

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE  
PUBLIC HEARING

STATE CAPITOL  
HARRISBURG, PA

IRVIS OFFICE BUILDING  
ROOM G-50

THURSDAY, APRIL 1, 2021  
12:30 P.M.

PRESENTATION ON  
ELECTION INTEGRITY AND  
ACCESSIBILITY POLICY

BEFORE:

HONORABLE SETH M. GROVE, MAJORITY CHAIRMAN  
HONORABLE RUSS DIAMOND  
HONORABLE MATTHEW D. DOWLING  
HONORABLE DAWN W. KEEFER  
HONORABLE ANDREW LEWIS  
HONORABLE RYAN E. MACKENZIE  
HONORABLE BRETT R. MILLER  
HONORABLE ERIC R. NELSON  
HONORABLE JASON ORTITAY  
HONORABLE CLINT OWLETT  
HONORABLE FRANCIS X. RYAN  
HONORABLE PAUL SCHEMEL  
HONORABLE LOUIS C. SCHMITT, JR.  
HONORABLE CRAIG T. STAATS  
HONORABLE JEFF C. WHEELAND

\* \* \* \* \*

*Debra B. Miller*

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## BEFORE (continued):

HONORABLE MARGO L. DAVIDSON, DEMOCRATIC CHAIRWOMAN  
HONORABLE ISABELLA V. FITZGERALD  
HONORABLE KRISTINE C. HOWARD  
HONORABLE MAUREEN E. MADDEN  
HONORABLE BENJAMIN V. SANCHEZ  
HONORABLE JOE WEBSTER  
HONORABLE REGINA G. YOUNG

## 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

TESTIFIERS

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DR. B. CLIFFORD NEUMAN DIRECTOR, USC CENTER FOR COMPUTER SYSTEMS SECURITY; ASSOCIATE PROFESSOR OF COMPUTER SCIENCE PRACTICE, INFORMATION SCIENCES INSTITUTE, VITERBI SCHOOL OF ENGINEERING, UNIVERSITY OF SOUTHERN CALIFORNIA.....	11
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SUBMITTED WRITTEN TESTIMONY

\* \* \*

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## P R O C E E D I N G S

\* \* \*

MAJORITY CHAIRMAN GROVE: Good afternoon.

Welcome to this public hearing of the Pennsylvania House State Government Committee on election integrity and accessibility.

This is our third to last election oversight hearing. Our Committee's extensive election oversight hearing schedule has allowed this Committee to complete a deep dive into the Pennsylvania Election Law from 1937 and how elections are administered in the Commonwealth in order to inform the public and this Committee so that we may facilitate election changes which ensure our voting process is designed so the voters select the winners and not the process.

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

Last week, we finished up our hearings dismantling our election process from voter registration to post-election audits in the Commonwealth, and now we will transition to broad policy discussions for our last three hearings.

1           Today, the Committee will discuss election  
2 integrity and accessibility policy. Just this week, the  
3 State of Kentucky passed bipartisan election reform.  
4 Josh Douglas, a law professor at the University of Kentucky  
5 who provided input on the bill, said, quote, "Kentucky  
6 lawmakers showed voter access and insecurity don't need to  
7 be mutually exclusive. We can have an election system  
8 which is grounded in integrity and provides accessibility  
9 to voters." Pennsylvania's election system should be easy  
10 to vote but hard to cheat.

11           I look forward to today's discussion. Chairwoman  
12 Davidson, any opening comments?

13           MINORITY CHAIRWOMAN DAVIDSON: Yes. Thank you,  
14 Mr. Chairman.

15           Here we are again. Once again, we are going to  
16 hear testimony about our election process.

17           It should be noted that the Senate also conducted  
18 hearings and have long since concluded their hearings and  
19 are ready to begin the legislative work that needs to be  
20 done. As a result of these continued hearings and the  
21 length of them, we will not be prepared to make sure that  
22 some of the flaws, like the lack of pre-canvassing that  
23 election officials have talked about over and over again,  
24 will not be ready for the May primary.

25           One of the things that concerns me regarding

1 these hearings is the enormous taxpayer expense in  
2 conducting these hearings while we are not yet prepared to  
3 do anything about the upcoming May primary when there was  
4 plenty of time for us to do so. The Senate is ready to  
5 act. At some point, I hope the House is ready to act.

6 Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN GROVE: Thank you.

8 And of note, the Senate actually just started  
9 their hearing schedule. They have only gotten two hearings  
10 into it. So they have not completed their hearing schedule  
11 as of yet.

12 On to housekeeping.

13 While the Capitol and our hearings are now open  
14 to the public, there is limited seating available in each  
15 hearing room due to the COVID-19 mitigation orders by the  
16 Wolf Administration. We have Members and testifiers in  
17 attendance virtually, as well as the public viewing via  
18 livestream. Due to Sunshine Law requirements, if either of  
19 these platforms experience technical difficulties, we will  
20 pause the meeting in order to correct the issues.

21 For the Members participating virtually, please  
22 mute your microphones. Please know that when you speak, we  
23 all hear you. If you want to be recognized for comments,  
24 please use the "Raise Hand" function.

25 After being recognized but prior to speaking,

1 please turn on your camera and unmute your microphone.  
2 After you have completed your question, please mute your  
3 microphone.

4 We will start with Committee Members in the room  
5 for introductions. For Members attending virtually, I will  
6 call on you one by one.

7 Chairwoman, would you like to start?

8 MINORITY CHAIRWOMAN DAVIDSON: Representative  
9 Margo Davidson, Chair for the Democratic State Government  
10 Committee, and representing Delaware County in the  
11 164<sup>th</sup> Legislative District.

12 REPRESENTATIVE WEBSTER: Good afternoon,  
13 everyone.

14 Joe Webster, representing the 1-5-0,  
15 150<sup>th</sup> District, in Montgomery County. Thank you.

16 REPRESENTATIVE MILLER: Brett Miller, the  
17 41<sup>st</sup> District, Lancaster County, Pennsylvania.

18 REPRESENTATIVE KEEFER: Representative  
19 Dawn Keefer, the 92<sup>nd</sup> District, York and Cumberland  
20 Counties.

21 REPRESENTATIVE WHEELAND: Representative  
22 Jeff Wheeland, the 83<sup>rd</sup> District, Lycoming County.

23 REPRESENTATIVE DIAMOND: Representative  
24 Russ Diamond, the 102<sup>nd</sup> District, Lebanon County, home of  
25 the finest bologna known to man.

1 MAJORITY CHAIRMAN GROVE: A hundred percent agree  
2 with that.

3 Seth Grove, Chairman of the House State  
4 Government Committee, the 196<sup>th</sup> District, York County.  
5 Representative Staats.

6 REPRESENTATIVE STAATS: Good afternoon, everyone.  
7 Craig Staats, representing the 145<sup>th</sup> District in  
8 the great county of Bucks.

9 MAJORITY CHAIRMAN GROVE: Representative Lewis.

10 REPRESENTATIVE LEWIS: Good morning,  
11 Mr. Chairman, Members of the Committee, testifiers, and the  
12 public.

13 Representative Lewis, representing the great  
14 105<sup>th</sup> District, the wiser, older brother district to our  
15 neighboring friends in the 102<sup>nd</sup> and the 101<sup>st</sup>. Happy to be  
16 here. Thank you.

17 MAJORITY CHAIRMAN GROVE: Representative Owlett.

18 REPRESENTATIVE OWLETT: Representative Owlett,  
19 the 68<sup>th</sup> District, all of Tioga, parts of Bradford, and  
20 parts of Potter County.

21 MAJORITY CHAIRMAN GROVE: Representative  
22 Fitzgerald.

23 REPRESENTATIVE FITZGERALD: Good afternoon.

24 Isabella Fitzgerald, representing the  
25 203<sup>rd</sup> Legislative District in Philadelphia -- West Oak Lane,

1 East Oak Lane, and the Lower Northeast.

2 MAJORITY CHAIRMAN GROVE: Representative Ryan.

3 REPRESENTATIVE RYAN: Representative Frank Ryan  
4 of the 101<sup>st</sup> District in Lebanon County, home of Cornwall  
5 Iron Furnace, which helped forge the great nation of the  
6 United States.

7 MAJORITY CHAIRMAN GROVE: Representative Howard.

8 REPRESENTATIVE HOWARD: Hi. It's Kristine Howard  
9 from the 167<sup>th</sup> in Chester County.

10 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

11 REPRESENTATIVE ORTITAY: Representative  
12 Jason Ortitay, the 46<sup>th</sup> District, Allegheny and Washington  
13 Counties.

14 MAJORITY CHAIRMAN GROVE: Representative Schmitt.

15 REPRESENTATIVE SCHMITT: Good afternoon,  
16 everybody.

17 Lou Schmitt, the 79<sup>th</sup> Legislative District, the  
18 city of Altoona and the surrounding parts of Blair County.

19 MAJORITY CHAIRMAN GROVE: Representative Schemel.

20 REPRESENTATIVE SCHEMEL: Good afternoon.

21 It's Representative Paul Schemel from the  
22 no-baloney county of Franklin.

23 MAJORITY CHAIRMAN GROVE: Representative Sanchez.

24 REPRESENTATIVE SANCHEZ: Thank you, Mr. Chairman.

25 Good afternoon, all.

1 Ben Sanchez from the 153<sup>rd</sup>, part of Montgomery  
2 County.

3 MAJORITY CHAIRMAN GROVE: So, with so many  
4 hearings, you can tell we have a very unique camaraderie  
5 here.

6 Representative Mackenzie. Sorry. I missed you.

7 REPRESENTATIVE MACKENZIE: That's okay. Thank  
8 you, Mr. Chairman.

9 Good afternoon, everyone. Representative  
10 Ryan Mackenzie from the 134<sup>th</sup> District in Berks and Lehigh  
11 Counties.

12 MAJORITY CHAIRMAN GROVE: All right. Excellent.

13 With that, we have four panels for today's  
14 hearing: Panel 1 on cybersecurity; Panel 2, a county  
15 election director; Panel 3, accessibility and integrity;  
16 and Panel 4, accessibility and integrity.

17

18 PANEL 1

19 CYBERSECURITY

20

21 MAJORITY CHAIRMAN GROVE: With that, we'll bring  
22 up our first panel.

23 We have Dr. Clifford Neuman, Director of the  
24 USC Center for Computer Systems Security, also an  
25 Associate Professor of Computer Science Practice at the

1 Viterbi School of Engineering, the University of Southern  
2 California; and Dr. William Adler, Senior Technologist,  
3 Elections & Democracy, Center for Democracy & Technology.

4 Dr. Neuman and Dr. Adler, would you turn on your  
5 cameras and unmute, and we will swear you in.

6 All right, gentlemen. If you could just raise  
7 your right hands:

8 Do you swear or affirm that the testimony you are  
9 about to give is true to the best of your knowledge,  
10 information, and belief? If so, please indicate by saying  
11 "I do."

12

13 (Testifiers responded "I do.")

14

15 MAJORITY CHAIRMAN GROVE: And I must say, I'm a  
16 fan of the March Madness, and USC went pretty far and I  
17 enjoyed watching them in this year's tournament.

18 DR. NEUMAN: We're happy with that. It would've  
19 been nice if we could have gone as far as UCLA did, but.

20 MAJORITY CHAIRMAN GROVE: It's understandable.

21 So with that, gentlemen, I don't know if,  
22 Dr. Neuman or Dr. Adler, if you have any brief opening  
23 remarks or comments. Dr. Adler, if you want to start, and  
24 then we'll go over to Dr. Neuman.

25 DR. ADLER: Sure. Yeah. Thanks.

1 Chairman Grove, Chairwoman Davidson, Members of  
2 the Committee, thank you for inviting me here to speak with  
3 you today about election security in Pennsylvania.

4 My name is Will Adler. I am the Senior  
5 Technologist for Elections & Democracy at the Center for  
6 Democracy & Technology, or CDT. CDT is a nonpartisan,  
7 nonprofit with a 25-year history of advocating for  
8 individual rights in the digital age. For my work, that  
9 means the right to a secure and accessible vote.

10 As you all know, election infrastructure is  
11 complex with many different digital systems, including the  
12 voter registration system, voting machines, and the  
13 software and hardware used to tabulate ballots. Making  
14 sure these systems are secure is critical for smooth and  
15 trustworthy elections.

16 CDT commends Pennsylvania for the major election  
17 security improvements that it has recently made, but there  
18 remain a number of things that Pennsylvania can do to make  
19 sure it leads the country in election security.

20 I want to address three possible areas as this  
21 Committee takes a look at further improving Pennsylvania's  
22 elections.

23 The first is to make sure that voters can be  
24 confident that their votes are counted as intended. The  
25 elimination of paperless voting systems was a huge step

1 forward in ensuring that Pennsylvania voters can have that  
2 confidence, but there's still more to do, such as setting  
3 the stage for continuing risk-limiting audits.

4 In February, the Federal Election Assistance  
5 Commission adopted the second version of the Voluntary  
6 Voting System Guidelines, which took years to produce and  
7 will set the standard of voting machine security for years  
8 to come.

9 One of the most important new principles is  
10 software independence. When a voting system is software  
11 independent, that means that an undetected change to its  
12 software, such as one that a hacker might introduce, cannot  
13 create an undetected change in the election outcome. In  
14 other words, if a software independent voting system has  
15 been hacked, it won't really matter, because there will  
16 still be an indelible record of voter intent that can be  
17 used to confirm the outcome in an audit or a recount.

18 We spend a lot of time worrying about protecting  
19 voting systems, and we should, but wouldn't it be better  
20 if we could trust our outcomes even if we didn't have  
21 a hundred percent trust in our machines? That's what  
22 software independence is about, and it should be possible  
23 to take steps to ensure that Pennsylvania's voting systems  
24 are software independent even before systems are federally  
25 certified as such.

1           Strong software independence is a key part of  
2 ensuring that there's a trustworthy paper record of voter  
3 intent, but that paper record is only useful if it's  
4 checked, such as through risk-limiting audits. By adopting  
5 statistical methods for sampling ballots, risk-limiting  
6 audits provide an efficient way to get a high degree of  
7 confidence that the outcome was correct.

8           I know that this Committee has already held a  
9 hearing which covered risk-limiting audits, but I think  
10 it's important to reiterate how important they are. Many  
11 States are expanding the use of these audits, and it's  
12 great to see that Pennsylvania is among them. Continuing  
13 to expand and standardize their usage would be a great next  
14 step.

15           Secondly, Pennsylvania should make sure that  
16 cybersecurity is front of mind when making procurement  
17 decisions. Although Pennsylvania's voting machines do not  
18 directly connect to the Internet, many other systems used  
19 to conduct elections do. It's critical to avoid the  
20 possibility of breaches in which a hacker could copy  
21 confidential information, alter the flow of information, or  
22 take down a critical election day system.

23           I'm aware that Pennsylvania is replacing its  
24 voter registration system. As it goes through this process  
25 and as the Commonwealth and counties continue to work with

1 outside vendors and other services, it should make sure to  
2 keep cybersecurity front and center in the process and  
3 ensure that vendors are transparent and follow  
4 cybersecurity best practices. As a recent so-called  
5 SolarWinds attack illustrated, it's important to ensure  
6 confidence in as much of the software supply chain as  
7 possible.

8           And finally, as the primary conductor of  
9 elections, counties need assistance in order to run secure  
10 elections and follow cybersecurity best practices. County  
11 officials are responsible for helping their residents vote,  
12 maintain chains of custody for ballots, and reporting  
13 results -- a highly technical process that they carry out  
14 under a great deal of pressure, and they do very well. But  
15 they often don't have the resources they need, which can  
16 include cybersecurity training or dedicated IT staff.

17           A recent report from Pitt Cyber made a few  
18 recommendations for ways that the Commonwealth can secure  
19 county operations, such as by funding training,  
20 cybersecurity assessments, and an ongoing fund for election  
21 security upgrades and more. Any actions taken by the  
22 Commonwealth to ensure a more robust and uniform approach  
23 to cybersecurity could make sure that the Commonwealth  
24 isn't blindsided if, say, a small county gets hit with a  
25 cyberattack.

1           For example, one very easy change would be for  
2 counties to ensure that they have *.gov* domains. Only  
3 verified U.S. government institutions can have a *.gov*  
4 website. It's a little bit like having a blue checkmark on  
5 your Twitter account. It builds trust among voters who can  
6 know that they are looking at a website that is providing  
7 accurate information.

8           But unfortunately, only 11 of Pennsylvania's  
9 67 counties have election websites that are on *.gov*  
10 domains. The vast majority are on *.com* or *.org* domains,  
11 which anyone can purchase. For instance, Philadelphia's  
12 official elections website is *philadelphiavotes.com*. With  
13 that being the official website, it's easy for someone to  
14 make a convincing fake website at, say, *phillyvote.com* and  
15 produce fake information about the election or even collect  
16 information from unwitting users.

17           And this is a real threat. Last year, the FBI  
18 found multiple websites that were masquerading as  
19 government election websites. Thankfully, *.gov* domains  
20 are, as of this year, provided free by the Federal  
21 Government, so the Commonwealth should help counties work  
22 with the Federal Cybersecurity and Infrastructure Security  
23 Agency to move to *.gov* domains.

24           And with that, I look forward to your questions.

25           MAJORITY CHAIRMAN GROVE: Thank you.

1 Dr. Neuman, go ahead.

2 DR. NEUMAN: Okay. Thank you for the opportunity  
3 to speak to you today regarding cybersecurity as it relates  
4 to elections.

5 In my spoken testimony, I'm going to provide only  
6 a summary of some of the information that was submitted  
7 prior to this hearing in terms of our written testimony.

8 In 2020, the USC Election Cybersecurity  
9 Initiative conducted a series of workshops in all 50 States  
10 targeting campaigns, election workers, and policymakers to  
11 provide information that would be important in keeping our  
12 elections safe. Today, I hope to explain some of the  
13 important steps to make the cyber components of our  
14 election infrastructure more securable. To do this, it's  
15 necessary to understand the motivations and goals of the  
16 adversaries trying to disrupt our elections.

17 While it might seem like their goal is to change  
18 the outcome of the election, in many cases, they may derive  
19 benefit from simply creating doubt about the legitimacy of  
20 the results.

21 Next, we need to understand the different ways an  
22 adversary could impact an election. While the systems to  
23 collect, tabulate, and report results are especially  
24 critical, there are many more systems used in various  
25 aspects of elections and campaigns that, if compromised,

1 can still impact the outcome. These systems can result in  
2 changes to voter rolls, dissemination of false procedural  
3 information such as the date of the election or a voter's  
4 polling location, et cetera.

5 One of the most important security techniques to  
6 be applied to the election infrastructure is isolation.  
7 The systems that are most critical to the accurate outcome  
8 of the election should not be connected to the Internet.

9 Now, complete isolation of even the most critical  
10 systems is not always possible, and there are many good  
11 reasons that we cannot isolate some of the auxiliary  
12 systems, such as voter registration or public information  
13 systems.

14 One of the most important procedural controls  
15 that should be present in voting systems is what we refer  
16 to as a "durable record of the intent of the voter." This  
17 is often referred to as the "paper ballot." It must be  
18 possible for the voter to review this record at the time  
19 they cast their vote so that they can be certain their  
20 intent was properly recorded. A record that is not seen by  
21 a voter can still be subverted by hacked equipment or  
22 software that, quote, "switches" votes.

23 Having a durable record of intent allows us to  
24 verify the correctness of the vote tallies, possibly even  
25 by manual means as has occurred in some places in the

1 2020 presidential election, and it is the only way for us  
2 to generate confidence in the tabulation process should  
3 questions arise after the election.

4           Now, we spoke about isolation before, and while  
5 isolation provides protections for critical election  
6 systems, such systems are still vulnerable to subversion,  
7 possibly through malicious software that is transferred to  
8 a system, intentionally or otherwise, through external  
9 media such as a thumb drive. Or perhaps the attack can be  
10 carried through, as was already mentioned, "supply chain  
11 subversion," carried in software updates as occurred in  
12 SolarWinds, or these subversions could potentially be  
13 carried in election software itself.

14           Now, the best practices to protect against this  
15 kind of subversion include secure software distribution,  
16 including signed integrity checks; source code review and  
17 verification of the software build environment; and  
18 appropriate vetting of the developer and employees working  
19 on such systems. These tests will usually be performed as  
20 part of the certification process, such as the  
21 United States Election Assistance Commission's testing and  
22 certification program and some State's separate  
23 certification programs.

24           Now, on March 16<sup>th</sup>, the Department of Justice  
25 and Homeland Security confirmed their findings that they

1 found, quote, "...no evidence that any foreign  
2 government-affiliated actor prevented voting, changed  
3 votes, or disrupted the ability to tally votes or to  
4 transmit election results in a timely manner...."

5 That having been said, it's important to note  
6 that in the very same timeframe that we were looking at, we  
7 learned of significant successful attacks on other  
8 governments and corporate systems as part of SolarWinds  
9 and, more recently, the Microsoft Exchange Server email  
10 breaches. These have been blamed on Russian and Chinese  
11 hacking groups. These kinds of attacks could have easily  
12 spread to election infrastructure, and you can be certain  
13 that our enemies who are seeking to compromise that  
14 infrastructure will keep trying.

15 Thank you.

16 MAJORITY CHAIRMAN GROVE: Thank you, gentlemen.

17 I think I'll take the first question.

18 Going back all the way to the 2016 election,  
19 Pennsylvania was among the 21 States determined to have  
20 been targeted by Russia in a cybersecurity analysis done by  
21 the Department of Homeland Security. What have we learned  
22 about the nature of these attacks since that time? And  
23 maybe, Dr. Neuman, if you could go first.

24 DR. NEUMAN: Okay.

25 So certainly in finding all of the battleground

1 States, basically those that have the potential impact to  
2 flip the results, are going to be targeted. The targeting  
3 occurs not just of the infrastructure for tabulating votes,  
4 but also disinformation campaigns targeted at voters.

5 What we have found since 2016 is that the  
6 capabilities of the adversaries have become much more  
7 significant, what we call advanced persistent threats  
8 targeting systems through malicious software, such as was  
9 carried in SolarWinds, but it seems to me the most  
10 effective kind of deep breach that these adversaries are  
11 continually trying to apply.

12 But on the other side of the equation, when we  
13 look at disinformation campaigns, we have seen these  
14 capabilities have become greater because of the deeper  
15 integration of social media into our society. Today, we  
16 have more individuals getting their news from social media,  
17 for whatever reason, than they get from the popular or  
18 traditional media.

19 MAJORITY CHAIRMAN GROVE: Thank you.

20 Dr. Adler, anything to add?

21 DR. ADLER: Yeah.

22 I second everything that Dr. Neuman said. And I  
23 would also add a positive note, which is that, because 2016  
24 put the country and States on high alert, we have also  
25 learned a lot about how to combat these threats and how to

1 try to prevent them.

2           And, you know, there are a number of steps that  
3 folk can take, which I mentioned and Dr. Neuman mentioned,  
4 but another one is just coordination. Coordination has  
5 worked really well to identify and share tips among those  
6 who are targeted about how to mitigate it.

7           So, for instance, there was a threat against  
8 voter registration systems and a disinformation campaign  
9 carried out by Iran that was attributed in, I think it was  
10 under 24 hours or under 48 hours in October, and that was  
11 due to a lot of the work that was done at the Federal level  
12 to stand up the Cybersecurity and Infrastructure Security  
13 Agency to make sure that the folks at CISA had connections  
14 with local officials, and that was just a really -- it was  
15 really incredible that they were able to attribute it and  
16 shut it down so quickly.

17           And that's also, on the civil society side of  
18 things, there has been a really successful partnership  
19 called the Election Integrity Partnership to get State  
20 officials and researchers and civil society observers to be  
21 able to share information about misinformation and  
22 disinformation campaigns as they come out, try and figure  
23 out where they're from, and try to figure out how to shut  
24 those down, and some of those did appear to come from  
25 foreign adversaries as well.

1                   So I think we have learned a lot about how to  
2 mitigate things in the meantime, too, so I think that's a  
3 really positive thing.

4                   MAJORITY CHAIRMAN GROVE: Thank you both.

5                   Chairwoman Davidson.

6                   MINORITY CHAIRWOMAN DAVIDSON: Good afternoon.

7 Thank you both for your testimony.

8                   Dr. Adler, I just want to clarify a couple of  
9 points that you made and seek to gain a greater  
10 understanding of a few others.

11                   One of the things I believe you said, and correct  
12 me if I'm wrong, is that some of the positives in  
13 Pennsylvania was the paper ballot backup system and also  
14 the risk-limiting audits that were done. But you then  
15 talked about the need for software independence. Can you  
16 explain a little further, go a little deeper on what you  
17 mean by that, and what is software independence and how  
18 could it be helpful?

19                   DR. ADLER: Sure. Thank you for that question.

20                   So software independence is something that  
21 security researchers have been pushing to be included in  
22 the Federal Voting System Guidelines for a long time. And  
23 it's kind of, if you think about, you know, creating an  
24 indelible paper record that you can absolutely trust is  
25 what the voter intended, paper ballots is kind of like, is

1 one of the most important things that you can do. But  
2 there are still ways that even if a system produces a paper  
3 ballot, that that paper ballot could still be affected by  
4 malicious software in a way that corrupts the record and  
5 makes it hard to detect the outcome.

6           So, for instance, there are some ballot marking  
7 devices -- I don't know if any of these are used in  
8 Pennsylvania -- that print out the ballot. You know, you  
9 mark it on the ballot marking device. It prints out the  
10 ballot. It shows it to the voter. The voter sees it and  
11 confirms, yes, that's my vote, and then the voting machine  
12 might then suck the ballot back into the machine, passing  
13 over a printhead. So you can imagine an attack where a  
14 cyberattacker was to alter the software to then over-vote a  
15 particular race as the ballot goes on its way in.

16           So that would be a case where an undetected  
17 change in the software, such as one that made the  
18 printhead, you know, spoil that race, could be undetected,  
19 and it wouldn't be possible to check, to check the record  
20 later and really know what the voter meant, because the  
21 record has been damaged.

22           So software independence, I hope that illustrates  
23 that software independence is kind of a broader thing.  
24 It's not just paper ballots, it's the whole system, right?  
25 It's the life cycle of the ballot after it has been

1 verified by the voter.

2           So that's something that Pennsylvania should also  
3 look into and try to guarantee for its machines. And it's  
4 something that more States are going to be doing as in the  
5 years to come and in coming cycles States get ready to  
6 upgrade their systems and make sure that they are compliant  
7 with the new second version of the Voluntary Voting System  
8 Guidelines.

