

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PENNSYLVANIA

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THURSDAY, APRIL 8, 2021
12:00 P.M.

PRESENTATION ON
ELECTION OVERSIGHT HEARINGS:
AN OVERVIEW OF HOW OTHER STATES CONDUCT ELECTIONS

BEFORE:

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

HOUSE COMMITTEE STAFF PRESENT:

SHERRY EBERLY
MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT
MICHAELE TOTINO
MAJORITY ED FOR STATE GOVERNMENT COMMITTEE
MICHAEL HECKMANN
MAJORITY RESEARCH ANALYST

NICHOLAS HIMEBAUGH
DEMOCRATIC ED FOR STATE GOVERNMENT COMMITTEE

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*Pennsylvania House Of Representatives
Commonwealth of Pennsylvania*

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

P R O C E E D I N G S

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3 MAJORITY CHAIRMAN GROVE: Welcome to another
4 public hearing of the Pennsylvania House State Government
5 Committee on election oversight. This hearing is an
6 overview of how other states operate elections, and this is
7 our second to last election oversight hearing.

8 Our Committee's extensive election oversight
9 hearing schedule will allow this committee to complete a
10 deep dive into the Pennsylvania Election Law from 1937 and
11 how elections are administered in the Commonwealth in order
12 to inform the public and this Committee so we may
13 facilitate election changes, which ensure our voting
14 process is designed so the voters select the winners and
15 not the process. While the 2020 General Election has been
16 debated and litigated ad nauseam, the General Assembly
17 still has an important constitutional job to execute
18 legislative oversight of laws we pass and agencies which
19 administer these laws.

20 Today, the Committee will discuss election
21 operations in the states. The states are all different in
22 how they administer elections and the laws which govern
23 those elections. Recently, the state of Kentucky passed
24 bipartisan election reform, and just yesterday, Democratic
25 Governor Beshear signed these reforms into law. Josh

1 Douglas, a law professor at the University of Kentucky who
2 provided input on the bill, said lawmakers showed that,
3 quote, voter access and security don't need to be mutually
4 exclusive, end quote. We can have an election system,
5 which is grounded in integrity and provides accessibility
6 to voters. We are lucky to have an expert in Kentucky's
7 election law and someone who played an intricate role in
8 development and passage of this law, who will join us later
9 on a panel.

10 Like Kentucky's reforms, Pennsylvania's reforms
11 should ensure voting is easy but hard to cheat. I look
12 forward to today's discussion.

13 Chairwoman Davidson, any opening comments?

14 MINORITY CHAIRWOMAN DAVIDSON: Thank you, Mr.
15 Chairman. We have seen from, quote/unquote, the ad nauseam
16 litigation regarding the 2020 election and all of the
17 hearings -- thank God this is next to the last one -- that
18 our elections were free, fair, and basically uniform in the
19 state of Pennsylvania.

20 I would hope that at the end of this, we will not
21 curtail the civil rights of Pennsylvanians by limiting
22 their access to the ballot box as was done in Georgia.
23 We've seen testimony throughout the hearings from county
24 officials that said that the main thing that they really
25 needed was a relaxing of some of the timelines or better

1 timelines in order to execute the very many functions that
2 they have to do on a daily basis prior to Election Day.

3 They also asked for pre-canvassing over and over
4 again. We heard that county officials needed
5 pre-canvassing. So I hope that that is some legislation
6 that comes out of these hearings, and I hope that we will
7 not tax Pennsylvania voters with onerous voter ID laws and
8 restrictions that really curtail people's ability and
9 create barriers for people's abilities to vote. Thank you,
10 Mr. Chairman.

11 MAJORITY CHAIRMAN GROVE: Well, the capitol
12 hearings are now open to the public. There is limited
13 seating available in each hearing room due to COVID-19
14 mitigation orders by the Governor. We have members and
15 testifiers in attendance virtually as well as the public
16 viewing via livestream. Due to Sunshine Law requirements,
17 if either of these platforms experience technical
18 difficulties, we will pause the meeting in order to correct
19 the issues.

20 Would the members participating virtually please
21 mute your microphones. Please know when you speak, we all
22 hear you. If you want to be recognized for comments,
23 please use the "raise hand" function. After being
24 recognized but prior to speaking, please turn on your
25 camera and unmute your microphone. After you have

1 completed your question, please re-mute your microphone.

2 Member introduction, we will start with committee
3 members in the room. For members attending virtually, I
4 will call on you one by one to introduce yourselves. We'll
5 start with Chairwoman Davidson.

6 MINORITY CHAIRWOMAN DAVIDSON: Democratic Chair,
7 Margo Davidson, Representative for the 164th Legislative
8 District in Delaware County.

9 REPRESENTATIVE YOUNG: Regina Young, District
10 185, Philadelphia and Delaware Counties. Thank you.

11 REPRESENTATIVE STAATS: Good afternoon. Craig
12 Staats, proudly representing the 145th District in the
13 great county of Bucks.

14 REPRESENTATIVE WHEELAND: Representative Jeff
15 Wheeland, Lycoming County, 83rd Legislative District.

16 REPRESENTATIVE DIAMOND: Good afternoon.
17 Representative Russ Diamond from the 102nd District in
18 Lebanon County, home of Fort Indiantown Gap, where America
19 remains free.

20 REPRESENTATIVE DOWLING: Good morning. I'm
21 Representative Matt Dowling from the 51st Legislative
22 District in Fayette and Somerset Counties.

23 REPRESENTATIVE MILLER: Brett Miller, 41st
24 District, Lancaster County.

25 MAJORITY CHAIRMAN GROVE: Thank you.

1 Representative Schmitt.

2 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.
3 Louis Schmitt, 79th Legislative District, the City of
4 Altoona, the Township of Logan, and part of Allegheny
5 Township in Blair County.

6 MAJORITY CHAIRMAN GROVE: Representative Nelson.

7 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.
8 I see I'm a little close to my camera there. This is
9 Representative Nelson, 57th District in Westmoreland
10 County. Happy to be here from Liberty University today.
11 Thank you.

12 MAJORITY CHAIRMAN GROVE: Representative
13 Fitzgerald.

14 REPRESENTATIVE FITZGERALD: Good afternoon.
15 Isabella Fitzgerald representing the 203rd Legislative
16 District, Philadelphia, West Oak Lane, East Oak Lane, and
17 the Lower Northeast.

18 MAJORITY CHAIRMAN GROVE: Representative Ryan.

19 REPRESENTATIVE RYAN: Representative Frank Ryan
20 representing the 101st District in Lebanon County,
21 Pennsylvania.

22 MAJORITY CHAIRMAN GROVE: Representative Howard.

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

25 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

1 REPRESENTATIVE ORTITAY: Hi, everyone.

2 Representative Jason Ortitay, 46th District in Allegheny
3 and Washington Counties.

4 MAJORITY CHAIRMAN GROVE: Representative
5 Kenyatta.

6 REPRESENTATIVE KENYATTA: Representative
7 Kenyatta, 181st District, where we are also free.

8 MAJORITY CHAIRMAN GROVE: Representative
9 Mackenzie.

10 REPRESENTATIVE MACKENZIE: Representative Ryan
11 Mackenzie from the 134th District in portions of Lehigh and
12 Berks Counties.

13 MAJORITY CHAIRMAN GROVE: Representative Sanchez.

14 REPRESENTATIVE SANCHEZ: Thank you, Mr. Chairman.
15 Ben Sanchez representing part of Montgomery County.

16 MAJORITY CHAIRMAN GROVE: Representative Solomon.

17 REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.

18 Hi, everybody. Jared Solomon, 202nd, Northeast
19 Philadelphia. Thank you.

20 MAJORITY CHAIRMAN GROVE: Representative Webster.

21 REPRESENTATIVE WEBSTER: Good afternoon, all.

22 It's Joe Webster representing the 150th District in
23 Montgomery County.

24 MAJORITY CHAIRMAN GROVE: All right. Thank you.

25 I know we have a Health Committee happening right now, so

1 we might have some members come join us a little later as
2 that one wraps up, which I think should be shortly.

3 With that, we will go to our first panel of Wendy
4 Underhill, director of Elections and Redistricting Program,
5 the National Conference of State Legislatures, and Jennifer
6 Morrell, partner with the Elections Group. Wendy and
7 Jennifer, if you could both turn on your cameras and turn
8 on your microphones, we will swear you in quickly.
9 Jennifer, if you can turn on your camera and your
10 microphone.

11 MS. MORRELL: It is on. Can you not see me?

12 MAJORITY CHAIRMAN GROVE: There you are. All
13 right. If you could both, just quickly, raise your right
14 hands.

15 (Oath administered.)

16 MS. MORRELL: I do.

17 MS. UNDERHILL: I swear.

18 MAJORITY CHAIRMAN GROVE: You do. Thank you,
19 both. Director Underhill, first, I'd like to thank you for
20 all your help getting testifiers for these hearings moving
21 forward. The experts you provided were very informative
22 and I think will really help this Committee evaluate our
23 election laws compared to other states and design best
24 practices to improve our election law for the voters of the
25 Commonwealth as well as our election director. So just a

1 heartfelt thanks for your help and involvement in these
2 hearings, so thank you.

3 With that, Director Underhill, we'll start with
4 you. If you have any opening comments, the floor is yours,
5 and then Ms. Morrell, you can just follow after her. Thank
6 you.

7 MS. UNDERHILL: Well, thank you very much,
8 Chairman Grove, Chairwoman Davidson, and members of the
9 Committee. I appreciate the opportunity to join you here
10 today, and it has actually been a pleasure to work with
11 your staff, Michaele Totino in particular, as this has been
12 prepared. I've watched what you all have been doing, and I
13 don't remember in the last 10 years another state doing
14 this level of public work before introducing election
15 legislation.

16 I want you to know that the National Conference
17 of State Legislatures is the nation's bipartisan
18 organization serving the needs of legislators and
19 legislative staff throughout the nation. And our structure
20 is bipartisan. Our work that we produce is nonpartisan.
21 And because of that, NCSL does not offer advice on policy
22 matters that come before state legislatures. Instead, we
23 provide a 50-state overview of key topics, and of course,
24 today the topic is elections. At NCSL, our bread and
25 butter as staff is to respond to research requests from

1 legislators or legislative staff. We do that in a
2 confidential matter, so if any of you would like to contact
3 me after today's hearing, please feel free to do that. We
4 work for you, so we know we're doing our job well if we're
5 in good communication with you.

6 I think you all have the slides that I have
7 prepared. I thought I would walk through them in less than
8 10 minutes, and you can time me if you want to. And
9 that'll give you a broad overview of what I could be here
10 to talk about. What I've done is chosen topics that I know
11 are of interest to you based on the previous hearings that
12 you've had. But if I haven't touched on something that's
13 of interest to you, feel free to ask about it. If I don't
14 have the answer now, I can figure it out after the
15 fact -- at least I can try.

16 So here we go. So slides 2 and 3 in your packet
17 have maps, and I want to think of those as a little bit of
18 a patchwork; think of them as a quilt. They're about who's
19 in charge of elections in this nation, and every state has
20 its own flavor. At the state level, it's most often an
21 elected official who is in charge, and at the local level
22 it's a mix. In the West, it tends to be elected officials
23 who are in charge. Otherwise, there's oftentimes a board
24 that's bipartisan, sometimes two and two or three and
25 three, sometimes an odd number.

1 On slide 4, I show the increase in requirements
2 for training for local election officials from 2002 to
3 2016. I'm sorry, I don't have it up to date to 2020 for
4 you, but the point is that the amount of training for local
5 election officials has increased around the nation. And I
6 think that's because the field of election administration
7 is becoming much more complicated, and also there's more
8 requirements on the state level, so it makes sense that the
9 state might want to ensure some level of training and
10 competency at the local level.

11 On slide 5, I've got another patchwork for you.
12 This is the kind of voting equipment used throughout the
13 nation. You'll, of course, know that over the last 10
14 years, most states have been moving toward paper ballots,
15 hand marked by most voters with ballot marking devices
16 available for accessibility or in some states, just the
17 ballot marking devices.

18 On slide 6, I've highlighted a few of the issues
19 that relate to voting for people with disabilities.
20 Federal law mandates that everyone, including those with
21 disabilities, have the opportunity to vote privately. So
22 for in-person voting, federal law requires that accessible
23 equipment be made available. And now that so many people
24 are voting on absentee ballots, the question of
25 accessibility for those ballots is kind of an emerging

1 topic, something that wasn't thought of too much in years
2 past. Paper ballots are not actually accessible technology
3 for people with visual impairment or with compromised
4 dexterity, and yet security concerns arise if you fix those
5 accessibility problems by sending ballots electronically,
6 so there's a little bit of a push and a pull there.

7 On 7, I've chosen to show the map NCSL has on its
8 voter ID page with the pullout information we are providing
9 for Pennsylvania. This map represents voter ID
10 requirements for in-person voting only. It doesn't address
11 ID for absentee voting. And I want to be clear that
12 Pennsylvania does require first-time voters in any given
13 polling location to show an ID and that your registration
14 process serves to validate who can vote.

15 On slide 8, I've highlighted a growing trend, and
16 this is to allow people to register and vote on the same
17 day. Some states have done this during the early voting
18 period, others on Election Day, and that's really what I'm
19 highlighting here. There are states that have been doing
20 this for three decades. But the states that have adopted
21 it in the last few years, and I'd say that at least half of
22 the states you see on that have done so since 2012, did so
23 when they felt they had the technology in place so that
24 when a person comes into a polling place and says, I'd like
25 to register and vote, they can show their appropriate

1 identification right then and there and get registered and
2 that the state can verify that that person hasn't already
3 voted in some other county or in some other polling place.
4 Just a growing trend.

5 Now I'm on slide 9, and I've got a few points
6 there on voter registration. The one I want to highlight
7 is about list maintenance. And it's no surprise that the
8 cleaner the rolls are when an election begins, the better
9 in terms of costs and accuracy. States all must comply
10 with the National Voter Registration Act as they clean
11 their lists.

12 And in recent years, states have begun using the
13 Electronic Registration Information Center reports; that's
14 ERIC to most of us. They do send out reports on possible
15 double registrations, and then it's up to the state to
16 follow through, and Pennsylvania is a member of this. How
17 people are removed from the rolls does vary from state to
18 state. And I believe you've heard from Ohio on how that
19 works in Ohio.

20 And on slide 10, I've put up a few data points
21 relating to absentee voting policies, and these show the
22 number of states that have each policy and whether
23 Pennsylvania does also. I did make a great big error when
24 I built this yesterday, and I really apologize for that
25 because what you've got in front of you is wrong. On the

1 item "ballot processing begins before Election Day", I got
2 it completely backwards. Forty-four states allow
3 processing to begin before Election Day, not 6, so I
4 flipped those numbers. Of that 44, six allow it to start
5 just the day before, so how early beforehand you can start
6 does vary, but 44 states allow it at least a little bit. I
7 just learned this very morning that New Jersey has made it
8 a criminal offense to release any data prior to Election
9 Day, so that allayed some of the concerns about that
10 processing.

11 And Mr. Chairman, if you like this kind of
12 analysis, sort of a side-by-side of the nation and
13 Pennsylvania, that's something my team can do more of. We
14 have at least a dozen more points on absentee balloting
15 that we could share with you. And if you like this idea
16 and you have some other topics you want us to do, I'd be
17 happy to put together whatever might be useful to you that
18 would look a little like this.

19 On slide 11, I've included a graphic provided by
20 the Department of Homeland Security that relates to
21 cybersecurity and elections. The box with the number 1 on
22 it refers to all of the voting technology that's in use.
23 And then when you go further out, it's further away from
24 the actual voting. And when you get to the outer circle,
25 you've got media, and particularly social media, and that's

1 not something that is easy for the state or the federal
2 government to figure out how to manage in any way so that
3 misinformation isn't out there.

4 In fact, I think so far what we know is that the
5 best antidote to misinformation is having really good, easy
6 to read, easy to find information on government websites.
7 Just one thought from Ohio, too, they did create, about two
8 years ago, a civilian cybersecurity reserve. It's a way to
9 put a little more human power into the Chief Information
10 Security Office. I don't know how well it's going. That's
11 something we could look into.

12 And then on slide 12, you'll see that most states
13 do offer in-person early voting. Sometimes they'll call it
14 in-person absentee voting or advanced voting. And of those
15 states that don't show that they have it, a couple of them
16 are likely to go that way this year. Those would be New
17 Hampshire and Connecticut are on the path. Whether it gets
18 over the hurdle is up to those states, of course. And the
19 thing that has been of interest in some of the bills we've
20 seen in other states is how long early voting should be
21 available. I can tell you that in 2020, the average number
22 of days that early in-person voting was available was 19
23 days.

24 On slide 13, we get to the newest trend in
25 elections, and that is how does the public know that

1 everything went well with the election and that all of the
2 votes were counted accurately. So we're talking about the
3 public, and under that I've included poll workers. They
4 are often the hardest part of resourcing an election;
5 finding them isn't always easy. And they are good citizens
6 who are essentially volunteering, so I just want to mention
7 that every one of those poll workers becomes someone who
8 carries the message out into the community about how the
9 elections are run.

10 And I'm realizing that the state laws that relate
11 to the observation of elections mostly were written decades
12 ago and mostly relate to partisan observers, otherwise
13 known as poll watchers. The idea was that if people from
14 both major parties were watching as the voters came through
15 to get their ballots, a misstep was less likely.

16 But that works a little less well now when so
17 many people are voting by absentee ballots, so I'm thinking
18 that states will be looking at those laws. Do they work in
19 the context of a modern-day election, which is done,
20 generally speaking, over many days and as I say, with many
21 absentee ballots rather than watching people check in. And
22 this is a subject that we will be doing research on in the
23 coming months to the extent of our ability.

24 And then, my last slide shows a few ways that
25 make verifying the results of an election easier, and

1 Jennifer Morrell, who's on this panel with me, will address
2 these in more depth than I will. So with that, I hope I
3 did stay under the 10 minutes I promised. And I'll
4 conclude and I'll be happy to take questions whenever, and
5 if I can't answer them I will get you an answer after the
6 fact, so thank you.

7 MAJORITY CHAIRMAN GROVE: Go ahead, Ms. Morrell.

8 MS. MORRELL: Great. Thank you. Good afternoon,
9 Chairman Grove, Chairwoman Davidson, honorable members of
10 the House State Government Committee. As you heard, my
11 name is Jennifer Morrell. I'm a partner at The Elections
12 Group where I consult on election administration and
13 auditing with states and local jurisdictions across the
14 country.

15 From 2009 to 2018, I served as a local election
16 official in both Utah and Colorado. I left Colorado in
17 2018 to work as a consultant with Democracy Fund, leading
18 the Election Validation Project. The aim was increasing
19 trust in elections through rigorous audits, standards, and
20 testing. I'm recognized nationally as an expert in
21 election audits, and I've authored a series on election
22 audits titled "Knowing It's Right."

23 You've asked me to provide an overview today of
24 how other states conduct elections, and as you'll see from
25 my written testimony, I've focused this overview on

1 standard procedures and on testing and audits. Standard
2 operation procedures are a simple but important way to
3 ensure tasks are completed correctly and on time. States
4 that allow for administrative rulemaking by the Secretary
5 of State, along with the power to enforce a level of
6 compliance, create a framework to support detailed standard
7 procedures at the local level. Despite variability among
8 election technologies in use and some local discretion in
9 application, this procedural baseline for critical tasks
10 can ensure greater cohesion and greater uniformity amongst
11 local jurisdictions.

