
2 have actual training standards at all for them. I was just
3 curious if that's -- and I assume from your comment the
4 best way to do that is include them on developing the
5 standards on the forefront so you have a better end
6 product, correct?

7 MR. MATTICE: Correct.

8 MAJORITY CHAIRMAN GROVE: Okay. Thank you. And,
9 Ms. Anderson, your testimony mentions that poll selection
10 audit is conducted at a public meeting, you know, think
11 about how audits work, a lot of paper, how does that
12 actually facilitate into practice?

13 MS. ANDERSON: Thank you, Mr. Chair. Well, a
14 couple of components. One, they are appointed by the
15 interested parties, the audit board, so that's one way that
16 the public is incorporated. The other thing is it's an
17 open meeting, so as you're familiar with your open meeting
18 laws, so too would our audit meetings or audit process is
19 operated. It's posted and noticed as a public meeting,
20 and, you know, people can participate.

21 Now, what you saw last year, given the pandemic,
22 we also saw broadcast video meetings like this one to
23 accommodate public access for our audit board meetings and
24 that process, and you see live feeds, you know, election
25 officials now incorporating live feeds into their process

1 as well.

2 MAJORITY CHAIRMAN GROVE: Okay, excellent. Well,
3 we are out of questions. I'm just looking around the room
4 to make sure no further questions.

5 Thank you very much, Tim and Pam, for your
6 testimony. We greatly appreciate it. And hopefully, it
7 will obviously help us make better election law here in
8 Pennsylvania for voters and our election officials, so
9 thank you very much.

10 MS. ANDERSON: Thank you very much, Committee.

11 MR. MATTICE: Thank you so much for the
12 invitation.

13 MAJORITY CHAIRMAN GROVE: With that, Chairwoman
14 Davidson, if you're on, any closing comments?

15 All right. Representative Webster?

16 REPRESENTATIVE WEBSTER: Just to say thank you to
17 -- great testimony today and to the Chair, and have a good
18 afternoon.

19 MAJORITY CHAIRMAN GROVE: Will do. We want to
20 make sure you race home for your wife's birthday, very,
21 very important.

22 I'd like to thank all of our testifiers for their
23 time today. I'd like to thank Members for their patience
24 and their questions. Again, we have testimony on how our
25 1937 election laws has failed our election process. We

1 need a better system. We need a better election timeline,
2 and we need to ensure it is easy to vote and hard to cheat
3 here in Pennsylvania. Voters deserve better. County
4 elections officials deserve better.

5 I look forward to continuing the bipartisan
6 election oversight hearings and partnering with
7 stakeholders like our counties, Department of State, and of
8 course our wonderful county Elections Directors moving
9 forward.

10 With that, the hearing of the House State
11 Government Committee stands adjourned.

12
13 (The hearing concluded at 4:03 p.m.)

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

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