9           MINORITY CHAIRWOMAN DAVIDSON: Is any State doing  
10 this now? Is there any State that has this software  
11 independence now?

12           DR. ADLER: That's a good question. I'm not  
13 sure, but I know that the Federal testing labs are not yet  
14 certifying systems under these standards, so I don't think  
15 they have even determined yet how to certify the software  
16 independence. But I think it's something that would be  
17 worth reviewing and looking forward to, because it really  
18 is going to be the future of election security, and there  
19 might only be minor changes that need to be made to  
20 Pennsylvania's systems to ensure that.

21           MINORITY CHAIRWOMAN DAVIDSON: Thank you for  
22 that, because that led to my next question, which you  
23 partially answered: Would that be a part of the Federal  
24 Government certification process?

25           And right now, the Federal Government does a

1 number of security checks to make sure that the elections  
2 have the integrity that we are trying to create here.  
3 Because the fact of the matter is that at this point, any  
4 system can be hacked, as we saw with the security breaches  
5 that recently happened with the Federal Government.

6           So which leads to, I think my last question is,  
7 how is moving to the .gov system, how does that help us  
8 when we saw many .gov breaches in the last cybersecurity  
9 breach that we recently learned about?

10           DR. ADLER: Yeah.

11           So there are a number of different things that  
12 officials need to do to secure those systems, right? There  
13 are things on the back end and there are things on the  
14 front end.

15           So sometimes the attack, like the SolarWinds  
16 attack that happened, was a breach on the back end. So  
17 .gov is really about the front end. It's about voter  
18 facing, right? It's about building trust. It's a little  
19 bit, you know, like I said, if you have a Twitter account,  
20 it's important to get verified so that people know that  
21 someone is not impersonating, you know, Chairwoman  
22 Davidson, for instance, and it's a little bit like that.

23           We need to sort of create this norm that  
24 government websites are on .gov domains so that people can  
25 trust that and eliminate the possibility of attackers

1 creating fake websites designed to mislead voters or to  
2 collect their information.

3 But, you know, that's just one of many things  
4 that officials need to do to build trust. They also need  
5 to secure the back end. There are many different  
6 cybersecurity best practices that election officials need  
7 to follow, and that's just one of them.

8 MINORITY CHAIRWOMAN DAVIDSON: Dr. Neuman, did  
9 you want to respond? You looked like you had something to  
10 say.

11 DR. NEUMAN: Well, yes.

12 So I was going to point out that the use of .gov  
13 is one of the things to effectively dispel forms of  
14 disinformation.

15 Now, when you consider disinformation, that is  
16 more of an attack on the end user in their systems. So if  
17 you look at the kind of attack that would be necessary to  
18 compromise one of these .gov systems, we have already said  
19 no system is a hundred percent secure. SolarWinds has  
20 shown us that many of those have been compromised, but the  
21 attacks that have compromised them have targeted those  
22 government systems specifically.

23 What happens when there is confusion about the  
24 sites you are connecting to, because you might not use  
25 .gov, is that now an adversary can simply create their own

1 site with whatever name with the purpose of confusing the  
2 end voter, the end recipient of that information, and the  
3 attack in that case is targeted against the user system and  
4 the user itself. That is much easier to compromise than  
5 the systems that we know are not 100 percent secure on the  
6 back end, on the .gov systems, but let's not make it  
7 trivial for an adversary to create these illusions simply  
8 by purchasing a domain name for \$9 that looks like  
9 something that's confusing.

10 MINORITY CHAIRWOMAN DAVIDSON: Thank you so much.

11 And I certainly agree that the disinformation  
12 campaign that we saw from foreign governments was really  
13 the greatest attack on our democracy that we saw in the  
14 2020 as well as the 2016 election.

15 Thank you so much, gentlemen, for your testimony.

16 MAJORITY CHAIRMAN GROVE: Representative Schmitt.

17 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.

18 Good afternoon, Dr. Adler and Dr. Neuman.

19 Dr. Neuman, I have to tell you a quick USC  
20 basketball story -- very quick.

21 My first college basketball game was against the  
22 University of Pittsburgh, and I guarded a first-team  
23 All-American by the name of Sam Clancy, the first person I  
24 ever guarded in a college basketball game. Years later, I  
25 was watching USC basketball in the NCAA tournament, and

1 Sam Clancy, Jr., was playing for USC. So I credit USC  
2 basketball with making me, for the first time in my life,  
3 feel really, really old.

4 DR. NEUMAN: I'll apologize for that.

5 REPRESENTATIVE SCHMITT: And I've got a question,  
6 and either or both of you can answer this.

7 We had some litigation here in Pennsylvania that  
8 resulted in a 2018 settlement of the litigation, and as  
9 part of that settlement agreement, Pennsylvania decertified  
10 most of the voting machines it had in use at the time and  
11 has procured machines with paper records now in all  
12 counties. And what I wanted to know from you was, are  
13 there cybersecurity implications with regard to those new  
14 machines, and if so, what might those be?

15 DR. NEUMAN: So certainly there are cybersecurity  
16 implications associated with any voting equipment. One of  
17 the things that Dr. Adler mentioned and I sort of alluded  
18 to as well was the importance of that, quote, "paper  
19 record" being able to be looked at and viewed by the voter  
20 itself. And Dr. Adler went further and talked about the  
21 problem of, could it be actually modified after the voter  
22 viewed that record. That's actually a cybersecurity issue  
23 having to do with subversion of the voting equipment.

24 Now, it's important to understand the mechanics  
25 of what is being done to preserve the paper record in that

1 case. The term we use, "durable record of intent,"  
2 actually, if you look at the example that Dr. Adler gave,  
3 it wasn't durable because there was software that was able  
4 to modify it after the fact. In that case, it wouldn't be  
5 durable. So that is what you really need to be concerned  
6 with.

7 DR. ADLER: And I would just add to that, voting  
8 machines are computers, and we need voting machines to make  
9 sure that people who are unable to hand mark a paper  
10 ballot, for instance, are able to vote. And they are going  
11 to be with us, and we need to be constantly reviewing how  
12 they work and what kind of possible threats there are  
13 against them.

14 But the machines, the direct-recording electronic  
15 machines that Pennsylvania previously used, were basically  
16 an entire class of machine that produced no paper record at  
17 all, and that class of machine was not really salvageable  
18 in terms of election security.

19 So overall, even though the move to these new  
20 machines, and they are still machines, it's a vast  
21 improvement on the direct-recording electronic machines  
22 that Pennsylvania previously used.

23 REPRESENTATIVE SCHMITT: Well, thank you,  
24 gentlemen.

25 And thank you, Mr. Chairman.

1 MAJORITY CHAIRMAN GROVE: We have a few Members  
2 joining us: Representative Madden, Representative Young,  
3 and Representative Nelson.

4 Representative Diamond.

5 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman,  
6 and thank you, gentlemen, for joining us today.

7 Earlier when you were answering Representative  
8 Grove's first question, you talked about both cyberattacks  
9 and disinformation, and I kind of want to divorce from the  
10 disinformation talk at this point because, you know, we  
11 here in the General Assembly don't control social media or  
12 what people can put out there. I think that's kind of more  
13 of a caveat emptor kind of situation.

14 So I wanted to ask, you know, we heard Russian  
15 interference, you know, ad nauseam after 2016. So  
16 comparing the 2020 election to the 2016 election,  
17 specifically on the cyberattacks, did we see similar  
18 efforts in both those election years, and was there a  
19 difference between 2020 and 2016 specifically on the cyber  
20 direct attack kind of front?

21 DR. ADLER: I would say that we, one of the  
22 biggest things that we saw in 2016 was attacks and  
23 attempted attacks on voter registration systems, and we did  
24 see that in 2020.

25 REPRESENTATIVE DIAMOND: Doctor?

1 DR. NEUMAN: And another point that I would make  
2 is that we saw successful direct attacks, not on the  
3 election (audio malfunction), but also on campaigns in  
4 2016. If you recall the release of DNC emails, that was  
5 actually a cyberattack, not simply disinformation.

6 Also, I would like to clarify when you talk about  
7 disinformation and trying to sort of separate that out as a  
8 separate issue.

9 With respect to elections, there are actually two  
10 kinds of disinformation that you need to be concerned  
11 about. One has to do with candidate positions,  
12 disinformation about candidates and other things, and there  
13 is difficulty addressing that.

14 The second kind of disinformation is  
15 disinformation about election procedures: where your  
16 polling location is; what you need to do on your absentee  
17 ballot for it to be valid, for example. And that's a  
18 different kind of disinformation, because it's not changing  
19 the voter's intent, it is instead changing the procedures  
20 that they follow in a way that will result in them not  
21 casting ballots or their ballots being disqualified.

22 Now, there is more you can do with respect to  
23 that, and I think as Dr. Adler told us, simply having  
24 established domains for voter information under .gov is  
25 useful, together with a public information campaign that if

1 you want information about where and how to vote, go here  
2 instead of just following what you hear on social media. I  
3 think that that aspect of disinformation is also very  
4 important.

5 REPRESENTATIVE DIAMOND: Okay. And---

6 DR. ADLER: And if I could just support  
7 Dr. Neuman's point really quickly.

8 We know that people trust the officials who are  
9 closest to them, right? So people trust their county  
10 officials more than they trust their State officials more  
11 than they trust Federal officials and so on. So what that  
12 means is that local and State officials have a really  
13 important role to play in fighting against disinformation  
14 about how to vote, like Dr. Neuman said. And there's  
15 really important -- some of the most effective strategies  
16 for combating disinformation are really for these trusted  
17 officials to flood the zone with good information. So I do  
18 think that it is a policy question here.

19 REPRESENTATIVE DIAMOND: All right.

20 And, Mr. Chairman, if I could just switch gears  
21 and follow up on something that Chairwoman Davidson asked  
22 about. She talked about software independence, and you  
23 folks talked about software independence.

24 I have heard from some integrity/transparency  
25 supporters that open-source software might be an idea to

1 think about for some of these voting machines. Do you have  
2 any opinion on that?

3 DR. ADLER: Yeah. I think that open-source  
4 software is a really important way to create transparency  
5 in the process and also to get more eyes on a problem.

6 So, you know, some of the biggest software  
7 companies depend to a huge extent on open-source software,  
8 because it's a proven way to try to catch security issues  
9 before they get out there in the wild, right? And you want  
10 someone who has good intent to catch a problem and to try  
11 to fix it rather than have someone with mal intent see a  
12 problem, you know, and not report it and try to do  
13 something about it.

14 There is some possibility that if some of the  
15 software that was used in the SolarWinds attack were open  
16 source, then that might have been prevented. There might  
17 have been more eyes on that. So that is something that  
18 there are, you know, some policymakers and also some  
19 private organizations that are trying to bring more  
20 open-source software to the entirety of our election  
21 infrastructure, and I think that that's a really good move.

22 REPRESENTATIVE DIAMOND: Doctor, any input?

23 DR. NEUMAN: Yes.

24 So I tend to agree. I'm a fan of open-source  
25 software, but there are a few things you need to consider

1 with respect to this.

2 First of all, independent of wherever the  
3 software is officially open source, where everyone gets  
4 access for it, there is still the necessity of performing  
5 source code reviews as part of the certification process.  
6 That doesn't necessarily require that it be open source.  
7 However, if it is open source, it means that in addition to  
8 the certification process where you have well-trained  
9 individuals going through the source code, you have the  
10 whole pool of concerned citizens and technologists to have  
11 an opportunity to look at it, in addition to that official.

12 Now, there are arguments against open source, and  
13 among those arguments, one that I don't necessarily mind,  
14 but there's the argument that having open source provides  
15 the adversaries with access to the source code, but it  
16 allows them to also find vulnerabilities that they are able  
17 to exploit.

18 So you need to look at the different attack  
19 vectors that occur. If you are looking at subversion, open  
20 source is going to be very beneficial there. If you are  
21 looking at trying to keep information about the system out  
22 of the hands of an adversary that might try to exploit it,  
23 there are some that would argue that open source makes it  
24 easier for the adversary. Now, my view is, I prefer the  
25 open-source approach.

1           REPRESENTATIVE DIAMOND: So just to sum up what  
2 you have both just said, open source would provide  
3 essentially every citizen the opportunity to serve as a  
4 white hat to look at that software, but to a lesser extent,  
5 it would also serve to offer our enemies the opportunities  
6 to be black hats. But you would lean towards the open  
7 source rather than, you know, some kind of proprietary  
8 thing that nobody can look into. Is that accurate?

9           DR. NEUMAN: That would be my, that would be my  
10 preference. Yes.

11           REPRESENTATIVE DIAMOND: Okay.

12           DR. ADLER: Yeah, I agree. It's not a panacea,  
13 but it overall is a proven method for trying to improve  
14 security.

15           REPRESENTATIVE DIAMOND: All right. Thank you so  
16 much.

17           Thank you, Mr. Chairman.

18           MAJORITY CHAIRMAN GROVE: Representative  
19 Mackenzie.

20           REPRESENTATIVE MACKENZIE: Yeah. Thank you,  
21 Mr. Chairman, and thank you to both the gentlemen for  
22 testifying.

23           Obviously, one thing that we always look for in  
24 State Government is what other States have been doing and  
25 what they have been implementing, what has been successful.

1 So can you just share with us what you're seeing in other  
2 States, what they're doing, and maybe what we should be  
3 looking at as well?

4 DR. ADLER: I would say that you should look into  
5 Colorado and Michigan. I think you have already had some,  
6 in previous hearings you might have already had officials  
7 from those States.

8 Michigan, I believe, had a really successful  
9 program that sort of centralized some IT strategies across  
10 the State and created better communication across counties,  
11 and so that's a really good effort that I think the  
12 Commonwealth might want to look into and try to replicate  
13 that kind of centralization.

14 REPRESENTATIVE MACKENZIE: Great.

15 And Mr. Neuman, did you have anything to add?

16 DR. NEUMAN: I think I would agree with  
17 Dr. Adler's points with respect to that.

18 REPRESENTATIVE MACKENZIE: Okay. Fantastic.

19 Well, thank you. I appreciate that, and we can  
20 certainly look into those States and what they are doing  
21 there as well.

22 Thank you.

23 MAJORITY CHAIRMAN GROVE: Representative Miller.

24 REPRESENTATIVE MILLER: Thank you, Mr. Chairman,  
25 and thank you to our testifiers.

1            Pennsylvania is switching to a new database for  
2 registration, and in regard to some of what you mentioned  
3 about security and the overall voting systems, the  
4 registration is the front end of that and the basis of much  
5 of what follows. What recommendations do you have to  
6 secure our voter registration system as it is getting  
7 developed?

8            DR. ADLER: So one important thing to do is, you  
9 know, I don't know where in the procurement process  
10 Pennsylvania is, but one really important thing when trying  
11 to procure a big IT system like a voter registration system  
12 is to vet your vendor. Make sure that they are being  
13 transparent about the system. Make sure that they are  
14 following cybersecurity best practices, being assured that  
15 the product follows cybersecurity best practices.

16            So there's a whole host of things, and the  
17 Center for Internet Security actually has a really great  
18 guide to how to ensure cybersecurity in these kinds of  
19 procurement decisions for election officials specifically.  
20 So some things are making sure that you have regular risk  
21 assessments. This is something that the Federal Government  
22 can help out with as well. Making sure that traffic is  
23 encrypted. Making sure that you have strong access control  
24 to these voter registration databases so that you know at  
25 any time who has access. Making sure that those people

1 have access -- that the people who do have access, making  
2 sure that their credentials are protected, so using  
3 multifactor authentication, which I'm sure many of you use  
4 for your own personal accounts. That's also important for  
5 statewide online systems. And a whole host of other things  
6 like that, and there's some really good resources online  
7 for the long list of best practices that should be followed  
8 here.

9 DR. NEUMAN: And I would like to add a few things  
10 to this list.

11 Certainly you have got the standard best  
12 practices that could be applied for websites handling  
13 information that is critical, whether it is banking or  
14 otherwise. But one of the things you want to do  
15 architecturally is separate the front-end system that is  
16 going to be necessary for voters to be able to connect, and  
17 if you allow voters to connect, that means adversaries are  
18 able to connect into the system as well.

19 You want to separate the front-end system that is  
20 accepting changes that should be made to the voter rolls  
21 from a back-end system that can have greater isolation,  
22 that will actually process those changes and record them in  
23 a location that is not accessible to the front-end software  
24 that is basically exposed to the world.

25 Now, on the back-end systems, you can apply some

1 additional procedures, including sending out emails,  
2 sending out postcards, other confirmations of changes that  
3 are occurring so that you loop in the individual whose  
4 information has changed in a way to detect things that are  
5 occurring fraudulently.

6 REPRESENTATIVE MILLER: All right.

7 Are either of you familiar with not the voting  
8 result end of things but any sort of problems in other  
9 States with attacks on the registration end of things?

10 DR. NEUMAN: Well, you know, separate from  
11 attacks, we saw two instances where voter registration  
12 systems became inaccessible on the last day to register.  
13 This occurred in Florida, and they argued that that was  
14 simply due to overwhelming demand for access to the system.  
15 But that's actually indistinguishable from a kind of attack  
16 that we call a denial of service attack.

17 We also had an incident in Virginia. That was  
18 caused by a failure of an equipment crew that severed  
19 fiber optic lines into their data center. But both of  
20 these effectively shut down the voter registration system  
21 at a particular point in time.

22 Now, a second thing that is important to  
23 understand is that you cannot completely protect the voter  
24 registration systems if you allow online access by  
25 individuals to vote -- or excuse me, to register. And the

1 reason is that one kind of attack that will be mounted  
2 against these systems is simply an attempt by an adversary  
3 to impersonate an individual, maybe using stolen  
4 Social Security numbers and birthdates that they find on  
5 the dark web or other kinds of activities.

6           So while you might do a lot to protect the system  
7 itself, you're always going to have impersonation of voters  
8 where individuals are trying to manipulate the records  
9 through that system.

10           REPRESENTATIVE MILLER: Do you have  
11 recommendations on how to prevent bad guys from using  
12 someone's stolen Social Security number or other  
13 identification from this sort of thing happening to corrupt  
14 our voter registration rolls?

15           DR. NEUMAN: Well, one of the first things, and I  
16 was alluding to that when I said sort of the back-end  
17 system when you actually make the change, add a postcard of  
18 the change. And by the way, that is a postcard to the old  
19 address as well as to the new address that is being  
20 registered.

21           If your voter registration system has emails or a  
22 phone number or some other way of communicating with  
23 individuals that are currently registered, send out that  
24 confirmation as well. Those are some of the best ways to  
25 do it.

1           Now, one could argue really sort of the best way  
2 to deal with theft of information and using that to  
3 impersonate an individual is applying what we call a second  
4 factor of authentication. That is not going to be very  
5 applicable in this case, because you are not going to have  
6 that capability, at least in the short term, with most of  
7 the citizens and certainly any new voter that is  
8 registering for the first time.

9           DR. ADLER: And I would also add that another  
10 important thing here, along with the changes that  
11 Dr. Neuman mentioned in terms of giving voters, being in  
12 communication with voters about this and making sure that  
13 you are in communication with individual voters about the  
14 accuracy of their records, there are also efforts like  
15 ERIC, which I believe Pennsylvania is a member State, which  
16 is a way to coordinate voter registration information  
17 across States so that when a voter's information is changed  
18 or when they move, that there is communication about this  
19 so that voter rolls can be as accurate as possible while  
20 still making sure that voters are not removed unnecessarily  
21 or because of inaccurate data or inaccurate interpretation  
22 of data.

23           REPRESENTATIVE MILLER: Okay. Thank you very  
24 much. I appreciate your answers.

25           MAJORITY CHAIRMAN GROVE: Representative Ortityay.

1           REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.

2           I just want to follow up with Representative  
3 Miller's line of questioning, and Dr. Neuman, you had  
4 mentioned it. I think you have addressed some of my  
5 question in your previous remarks.

6           But on page 3 of your testimony, you talk about  
7 procedural controls and the benefits of those. Could you  
8 elaborate a little bit more? I know you talked about  
9 confirmation emails and postcards, but how would those  
10 operate and how would those benefits -- what kind of  
11 benefit do they provide?

12           DR. NEUMAN: When you talk about procedural  
13 controls, we're looking at understanding how an adversary  
14 may be trying to manipulate, whether it's voter rolls,  
15 whether it's ballots or other kinds of things.

16           And when you look at issues such as, like I said,  
17 the confirmation postcard, you can look at issues, which I  
18 think are going to come up later in the hearing, things  
19 like pre-canvassing, for example, and the ability of some,  
20 where some States provide an ability for you as a voter to  
21 track the sending of a ballot to you, the sending of other  
22 information to you, and track also when a vote has been  
23 cast in your name. These are all examples of procedural  
24 controls.

25           Now, we are all familiar with procedural controls

1 also in other, in previous elections. The whole concept of  
2 a provisional ballot is in essence a procedural control  
3 that is in place to deal with errors that might occur in  
4 the voter rolls, so if you show up on election day or you  
5 show up at the wrong polling location. And there is a  
6 backup mechanism that is in place that allows you to cast  
7 your vote, but with extra vetting that occurs before it is  
8 actually dropped in the hopper to be counted. These are  
9 all examples of procedural controls that one might follow.

10 REPRESENTATIVE ORTITAY: Okay.

11 And I think, you know, in my area, I have two  
12 different counties, Allegheny and Washington County, and,  
13 you know, from my perspective, when I went in to vote on  
14 election day, I was given the card, fed it into the  
15 computer, pushed in all my selections. It printed out with  
16 all my selections on it. I could look over the piece of  
17 paper, and then I walked it over to another machine for it  
18 to be scanned in. I know that my vote was cast. It was  
19 counted. In Allegheny County, it was a little bit  
20 different with the machines that were used in my district.  
21 They were just given slips of paper, filled it out, and  
22 then handed it over to be scanned in.

23 Now, in the Allegheny County portion, I had a lot  
24 of people reach out to me and say, hey, I'm online and it's  
25 showing that my vote is not counting, and this was days

1 after the election day saying that I didn't cast a vote  
2 where I clearly did, and I'm thinking procedure controls  
3 for something like that is kind of along the lines of what  
4 you're talking about.

5 DR. NEUMAN: That's certainly an example of  
6 procedural controls. And, you know, I'm told the tracking  
7 of votes is one of those, not tracking of how you voted but  
8 the tracking that you did vote or that your ballot that was  
9 submitted has actually been counted, that's all part of  
10 procedural controls.

11 REPRESENTATIVE ORTITAY: Okay. Thank you.

12 Thank you, Mr. Chairman.

13 DR. ADLER: Can I just add one more thing about  
14 the example you mentioned?

15 REPRESENTATIVE ORTITAY: Sure.

16 DR. ADLER: We saw a lot of misinformation, and  
17 not, you know, not intended to create doubt or anything  
18 like that about these kinds of reporting systems, and I  
19 think a lot of that actually comes down to design -- right?  
20 -- how you present this information to the voter.

21 So I don't think it was Pennsylvania, but there  
22 was one State where voters would log in and they would see  
23 that their vote had been canceled, right? Well, what does  
24 that mean? Well, all it meant was that they may have  
25 requested a mail-in ballot, but then they actually voted in

1 person, and so their mail-in ballot, which they didn't  
2 return, was canceled, right? But when you present  
3 information to voters like that without a clear explanation  
4 of, like, how does this system work, what does this really  
5 mean, you get a lot of doubt, a lot of, you know, fear that  
6 people's vote hasn't been counted. But it sometimes comes  
7 down to a very simple design problem that counties need to  
8 help making sure that that kind of stuff is clear to  
9 voters.

10 REPRESENTATIVE ORTITAY: And I agree, and thank  
11 you for that.

12 And thank you, Mr. Chairman.

13 MAJORITY CHAIRMAN GROVE: Representative Dowling.

14 REPRESENTATIVE DOWLING: Dr. Neuman, you also  
15 mentioned that when designing election procedures, it is  
16 possible to make it easier for voters to cast ballots but  
17 more difficult for adversaries to cast or redirect ballots.  
18 In your view, what kind of safeguards might serve both of  
19 those purposes?

20 DR. NEUMAN: Well, one of the things that I  
21 mentioned was actually looking at trying to prevent an  
22 adversary from casting large numbers of fake ballots or  
23 subverting large numbers of ballots. So, you know, let's  
24 say if you look at something like an absentee ballot, and  
25 you're going to have instances where, you know, someone

1 votes for their daughter or their parent that might be  
2 disabled in a certain way. And yes, that is not  
3 permissible, but ultimately, it's going to probably even  
4 out and you may have the same number of these occurring in  
5 proportion basically where this occurs.

6           What we're concerned here is about the adversary  
7 that is able to basically break into the voter registration  
8 system and request absentee ballots for thousands of voters  
9 that will be sent to one location or otherwise easily  
10 intercepted and then returning all of those. So that's one  
11 of the things that you want to do. It's important to  
12 understand the extent of the fraud that can actually occur.  
13 And yes, it would be great if we could prevent all voter  
14 fraud, but that's not necessarily going to happen. We want  
15 to prevent the wholesale instances where this occurs.

16           Now, if we look at certain kinds of procedures  
17 that can help with this. You got, currently, you know,  
18 most States on absentee ballots, for example, require  
19 validation of a signature. Now, how good that is is  
20 debatable. Sometimes we have got AI and machine-learning  
21 programs that are doing that. In other cases, we have got  
22 election workers that have the signature of the ballot,  
23 then the signature from the voter registration record, they  
24 put them together, and that's all that they are doing, sort  
25 of second by second looking at these and performing things

1 like that.

2 But these are some of the kinds of things that  
3 force that wholesale subversion that might be attempted to  
4 require more manual tracking and make it more difficult for  
5 the adversary to overcome some of those controls.

6 REPRESENTATIVE DOWLING: Thank you.

7 MAJORITY CHAIRMAN GROVE: Representative Keefer.

8 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

9 So, Dr. Adler, you mentioned ERIC, and  
10 Pennsylvania does have -- we are contracted with ERIC. And  
11 my question for that is, we had somebody from ERIC come and  
12 explain how it works and what our relationship was, the  
13 reports that are generated per our contract, but what are  
14 some best practices to have with that? So we could get the  
15 report back, but there's no requirement to update the data  
16 or to, you know, merge and purge, whatever you need to do.  
17 So what are some best practices to have in place for that  
18 to ensure that we are not just, it's not just for show,  
19 that we are actually implementing what the intent for ERIC  
20 is?