12 Increased consistency in the way that elections
13 are administered allows voters and officials in one area of
14 a state to have more confidence in the administration of
15 elections in another area. And it really plays a
16 significant role in combating mis- and disinformation.
17 Having this framework encourages innovation and stronger
18 collaboration amongst local jurisdiction and allows them to
19 share best practices and written material. Mail ballot
20 drop boxes, something new to many states and jurisdictions
21 in 2020, provides a great example of how statute outlined
22 an election requirement, rulemaking established the
23 procedures that needed to be followed, and local SOPs
24 detailed the individual tasks.

25 Even absent specific rulemaking authority, state

1 election officials should endeavor to provide local
2 election officials with explicit guidance under a parallel
3 logic track, even if that is voluntary. And I've provided
4 you with examples from various states for all three of the
5 areas that I'm covering today. Those you can find in the
6 written testimony.

7 Two important areas that can benefit from
8 standard operating procedures include ballot accounting and
9 ballot chain of custody. Testing and auditing provide a
10 way to validate that work, and we've seen a lot of
11 spotlight on both of those this past election. It
12 validates that the work was done correctly, and it produces
13 evidence that the election was conducted fairly and
14 accurately. So this includes pre-election testing of
15 voting equipment and other assets, formal as well as
16 informal compliance audits to ensure that local
17 jurisdictions are adequately performing tasks as required
18 by states laws and established procedures, and then audits,
19 which should provide election officials a way to detect
20 voting system errors, provide accountability to voters,
21 deter fraudulent activity, assure us that votes were
22 issued, counted, and reported accurately, and provide
23 feedback for future process improvement.

24 Audits and public testing are most impactful when
25 you provide uniform and meaningful documentation for the

1 public and other stakeholders to examine. So this should
2 include things like the methodology for the random
3 selection of precincts or batches or races to be audited,
4 the security in the chain of custody protocols that were
5 used, who performed the audit, who observed the audit, and
6 any findings from the test or the audit, including any
7 discrepancies.

8 Auditing is best done publicly and in a manner
9 that prevents any conflict of interest. So one way that
10 states have accomplished this is by allowing parties of
11 interest to participate in the audit process alongside
12 local election officials, often in the form of bipartisan
13 citizen audit boards. I really appreciate the opportunity
14 to be here today, and I look forward to answering your
15 questions.

16 MAJORITY CHAIRMAN GROVE: Thank you both so much.
17 I know you have to take off Director Underhill, so we'll
18 start focusing kind of questions around your testimony. I
19 want to first start off by asking if you can give us a
20 brief overview of maybe the three or four most substantial
21 trends or changes in election administration nationally in
22 recent decades. As you know, we have spoken a lot about
23 these hearings, the fact that our election code was adopted
24 in 1937 and was only partially updated by Act 77 of 2019.
25 So can you just give us three or four things that states

1 are looking at doing?

2 MS. UNDERHILL: I'd like to, if I may, take a
3 20-year perspective on it, so if we start with 2020 [sic],
4 which, as you all know, was Bush v. Gore, it brought
5 election administration to the public's attention for the
6 first time, really. Before that, it had been a bit of a
7 sleepy, backwater, local issue. So since then, one of the
8 trends has been to more involvement from the state level,
9 and that's been particularly with voter registration, which
10 is required to be managed, in some way, at the state level
11 but also in other things as well.

12 A second piece I'd offer would be more
13 pre-Election Day voting, which is my phrase for early
14 in-person voting and no-excuse absentee voting. I'm going
15 to hazard the guess that in 2000, there were six states
16 that offered early in-person voting, and now it's, as I
17 showed you, virtually all the -- or about 45 of the states
18 do now -- 44 or 45. So that's been a huge change to more
19 voting taking place before Election Day.

20 There's been a huge shift in voter ID. In 2000,
21 14 states asked for some kind of voter ID to be shown at
22 the polls, and we're now at 35 states ask for something.
23 What they ask for and how they ask for it, how strict it is
24 varies, but that's a pretty big leap. Most of that took
25 place from 2011 through 2015. That was the big issue.

1 And then on voter registration, this will be my
2 last one. I think that gives me four. Voter registration
3 has been modernized, thanks to technology, with online
4 voter registration, and many states have automated the
5 exchange of information with their DMV, if not with other
6 state agencies that interact with the public.

7 MAJORITY CHAIRMAN GROVE: Thank you. Chairwoman
8 Davidson.

9 MINORITY CHAIRWOMAN DAVIDSON: Yes. Thank you so
10 much for your testimony today. Could you say which states
11 you believe strike a good balance between security and
12 access that have, you know, different ways for people to
13 vote, or people can vote freely, but there's also a great
14 deal of security in place as well? Would you have an
15 example of those states that strike a good balance?

16 MS. UNDERHILL: Chairwoman Davidson, that's just
17 the kind of question I try to dodge whenever I can because
18 we try to not compare one state to another state. I think
19 there's different ways we can look at that, but one lens to
20 look at that is does a state want to have all of the
21 elections take place on Election Day or are they open to
22 having an election period. And there are still a handful
23 of states, including New York, which do not provide early
24 in-person voting, and so that's a place where some people
25 might say that's an access question.

1 On the security side, there are many, many small
2 features of absentee mail voting that can make it more
3 secure. Colorado has been doing this for quite some time,
4 so it has a pretty robust security system behind the
5 scenes. I'm noticing with what's being produced in the
6 press, something will happen, like, in Iowa reducing the
7 number of early voting days from 29 to 19, and that is
8 indeed a reduction in the amount of time for someone to be
9 able to vote. Nineteen is the average around the nation,
10 so does that make it a problem choice? I'm not able to
11 say. I'm just saying it went from 29 to 19, and 19 is the
12 average.

13 And on the security side, the states that don't
14 ask for voter ID at the polling place have other ways of
15 ensuring that the person is who they say they are. Much of
16 that happens with the voter registration system when you
17 mail out a document and if it's returned, then you can kind
18 of flag that as a voter who might no longer be at that
19 location.

20 I hope that was sufficient. I'm happy to take
21 this up with you further or keep on talking if you want,
22 but maybe that's a first level answer.

23 MINORITY CHAIRWOMAN DAVIDSON: Ms. Underhill,
24 would you like -- I'm sorry. Would you like to respond,
25 the other testifier -- Morrell? I'm sorry. Would you like

1 to respond to that question?

2 MS. MORRELL: I would agree with Wendy actually.
3 Every state has a really unique voting culture, and so I'd
4 be hesitant, I guess, to, like, point to one specific
5 state. Obviously, I've got a little bit of a bias. I
6 spent a number of years administering elections in
7 Colorado. I came to really appreciate that model both in
8 terms of accessibility and security. It provided several
9 avenues of voting over a period of time, whether that was
10 by mail or in person, on Election Day, prior to Election
11 Day.

12 I know you heard already from a representative
13 from Colorado a couple of hearings ago, but one of the
14 things that I appreciated about that model was our places
15 for voting, our vote centers we actually call the voter
16 service and polling centers. And it was intentionally
17 termed that way in that we wanted a place not just for
18 people to be able to vote but to be able to serve them
19 regardless of their needs and to do it in a secure way, so.

20 MINORITY CHAIRWOMAN DAVIDSON: Thank you.

21 MS. MORRELL: But I should just add, all that is
22 to say, I completely recognize that what works in Colorado
23 may not be the best fit for another state.

24 MINORITY CHAIRWOMAN DAVIDSON: Thank you. I do
25 believe Colorado has been mentioned quite a few times by a

1 number of testifiers as an example of a balance between
2 security and access and those two things not being mutually
3 exclusive. Because of the wide number of ways that
4 Colorado allows voters to vote and also as it relates to
5 disabilities, they have struck the right balance it seems
6 for their culture. Thank you so much.

7 MAJORITY CHAIRMAN GROVE: Representative Diamond.

8 REPRESENTATIVE DIAMOND: Thank you, Mr. Chairman.
9 Thank you, Wendy, and thank you, Jennifer, for joining us
10 today. We really appreciate you taking some time. My
11 question, and it has to do with a topic that we're getting
12 a lot of requests from, from our local election officials,
13 is about pre-canvassing, that process, and the differences
14 in approaches between states.

15 In particular, what happens -- and this has
16 occurred I can't tell you how many times I've heard from
17 constituents on this. In particular, what happens if a
18 mail-in ballot has been received under a voter's name, but
19 that voter appears on Election Day wanting to vote and
20 claims that they did not submit any mail-in ballot because,
21 you know, that pre-canvassing includes removing that secret
22 ballot from its envelope, separating it from its identity,
23 and then that voter is, you know, instructed to fill out a
24 provisional ballot instead at the poll. Later on, they
25 find out the provisional ballot did not count because the

1 mail-in ballot that was sent in their name.

2 So how do states handle that process before
3 Election Day to ensure that the voter knows that the County
4 Board of Elections has received a vote in their name, so
5 they're not showing up at the polls and saying it -- or
6 that they can contest that vote that's been polled? It's
7 my biggest concern about allowing for pre-canvassing here
8 in Pennsylvania, is to make sure that no voter shows up and
9 is disenfranchised because somehow a mail-in ballot has
10 been submitted in their name without them knowing. Can
11 either of you address what would be best practices in
12 handling that kind of situation?

13 MS. MORRELL: I'll take that first, and then I'll
14 let Wendy add her thoughts. So you're right. In that
15 pre-canvass process, there are a number of steps that take
16 place. And one of the first things that happens when that
17 ballot is received by the local official, whether it comes
18 through the mail or through a ballot drop box or is
19 returned at a voting location, is that ballot gets checked
20 in so that that voter immediately receives credit for
21 having returned that ballot.

22 Now, best practice would be to provide some sort
23 of ballot tracking tool, and that's been -- we saw a huge
24 increase, right, last November of states taking advantage
25 of that technology or a voter receives a text, an email, or

1 a phone call notifying them that their ballot was received
2 by the election office.

3 Now, in the scenario that you presented, if a
4 voter were to show up on Election Day and try to vote in
5 person, you're correct, they would be told that a
6 vote -- they had already cast a ballot and would have to
7 vote provisionally. So there is a process, once that
8 provisional ballot is adjudicated, if a voter determines
9 that they did not cast a ballot. So most of the time,
10 they'll be brought in. They'll be able to look at the
11 envelope that was received. They'll be asked to confirm if
12 that was their signature or not or whatever information or
13 validation process a state uses to validate that returned
14 mail ballot.

15 We certainly had -- very few, but once in a while
16 we would have situations like that. Usually, it was one of
17 two things. We had elderly voters that would forget that
18 they had turned a ballot in and then come to vote on
19 Election Day, and once they saw their return envelope would
20 acknowledge that that was, in fact, theirs and all was
21 fine. But there was still a legal remedy. If they
22 insisted that was not their ballot that had been returned,
23 then certainly that would be turned over to the district
24 attorney for investigation.

25 REPRESENTATIVE DIAMOND: So let me just be -- so

1 they go through -- let's say they go through that process.
2 They adjudicate. They look at the envelope. They go,
3 that's not my signature. There's no way to reach into the
4 pile of secret ballots and pull that particular ballot out
5 to replace it with the provisional ballot that the person
6 cast at the poll. So how do you resolve that if you're
7 doing all this pre-canvassing?

8 MS. MORRELL: You don't. But let me just say it
9 again. Those instances of that happening were very, very
10 rare in my experience, both in the states where I served as
11 a local official, as well as states where I've supported
12 elections, very rarely. We're talking single digits in a
13 jurisdiction of half a million voters did I ever see a
14 situation like that.

15 MS. UNDERHILL: If I may add to this, I'd offer
16 that there's a flip to this scenario, which is that when a
17 voter submits a ballot and it's not verified, then what
18 happens. I don't know if you all know that I vote in
19 Colorado. NCSL's headquarters is in Denver. So my adult
20 daughter had registered when she was in high school and
21 then she submitted her first ballot, and her signature had
22 changed between being a 16-year-old and an 18-year-old.
23 And our election official said, this doesn't match, and
24 they sent us a letter in the mail saying, we have received
25 a ballot in your name, but it does not match your

1 signature. You need to verify that you sent this in or
2 your ballot won't count. So that verification step can
3 help on both sides of ensuring that there's -- the right
4 ballot is the one that's counted.

5 REPRESENTATIVE DIAMOND: All right. Thank you,
6 ladies. And the fact, Jennifer, that you said that it's
7 rare means that it still happens, and that means some voter
8 is being disenfranchised. And for me, just one voter being
9 disenfranchised is one voter too many. So thank you so
10 much for -- I mean, we really have to work on how we're
11 going to do that here in Pennsylvania if we offer
12 pre-canvassing. So thank you so much for your input on
13 that. Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN GROVE: Representative Nelson.

15 REPRESENTATIVE NELSON: Thank you. Thank you,
16 Mr. Chairman. And Director, just building on a little bit
17 of your testimony, you had mentioned that most states, you
18 know, do have a voter ID requirement. Currently, in
19 Pennsylvania, after the first time a person votes, you
20 know, there's not a requirement in effect. Can you touch
21 on how that overview of the voter ID laws in other states,
22 particularly in regards to making free IDs available for
23 voters?

24 MS. UNDERHILL: Yes, sir. There are various, I
25 guess I'm going to call them, levels of strictness. In

1 some states, they say, please bring something with you, and
2 a bank statement with your name on it would be fine. And
3 some say, please bring something with you and it should
4 have your photo on it, and your library card might be fine.
5 And some say, you must bring a photo ID or -- as opposed to
6 requesting that you bring a photo ID, so there's different
7 levels. And then if you're in that stricter camp where you
8 say you must bring a government-issued photo ID and someone
9 shows up and they don't have it, there are various ways
10 that states can handle that.

11 One is to say you vote a provisional ballot and
12 you must show back up, which is the second step for the
13 voter to be able to clear that, or vote a provisional
14 ballot and we will look into it on our side and so long as
15 no other ballot has been submitted in your name or we've
16 been able to verify your signature on that provisional
17 ballot is the one on the voter record, then we'll count it.
18 Or they could have an alternative if the person is
19 indigent, then the ballot can be counted, or there can be
20 some other mitigating circumstances.

21 And I'd be happy to follow up with on that if
22 that's useful. Each state plays it a little differently.
23 Wyoming just adopted voter ID for the first time. I think
24 it got signed this very week. And they took the approach
25 of vote a provisional ballot and have the state

1 double-check it.

2 REPRESENTATIVE NELSON: Yes. Definitely, I look
3 forward to following up on that. And you had mentioned
4 that your analysis didn't really address for the mail-in
5 votes. You know, we had a lot of controversy in
6 Pennsylvania for the Supreme Court decision to eliminate
7 the signature requirement. Can you touch on the election
8 integrity issue of having some type of requirement
9 associated with mail-in ballots?

10 MS. UNDERHILL: Yes, sir. When many of those
11 voter ID laws were put into place, one of the arguments was
12 that if a person doesn't have a ID, they can still vote
13 absentee, so it was used as an alternative. Now the
14 question -- particularly since 2020, the question
15 is -- because so many people did vote absentee, the
16 question is how do we know that the right person has voted,
17 and states take different approaches to that as well.

18 In Colorado, as I've mentioned, it is a signature
19 match, which includes some technology but also includes a
20 bipartisan set of eyes on every ballot that goes by. And
21 if the bipartisan team doesn't agree that the ballot
22 is -- that the signature is the one on record, then they'll
23 bounce it to another level and then they'll go back to the
24 voter and say, is this yours.

25 So that can work. You can also ask that the

1 voter include their driver's license number or the last
2 four of their Social Security number on their ballot. It's
3 best if that's not on the exterior of the envelope. Best
4 that there be, like, a little flap that covers that up. So
5 now you've got an envelope that has a little flap that can
6 be undone by the local election official.

7 Oh, and there a very small handful of states,
8 mostly in the South, that do ask for a signature from a
9 witness or a notary public. I'm not sure that actually
10 fixes the security question because now you would wonder
11 about who was that person. And you probably all remember
12 in North Carolina, there was a case of absentee ballots in
13 2018 being submitted and they were witnessed, but they were
14 witnessed by campaign people, not by, you know, neighbors
15 or otherwise.

16 So I'm not sure that the witness or notary
17 request is the right approach. I think it's more about
18 making sure that the voter registration is up to date and
19 then the verification of the signature or the identifying
20 numbers as it comes back through.

21 REPRESENTATIVE NELSON: That's great. And you
22 know, the aspect of voter identification really seems to be
23 a bipartisan issue. But there is concern that in other
24 states that do use voter ID, how, you know, does that
25 impact voter turnout, particularly with certain demographic

1 groups?

2 MS. UNDERHILL: That's a very hard question to
3 answer because turnout is a factor of so many, many
4 features and primarily who's on the ballot and what the
5 weather is. Those two things have a big impact. There
6 have been political scientists who have looked into this,
7 and they tend to come up with the answer that it's a small
8 number of voters who are turned away because of it. Small
9 is still more than zero, and one thing that they have a
10 hard time accounting for is anyone who might chose not to
11 vote because they know they don't have the ID, so that's a
12 little tricky. You know, how many people just opted out of
13 the system because they thought that they would have
14 difficulty with that ID requirement at the polling place.

15 So I also would offer that political campaigns do
16 adjust to the laws, and the state can also get the message
17 out about what is the law. Are you 65 and older and you
18 don't need it? So communication from the state is the very
19 best. Communication from campaigns can make a difference
20 as well. And then the number of people who don't have that
21 ID is small, but small is still bigger than zero.

22 REPRESENTATIVE NELSON: Great. Thank you. Thank
23 you very much. Thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN GROVE: Representative Schmitt.

25 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman.

1 And this is, again, a question for Ms. Underhill. In
2 Pennsylvania's experience, it seems that offering the
3 mail-in voting as an option for all voters turned out to be
4 much more expensive than our previous election system,
5 which included mostly Election Day voting along with small
6 number of absentee voters.

7 And it also imposed a significantly increased
8 workload burden on our counties. And my question for you
9 is, in states that have expended mail-in voting or early
10 voting options, has it inevitably led to increased cost and
11 burden of election administration or have there been some
12 states who have been able to expand mail-in or early voting
13 options while reducing the cost and burden of election
14 administration or at least keeping those things from rising
15 significantly?

16 MS. UNDERHILL: Thank you for that question. And
17 I can absolutely see how having to turn on a dime like
18 Pennsylvania had to do last year was a heck of a haul for
19 your folks. And you were doing it the old way, and you
20 were doing it the new way, and you were doing it all at the
21 same time, so there's also like almost a budget for
22 anxiety. That's very anxiety producing to have to shift
23 like that.

24 States that do mostly mail, and this would
25 include not only those that are all mail, but those such as

1 Montana and Arizona, where a lot of people vote by mail,
2 will tell you that it reduces the cost once you get over
3 the hurdle. But the transition period, it's a little
4 unclear.

5 I'm not sure that anyone has super great numbers
6 on this, but the idea is that you do need to have some good
7 equipment to handle the ballots that are coming in by mail.
8 And this could include equipment that slices open the
9 envelope. Even technology that takes the ballot out of the
10 envelope, maybe takes the ballot out of the inside secrecy
11 sleeve, flattens them. I mean, there's a lot that can be
12 done with technology. Oh, and I forgot the part where you
13 take a image of the signature on the outside of the
14 envelope, which can then be reviewed for accuracy.

15 So technology can help a lot, but you have to be
16 able to pay for that. And in the end, I think the states
17 that have more mail voting also have fewer in-person
18 polling places. Colorado has tried to find the happy
19 medium with keeping plenty of these voter service and
20 polling places open that Jennifer mentioned so that anyone
21 can truly show up on Election Day and vote in a government
22 facility, if that's what they'd like to do.

23 But at a certain point, you stop having as many
24 polling places, and therefore, you're not paying poll
25 workers and you're not paying rent. You're spending the

1 money, instead, on the ballots and on the ballot
2 processing. So Jennifer may be able to say with more
3 definition that once you get over the hurdle, it saves
4 money, but while you're running the two elections one on
5 top of the other, probably does not look like a cost
6 savings.

7 MS. MORRELL: Yeah. Wendy's exactly right. It's
8 about shifting resources from in-person, reducing that, and
9 shifting those towards the mail ballot operation. My
10 experience, keep in mind this was more than four years ago,
11 this was in a specific jurisdiction, the cost to both
12 produce, issue, mail out, and process on the back end a
13 mail ballot was around 6 to \$8 per ballot cast. The cost
14 to issue an in-person ballot was around 40 to \$60 per
15 ballot, and that's because of having to staff up all of
16 those locations.

17 So when you can reduce the number of in-person
18 locations still in a way that provides what your community
19 needs for in-person voting and shift that, it's just a lot
20 more efficient to produce and process a mail ballot. And
21 most, as Wendy mentioned, of that work can be done using
22 technology versus having to pay individuals.

23 REPRESENTATIVE SCHMITT: Thank you both. I
24 appreciate your answers. And thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN GROVE: Representative

1 Mackenzie.

2 REPRESENTATIVE MACKENZIE: Great. Well, thank
3 you, Mr. Chairman, and thank you to both of our panelists
4 here today. I'd like to speak about early in-person
5 voting. And what happened here in Pennsylvania was that
6 was not something that was initially contemplated in Act
7 77, but with the ability for no-excuse absentee voting,
8 some counties took it upon themselves to have satellite
9 offices and also then kind of promoted even single
10 transaction in-person early voting by utilizing the
11 no-excuse absentee ballot.

12 So somebody would show up at an office; they
13 would fill out their ballot request form; they would be
14 given a ballot; they would return it right there on the
15 spot. So essentially, it was early in-person voting, but
16 it was very ad hoc. There was not uniformity. We heard
17 that from previous testifiers in other hearings that
18 different counties had chosen to do different things. So
19 it was very uneven across our Commonwealth.

20 So wanted to give you that background and wanted
21 to ask how other states handle early in-person voting. And
22 is there a uniformity requirement just like there is for
23 polling places or how does that typically work in other
24 states?

25 MS. UNDERHILL: Thank you for that question.

1 Your neighbor, New Jersey, has been battling that question
2 of do we have early voting or don't we have early voting,
3 and it's because election officials are saying come in, get
4 your absentee ballot, fill it out over there at that table,
5 put it in the envelope. Now it's sealed like a regular
6 absentee ballot. It's not being scanned on that day, but
7 it's being received.

8 So the voter would say, we're doing early voting.
9 So there is a distinction in the election administration
10 world of whether it's -- early voting would be you actually
11 put the ballot through a scanner right then and there, and
12 absentee voting, like you have here, you put it in an
13 envelope and process it later. The voter doesn't see any
14 distinction.

15 I would say that I think over the course of the
16 last few years, there has been more of a move towards more
17 uniformity about hours that early voting is available, and
18 this is problematic because if you have a tiny, rural area
19 where perhaps your county clerk works part time. I don't
20 know if you have that here. Certainly, in Wisconsin, that
21 would be the case. They don't have the hours to put in to
22 keep it open, where a city might be able to. But yet there
23 has been some effort to say, we're going to do it on these
24 days. In Georgia's new law, they said and we're going to
25 allow the local option on the weekend voting.

1 So in your case, I don't know what to offer, but,
2 uniformity -- and I think Jennifer was referencing that in
3 terms of standard operating procedures for other things, at
4 least some guidelines. And I don't know how you say to a
5 clerk you can't do that part where if they come in and ask
6 for a ballot and then they drop it right off. Do they have
7 to put a stamp on it and put it in the post box? I don't
8 know how you do it once the door is open for that.

9 There are people also who think that early
10 in-person voting is actually preferable because now you've
11 got the voter standing right there. And so perhaps by
12 opening early in-person voting of the regular kind where
13 the same ID checks are being done or the same processes on
14 Election Day, that might alleviate some of the concerns
15 others have expressed about absentee voting. And we're
16 seeing that in other places as well that people might like
17 the in-person version more so than they like the absentee
18 version. Many states have both.

19 REPRESENTATIVE MACKENZIE: Ms. Morrell, did you
20 have anything to add?

21 MS. MORRELL: I don't. I think Wendy covered it.
22 The only thought that comes to mind is some of those
23 smaller -- well, actually jurisdictions of all sizes that
24 initially started with just offering those services that
25 you would get prior to Election Day in a clerk's office

1 just from voter demand, meaning just so many voters coming
2 in and asking for those services is really what sort of
3 pushed them to sort of expanding that beyond just their
4 office so that it could be planned for, adequately staffed,
5 supplied, equipped, et cetera.

6 REPRESENTATIVE MACKENZIE: Okay. So Ms.
7 Underhill, you spoke about some other states that had early
8 in-person voting, and so do they have the same requirements
9 around, you know, uniformity whether it be about population
10 or geography requirements for those early voting stations
11 just like we do for traditional Election Day polling
12 locations?

13 MS. UNDERHILL: The move has been more towards
14 uniformity, but it's not -- I can't tell you that the
15 states that have early in-person voting are always uniform.
16 But there's much more uniformity than there used to be, and
17 there's -- if you do identify that we're going to have
18 early voting available in person on 12 days, including at
19 least one Saturday prior to Election Day for at least these
20 many hours, and the jurisdiction might shift those hours
21 but still reach that same number. So there is definition
22 around it but not perhaps entirely uniform. Does that make
23 sense? It's not a wide open, nor is it absolutely uniform,
24 but there's a lot written into the law, and I'd be happy to
25 provide that to you.

1 REPRESENTATIVE MACKENZIE: Okay. No. I
2 appreciate that. And you know, it's a cause for concern
3 for me. I mean, we've heard in previous hearings about the
4 lack of uniformity of access for voting, and I saw it
5 personally in my district on Election Day.

6 Some voters were standing in very long lines
7 because there was a low level of no-excuse absentee or mail
8 voting being used in those polling locations. And then you
9 went to other polling locations, and because a lot of those
10 voters had utilized mail voting, there was nobody there,
11 and people could be in and out in under five minutes. And
12 so having to wait two or three hours at a polling place on
13 Election Day versus five minutes is, you know, a real
14 problem, in my opinion. And so we have to kind of think
15 holistically about these issues and make sure that we have
16 uniform access to voting. So I appreciate your comments,
17 and I'll turn it back over the Chairman. Thank you.

18 MAJORITY CHAIRMAN GROVE: Thank you. Director
19 Underhill, I know you had a 1:00 cutoff. It's three
20 minutes until then. You still have that or --

21 MS. UNDERHILL: May I say my job is to serve the
22 state, so I'm with you as long as you need me.

23 MAJORITY CHAIRMAN GROVE: Okay. We'll be here
24 until 5:00. No. I'm just kidding.

25 MS. UNDERHILL: Well, okay. Maybe not, but keep

1 on going.

2 MAJORITY CHAIRMAN GROVE: Will do.
3 Representative Miller.

4 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.
5 And thank you to both Wendy and Jennifer for your
6 testimony. I appreciate it. Underlying and foundational
7 to our elections is the very critical component of ensuring
8 our database of registered voters is accurate and
9 maintained accurately and updated accurately. So my
10 question to you is, what states are you familiar with that
11 do very well by way of maintaining accurate registration
12 databases, and what do they do to maintain them? What do
13 they do to make sure they're accurate in an ongoing
14 fashion?

15 MS. MORRELL: I'll take the first stab at that.
16 You heard Wendy in her introduction mention ERIC, the
17 Electronic Registration Information Center. I always get
18 that wrong. So I would say all of the states that belong
19 to that do an excellent job at list maintenance. Part of
20 that is on a regular basis, monthly, they receive a couple
21 of things. They have access to the Social Security death
22 index to compare against their voter records. They have
23 monthly updates from the National Change of Address program
24 administered by the U.S. Postal Service, so they can,
25 again, on a regular basis make updates based on that or

1 send out notifications to voters to verify if they've moved
2 or not.

3 They also, as Wendy mentioned, have some
4 cross-checking that's done with other states that belong to
5 ERIC in terms identifying duplicate voters. I think the
6 important thing, though, is when you enter into a program
7 like that, like ERIC, it shifts the idea of voter list
8 maintenance from what it was when I first started in
9 elections, back in 2009, something that you did once a
10 year, you did annually, to something that really becomes
11 just a daily part of your work.

12 So you're doing, at a minimum, monthly updates,
13 if not, I would guess in most medium to large
14 jurisdictions, daily monitoring of that database, sending
15 out notices to voters, comparing that to other state
16 records, information from the Department of Motor Vehicles.
17 Any state that has a direct regular connection to the DMV
18 is always going to have a better, more updated list.

19 MS. UNDERHILL: And I'll just add to that that
20 when ERIC sends out those reports, then it's up to the
21 state what they want to do with them. So the state still
22 maintains its own process, so long as it's in line with the
23 National Voter Registration Act, on how to use that data.
24 They don't actually take people off of the list based on
25 ERIC data. They communicate with them. And I believe that

1 when election offices send out mailings of any kind,
2 informational mailings, it still serves as part of their
3 process. If that gets returned as undeliverable, then it's
4 time to, you know, raise an eyebrow and begin to
5 investigate a little bit further, so that constant
6 communication.

7 And I heard the Secretary of State in New Mexico
8 saying that she wishes she had more email addresses and
9 more cell numbers so that she could have a quicker
10 communication back and forth with voters. That's not
11 something that any of us are probably ready to require that
12 voters provide, but a thought that the more connected you
13 are, the more you know when someone is no longer in
14 residence.

15 And then, if you spend the money on doing these
16 in-advance things, you save the money on not sending out
17 that many absentee ballots to bad addresses. And because
18 each ballot does have a significant price associated with
19 it, every one of those is a real win.

20 REPRESENTATIVE MILLER: So I would presume the
21 answer to the question which state or states do it best,
22 you will defer on that question?

23 MS. UNDERHILL: I'd offer it's the ERIC states
24 perhaps, or at least they have access to some good data,
25 and also those that have a higher level of absentee voting

1 because they really, really, really want to save the money
2 on not sending out the ballots to voters who are no longer
3 there.

4 REPRESENTATIVE MILLER: Okay. I have a follow-up
5 question. Just receipt of an article that a lawsuit is
6 forcing Pennsylvania to take 21,000 dead people off of our
7 voter rolls; 9,200 had been deceased for 5 years; nearly,
8 2,000 for 10 years, and nearly 200 for 20 years. It took a
9 lawsuit to get our registration system updated. Are there
10 any states that do that process well? And what
11 recommendations do you have for the removal of deceased
12 voters from our registration list?

13 MS. MORRELL: I can only speak to Colorado
14 because that's such a specific question. We received
15 regular updates from the state vital records and statistics
16 office. So if somebody had passed away and it was
17 confirmed through that, they would be removed or
18 inactivated, states use different terms, from the rolls.

19 And then, as I mentioned, through ERIC, there's
20 also the Social Security death indexes is one other way
21 that you can be alerted. It's a little bit slower than
22 getting that information directly from your state, so it
23 might have a little bit of a lag, but it's one other way
24 that you could at least identify them more than years out.
25 When I say a lag, I mean, like, you know, weeks to a few

1 months slow in reporting.

2 MS. UNDERHILL: And I'd just offer that every
3 state -- I actually thought it was standard practice to
4 look at death records from within the state and then
5 potentially from the Social Security Administration through
6 ERIC. But each state is getting better and better as the
7 years go by on what data it's comparing to. So if a state
8 has not been looking at death records, then that's a new
9 process that could be adopted.

10 Also prisoner records is something else that can
11 be looked at and the National Change of Address even, if
12 you're not a member of -- are just data sources, and the
13 more of those that you can use on a regular basis to
14 regularize this, the better. Now, there are these rules
15 from the National Voter Registration Act about when you can
16 take people off the rolls, so you don't want to get
17 sideways with that, but clearly, it makes room for removing
18 voters based on death.

19 REPRESENTATIVE MILLER: Okay.

20 MS. MORRELL: Yeah. I wonder if that needs a
21 little bit of clarification. States have a different way
22 of addressing that. Most states won't take that voter
23 that's -- or my experience has been they're not completely
24 removed, but they're put in an inactive status, meaning
25 they would not be mailed a ballot. If for some reason they

1 weren't deceased and showed up to vote, they would be, I'm
2 guessing, given a provisional ballot, and that would be
3 sorted out. So I think it's important -- I'm not the
4 expert there, but to understand that states have different
5 ways of moving people from active to inactive to completely
6 removing them. Does that sound right, Wendy?

7 MS. UNDERHILL: It does sound right.

8 REPRESENTATIVE MILLER: Okay. Well, thank you
9 very much. Obviously, we want to make sure that our voting
10 rolls here in Pennsylvania are accurate, and then the
11 process can be trusted. So thanks so much for your
12 testimony.

13 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

14 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman,
15 and thank you both for being here today. I want to shift
16 gears a little bit and talk about Election Day observers or
17 just observers in general. I know I received a lot of
18 phone calls about the way that some Pennsylvania counties
19 provided access to election observers during the prior
20 election. What are some of the best practices regarding
21 election observer access, and which states provide a good
22 model?

23 MS. UNDERHILL: You're asking a question that I
24 will be able to answer much better six months from now, but
25 I'll give you the best I can right now. This really wasn't

1 a question until 2020. There'd been, as I mentioned,
2 longstanding rules on who can be a poll watcher and to some
3 extent, what they can do, but it was all focused on
4 Election Day. So you might almost say that any observation
5 that goes beyond Election Day to the counting of all these
6 many absentee ballots is sort of uncharted territory.

7 Having said that, a couple ideas are live streams
8 so that people can observe from home, and that's even
9 better if you have people maybe register who they are and
10 what their interest is. I mean, there might be a way to
11 ask for some information from the viewers. And if you can
12 provide, perhaps, like a little pop-up that comes up every
13 now and then that says what you're watching is ballots
14 being removed from their envelopes, something like that.

15 And another thing that can be done is to invite
16 people in well before the Election Day starts, perhaps to
17 watch the logic and accuracy testing that takes place
18 so -- and to have many, many, many public forums about this
19 is how elections work probably helps, and providing manuals
20 for those people who are going to be observers.

21 I think the number 1 thing is that they are there
22 in an observational role and are not to interfere with a
23 voter or with an election official, so everybody on both
24 sides of that needs to know what those rules are. But
25 because it was such an unusual year, we're going to be

1 looking into what states did informally and what states
2 have done with laws. I think I can be pretty confident
3 that there haven't been any changes in the laws yet, but
4 that's because all the states are in the position that you
5 are in of trying to figure out, in the new world, what does
6 it mean to allow observation?

7 And if I could just say one more thing, observers
8 come in more than one flavor. They come in Democrats and
9 Republicans, of course. They also come in nonpartisan garb
10 sometimes, like academics, and they might be watching for
11 something entirely different. They might be watching for
12 length of time for people to get to vote or some other
13 thing. And then election observers from international
14 organizations might want to come for their own purposes.

15 MS. MORRELL: And I would just add, this is where
16 creating uniform practices across the state has a
17 tremendous amount of value, and creating a culture of
18 detailed, written procedures at the local level can be
19 really instrumental in being able to create these training
20 opportunities for watchers so that when they come to a
21 location they are more focused on the process and the
22 procedure and know what they should be seeing. You know,
23 it'll give them, I think, actually a better experience,
24 less anxiety about is something happening that shouldn't
25 be. So creating those standard procedures, creating a sort

1 of training or certification program -- there are states
2 that do that -- seems to be really successful in making a
3 good experience for both the watcher as well as the
4 administrator.

5 REPRESENTATIVE ORTITAY: I agree. And you know,
6 since I represent two counties, there were, it seemed, like
7 two different processes, and you would hear the stories
8 from my constituents back and forth. And with COVID, I'm
9 sure it made it a lot more difficult, too, to standardize
10 that across the state. I mean it's not the norm to have to
11 deal with a pandemic when you're doing an election, too.

12 But one other question I want to ask, in
13 particular, we've heard that Colorado allows for election
14 observers to be appointed in any county in the state
15 regardless of their county of residence. Can you describe
16 the background of that provision in Colorado, and has it
17 caused any negative impacts that you're aware of?

18 MS. UNDERHILL: I do have a web page that
19 outlines what are the laws in every state, and I can look
20 at Colorado. I don't have any memory of a historical event
21 taking place that caused that, so I don't think that we can
22 say this big event happened, and therefore, the law was
23 changed to such and such.

24 MS. MORRELL: Yeah. Same. I don't ever remember
25 that causing a problem. Again, that is a good example of a

1 state that has used administrative rulemaking to really
2 detail what that looks like, how many observers and what
3 size of space. Locals appointing, sort of, a point person
4 that if there's an issue or a concern from the observer,
5 they have somebody designated that they can go to, and then
6 of course, the sort of training or certification program
7 that I mentioned. But yeah, I don't remember there ever
8 being an issue or concern with that.

9 REPRESENTATIVE ORTITAY: Okay. Thank you both
10 for your answers, and thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN GROVE: Representative Dowling.

12 REPRESENTATIVE DOWLING: Excuse me. In your
13 testimony, you noted that in recent decades more states
14 have adopted a manual training program for elections
15 administration, with others offering volunteer training
16 programs and few providing no training. Which of these
17 categories does Pennsylvania fall under, and how does our
18 election training compare, generally, to those states that
19 have best practices?

20 MS. UNDERHILL: Jennifer, I have an answer here.
21 It's just going to take me just half a second.

22 MS. MORRELL: Yeah. I'm not as aware of the
23 differences in practice there across the states. I do know
24 that in some states, it's entirely an in-person sort of
25 annual conference event. In states where it's more robust,

1 it's a combination of some online courses that have to be
2 taken, as well as an intensive, like several-week course
3 that they might have to go through with regular
4 certifications. And then there may be other states where
5 it's just guidelines that are made available for folks to
6 sort of read and follow. So that's sort of my
7 understanding of what the spectrum of that might look like.

8 MS. UNDERHILL: And I'll offer that I have a note
9 here that says Pennsylvania is one of three states that
10 only requires training for poll workers if voting machines
11 or tabulators are being used at the polling place. I don't
12 know how you could have a polling place where that wasn't
13 the case, but that's maybe a little different than the
14 training for the local election officials.

15 I think I can pull that together from something
16 behind the scenes, but I can't answer it now. I have the
17 impression, though, that Pennsylvania has less training
18 that's mandated by the state than most states do.

19 REPRESENTATIVE DOWLING: Thank you both. Thank
20 you, Mr. Chairman.

21 MAJORITY CHAIRMAN GROVE: Representative Keefer.

22 REPRESENTATIVE KEEFER: Thank you. Trying to get
23 everything just kind of collated here of what you're
24 talking about. In Pennsylvania, we accredit. Our
25 Department of State accredits several different voting

1 systems, and then the counties can select from those system
2 that have been accredited. So there's a lot of, you know,
3 confusion out there. From county to county it's different
4 because we have so many different machines.