21 DR. ADLER: Yeah. I mean, this goes back a  
22 little bit to what Dr. Neuman said.

23 I don't know too much about the details of what  
24 is contained in these ERIC reports, but, you know, whenever  
25 you implement the recommendations of ERIC, such as there

1 might be an inaccuracy of this voter roll, all of these  
2 changes, which are important for trying to present the kind  
3 of, you know, wholesale fraud, when you implement these  
4 changes, you just have to make sure that you also pair that  
5 with an ample notice to voters to make sure that you are  
6 not removing voters in error.

7           We have seen a lot of voter purges that were  
8 illegal or ensnared thousands of voters who actually were  
9 eligible voters who had not moved. So I just think it's  
10 very important to be careful whenever you do that. Always  
11 check in with the voter and just be very thorough about  
12 that.

13           REPRESENTATIVE KEEFER: Thank you.

14           MAJORITY CHAIRMAN GROVE: Representative Lewis.

15           REPRESENTATIVE LEWIS: Thank you, Mr. Chairman,  
16 and thank you to our testifiers.

17           I was an Army counterintelligence agent for  
18 6 years, so when we talk cybersecurity, we talk election  
19 security, this is something that, you know, I think is very  
20 crucial, and I appreciate your input and insight here  
21 today.

22           I want to talk, we have talked about  
23 misinformation a little bit, and you mentioned it. In both  
24 of your testimonies, you have talked about misinformation  
25 and being essentially a threat on par with actual election

1 system hacking itself. So I want to get your input from  
2 both of you about how we can really work to design our  
3 election systems so that we can proactively safeguard  
4 against any undermining of confidence in the integrity of  
5 our systems by combating this misinformation.

6 DR. ADLER: So one important thing for combating  
7 misinformation that we have seen time and time again is  
8 rapid response communication with accurate information from  
9 trusted officials. So, you know, and that's something that  
10 you need to budget for both in terms of time, in terms of  
11 planning, and in terms of money. It costs money to do good  
12 communication.

13 But another thing is making sure voters, you  
14 know, making sure -- every time you make an improvement to  
15 security, it's not just to improve security, it's also to  
16 improve trust and explainability. And one thing that,  
17 you know, even if Pennsylvania did get rid of the  
18 direct-recording electronic machines, which is great, there  
19 are still now lots -- I think there are eight different  
20 systems that the Secretary of State has approved for usage  
21 from five different manufacturers. That's a lot of  
22 different kinds of systems, each with their own different  
23 way that they operate, you know, and different  
24 vulnerabilities. So if you are a Pennsylvania voter, you  
25 might not realize that the system in your county is

1 actually entirely different from the system that you might  
2 see some misinformation about in the news, right?

3           So, you know, having all of these different  
4 systems, it's great for counties that maybe want to, you  
5 know, have a voting system that addresses their particular  
6 needs, but it also causes problems when trying to  
7 communicate, for instance, what is Pennsylvania's voting  
8 system like; how does it work; why is it kept secure.

9           So maybe in the long term one thing that might be  
10 worth thinking about is how to sort of try to make things a  
11 little bit more simple and a little bit more uniform to  
12 kind of ease that communication challenge when trying to  
13 explain to voters why they should have faith in the  
14 election and have faith that their election officials are  
15 doing the right job and that their votes are being counted,  
16 et cetera.

17           REPRESENTATIVE LEWIS: Thank you. Understood.

18           Dr. Neuman?

19           DR. NEUMAN: So actually, earlier we were talking  
20 about two forms of disinformation, and actually there are  
21 three here. You just brought up the third.

22           So the first was the disinformation about  
23 candidates themselves, and you're not going to address that  
24 at all in the context of the voter registration systems,  
25 the vote tabulation systems. That is not really relevant

1 to the election infrastructure. That needs to be addressed  
2 in other ways, and it's sometimes questionable whether  
3 you're even going to be able to address that.

4           The second that we discussed about was the  
5 disinformation about voting procedures that results in  
6 individuals not knowing how to vote or being tricked into  
7 casting their votes in incorrect ways. And that one, we  
8 have already spoken about having the authoritative source  
9 of information that they have issued in their campaign, and  
10 having all the correct information in front of all the  
11 voters is really the best way to address that.

12           Now, the third form of disinformation is what we  
13 saw after the 2020 election in some sense, and that is the  
14 attempts of adversaries to shed doubt on the outcome, to  
15 shed doubt on the integrity. And as Dr. Adler said, the  
16 rapid response approaches are important there. And, you  
17 know, in our election cybersecurity initiative reach-out to  
18 all of the 50 States that we did last year, this is one of  
19 the kinds of things that we were talking about. It was how  
20 to respond to this disinformation: put forth very quickly  
21 and correct that; don't repeat the misinformation in doing  
22 so.

23           And a lot of what we can do in our election  
24 infrastructure itself is to have the mechanisms in place in  
25 advance so that we actually can provide convincing

1 arguments about the procedures that were followed and how  
2 they were effective in accurately recording the intent of  
3 the voters. And that's sort of an aspect of what we call  
4 sort of inoculation against that. Say up front, hey, here  
5 are the procedures that are in place; here is why the  
6 results are going to be accurate and why you shouldn't  
7 believe the disinformation when it inevitably does come out  
8 after the election itself.

9 REPRESENTATIVE LEWIS: Thank you.

10 And you both had mentioned this rapid response,  
11 and I think this is what you're talking about, where you  
12 take stock of what has been done and then you are ready to  
13 respond, you know, as any claims or misinformation comes  
14 out. Can you elaborate a little bit more on rapid response  
15 and what this program would look like?

16 DR. ADLER: Yeah.

17 So, I mean, you know, like Dr. Neuman said, it's  
18 a rapid response to misinformation, disinformation, as it  
19 comes out, but it's also about pre-bunking, right? You can  
20 respond to misinformation before it even happens. And  
21 actually, that has been some of the -- that has been the  
22 method that maybe has been most proven to work, because  
23 otherwise, if disinformation is already out there,  
24 sometimes people, and, you know, people start internalizing  
25 it, sometimes you don't necessarily respond to a debunking

1 in the same way. It actually sometimes makes people  
2 further believe the disinformation that they are exposed to  
3 first. So getting out ahead and having a proactive  
4 communication strategy even before an election about, you  
5 know, what is the process here, that kind of thing can make  
6 a big difference.

7 But another thing is also for election officials  
8 and State officials to participate in efforts like the  
9 Election Integrity Partnership. They have a really  
10 fantastic report -- I recommend that -- which is able to  
11 track the whole life cycle of a disinformation campaign and  
12 try to figure out, is this something, you know, do we need  
13 to alert the social media platforms about this? Is this  
14 something that, you know, is specifically targeting this  
15 local county that doesn't have the resources to respond,  
16 and we need to get in touch with them and figure out what's  
17 wrong with that and how to respond. That kind of  
18 coordination across multiple levels and different kinds of  
19 stakeholders is really effective.

20 REPRESENTATIVE LEWIS: Excellent.

21 Dr. Adler, Dr. Neuman, thank you both. I  
22 appreciate it.

23 DR. ADLER: Thank you.

24 DR. NEUMAN: Thank you.

25 MAJORITY CHAIRMAN GROVE: Representative Nelson.

1           REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

2           And thank you, gentlemen, both for your  
3 testimony. It's a lot of great information.

4           In building on some earlier hearings we had,  
5 which focused on voter registrations, and we have talked  
6 about the importance of voter integrity and the integrity  
7 of those voter lists and the registration systems  
8 themselves. Pennsylvania does have online voter  
9 registration, and earlier in this hearing you talked about  
10 the importance of the .gov aspect for both voter confidence  
11 and election security. Can you touch on some other  
12 specific recommendations for security requirements to  
13 protect that online process?

14           DR. ADLER: Yeah. So this goes back to some of  
15 the specific best practices that Dr. Neuman and I have  
16 brought up.

17           The new system that you all are currently setting  
18 up, you just need to make sure that you do penetration  
19 testing on it, make sure that it is subjected to  
20 independent audits, strong access control. Just all of  
21 these kind of standard things can do a lot to make sure  
22 that the voter registration system, that you can trust the  
23 data that's in it, but that you can also trust the system  
24 to be up and functional when you need it, such as on  
25 election day.

1           REPRESENTATIVE NELSON: Just jumping on the  
2 importance of that, and I want to hear your comments,  
3 Dr. Neuman, when you mentioned independent audits.

4           Pennsylvania had a lot of struggles with just  
5 blatant refusals by certain counties, and even some  
6 State Government entities to participate in independent  
7 audits. What's the role of an independent audit, and as  
8 we look at our election reforms, how critical is that  
9 third-party audit component?

10          DR. NEUMAN: Well, so I spoke more about sort of  
11 certification of the equipment. But when you talk about an  
12 independent audit, you're looking at sort of post-fact --  
13 doing sampling of ballots, making sure that they flow  
14 through the system appropriately; doing statistical  
15 analysis on certain data. So there are various approaches  
16 that are there, things that I did not actually address in  
17 my testimony.

18          But the purpose of that activity is to generate  
19 greater confidence after the fact, and you're not going to  
20 catch everything in that case, but it does allow you to  
21 detect problems that might exist with the equipment.  
22 Oftentimes, by the way, it could simply be errors or  
23 failures and not sort of an attack that is generated there.  
24 But doing this kind of sampling, doing this kind of audit  
25 is important to make sure that the system hasn't been

1 configured, whether intentionally or not, in a way that  
2 resulted in large chunks of ballots being sort of dropped  
3 on the floor or otherwise might.

4 REPRESENTATIVE NELSON: And we have had some,  
5 you know, previous testimony in other hearings about  
6 third-party API access, and cybersecurity reports have  
7 recommended that third parties not have that API access.  
8 They didn't directly upload into Pennsylvania's systems,  
9 but they gave batches, which were then directly uploaded  
10 into the system. Is there a need for third-party APIs if  
11 we have a maybe potentially more secure .gov process?

12 DR. NEUMAN: I would say it depends on what you  
13 are trying to achieve through those APIs. If your intent  
14 is really that voters need to register themselves, then  
15 there's no need for those APIs.

16 However, one of the things that you mentioned is  
17 that the contact that most voters have with the voter  
18 registration system is through the Department of Motor  
19 Vehicles, okay? And we have got a motor-voter law here in  
20 California. In that case, there actually is an API. That  
21 is, the APIs through which the vehicle or the driver, a  
22 driver's license, registration system, transmits that  
23 information into the voter registration system is through  
24 an API.

25 It should not be an openly accessible API. It

1 should only be a procedural mechanism that is in place for  
2 those entities who have decided, through their legislative  
3 intent, should be providing that information.

4 REPRESENTATIVE NELSON: Okay. Great.

5 And that's really helpful. We had a hearing just  
6 last week that there was the ability to click a box, and  
7 you would not need to provide voter identification like  
8 Social Security or a driver's license. You would just be  
9 entered, and then the pressure was on the county to remove  
10 an ineligible voter. Practices like that, if we were going  
11 through a government-based API, we could kind of avoid some  
12 of those extra burdens on counties. Is that -- am I  
13 heading in the right direction there?

14 DR. NEUMAN: Well, I think you are. I'm not  
15 quite sure where they were checking the box to be  
16 registered. For example, you know, it would be foolish to  
17 allow someone to check a box when they complete a purchase  
18 on Amazon and that registers. However, if they are  
19 checking a box when they obtain their driver's license,  
20 well, in some States, that is effectively legislatively  
21 required. In fact, in California, you have to explicitly  
22 uncheck the box to decline that.

23 Now, if you are checking a box, that means that  
24 there is an API that allows the communication from the DMV  
25 off to the voter registration system. The usefulness of

1 that is sometimes problematic, because if it's in  
2 California, you need to explicitly decline, and you will  
3 end up with individuals that might not be eligible to vote  
4 not unchecking the box because they (audio malfunction).

5 Also, there are problems procedurally associated  
6 with that, separate of the problems of there being an API.  
7 With respect to an API, as long as you restrict access to  
8 that API, (audio malfunction).

9 REPRESENTATIVE NELSON: That's good.

10 And Dr. Adler, did you have anything to add?

11 DR. ADLER: I don't have anything to add. Thank  
12 you.

13 REPRESENTATIVE NELSON: Great. Thank you.

14 Thank you, Mr. Chairman.

15 MAJORITY CHAIRMAN GROVE: Representative Keefer,  
16 quickly.

17 REPRESENTATIVE KEEFER: (Audio malfunction.)

18 I'm sorry. Can you hear me now? Sorry about  
19 that.

20 EAC, they have essentially just two companies  
21 that are certifying the equipment and the software that  
22 States are using. What is your confidence in that process,  
23 or do they need to, you know, bring in more companies or  
24 have a more rigorous way of certifying and accrediting the  
25 software and hardware? And if you don't have confidence in

1 that process or believe it needs to be more rigorous, what  
2 should States put in place?

3 DR. ADLER: I think that it would be great to  
4 have more companies who are interested in certifying and  
5 testing the voting machines to the standards. I think that  
6 it's -- but there's going to have to be a lot of things  
7 come into place, right? There's going to have to be  
8 Federal support for this. There's going to have to be, you  
9 know, we still don't yet know how these companies are going  
10 to test the VVSG 2, because it is brand new. It was just  
11 adopted in February. So a lot remains to be seen.

12 But I think another component of this is that  
13 there has to be an indication of interest from the States  
14 and the Commonwealths of the U.S. that they want to adopt  
15 these new systems that are going to be VVSG 2 certified.  
16 So that's another piece.

17 But, you know, as you know, there are Federal  
18 minimum standards and then there are these voluntary  
19 guidelines that States can choose to require certification  
20 to, but then, you know, States can require anything else on  
21 top of that in terms of certification and can require that  
22 the labs attest to that.

23 I don't have any reason specifically to distrust  
24 the companies that are doing the certification, but it's  
25 certainly going to take a lot of work to transition to a

1 regime where we're able to test the VVSG 2 quickly and get  
2 that equipment out on the market so that States can use  
3 them.

4 DR. NEUMAN: And I don't think there's an issue  
5 with the number of organizations that are doing the  
6 testing, as long as those organizations have the capacity  
7 to test the numbers of systems that need to be tested.

8 But one thing that is important to understand is  
9 that if you have too many organizations that are performing  
10 the certifications, there's the danger that one of those  
11 might not be accurately performing the tests or otherwise.  
12 So there needs to be high-level oversight over the testers  
13 as well to ensure that you don't have things that are  
14 falling through the cracks because, you know, we end up  
15 with 37 different testing agencies and a particular system  
16 only needs to be evaluated by one.

17 REPRESENTATIVE KEEFER: Right.

18 And I think that the criticism that we were  
19 hearing was just that the two companies that were there,  
20 there were not many employees, and it was the question  
21 about their qualifications.

22 So thank you very much.

23 MAJORITY CHAIRMAN GROVE: Dr. Adler, Dr. Neuman,  
24 thank you so much for your time this afternoon. Your  
25 testimony has been riveting, and I think you gave everybody

1 a lot to think about as we move forward with election  
2 policy changes for the Commonwealth moving forward.

3 So thank you for your time. It was greatly  
4 appreciated.

5 DR. ADLER: Thank you. It was a pleasure.

6 DR. NEUMAN: Okay. Thank you.

7

8

PANEL 2

9

COUNTY ELECTION DIRECTOR

10

11 MAJORITY CHAIRMAN GROVE: With that, we'll move  
12 on to our second panel: Nathan Savidge, Northumberland  
13 County Elections Director. And, Nathan, we'll get you up  
14 on the screen. If you could turn your camera and your  
15 microphone on.

16 MR. SAVIDGE: Hello. Can you hear me?

17 MAJORITY CHAIRMAN GROVE: Yes, we can.

18 MR. SAVIDGE: Perfect.

19 MAJORITY CHAIRMAN GROVE: There you are. Give us  
20 one second.

21 MR. SAVIDGE: Okay.

22 MAJORITY CHAIRMAN GROVE: All right. If you  
23 don't mind raising your right hand, and we'll swear you in:

24 Do you swear or affirm that the testimony you are  
25 about to give is true to the best of your knowledge,

1 information, and belief? If so, please indicate by saying  
2 "I do."

3 MR. SAVIDGE: I do.

4 MAJORITY CHAIRMAN GROVE: Thank you.

5 Do you have any opening remarks or comments?

6 MR. SAVIDGE: So in the interests of time, I  
7 think I'll buzz through, and then we can get right to the  
8 questions, if that's okay with you.

9 So, Mr. Chairman, ranking Member, all  
10 Legislators, thank you. We really appreciate the  
11 opportunity to be here.

12 A little bit about me. I began working in  
13 Northumberland County in August of 2020. I came in, and it  
14 was like getting lit on fire, and here we are. I'm sure  
15 many of you can relate.

16 So prior to my time as an elections director, I  
17 was a political advisor to party committees. I'm one of  
18 the only nerds that cares about bylaws and internal party  
19 procedures, so I have guided several political parties on  
20 those issues.

21 I was a paid judicial intern, and I participated  
22 in local elections and redistricting cases on the judicial  
23 side of this as well.

24 When I took this job as Elections Director, I  
25 resigned all of those political positions and I became

1 dedicated to the political process. Importantly, I  
2 consider myself a governmental institutionalist. I care  
3 more about the bodies of government and how they interact  
4 with one another over the officeholders themselves.

5           With all due respect to the Legislators in this  
6 committee meeting, a good example of this would be last  
7 year's election where you had the Governor on one hand, the  
8 Legislature on the other side, and the court in the middle  
9 who said, somebody needs to act. Counties were caught in  
10 this, and it wasn't so much about the officeholders, it was  
11 more about the process themselves.

12           So I want to thank the other two doctors as well,  
13 because the technicalities of the machines are big issues,  
14 but for the interests of my testimony, I want to talk a  
15 little bit about our integrity within our county.

16           It was very important to us that we work with our  
17 local party chairs, namely the Democratic and Republican  
18 chairs, and we split our county into two teams. We had  
19 myself, the Election Director, running the election room.  
20 So basically, I coordinated with the people on the ground  
21 -- the judges of election, the inspectors, the poll  
22 workers.

23           And we also split -- the second team was led by  
24 our Chief Clerk. So she went into the scanning room. As  
25 many of you know and it has been talked about extensively,

1 we could not begin canvassing until election day. So what  
2 we did is we had a team of about 10 people. A lot of them  
3 were county department heads and employees. They went into  
4 that scanning room, the doors were locked, and they began  
5 their process. So we began opening the ballots and running  
6 them through the scanners. Notably, though, we did have  
7 the viewing room where all of our observers and party  
8 chairs could come in and watch us.

9           So our goal in our county, and hopefully in the  
10 whole State, was to have an election that was transparent  
11 and observable. So all ballots were locked in our building  
12 here behind three locked doors and a security guard.

13           On election day, we had the naked-ballot issue.  
14 Our goal was to have as many voters participate in the  
15 process as possible. The Democratic Party Chairman  
16 expressed to us that he wanted a list of naked ballots that  
17 came in. We had tracked all the naked ballots, who they  
18 were from, and we actually turned them over in increments  
19 and said, listen, you can have the list as long as all the  
20 voters are contacted. So I can probably say in our county,  
21 those voters were contacted and did end up going to vote  
22 provisionally.

23           Of note, too, we had people from Georgia, the  
24 country, and the country of Switzerland come in. They  
25 described our office operations as "organized chaos," and

1 that was about the highest compliment we could get on  
2 election day, because things were, things were wild.

3 SURE, the mail-in ballots. The pre-canvassing  
4 and everything, we have hit that in prior hearings. I  
5 would just say we need to have some clarification on a lot  
6 of points, which hopefully we'll have after these hearings  
7 and laws are changed or amended.

8 One thing we did was, we would have people come  
9 in and we would make sure that they were presenting us with  
10 their ID so that we knew people were dropping off their own  
11 ballots. So this was a big technical point in Pennsylvania  
12 law where we had to make sure people were only dropping off  
13 their own ballots and not groups of them to our election  
14 office.

15 To kind of buzz through that, Northumberland  
16 County did not use drop boxes. We had people turning them  
17 in in person, and we had people send them back in the mail.  
18 And we also spoke with our local post office, who agreed to  
19 give us the returned ballots and not send them for sorting.  
20 So we kind of got a little bit of a jump on that.

21 Something I will say, probably to the amazement  
22 of many, is that the media in Northumberland County was a  
23 godsend. We worked very well with them. They helped us  
24 disseminate information. It was an incredibly confusing  
25 election for thousands of reasons. But we were very lucky

1 to have the support of our media, and namely our  
2 commissioners.

3 As Dr. Adler had said, we used our -- our  
4 commissioners came in as the election board and said,  
5 listen, this election is going to be fair; it's being  
6 conducted transparently. The minority commissioner came in  
7 and she said, well, you know what, I trust the process; I  
8 trust the employees.

9 And even more notably, when we had our military  
10 and overseas ballots come in, we set up a process with four  
11 Democrats, four Republicans, and we sent them down the  
12 line. So we created these ballots to make sure that the  
13 process was fair, that both parties agreed on it, and that  
14 we were counting every eligible vote that came in.

15 So in summary to all of those points, we  
16 benefited largely in Northumberland County from several  
17 factors. The involvement of the commissioners directly,  
18 the Chief Clerk, all the department heads, party chairs,  
19 and the extra staff was essential.

20 I would like to really personally thank State  
21 Representative Lynda Schlegel Culver and Kurt Masser and  
22 State Senator John Gordner. And again, to go back to  
23 Dr. Adler's point, without the support of the commissioners  
24 and our State Reps and Senators, we would have had a lot  
25 more backlash in our county.

1           My final point is that we benefited a lot from  
2 employees working 110-, 120-hour weeks, extensive poll  
3 trainings, and some temporary staffing. And we were one of  
4 the counties that accepted about 44,000 in Center for Tech  
5 and Civic Life funding. I know that this was a little bit  
6 of an issue, so I'm willing to kind of end things here and  
7 just get right to the questions.

8           MAJORITY CHAIRMAN GROVE: Thank you so much.

9           And to date, you win the award for the youngest  
10 election director who has testified. So thank you.  
11 Hopefully, you are here for a number of years, so we  
12 appreciate your youth and your enthusiasm and appreciate  
13 your testimony.

14           MR. SAVIDGE: Thank you. I appreciate the  
15 opportunity.

16           MAJORITY CHAIRMAN GROVE: Representative Owlett.

17           REPRESENTATIVE OWLETT: Thank you, Mr. Chairman,  
18 and thank you, Director, for being here.

19           And I just wanted to, you touched briefly on  
20 this, but I want to talk about the scanning process and  
21 really the ability that you gave overseers and observers to  
22 really see the entire process.

23           And the one thing that you mentioned in your  
24 testimony was that they were even asking questions, and  
25 really the goal of transparency. I really, really

1 appreciate that. Go into a little bit greater detail on  
2 what that looked like specifically in Northumberland.

3 MR. SAVIDGE: Okay. Yeah.

4 So we had a room with two doors. The Chief Clerk  
5 and, as I said, the members were in there scanning, so  
6 there was two people that were opening the -- we have an  
7 envelope opener. There was two people that were sitting  
8 there checking for the naked ballots. They got segregated,  
9 and that's when we passed that list off.

10 Behind in the room, though, there was a big glass  
11 window with another viewing room in there. And I myself  
12 was able to go in and out of the room, but as I said, the  
13 doors were locked. So I was kind of the conduit between  
14 the election day operations and then the mail-in and  
15 absentee scanning operations. And what I did was I went in  
16 and I asked the party chairs if they saw anything, and not  
17 even just the party chairs. I mean, there was all kinds of  
18 observers there. I think we had about 30. You know, are  
19 you guys seeing anything; is there something that we can  
20 change; do you have any questions on the process.

21 And, Representative Owlett, I will say I was very  
22 blessed in my county to have my Chief Clerk involved for  
23 3 to 4 weeks and have that opportunity to, you know, give a  
24 little bit of time on election day to people in that  
25 scanning room. Because frankly, the counties on election

1 day, it's wild. I mean, I don't know if you have ever  
2 visited your local election office, but it's a lot. So I  
3 was very blessed that I was able to give that transparency.

4 REPRESENTATIVE OWLETT: So what were some of the  
5 questions that they were asking? And I thought that was  
6 great that you gave them the ability to -- that's an added  
7 level of transparency I haven't heard before. What were  
8 some of the questions that they were asking?

9 MR. SAVIDGE: So a lot of them were, again, about  
10 the naked ballots, you know, why was this one set aside.  
11 Some were, I think we had maybe two signatures. A lot of  
12 them just didn't use the privacy envelope. There were a  
13 few that got put aside because, you know, believe it or  
14 not, some people would put squares around the bubbles  
15 they're supposed to color in, and they need, those ballots  
16 need to be re-created. So what we did was we set those in  
17 a pile on the side. They were visible. And then at the  
18 end of the scanning day, we re-created those ballots with  
19 those same teams so that we could have that transparent  
20 process and make sure nothing was being changed.

21 REPRESENTATIVE OWLETT: Great.

22 Well, again, thank you for your service, and  
23 thank you, Mr. Chairman.

24 MR. SAVIDGE: Thank you.

25 MAJORITY CHAIRMAN GROVE: Representative Ryan.

1 REPRESENTATIVE RYAN: (Audio malfunction.)

2 MAJORITY CHAIRMAN GROVE: Representative Ryan?

3 All right. We'll go on to Representative Staats.

4 REPRESENTATIVE RYAN: Mr. Chairman, I'm sorry

5 about that. There was a little technical difficulty.

6 Sorry about that.

7 MAJORITY CHAIRMAN GROVE: That's all right. The

8 floor is yours, Representative Ryan.

9 REPRESENTATIVE RYAN: Thank you.

10 And, Mr. Savidge, thank you very much. You  
11 didn't get a chance to hear my quip. My comment was -- I  
12 didn't realize I wasn't unmuted. But you are the youngest  
13 county election director, and I'm probably the oldest  
14 person in the room. So a chance to compare notes here.

15 As you go into what you did with Northumberland  
16 County, and your testimony was very, very helpful, you  
17 indicated that you opted not to use the drop boxes and that  
18 you checked the voter ID. Was there a reason why you did  
19 that?

20 MR. SAVIDGE: Yeah.

21 So logistically, the court decision came down  
22 kind of at the last minute, and, I mean, I'll speak very  
23 candidly. We were getting guidance from everywhere. You  
24 know, we're trying at the local level to follow the Federal  
25 cases, the State cases. And I will say, Secretary

1 Boockvar's guidance, she made her senior staff very  
2 accessible to us. However, it gets very confusing when you  
3 are getting guidance from several senior staff members, and  
4 we're all just trying to be as transparent and follow these  
5 rules as we can.