5 We're one of the few states, from what I
6 understand, that actually does that. Most states will have
7 one system in place. So why do other states adopt the
8 statewide approach, and what are the benefits or, you know,
9 if there's negatives to not adopting that type of an
10 approach for the equipment?

11 MS. UNDERHILL: I actually want to revisit
12 whether it's true that most states do it with just one way.
13 I believe that more states have a county option on it. You
14 know, there are some states, and Georgia comes to mind,
15 Oklahoma comes to mind, Rhode Island, as having the exact
16 same system throughout the state. I might be missing one
17 or two. But mostly the counties are deciding.

18 Now, sometimes, the state puts a lot of weight on
19 the scale, and they'll say, well, if you choose the system
20 that we really like, we'll give you training and tech
21 support to go with it, or they'll go 50/50. But Ohio
22 allows the counties to choose. I just think that's more
23 common.

24 But then you have the question of that
25 uniformity. It's not clear to me what's the better system.

1 And I also think about he who pays the piper calls the
2 tune, so if the state is able to pay for equipment
3 everywhere, then you get to choose the equipment that you
4 want, and it's a little harder to require that if the
5 counties are the ones who are paying for it.

6 REPRESENTATIVE KEEFER: Right. Okay. So let me
7 clarify a little bit more of that. So some of them will
8 have a -- it's the type of system, so whether they're using
9 a paper system or they're using some kind of a ballot
10 marking device. So states will usually choose one or the
11 other in that. So we have -- no? That's not the case?

12 MS. MORRELL: I would just say I concur with
13 Wendy. It's the minority, in fact, just a few states that
14 I believe would have a singular system. Most states have
15 both options, right, hand-marked paper ballots and some
16 type of a ballot-marking device or accessible voting device
17 for in-person voting. And my experience is all of the
18 major vendors seem to have some number of jurisdictions in
19 any given state --

20 REPRESENTATIVE KEEFER: Right.

21 MS. MORRELL: -- where they provide service.

22 REPRESENTATIVE KEEFER: Yeah. I'm not talking
23 about, say, per se one vendor, per se. I was just talking
24 about what you mentioned initially, so hand-marked paper
25 ballots versus, you know, a ballot-marking device. So the

1 states are using one type or the other, not necessarily
2 locking them into one vendor or one system. Does that
3 make --

4 MS. UNDERHILL: Well, it is true that over the
5 last many years, states have moved dramatically away from
6 the DREs to paper ballots. That's very broad.
7 Specifically, most states have chosen hand-marked paper
8 ballots for most people and making sure that there's a
9 ballot-marking device available in a polling place for
10 people with disabilities of many different kinds.

11 Some states have provided sort of a
12 ballot-marking device that can be imported onto someone's
13 computer at home if they have a disability. More recently,
14 I think Nevada and Georgia have adopted equipment where a
15 ballot-marking device is what's used in the polling places
16 altogether. So you're right --

17 REPRESENTATIVE KEEFER: Yeah.

18 MS. UNDERHILL: -- that ballot-marking device are
19 less common than hand-marked paper ballots.

20 REPRESENTATIVE KEEFER: Right. I was just
21 looking at your map that you provided from NCSL where it
22 shows the states, you know, and the polling place
23 equipment. And so if you look at it by state, you know,
24 for the most part, states are using, you know, one type
25 of -- either the, you know, paper ballot or the ballot-

1 marking device. And then there's just a few of us,
2 Pennsylvania, Texas, some of our neighboring states that,
3 you know, allow counties to use different types.

4 MS. UNDERHILL: Yes.

5 REPRESENTATIVE KEEFER: And so the benefits to
6 doing that -- I just think, again, when we're talking about
7 consistency from one county to the next or statewide or how
8 we're looking at things or, you know, when we're talking
9 about tabulation, it gets a lot more confusing.

10 MS. UNDERHILL: One way to think about that would
11 be that the state could say the outcome they want, which is
12 that we want a paper ballot that we can audit and everybody
13 has to meet that need and then let them do it in their own
14 way. But I think you're right that if there's one system
15 with ballot-marking device here and another, then you do
16 have voters who live across county lines saying, how did
17 you vote, and they have a different answer. But there are
18 many -- so that's that broader, almost philosophical
19 question of how much state control is the right amount.

20 REPRESENTATIVE KEEFER: Thank you.

21 MAJORITY CHAIRMAN GROVE: All right. Director
22 Underhill, we actually don't have any more questions for
23 you -- looking at Margo. None? So I'll let you go. We
24 have a couple audit questions to follow up with Ms.
25 Morrell. So I know your time is tight, so I wanted to get

1 you out of here. So thank you so much.

2 MS. UNDERHILL: Thank you.

3 MAJORITY CHAIRMAN GROVE: And again, thank you so
4 much for your help getting testifiers to previous meetings.
5 Without your help, I don't think we would be as successful
6 as we have been with these hearings, so thank you.

7 MS. UNDERHILL: Well, I'm most happy to help, and
8 thanks very much. It was very interesting to be here with
9 you all today, and I've got a few things I'll follow up
10 with you all on.

11 MAJORITY CHAIRMAN GROVE: Thank you. Thank you
12 so much.

13 MS. UNDERHILL: Bye-bye.

14 MAJORITY CHAIRMAN GROVE: Representative Ryan.

15 REPRESENTATIVE RYAN: Outstanding. Mr. Chairman,
16 thank you so much. And Jennifer, I really appreciate your
17 time. You know, the audit world is a pretty fascinating
18 aspect for me as a CPA, and I truly appreciate your
19 background.

20 When I hear the terms about risk-limiting audits
21 and the benefit that they provide, from a CPA perspective,
22 we found that those types of audits are really based upon
23 how well documented the processes are, and as
24 Representative Keefer just mentioned, the different options
25 and alternatives that could happen, I would call them

1 different touch points. We've heard about costs, about
2 lower costs. Require fewer ballots to be audited.

3 So really, the question I'm asking you is that,
4 as you look at this, if you expand the number of options
5 that could be available for someone in terms of their
6 ability to vote, are we making it simply a much more
7 expensive process to audit and much more expensive
8 processes by nature, or to be a much better approach or
9 different approach, for example, to look at a different
10 type of auditing of the process up front to determine what
11 the metrics are and then go ahead and then do a
12 risk-limiting audit based upon that?

13 MS. MORRELL: Yeah. So one of the things that I
14 really came to appreciate about the risk-limiting audit or
15 you know, a robust closed election audit, is it required
16 me, as the election official, to really tighten up my
17 ballot handling, my ballot control processes, my ballot
18 accounting, meaning whether that ballot was cast by mail,
19 whether it was marked on a ballot-marking device, which
20 provided, you know, an auditable paper trail as well,
21 whatever form that came in required me to have great
22 organization in knowing where that ballot was, how it was
23 stored, where it was stored, assigning unique identifiers
24 to that and creating like a manifest or a log so that I was
25 constantly reconciling. As a CPA, I'm sure you'll

1 appreciate that.

2 It lends to less discrepancies, less errors if
3 you're doing daily, regular reconciliation than if you wait
4 until you get to the end of the election and then try to do
5 that balancing. And so that type of audit really sort of
6 requires that from the local officials, so I think that's a
7 benefit. And there's not a cost to it, right, where in
8 terms of like supplies or equipment, it really is just
9 about implementing good standards around ballot handling
10 and ballot organization.

11 In terms of the, like, efficiencies of RLAs or
12 the costs, I think one thing that's important to clarify is
13 it's efficient in that the sample size is driven by the
14 margin of victory. So the wider the margin, the fewer
15 ballots we needed to examine to reach our level of
16 confidence that the outcome was correct. The tighter the
17 race, the tighter that margin, the more ballots we would
18 want to examine, right, the more we need to look at the
19 reach that same level of certainty. So it's one part in
20 the efficiency that I think is important to know.

21 The second is that unlike some of the traditional
22 audits that are put in place, an RLA is designed to
23 escalate if discrepancies are found. So if we come across
24 errors or issues, the audit forces us, then, to draw
25 another sample and continue the audit until either we've

1 reached that level of confidence that we're looking for, or
2 essentially, we've done a full hand recount. And so that's
3 where that efficiency comes in is that we start with an
4 appropriate or an initial sample size, but then, if there
5 are errors or issues, we're going to expand that and look
6 at that more. Does that make sense?

7 REPRESENTATIVE RYAN: Oh, it does. And that's
8 actually why I wanted to bring it up because if you look at
9 the audit approaches that could achieve a type of a
10 mindset -- in my world, I use materiality standards. And
11 so you described the tightness of the race as an example.
12 Well, in my world, that's a materiality standard. But in
13 audits, you keep materiality standards confidential so that
14 the candidates, as an example, in the case of an election,
15 don't know what they are, or it could, in fact, create the
16 condition of fraud that if someone can get a margin of
17 victory by altering the documentation in such a way -- I'm
18 just giving you an example -- but alter it in such a way to
19 get outside of that margin of error and avoids that issue.

20 So the Committee of Sponsoring Organizations
21 published guidelines about the system of internal controls
22 on an auditing organization, not for elections. But in it,
23 they specify the risk of controlled efficiencies,
24 significant efficiencies, and material weaknesses that are
25 the basic or the premise that we're looking for relative to

1 a performance or an operational audit. And in my mind the
2 question really comes up to me, are we able to achieve that
3 degree of true concern about election integrity and voter
4 confidence rather than just the perception of it. And
5 that's actually what I'm trying to get at.

6 MS. MORRELL: Yeah. So like, I think if I hear
7 you correctly, you're absolutely right. That ballot
8 control, that ballot accounting is the foundation of the
9 audit. So if we don't have that, we don't feel confident
10 about how ballots were received and processed, scanned, all
11 of those things that go into that, then the audit is sort
12 of meaningless, right, so we've got to start with that
13 level of control as the foundation. In terms of, like,
14 confidence in the audit itself, I think a couple of things,
15 I guess, come to mind.

16 Again, this particular type of audit -- and I'm
17 not advocating just for this -- I think the important thing
18 is just creating auditability -- is that it is designed in
19 a way to prevent someone from gaming the system. So the
20 way that the ballots are randomly selected, the way that
21 they are reviewed and then blindly, you know, reviewed and
22 voter markings recorded blindly without knowing, you know,
23 what the expected result should be sort of, I think, help
24 address some of what you were just mentioning.

25 The third part that's really key is making sure

1 that whatever the findings are from the audit, right? So
2 the audit reports, including any discrepancies, are made
3 public and available to the public. And it actually starts
4 prior to the audit. It means, ideally, we want to make our
5 results, the contests we're auditing, the way that we're
6 selecting those, our ballot manifests -- those should all
7 be made public ahead of the audit so that we have that
8 level of transparency. And some folks, that will be
9 enough. I mean, there are others probably aren't
10 interested in it at all, some are going to find a lot of
11 value in that, and you know, for others it still may not be
12 enough to feel confident, but --

13 REPRESENTATIVE RYAN: Absolutely. You've been
14 tremendous. Thank you so much. And Mr. Chairman, that's
15 all the questions I have.

16 MAJORITY CHAIRMAN GROVE: Representative Staats.

17 REPRESENTATIVE STAATS: Thank you, Chairman
18 Grove, and thank you Jennifer for joining us today. My
19 question is regarding ballot accounting, the counting and
20 recording of ballots. In your testimony, you mentioned
21 Colorado's extensive rules regarding ballot accounting.
22 Can you compare this system with your understanding of what
23 we do here in Pennsylvania?

24 MS. MORRELL: So there are some similarities.
25 One of the things -- so I kind of look at ballot accounting

1 from a couple of different areas, so first if we think
2 about what happens during an in-person voting transaction.
3 In most states, and Pennsylvania included, there's some
4 sort of requirement for reconciliation of the polls,
5 meaning balancing how many people were checked in or
6 recorded in the poll book against how many ballots were
7 issued and cast. That's pretty standard, and I think
8 that's happening in most states. You know, I'll say it's a
9 challenge, so it's a -- while it may be required in law, I
10 think there's a lot of room for improvement.

11 When it comes to mail ballots, you know, I'm not
12 as familiar with the practices county-by-county here in
13 Pennsylvania, but that really means that every time a mail
14 ballot, as you heard me mention earlier, goes through a
15 number of different procedures, right?

16 It's moved through the process from being
17 received in, to being sorted, going through the
18 verification process, being opened, flattened. Some
19 ballots have to be diverted to be duplicated because they
20 may be damaged or torn. Ultimately, they're scanned. Some
21 may end up going through an adjudication process and then
22 stored. So as it moves through that process, ideally you
23 would want some sort of documentation, some sort of batch
24 control that's happening that gives you both an accounting
25 as well as provide you with the chain of custody.

1 And that's sort of the third piece. And one of
2 the examples I provided you, I think, in terms of states
3 that had done a good job with standard procedures, there
4 was actually -- Pennsylvania issued an absentee, I think, a
5 mail ballot handling procedure guideline that did a really
6 good job, sort of talking about the chain of custody that
7 needed to happen, meaning what points as those ballots were
8 received from drop boxes or other places did somebody need
9 to account for them. So I think they're doing as good as
10 most, if any, states, but I think there's certainly room
11 across the country for improvement there.

12 REPRESENTATIVE STAATS: Very good. And I had a
13 follow-up question, which you've answered, so thank you.

14 MAJORITY CHAIRMAN GROVE: Representative
15 Wheeland.

16 REPRESENTATIVE WHEELAND: Thank you so much for
17 your insight here and information that you're bringing to
18 this Committee. It's invaluable. And it kind of leads
19 right back-to-back with Representative Staats, but you
20 discussed the chain of custody rules and the benefit that
21 they provide in reassuring voters that an election has been
22 conducted with integrity. Are there states that have what
23 you would consider to be a model for the whole chain of
24 custody issue from ballots from beginning to end or any
25 thoughts on any states that ring a bell that --

1 MS. MORRELL: You know, I don't have a specific
2 state that jumps out. I will say the states that have had
3 some experience already of handling paper ballots, so a lot
4 of your mail ballot states out West, Arizona, Utah, Nevada,
5 California, Washington, Oregon, states like that. And it
6 really just comes from maturity with paper and developing
7 the labels, the logs, the checklists, the forms.

8 You know, I sort of mentioned this expansion in
9 ballot drop boxes or 24-hour boxes. And I think that's a
10 good example where we saw a number of states that were
11 doing that for the first time use some best practices
12 there, meaning -- when we were talking specifically about
13 chain of custody, where we had bipartisan teams verifying a
14 seal at the time that they arrive at the box, recording
15 that seal, retrieving those ballots, documenting the date
16 and time that they retrieve those, sealing that box back up
17 again and recording that seal. When they return back to
18 the election office having somebody verify that paperwork,
19 date and time that they return, number of ballots, those
20 sorts of things that seem to be actually a common practice
21 among a lot of states. I'm sorry. I know I'm being vague
22 and not giving you an exact answer, but yeah.

23 REPRESENTATIVE WHEELAND: It's a work in
24 progress, basically, amongst the states.

25 MS. MORRELL: Yeah.

1 REPRESENTATIVE WHEELAND: Trying to figure out
2 what is the best chain of command, would that be a fair
3 statement?

4 MS. MORRELL: It is.

5 REPRESENTATIVE WHEELAND: All right.

6 MS. MORRELL: It is.

7 REPRESENTATIVE WHEELAND: Okay. Thank you so
8 much. Thank you, Mr. Chairman.

9 MAJORITY CHAIRMAN GROVE: Thank you. That was
10 our last question for you, Ms. Morrell. Thank you so much
11 for your time this morning. Obviously, we think your
12 testimony has been invaluable today, so thank you so much.
13 We really appreciate it.

14 MS. MORRELL: Great. Thanks.

15 MAJORITY CHAIRMAN GROVE: With that, we'll move
16 on to panel 2. Mr. Adolphsen, if you can turn on your
17 camera and unmute your microphone. Samuel Adolphsen is the
18 policy director with the Foundation of Government
19 Accountability.

20 MR. ADOLPHSEN: All right. Can you hear me?

21 MAJORITY CHAIRMAN GROVE: We can hear you. We
22 are pinning you. There you go. If you could, really
23 quickly, raise your right hand, and we will swear you in.

24 (Oath administered.)

25 MR. ADOLPHSEN: I do.

1 MAJORITY CHAIRMAN GROVE: Excellent. And if you
2 have any opening comments, please begin.

3 MR. ADOLPHSEN: Okay. Thank you, Chairman Grove,
4 members of the Committee. My name is Sam Adolphsen. I'm
5 the policy director at the Foundation for Government
6 Accountability, or FGA. FGA is a nonpartisan, nonprofit
7 organization. We work in more than 30 states across the
8 country, and we really have one clear goal, and that's to
9 help more people achieve the American dream.

10 So I'm sure everybody here today agrees that it's
11 a good thing when eligible people participate in the voting
12 process. But a high total of votes isn't the singular
13 goal. If an unchecked pursuit of participation leads to
14 confusion or mistakes or even outright fraud, it could
15 disenfranchise the very people we all agree should be
16 participating. And I just want to say I really appreciate
17 this Committee's effort to find that balance. I've been in
18 many states around the country this year discussing this
19 issue. And from what I've seen, your committee has taken
20 the most comprehensive approach to this topic.

21 I'm not here today to try to convince anyone that
22 there was massive fraud in your state this election cycle.
23 The focus should not be on prosecuting past elections but
24 instead on protecting the integrity of the next one, and
25 that's what voters want, too. So recent polls of

1 Republican, Democrat, and Independent voters show that 7
2 out of 10 people want to see the integrity of elections
3 strengthened.

4 And so today, I just want to highlight for you
5 some specific areas that you can consider as well as offer
6 a perspective on how other states are tackling these
7 election issues around the country. So in my written
8 testimony, you'll see I highlight four categories: secure
9 voter registration, secure voting by mail, transparency in
10 elections, and accountability in election operations. And
11 just to keep my spoken remarks brief here, I just want to
12 mention a few key areas from that testimony.

13 First, to make sure that voter rolls are accurate
14 and up to date, Pennsylvania should consider providing
15 officials with more time on the front end to verify new
16 registrants. So currently Pennsylvania only provides for
17 15 days before an election to validate registrants. Many
18 other states require applications to come in 30 days before
19 an election. And this isn't necessarily a partisan divided
20 issue either. Pennsylvania's deadline for registering last
21 year was October 19th. New York's was earlier on October
22 9th, Rhode Island's was October 4th, and Maryland's
23 deadline was October 13th, 2020.

24 When it comes to registered voter lists, as have
25 been mentioned earlier, a recent Pennsylvania Auditor

1 General report found there were significant problems with
2 the voter rolls, with at least tens of thousands of bad
3 records, and of course, we heard the kind of late-breaking
4 news that just came out yesterday that the Department of
5 State there has agreed as part of a lawsuit settlement to
6 remove a little more than 20,000 dead people from the voter
7 rolls.

8 So one way that other states combat these types
9 of problems is to authorize and conduct regular
10 cross-checks with other government data sources, and this
11 is even beyond the discussion about ERIC and that system.
12 So for example, Ohio specifically authorizes other agencies
13 in the state to share data with the election officials.
14 That includes the Department of Health, Department of
15 Corrections, and a whole number of other agencies. Florida
16 operates in a similar fashion.

17 So Pennsylvania law currently requires the
18 Election Commission to conduct these types of cross-checks
19 at least once a year, and quote, promptly update the
20 information. It would be wise to verify that these
21 activities are being completed.