6           So to your immediate question, logistically, it  
7 was hard to order drop boxes. Myself and several other  
8 counties had this issue where we, we couldn't even get  
9 them.

10           I know some counties actually repurposed old  
11 mailboxes. Whether they worked it out with the Federal  
12 Postal Service, I don't know, but we just couldn't actually  
13 order them. But also, that's why we kind of took those  
14 extra steps. We accepted them at the counter, through the  
15 mail like regularly, but then also worked with the local  
16 post office so they could have a secure drop off there.  
17 When they went in that local post office, they just dropped  
18 them in a "local only" box. They didn't have to actually  
19 interact with people, they just dropped it in the local  
20 box.

21           REPRESENTATIVE RYAN: Did you feel as if by you  
22 doing that there was an increased or an enhanced level of  
23 election integrity that people in Northumberland County  
24 might have felt versus what might have been portrayed  
25 candidly throughout the election process?

1           MR. SAVIDGE: To be very honest, I don't have an  
2 opinion on drop boxes myself. I think what helped with our  
3 integrity in the county was, like I said, there was a  
4 technical rule where, and again, this was my understanding  
5 as one county official, where we had to only accept ballots  
6 from the person whose ballot it was. So if somebody came  
7 in and said, I have my wife and I's ballots, or, you know,  
8 some people said, I have my wife and my kids' ballots, we  
9 could only accept the one from the person that was there.  
10 So those other three people had to come in and show their  
11 ID, or just drop them in the mail.

12           REPRESENTATIVE RYAN: Okay.

13           And let me tell you, you had, Northumberland  
14 County had 40,592 total ballots cast. Do you feel like  
15 your experience and what you picked up might be something  
16 that could be worked out as a way of like doing a process  
17 identification, a process map that maybe other counties  
18 could perhaps replicate since you might have had a smaller  
19 universe, even though a big enough sample base, to be able  
20 to infer some fairly accurate results from it?

21           MR. SAVIDGE: Frankly, I mean, we're going to,  
22 and I don't mean to skirt the question, but, I mean, we're  
23 going to do what you tell us to do. That was our  
24 understanding on what we had to do, was basically only  
25 accept the ballots for who they were from, and that's what

1 my understanding of the guidance was.

2 REPRESENTATIVE RYAN: Okay.

3 Hey, one of the things that -- and I'll ask this.

4 Mr. Chairman, this will be my last question.

5 Based upon the great testimony that you gave us  
6 and other feedback, it sounds like you spent a lot of time  
7 on training.

8 MR. SAVIDGE: Yes.

9 REPRESENTATIVE RYAN: And one of the things that  
10 we found out through some of our prior testimony is that  
11 training of the poll workers and training people online was  
12 extraordinarily helpful. Some of the lessons that you  
13 learned from that process would be very useful to the  
14 Committee, I believe.

15 MR. SAVIDGE: Well, the thing to remember is that  
16 we have -- and again, you know, we have a decent sized  
17 county. But we had to train people, and we spent about  
18 110 hours a week for 3 weeks doing so, and that was me  
19 personally. But, you know, we paid the poll workers for  
20 training. It comes at an extraordinary time and labor cost  
21 for us. But, you know, getting them in, especially for  
22 this past election, was integral.

23 I was a new election director. Many of them were  
24 not familiar with me. So I came in, like I said, in  
25 August, got a crash course on the machines, and then we

1 broke our trainings down into a procedure. You know, we  
2 took the kit box, the provisionals, but then also a machine  
3 training. So that's how we broke that up.

4 REPRESENTATIVE RYAN: Was it also part of the  
5 training that if someone didn't have an ID, you told them  
6 what to do and how to handle that? Did you have any cases  
7 like that where someone did not have an ID when you were  
8 checking the photo ID?

9 MR. SAVIDGE: No, because that was an in-office  
10 procedure, not a polling-place procedure. The only  
11 polling-place procedure was to drop your ballot off if you  
12 didn't want to use it.

13 REPRESENTATIVE RYAN: Great. Thank you so much.  
14 And, Mr. Chairman, thank you so much.

15 MR. SAVIDGE: Thank you.

16 MAJORITY CHAIRMAN GROVE: Thank you.

17 Representative Staats.

18 REPRESENTATIVE STAATS: Thank you, Chairman  
19 Grove.

20 And Director Savidge, welcome.

21 MR. SAVIDGE: Thank you.

22 REPRESENTATIVE STAATS: And I'm curious, you had  
23 discussed notifying voters whose ballots were returned  
24 without secrecy envelopes.

25 MR. SAVIDGE: Mm-hmm.

1           REPRESENTATIVE STAATS: Was this done during the  
2 canvassing of ballots on election day and prior to that?  
3 How was this executed?

4           MR. SAVIDGE: No, it was done during the  
5 canvassing, because we couldn't open or examine those  
6 ballots beforehand. So when they were opened, we took --  
7 it was basically very simple. We took a typical legal  
8 tablet. We wrote the voter's name and then said "naked  
9 ballot." And then what we did was use their SURE record,  
10 so the voter database record, and handed that over to the  
11 chairman, and then he contacted -- I will be frank there.  
12 I forget the name of it. It was a place down in Harrisburg  
13 where they could get voter information to send it out. So  
14 they would call them and encourage them to go and vote.

15           REPRESENTATIVE STAATS: I see.

16           So as an elections director, I mean, how did that  
17 process work for you or how could that process be better?

18           MR. SAVIDGE: Well, we, I think, had to decide,  
19 you know, what we're going to do with them, whether they're  
20 still going to be considered naked ballots if they don't  
21 come in that privacy envelope. It's really hard to just  
22 kind of hold an envelope up and say, oh, this is naked. I  
23 mean, it could be that there's writing on the outside of  
24 the envelope.

25           And frankly, you know, if you look at a lot of

1 our counties with a lot of aging populations, sometimes  
2 they'll take the note and wrap it, and it's like a little  
3 handwritten thank you or something. Well, if I hold that  
4 up and it looks like a naked ballot, then I may have just  
5 disenfranchised someone. So that election day process was  
6 very important.

7 I think it worked well for us, but we also had  
8 chair people that were willing to do the legwork if we just  
9 gave them the information.

10 REPRESENTATIVE STAATS: Got it. Well, thanks for  
11 your answers.

12 Thank you.

13 MR. SAVIDGE: Thank you.

14 MAJORITY CHAIRMAN GROVE: Thank you.

15 How did Northumberland County approach voter  
16 signatures on mail-in and absentee ballots? And were you  
17 looking for only a completed signature? And then, how did  
18 you treat ballots that were signed but undated?

19 MR. SAVIDGE: So we had actually only one ballot  
20 without a signature, and we actually called the voter and  
21 they went and voted provisionally.

22 We then -- I'm sorry. I forgot the second part  
23 of your question.

24 MAJORITY CHAIRMAN GROVE: As far as the signature  
25 kind of verification, looking at signatures, did you only

1 look for a completed signature or partial signatures? How  
2 did you kind of view those signatures on those ballots?

3 MR. SAVIDGE: So signatures were a little  
4 troublesome, and really not for any technical difficulty  
5 other than, again, we have an aging population, and a lot  
6 of times their signatures have changed.

7 What we did was kind of, you'd separate the  
8 envelopes, so you have your envelopes over here and you  
9 have your ballots over here. We go through and we scan  
10 them. It's like a grocery store to scan those barcodes.  
11 And what we did prior to the election, which is required,  
12 but we took a couple extra steps, was cleaned up about  
13 18,000 voter rolls. We sent out all kinds of letters. We  
14 updated addresses. So we really tried to make sure that on  
15 the front end the voter rolls were cleaned up so that when  
16 we scanned them back in, that we were making sure that  
17 people were actual and legitimate voters.

18 MAJORITY CHAIRMAN GROVE: With an aging  
19 population, and I know Pennsylvania has one, a lot of  
20 States do greater signature-capture requirements.

21 MR. SAVIDGE: Mm-hmm.

22 MAJORITY CHAIRMAN GROVE: So every time you go,  
23 you sign, and they capture that to make sure we have an  
24 updated signature verification.

25 I have a constituent; the gentleman is 93, has

1 lived in the same house for his entire life. It was his  
2 parents'. When he registered to vote at 18, to 93, a  
3 significant difference. Would that be a benefit for that  
4 signature verification to capture as many signatures as you  
5 can, particularly the latest, to validate?

6 MR. SAVIDGE: Yeah. And I think, I don't know if  
7 this will be part of the new voter reg system, but I think  
8 what's helpful, too, is when we send out letters, you know,  
9 like a 5-year notice or somebody moved, they typically do  
10 send it back with a new signature.

11 Now again, I'm one of 67, but we will scan that  
12 to the voter record and update the signature and make sure  
13 that it at least looks readable in the poll books. Because  
14 your judges of election on the ground are the ones that are  
15 going to have to read most of those, so we just put it in  
16 the training to make sure that, you know, people are able  
17 to read it and make sure the signatures look clear on the  
18 poll books.

19 MAJORITY CHAIRMAN GROVE: Gotcha.

20 And again, did you have any ballots, mail-in  
21 ballots that were signed but not dated, and if so, how did  
22 you treat those?

23 MR. SAVIDGE: Well, frankly, I don't remember,  
24 because we just sorted them all. But I believe that if  
25 they came in and they weren't dated, we called the people

1 and asked them to date them. Because I remember there was  
2 an issue where some people put their birthdays, and we  
3 accepted those. I mean, they came in where it was  
4 confusing, but it was the voter and they were signed, so we  
5 just accepted those and scanned them with the rest.

6 MAJORITY CHAIRMAN GROVE: Okay. Great. Thank  
7 you.

8 MR. SAVIDGE: And---

9 MAJORITY CHAIRMAN GROVE: Go ahead.

10 MR. SAVIDGE: Chairman Grove, if I can add one  
11 other thing.

12 With all due respect, I think this is a  
13 perspective that has kind of gone unseen here, and I just  
14 want to add it for consideration for the legislation.

15 So I'm a county elections director, and I think  
16 it's really important to remember that we are responsible  
17 for our own budgets and we answer to three commissioners.  
18 So it was great for me to give the shout-outs to all the  
19 State Reps and Senators earlier, but please, when you're  
20 looking at this legislation, remember that we do have  
21 budgets, and when we're being handed down mandates and new  
22 things--- I mean, we had to send out 11,000 to 12,000  
23 ballots last year with postage and all kinds of other  
24 requirements on it, and these things add up very quickly,  
25 and then we're left to answer for a level of funding with

1 the commissioners.

2 MAJORITY CHAIRMAN GROVE: Absolutely. Duly  
3 noted, and thank you for highlighting that.

4 MR. SAVIDGE: Thank you.

5 MAJORITY CHAIRMAN GROVE: Representative  
6 Wheeland.

7 REPRESENTATIVE WHEELAND: Thank you,  
8 Mr. Chairman, and thank you, Director.

9 You just kind of walked right into what my  
10 question was going to be.

11 In your testimony, your written testimony that  
12 you provided the Committee, I believe it's the very last  
13 paragraph, you mentioned a \$44,000 grant that was used for  
14 temporary staffing.

15 MR. SAVIDGE: Yeah.

16 REPRESENTATIVE WHEELAND: As well as, you know,  
17 your employees that work under you working up to 110 hours  
18 a week, you know, prior to and shortly thereafter the  
19 election.

20 Obviously, neither of these seem to be  
21 sustainable for future elections. I mean, my goodness,  
22 your population in Northumberland County is approximately  
23 100,000. Is that correct?

24 MR. SAVIDGE: That's correct. Yep.

25 REPRESENTATIVE WHEELAND: So I can only imagine

1 what a larger county with a million-plus, what their costs  
2 would have been.

3           So my question is, what changes do you believe  
4 that could lower both the cost and the manpower burden  
5 specifically in Northumberland County? What's your  
6 thoughts on what you believe can take place and lower your  
7 expenses into the future?

8           MR. SAVIDGE: So last year, like you said, we had  
9 four temporary staff, and it wasn't the people under me  
10 doing the 110-hour weeks. Now, that was me. So I had to  
11 have a hand in everything, because as has been noted, I'm  
12 young, and this was my election. Like, this was my first  
13 election. I had to get in here, and I'm like, nope, if it  
14 goes wrong, it's on me.

15           But this is the thing: We're getting mail flats.  
16 I remember distinctly our Chief Clerk was here with a  
17 couple of our contracted workers, and I said, you know,  
18 wait until the mail truck gets here. Well, that day, the  
19 mail truck literally backed up to the door, and, I mean,  
20 they're just like pulling flats off the truck and flats and  
21 just thousands of pieces of mail are coming in. You know,  
22 our security guards are opening things up. We're opening  
23 things up. We couldn't process them enough. And then it's  
24 like with all the mass mailers from the voter rights  
25 organizations---

1           We were processing 7 to 10 applications for some  
2 people. And we had to, you know, when you get 7 to 10  
3 applications, of course only one is counted, but you needed  
4 to process those other 6 to make sure that that first one  
5 was counted. So then we had, we just had, frankly, they're  
6 in a box that says "rejected pile," because they were  
7 already in there.

8           So just the inundation of mailers would help a  
9 lot. Very clear guidelines on, you know, what our  
10 requirements are. If we have to up our county budgets, I  
11 mean, I think we should be able to know that a year --  
12 well, maybe not a year or so in advance, but, you know, be  
13 told, hey, listen, this is going to be regular; make this a  
14 permanent cost in the budget. Because if I tell my  
15 commissioners, hey, listen, this is what I have this year  
16 and next year it won't be as bad, and then next year it's  
17 even worse, I mean, that's not going to look good for me.

18           So I guess clear guidelines and just the less  
19 inundation of mailers. And I think at the State level,  
20 probably to your concern, is just to make sure that the  
21 State websites are, you know, kind of in sync with our  
22 county websites and that you are offering the same  
23 paperwork and applications that we are, because -- or maybe  
24 not you, but the Department of State, because then  
25 everything is succinct and it's much more clear.

1           REPRESENTATIVE WHEELAND: Well, thank you very  
2 much.

3           You must be doing a good job, because you're  
4 still employed. So you must have done something very well.

5           And I guess, I think what you see here, and  
6 obviously I think you have been following the hearings that  
7 we've been having---

8           MR. SAVIDGE: Mm-hmm.

9           REPRESENTATIVE WHEELAND: ---calmer seas are  
10 ahead. Just give us a little time, and we're going to help  
11 the counties. I'm confident that there are going to be  
12 calmer waters ahead.

13           So thank you very much for your service.

14           MR. SAVIDGE: Yeah. And thank you. That's  
15 wonderful news.

16           MAJORITY CHAIRMAN GROVE: Director Savidge,  
17 that's all the questions we have for you. Again, thank you  
18 for your service.

19           MR. SAVIDGE: Mm-hmm.

20           MAJORITY CHAIRMAN GROVE: We appreciate your  
21 testing at your new job under great duress and under fire,  
22 so to speak. I am sure it will make you an excellent  
23 elections director having done kind of a -- hopefully, it's  
24 a high-water mark on election storms here in Pennsylvania.  
25 So we greatly appreciate and recognize your work and your

1 fellow elections directors' work for last session, or the  
2 last election cycle.

3 MR. SAVIDGE: Thank you.

4  
5 PANEL 3

6 ACCESSIBILITY AND INTEGRITY

7  
8 MAJORITY CHAIRMAN GROVE: And with that, we will  
9 move on to panel 3 on accessibility and integrity.

10 If we could have Ray Murphy, State Coordinator,  
11 Keystone Votes, and Jennifer Garman, Director of Government  
12 Affairs for Disability Rights Pennsylvania. If you could  
13 get your screens on and turn your mics on. We'll get you  
14 profiled on the screen, and I'll swear you in.

15 All right. Ms. Garman and Mr. Murphy, could you  
16 raise your right hands:

17 Do you swear or affirm that this testimony you  
18 are about to give is true to the best of your knowledge,  
19 information, and belief? If so, please indicate by saying  
20 "I do."

21 MR. MURPHY: I do.

22 MAJORITY CHAIRMAN GROVE: Excellent.

23 I think, Ms. Garman, I think you might be on  
24 mute.

25 MS. GARMAN: I apologize. I do.

1 Can you hear me?

2 MAJORITY CHAIRMAN GROVE: Okay. We gotcha. We  
3 gotcha.

4 And don't worry, I don't have any power to marry  
5 anyone, so you're good to go.

6 With that, Ms. Garman, I'll open it up. Do you  
7 have any opening comments? And then over to you,  
8 Mr. Murphy. Any opening comments?

9 MS. GARMAN: Sure.

10 So thank you, Chairman Grove, Chairwoman  
11 Davidson, and Members of the House State Government  
12 Committee.

13 I am testifying on behalf of Disability Rights  
14 Pennsylvania today. We are the protection and advocacy  
15 organization for the State of Pennsylvania, providing free  
16 legal and advocacy services to Pennsylvanians with  
17 disabilities, and we very much appreciate the opportunity  
18 to be here today to highlight voting for the disability  
19 community.

20 As part of the protection and advocacy system, we  
21 have been in existence for over 40 years, providing legal  
22 and advocacy services to Pennsylvanians with disabilities.  
23 We also receive funding under the Help America Vote Act to  
24 ensure full participation in the electoral process for  
25 people with disabilities, and we use this funding to

1 educate voters with disabilities about their rights and  
2 provide assistance to voters who are facing difficulties in  
3 registering to vote as well as face barriers on election  
4 day.

5           Every year on election day, we -- and primary day  
6 -- we operate an election hotline and take calls from  
7 voters with disabilities to help them troubleshoot and  
8 resolve issues that they are facing in exercising their  
9 right to vote. And we also do voter outreach to make sure  
10 that they know their rights when they are going to vote,  
11 and it's a really important part of our work that we do.

12           The Help America Vote Act also funds our voter  
13 education and outreach efforts, but it also mandates  
14 accessibility guidelines for them, both around machines,  
15 ballots, and voting instructions, to ensure accessibility  
16 for voters with disabilities.

17           It specifically highlights that voters with  
18 disabilities need to be able to vote privately and  
19 independently, and that every polling location needs to  
20 have at least one accessible machine. The Americans with  
21 Disabilities Act and Section 504 of the Rehabilitation Act  
22 also require local governments to make polling places  
23 accessible to voters with disabilities.

24           Voters with disabilities need to be able to vote  
25 at their polling place on election day, and it's really

1 important. I think we have heard today that guidance can  
2 change, but county election officials need to keep up to  
3 date on what the changes are as far as and how they impact  
4 election administration.

5 I just would like to highlight that we are very  
6 close to finalizing a white paper on voting issues that the  
7 disability community faced last year during the election,  
8 and we will be releasing that soon, and I will be sure to  
9 share that with the Committee so that you can use that as a  
10 resource as you are looking at additional Election Code  
11 changes.

12 Just really quickly, I know you have our  
13 testimony. I just want to highlight that obviously last  
14 year was our first real expansion of vote by mail, and it  
15 was certainly a historic piece of legislation here in  
16 Pennsylvania. And it gave options to voters with  
17 disabilities who may not be able to go vote in person, but  
18 there are still issues for the disability community when it  
19 comes to voting by mail.

20 One issue in particular is around kind of the  
21 Department of State guiding people with disabilities to  
22 still utilize absentee ballots as opposed to just voting by  
23 mail. With Act 12, we have universal mail-in voting, but  
24 if you go to the Department of State website, you are asked  
25 specifically if you have a disability, and if you check

1 "yes," you are required to fill out an absentee ballot  
2 application, which then requires a certification by a  
3 medical professional that you are a person with a  
4 disability. So it's an additional barrier for voters with  
5 disabilities if they choose that, and it leads voters to  
6 believe that they must choose that by affirmatively  
7 checking that they have a disability.

8           It's really important to note that the disability  
9 community wholeheartedly supports election security, but  
10 paper balloting presents accessibility barriers for people  
11 with blindness or who may not be able to complete a paper  
12 ballot. And our testimony highlights some of the issues  
13 that the OmniBallot that the State implemented for voters  
14 who are blind utilized and faced in using the OmniBallot  
15 system.

16           Finally, I need to say that voting by mail is not  
17 a panacea for the disability community. So it does  
18 certainly expand access to the ballot, because the other  
19 important thing is that we still have polling places  
20 throughout the Commonwealth that remain inaccessible to  
21 people with disabilities.

22           We have physical barriers that voters face if a  
23 place is not wheelchair accessible. If the voting machine  
24 for people with disabilities is not operational or the  
25 staff aren't trained on it, it can be really difficult.

1           And in addition, transportation just remains  
2           incredibly difficult across the Commonwealth if you are in  
3           more rural areas, and those transportation issues follow  
4           through on election day.

5           Polling places need to be both physically  
6           accessible and programmatically accessible. So when  
7           counties are looking at sites, they need to be thinking  
8           more broadly than just physical access. It also needs to  
9           make sure that there's signage and that poll workers are  
10          trained on accommodating voters with disabilities. Our  
11          testimony has a resource from one of our sister  
12          organizations on, it's an accessibility checklist that we  
13          think is extraordinarily helpful that could be utilized  
14          here in Pennsylvania.

15          Just finally, I would like to say that, you know,  
16          we commend the Legislature for Act 77 and Act 12. Through  
17          our work over the past year and throughout our history, we  
18          know that the disability community faces barriers to  
19          exercising their right to vote and that these things are  
20          fixable, but we need to work together and the disability  
21          community needs to be engaged in order to remedy some of  
22          these problems.

23                 And I'll turn it over to Ray.

24                 MAJORITY CHAIRMAN GROVE: Thanks.

25                 Mr. Murphy, the floor is yours.

1 MR. MURPHY: Thank you.

2 Thank you, Chairman Grove and Chairwoman Davidson  
3 and Committee Members, for having me here on behalf of the  
4 Members of Keystone Votes, which includes Disability Rights  
5 PA, so we're so excited to hear Jennifer and her testimony  
6 today.

7 Keystone Votes remains one of the State's leading  
8 and most respected nonpartisan coalitions dedicated to  
9 modernizing our election processes. Our coalition members  
10 work together to make sure the voters have a voice in how  
11 election laws are made, and our coalition members serve as  
12 watchdogs at the county and State level to make sure that  
13 Pennsylvanians can access and cast our ballots freely,  
14 safely, and equally.

15 We agree with Chairman Grove's previous  
16 statements as of, I believe, the newspaper this morning,  
17 that changes must be made by the general election. But we  
18 also agree with and want to lift up the words of our  
19 friends at the County Commissioners Association of  
20 Pennsylvania that these changes have to be made as soon as  
21 possible, ideally before summer starts, and not weeks  
22 before the general election. Counties must have time to  
23 implement commonsense, widely agreed-upon updates so that  
24 voters can cast ballots freely and safely and equally.

25 Because I just want to kind of get right to it,

1 do we want as a State to be like Georgia right now? As I  
2 was preparing my testimony for this Committee last night,  
3 within a matter of hours, I got a fundraising email first  
4 from the GOP and then the Democrats both asking me to  
5 donate because of what had just happened with election laws  
6 there.

7           Election rules should not be a partisan football.  
8 We need a true bipartisan spirit when discussing our  
9 fundamental freedom as Americans to vote. And I'm happy  
10 and excited that not only this series of hearings is  
11 happening to really make sure that we have the facts, but  
12 just the reality is that Act 77 itself was the product of  
13 bipartisan agreement, and I hope we can continue that as we  
14 move forward.

15           Because the reality is that the needs of all of  
16 the different kinds of voters we have in Pennsylvania  
17 matter. Black voters matter, but so do young voters and  
18 rural voters and older voters, Asian voters, Latino,  
19 suburban, city, veterans, seniors, parents, workers, and  
20 more. The election rules we have must be written in a way  
21 that is fair to all of these voters and guarantees equal  
22 access and excellent customer service at the county level.

23           In the interests of time and hopefully a lively  
24 conversation, I'm going to focus on just three key things  
25 that I think we can all agree on and that must be addressed

1 to reaffirm our freedom to vote here in Pennsylvania.

2           The first, and I know this has come up before, is  
3 the deadline to return mail ballots. Pennsylvania should  
4 allow mail-in ballots to be counted if they are postmarked  
5 on or before election day but arrive at the county election  
6 office after. Across the country, 18 States and the  
7 District of Columbia permit the receipt of mail-in absentee  
8 ballots after election day. Kansas, North Carolina, and  
9 Virginia accept them up to 3 days after the election, and  
10 our neighbors in Ohio up to 10 days after the election, and  
11 Utah has a window of 7 to 14 days.

12           The second thing I'd like to focus on is what has  
13 been referred to as "pre-canvassing." Two dozen States  
14 already allow this. Allowing counties to open and presort  
15 mail ballots before election day is not only important for  
16 the faster election results and less of the burden on  
17 county election administrators, just as we heard a moment  
18 ago, but there's an even more important reason to allow the  
19 processing of mail ballots before election day.

20           Every county board of elections needs to follow  
21 the same uniform steps to notify voters about small, honest  
22 mistakes that can be fixed before the ballot return  
23 deadline. The technology exists to ensure that this  
24 notification process is safe, seamless, and convenient.  
25 And the reality is, if we can't be sure as voters that our

1 vote is counted as we intended, then our freedom to vote  
2 becomes in jeopardy.

3 My final point I would like to raise up is  
4 real-time accuracy for the list of registered voters.  
5 Representative Diamond and Representative Boback have  
6 already been in the lead on this issue in terms of looking  
7 at making sure that the accuracy of death rolls is brought  
8 into the voter registration rolls. We would like to add  
9 the idea that most people update their voter registration  
10 in Pennsylvania when they go to PennDOT to renew their  
11 driver's license. At minimum, that happens every 4 years,  
12 in some cases longer.

13 There are faster and better ways to make sure  
14 that the voter rolls are up to date, and one of them is  
15 starting with the National Change of Address Form and  
16 making sure that changes to the National Change of Address  
17 are made in real time to the voter registration database so  
18 that when a person moves and they submit this change of  
19 address, it can easily update their voter registration.

20 And of course, as was also mentioned earlier,  
21 every county must have resources and funding that they need  
22 to be successful. This includes new technology like e-poll  
23 books, which increase the accuracy of voter lists and  
24 improves customer service experiences, but it's also  
25 critical to guarantee the safety of our vote. And again,

1 as you just heard from Jen, counties need to make sure that  
2 people with disabilities are served as the law says that  
3 they should be, not to mention the Federal requirements for  
4 language access.

5 So today, for me, the bottom line that I would  
6 like to leave you with is, there are simple things that we  
7 can quickly do to guarantee Pennsylvania's freedom to vote.  
8 Those include e-poll books, pre-canvassing, clear and  
9 uniform ballot deadlines and processes, real time voter  
10 registration updates, and also bigger ideas like early  
11 voting. We shouldn't let voting by mail be the end of our  
12 journey to modernize Pennsylvania's election process.

13 These are things that the vast majority of  
14 Pennsylvanians agree upon and represent a truly bipartisan  
15 change, and if you all act quickly, ideally before summer  
16 starts, counties will have the time they need to implement  
17 these commonsense, widely agreed-upon updates that  
18 guarantee all voters can access and cast their ballots  
19 freely, safely, and equally with an excellent customer  
20 service experience.

21 Thank you so much for allowing me the  
22 opportunity to testify on behalf of the Keystone Votes  
23 Coalition today.

24 MAJORITY CHAIRMAN GROVE: Thank you both so much.

25 The first question, Representative Schmitt.

1           REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.

2           Ms. Garman, I would appreciate it very much if  
3 you would give us all a brief overview of what you consider  
4 to be the major accessibility challenges when it comes to  
5 voting in Pennsylvania.

6           MS. GARMAN: Sure.

7           So I mentioned that we do have physical sites  
8 that continue to be inaccessible physically, and we,  
9 Disability Rights Pennsylvania, in typical times will go  
10 out and do polling place accessibility surveys and then  
11 work with the counties to resolve issues when we become  
12 aware of them. Obviously, COVID does not allow that to  
13 happen right now, because we are, as an organization,  
14 working remotely, but that work will resume at some  
15 point.

16           In addition, realizing that the changes and  
17 expansion of voting by mail were new, there were a lot of  
18 issues for the community. So, for example, the disability  
19 community, there is State court decisions that allow -- and  
20 this goes back to the previous testifier -- for individuals  
21 with disabilities to have a designated agent to return  
22 their ballot if they are unable to due to their disability.

23           This has been law since 1995, and many counties  
24 have their own forms. This year, the Department of State  
25 developed their own form, allowing individuals to highlight

1 their, to affirm their need for a designated agent and  
2 allow someone else to return it. Now, it's one designated  
3 agent for one voter.

4           Only, I think, 15 of the 67 counties had  
5 information about this on their website, in part because  
6 the guidance from DOS was released very close to the  
7 election. But there's a very real chance that that could  
8 disenfranchise voters with disabilities if, number one,  
9 they are not educated about their ability to use this form;  
10 and number two, if counties aren't aware of the obligation  
11 to accept that form and to allow someone else to return a  
12 ballot for them.

13           I think Ray's point around kind of the notice and  
14 cure provision, so for voters with disabilities,  
15 specifically people with visual impairments or with  
16 dexterity issues, there is a higher likelihood that there  
17 could be a defect or they are unable to sign affirmatively  
18 where they need to on the outside envelope, and a voter  
19 with disabilities, if their county was not contacting them,  
20 there's a very real chance that their vote would not have  
21 counted.

22           So there are many, many more issues, but I think  
23 that those are some that I would just like to highlight  
24 right now. I'm happy to talk with whoever might be  
25 interested afterwards more in depth about other issues.

1                   REPRESENTATIVE SCHMITT: Thank you very much,  
2 Ms. Garman, and thank you, Mr. Chairman.

3                   MAJORITY CHAIRMAN GROVE: Representative Diamond.

4                   REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

5                   Pennsylvania's election laws are pretty old.

6 They date back to 1937 when attitudes and societal  
7 treatment of folks with disabilities was much different  
8 and, you know, some would say really cruel, to tell you the  
9 truth.

10                   So many States in the past 80 years -- 84 years  
11 -- have modernized their election laws, specifically  
12 codifying best practices to help those with disabilities  
13 vote. How silent exactly is Pennsylvania's Election Code  
14 on disability provisions, and is there a State or States  
15 which would provide us with some good model legislative  
16 language to deal with how we make provisions for folks with  
17 disabilities?

18                   Either one of you. Don't race to the front.

19                   MS. GARMAN: (Audio malfunction.)

20                   REPRESENTATIVE DIAMOND: You're muted.

21                   MR. MURPHY: Well, I'll defer to you, Jen, but I  
22 will just say quickly that I think there's a lot of amazing  
23 things that have happened at the county and State level in  
24 Pennsylvania to provide access, but I absolutely agree that  
25 there are States that have done it better and could lead

1 the way.

2 REPRESENTATIVE DIAMOND: And which States would  
3 they be, Ray?

4 MR. MURPHY: I'll defer to Jen for that.

5 REPRESENTATIVE DIAMOND: Oh, okay. All right.

6 MS. GARMAN: My computer froze.

7 REPRESENTATIVE DIAMOND: That's all right.

8 MS. GARMAN: So, yeah. So I think our code is  
9 pretty silent other than the absentee balloting provisions  
10 that were in the original Election Code. So, for example,  
11 I mentioned in our testimony about OmniBallot being  
12 implemented for voters with disabilities here in  
13 Pennsylvania.

14 West Virginia recently passed a law to utilize  
15 OmniBallot so that for voters who couldn't access polling  
16 places or vote from home without assistance, that they were  
17 able to securely return their ballots using an online  
18 procedure. They passed that in January of 2020 and it was  
19 implemented, and they actually got recognized nationally  
20 for their implementation of that program and the way that  
21 it was able to engage the disability community in voting.

22 And I'm happy to provide additional information.  
23 I can reach out to our network. I am sure that there are  
24 great things happening all over with voting and pieces of  
25 State election law. So I'm happy to follow up with the

1 Chairman and staff to get that information for you all  
2 afterwards.

3 REPRESENTATIVE DIAMOND: That would be fantastic,  
4 Jen.

5 So both of you are probably opining that our  
6 requirement that a polling place has a lantern is probably  
7 not of use to people with disabilities. Is that correct?

8 MS. GARMAN: I would agree with that statement.

9 REPRESENTATIVE DIAMOND: Okay. I'm just trying  
10 to let everybody know how old our Election Code really,  
11 really is. I mean, I'm surprised there's not buggy whips  
12 included there as well.

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN GROVE: Representative  
15 Mackenzie.

16 Representative Mackenzie? All right. He might  
17 be having some technical difficulties.

18 Let's go to Representative Miller.

19 REPRESENTATIVE MILLER: Thank you, Mr. Chairman,  
20 and thank you to our testifiers.

21 You referenced earlier in the question about the  
22 States that have the best practices related to people with  
23 disabilities and being able to vote. Can you recommend any  
24 counties in Pennsylvania that would be at the top tier of  
25 handling this issue?

1 MS. GARMAN: I will check with our staff. I  
2 apologize, I don't have that information, but I'm sure that  
3 some staff who are more in the weeds on this on election  
4 stuff can certainly provide that information. So again,  
5 I'm happy to follow up.

6 I do know that it, like you would expect, it is  
7 varied across the State, or across the counties depending  
8 on both the staffing and population for a county. So there  
9 is a diverse amount kind of where the State lies depending  
10 on the county.

11 REPRESENTATIVE MILLER: Okay.

12 You had referenced that you are developing a  
13 white paper and are going to be forwarding that to us, so  
14 we'll look forward to that, and we want to try to implement  
15 as many of the best practices as possible.

16 I do have a question related to some of the best  
17 practices for security as well. So, for instance, we have  
18 heard some stories about in senior centers where certain  
19 ones request ballots and complete them for some of the  
20 members. Or in my county, I know there was a situation  
21 where someone was blind, and a center, because of COVID,  
22 you couldn't go into this center, the person couldn't go  
23 out, and the person had to trust a worker there to vote for  
24 that person. What security measures do you recommend be  
25 implemented to secure, to make sure that that person's vote

1 is exactly as they intend it to be?

2 MS. GARMAN: So the designated agent, and Federal  
3 law says that voters with disabilities are able to have the  
4 assistance of the individual of their choosing. So  
5 certainly the pandemic this year I think highlighted many  
6 issues, and people perhaps relied on staff if their family  
7 typically came in and maybe helped them to complete a  
8 ballot. Or honestly, many long-term care facilities  
9 usually are polling locations. We certainly did not have  
10 that this year.

11 People should get to use who they choose, not  
12 just simply who is in front of them. And again,  
13 recognizing that not everyone has potentially someone in  
14 their life and they may choose a staff person who supports  
15 them in a long-term care facility.

16 But what I can tell you is that Disability Rights  
17 Pennsylvania is not aware of any instances of the issues  
18 that you highlighted, of somebody potentially filling out a  
19 ballot in a way that doesn't comply with the voter's will.  
20 But certainly it should be the individual's choice about  
21 who is assisting them in completing their ballot.

22 REPRESENTATIVE MILLER: Yeah. I wasn't  
23 suggesting that there was anything nefarious. It was  
24 simply unknown, because the person who was blind could not  
25 verify that the person who was completing the ballot

1 actually bubbled in the names of the choice of that  
2 particular voter.

3 MS. GARMAN: Yeah. And so I think that  
4 highlights the issues with, you know, the paper ballot for  
5 the disability community and the need for an alternative  
6 mechanism like a floor implementation of the OmniBallot so  
7 that someone who is not able to view their ballot would be  
8 able to use this technology to fill it out.

9 Right now, you have to print it out afterwards  
10 and then still mail it in, but it's an option that could be  
11 expanded and implemented potentially differently than  
12 Pennsylvania has so far to date, using West Virginia as an  
13 example of how it has been done and worked well for the  
14 community.

15 REPRESENTATIVE MILLER: Okay. Thank you very  
16 much. We look forward to receiving that information.

17 Thank you, Mr. Chairman.

18 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

19 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman,  
20 and thank you both for being here today.

21 Ms. Garman, I was reading through the provided  
22 written testimony, and on page 3 it mentions that the  
23 procedures established by the Election Code or by the  
24 Department of State created confusion among local officials  
25 when it came to making accommodations. Could you provide

1 us with a list of these provisions that created  
2 confusion?

3 MS. GARMAN: Yes, happy to do so, and it's  
4 included in our white paper. So I will be sure to pull it  
5 out because the paper is quite lengthy, but we can get you  
6 some bullet points on the top-line issues. Sure.

7 REPRESENTATIVE ORTITAY: Perfect. Thank you.

8 And, Mr. Murphy, if you have anything to it,  
9 you're welcome to as well.

10 MR. MURPHY: No. I'm okay.

11 REPRESENTATIVE ORTITAY: All right.

12 Thank you both, and thank you, Mr. Chairman.

13 MAJORITY CHAIRMAN GROVE: Representative Nelson.

14 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

15 Great testimony. And kind of building on this  
16 theme of the Army vote or the vote by ballot, you know, as  
17 we talk about that tool, I mean, earlier hearings, the  
18 State of Florida, you know, they use a similar system for  
19 their veterans deployed, you know, servicemen overseas, I  
20 should clarify, and then for some of their disability  
21 votes.

22 Can you touch a little bit more about how that  
23 would maybe work in Pennsylvania, because as I understand  
24 it, there was a court case that said we should do it, but  
25 because it wasn't in statute, it happened in the courts,

1 what went on in this last election? You know, did  
2 Pennsylvania do Omni vote? How did that work?

3 MS. GARMAN: Yeah. So in full candor, I think  
4 that was our lawsuit about voter access---

5 REPRESENTATIVE NELSON: I did not know that.

6 MS. GARMAN: ---and voter disabilities.

7 Yeah. So the issue was exactly that, that for  
8 voters with disabilities seeking to vote by mail, because  
9 of the pandemic, and even frankly outside of the pandemic,  
10 the paper balloting system that is widely utilized is not  
11 accessible and that there needed to be an alternative  
12 mechanism to ensure the right to a private and independent  
13 vote for voters with visual disabilities.

14 So the Department of State did implement the  
15 OmniBallot kind of differently than other States have  
16 implemented it. We used it, and voters were able to, like  
17 I said, print off their ballot after it was completed  
18 electronically and then still mailed it in, whereas other  
19 States, to your point, allowed electronic return, not  
20 dissimilar to how members of the military who are overseas  
21 might return their ballots as well.

22 So---

23 REPRESENTATIVE NELSON: While you're touching on  
24 the electronic return, I think, you know, using the Florida  
25 example, they also, you know, it's a requirement. It's a

1 fax back versus an email back, you know? Even though there  
2 may be some supporters there, just that kind of incremental  
3 step of secure voting.

4           So in Pennsylvania, a person received a secure  
5 electronic vote if they had maybe visually-adaptive  
6 software or, you know, it would read through their ballot  
7 for them, they could complete it on a computer, and then,  
8 you know, whether it was an email or a fax, return it. Is  
9 that in approval for voters or is that already happening  
10 now and we would just need to include it in statute to  
11 clarify it for everyone?

12           MS. GARMAN: Yeah. I think that there is room  
13 for improvement certainly outside of the electronic return,  
14 because we understand that there are, you know, there are  
15 election security concerns around the electronic returns.  
16 So there are certainly improvements that could be made to  
17 ensure that people could still maintain that right to  
18 private and independent voting.

19           REPRESENTATIVE NELSON: And, you know,  
20 Representative Diamond touched on our 1937-era law. While  
21 we're looking to make this improvement for individuals with  
22 disabilities and veterans, is there anything else that we  
23 would want to include? Because it seems like it is a good  
24 practice to implement. Anything else on that from your  
25 perspective?

1 MS. GARMAN: Well, I think engagement with the  
2 disability community is incredibly important, because as I  
3 mentioned before, kind of depending on where you are in  
4 this State, you can have a vastly different experience.  
5 There are counties who are doing well and places that  
6 aren't, and it just really is incumbent on the voters to  
7 know their rights or know who to contact when they are  
8 facing issues. And if we were to get training and  
9 (audio malfunction), they would be operating from the same  
10 playbook, you know.

11 REPRESENTATIVE NELSON: Mr. Murphy?

12 MR. MURPHY: Are you asking specifically about  
13 the Omni vote software or just in general?

14 REPRESENTATIVE NELSON: Yes. Correct.

15 MR. MURPHY: Yeah. I mean, I think it's also,  
16 correct me if I'm wrong again, Jen, but it, to me, was a  
17 situation that was indicative of the antiquity of the  
18 SURE system itself. It was not the easiest thing for the  
19 Department to implement that capacity, and ideally, the new  
20 SURE system replacement will provide that flexibility for  
21 this kind of software.

22 REPRESENTATIVE NELSON: (Audio malfunction.)

23 MR. MURPHY: I'm sorry. I don't think I can hear  
24 you.

25 MAJORITY CHAIRMAN GROVE: You're muted.

1           REPRESENTATIVE NELSON: Oh, there we go.

2           I did take note, Ms. Garman, about the initial  
3 roadblock with the Department of State around the absentee  
4 ballots, and so we'll look to reach out and understand if  
5 that is something that we need to work on or if that's a  
6 procedural thing, you know, to just update their own  
7 website.

8           So thank you very much. Thank you, Mr. Chairman.

9           MAJORITY CHAIRMAN GROVE: Thank you.

10          Representative Wheeland.

11          REPRESENTATIVE WHEELAND: Thank you,  
12 Mr. Chairman, and thank you, panel, for taking the time  
13 today to enlighten us.

14          So in Pennsylvania, we currently have a voter ID  
15 requirement for first-time voters when they vote in a  
16 precinct, a new precinct for them. Has this current voter  
17 ID requirement presented any accessibility issues for folks  
18 that you are aware of, preventing an ID?

19          And the reason I ask that is Section 206 of the  
20 Pennsylvania Election Code requires PennDOT to give a free  
21 ID for voting purposes. So has your organization discussed  
22 any issues with PennDOT about getting a free ID for voting  
23 for individuals?

24          MS. GARMAN: Not that I'm aware of. But what I  
25 can tell you is that voter ID, or photo ID can be difficult

1 for people with disabilities to obtain if they don't have  
2 documentation that would be required. So some folks are  
3 lower income and might not have some of the documents, like  
4 a birth certificate, nor have money or funds to go and get  
5 a copy of their birth certificate. So some of those ID  
6 pieces can be problematic, specifically for driver's  
7 licenses.

8 But to the other piece with getting the free ID,  
9 I mean, there are still requirements for those photo IDs to  
10 prove identification, like to prove your identity, which we  
11 have had issues with individuals not having the  
12 documentation or access to verify their identity.

13 REPRESENTATIVE WHEELAND: Sir, do you have any  
14 thoughts on that? Have you heard of anything or specifics?

15 MR. MURPHY: No, I have not heard of any problems  
16 obtaining ID as is provided by that provision. I think the  
17 biggest challenge that we see with voter ID consistently  
18 relates to just the general issue of lack of consistency  
19 amongst poll worker training and support. And so there  
20 tends to be different understandings by different judges of  
21 elections from precinct to precinct about what their  
22 requirements are.

23 REPRESENTATIVE WHEELAND: Okay.

24 And, madam, if you could, you know, like present  
25 back to this Committee any ideas that you have to make it

1 easier for the folks to -- in other words, I want to know  
2 what for roadblocks, specific roadblocks that those with  
3 disabilities run into so that we can address that.

4 MS. GARMAN: Sure.

5 REPRESENTATIVE WHEELAND: Thank you very much.

6 MS. GARMAN: Thank you. And I'm happy that's all  
7 part of our white paper that I will absolutely share. It  
8 is lengthy and in-depth and will, I believe, be very  
9 informative from the disability community perspective.

10 REPRESENTATIVE WHEELAND: I personally will be  
11 looking forward to that, so thank you very much.

12 Thank you, Mr. Chairman.

13 MAJORITY CHAIRMAN GROVE: You're just keeping us  
14 waiting for your white paper. It's okay.

15 Representative Keefer.

16 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

17 Mr. Murphy, one of your recommendations is the  
18 e-poll books. So my question to you is, do you have any  
19 outcome information about the use of the poll books in  
20 Pennsylvania currently?

21 MR. MURPHY: I don't. I believe we have six  
22 counties that currently use poll books. I believe the  
23 biggest jurisdiction is Lehigh County, and I'm sure if he  
24 has not testified before this Committee, he should.

25 Tim Benyo, the election director there, is also sort of the

1 leader of the State Election Directors Association.

2 E-poll books are sort of the future, and many  
3 jurisdictions around the country have adopted them. And  
4 the reason we support them, frankly, is because we have  
5 just seen so many challenges that have been brought about  
6 by print deadlines. I mean, Philadelphia and Allegheny  
7 with sort of the largest lists of registered voters tend to  
8 be the most conservative, but they typically send their  
9 poll books to the printer almost 3 weeks before the  
10 election. And so it kind of cuts off any flexibility for  
11 them to reorder those poll books or make additions or  
12 changes as last-minute ballots or applications come in. So  
13 e-poll books kind of take all of that off the table, and  
14 what you end up with is a much more accurate list of  
15 eligible voters on election day.

16 And frankly, from an accessibility perspective,  
17 what we have heard in other States is that many poll  
18 workers actually find them easier to work with than the  
19 very large poll books and small print. You know, every  
20 grandparent now knows how to FaceTime their grandkids, and  
21 so using these -- many of these e-poll books work on iPads.  
22 You know, they're very familiar pieces of software that  
23 make it, frankly, easier for the poll worker and then  
24 easier for the voter to have a smooth and seamless customer  
25 service experience.

1           REPRESENTATIVE KEEFER: Right. We have heard a  
2 couple different -- we had a couple different expert  
3 testifiers explain those and the benefits of those, so I'm  
4 just trying to get an understanding of the application in  
5 Pennsylvania. And so do you know how many, approximately  
6 how many we would need in the State and what that might  
7 cost?

8           MR. MURPHY: Yeah. You figure on 9,000  
9 precincts. You know, the cost of e-poll books is typically  
10 more on the software contract end. Many of them come on  
11 iPads and are relatively easy to -- what's the word I'm  
12 looking for -- procure pieces of hardware. It's the  
13 ongoing software commitment that you really need to spend  
14 more dollars on.

15           I believe, and I can verify this with you, but I  
16 believe that Lehigh County spent around \$100,000 on their  
17 e-poll books, and I believe there are in the range of  
18 200 or so precincts in the county. So, you know, if you  
19 extrapolate that, typically I would imagine you would want  
20 at least two per precinct. You know, you're in the  
21 multiple millions, but certainly not as much as what was  
22 spent to replace voting systems.

23           REPRESENTATIVE KEEFER: And beyond the ability --  
24 so getting to try and figure out how we implement the  
25 e-poll books. Beyond the ability, I know you can scan the

1 driver's license and non-driver's license identifications.  
2 Could they work with or do they work with other IDs, other  
3 types of IDs? Do you know?

4 MR. MURPHY: I'm not sure if they do, but I know  
5 that they have a manual lookup function so you don't have  
6 to rely on the scanning.

7 REPRESENTATIVE KEEFER: Okay. Because I was  
8 trying to figure out, like, maybe if we put scanners, like  
9 some type of a scan bar on the voter cards that voters  
10 receive when they register, you know, that might be a  
11 possibility to scan those as well.

12 MR. MURPHY: One other interesting thing along  
13 the lines of what you're saying is that some of the voting  
14 systems work with e-poll books particularly well, and so  
15 sometimes after you check in at the e-poll book, you are  
16 given a small QR code that you use to basically unlock your  
17 voting machine and allow you to vote on it. So there's a  
18 lot of benefits for security and the seamlessness of the  
19 experience for the voter.

20 REPRESENTATIVE KEEFER: Thank you very much.

21 Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN GROVE: Representative Lewis.

23 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman.

24 My question is for Mr. Murphy.

25 You have recommended the use of National Change

1 of Address Forms to update voter registration databases.  
2 Can you talk a little bit about how these are utilized in  
3 the States that utilize them?

4 MR. MURPHY: Yeah. Thank you.

5 And I should be clear that National Change of  
6 Address data is already utilized in Pennsylvania.  
7 Independently, I believe, the counties receive a National  
8 Change of Address update for residents who are living in  
9 their county, and then it is also built into the ERIC  
10 system that I know has been discussed in previous hearings.

11 The real challenge is sort of the lag in  
12 timeline. So right now, it could be multiple months before  
13 a county is actually notified that a voter has changed  
14 their address, and they are then still required to send out  
15 kind of a verification email -- or not email, print mail --  
16 and it's sort of proactive. Or it's the opposite of  
17 proactive; it's like the voter has to affirm that they have  
18 actually moved.

19 What we're suggesting is kind of an inversion of  
20 that process. If the voter went, or if the resident went  
21 to the trouble of telling the post office that they moved,  
22 let's assume that's true, and there are safeguards that are  
23 built into Florida and Colorado law to make sure that  
24 no one can fraudulently engage in registration but make it  
25 simpler so that the voter just as seamlessly transferred.

1           And one thing we found over the years -- we have  
2 a lot of contact with direct voters -- it's astounding the  
3 number of voters that already think this is the case, and I  
4 think it's just, to me, a lesson that I have learned about  
5 the voter registration system in general. Our Pennsylvania  
6 citizenry has expectations about the seamlessness of our  
7 system, and this goes back to sort of the gas lamps at  
8 polling places that just aren't matched by our code.

9           REPRESENTATIVE LEWIS: Fair enough.

10           So you are saying that in some cases when we use  
11 this, it's not automatically updated. So it's kind of like  
12 they'll move, but there still has to be that cross talk to  
13 get them off the rolls somewhere and onto the rolls  
14 somewhere else. Is there a State you could point to that  
15 you would say, hey, you know, this State does this actually  
16 pretty well; take a look at their process and maybe port  
17 that over here to PA?

18           MR. MURPHY: Yeah. I would highlight Florida and  
19 I would highlight Colorado as doing it pretty well. And I  
20 don't have it at my fingertips, but I have got a list of  
21 about 13 States that do some version of this, and I would  
22 be happy to send it on.

23           REPRESENTATIVE LEWIS: That would be tremendous.

24           Thank you, sir. Thank you for your time and for  
25 your insight and testimony.

1 MR. MURPHY: Thank you.

2 MAJORITY CHAIRMAN GROVE: Chairwoman Davidson.

3 MINORITY CHAIRWOMAN DAVIDSON: Thank you both for  
4 your testimony today.

5 I want to talk a little bit about  
6 disenfranchising voters and access to the ballot box.

7 We have discussed voter ID laws in Pennsylvania  
8 for quite some time, and, you know, we have seen efforts in  
9 Georgia to disenfranchise voters, to restrict voter access.  
10 What are some of the things, particularly as it relates to  
11 voter ID, that disenfranchises certain segments of the  
12 population, and what other measures would be  
13 counterproductive to secure a fair, accessible election?

14 MR. MURPHY: Well, I mean, I referred to this a  
15 little bit in my testimony, but voters, and I think  
16 citizens in general, are very smart people who kind of know  
17 what's going on, and what we have seen consistently, and  
18 our organization has done a lot of work to kind of poll  
19 voters of all spectrums in Pennsylvania, there is immediate  
20 distrust toward any change to election rolls when the  
21 perception is that the rules are being changed to advantage  
22 one party over another. And so while it might feel cliché  
23 to sort of focus on how important it is to keep a  
24 nonpartisan spirit in writing the rules for election laws,  
25 it is so critical.

1           And as I said earlier, what is interesting is  
2 there is so much agreement among so many of us right now,  
3 going back to not only pre-canvassing and some of the other  
4 changes that have been discussed at previous hearings, but  
5 also things like early voting.

6           We all agree and we saw the spread of voters who  
7 chose to vote in person versus by mail, and it was a  
8 diverse set of people. It was Republicans and Democrats;  
9 it was Black and it was White. And so it's important that  
10 we look at the areas where we already have the ability to  
11 come up with a compromise and move forward on those. I  
12 think that would be a way to indicate to voters the good  
13 will and intent of the Legislature in modernizing our  
14 Election Code to increase safety and access versus the idea  
15 that the code is being updated to give one party or another  
16 an advantage.

17           MINORITY CHAIRWOMAN DAVIDSON: Particularly as it  
18 relates to voter ID, what are your thoughts on that in  
19 terms of segments of voters?

20           MR. MURPHY: I think that the voter ID fight in  
21 the Legislature and then in the courts in 2012 is something  
22 we still deal with every day on the nonpartisan voter  
23 education front, because there's still a lot of confusion  
24 about what the rules really are, and I think that the  
25 Supreme Court was pretty clear in what the criteria needed

1 to be for a voter ID law. So whether there's a discussion  
2 about implementing voter ID, it needs to come from a place  
3 that is understanding of what the Supreme Court said the  
4 limits were and then really cognizant of how it's going to  
5 impact voters.