22 In the secure voting by mail category, there are
23 some very clear best practices that other states employ
24 that Pennsylvania could consider. So during the most
25 recent election cycle, there were organizations that

1 pre-filled absentee ballot applications and mailed them out
2 to people who had not requested them. They were
3 unsolicited. This happened in Pennsylvania. It was a
4 DC-based group called the Voter Participation Center. They
5 sent out huge numbers of pre-filled applications for mail
6 ballots. The problem is that these mailings often had
7 wrong information, and they caused mass confusion,
8 especially for people who had already applied for an
9 absentee ballot.

10 So the Lycoming County Election Director, Forrest
11 Lehman said, and this is a quote, that the deluge has
12 gotten so extreme that some people have accidentally thrown
13 away their mail-in or absentee ballot. So you can see why
14 many states have moved to ban this practice. Iowa just
15 banned this in legislation they passed this session, North
16 Carolina had banned that practice previously because of a
17 ballot harvesting scandal that they had down there, and
18 then there are several other states here that are currently
19 considering similar legislation.

20 So another practical measure that many states are
21 moving towards -- this has been discussed earlier today
22 just a bit, with the increase in mail ballots, is to
23 include personally identifying information on the mail
24 ballot envelope, for example, a state-issued ID number.
25 This is a measure, obviously, that improves security, but

1 it could also help to eliminate the problems of guesswork
2 or lack of training that are kind of inherent in that
3 signature matching process, which of course, was a major
4 issue there in Pennsylvania. And just one other item to
5 mention briefly in this category is that several states
6 also require someone to witness the voter signing their
7 ballot, so there's a third-party witness. There's more
8 info on that policy in my written testimony.

9 In the category of transparency in elections,
10 there's one really critical issue I want to highlight for
11 you today. This is the outside influence of private money,
12 specifically on election operations. So last year,
13 hundreds of millions of dollars flowed from the Zuckerbergs
14 of Facebook fame through a nonprofit to local election
15 officials, and this happened across the country. The funds
16 have kind of become known as "Zuckerbucks." And so
17 Pennsylvania alone received over 20 million in Zuckerbucks.

18 So these funds were supposed to be for personal
19 protective equipment and kind of to help election officials
20 guard against COVID and that threat. Instead, the funds
21 went primarily to get out the vote efforts. So while
22 getting out the vote is fine, having private funds targeted
23 through official channels to areas based on political
24 makeup is not fine. And that's exactly what happened in
25 Pennsylvania in 2020. Counties that broke for Joe Biden

1 received 92 percent of those funds.

2 So for example, Philadelphia, which is just
3 slightly larger than Allegheny County received almost five
4 times as many Zuckerbucks. On a per voter basis,
5 Philadelphia got nearly 10 bucks a voter, while many other
6 areas got less than a dollar a voter. So that kind of
7 disparity raises some real questions about the nature of
8 the grants. And we did a -- FGA has done a full brief on
9 this issue, and hopefully, you have that in front of you.
10 If you don't, we can certainly get it to you.

11 So states around the country that experienced
12 this as well, they're moving forward with changes that
13 would ban this type of private funding from influencing
14 elections going forward. And I can tell you there was a
15 bill on this heard this morning in Texas in committee, and
16 this also just passed the legislature in Arizona and is on
17 the way to the Governor.

18 And then just one more way that states are
19 increasing transparency in elections is by making sure that
20 drop boxes are secure and that they're monitored, and
21 that's true of counting centers as well. So in
22 Pennsylvania, the procedures around drop boxes kind of
23 varied widely, and there isn't clear law on this issue.
24 And so we see states moving towards law that requires drop
25 boxes to be under video surveillance 24/7. An easy way to

1 do that is to put them in a government building. Most of
2 those buildings already have video surveillance in place.
3 And just as a note, this is a reform that we've polled on
4 pretty extensively. And in Pennsylvania, the reform is
5 supported by 8 out of 10 voters and that includes the
6 majority of all parties.

7 And then the last category I want to mention
8 here, accountability in election operations. We see that
9 many states have some penalties in place. This is either
10 criminal-type misdemeanor penalties or removal from office
11 for election officials who knowingly circumvent state law.
12 So Arizona, Iowa, Florida, North Carolina, Ohio, there's a
13 list of states that have those laws on the book and include
14 a criminal or financial penalty or removal provision. And
15 that's a reform as well that we've polled in Pennsylvania.
16 Eighty-eight percent of Pennsylvania voters agree with that
17 particular reform.

18 So here's the bottom line for me here. Voters
19 clearly, we all know this, are passionate about their
20 fundamental right that we all share as Americans to vote.
21 They don't want loopholes and weaknesses in the design of
22 elections to threaten that right. They certainly don't
23 want billionaires to influence local elections, and they
24 don't want false information to confuse or exclude people.
25 They don't want a fraudulent vote to cancel their vote out.

1 In short, they want it to be easy to vote and hard to
2 cheat. Thank you. With those remarks, I'm happy to answer
3 any questions.

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

6 REPRESENTATIVE RYAN: Mr. Chairman, thank you so
7 much. And I truly appreciate this. I unbelievably
8 appreciate your testimony. We experience in Pennsylvania
9 an unbelievable number of administrative and
10 lawsuit-related changes during the administration of the
11 2020 election. How should that inform our reforms moving
12 forward, particularly in light of the Auditor General's
13 report on a lawsuit that was just recently settled, and how
14 can we remedy the harm that was done by those changes?

15 MR. ADOLPHSEN: Yeah. That's a great question,
16 Representative. Thank you very much for that. So one of
17 the things we are seeing around the country -- I didn't
18 mention this, but there were a lot of election changes made
19 on the fly by officials, unelected officials, to adjust
20 operations as they went. And what we're seeing states do,
21 particularly in the legislature, is make sure that those
22 changes, first of all, are reset. So let's come back to
23 what the law actually is, make sure that that's the
24 standard going forward, that we don't roll forward with all
25 those changes that were made kind of on the fly. And then

1 we're also seeing some states try to take a little more
2 oversight back in to the legislature on what happens going
3 forward.

4 So for example, in Iowa, they just passed some
5 election reform there, and one of the provisions said that
6 no voters could be mailed an absentee ballot application
7 unless there's a state of emergency and the legislature
8 approves it because in Iowa, the county clerks had decided
9 they were going to send applications out to everybody kind
10 of unilaterally. So we are seeing kind of more oversight
11 desired by states to make sure that any changes that are
12 going to be made to election laws have to go through that
13 full democratic process before those happen.

14 REPRESENTATIVE RYAN: Were there any other states
15 other than Iowa or is Iowa somewhat the benchmark that
16 you're currently using?

17 MR. ADOLPHSEN: Yeah. Iowa's in early session,
18 so they're kind of out ahead of the game on this one, but
19 there's legislation in, I would say, probably a dozen
20 states that make sure the COVID-19-related response are
21 kind of reset and that the legislature has a say in laws as
22 we move forward.

23 REPRESENTATIVE RYAN: And again thank you so
24 much, Sam. Your testimony also references penalties for
25 those officials in those states that might've interfered

1 with an election or circumvent state law.

2 One of the problems that we're running into is
3 that sometimes local DAs decide not to prosecute, such as
4 for voting more than once where it may cross county lines
5 to where it's a little bit more difficult to do that. And
6 then concurrent with that, sometimes by the time -- if the
7 underlying database is not necessarily accurate as we saw
8 that the Auditor General mentioned, it might take an
9 extensive amount of forensic review to determine what those
10 errors or fraud was. Do you know of any particular case
11 where a state's been particularly effective at that type of
12 election administration?

13 MR. ADOLPHSEN: Yeah. Good question,
14 Representative. I know that in Wisconsin, the legislature
15 there has the authority to intervene if they think that
16 election laws are not being upheld. And that's probably
17 the only state right now that I would give you as an
18 example, but it's something we are seeing.

19 States have an interest in this ability for the
20 legislature to come in and say, hey, the law's not being
21 followed here, the laws that we've passed that are on the
22 books, and so we need to make sure that those are moving
23 forward in the right way. So Wisconsin's one example of
24 the legislature that has that authority.

25 REPRESENTATIVE RYAN: Outstanding. Thank you so

1 much. And I really appreciate that. Mr. Chairman, thank
2 you so much.

3 MAJORITY CHAIRMAN GROVE: Chairwoman Davidson.

4 MINORITY CHAIRWOMAN DAVIDSON: Thank you. Ugh,
5 where to begin? First of all, I want to state for the
6 record that there was not massive fraud in Pennsylvania;
7 that Pennsylvania conducted a fair, free, secure, and
8 basically uniform election. You bring up Mr. Zuckerberg
9 and the organization that was a nonprofit organization and
10 the COVID-19 response grants. You made some
11 characterizations that are not in evidence, but based on
12 those characterizations I'm going to ask you your
13 background. Have you ever worked for the RNC or Republican
14 candidates, sir?

15 MR. ADOLPHSEN: I've never worked for the RNC.
16 No, ma'am. Thank you for the question.

17 MINORITY CHAIRWOMAN DAVIDSON: Republican
18 candidates?

19 MR. ADOLPHSEN: Representative, my first job out
20 of college was running some state senate campaigns in the
21 state of Maine, and those were Republican candidates for
22 the state legislature.

23 MINORITY CHAIRWOMAN DAVIDSON: Okay. So even
24 though -- if you characterize Mr. Zuckerberg as a DNC
25 operative or the organization as a DNC operative even

1 though they're a 501(c)(3) and you're a 501(c)
2 organization, because you work for Republican candidates,
3 you could also be seen as a RNC or a Republican operative.

4 As it relates to this research study, are any of
5 these counties that you have highlighted here -- most of
6 them, I believe all of them, correct me if I'm wrong, are
7 highly substantial Democratic-performing counties and have
8 been for decades. Is there a county that flipped is my
9 question?

10 MR. ADOLPHSEN: So most of the funding that came
11 in, a significant portion, as I mentioned in my remarks,
12 Representative, did go to counties that Joe Biden won in
13 the 2020 election. Philadelphia is certainly predominately
14 a Democrat area.

15 MINORITY CHAIRWOMAN DAVIDSON: They would've gone
16 for Biden -- they have gone for the Democratic candidate in
17 the last five -- I don't know how far back. I don't
18 remember a time when they haven't gone for the Democratic
19 candidates in the last half century. So even if not a
20 single dollar were spent, those counties are reliably blue,
21 so you can't really make the leap to say that because of
22 these dollars that Philadelphia County went for Biden.
23 Philadelphia County has gone for the Democratic
24 presidential candidate for the last half century; isn't
25 that correct?

1 MR. ADOLPHSEN: Yes, Representative. And I think
2 the -- what we'd like to highlight with this information is
3 that there's a significant amount of private money flowing
4 into Pennsylvania elections. It's unregulated in the way
5 that all your other campaign funding would be regulated.
6 There's no oversight. No one in the State Capitol has a
7 view into it or a say in how it's distributed across the
8 state, and it was very clearly distributed unevenly
9 throughout the state. So that's kind of the focus that we
10 see other states taking on this issue is they're concerned
11 about all this money in elections that has no oversight.

12 MINORITY CHAIRWOMAN DAVIDSON: Yes. And I
13 believe -- I mean, I do agree that a third-party
14 organization should identify themselves on literature that
15 they're sending out because there was certainly a lot of
16 Republican-led organizations that was also sending out
17 absentee ballots to voters. There are a lot of nonprofit
18 organizations that were affiliated with Republican
19 organizations that were sending out absentee ballots as
20 well. So the whole system needs to be regulated. I think
21 it's disingenuous to only highlight one such operative in
22 this particular presentation. Having said that, I'll move
23 on.

24 North Carolina was involved in a massive
25 Republican voter fraud incident a few years ago. You

1 highlighted them as someone that's changing their rules.
2 Are you involved in the 341 laws across the country that
3 has sought to limit voting as a result of the Republican
4 loss in 2020?

5 MR. ADOLPHSEN: Thank you, Representative, for
6 the question. As I mentioned, the Foundation for
7 Government Accountability, we work across the country in
8 more than 30 states. Elections is one of the policy areas
9 that we work on, so we have been engaged in dozens of
10 states on different election bills throughout this year.

11 MINORITY CHAIRWOMAN DAVIDSON: And wasn't your
12 organization founded by the past CEO of The Heritage
13 Foundation and the Heritage Policy Center?

14 MR. ADOLPHSEN: Thank you, Representative, for
15 that question. No. Our organization was founded about a
16 decade ago by Tarren Bragdon, our CEO. He was a state
17 legislator in Maine, and he moved to Florida, as I
18 mentioned, about a decade ago and started this
19 organization.

20 MINORITY CHAIRWOMAN DAVIDSON: And isn't he
21 associated with the Heritage Policy Center?

22 MR. ADOLPHSEN: Not that I'm aware of.

23 MINORITY CHAIRWOMAN DAVIDSON: He is. And my --

24 MR. ADOLPHSEN: I'll let him know. That may be
25 news to him.

1 MINORITY CHAIRWOMAN DAVIDSON: Okay. My final
2 question or comment is you mentioned penalties,
3 misdemeanors, and removing people from office as part of
4 some of the legislation that you're supporting across the
5 country. So I wasn't clear about who would be removed from
6 office and for what. So would you be in support of
7 removing people from office who, say, participated in a
8 insurrection?

9 MR. ADOLPHSEN: So the reform that I was
10 discussing, Representative -- thank you for the
11 question -- it was something that Florida has done
12 effectively that they have that law on the books. They've
13 had instances, at least one in particular, where a local
14 election official was knowingly changing -- not following
15 state law, and in that particular case, the Governor
16 removed that official from office.

17 So what we're talking about with this reform is
18 strictly related to election officials who knowingly don't
19 complete their duty as it's laid out in state law. And as
20 of right now, there isn't a mechanism to kind of compel
21 that person to follow the law or penalize them if they do
22 not. So that's kind of what the reform is and what we're
23 seeing states look at as an option to protect the integrity
24 of their elections.

25 MINORITY CHAIRWOMAN DAVIDSON: All right. My

1 final question, if these laws and, quote/unquote, reforms
2 that you're suggesting become law, would you hope they
3 would bring about a different result in the 2024
4 presidential election? Is that your hope and your goal?

5 MR. ADOLPHSEN: Thanks for the question,
6 Representative. We, as a nonprofit (c)(3), we're not
7 involved in elections in any way. We're focused on state
8 policy specifically, not elections, and so our hope truly
9 is that there's the maximum level of integrity within
10 elections while people are still able to vote and exercise
11 that right. That's very important. We want to see that
12 balance struck moving forward.

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

15 MAJORITY CHAIRMAN GROVE: Director Adolphsen, you
16 had mentioned we're one of the few states that have done an
17 extensive look at our election laws. Are you aware of any
18 other state doing hearings currently -- I guess there may
19 be one or two -- that have done a deeper dive into their
20 election law and have a broader, bipartisan group of
21 testifiers who come before it to discuss both state policy
22 and best practices nationally from other states?

23 MR. ADOLPHSEN: Thank you for the question,
24 Chairman. No. Just to reiterate, most states where we've
25 even seen hearings have been centered around a bill, right,

1 that just was developed here this session, and I think
2 Pennsylvania pretty clearly is the standard-bearer for how
3 you should gather information. I appreciate that you've
4 asked people from all different states, different kinds of
5 backgrounds; very helpful information that's come out of
6 these hearings. Not to belittle any other state in their
7 process, but I absolutely -- Pennsylvania's the far and
8 away leader on this one.

9 MAJORITY CHAIRMAN GROVE: Do you think it's good
10 to hear from different viewpoints to better a policy to
11 make sure you don't miss anything and have a good
12 fundamental understanding of issues before you launch
13 policy?

14 MR. ADOLPHSEN: Yes, sir, Mr. Chairman. I think
15 the model of FGA is similar in that we look across the
16 states, and we don't care what states they are, to find
17 things that work the best, things that make public policy
18 work correctly for the people that government serves. And
19 so I appreciate you all taking that similar approach to
20 kind of put the blinders on to the rhetoric and the
21 politics of the moment and dig in to the details and figure
22 out the best way forward.

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

25 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

1 And thank you for your testimony. I want to just ask, in
2 your testimony, you had mentioned -- and I don't
3 remember -- I didn't write it down, that there was
4 approximately \$20 million that came in from out of state.
5 Can you detail those statistics of what you referenced
6 about what that was per voter and how that broke down
7 again?

8 MR. ADOLPHSEN: Yes, sir. Thank you,
9 Representative, for that question. So it's more than 20
10 million, and the exact number is a little hard to nail down
11 because, frankly, it hasn't been reported on. We have
12 undertaken a massive public records request operation in
13 Pennsylvania and other states to try to get this
14 information, so obviously, that's an issue. But we've
15 received a lot of information back now from Pennsylvania.
16 It's somewhere over 20 million.

17 So this came in through the Center for Tech and
18 Civic Life, which is the nonprofit I mentioned. Mark
19 Zuckerberg donated the money to them. They gave it out
20 directly to local election officials in the form of grants.
21 And so in Pennsylvania, Philadelphia received, that we know
22 of to date, about \$10.5 million. Allegheny County is about
23 2 million, Montgomery County 1.1, Delaware County 2.2
24 million, Chester County 2.6 million, and then it kind of
25 goes down from there.

1 We looked at the registered voters in each of
2 those areas, to kind of look on a per capita, per voter
3 basis, the kind of money that was flowing in from this
4 group. And so in Philadelphia, it was about 10 bucks a
5 person, a voter, Delaware County 5, Chester County 7. And
6 when you net these all out and kind of look at it through a
7 political lens, if you want to do that, you've got about 5
8 bucks a voter that went to areas that Joe Biden won and
9 about \$1 a voter that went to counties that Trump won. So
10 regardless of whether things were done on purpose or meant
11 to influence the outcome of the election, the numbers are
12 pretty clear: most of the money went to heavily held
13 Democrat areas.

14 And as I mentioned, the funds -- the reason
15 that's such a big factor and important to know is that most
16 of the money went to get out the vote efforts, things like
17 giant post cards that they sent to everybody in the
18 district, drive-through voting, things like that. So it
19 wasn't about buying masks and plastic shields, it was about
20 turning out the vote and most of the money went to areas
21 with one particular party.

22 REPRESENTATIVE MILLER: All right. Well, thank
23 you very much. Yeah. I did not write those down, so I
24 appreciate that extra data. I want to follow up. You had
25 referenced in your initial opening testimony something that

1 I had asked a question previously, and I don't know if you
2 were online when I asked, but there's a lawsuit that is now
3 forcing Pennsylvania to remove 21,000 dead people from the
4 voter rolls.

5 My question to you is, if you could comment from
6 your experience on other states, if they have specific
7 recommendations or best practices for making sure that
8 these 21,000, which to my understanding are still on the
9 voter rolls, that they don't vote and that they're removed
10 in a timely fashion?

11 MR. ADOLPHSEN: Yes, sir. Thank you for that
12 question. I would say Ohio's a good example state. There
13 are several that do a reasonably good job. I mentioned
14 Ohio specifically because they have, in state law, a very
15 broad ability for data to be shared with the election
16 officials.

17 I think, though, at the core of this what's
18 happened here with these 20,000 dead people on the voter
19 rolls -- it's something I can speak to from experience a
20 bit because I worked in a welfare agency, and we
21 experienced similar issues with data where even if you're
22 getting the data or even if there's a state law that says,
23 you know, once a year you check this data, at the end of
24 the day, it's about execution of those duties, actually
25 acting on the problems, the red flags that you find.