6 If voters get the signal that there are being  
7 steps set up to make it more complicated for them to vote,  
8 they may opt out of the process, and ultimately, apathy, in  
9 my mind, is really the worst possible outcome for a  
10 democracy.

11 MINORITY CHAIRWOMAN DAVIDSON: Did you have any  
12 other comments -- I'm sorry -- Jennifer Garman?

13 MS. GARMAN: Not specifically on voter ID, but I  
14 suppose around the broader issue of increasing access.  
15 Specifically, around drop boxes I think is something that  
16 certainly was somewhat controversial in the 2020 election  
17 cycle.

18 For the disability community, I mentioned there  
19 is transportation issues. This can be a way for them, for  
20 individuals with disabilities to be able to easily return  
21 their mail-in ballots without having to go to county  
22 election offices, which is where we saw a lot of drop boxes  
23 being placed. But if you don't have a car and you rely on  
24 public transportation, it may not be so easy to get to the  
25 drop box to drop your ballot off. And then on the flip

1 side of that, if your polling place is not accessible, how  
2 is a person supposed to exercise their right to vote?

3 So as far as kind of expanding access and making  
4 sure that folks aren't disenfranchised, we certainly feel  
5 like the expansion of drop boxes needs to be a part of the  
6 discussion as well.

7 MINORITY CHAIRWOMAN DAVIDSON: Great. Thank you  
8 both so much.

9 MAJORITY CHAIRMAN GROVE: Representative  
10 Mackenzie.

11 REPRESENTATIVE MACKENZIE: Thank you,  
12 Mr. Chairman, and thank you, Ray and Jennifer, for joining  
13 us here.

14 So in previous hearings, we have heard about the  
15 security benefits of having a paper record voting machine.  
16 At the same time, we know there are challenges, and in your  
17 testimony you point to some of those challenges that these  
18 machines pose for voter accessibility. So can you just  
19 expand on that a little bit, how that creates a problem and  
20 what we can do to work to eliminate those problems.

21 MS. GARMAN: Sure.

22 So in particular for ballots that are paper, so  
23 I'll speak to my own experience. My polling location used  
24 all paper ballots, and for people who are blind and  
25 visually impaired, there was a machine available for people

1 with disabilities to use. But there's only one of them,  
2 which is compliant with Federal law, but if a number of  
3 individuals show up at once, people may end up waiting in  
4 line where other voters don't have to wait.

5 In addition, those machines print out the ballot,  
6 and if you are visually impaired, you would want a privacy  
7 sleeve, and we didn't see all the counties utilizing  
8 privacy sleeves so that a ballot remained private for that  
9 voter.

10 I think I mentioned the drop boxes, the drop-box  
11 issue.

12 The other piece that I haven't discussed is  
13 provisional ballots. So we heard from the county election  
14 director earlier about voters utilizing provisional  
15 ballots, and those aren't accessible to all voters with  
16 disabilities either, in addition. So not only are they not  
17 necessarily accessible, because again, they're paper,  
18 there's also the fact that people may not be able to get to  
19 their polling location to use a provisional ballot if they  
20 have not yet received their paper ballot, or their mail-in  
21 ballot.

22 And I'm sure that there are other issues, but  
23 those are the kind of ones that pop up to the top of my  
24 mind right now.

25 MR. MURPHY: I don't have much to add. I mean,

1 just to maybe underline one of Jen's critical points is  
2 that poll workers basically work 2 days a year, and the  
3 more complicated and the more multiple steps they have to  
4 follow, the more challenging it has sometimes been in the  
5 past.

6           And so when there's a ballot marking device that  
7 is only offered to voters with disabilities, sometimes it  
8 doesn't even get plugged in or dusted off until the middle  
9 of the day, and it just creates this delay.

10           Some counties have addressed this by just putting  
11 all votes on ballot marking devices rather than hand-marked  
12 paper, but there has also been a great security debate  
13 about this nationally for the past few years, and so it's a  
14 sticky issue.

15           REPRESENTATIVE MACKENZIE: Gotcha.

16           Okay. No, that's on point. I appreciate those  
17 examples that you provided, and again, it gives us more  
18 information as we're looking to make sure that voting is  
19 accessible to everybody here in Pennsylvania.

20           Thank you.

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

23           Just a follow-up.

24           The latest hearing was on satellite election  
25 offices. For Ms. Garman, was there any accessibility

1 issues with them because they weren't kind of treated as a  
2 polling place under ADA requirements?

3 And then Ray, if you could kind of highlight, in  
4 York, we don't have them, so I don't really have an  
5 experience with them personally. But can you kind of  
6 review the importance of what they should and shouldn't be  
7 doing and if we need better kind of statutory construction  
8 around them?

9 So, Ms. Garman, you can go first on that, on the  
10 accessibility end.

11 MS. GARMAN: Sure.

12 So there were no accessibility issues with  
13 satellite offices that come to the top of my mind right  
14 now, but I am happy to double-check with our staff and  
15 provide that information if we have examples. But not to  
16 my knowledge at this time.

17 MAJORITY CHAIRMAN GROVE: Okay.

18 MR. MURPHY: You know, let me just take a step  
19 back for one second, Chairman, and say that the trend in a  
20 lot of parts of the country is in response to a problem  
21 that we have here in Pennsylvania as well.

22 The workforce of available poll workers has been  
23 dwindling, and there was some kind of effort in 2020 to  
24 bolster that, but I frankly think that is not sustainable  
25 over the long run. So one thing that some States have done

1 is they have moved more voters to vote by mail. They have  
2 moved to open up vote centers and early voting locations  
3 and essentially tried to decentralize election  
4 administration so that there's not such a need to rely on  
5 so many poll workers.

6           That's obviously a big cultural shift for us in  
7 Pennsylvania and one that I doubt we would want to move  
8 very quickly on. However, when you talk about satellite  
9 election offices, they were an eye-opening experience I  
10 think for some of us to see what the promise of a different  
11 kind of voting model could be. But as you are sort of  
12 highlighting, they also brought out some challenges.

13           There are Federal requirements in addition to the  
14 ADA and HAVA for people with disabilities. There is  
15 Federal requirements to provide language and interpretation  
16 services to certain voters in certain counties. Those  
17 rules didn't really apply at satellite election offices,  
18 and I bet if we dug deeper, we would see that some of the  
19 rules around HAVA and ADA in terms of the dictation of  
20 polling place accessibility didn't necessarily need to be  
21 followed for satellite election offices.

22           So there was an extent to which they were  
23 existing in a gray area, where voters didn't have the  
24 guarantee or protection that they would normally have at a  
25 polling place.

1           My personal response to that, and I think our  
2 coalition response is that it speaks to the need to do  
3 proper early voting law by statute with consistency and  
4 uniformity across the State in the availability of hours  
5 and what the criteria would be for a site. So yes, we did  
6 see some of the challenges with satellite election offices.

7           That being said, there were ways that -- and I  
8 guess this is maybe one last point I would make. Those  
9 satellite election offices were staffed almost entirely by  
10 professional election staff, and there's something to be  
11 said for that, because there was a lot less of the  
12 confusion you would have when you have poll workers kind of  
13 just figuring out how to do the job that, again, they only  
14 really do twice a year.

15           MAJORITY CHAIRMAN GROVE: All right. Thank you  
16 so much.

17           Representative Owlett.

18           REPRESENTATIVE OWLETT: Thank you, Mr. Chairman.

19           And thank you for taking the time to testify and  
20 be here today.

21           Mr. Murphy, I wanted to talk quickly about  
22 something that you mentioned in your testimony referring to  
23 mail-in ballots.

24           Pennsylvania is a closely contested, I would say  
25 even maybe you could call it a swing State, and we

1 commonly, you know, have very small margins in our  
2 elections, locally all the way up to the top, I mean at  
3 every level. Many stakeholders have advocated to establish  
4 the pre-canvassing time period, and we talked about that at  
5 length, you know, in this Committee and even here today, so  
6 that we can provide election results sooner than later. We  
7 want to be able to do that quickly so that we can, you  
8 know, talk about the confidence in the election and in the  
9 vote. We talked about that in the prior testimony.

10           Would moving forward the mail-in ballot request  
11 deadline to 15 days prior to an election, and this is  
12 really advised by the Pennsylvania, or I'm sorry, the  
13 United States Postal Service, accomplish the goal of  
14 reassuring voters that they have the time to get their  
15 ballot back in to the election office to make sure that we  
16 can know the results just as soon as possible?

17           MR. MURPHY: That's a great question, and what I  
18 would say is that, you know, our coalition sort of has a  
19 culture and a reputation, I think, as being very thoughtful  
20 and careful about looking at all the options that are on  
21 the table, so fully acknowledging that it's an option that  
22 would definitely have some of the impact on the problems  
23 that have been described.

24           I will also say, though, that our coalition is  
25 very much rooted in the sense that while election

1 administrators and the ways that elections are run are an  
2 important set of stakeholders to listen to in making law,  
3 that having that customer service perspective on the  
4 voters, the ultimate consumer, is important, too.

5 I would feel better about having a conversation  
6 of moving the application deadline if we were equally  
7 open-minded to the postmark deadline. There were only  
8 about 10,000 ballots that came in after the deadline of  
9 November 3<sup>rd</sup>, by that Friday, in the whole State of  
10 Pennsylvania, and we already have a combination for not  
11 only military but also overseas residents for that same  
12 issue. If that was put in place, would the application  
13 deadline being only 1 week out have been such a challenge  
14 for counties. And similarly, with pre-canvassing in place,  
15 would that deadline have been as much of a challenge.

16 I mean, the one thing that really resonates with  
17 me that I have heard from county election directors is, we  
18 couldn't start counting ballots until, you know, until  
19 7 a.m. on election day. Historically, that's when we are  
20 -- I think the testifier earlier said they got a million  
21 phone calls from judges of elections that a machine is down  
22 and you got to get a new -- you know. It was really bad  
23 timing to do both of those processes on the same day.

24 I would like to have a data-driven approach to  
25 the question you're asking and sort of see, if all of those

1 factors were adjusted, does that deadline actually present  
2 as much of a problem as it might seem to now.

3 REPRESENTATIVE OWLETT: I appreciate that, and I  
4 definitely welcome that part of the conversation, and I  
5 think that's what we need. That's what we're trying to  
6 have here, and it has really been beneficial for all of us,  
7 and I appreciate your insight on that.

8 I want to say, you know, you said earlier that  
9 all the grandparents can Facetime their kids, you know,  
10 their grandkids. It is interesting, I was on a Center for  
11 Rural Pennsylvania call earlier today about broadband, and  
12 I learned that probably between 10 to 13 percent of my  
13 constituents don't even have a computer.

14 MR. MURPHY: Fair.

15 REPRESENTATIVE OWLETT: So that was interesting.

16 You know, I think as we look at, you know, the  
17 process moving forward, we really have to, you know, keep  
18 the rural divide at the forefront of our minds as well.

19 But I appreciate you being here, and Jennifer,  
20 thank you as well. I appreciate your time today.

21 Thank you, Mr. Chairman.

22 MR. MURPHY: Thank you.

23 MAJORITY CHAIRMAN GROVE: Representative Ryan.

24 REPRESENTATIVE RYAN: Thank you, Mr. Chairman.

25 And just to follow up on the last part of that

1 comment about grandparents, and since I am the only one in  
2 that category. I do have a computer, but I would be more  
3 than happy to give my computer up. I'm just saying.

4 Mr. Murphy, as you continue with this  
5 conversation, and in light of Representative Owlett's last  
6 question about the timing of certain ballots, 15 days,  
7 there have been discussions and requests by county election  
8 officials of moving the deadline for voter registration  
9 back to 30 days before the election, and it was designed  
10 and the question that we were hearing feedback from was so  
11 that the election personnel could focus on kind of like  
12 running two different elections, the vote by mail and the  
13 vote by person. It would also, according to the testimony  
14 we heard, give more time to determine who is eligible to  
15 vote.

16 If we were to adopt same-day registration, the  
17 question I would ask you is, how many more county election  
18 personnel would be required? What would be the anticipated  
19 cost? And what kind of process, laws, and risks do you see  
20 if we were to attempt to do something like that?

21 MR. MURPHY: So I should say up front,  
22 Representative Ryan, that our coalition has long been on  
23 the record in seeking same-day registrations, just to make  
24 it clear that that's our position.

25 REPRESENTATIVE RYAN: Okay.

1           MR. MURPHY: That being said, especially in  
2 conversations with members of CCAP and the election  
3 directors, we have said pretty definitively that we don't  
4 see how it works without electronic poll books. And  
5 similar, I'm sure, to some of the things you have heard  
6 from other election directors, this is definitively a  
7 policy change that could not possibly be made without  
8 making sure there was an adequate ramp up and resources  
9 available to counties to implement it. So you are, in my  
10 mind, asking all of the most important questions.

11           I don't know that there has been a good analysis  
12 yet of how it would increase personnel, but I think that  
13 would be something that would be an excellent way to start  
14 pursuing this change.

15           I will say on sort of a related note, I think  
16 that there's a little bit of perceived wisdom in  
17 Pennsylvania that I would challenge around voter  
18 registration, and I think 2020 was indicative of this. We  
19 saw that 30 days out from this last election, there were  
20 44,000 Democrats who registered to vote and 64,000  
21 Republicans. And then when you looked at the 15-day  
22 window, there were 18,000 Republicans and 12,000 Democrats.

23           Voter registration is a nonpartisan issue, and  
24 those numbers represent the fact that no matter what your  
25 party identification is, not to mention all the

1 Independents in the State, the time that most voters get  
2 the most interested about voting is closest to the  
3 election.

4           So same-day voter registration, taking it even  
5 beyond 15 days, would increase participation on both sides  
6 of the aisle. But I cannot emphasize enough how much I  
7 appreciate your question about the logistics, because to  
8 implement same-day voter registration without answering  
9 those kinds of questions would be to invite chaos. It must  
10 be done in a smart and orderly way.

11           REPRESENTATIVE RYAN: And folks who I know, and  
12 as all of you have testified on this, you know, disability  
13 rights is a major issue with me. I have only been in the  
14 Legislature 4 years, and 7 years ago at this time, I was  
15 walking across the United States to raise awareness of the  
16 needs of children with disabilities, so I empathize with  
17 the reason for this.

18           And I don't think anybody on this Committee is  
19 looking at anything in a partisan perspective, because I  
20 agree with you, you never know the intended or unintended  
21 consequences of actions. What I'm concerned about is the  
22 public perception of openness and the operational flaws.

23           We had earlier testifiers who talked about issues  
24 and concerns about disinformation campaigns, and as a  
25 retired Marine who did civil affairs and operations, this

1 information is a big issue. So my concern would be if we  
2 haven't identified all of the processes that go into this  
3 from a logistics perspective and a security perspective,  
4 then we could have a significant problem.

5           So if you looked at that from the perspective of  
6 these types of security needs, and again, I understand your  
7 position about same-day registration. Now, you mentioned  
8 electronic poll books. Are there any other issues that you  
9 think would be needed to do, to make, or to accommodate one  
10 request from CCAP and/or the Disability Rights community,  
11 which would prefer same-day registration?

12           MR. MURPHY: I'm sorry; could you repeat the last  
13 part of that?

14           REPRESENTATIVE RYAN: Yeah.

15           So if you were to take on the disparities, one  
16 group, CCAP, asking for 30 days, Disability Rights asking  
17 same-day registration -- the basic issue is, you said,  
18 electronic poll books. Is there anything other than  
19 electronic poll books that you would see as a condition  
20 precedent to be able to alter the window between the two  
21 positions?

22           MR. MURPHY: I don't want to sound as if I'm  
23 tilting in a windmill, but I do think you have heard this  
24 from a lot of county folks. The general sense that there's  
25 not enough resources to run an adequate county election

1 operation is part of the tension there.

2 I think there is sort of a conservatism that  
3 comes out of some election directors. And again, I'm sorry  
4 for -- Nathan? I'm sorry, the election director from  
5 Northumberland. I'm sorry I can't recall your name. But I  
6 thought he made the point really well that, you know,  
7 there's a sense of, if I screw this up, it's on me, and I  
8 can't mess up an election. I think that what I have seen  
9 is that that means election directors tend to want the  
10 safer set of deadlines so that there's no concern.

11 One way to adjust for that would be to give them  
12 a little bit more of the resources they need. And really,  
13 at the end of the day, it comes down to personnel, whether  
14 that's short-term labor that's available just in October or  
15 November or whether they have longer term staffing needs.

16 I think the other concern, though, which is more  
17 on the technological side, and if I recall, Representative  
18 Ryan, from past hearings, I know this is kind of an area of  
19 expertise for you around IT and technology. The Election  
20 Advisory Commission, the national entity that certifies  
21 some of these things, has not been highly functional in  
22 terms of offering certification around electronic poll  
23 books, and I think that means that we would need to figure  
24 out how to take the lead here in Pennsylvania in making  
25 sure that we have a set of standards around the use of

1 e-poll books that we can all agree to that is safe and  
2 secure from, you know, from a data and security  
3 perspective.

4 REPRESENTATIVE RYAN: Outstanding.

5 Mr. Chairman, thank you so much.

6 And Mr. Murphy, thank you. And for all the  
7 testifiers, I appreciate all of your help.

8 MAJORITY CHAIRMAN GROVE: Thank you.

9 Representative Staats.

10 REPRESENTATIVE STAATS: Thank you once again,  
11 Chairman. And this has been very informative, so thank you  
12 to our panel.

13 Mr. Murphy, Section 4 of Article VII of the  
14 Pennsylvania Constitution, it mandates that ballots be kept  
15 secret. The Pennsylvania Supreme Court upheld the  
16 requirement of the secrecy envelope for mail-in ballots.  
17 In addition, Section 6 of Article VII requires uniformity  
18 of elections. So if in-person voting is secret, how else  
19 would we guarantee the secrecy of someone's vote and  
20 uniformity of voting if secrecy envelopes are not included?

21 I guess what I'm getting at is this: Without a  
22 secrecy envelope, you can connect the outside envelope,  
23 which has the voter's information on it, with the voter's  
24 ballot, which would violate the Pennsylvania Constitution.  
25 That secrecy envelope allows greater separation between

1 envelope and the ballot. Could you speak to that?

2 MR. MURPHY: Yeah.

3 I mean, I can't in any way disagree with you that  
4 it's really important that we respect the Pennsylvania  
5 Constitution specifically. The counterbalance to that is  
6 that so many of the States that run vote-by-mail programs  
7 don't require the secrecy envelopes. And so what we saw  
8 was a very interesting sort of on-the-ground exploration  
9 county by county. Some counties were weighing envelopes  
10 and figuring out if it was this weight versus that weight,  
11 it must be naked. Some were holding it up to the light.  
12 That doesn't feel like a very sustainable way to deal with  
13 this issue moving forward.

14 There was a lot of effort put in by the  
15 Department of State and individual counties to do voter  
16 education to let people know, but I feel that it has got to  
17 be inevitable that someone is going to forget, once again,  
18 to put their ballot in an envelope.

19 One option that would respect constitutionality  
20 is to allow voter verification as a part of the  
21 pre-canvassing process. So one option is to say, you know,  
22 so-and-so, you submitted your ballot; it's naked, I can't  
23 count it because it violates the Constitution in terms of  
24 privacy, but let me give you an alternative means to cast a  
25 ballot. And that could even include, again, if we

1 implemented early voting, if there was a voting machine at  
2 the county election office and they could just come down  
3 and cast their ballot in person.

4 An imperfect solution. Perhaps we should examine  
5 the constitutionality of that ultimately and decide whether  
6 an amendment would make sense. But there would have to be  
7 some work-arounds that would address sort of what ends up  
8 being just a logistical problem.

9 And I would say, it's not just the naked ballots,  
10 right? It's also the concept, and this doesn't get into  
11 your constitutionality part, but someone is going to write  
12 their birth date -- someone is going to write today's date  
13 in a field when they're supposed to write their birth date.  
14 Someone is going to forget a signature. These things  
15 happened across counties. The concern to me wasn't that  
16 there was an attempt to remediate those problems, it was  
17 the lack of uniformity around that that I hope we can  
18 address moving forward.

19 REPRESENTATIVE STAATS: That is fair. So you  
20 think as far as our systems go, we should maintain that  
21 secrecy envelope?

22 MR. MURPHY: I would have to consult with my  
23 coalition. I think our position is that we should  
24 ameliorate other States and do away with it, but I think  
25 it's a valid point that it's not a simple thing to do away

1 with something that requires a constitutional amendment.

2 REPRESENTATIVE STAATS: Thank you.

3 MR. MURPHY: And that's the rubric that I named  
4 earlier. There are some changes that should be made  
5 urgently. That would certainly put a kink in that works.

6 REPRESENTATIVE STAATS: Understood. Thank you  
7 for that.

8 MAJORITY CHAIRMAN GROVE: Thank you both for your  
9 testimony today.

10 I don't think I hide my kind of disdain for the  
11 oldness of our election law. Many, many provisions are  
12 missing that other States have, and one thing I have heard  
13 clear from both of your testimony and from, I don't think  
14 there's an election director that hasn't mentioned it or a  
15 testifier that hasn't mentioned it, but that uniformity and  
16 standardization.

17 So kind of last hearing, or was it the last  
18 hearing? It might have been the last hearing. We had a  
19 young lady from Arizona provide some testimony on a  
20 standardized manual for election directors for poll  
21 workers, and I got to say, that kind of standardization  
22 where people are trained the same way, have the same  
23 expectations, has got to help with treating individuals at  
24 the poll equally, regardless if they have a disability, and  
25 provide continuity across the Commonwealth.

1 I'm a firm believer, if I vote in Philadelphia or  
2 I vote in Pittsburgh or I vote in Forest County or I vote  
3 in Greene County, I should have that same expectation. I  
4 mean, they look differently, right? If you walk into a  
5 poll, it may have a different setup, but the expectation of  
6 me as a voter should be the same.

7 Could you comment on what your thoughts are on  
8 that level of standardization and kind of thought process  
9 on who should help guide those discussions moving forward  
10 in Pennsylvania to try to develop some continuity and some  
11 consistence?

12 MR. MURPHY: Jen, do you want to go first?

13 MS. GARMAN: Sure.

14 So I mentioned, I think in one of my answers,  
15 some of the lack of uniformity that we saw and how it  
16 impacted the disability community, or having assistance in  
17 returning your ballot.

18 I mean, like I said, a voter shouldn't be  
19 disenfranchised just because their county wasn't aware of  
20 this change or didn't have time to get that information out  
21 or that the voter didn't know to seek it out. So I do  
22 think that your point around uniformity creates a certain  
23 set of expectations that everyone knows. I mean, you have  
24 people who can move from one pocket of the State to a  
25 different part of the State and face a very different

1 experience. And to the extent that a standardized set of  
2 guidance or training would certainly, I think, be helpful,  
3 I think to do that, it would take some kind of robust  
4 stakeholder input to make sure that you are hearing from  
5 all of the communities and what the needs are to make sure  
6 that that is as effective and works as it did.

7 MAJORITY CHAIRMAN GROVE: Mr. Murphy.

8 MR. MURPHY: Yeah. I mean, I certainly, I  
9 totally echo everything Jen said.

10 And Chairman, I think I shared this with you in a  
11 previous conversation, but as an example, there are about  
12 30, 20, 30 different codes in the SURE system that can be  
13 applied to a voter registration transaction, the when we  
14 kind of dug into that with the Department of State, what we  
15 learned was there aren't really 30 different reasons when  
16 the SURE system was first created because they were pooling  
17 together. Before the SURE system, there was not a uniform  
18 statewide voter registration database. They couldn't  
19 necessarily get agreement from all the counties about what  
20 the code should be, so they just threw everybody's codes in  
21 there. From a transparency perspective for groups like us  
22 that are watchdogs, that makes it very confusing to kind of  
23 know what's going on. I have raised that example  
24 specifically to say that I think there has been a tension  
25 between county versus State level kind of ownership of

1 various election processes.

2           And I think the other dynamic that I would name  
3 is that when I first started doing this work, mostly people  
4 thought, you know, it was like the flat-earth society to  
5 talk about changing Pennsylvania's Election Code. That has  
6 changed radically in the last few years, and I think that  
7 opens up an opportunity, frankly, Chairman, for you to move  
8 forward that perspective that if the Legislature is willing  
9 to engage in kind of naming what the ways the division of  
10 labor should be, I think there's a lot of people who would  
11 be hungry for that better definition and clarification.

12           But the way it stands now is, it kind of feels  
13 like it's every county for themselves, and I think then  
14 that sometimes makes folks kind of resistant to wanting any  
15 kind of uniformity if they think it's going to be done in a  
16 way that's not as good as the way they do it now.

17           So I think not only stakeholders like us would  
18 need to be engaged, I think also a diverse cross section of  
19 counties, especially counties that represent the different  
20 kinds of sizes of Pennsylvania counties, because it's a  
21 really different proposition to run an election in a  
22 Delaware County or a Chester County or even a Westmoreland  
23 County than it is in a Forest County, so making sure that  
24 you acknowledge that.

25           And then again, I mean, I can't stress this

1 enough, there are many, many businesses that do this much  
2 better than we do in the nonprofit and government side.  
3 You get a focus group together. You get the customers,  
4 which are the voters, and you find out what they want and  
5 then design a program around that, and I think it's  
6 eminently possible.

7 MAJORITY CHAIRMAN GROVE: Yeah.

8 Jokingly, I think Chick-fil-A has a national  
9 recognition of fixing the line so much that I know when the  
10 Suez Canal ship kind of broke down, they brought in the  
11 joke of, let's just have Chick-fil-A come in and do it. Or  
12 even to the point of vaccinations and vaccination centers,  
13 there was, I believe, a city in North Carolina that  
14 contacted their local Chick-fil-A, and they took wait time  
15 for vaccinations from 3 hours down to like a half an hour.  
16 So very interesting, but I appreciate that.

17 Well, that's all the questions we have for both  
18 of you. Thank you so much for your input. We greatly  
19 appreciate it. And again, we look at both your  
20 organizations as a partner moving forward to obviously make  
21 our election laws much better for voters of all kinds. So  
22 thank you.

23 MR. MURPHY: Thank you.

24 MAJORITY CHAIRMAN GROVE: Yep.

25 MS. GARMAN: Thank you.

## 1 PANEL 4

## 2 ACCESSIBILITY AND INTEGRITY

3  
4 MAJORITY CHAIRMAN GROVE: All right. With that,  
5 we're moving on to our last panel, panel 4. Again, this is  
6 on accessibility and integrity. Jason Snead is the  
7 Executive Director of the Honest Elections Project, and  
8 we'll wait until we get Mr. Snead up on the main screen.  
9 If you could turn on your camera and your microphone.

10 MR. SNEAD: Okay. (Video malfunction.)

11 MAJORITY CHAIRMAN GROVE: We have had that slight  
12 technical issue before. Jason, could you log off and then  
13 log back on? Sometimes the camera function just doesn't  
14 connect well.

15 MR. SNEAD: Sure. Hang on one second.

16 MAJORITY CHAIRMAN GROVE: Now it's good. Don't  
17 do anything else.

18 Sometimes, for whatever reason, that just works,  
19 and we actually had a testifier earlier that it was back  
20 and forth. They logged off, it worked, and then they  
21 logged back on and it didn't. So we're good to go.

22 So if you could just raise your right hand real  
23 quick, I'll swear you in:

24 Do you swear or affirm that the testimony you are  
25 about to give is true to the best of your knowledge,

1 information, and belief? If so, please indicate by saying  
2 "I do."

3 MR. SNEAD: I do.

4 MAJORITY CHAIRMAN GROVE: All right. If you have  
5 any opening comments, please feel free to begin.

6 MR. SNEAD: Sure.

7 Thank you very much, Chair Grove. I appreciate  
8 the opportunity to testify before the Committee today.

9 My name is Jason Snead, and I am the Executive  
10 Director of the Honest Elections Project. We are a  
11 nonpartisan, nonprofit organization dedicated to defending  
12 every American's right to fair, secure, and accessible  
13 elections.

14 Before serving in my current capacity, I was a  
15 Senior Policy Analyst in the Edwin Meese III Center for  
16 Legal and Judicial Studies at The Heritage Foundation.

17 HEP's mission, put simply, is to make sure that  
18 it is easy to vote but also hard to cheat, and the way that  
19 we put that really gets at the way that we think about  
20 voting rights and defending them.

21 The right to vote is not really one right but  
22 two. It's the right to access the voting booth, but it's  
23 also the right to a voting process that, from top to  
24 bottom, has integrity.

25 Success in elections comes when voting laws

1 provide both fundamental access -- that is, ensuring that  
2 every lawful and eligible citizen has an opportunity to  
3 cast a ballot if they choose to -- and integrity measures  
4 designed to ensure a fair count and a fair process. State  
5 Governments cannot prioritize one and ignore the other.  
6 Legitimacy in the eyes of the public is derived from the  
7 understanding that democracy is both inclusive and secure.

8           To that end, I believe that there are best  
9 practices that can be adopted in every State to help  
10 develop a secure electoral system without introducing  
11 unnecessary burdens on individual voters. The objective  
12 here is to assure voter confidence through transparency,  
13 clear rules, and robust and accurate results.

14           I go into some detail on my suggestions in my  
15 written testimony. But to touch on them very briefly here,  
16 voter identification requirements to verify voter  
17 eligibility are an important aspect, as is including that  
18 requirement on absentee ballots. I also believe it is  
19 essential that sufficient safeguards be provided to secure  
20 absentee ballots against any attempted fraud, as well as  
21 mechanisms to guard against error.

22           Absentee ballot preprocessing would be a step  
23 which would allow Pennsylvania and other States to exit  
24 those election returns at the conclusion of voting, and we  
25 would also recommend procedural changes to the voting

1 process, all designed to ensure a system that works and  
2 delivers accurate results in a timely manner.

3           Ensuring voter participation and the health of  
4 our democracy is a goal I believe is shared by all. To  
5 reach that, the first objective should be to preserve and  
6 bolster public confidence in the voting process. That  
7 means balancing access and integrity at every stage of the  
8 election administration and election law process. We  
9 should ensure that voting laws are free of unduly  
10 burdensome or discriminatory policies, and we must also  
11 secure the process and show voters that the results of  
12 elections accurately reflect the will of the voting public.

13           With that, I will conclude my testimony. I thank  
14 you for the opportunity to testify today, and I look  
15 forward to answering any of your questions.

16           MAJORITY CHAIRMAN GROVE: Thank you.

17           First up is Representative Wheeland.

18           REPRESENTATIVE WHEELAND: Thank you so much,  
19 Chairman.

20           And Jason, thank you so much for participating  
21 today. Knowledge is a valuable thing, and that's what  
22 we're seeking, information. So, thank you so much.

23           Prior to the passage of Act 77 here in  
24 Pennsylvania, with the exception of a relatively small  
25 percentage of absentee ballots, Pennsylvania voters

1 participated in person on election day. Now, we have heard  
2 testimonies from all sorts of different States that, you  
3 know, they have allowed for additional methods of voting.  
4 So how do these States, and I know you covered a little bit  
5 of it in your opening statement, but if you could drill  
6 down to some more specifics on, how do some States allow  
7 for these additional methods while maintaining the election  
8 integrity, integrity benefits, of voting in person?

9 Do you understand the question? Is that, you  
10 know, fair and---

11 MR. SNEAD: I think I do. I'll take a stab at  
12 it, and you can tell me if I'm off course.

13 So generally speaking, you could say that voting  
14 would fall into three buckets. The first would be voting  
15 in person on election day; the second would be voting in  
16 person, but early; and then the third would be voting by  
17 absentee ballot, and then there's also various subdivisions  
18 within those buckets.

19 For instance, with absentee voting, you have, of  
20 course, the distinction between no-excuse absentee, which  
21 is essentially that anyone can request a ballot for any  
22 reason. Those States that require an excuse, which can be  
23 based on age, infirmity, or absence from a jurisdiction as  
24 well as some other provisions, are also a small subset of  
25 States that do an entirely vote-by-mail election. And then

1 within the early in-person process, there are also some  
2 distinctions that are drawn between a true early vote  
3 versus an early absentee process, and there are some minor  
4 distinctions there.

5           Generally speaking, the way that States attempt  
6 to balance the equities, if you will, between access and  
7 integrity in these would be to, in the case of absentee  
8 voting, ensure the accuracy and integrity of the voter  
9 rolls. Many States also are looking at mechanisms for  
10 ensuring the integrity of the individual ballots. So these  
11 can range from an identification requirement on these  
12 absentee ballots to the use of a signature matching  
13 provision, where signatures are verified against one or  
14 several that are on record, and that is used to verify the  
15 identity of a voter. So you have got several different  
16 mechanisms there for verifying that process.

17           We have also got provisions in State law for  
18 absentee balloting that prohibit the use in certain  
19 circumstances or regulate the use of third parties to  
20 collect or assist voters in casting their ballots.  
21 Sometimes these can reflect either numerical limits on the  
22 number of ballots that an individual may collect in any  
23 given election as well as requirements that you have to  
24 actually input your information. The person who is  
25 assisting the person, you have to put that on the envelope

1 as well. And then in the in-person early voting context,  
2 usually most or all of the same sorts of requirements that  
3 would apply to a voter in the early, or excuse me, in the  
4 election day process would apply there as well.

5 So that's kind of a brief look I think at kind of  
6 nationally how States do this. I'm happy to drill down  
7 into any particular points that you have questions about.  
8 Or if I was, like I said, entirely off course, please let  
9 me know.

10 REPRESENTATIVE WHEELAND: I think you hit pretty  
11 close. Where would the -- you said three buckets. Where  
12 would the military ballots come in at, which bucket? You  
13 kind of skipped over that.

14 MR. SNEAD: Yeah. So I would generally include  
15 the UOCAVA voters in the absentee process, although they  
16 also have essentially a subset or a fork from the  
17 traditional voting mechanisms because of requirements, for  
18 instance, in the MOVE Act, that allows the electronic  
19 transmission of ballots and the electronic return of  
20 ballots. I would put those in the absentee context myself,  
21 but it's not a perfect fit.

22 REPRESENTATIVE WHEELAND: Okay. Thank you very  
23 much.

24 Thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN GROVE: Representative Webster.

1           REPRESENTATIVE WEBSTER: Thank you, Mr. Chairman.  
2 I have waited 4 hours for the chance to speak today. I'm  
3 teasing, but you kept asking me, because I -- so I'm  
4 starting.

5           So I can give you a little bit of background, I  
6 have spent enough time in Washington, DC, to be something  
7 of a skeptic. The example I always use is if the bill  
8 running, you know, in the U.S. Congress is about, you know,  
9 taking really good care of our senior citizens, if that's  
10 the title of the bill, I am immediately concerned about  
11 whether or not that bill really takes care of our senior  
12 citizens. And so you have alerted those instincts in me  
13 with the things about honest elections. Sometimes we use  
14 the terminology about "political operatives," other times  
15 it's "State officials." So I'm going to -- you know, so  
16 I'm the skeptic. Let me ask you a couple of questions  
17 around that.

18           By those terms, we're really highlighting  
19 integrity, and that makes good sense, right? We want our  
20 elections to be straightforward and trustworthy. But is  
21 there, you know, in your opinion, where is this indication  
22 that our election is not integral and trustworthy and is  
23 open to so much fraud? That, we certainly can't document,  
24 right? So where is that?

25           MR. SNEAD: Well, I think that we have to

1 consider that voter confidence is an overriding objective  
2 here, and you always have to be taking steps, I would  
3 argue, to ensure the integrity of the process. I have  
4 always likened the need for voting laws in this context to  
5 the need that banks have for security systems in bank  
6 vaults. You generally don't see a rash of bank robberies  
7 in the United States these days, but you can bet that those  
8 banks are going to continue to take precautions, take steps  
9 to guard against even the possibility, and it's the same  
10 thing here.

11           Voters generally want safeguards in the process.  
12 They want these basic prophylactics, and they have proven  
13 effective in identifying particular instances of fraud,  
14 things like voter identification laws as well as absentee  
15 ballot protections. So that's generally how I view this,  
16 is we're talking about basic safeguards and preventatives  
17 that have proven effective in the past at allowing us to  
18 detect and stop fraud, and then also to show voters that  
19 when these allegations are made, the fraud did not occur.

20           REPRESENTATIVE WEBSTER: Well, thank you for  
21 that.

22           So, you know, sort of to define some terms. I am  
23 a proud Pennsylvanian, so telling me I should be adopting  
24 things that have been voted on in Georgia makes me a little  
25 concerned, because I think we're different from that.

1           So you point out here that Georgia would permit  
2 State officials to remove and replace a local election  
3 administrator who performed poorly. Can you define, and  
4 maybe in their law, which I have not read back to back,  
5 what "performed poorly" means? I mean, how is that judged  
6 or defined?

7           MR. SNEAD: I would have to go back and take a  
8 closer look at the specifics of that statute to see how  
9 they define it. But this is something that has been done  
10 in a couple of places; for instance, in Florida. The  
11 general objective here is to provide an accountability  
12 mechanism so that when a jurisdiction, for instance, is not  
13 meeting State-specific guidelines in terms of the quality  
14 of the voting experience, this could be measured in any  
15 number of ways from the time that it takes to count and  
16 process ballots to wait times, you know, long lines, so on  
17 and so forth, that there is accountability---

18           REPRESENTATIVE WEBSTER: It sort of proves that  
19 they are not performing up to speed now. I mean, there's  
20 no indication in Pennsylvania that we have local election  
21 administrators who are performing that far behind standards  
22 that we would need to change our law.

23           And so I'm a little concerned about, you know,  
24 who -- so the next part of my question is, who are those  
25 State officials? At what level, do you think? Is that the

1 Department of State? Is that, you know, the Secretary of  
2 State? Who has that authority?

3 MR. SNEAD: Well, that would be a State-specific  
4 question. Florida does it where the Governor has the  
5 ability, but there could certainly be an instance where you  
6 might want to put that in the hands of the State election  
7 officials, the Secretary of State in the case of  
8 Pennsylvania.

9 The idea here, again, is not necessarily to  
10 impugn any particular jurisdiction or any particular  
11 worker. The idea, I think, is simply to provide the  
12 ability to do this when necessary so that you don't wind up  
13 in a situation where jurisdictions are chronically or  
14 endemically underperforming compared to others in the  
15 State.

16 REPRESENTATIVE WEBSTER: Right.

17 So I'll at least voice my opinion, and this is my  
18 last comment, Mr. Chairman, that using these terms and  
19 terminology, for instance, the Governor, in my opinion,  
20 would absolutely be a political operative and should not  
21 have that authority. And clearly if there are employees  
22 who don't perform well, someone has the authority to  
23 remediate that, right? But I don't know that we in  
24 Pennsylvania need to create the scenario where people who  
25 are subject to their own elections should have authority

1 over the elections, the administration itself.

2 Thanks, Mr. Chairman.

3 MAJORITY CHAIRMAN GROVE: Thank you.

4 Representative Diamond.

5 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.

6 Thank you, Mr. Snead, for joining us today.

7 Voter registration database maintenance and  
8 eligibility verification are critical to assuring that  
9 other election integrity measures, such as voter ID, can  
10 function effectively, and let me just give you an example  
11 of what I mean by that.

12 Here in Pennsylvania when we register a new  
13 voter, we ask them for either their driver's license number  
14 or the last four of their Social Security number, and we  
15 have learned on this Committee that sometimes it's okay for  
16 somebody to check a box to say they don't even have those  
17 things, they will be registered to vote, and then after the  
18 fact, you know, there will be follow-up to get them to get  
19 verified.

20 However, a Pennsylvania driver's license nor a  
21 Social Security number is absolute proof of citizenship in  
22 the United States of America, and that's what I mean by the  
23 eligibility verification. So when you ask for a voter ID  
24 when somebody is showing up at the polls to vote or when  
25 they send in a mail-in vote, if they are showing that

1 driver's license or they are providing, you know, a utility  
2 bill or whatever, it still doesn't go to the eligibility  
3 portion of that.

4           So I wanted to ask you, which States maintain  
5 best practices in verifying the eligibility of voters and  
6 then maintaining the accuracy of the registration  
7 databases, you know, as time goes on?

8           MR. SNEAD: Sure.

9           So there are a few States that do this process  
10 particularly well. One of them is Florida. In fact, in a  
11 lot of respects, Florida has really proven itself to be a  
12 model in the election space, and that's kind of across a  
13 number of metrics.

14           Another would be Ohio. Ohio does a particularly  
15 good job when it comes to vetting and maintaining their  
16 voter registration records. So those would be two States  
17 that I would look to for that process.

18           And if I could, just to comment briefly about the  
19 underlying premise here, I do think that it is absolutely  
20 important that you establish the fundamental eligibility of  
21 each person who is registering to vote, that's both  
22 citizenship but also, of course, that they are a resident  
23 of the community, that they don't have any felony  
24 convictions, for instance, that disqualify them, so on and  
25 so forth. So that you do have accurate records, I believe

1 that is essential.

2 REPRESENTATIVE DIAMOND: Yeah.

3 Here in Pennsylvania a number of years ago, we  
4 went through a process where our motor-voter law allowed  
5 noncitizens to actually register to vote, through no fault  
6 of the person themselves who was registered to vote; it was  
7 just kind of like a slip up in the system. And, you know,  
8 we had one of the election commissioners from Philadelphia  
9 come and testify before this Committee under a different  
10 Chairman.

11 So what do other States do to actually verify the  
12 fact that the folks who are registering to vote are  
13 actually citizens and not just possessors of a driver's  
14 license or a Social Security number or anything else? I  
15 mean, do they ask for birth certificates? Do they ask for  
16 passports? What exactly do they do?

17 MR. SNEAD: Well, generally when you're talking  
18 about, for instance, a voter ID requirement, most States  
19 will ask the basic underlying requirements, or the basic  
20 underlying documents to that effect, and so that's one tool  
21 that you can use. In fact, I believe to get a driver's  
22 license, one of the requirements is that you show a birth  
23 certificate in Pennsylvania. I think that's a good thing,  
24 although I know that there are a couple of other  
25 documentary -- excuse me -- documents that could be used to

1 satisfy that requirement as well.

2           Generally speaking, though, this is a challenge,  
3 and I think that States could be doing a better job of  
4 using the variety of information that is available to them  
5 to identify instances where voters are improperly  
6 registered but lack citizenship, and one such source of  
7 information would actually be jury records. Sometimes  
8 jurors will get called and then will decline to serve on  
9 the basis of the fact that they are not a citizen. That  
10 information could be useful, of course, to then tracking  
11 down an underlying voter registration and removing that  
12 record from the rolls.

13           REPRESENTATIVE DIAMOND: Are you aware of any  
14 States that are using their REAL ID process as kind of a  
15 sort of duplicate in their voting ID process to verify  
16 citizenship?

17           MR. SNEAD: Not about REAL ID. I'm not sure, but  
18 I would be happy to look into that.

19           REPRESENTATIVE DIAMOND: Okay. If you could  
20 follow up with us on that answer, that would be  
21 fantastic.

22           Thank you, Mr. Snead.

23           Thank you, Mr. Chairman.

24           MAJORITY CHAIRMAN GROVE: Thank you.

25           Chairwoman Davidson.

1                   MINORITY CHAIRWOMAN DAVIDSON: Thank you,  
2 Mr. Chairman.

3                   I'm going to borrow the skepticism of my  
4 colleague who spoke previously. And so under the banner of  
5 "honest," which, of course, integrity falls within that,  
6 historically there has been a number of procedures put in  
7 place that were described as methods to create a fair and  
8 honest election system. So would your organization, or  
9 what are your thoughts about poll taxes, reading tests, and  
10 the like as a matter of verifying a voter's eligibility?

11                  MR. SNEAD: I would say we are a hundred percent  
12 opposed to things like poll taxes or any other policy which  
13 has been used to racially discriminate against voters. The  
14 objective is to ensure that the people who are voting are  
15 qualified, eligible citizens and that they are residents of  
16 their communities and nothing more. We're just trying to  
17 assure the quality of the process.

18                  MINORITY CHAIRWOMAN DAVIDSON: A lot of groups  
19 that fight against racial discrimination, racial profiling,  
20 both amongst Latino populations and African American  
21 populations, point to voter ID laws as being  
22 discriminatory. What do you say to that?

23                  MR. SNEAD: I would say that I do not believe  
24 that they are. I would say that I do not believe that they  
25 have discriminatory impacts. And in fact we have actually

1 done some work, including recent polling, a recent survey  
2 that was conducted through HEP Action, which is a (c) (4)  
3 partner of ours, and that shows that 77 percent of American  
4 voters actually want voter ID laws, including majorities of  
5 Black voters, majorities of Hispanic voters, a majority of  
6 low-income voters as well. So I would say that this policy  
7 is, if anything, commonsense and broadly supported.

8           MINORITY CHAIRWOMAN DAVIDSON: I don't know how  
9 commonsense or broadly supported it is, but I would like to  
10 see your polling data to, you know, to verify the integrity  
11 of the pollster.

12           The other thing that I think is important here is  
13 the cost of getting identification for poor and low-income  
14 voters. Although the driver's license is free, we had a  
15 testifier here earlier today that spoke about the  
16 difficulty in even securing a birth certificate and the  
17 cost of a birth certificate here in the Commonwealth of  
18 Pennsylvania. What is your prescribed solutions for cost  
19 barriers for low-income voters as it relates to voter ID?

20           MR. SNEAD: I think that if a State is going to  
21 require an ID to vote, that it should offer an opportunity  
22 for indigent citizens to get those IDs for free and should  
23 develop programs and policies to help them accomplish that.  
24 In fact, every State that has adopted a photo ID  
25 requirement has done that, and they have done that in

1 various ways.

2 I also think that there should be reasonable  
3 exemptions written into the law. We actually cite a couple  
4 of examples in the report, such as the one from Texas that  
5 allows people who truly do not have an ID when they show up  
6 to vote to bring some other form of identification, like a  
7 bill, and establish specific defined carve-outs. So that  
8 if, for instance, I just lost my ID or I have a hardship  
9 barrier or something like that, that you can still cast a  
10 ballot. And then, of course, is the ultimate backstop of  
11 provisional ballots for all voters.

12 MINORITY CHAIRWOMAN DAVIDSON: And my final  
13 question -- thank you for that response -- are you aware  
14 that Georgia officials were pressured to change the results  
15 of the election in the 2020 election?

16 MR. SNEAD: Yes, I was.

17 MINORITY CHAIRWOMAN DAVIDSON: And you still  
18 maintain that it's a good practice to have election  
19 officials be able to make changes to counties or provinces  
20 or municipalities or other precincts to swap out county  
21 officials that don't perform well without real  
22 understanding or clarity of what "not performing well"  
23 actually means?

24 MR. SNEAD: Well, I think, of course, the  
25 standards should be laid out in law and should be made

1 clear. I don't believe that there should be an arbitrary  
2 process by any stretch. As I said, I think of this as an  
3 accountability mechanism, and so I believe that it should  
4 be clearly defined. But this should not be an arbitrary  
5 tool that is used for political or other reasons.

6 MINORITY CHAIRWOMAN DAVIDSON: Thank you.

7 As a closing comment, I just think it's extremely  
8 dangerous, given what we saw in the last election, to allow  
9 elected officials to swap out county or lower level elected  
10 officials for any reason. I think one of the things that  
11 we have learned through these hearings is how well the  
12 county officials performed and they did their jobs with  
13 integrity, and, you know, to have someone just to  
14 arbitrarily dismiss them would be certainly problematic and  
15 would not lead to any sense of security amongst voters or  
16 the belief that the voting system was conducted fair and  
17 accurately.

18 Thank you, Mr. Chairman.

19 MAJORITY CHAIRMAN GROVE: Thank you.

20 Representative Schmitt.

21 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.

22 Mr. Snead, I'm going to shift gears on you a  
23 little bit here and talk about uniformity.

24 Article VII, Section 6, of the Pennsylvania  
25 Constitution mandates uniformity in elections and voter

1 registration across the Commonwealth. Could you briefly  
2 speak to the value that uniformity provides in protecting  
3 public faith in the fairness of elections, please.

4 MR. SNEAD: Sure.

5 So uniformity across the State is absolutely a  
6 value add in the election context. It ensures that the  
7 voting rules are consistent and consistently applied,  
8 whether you live in rural or urban jurisdictions, wherever  
9 you happen to live in the State, and that's going to be  
10 especially important when you come into conflicts, if you  
11 will, between particular jurisdictions about how rules are  
12 applied. So if the implication or the concern is that one  
13 jurisdiction is interpreting a rule in one direction for  
14 political advantage and another is doing it the other way  
15 for political advantage, that ultimately undermines public  
16 faith in the electoral process and the results.

17 So that's why I believe that you do have to have  
18 in place clear, consistent rules that are applied uniformly  
19 throughout the entirety of a State, so that no matter where  
20 you are and no matter where you vote, you have  
21 fundamentally the same experience, fundamentally the same  
22 access, and then ultimately the trust that flows from that.

23 REPRESENTATIVE SCHMITT: Well, thank you very  
24 much for that excellent answer, Mr. Snead. I appreciate  
25 it.

1           And, Mr. Chairman, that's all I have.

2           MAJORITY CHAIRMAN GROVE: Thank you,  
3 Representative.

4           Representative Mackenzie.

5           REPRESENTATIVE MACKENZIE: Yeah. Thank you,  
6 Mr. Chairman.

7           And I'll add to that concern about uniformity.  
8 What we saw in the 2020 election was that individuals who  
9 were politically appointed in administrative positions, we  
10 also saw in court cases during the election and after the  
11 election that led to inconsistencies with which voter  
12 signatures were examined and also the curing of mail  
13 ballots.

14           So how do we in Pennsylvania, how should we think  
15 about those issues of uniformity and signatures and the  
16 curing of ballots, and what have you seen in other States  
17 or what would you recommend that we do to make sure there  
18 is uniformity?

19           MR. SNEAD: Well, I think that at the beginning,  
20 there absolutely should be uniformity in both of these  
21 practices.

22           To begin with the signature-matching process, I  
23 think that rules that could be put in place that are  
24 required to be followed in all of these jurisdictions would  
25 be essential.

1           I would also advise that the Commonwealth  
2 consider actually moving away from strictly a  
3 signature-matching process and either adopting alongside or  
4 in place of the signature match a voter identification  
5 requirement, which would be more objective and more easily  
6 able, I think, to be applied in an objective sense, the  
7 idea being that if you just write a driver's license  
8 number, a State-issued ID number on a ballot, that that is  
9 a lot easier to vet and verify than trying to do a  
10 signature match.

11           We also, on the signature match program, advise  
12 the State to begin looking into a signature match that's  
13 going to be preserved -- automated signature verification  
14 technology. That could be uniformly deployed across  
15 jurisdictions in the State so that there, too, you have got  
16 another layer of objective analysis, and I think that would  
17 help with the process.

18           In terms of -- I'm sorry. I forgot the second  
19 half of that, actually, as I was getting through the  
20 process for---

21           REPRESENTATIVE MACKENZIE: Curing the ballots.

22           MR. SNEAD: Yeah.

23           So the cure process is also something that is,  
24 I think, first of all, a good policy to adopt, and a number  
25 of States have adopted cure provisions. One of the best

1 ones is actually in Florida where voters have up to 2 days  
2 to cure deficiencies in the ballot process. But there  
3 again, you also have to make sure that this is being  
4 consistently applied. So the idea would be that you would  
5 want to avoid the problem that we saw in Pennsylvania where  
6 some jurisdictions appeared to have offered opportunities  
7 to cure and others did not.

8           So you really need to resolve in the first  
9 instance questions of law and any ambiguities in law, and  
10 then also, of course, the Secretary of State would have to  
11 promulgate regulations pursuant to that, well in advance of  
12 elections, I would add, but that are clear and able to be  
13 clearly applied in every jurisdiction.

14           REPRESENTATIVE MACKENZIE: So a follow on to  
15 that, just to ask logistically, how does the curing process  
16 work in Florida? Is it that everybody who has some kind of  
17 deficiency is notified after election day, or is it kind of  
18 a rolling 2 days where as soon as it's identified that  
19 there is a deficiency, they are contacted leading up to the  
20 election?

21           MR. SNEAD: So it's a rolling process, as I  
22 understand it, but the process definitively cuts off 2 days  
23 after election day. So that is, voters, 48 hours after the  
24 election, you can't go through the cure process any longer.  
25 And so I think that it is a wise policy to adopt, because

1 of course you don't want any voter's ballot to be  
2 disregarded simply because of a signature mismatch or  
3 someone forgot to date a ballot. If it's a legitimate  
4 ballot, then the State should, I think, mandate that the  
5 local jurisdictions reach out and attempt to contact those  
6 voters.