1 And so the weakness, now, in Pennsylvania law is
2 that you do require those removal programs to be conducted
3 once a year, but you're not looking at enough data that's
4 available to you in the state, like death registry, and
5 then there's nothing really to make sure that's being done.
6 There's no reports back to the legislature. There isn't
7 really kind of a penalty provision if the agency doesn't
8 complete these particular duties. So I think the good
9 states we see are more aggressive about the execution side
10 of it and making sure they have good data and that they act
11 on it.

12 REPRESENTATIVE MILLER: All right. Thank you
13 very much. We did hear from the Secretary of State from
14 Ohio, and so we can follow up with that. I think everyone
15 here would share the goal that we want to make it easy to
16 vote and hard to cheat. I think you referenced that. We
17 want to make sure people can vote easily, but we want to
18 make sure that the outcome side is secure and trustworthy
19 on our result. So again, do you have any states you would
20 point to that would be kind of doing a great job in this
21 area?

22 MR. ADOLPHSEN: Yeah. I'll use this opportunity
23 to say Florida. And they have several things they do very
24 well, but the interesting -- kind of just the background of
25 that to think about is they were terrible in 2000, right,

1 like they went through this crisis of, wow, we really
2 messed this up.

3 They took that opportunity to make changes to fix
4 systems, to get the right things in place, the right laws,
5 the right accountability, and now you see their elections
6 run pretty smoothly. The count comes in election night and
7 that type of thing. So there are several states that do
8 different things well, but Florida's a model in a few
9 different areas that we look at.

10 REPRESENTATIVE MILLER: Okay. Well, thank you,
11 Mr. Chairman, and thank you for your testimony.

12 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

13 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.
14 And thank you for being here. Yeah. Prior to Act 77,
15 Pennsylvania's voter registration deadline was 30 days
16 before an election. We've heard a lot from our county
17 stakeholders who participated in a lot of these hearings
18 that the current 15-day deadline is very challenging. Can
19 you discuss how states with earlier voter registration
20 deadlines use the additional time to verify voter
21 eligibility?

22 MR. ADOLPHSEN: Sure. Thank you for the
23 question, Representative. Yeah. There's a number of
24 states, as I mentioned, that have 30 days. There's a few
25 with 25 days. And I think the key thing is when you're

1 getting ready for an election, right, the ramp-up here,
2 we're talking about that month window before, you're not
3 just doing registration as an election official. There's a
4 lot of other duties that you're balancing in preparing for
5 the election.

6 So really it's just a common sense thing in terms
7 of you give another two weeks for processing registration.
8 You can make sure you're doing a thorough job, so maybe
9 there's an extra set of eyes or whatever it is on the
10 check.

11 But the other thing is, you're not rushed in all
12 your other operations, right, and we heard a lot of
13 discussion about other issues, you know, processing mail
14 ballots, different things like that. It's the same
15 infrastructure that's doing a lot of these different
16 things, and so that two extra weeks is a big deal to make
17 sure all those other things are done well also.

18 REPRESENTATIVE ORTITAY: All right. And I would
19 agree with that. Like you said, it's pretty common sense
20 to allow for a little bit more time for these people. I
21 mean, we've heard time and time again from these county
22 election officials how stressful it was trying to process
23 these and making sure that they were accurate in the
24 system. So I appreciate the answer, and I'll turn it back
25 over to you. Thank you, Mr. Chairman.

1 MAJORITY CHAIRMAN GROVE: Thank you. I just
2 wanted to give a quick shout-out to the Election Law
3 Advisory Board. They just started meeting, so I just want
4 to give a shout-out to them. Representative Dowling.

5 REPRESENTATIVE DOWLING: I'd like to turn just
6 for a moment to voter ID more broadly. I know there are
7 hardship examples and alternative ID forms that have been
8 provided by states that have effective voter ID laws. Can
9 you explain that a little bit?

10 MR. ADOLPHSEN: Sure. Thank you for the
11 question, Representative. Yeah. So you know, the states
12 do this in a number of different ways. The main goal
13 being, of course, what's the best way we can make sure
14 someone is who they say they are and do that in a way that
15 we can process administratively?

16 So states have different levels of exemptions and
17 different things that can be provided. We heard testimony
18 earlier a library card. I don't know the exact number of
19 states, but there are states that will accept that. I can
20 remember students using photo IDs, student IDs. And so
21 there's a wide range of things that can be done. I think
22 in my written testimony, I include Indiana as an example of
23 a state that has voter ID, and that went through a court
24 challenge and it was upheld because they basically said,
25 okay, there's going to be a few instances where people

1 don't have exactly what we're looking for, so here's a
2 bunch of other things they could produce. You know, if you
3 can imagine it and it's a official document, there's
4 probably a state that accepts that as a form of
5 identification.

6 REPRESENTATIVE DOWLING: And one more follow-up,
7 due to these laws, have you seen or know of any impact in
8 any state in terms of turnout?

9 MR. ADOLPHSEN: Yeah. That's a good question.
10 When that came up earlier, I was thinking about that a
11 little bit. And you know, the voter ID or some type of
12 voter identification, even if it's nonphoto ID, I mean,
13 that's the norm, right? There's 35 states that do that.
14 Pennsylvania's kind of an outlier there -- you and my
15 state, Maine, and California and a few others.

16 But I was looking this week at some of the states
17 who have great voter participation: Maine, I'm interested
18 in that because we're usually near the top of the
19 list, Wisconsin, Washington State, New Hampshire, Michigan.
20 These are all states that are in the top 10 or so of
21 participation. They're all ahead of Pennsylvania, and they
22 all have voter ID. So I think the idea that this somehow
23 is keeping everybody at home is -- it's really kind of just
24 an old holdover argument about this that really has been
25 proven wrong.

1 REPRESENTATIVE DOWLING: Thank you, sir, for your
2 answer. Thank you, Mr. Chair.

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

5 REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.
6 So as you discussed in your testimony, Pennsylvanians were
7 inundated with multiple and often inaccurate mail-in ballot
8 applications and they were sent to them by third-
9 party -- often third-party groups, some of them out of
10 state. It was a big problem in my district. In fact, I
11 have a stack of them in my district office that I've kept.
12 And it was a frustrating experience shared by other states
13 as I continued to read about the problem. So how have
14 other states moved to resolve this problem?

15 MR. ADOLPHSEN: Yeah. Thank you, Representative,
16 for that question. This one is really important. It's a
17 very shady practice, right, to take these applications,
18 fill out information you don't know if it's right or not as
19 a third-party group, and kind of fire it off and mail it to
20 someone. It's caused nothing but chaos everywhere it's
21 been done. The group, by the way, which was primarily
22 behind this is -- you know, not to go back to a previous
23 conversation here, but they're very partisan in nature, and
24 so it's pretty clear what they were trying to do with
25 these. Unfortunately, all it did was really confuse

1 people.

2 What we're seeing states do is, they are -- a
3 couple things. One is they're banning unsolicited
4 applications from going out altogether. Now, I didn't
5 mention that in my testimony, but a number of states are
6 looking at that. Iowa did that where they just say you
7 can't just mail applications out to people. The state of
8 Michigan -- the Secretary of State there sent a mail-in
9 ballot application to everyone on the list, so you can
10 imagine the confusion there.

11 So that's one thing that's happening. And then
12 what I did mention in my testimony is just if you are going
13 to have groups sending out applications, banning the
14 practice of pre-filling it is what we're seeing moving
15 through state legislatures now.

16 REPRESENTATIVE KEEFER: Okay. I'm just trying to
17 understand the benefit to them because I know a lot of
18 these third-party groups -- I'm not sure what list they
19 were using to generate these, so that's -- it then provoked
20 a lot of suspicion. It wasn't even on one side or the
21 other, but it -- you know, because it was the wrong
22 address. Somebody got a application for their mother who
23 didn't even live in the state and had been dead for five
24 years, so it just added more suspicion there. Is there any
25 benefit that you can identify or any data that you can give

1 to us that has shown that this actually helps increase
2 voter participation?

3 MR. ADOLPHSEN: No. I can't.

4 REPRESENTATIVE KEEFER: Okay.

5 MR. ADOLPHSEN: No. I don't.

6 REPRESENTATIVE KEEFER: Okay.

7 MR. ADOLPHSEN: I haven't seen any such data.

8 No.

9 REPRESENTATIVE KEEFER: Thank you.

10 MAJORITY CHAIRMAN GROVE: Representative Schemel,
11 who just spent hours at a Health Committee hearing, so we
12 appreciate his hearing fortitude today.

13 REPRESENTATIVE SCHEMEL: Thank you. I have
14 excellent hearing. You mentioned that requiring the
15 printing of a state ID or driver's license number on an
16 absentee ballot can improve both security as well as
17 administrative ease, at least when compared to signature
18 requirements. Can you explain how that operates in the
19 states that require it, and how did those states address
20 privacy concerns?

21 MR. ADOLPHSEN: Sure. Thank you for the
22 question, Representative. So honestly, it's very
23 straightforward. It's simple. The number just goes on
24 that application and on that ballot. You do a piece of
25 this already, so that's where I would point you first to

1 look to is you do this with a driver's license number or
2 the last four of your Social on an absentee application.

3 So it's a similar process. You're just extending
4 that to the ballot to say instead of just relying on the
5 signature and some forensic analysis or advanced technology
6 to match signatures, we're just going to go ahead and
7 extend that driver's license or Social Security last four
8 or similar number to the ballot. And you would make sure
9 and design that in a way that your privacy issues were
10 addressed.

11 MAJORITY CHAIRMAN GROVE: Representative Staats.

12 REPRESENTATIVE STAATS: Thank you again, Chairman
13 Grove. And Mr. Adolphsen, thank you for being here. We
14 appreciate your time today. Sam, one of your proposed
15 reforms includes requesting bipartisan teams to collect
16 returned ballots and to maintain the chain of custody.
17 We've heard in recent hearings here that Pennsylvania is
18 seeing very little interest in judge of elections or other
19 positions. We also restrict election observers to
20 residents of each county.

21 So that said, I have two questions. Are you
22 familiar with how other states have managed shortages of
23 these bipartisan election volunteers?

24 MR. ADOLPHSEN: Thank you for the question,
25 Representative. I'm not familiar with that. I know it's a

1 challenge. And we've heard that before. I think it's an
2 issue, but I'm not really familiar with any particular
3 strategies states are using on that front.

4 REPRESENTATIVE STAATS: Fair enough. My second
5 question is, has any state experienced issues with allowing
6 observers to be appointed from anywhere in the state?
7 That's something we discuss here in Pennsylvania. Can you
8 speak to that?

9 MR. ADOLPHSEN: Sure. I'm not aware of that
10 being an issue from anything I've heard. I would say,
11 generally speaking, that government is best the closer you
12 can get to your local area, right, but that's not always
13 possible logistically, and I haven't heard of that being an
14 issue.

15 REPRESENTATIVE STAATS: Okay. Fair enough.
16 Thank you.

17 MAJORITY CHAIRMAN GROVE: Thank you. Before you
18 go, Sam, one last question Representative Lewis requested I
19 ask. Our Pennsylvania law is silent on drop boxes, so it
20 was administratively done through guidance. Do these
21 regulations ensure uniformity to their access, and what
22 security measures are common in addition to video
23 surveillance of drop boxes?

24 MR. ADOLPHSEN: Yeah. Thank you for the
25 question. On the second part of that, I think the piece of

1 our reform that I mentioned that we're seeing states move
2 towards here, the piece from my testimony, is making sure
3 those drop boxes are in a official government building
4 because then you have kind of multiple layers of security
5 in terms of, the cameras are probably there monitoring
6 that -- you know, that you won't have to buy new video
7 equipment. But then you also have some additional security
8 just from being on an official grounds and being somewhere
9 that you're kind of -- has that official oversight. And
10 then what was the first part of that question, Mr.

11 Chairman?

12 MAJORITY CHAIRMAN GROVE: Yeah. How do you
13 ensure uniformity in their accessibility? Is there any
14 states that provide good accessibility policies?

15 MR. ADOLPHSEN: Yes. So there are some states
16 that, as they've had a chance to dig in to the drop box
17 issue, they have been a little more prescriptive on, for
18 example, how many can exist in a given jurisdiction. And I
19 don't have the state off the top of my head. We can get
20 the Committee this information. But I know there were at
21 least a couple states considering a certain number per
22 county type of situation to get at that uniformity.

23 And if I might, if the Committee doesn't mind, I
24 had a chance to peek back at our Zuckerbucks brief here,
25 and just for the record, the suburbs in Philadelphia,

1 Montgomery, Delaware, and a couple of those areas we
2 mentioned, did in fact switch from Republican to Democrat
3 here. So I misspoke earlier when I said wasn't aware of
4 any of those.

5 MAJORITY CHAIRMAN GROVE: Thank you. Chairwoman?

6 MINORITY CHAIRWOMAN DAVIDSON: Yeah. I'm
7 actually from those suburbs, and they actually had started
8 turning blue in 2012, and that continued through 2016 and
9 again in 2017. So I'm very aware. I'm from those
10 counties. So I just want to remind the speaker that he is
11 under oath, and there was no drive-by voting in
12 Philadelphia. I want to get to voter ID in a second.

13 But are you aware of all the provisions that
14 Pennsylvania has to make sure that voter registration is
15 secure and the periodic purging and other checks that
16 Pennsylvania does deploy in order to make sure that our
17 voter rolls are secure and accurate?

18 MR. ADOLPHSEN: Thank you for the question,
19 Representative, and --

20 MINORITY CHAIRWOMAN DAVIDSON: Madam Chair.

21 MR. ADOLPHSEN: Madam Chair. Just to clarify,
22 when I mentioned drive-through voting, I was talking
23 generally about what the Zuckerberg grants funded across
24 the country, not specifically in Pennsylvania, so yes.

25 And I did mention in my testimony just a

1 reference to what Pennsylvania's current law is in regards
2 to their removal programs of the voter registration list.
3 Of course, those laws certainly probably need a review in
4 light of the fact that you found out here you've got 20,000
5 dead folks on your voter rolls.

6 MINORITY CHAIRWOMAN DAVIDSON: Thank you. We do
7 have an extensive process that includes our participation
8 in the state-to-state voter registration system. Sixty
9 days from receiving notice of a death certificate from the
10 Department of Health, those voters are purged. Thirty days
11 prior we send mail. Every four years, they're purged. Ten
12 days prior to election if they're reported that an elector
13 has passed, they can also be removed from the rolls. So
14 there's quite an extensive purging system currently in
15 Pennsylvania. No system is perfect, but we definitely
16 don't want to -- want to make sure that we are not purging
17 people prematurely.

18 As it relates to voter ID, contrary to your
19 testimony, in 2014, GAO study found that strict photo ID
20 laws reduced turnout by two to three percentage points,
21 which can translate into tens of thousands of votes lost in
22 a single state. And to my good colleague's description
23 that says even one voter lost or disenfranchised is too
24 many. Russ Diamond said that today. I'm going to quote
25 him on that.

1 Minority voters disproportionately lack ID.
2 Nationally, up to 25 percent of African-American citizens
3 of voting age lack government-issued photo ID compared to
4 only 8 percent of whites. States that exclude forms of ID
5 in a discriminatory manner include Texas, which allows
6 concealed weapons permits for voting but does not accept
7 student ID cards, until its voter ID law was struck down.
8 Similarly, North Carolina prohibited public assistance IDs
9 and state employee IDs, which are disproportionately held
10 by black voters. Until recently, Wisconsin permitted
11 active-duty military IDs but prohibited Veterans Affairs ID
12 cards for voting.

13 So clearly, there can be discriminatory policies
14 as it relates to voter ID laws. What would you like to see
15 done to make sure that African Americans and communities of
16 color and seniors and low-to-moderate income communities
17 are not disproportionately affected by the strictest voter
18 ID laws? What allowances would you advocate for, sir?

19 MR. ADOLPHSEN: Thank you, Madam Representative.

20 MINORITY CHAIRWOMAN DAVIDSON: Madam Chair.

21 MR. ADOLPHSEN: Yes. Madam Chair. Thank you for
22 the question. So what we'd like to see is election
23 integrity in the system. We believe that an identification
24 number on an absentee ballot actually helps avoid confusion
25 about a signature. We believe that it's pretty fair for a

1 state to say we just want to make sure you are who you say
2 you are. There's significant federal election laws that
3 make sure that all civil rights issues are considered;
4 states have to follow those. So we think these are pretty
5 practical, common sense measures.

6 MINORITY CHAIRWOMAN DAVIDSON: Thank you.

7 MAJORITY CHAIRMAN GROVE: Mr. Adolphsen, that's
8 all the questions we have. Thank you so much for your time
9 this afternoon. We greatly appreciate it. And if we have
10 any questions, we will absolutely follow up with you.

11 Thank you, sir.

12 MR. ADOLPHSEN: Thank you very much. Appreciate
13 the opportunity.

14 MAJORITY CHAIRMAN GROVE: And we are moving on to
15 our last testifier, who has his screen up. Jared Dearing,
16 the Executive Director of the Kentucky State Board of
17 Elections. And before we start, Executive Director
18 Dearing, do you mind raise your right hand, and we'll swear
19 you in?

20 (Oath administered.)

21 MR. DEARING: I do.

22 MAJORITY CHAIRMAN GROVE: Thank you so much. And
23 really exciting news out of Kentucky this month. Obviously
24 you were a part of that. Maybe we'll get into it a little
25 bit, but congratulations. And with that, do you have any

1 opening remarks?

2 MR. DEARING: Yes. Chairman Grove, members of
3 the Committee, thank you for inviting me to speak today
4 about this incredibly important topic. I'd like to say
5 it's an honor for me, on a personal level, to speak before
6 this body, as I have deep family roots in Pennsylvania.
7 Over a hundred years ago, my maternal great-grandparents
8 immigrated to Philadelphia, where they opened a small
9 neighborhood market that served their community for over
10 several generations.

11 Chairman Grove invited me to speak today on two
12 topics, the first being a broad overview of how Kentucky
13 runs its elections, and secondly, a brief description of
14 how Kentucky House Bill 574 was introduced and passed. And
15 I am proud to say that the Governor just signed that bill
16 just yesterday.

17 As many of you probably already know, in
18 governing elections, most states fall into three
19 categories. The first being a top-down state, in which the
20 majority of administration and governance of elections
21 happens at the state level, usually through a chief
22 elections official either elected or appointed. The second
23 being a bottom-up system, in which most of the
24 jurisdictional authority resides at the local level.

25 Kentucky is what we call a hybrid state, in which

1 many of these duties are shared between three separate
2 entities: A chief election officials, currently Secretary
3 of State, Michael Adams; secondly, a independent state
4 Board of Elections governed by eight voting members, four
5 of whom are Democrats, four of whom are Republicans, with
6 Secretary Adams serving as a nonvoting, ex-officio member,
7 and myself as the 10th member, and my voting privileges
8 only pertain to breaking a tie for the chair; the third
9 entity being the Commonwealth's 120 county clerks who serve
10 as chair of the County Board of Elections and as the
11 official register of records for the county.

12 All three entities work cohesively together to
13 effectuate successful elections in Kentucky. Secretary
14 Adams serves in his capacity as the chief elections
15 official, and his duties include, but are not limited to,
16 being the primary caretaker of all elections records,
17 including the candidate filings and the aggregation of
18 election results.

19 The State Board of Elections has an administerial
20 role over the administration of elections, including the
21 operation of the voter registration system, list
22 maintenance practices, clerk training and other regulatory
23 functions, leaving the clerks with the primary role of
24 being the local administrator approving all individual
25 voter registrations as well as administering all county

1 election processes.

2 Moving to House Bill 574, I'd like to make sure I
3 highlight the process as much as the legislation itself.
4 Legislatively, House Bill 574 adopts a mixture of ballot
5 access as well as election security and transparency,
6 including the implementation of no-excuse early voting, the
7 permanent use of an absentee application portal, vote
8 centers, secure drop boxes, and the use of ballot signature
9 curers. It's also paired with ballot integrity measures,
10 such as the removal of voters who register in other states
11 and who can handle an absentee ballot when casting it.

12 While I'm happy to discuss this in more detail,
13 I'd like to talk a little bit about how the bill came into
14 being. House Bill 574 was a bill that, at its core, was
15 created in collaboration with elections administrators,
16 including the Secretary of State, the State Board of
17 Elections, and the County Clerks Association. We set up
18 several meetings to lay out what policies everyone was
19 interested in moving forward and began to whittle it down
20 to what our legislative partners thought was possible.

21 When we expanded the scope of stakeholders at
22 that point to include -- in a bipartisan way, that helped
23 ensure that outside groups such as the League of Women
24 Voters, the ACLU had a voice in the process and that we
25 were willing to listen to their concerns and incorporate

1 them if they added value to the larger bill. This process
2 helped to ensure the bill is mechanically correct from an
3 administrative process as well as creating the potential
4 for it to be broadly adopted across the political spectrum.

5 Let me conclude by saying that I am incredibly
6 encouraged by the willingness of this community to have
7 these conversations and to include administrators and
8 experts like Wendy Underhill and Jennifer Morrell, who I
9 know spoke earlier today, and the many others you've
10 already spoken to. If you engage with administrators, you
11 will find that they care deeply about the voters in their
12 communities and will be fierce advocates for Pennsylvania's
13 voting system as a whole, ensuring free, fair, and secure
14 elections. Thank you, again, for allowing me the
15 opportunity to speak today, and I look forward to your
16 questions.

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

19 REPRESENTATIVE SCHMITT: Thank you, Mr. Chairman,
20 and good afternoon, Mr. Dearing. Thank you for being here
21 with us this afternoon. Here in Pennsylvania, our
22 Department of State oversees the elections, and our
23 counties administer our elections. And you just talked a
24 little bit about Kentucky State Board of Elections. And
25 you may have touched a little bit on what I'm going to ask

1 you about, but I'd like you to explain how your board of
2 elections works in Kentucky or how the Kentucky State Board
3 of Elections works and how the state and the counties
4 interact with it through the election process?

5 MR. DEARING: Sure. Thank you for the question.
6 The answer to that is we are -- we're kind of the -- what I
7 see as the hub of elections in the Commonwealth. We don't
8 necessarily articulate every part of the election system,
9 but we try to be a resource to our county clerks, just as
10 the Secretary of State is a resource to both us and the
11 counties. We all kind of act as a check-and-balance on
12 each other. So for instance, in this last election, we
13 issued a lot of absentee ballots. The portal for applying
14 for an absentee ballot is administered through the State
15 Board of Elections. We then funnel those applications down
16 to the county, and the county can then issue that ballot.

17 So as the state, I can't issue a ballot, but yet
18 the county can't issue the ballot either until there's a
19 reciprocity of understanding, right? So there's access and
20 transparency to the system for both of us. And it makes it
21 a little easier for the voter to be able to track that
22 ballot through the process as well.

23 So the Board is set up in a bipartisan way,
24 again. Again, there's eight voting members, four
25 Democrats, four Republicans. They are nominated by their

1 individual party or representative party, and the Governor
2 selects from a list that is supplied by the party. So the
3 selection of the board members itself is still managed by
4 the parties to ensure that there's a checks and balance on
5 the appointment of that through the Governor's office, but
6 at the end of the day, we like to work, again, as an
7 assistant agency, right? We work directly with our county
8 clerks. We provide them training. We provide them
9 resources.

10 We also provide governance, right? So if we see
11 that a clerk is not doing something uniformly or in a way
12 that they're supposed to be administering an election, we
13 have the ability to go in and say, hey, we need you to do
14 this, follow statute, as well as the Secretary of State's
15 office has that same authority over us.

16 REPRESENTATIVE SCHMITT: How was it that the
17 Kentucky State Board of Elections came about or was
18 established? Was it in relation to some particular need
19 for it in the state of Kentucky?

20 MR. DEARING: I don't know. It's been in
21 existence long enough that I don't know if I can
22 necessarily give you an articulate answer as to when it was
23 formed or why it was formed. It's been in existence for a
24 long time. As I'm sure you know, every state runs their
25 elections a little bit differently, and when the

1 individuals set this system up many, many decades ago, the
2 State Board of Elections was set up to be both a
3 clearinghouse for information for the clerks and training,
4 but also this oversight. More recently, within the last
5 several years, the agency itself was declared an
6 independent agency, not under the umbrella of any
7 constitutional officer. That gave us a little more
8 independence.

9 And like I said, we worked very closely with
10 Secretary Adams. I can't speak highly enough of him both
11 personally and professionally. But that group dynamic
12 between the county clerks and the State Board of Elections
13 and the Secretary of State is how elections are run
14 cohesively in Kentucky, and that is by no stretch of the
15 imagination an example that I think then should be
16 overlaid onto another state. Every state has its own
17 uniqueness in how that runs. It so happens that in
18 Kentucky we have this system, and this seems to be working
19 fairly well for us.

20 REPRESENTATIVE SCHMITT: Well, thank you very
21 much, Mr. Dearing. And thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN GROVE: Thank you. Chairwoman
23 Davidson.

24 MINORITY CHAIRWOMAN DAVIDSON: Thank you, Mr.
25 Chairman. Hello. I appreciate your testimony today and

1 also your sharing with us about your Philadelphia roots.
2 I, too, grew up in Philadelphia. And I'm really interested
3 in this bipartisan process that you created in Kentucky,
4 and I appreciate your efforts there as you've testified.
5 What percentage of the voting electorate is one party -- I
6 believe it's kind of a one-party majority in Kentucky.
7 What percentage of the voting public is one party?

8 MR. DEARING: So that's actually an interesting
9 question. Kentucky is really an outlier in many ways. I
10 actually grew up in California myself. I'm a transplant to
11 Kentucky. And when I got here, the politics were a little
12 confusing at first. By registration, we're actually
13 primarily dominated by Democratic registration throughout
14 the state. I think it's roughly 55 percent Democratic
15 registration throughout the state, but yet if you look at
16 how individuals vote within Kentucky, they often vote at
17 the federal level for more conservative legislators and at
18 the local level oftentimes more Democrat-leaning
19 legislators. So Kentucky is kind of famous for splitting
20 their ballot.

21 In the same year that we elected Attorney General
22 Cameron and Secretary Adams, who are both Republicans, we
23 also elected Andy Beshear, who's our Democratic Governor
24 right now. So Kentucky, I think, we get a lot of attention
25 on a national level because of our federal representation,

1 and I think a lot of people assume that the state then
2 reflects that at the more granular level, when in reality,
3 we are kind of famous for ballot splitting.

4 MINORITY CHAIRWOMAN DAVIDSON: Okay. Thank you.
5 That's good to know. I thought it was admirable -- I
6 thought the state was more red, but I still thought it was
7 admirable that you included the ACLU and the League of
8 Women Voters in trying to set up the commission and getting
9 input on how things should be set up. And I understood you
10 said that this commission provides a great deal of training
11 and oversight. Can you talk a little bit about the levels
12 of training, the timeframes for training, that the
13 commission provides to county election officials?

14 MR. DEARING: Sure. Thank you, Madam Chair. And
15 just to reiterate back on that last comment, though, I will
16 say our state legislature is a supermajority Republican-led
17 legislature right now, so while the electorate itself is
18 diversified, as a state, we are definitely trending red,
19 and that has resulted in a supermajority of Republican
20 legislators both in the House and the Senate.

21 And so you know, what we've seen in working
22 through that process is setting up opportunities to educate
23 legislators on how our processes work and what that looks
24 like, and I think -- I will get to your second question,
25 but I wanted to highlight the idea that, you know, from an

1 administrative process, I find it unfortunate many times
2 that the parties are beginning to take ownership of
3 specific administrative processes. Election processes that
4 are national best practices in many ways are becoming
5 talking points for specific party affiliations, whether
6 that's both Democrat or Republican.

7 And the problem is that, as administrators, it
8 becomes harder for us to be able to effectuate free, fair,
9 and secure elections when one party is trying to take
10 ownership of one part of the election, and the other party
11 is trying to take other parts of it. What we did in
12 Kentucky was find a true balance between understanding the
13 administrative process from a policy implementation
14 perspective, but also understanding that when we educated
15 our legislature on several topics, for instance, ballot
16 signature curers. I think from the Democratic side of the
17 aisle, you would find that a lot of individuals think that
18 the ballot signature cure is a enfranchising mechanism.
19 And because of that, that vocalness about that process, a
20 lot of Republicans have felt that, well that's maybe a
21 second bite at the apple that shouldn't take place.

22 In reality, about signature curing from an
23 administrative process, it serves multiple processes,
24 right? It is both enfranchising, ensuring that the voter's
25 ballot can be counted appropriately and correctly, but it's

1 also a security mechanism in the sense that if someone's
2 signature doesn't match, we want to know why. Now, when we
3 then reach out to that voter to have them affirm that that
4 was their ballot, they also have the opportunity to ensure
5 that that ballot's counted correctly.

6 So that's just one thought process that, like, we
7 tried to hone in on the mechanisms of elections, and I
8 think that's why this bill was successful is because it was
9 not one party versus the other's philosophy of how
10 elections should work. It was at its core written by
11 administrators. Sorry to go off on a tangent, Madam Chair.

12 MINORITY CHAIRWOMAN DAVIDSON: No. That was
13 perfect. Thank you so much. The second part of my
14 question was -- regards to training. What kinds of
15 training your commission offers and what the scope of that
16 might be?

17 MR. DEARING: Honestly, we provide training on
18 anything we possibly can that's going to help our county
19 clerks in running a better election. This last election
20 cycle, like it was for Pennsylvania and every state across
21 the country, was daunting. We completely transformed our
22 elections from pretty restrictive laws to having three
23 weeks of early voting, no-excuse absentee ballots, vote
24 centers, secure drop boxes. All of those implementations
25 had to take place, and we had to ensure that our clerks,

1 who had never run an election that way, were prepared to be
2 able to meet the challenges that would come from that.

3 So we worked diligently with them month to month.
4 For years now, the State Board of Elections has a standing
5 appointment to meet with our County Clerks Association.
6 The County Clerks Association is actually incentivized to
7 meet on a monthly basis for training, and many of their
8 monetary bonuses that they'll receive -- so instead of pay
9 raises, the legislature said, well, hey, what we'll do is
10 we'll pay you for extra training. So if you accumulate X
11 number of training hours every month, we'll provide you a
12 monetary a relief for that training.

13 That has now incentivized the KCCA, or the County
14 Clerks Association, to have these monthly training
15 sessions, in which not only the State Board of Elections
16 can come and provide training but also KREF, which is our
17 sister agency, which handles election finance, the
18 transportation department training on driver's license and
19 registrations. All those things take place because they've
20 been incentivized to receive training. And that gives us,
21 the State Board of Elections, a great opportunity to be
22 able to go in and really get granular with our training
23 when it comes to the election process itself.

24 MINORITY CHAIRWOMAN DAVIDSON: I just want to
25 thank you so much. I just want to state for the record in

1 closing that, unlike the previous testifier, I found your
2 testimony to be nonpartisan, fair, very factual, and I
3 really appreciate your comments and your testimony today.
4 Thank you so much, sir.

5 MR. DEARING: Thank you, Madam Chair.

6 MAJORITY CHAIRMAN GROVE: Representative
7 Wheeland.

8 REPRESENTATIVE WHEELAND: Thank you, Mr. Chair.
9 Are the horses going to run this year in Kentucky?

10 MR. DEARING: Well, I will say I hope they do
11 because I have tickets for the Thursday before derby, and
12 it's definitely a pastime. So we're hoping. I mean,
13 obviously, the pandemic has affected everything in life,
14 but the distilleries are still brewing bourbon and the
15 horses will definitely be running this year, from what I
16 understand.

17 REPRESENTATIVE WHEELAND: That's good news.
18 Hopefully, we can get Little League Baseball fired back up
19 in my district here in --

20 MR. DEARING: Absolutely.

21 REPRESENTATIVE WHEELAND: -- Pennsylvania. But
22 thank you very much, Mr. Dearing, for taking the time out
23 for, you know, what I'm sure is a busy schedule. In a
24 previous hearing that we had on voter registration
25 processes, we talked to Ohio's Secretary of State about

1 their voter ID laws that strike a right balance between
2 protecting against voter fraud while ensuring access to the
3 ballot box. And you may or may not know, but in 2012,
4 Pennsylvania established its own voter ID law that was
5 later enjoined by the Pennsylvania Commonwealth Court. So
6 my question is, does Kentucky have any form of voter ID
7 requirement?

8 MR. DEARING: We do. We've actually had some
9 form of voter ID requirement in our statutes for a number
10 of years now, and it was actually just recently
11 strengthened. It was a platform that Secretary Adams ran
12 on, and quite frankly, his campaign slogan was easy to
13 vote, and hard to cheat. And that was one of the first
14 legislative items that he pursued.

15 I thought that you know, whatever my personal
16 ideas are on voter ID laws, professionally, what I will say
17 is that the bill that was enacted in Kentucky, I thought,
18 tried to reach an agreement of understanding of
19 implementation of how this works. The devil's in the
20 details, right, and if you create a system that's so
21 onerous in wanting to secure an election, you know, you can
22 actually restrict access to the ballot for voters who
23 should be eligible to do so. And I think what we did in
24 Kentucky is tried to make a fair balance of that.

25 So one of the things that we do is provide voters

1 a voter affirmation. If they can't receive -- for whatever
2 reason, especially during a pandemic, can't receive a voter
3 ID or some form of government ID to be able to take to the
4 polls with them, we provide them out at the location. Now,
5 that gives, then, investigators the ability to then go back
6 and evaluate that and audit that on that back side. And we
7 found that, you know, voter impersonation is extremely
8 rare. It just is. And you can go across the country and
9 see that voter impersonation is a rare form of voter fraud;
10 however, that doesn't necessarily mean that it's not an
11 important part of the election process.

12 I know a lot of individuals, including my board
13 members, think that it is part and parcel of being able to
14 show our voters that it's a secure election and that you
15 are who you are when you show up to vote. But you know, I
16 think Madam Chair said something about this earlier that,
17 you know, it can disproportionately affect communities of
18 color, it can disproportionately affect senior citizens.
19 And again, going back to that idea where parties are trying
20 to take hold of specific parts of the election process,
21 you've got Democrats and Republicans in both of those
22 groups, right?

23 And so if we try to create a balance of securing
24 our election -- by training I'm an engineer, not an
25 attorney, which I think sometimes is a good thing. But

1 when we look at securing election systems, systems have to
2 be secure, but they also have to be accessible. I can
3 create something that's so secure that no one has access to
4 it, right? No one's ever going to be able to break into
5 it. No one's ever going to be able to hack into it.
6 Great. That's awesome. But it also has zero
7 accessibility, and it now no longer functions as the
8 thing -- as it was supposed to be created for, right? So
9 we should be securing our elections, but we should be doing
10 it in a way that doesn't necessarily create harm for the
11 voter or create restrictions to the ballot.

12 REPRESENTATIVE WHEELAND: So do you -- or is it
13 just a gut feeling? I'm trying to figure out how to phrase
14 this. The voter ID laws, in your state, did it affect
15 turnout specifically, like, demographic groups, rural
16 versus urban, any -- or is it just a gut feeling?

17 MR. DEARING: Well, so two things. One is the
18 bill was enacted prior to the pandemic, and the bill itself
19 was set aside -- parts of it were set aside during the
20 emergency regulations that we set forward, right, because
21 all of our circuit clerks offices were closed so that
22 individuals couldn't even go and obtain a government-issued
23 ID, right? So issuing a voter ID bill at the same time
24 that all of those offices are closed is not necessarily
25 good governance. So we tried to effectuate a process in

1 which we used some of our old statutes, incorporating them
2 into the emergency regulations that we had to, again, have
3 a secure level of balance of security and access.

4 So it's too early for me to be able to give you
5 actual numbers of whether or not it's going to
6 disproportionately affect specific communities. I will say
7 because Kentucky has had some form of voter ID for a number
8 of years, you know, a lot of our voters already have that.
9 You know, you could show up with a credit card, right, you
10 could show up with a bill, something with your name on it
11 that proved where you lived and voted. The legislature
12 thought it should be a little firmer, a little more
13 codified as to what type of voter ID that you can utilize.
14 And so I think moving forward we'll have to see whether or
15 not that does.

16 Now, that being said, again, when it was enacted,
17 it was enacted in a way that voters have an out at the
18 precinct location. So you can sign a voter affirmation
19 form stating that you understand by penalty of law that you
20 are who you say you are and that you can provide a form of
21 ID if called upon to do so.

22 REPRESENTATIVE WHEELAND: So they would not be
23 able to file a provisional ballot?

24 MR. DEARING: They would. But they --

25 REPRESENTATIVE WHEELAND: Okay.

1 MR. DEARING: -- also -- if they fill out that
2 form, they also have the ability to actually receive the
3 typical ballot that they would receive on a normal basis.

4 REPRESENTATIVE WHEELAND: Okay.

5 MR. DEARING: So there are several outs that we
6 provide the voter to make sure that, one, they're trying to
7 accommodate the law as best they possibly can, given the
8 circumstances that not all people have transportation, not
9 all people drive, not all people have, you know, an extra
10 15 to \$20 to go buy a government-issued ID.

11 That's the other thing we did, is we provided
12 some funding to be able to give free IDs away to
13 individuals, but that still doesn't necessarily mandate
14 that every individual in your Commonwealth that is an
15 eligible citizen, eligible to vote, has the ability to get
16 one of those IDs. But again, that doesn't necessarily mean
17 that it's something that you can't incorporate if you
18 implement the details correctly.

19 REPRESENTATIVE WHEELAND: Thank you very much for
20 that --

21 MR. DEARING: Yes, sir.

22 REPRESENTATIVE WHEELAND: -- information. Thank
23 you.

24 MAJORITY CHAIRMAN GROVE: Representative Staats.

25 REPRESENTATIVE STAATS: Thank you, once again,

1 Mr. Chairman. And Mr. Dearing, thank you for your time
2 today. Jared, nationally, COVID-19 brought the challenge
3 of a substantial increase in the use of mail-in voting. In
4 Pennsylvania, we've heard from our counties, all of us
5 have, about the extreme increase in workload due to the
6 increase.

7 My first question, I believe the elections law
8 signed by Governor -- your Governor, Governor Beshear, last
9 night establishes a period of pre-canvassing for Kentucky's
10 mail-in absentee ballots. Did Kentucky allow any
11 pre-canvassing of these ballots previously?

12 MR. DEARING: Describe when you say
13 "pre-canvassing". I just want to make sure of the
14 nomenclature. Every state's a little bit different --

15 REPRESENTATIVE STAATS: Certainly.

16 MR. DEARING: -- as far as the nomenclature --

17 REPRESENTATIVE STAATS: So --

18 MR. DEARING: -- is concerned.

19 REPRESENTATIVE STAATS: -- opening up the ballots
20 prior to --

21 MR. DEARING: Yes. Okay. I see what you're
22 saying. Yes. So again, this goes back to the idea that if
23 you work with your elections administrators, you can
24 understand how that process works for them in office. You
25 don't want to make a process that from a policy perspective

1 looks good but has so many negative externalities when it's
2 implemented that it ultimately fails both the clerks and
3 the voters.