7 I also know that political parties use that  
8 information, some States as well. But the bottom line here  
9 is that you want to, A, ensure that there is a process in  
10 place, and B, ensure that there's a reasonable timeline for  
11 that process to cut off so you are not unduly extending the  
12 tabulating process beyond election day.

13 REPRESENTATIVE MACKENZIE: Great. Thank you.

14 And I have a number of more questions on that  
15 specific process, and I won't belabor them here. I'll ask  
16 that our Chairman and committee staff look into that, that  
17 curing process in Florida, because I do have questions  
18 around who's doing the contacting; are outside parties able  
19 to contact; you know, what is considered something that can  
20 be cured, et cetera. So I think, you know, we really need  
21 to look into the details there, but I think it's worth  
22 looking into, and so I appreciate you bringing that up.

23 With that, I'll turn it back to you,  
24 Mr. Chairman. Thank you.

25 MAJORITY CHAIRMAN GROVE: Thank you.

1 Representative Miller.

2 REPRESENTATIVE MILLER: Thank you, Mr. Chairman,  
3 and thank you, Mr. Snead.

4 I want to follow up on the question about the  
5 curing of ballots, and in particular, Pennsylvania in our  
6 Constitution, it specifically spells out the importance of  
7 secrecy in voting. And recently, which it appears you're  
8 quite well aware of what happened in Pennsylvania, the  
9 Supreme Court of Pennsylvania upheld that naked ballots  
10 were disqualified because they did not meet the secrecy  
11 requirement.

12 My question to you is, your thoughts on the  
13 curing of the naked ballot issue here in Pennsylvania.

14 MR. SNEAD: Well, I do think that secrecy  
15 envelopes play an important role in the process. You  
16 always want to ensure that a voter is able to cast a ballot  
17 privately and secretly, whether that is taking place in a  
18 polling place or by absentee. So I think that that is an  
19 essential part.

20 Now, I did see the concern that was raised in  
21 Pennsylvania about naked ballots, and I admit that I have  
22 not read the Supreme Court opinion in that case in quite  
23 some time. But it might be possible, of course, to arrange  
24 for a cure process where those ballots are in but lack a  
25 secrecy envelope, and that would have to be, I think,

1 carefully thought out and it would undoubtedly, I think,  
2 require sending a new ballot to make sure that you can  
3 fully comply with that process.

4 REPRESENTATIVE MILLER: Do you have any knowledge  
5 of what other States do in regard to the naked-ballot  
6 issue? Is anyone similar to Pennsylvania in this regard?

7 MR. SNEAD: I am not sure about that specifically  
8 with regards to the cure process. Most of the cure  
9 provisions that I'm familiar with deal with a signature  
10 mismatch or a missing signature or a missing date or other  
11 required information on the ballot itself, but not  
12 specifically to a cure envelope -- or excuse me, to a  
13 secrecy envelope itself.

14 REPRESENTATIVE MILLER: Okay. Well, I appreciate  
15 that.

16 As Representative Mackenzie had referenced, there  
17 is some issues that we're all looking into related to the  
18 curing of ballots and some of the lack of uniformity here  
19 in Pennsylvania and the various parts of our election where  
20 this played out. So I appreciate your testimony.

21 Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

23 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.

24 Mr. Snead, thank you for being here.

25 I was reading through your testimony, and it

1 jumped out at me, you had mentioned the influx of private  
2 money seen during the 2020 election in Pennsylvania. So I  
3 would be remiss if I didn't ask you, how did this impact  
4 the uniformity of voting across the Commonwealth?

5 MR. SNEAD: Well, the problem with the influx of  
6 private money is that it can be distributed in ways which  
7 build in, I'll call it structural bias, but that is where  
8 the money goes to particular jurisdictions but not to all  
9 jurisdictions. And it can also come with strings attached  
10 in the contracts that are signed by these jurisdictions  
11 that can, you know, alter to some extent the way in which  
12 elections are conducted.

13 So my advice when it comes to private funds is  
14 that, first of all, the funding should not be permitted. I  
15 believe that public elections should be run with public  
16 dollars for various sorts of good government and  
17 accountability reasons. But if that private funding is  
18 ultimately deemed necessary, that it should be sent to,  
19 well, to you all, the Legislators at the State level, who  
20 control the power of the purse and can then appropriate  
21 that process through the normal public appropriations  
22 mechanisms in place.

23 My concern when it comes to private money going  
24 directly to localities is, as I have said, that it could  
25 change the way that elections are conducted. It could

1 build in particular biases. And then there's also a  
2 problem where local jurisdictions could become dependent on  
3 this funding if they allow it to effectively supplant  
4 public tax dollars for the funding of elections.

5 REPRESENTATIVE ORTITAY: All right. Thank you  
6 for that. I appreciate the answer.

7 And I'll turn it back over to you, Mr. Chairman.

8 MAJORITY CHAIRMAN GROVE: Thank you.

9 Representative Nelson.

10 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

11 I appreciate the opportunity to ask a question,  
12 and I kind of wanted to build a little bit more on the  
13 voter ID requirement.

14 You know, we have talked about in Pennsylvania,  
15 you know, because of court decisions, that first-time  
16 voters, you know, do have to show an ID. Section 206 of  
17 that Election Code, you know, we allowed for free ID to be  
18 able to be issued in the future. Can you touch on, you  
19 know, some of those voting outcomes of States which did?  
20 Some earlier questions, you know, other States do have  
21 requirements. How does that impact voter turnout, minority  
22 turnout, disability turnout, some of those elements?

23 MR. SNEAD: Sure.

24 So if you actually look at voting data from  
25 States that have adopted voter identification laws,

1 typically the way that this plays out is that voter  
2 participation climbs after the adoption of the ID law.  
3 This has been true in a number of States, including  
4 Georgia, which we looked at the numbers there and saw that  
5 before and after the State adopted a voter ID law, you saw  
6 marked increases in turnout.

7           The bottom line is that identification laws have  
8 been shown in several studies, most recently one from I  
9 believe 2019 that was published on NBER, the National  
10 Bureau of Economic Research, that showed that voter  
11 identification laws do not depress or negatively impact  
12 voter turnout. And so as a result, I think that it's fair  
13 to say that what you're getting with the photo ID laws is a  
14 lot of confidence, but certainly there's no additional  
15 barriers to the voting process, at least not if you're  
16 looking at the statistical data, and then of course  
17 providing for free forms of ID, which again, every State  
18 that has adopted a photo ID law does provide for that.

19           REPRESENTATIVE NELSON: And I know federally, you  
20 know, the Biden Administration is currently looking to  
21 maybe prohibit the ability of some States to enact voter  
22 verifications through some of their efforts on HR 1 or that  
23 Senate Resolution 1.

24           Is there a need to have voter ID laws? Is there  
25 an actual threat that noncitizens or non-lawful voters

1 would vote, and would it really make a difference in the  
2 election? Like, is this fight worth fighting, from your  
3 perspective?

4 MR. SNEAD: Well, I would respond with a couple  
5 of points.

6 First, voter ID does play a valuable role in the  
7 election process by helping election administrators to  
8 ensure that the people who are casting ballots are, first  
9 of all, who they say they are, and secondly, that they are  
10 qualified and eligible to vote in that particular  
11 jurisdiction.

12 Now, the question that is arising, largely as a  
13 result of the 2020 election, is, what do we do about  
14 verifying eligibility in absentee voting, right? Do we  
15 apply voter ID laws to absentee ballots as well? And I  
16 would argue here, too, that they should be applied, and  
17 there are several mechanisms that States have already  
18 adopted to actually operationalize that. But the easiest  
19 would be to simply require an ID number to be written on a  
20 ballot. And if this is used in addition to or in place of  
21 a signature match, then you also have the advantage of  
22 replacing a subjective and error-prone signature system to  
23 a much more objective system in the form of simply reading  
24 an ID number and ensuring that it lines up with a State  
25 database. So you can actually see some gains there in

1 terms of streamlining the process, reducing the manpower  
2 needs, and also reducing false rejections of valid ballots.

3 In terms of whether the fight is worth having,  
4 that's obviously going to be a political question, and I  
5 will leave that all to you. But I would say that it is  
6 definitely a value-add to the election process, and it is  
7 something that three-quarters of voters across the spectrum  
8 are saying that they want to see applied to our voting  
9 laws.

10 REPRESENTATIVE NELSON: Well, and when you say  
11 that research has shown that there is an increase in voter  
12 turnout, if voter ID requirements are in, is there a  
13 decrease of minority voter turnout or other groups? Is  
14 there research that you would cite that creates a  
15 vulnerability by certain groups if they would have to show  
16 some form of ID?

17 MR. SNEAD: No. There is no data that I am aware  
18 of that shows that after an ID law, there is a  
19 corresponding decrease in minority voter participation.  
20 Actually, what you tend to see is the opposite, that  
21 minority participation increases. And you can actually,  
22 you know, you can go in and you can look at voter turnout  
23 data, and you can see that oftentimes, minority voter  
24 participation rates are climbing in percentage terms at  
25 rates that are higher than White voters.

1           So I think that given the fact that we have just  
2 seen really two concurrent Federal election cycles, 2018  
3 and 2020, where roughly two-thirds of the States have some  
4 form of voter ID requirement on the books, we have  
5 nevertheless set record turnout levels in both elections,  
6 and we have seen the most diverse elections in history,  
7 that there is really very little evidence to suggest that  
8 these laws or requirements actually introduce barriers to  
9 anyone voting, including voters in the minority  
10 communities.

11           REPRESENTATIVE NELSON: Okay. Thank you.

12           Thank you, Mr. Chairman.

13           MAJORITY CHAIRMAN GROVE: Thank you.

14           Your testimony also mentions the importance of  
15 balancing voter access with measures to ensure voters have  
16 confidence in the accuracy of election outcomes.  
17 Obviously, that's the whole point of this hearing: How do  
18 we weigh those two so we maximize the ability of  
19 individuals who legally can and should be voting have  
20 complete access to do so while keeping out the bad actors.  
21 And we have heard tons of bad actors from foreign actors to  
22 potential individuals on their own. And we have had cases  
23 in Pennsylvania of election fraud. Not major, but every  
24 election cycle, we do have cases of election fraud.

25           So can you kind of discuss States that do a good

1 job of providing that balance and how they get it right?

2 MR. SNEAD: Sure.

3 So generally speaking, when we're talking about  
4 balancing access and integrity, I see these as two sides of  
5 the same coin. And so to kind of draw a 30,000-foot  
6 example here, if we're going to allow no-excuse absentee,  
7 as Pennsylvania just moved to with the 2020 election, if  
8 you're going to allow no-excuse or mail-in voting,  
9 depending on the terminology, it's also important that you  
10 adopt and ensure that those ballots, which have  
11 historically been recognized to be the most vulnerable  
12 ballots, have safeguards in place. These would look like  
13 bans on third-party vote harvesting operations, witness  
14 requirements to solve the information problem that emerges  
15 when you have people casting ballots outside of the polling  
16 place and therefore away from the observation of polling  
17 officials, to solve those sorts of problems and to begin  
18 from the understanding that every ballot needs to have  
19 basic security, because voters are trusting their vote to  
20 those ballots.

21 There are a number of States that do this balance  
22 very well, particularly when you're talking about the  
23 no-excuse process. I would put Ohio on the list. Ohio  
24 does a very good job. First of all, it has a ballot  
25 harvesting ban in effect that does not preclude family

1 members from helping out their fellow family members with  
2 casting their ballots. It does not preclude elderly or  
3 infirm voters from getting assistance from caregivers. But  
4 it does prevent political operatives from engaging in that  
5 practice.

6           They also, for the purposes of voter  
7 identification with absentee ballots, they have a process  
8 that requires a signature, and then offers the voter a  
9 series of choices, one of which is to include a driver's  
10 license number.

11           So to my previous point about the idea of using a  
12 voter ID requirement as an add-on to a replacement of the  
13 signature match, that would be a good place to look.

14           But there are other States that do this very  
15 well, too. Florida would be one. And so between those two  
16 States, I think there are good models that can be used.

17           And actually in the report that we submitted with  
18 my written testimony, we have actually got citations to  
19 various State laws that have already been passed in a  
20 number of these areas that show what this looks like and  
21 how that can be operationalized.

22           MAJORITY CHAIRMAN GROVE: Thank you.

23           Chairwoman Davidson.

24           MINORITY CHAIRWOMAN DAVIDSON: Thank you.

25           I just wanted to clarify, did you say your

1 organization was associated with The Heritage Foundation or  
2 you were associated with The Heritage Foundation?

3 MR. SNEAD: I was. I was a Senior Policy Analyst  
4 there before I left to become the Executive Director of  
5 HEP.

6 MINORITY CHAIRWOMAN DAVIDSON: Would you say  
7 your current organization is aligned with the viewpoints of  
8 The Heritage Foundation?

9 MR. SNEAD: Well, I mean, I certainly think of  
10 Heritage with the utmost respect. I worked there for  
11 10 years, and I certainly respect the quality of the work  
12 product there.

13 I think that there are probably some differences  
14 on some of the, you know, underlying issues relating to  
15 election integrity. But by and large, our fundamental goal  
16 of ensuring that we have, you know, trustworthy elections,  
17 I would say there's no daylight between us at all.

18 MINORITY CHAIRWOMAN DAVIDSON: All right.

19 The Heritage Foundation advocates for individual  
20 liberty, limited government, free enterprise, traditional,  
21 quote, unquote, "American values," and a strong national  
22 defense to protect all, and those are considered very  
23 conservative mantras, and so I would see your organization,  
24 or your previous organization, on the right side of the  
25 scale.

1           You talked about some polls, that you referenced  
2 some polling or some surveys that you had conducted, but  
3 you didn't have any specifics. I have a specific poll that  
4 says that "Voter ID Laws Reduce Voter Turnout. A 2014 GAO  
5 study found that strict photo ID laws reduce turnout by  
6 2-3 percentage points," and we know that our recent  
7 elections were won or lost by those percentage points,  
8 "which can translate into tens of thousands of votes lost  
9 in a single State."

10           "Minority voters," the poll also stated,  
11 "disproportionately lack ID. Nationally, up to 25% of  
12 African-American citizens of voting age lack  
13 government-issued photo ID, compared to," they say, "only  
14 8% of whites."

15           "States exclude forms of ID in a discriminatory  
16 manner," and that's why I asked you the questions about  
17 discrimination. "Texas allows concealed weapons permits  
18 for voting, but does not accept student ID cards. Until  
19 its voter ID law was struck down, North Carolina prohibited  
20 public assistance IDs and state employee ID cards, which  
21 are disproportionately held by Black voters. And until  
22 recently, Wisconsin permitted active duty military ID  
23 cards, but prohibited Veterans Affairs ID cards for  
24 voting."

25           "Voter ID laws are enforced in a discriminatory

1 manner. A Caltech/MIT study found that minority voters are  
2 more frequently questioned about ID than are white voters.”

3 So unquestionably, voter ID laws are  
4 discriminatory, and I just wanted to state that for the  
5 record. Thank you.

6 MAJORITY CHAIRMAN GROVE: Thank you.

7 There have been several GAO studies on voter ID,  
8 if I'm not mistaken. It has been a little while since I  
9 looked at it. I think there were four, and it ended up  
10 being conclusive as to their overall nature. So if you  
11 could, could you provide us some further information and  
12 studies on voter ID laws?

13 I know there is a brand-new study. We actually  
14 tried to get the prime authors of that for this hearing, I  
15 believe, who couldn't because they were working on getting  
16 it published. That study actually shows, they looked at  
17 data from 2008 to 2018, a very unique study because it  
18 showed that during that time, with States with active  
19 voter ID, no matter how strict, it hasn't shown any  
20 disproportionate individuals not being able to vote and  
21 actually increased voter turnout in those States; and two,  
22 it also showed it didn't actually reduce fraud in any of  
23 those States.

24 So, brand new. They're looking to get it  
25 published. Hopefully, we can bring them back and have that

1 conversation.

2           One of the problems in elections is actually the  
3 litigation. Litigation can throw off your entire election  
4 timeline. Can you kind of discuss ways to reduce  
5 litigation in States, and what States have good policies to  
6 try to not have that happen?

7           You know, I know Florida was one where in 2018,  
8 they had a lot of litigation, and then in 2020, again, the  
9 same list; they didn't have any litigation in that State.  
10 So can you give us some suggestions on how to mitigate  
11 litigation when it comes to election laws?

12           MR. SNEAD: This is the million-dollar question,  
13 truly.

14           In 2020, we saw more election-related litigation  
15 than in any prior election. Simply put, it bears, I think,  
16 a sense that the courtroom has become sort of an extension  
17 of the campaigning process and that fighting over election  
18 rules can be advantageous, particularly in narrow or  
19 closely fought elections.

20           Ultimately, I think that was a deleterious effect  
21 on voter confidence in the system, particularly that rules  
22 are being changed in manners that can be perceived as  
23 political or partisan. And then when they are being  
24 changed by courts at the last minute, that can introduce  
25 serious consequences in terms of confusion to both voters

1 as well as election officials.

2 One of the policies that I would recommend that  
3 State Legislatures take a look at would actually be a  
4 policy that would ensure that Legislatures have both the  
5 ability to intervene in some of this litigation when  
6 necessary, and then also to ensure that that litigation  
7 cannot result in settlements or consent decrees that lead  
8 to the promulgation of regulations that fundamentally  
9 countermand or undermine established law. The objective  
10 here would be to ensure that these cases are properly being  
11 defended and that the results of them will not be a process  
12 in which executive officials undermine the authority of  
13 Legislatures to legislate.

14 There are other policies which are being  
15 considered in various States right now. But to the maximum  
16 extent possible, I think foreclosing the courts to this  
17 sort of partisan litigation of the like that we saw in 2020  
18 would be advantageous to the smooth operation of elections.

19 MAJORITY CHAIRMAN GROVE: Yeah. Thank you very  
20 much.

21 And I know we, with even our nomination process  
22 here in Pennsylvania, because third parties don't have  
23 access to the primary ballot here in Pennsylvania, we end  
24 up having litigation on nominations during the primary  
25 election and then in the general election, so that can

1 really throw off counties. And I know the later that  
2 happens, you know, certifying the ballot and so forth,  
3 really becomes a hindrance for our county election  
4 officials.

5           With that, we don't have any more questions for  
6 you. We greatly appreciate your time, your knowledge of  
7 elections, and appreciate your testimony and your time.  
8 And I know it's tough being the last one to go in these  
9 late hearings, so we appreciate you sticking with us. And,  
10 you know, hopefully at the end of the day, what we do will  
11 obviously focus on accessibility and integrity moving  
12 forward. So thank you, Mr. Snead.

13           MR. SNEAD: Thank you very much. It was my  
14 pleasure.

15           MAJORITY CHAIRMAN GROVE: With that, Chairwoman,  
16 any closing remarks?

17           MINORITY CHAIRWOMAN DAVIDSON: I do have several  
18 closing remarks. Thank you, Mr. Chairman.

19           I just want to start off by saying that we  
20 certainly did receive a lot of information today in this  
21 latest installment of hearings about our election process,  
22 the first of which was in reference to cybersecurity, and  
23 we learned in that testimony that Pennsylvania is in fact  
24 ahead of the curve as it relates to paper ballot  
25 verification, which was an expensive process that we went

1 through in installing new election infrastructure.

2 Another positive that was defined or spoken about  
3 was the risk-limiting audits that we do. Those security  
4 experts said that those two things were very positive  
5 situations that happened in Pennsylvania.

6 They also pointed to the Federal certification  
7 process as the best verification of a secure system that we  
8 have, and we certainly go through that verification  
9 process.

10 The testifiers also talked about voter  
11 registration errors or batches from independent  
12 organizations, that they felt that they did not actually  
13 affect voting at the back end of the process, or voting  
14 integrity at the back end of the process is separate, as  
15 it is in Pennsylvania. So people can access voter  
16 registration on the website, but that is a separate  
17 system from what county officials go through when they  
18 actually register voters on the county level, and also make  
19 sure that those voters are in fact true people and legal  
20 voters.

21 We learned in the cybersecurity space that we can  
22 learn a lot from Colorado and Michigan as examples of best  
23 practices of security and accessibility, because we want to  
24 make sure that as we make sure that our elections are  
25 secure, that we also don't disenfranchise voters.

1           Both security experts agree that while there was  
2 no voting machine cyberattack, that there was a cyberattack  
3 in the form of disinformation in the 2020 election that  
4 equally threatens our democracy. Both experts agreed on  
5 that. The experts said that the disinformation attack that  
6 we saw in 2020 came in three forms: disinformation about  
7 candidates, which they felt there was little that we could  
8 do about; disinformation about voting procedures and about  
9 the process. They said that we could do a lot in advance  
10 of the election to mitigate that kind of misunderstanding.  
11 And we were actually or there was actually a lot done in  
12 advance of the election to promote false conceptions of the  
13 voting process and voting procedures. And finally what  
14 they thought was most egregious was the election outcome  
15 disinformation campaign, which some people refer to as "the  
16 big lie." That election fraud disinformation campaign was  
17 very concerning to both cyber experts.

18           And it was also interesting to me that they also  
19 said that the best way to counteract that was for local  
20 elected officials not to spread disinformation. They said  
21 that those things went a long way in determining the  
22 public's confidence in the election, not the other way  
23 around.

24           So as we talk about county officials and State  
25 Representatives, State Senators, those cybersecurity

1 experts said that we could do a lot to dispel  
2 disinformation and to counteract the cyberattack of  
3 disinformation, especially about the election outcome.

4           When we got to county officials, we heard  
5 testifiers most of the time in these hearings, and again  
6 today, in some of our reddest counties, some of our most  
7 Republican counties, which is fine, but they sought  
8 legislative relief in three areas, which is pre-canvassing  
9 being number one and as something that we really must do.

10           I thought it was also interesting that they  
11 thought that administrative corrections, which some people  
12 refer to as "ballot curing," which is really not any change  
13 to the actual ballot but are actual administrative  
14 corrections, and we saw that even in those counties, those  
15 fixes, those administrative corrections were allowed so  
16 that voters were not punitively disenfranchised.

17           Election officials called for more training and  
18 broader timelines so that they could make the changes  
19 necessary, so that all of the new changes are not squeezed  
20 into a very, very tiny timeline, and that they follow the  
21 guidelines as they understood it, and they all made  
22 administrative corrections when necessary.

23           And they also made sure that county ballots with  
24 poll watchers from both sides were actually in place. So  
25 when the ballots were being counted, there were poll

1 watchers from both sides, and that was seen throughout the  
2 Commonwealth.

3           There was almost nothing I agreed to with the  
4 last speaker, who really was a partisan speaker. However,  
5 I did agree with one thing, that lawsuits, particularly the  
6 frivolous lawsuits that we saw in 2020, hindered the  
7 integrity of the election and also fueled the  
8 disinformation campaign.

9           Donald Trump filed and lost 63 lawsuits  
10 contesting the election process and espousing the lie that  
11 the election was a fraud. Those lawsuits occurred in six  
12 States, including Pennsylvania, which he lost on both the  
13 State level and the Federal level. Even his own appointee  
14 threw out his lawsuit as meritless.

15           I would hope that as we continue down this  
16 process that we will enact laws and legislation that both  
17 protects our security, which is important, our election  
18 security, but also does not disenfranchise voters. We must  
19 allow ballot access, and I appreciate the testifiers that  
20 talked about that both for the disability community and, as  
21 I referenced in former comments that I made during this  
22 hearing, as it relates to communities of color and people  
23 that are of low- to moderate-income needs.

24           And so as we move forward with this process, I  
25 hope that we defend democracy in a way that makes sure that

1 voters can vote and that their votes are counted in a way  
2 that is fair, uniform, and free.

3 Thank you, Mr. Speaker -- I mean Chairman.

4 MAJORITY CHAIRMAN GROVE: I'll take Speaker.

5 MINORITY CHAIRWOMAN DAVIDSON: I know you'd like  
6 to be Speaker.

7 MAJORITY CHAIRMAN GROVE: I'll take Speaker.

8 I have done it a few times. It is quite  
9 aggravating. I will give that to my friend, Bryan Cutler,  
10 any day of the week.

11 I would like to first thank all of our testifiers  
12 for their time today. I would like to thank the Members  
13 for their patience and all of their wonderful questions,  
14 not only throughout this hearing but all the hearings we  
15 have had.

16 Again, we have heard testimony about how our  
17 1937 election law has failed our election process.

18 From the cybersecurity end, there is a lot more  
19 work to be done. We must be ever vigilant on numerous  
20 attacks to our election system, not only on the front end  
21 of our voter registration system but also within our  
22 election machines. We heard significant issues that could  
23 happen obviously on the software end and in the supply  
24 chain that we must make sure we codify into law and make  
25 sure that we protect the machines and the integrity of the

1 election system.

2           Speaking about the 1937 election law, we heard  
3 from our stakeholder groups about the failures of not  
4 updating our election law to provide uniformity of  
5 standardization, and we have heard that repeatedly  
6 throughout these election hearings. Our Disability Rights  
7 Network and our first panel on accessibility and integrity  
8 brought forward a lot of issues to the point of the  
9 Disability Rights Network actually suing to provide greater  
10 access, that most States have already done, because we  
11 haven't updated or modernized our election laws.

12           We have heard from basically all the stakeholders  
13 the need for uniformity, particularly when it comes to  
14 security and integrity of our elections. We must do a far  
15 better job of ensuring that voters' votes, legal voters  
16 have access to ballots, to the election process, but we  
17 must have the right integrity processes to keep those  
18 individuals who aren't eligible to vote out of it and then  
19 those who fraudulently want to manipulate the system, and  
20 again, they could be anywhere from foreign actors to our  
21 own citizens, to make sure they can't do that, to make sure  
22 that the election results are honest and fair.

23           We do need a better system. We do need a better  
24 election timeline. We need to ensure it's easy to vote and  
25 hard to cheat. Our voters deserve better. Our county

1 election officials deserve better.

2 I look forward to continuing these bipartisan  
3 election oversight hearings and partnering with  
4 stakeholders like our counties, the Department of State,  
5 and of course our county elections directors to make that  
6 happen.

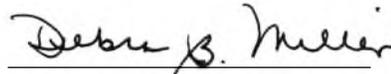
7 With that, the hearing of the House State  
8 Government Committee stands adjourned. Everybody have a  
9 wonderful Easter.

10

11

(At 4:27 p.m., the public hearing adjourned.)

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.

5  
6  
7 

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