4 So one of the things that we did, we had the
5 ability in Kentucky in our primary election to move it
6 back. That gave us the ability to watch and look at other
7 states -- how they were running their elections during the
8 pandemic. Now, obviously, I think a lot of Americans would
9 tell you that they get their election results on Election
10 Day. That is a fallacy, unfortunately, that is, I think
11 perpetrated a little bit by the media. They present to you
12 a snapshot of results that come in from every state, right,
13 but I don't really know of any states that certify their
14 election on Election Day. Most states will certify their
15 election in the weeks after the election itself.

16 Now, in Kentucky, what we wanted to be able to do
17 is give the voter some certainty of what those election
18 results were on Election Night itself, and that was an
19 important part of the process of negotiating how those
20 emergency regulations would play out. And one of the
21 things that we found was that if you had hundreds and
22 hundreds of thousands of people voting by mail, the clerks
23 needed the ability to be able to open those up, validate
24 the signatures, make sure that the ballots could be scanned
25 in. Now, we did not release any election results until

1 election night itself, but because they had the ability to,
2 in your words pre-canvass or process those ballots before
3 Election Day itself. They had the ability to then actually
4 turn their full efforts into Election Day making sure that
5 there was a successful Election Day. Did that answer your
6 question?

7 REPRESENTATIVE STAATS: It certainly did. And
8 how about the flip side of that? When is the deadline for
9 counties to complete canvassing ballots?

10 MR. DEARING: So in the primary election
11 because -- sorry. I'm going to plug my computer in to
12 actually make sure I don't drop -- here we go. Sorry about
13 that.

14 So in the primary election, we realized also that
15 voters -- this would be a new process to voters, and we
16 wanted to make sure they had the ability to cast their
17 ballot effectively. We gave the voters until Friday after
18 the election, so Friday following the Tuesday of the
19 election, to be able to return all their ballots. Now
20 moving forward, we are going to be going back to the way
21 our laws were in Kentucky prior to the pandemic, which
22 means that voters will be required to submit their ballot
23 to the county clerk's office by Election Day close of
24 polls, which, for us, is 6:00 p.m.

25 But we've also given them more opportunities to

1 be able to do that. So it used to be that you had to mail
2 in your ballot for it to be counted. Now we allow them to
3 mail it in. We also provide secure drop boxes, and the
4 voters can deliver it directly to the county clerk's office
5 themselves as well.

6 REPRESENTATIVE STAATS: I see. And in your case,
7 have your counties seen a substantial increase in workload?

8 MR. DEARING: Absolutely. You know, I think it's
9 unfortunate. I know that you were talking a little bit
10 about the CTCL grants earlier in testimony today. I think
11 it's unfortunate. Many of my counties took the CTCL grant.
12 Myself, the State Board of Elections, we took the CEAR (ph)
13 grant, which came from the same funding source. It was
14 just handled through a different pass-through agency. I
15 was loathed to take that money. I won't lie. I don't
16 necessarily think it's appropriate to take money from
17 private entities.

18 That being said, I think our legislatures both in
19 Kentucky and nationally and across this country are failing
20 to adequately fund our election systems in a way that
21 meaningfully prepares our counties to purchase up-to-date
22 election systems, to provide them with enough resources and
23 staffing to be able to effectuate a good election. All
24 those things matter. And so unfortunately, elections have
25 kind of been left in the dark for many years now when it

1 comes to funding.

2 And a lot of county clerks -- I can't speak
3 highly enough of my county clerks, and I can only imagine
4 that the clerks in Pennsylvania reflect that same mentality
5 of they care so deeply about their communities, and you
6 know, many of them were spending literally 80-hour weeks in
7 the weeks leading up to the election. Not because, you
8 know, the election was, obviously, under difficult
9 circumstances, but because they didn't have the staff to do
10 it. Like, they had to, themselves, either hire extra
11 staff, which they don't have the money for, or they had to
12 have the staff that they had and just ramp up their hours.

13 Now, if we were adequately funding them in a way
14 that was appropriate, you know, it would be a much easier
15 process for them. But I also understand the constraints
16 that are on state budgets, but that doesn't mean that we
17 should be shortchanging our elections in the same breath
18 that we're saying, hey, we need to secure these, we need to
19 make our elections free and fair. Well, funding is
20 absolutely going to be a part of that process.

21 REPRESENTATIVE STAATS: That's great.

22 MR. DEARING: Sorry if I got a little --

23 REPRESENTATIVE STAATS: No. That's --

24 MR. DEARING: -- edgy on that.

25 REPRESENTATIVE STAATS: -- great. Your answers

1 were very helpful. Thank you, sir.

2 MAJORITY CHAIRMAN GROVE: Representative Miller.

3 REPRESENTATIVE MILLER: Thank you, Mr. Chairman,
4 and thank you for your testimony. We have a summary of
5 your bill, HB 574, and one of the items of interest to me
6 is it establishes a signature curing process. My question
7 is, how does Kentucky handle that?

8 MR. DEARING: So we were really fortunate that we
9 have an IT staff that's incredibly talented here at the
10 State Board. We were able to set up what we called an
11 absentee application portal. That portal functions in
12 multiple ways. So when a voter applies for an absentee
13 ballot, no longer are we mailing them an application, which
14 means that we have done away with a lot of those
15 third-party groups that are trying to submit applications
16 for individuals or sending applications out. It's a
17 90-second process for the voter. It's a secure process in
18 which we validate their driver's license and other PPI or
19 personal identifiable information through that process.

20 So once they've applied, we, as the state level,
21 issue a label with a bar code on it that we then ship to
22 the county clerk's office overnight. The clerk now has the
23 ability to mail out that ballot. Every envelope that mails
24 out to the voter has a bar code on it. And when that voter
25 fills their ballot out and puts it back in the return

1 envelope, the secured envelope, the privacy envelope, and
2 then the return envelope, mails it back to the clerk. The
3 clerk, all they have to do is scan that bar code. It
4 immediately pulls up a signature both from a driver's
5 license signature as well as their voter registration
6 signature.

7 So now, the clerk has a really extremely
8 process -- or streamlined way to process those signatures.
9 We know the clerks are validating the signatures from the
10 state's perspective, and we also know that as soon as that
11 clerk pulls that up and they say, hey, this signature
12 doesn't match, they then click one button, and they now
13 have inputted that voter into the system. Now, we, at the
14 state, mail out a form to the voter saying, hey, your
15 signature didn't match. Please provide us with an
16 appropriate signature testifying that you are who you are
17 and that you cast this ballot and a photo ID.

18 The clerk also has the ability to reach out and
19 contact and call the voter themselves -- many of the clerks
20 do, but at the very top level administratively, we are
21 guaranteeing that the voter is being contacted in some form
22 or fashion. So those signature cures are a multi-step
23 process that includes right from the application process to
24 mailing out the ballot to receiving it back and then,
25 ultimately, the state and the counties have a partnership

1 in that process.

2 REPRESENTATIVE MILLER: So in order to accomplish
3 that, you have to have closed your -- you have to have a
4 window to allow enough time to reach those people. What is
5 your window of time that allows that process to unfold?

6 MR. DEARING: One of the things that we did is
7 our bill stops the application process 14 days out. I know
8 some of my Democratic legislators contacted us when the
9 bill first was being proposed, and they're saying, hey,
10 you're making it harder for people to vote. And the
11 reality is, again, going back to this idea of more
12 data-driven policy as opposed to political perspective, the
13 idea here is to move that date back a little bit because
14 the question is, do you want to have more time to apply for
15 an absentee ballot, or do you want to guarantee that the
16 ballot will be applied for and have the time to turn it
17 around and be in the voter's hands with enough time for
18 them to be able to fill it out and return it by Election
19 Day.

20 So this bill is a little bit different from our
21 primary election, and we still have to write some of the
22 regulations and policies that pertain to that. And that's
23 one of the things we're going to need to address. So if a
24 voter receives their ballot, their time window to be able
25 to submit that is, obviously, Election Day close of polls.

1 The longer a voter waits, the less opportunity there will
2 be for them to be able to effectuate that signature.

3 Now, one of the things that we also do is, during
4 the application process, we ask the voter for their email
5 or cell phone number that gives us the ability to say, hey,
6 if we need to contact you digitally to cure a ballot, we
7 can do that. And we did that quite literally up until the
8 close of polls in the last election. We were still sending
9 emails out to voters as clerks were processing those
10 ballots as furiously as they could on Election Day. So
11 there are still some things to work out, and I'm hoping
12 that that's something that we can do professionally and
13 effectively. But I don't know if I have necessarily an
14 absolute answer for that right now.

15 REPRESENTATIVE MILLER: Okay. Thank you. And
16 one final question, going back, it sounds like you were
17 listening in ahead of time. Pennsylvania has 21,000
18 deceased voters still on our voting rolls, and it's taken a
19 lawsuit to get those removed. Some of those folks have
20 been on the rolls for 10 years, 5 years, and so on. And
21 that is even with the extensive removal processes that were
22 discussed earlier. What does Kentucky do in this regard?

23 MR. DEARING: Not to push back -- with all due
24 respect. I would ask the question because I don't know
25 enough about that lawsuit itself specifically. But I would

1 ask, is it a lawsuit or is it a known fact that you have
2 these individuals? Is it someone, an outside group, saying
3 that, hey, you have 20,000 people on your rolls, or is it,
4 like, actual data that someone has sifted through
5 appropriately and correctly to identify these individuals?
6 That would be the first question I would ask. Until that
7 lawsuit plays out, until you verify that, that would be my
8 first assumption.

9 The second is to say, how does Kentucky do that?
10 One, we take vital statistics, in which within five days of
11 notification of death, we remove that individual. We mail
12 out a letter just to make sure that, hey -- you know,
13 because sometimes mistakes happen. Sometimes the vital
14 statistics will inappropriately send or misidentify a
15 voter, so we want to be able make sure that voter has the
16 ability to come back into the system effectively.

17 That being said, not all voters die in Kentucky.
18 Sometimes we have voters that will die outside of Kentucky,
19 and we're not notified of that. At that point, those
20 voters are caught up in our active list maintenance
21 process. List maintenance can be a really onerous process,
22 but it can also be enfranchising. We want to make sure
23 that voters' records are correct. We want to make sure
24 that people have confidence in their voter registration
25 system. And that also means when a voter moves we want to

1 be able to update them in the system as quickly as we
2 possibly can to guarantee that when that voter shows up at
3 the precinct, they have the ability to receive the correct
4 ballot.

5 We live in a representative democracy, and if
6 that voter is not voting for their representative, they're
7 not participating effectively in democracy. So an
8 effective list maintenance program for us means that we are
9 tracking return mail dates for voters when we mail them
10 things. If something comes back, we add them to a list.
11 We mail them what we call an 8(d)(2) mailer, which is
12 prescribed by NVRA. That voter then has four years or two
13 federal election cycles to update themselves in the system
14 before they'll be removed.

15 I think it's a little bit of a misnomer that
16 people are immediately purged when they're identified as an
17 inactive voter. That's not the case. Voters always have
18 an opportunity to come back into the system, and we do our
19 best to be able to track them and notify them to the best
20 of our ability of that process, including working with
21 third-party groups, the NAACP, the ACLU, the League of
22 Women Voters, other third-party groups that we work with to
23 make sure that we are identifying voters who are moving and
24 bringing them back into the system effectively, but also
25 knowing that when someone passes away, if we're not

1 notified of that, ultimately, they're going to get caught
2 up in our list maintenance process.

3 And just because someone is dead and is on your
4 voter registration system, it's not a crime in itself, nor
5 is it an indicator of fraud. It is something that you want
6 to have an active process to clean up to the best of your
7 ability but to do it in a way that's not impacting voters
8 that should have access to the ballot.

9 REPRESENTATIVE MILLER: Well, thank you very
10 much. Yeah. My understanding is, in this particular case,
11 the lawsuit was filed in November, and it was settled just
12 here recently after four months, so. Well, thank you very
13 much. I appreciate it.

14 MR. DEARING: Yes, sir.

15 MAJORITY CHAIRMAN GROVE: Representative Ortitay.

16 REPRESENTATIVE ORTITAY: Thank you, Mr. Chairman.
17 And thank you for being here. I have a couple different
18 questions here, and I know that this is still kind of new,
19 and the question might be a little premature since the law
20 was just signed by the Governor. It says Kentucky will now
21 allow up to -- or will now allow three days of in-person
22 early voting, including a Saturday. Can you kind of walk
23 me through the process of how that's going to work?

24 MR. DEARING: Sure. So what will happen is the
25 counties are required to submit a election plan to the

1 State Board of Elections for approval. So what we'll do is
2 ask, you know, the counties to lay out how they will
3 effectuate that election. So how many locations will there
4 be for early voting? Is it just in office? And you know,
5 we have, you know, everything from Hickman County with a
6 few thousand voters in it to Jefferson County, which is
7 Louisville, with over 600,000 voters in it, right, so those
8 election plans are going to be completely varied. And
9 we'll look at each individual one to make sure it's
10 appropriate for the voters in that county.

11 But early voting will take place during clerks'
12 hours, unless the clerk says, hey, we're going to open our
13 hours and our doors from this time to this time as part of
14 their election plan, and we'll hold it in these locations
15 within the county.

16 The voter will have the ability to be able to go
17 in and vote. I will say three days of early voting is not
18 what we asked for originally. It's what was pared down
19 because that was what was politically feasible. So again,
20 this is not a perfect bill. It is an incremental step
21 forward for Kentucky, and we plan to continue that progress
22 moving forward in future legislative sessions. But to
23 answer your point, it'll be individual to the county, but
24 for the most part, voters will have a location to be able
25 to go to and without an excuse be able to cast a ballot

1 before Election Day.

2 REPRESENTATIVE ORTITAY: So it'll look as -- I
3 mean, when the voter actually walks in the location, it'll
4 pretty much be the -- it'll be the same process that they
5 go through now as they would just vote on Election Day?

6 MR. DEARING: That's right. Yes.

7 REPRESENTATIVE ORTITAY: Okay. All right. And
8 following up with another question that's kind of somewhat
9 related, it's about poll workers. And I know we struggle
10 out here, at least in the two counties that I represent in
11 Allegheny and Washington, finding people to work the polls
12 on Election Day. Does Kentucky have a similar problem with
13 shortage of poll workers?

14 MR. DEARING: That is a national problem. I have
15 yet to talk to one of my peers that doesn't say that we
16 have a -- you know, about a year-and-a-half ago, I would've
17 said we had a looming cliff that is coming before us
18 because the majority of our poll -- so in Kentucky, to run
19 our 3,700 precincts, we need about 16,000 poll workers. Of
20 that number, 8,000 are older than the age of 65; 5,000 are
21 older than the age of 70, right? So like that population
22 that is volunteering primarily to run our elections,
23 they're passing away or moving on because they can no
24 longer do it, and that is a significant problem. Now, you
25 put into the fact that, you know, we're in the middle of

1 the pandemic and that is the population that is most, you
2 know, vulnerable to that virus, it was a major problem.
3 And I don't see how we're going to necessarily overcome
4 that.

5 One of the things that we tried to do is make it
6 easier for counties to condense some of their precincts.
7 Now, that doesn't mean doing away with precincts, but
8 oftentimes you'll have a voting location that might have
9 four precincts in it, and instead of having 16 poll
10 workers -- so 4 poll workers per precinct, two D's, two
11 R's, what we're now suggesting is that if that location has
12 the ability, what you can say is, hey, instead of 16 poll
13 workers, you might only need 10. As long as you have party
14 parity there, that there's a reciprocity between the
15 parties and a checks and balance, then that process could
16 work. It'll decrease the number of poll workers we need,
17 decrease costs for the counties, ultimately, which is
18 obviously still a problem.

19 But we need to do a big job both from the
20 legislative process to the administrative process and just
21 from a civics perspective in getting more people to
22 volunteer to be a part of democracy.

23 REPRESENTATIVE ORTITAY: Now, just to follow up
24 on that, and that's all that I have, but in a perfect
25 world, if you could come up with a solution on how to

1 handle the shortage, what ideas do you have, if any, that
2 you aren't already doing?

3 MR. DEARING: In Kentucky, one of the things that
4 this legislation did is it opened it up to Independents.
5 So it used to be that you only could be a Republican or a
6 Democrat to be a poll worker, and that was a checks and
7 balance when primarily like 99 percent of the voter
8 registration was one of the two, right?

9 What we're finding is voters are now registering
10 as Independents. And leaving that population or that
11 demographic out of the ability to volunteer as a poll
12 worker -- now, I don't know if Pennsylvania has that
13 similar problem, but you know, opening up access to
14 individuals to be poll workers is a big deal of it. Now,
15 also protecting poll workers is a huge part of it. You
16 know, poll workers received threats and all sorts of
17 problems, you know, that we've never experienced before
18 because of some of the rhetoric that we were seeing from
19 both sides of the aisle.

20 In Kentucky, in the primary election, we were,
21 you know, absolutely skewered by the left, and in the
22 general election, it was from the right, so, you know,
23 there was not really a monopoly on that. But you know, my
24 hope is, is that with more engagement from the
25 administrators, with more engagement from our civics

1 classes in high school, teaching kids what it means to be a
2 part of a democracy. My grandfather, when I was 18, took
3 me to register to vote and then guaranteed that I went and
4 voted the next election cycle, right? So like, having
5 someone in your life that explains to you the importance of
6 this process is really important. And that's going to be
7 really important when we start to transition from our poll
8 workers who are 70 years old. We need to start having more
9 younger individuals so we can carry those forward in future
10 election cycles.

11 REPRESENTATIVE ORTITAY: Well, Mr. Dearing, I
12 appreciate your answers, and I certainly appreciate you
13 taking the time and sharing some insight and stuff from the
14 state of Kentucky with us here in Pennsylvania. So thank
15 you again, and thank you, Mr. Chairman.

16 MAJORITY CHAIRMAN GROVE: Representative Lewis.

17 REPRESENTATIVE LEWIS: Thank you, Mr. Chairman,
18 and thank you, Mr. Dearing, for being here with us and
19 providing this testimony and frankly, insight that's so
20 helpful. My question is regarding signature verification
21 for mail-in ballots. And my question is does Kentucky use
22 any signature-matching software to determine that the
23 ballot or registration is valid?

24 MR. DEARING: We do not. We made an active
25 choice not to in the primary and general election. Now, we

1 reached the levels of participation where we probably
2 could've merited using some software solution, but the
3 problem with that is there's a -- you know, when you look
4 at states like Utah -- I know that Election Director Justin
5 Lee, from Utah was able to speak to you at an earlier
6 conference. You know, Utah, I believe is using that. I
7 know Colorado does, Washington does. But those are systems
8 that they set up over a decade. It took them almost a
9 decade to mature those systems in a way that they could put
10 safeguards in the system, both for security and access, so
11 we decided not to.

12 But I would say that what we also did in this
13 last election, to go back to a question from another
14 Representative from earlier, we also provided our counties
15 with a very large infusion of funding from CARES Act
16 dollars. So our Governor was good enough to identify that
17 that was going to be a problem and work with us. When we
18 explained to him, hey, here's the challenges we're going to
19 have in this election, and he was able to give us money to
20 be able to hire extra staff. So we brute-forced every
21 single one of those signatures with a human eyeball,
22 reviewing them, evaluating them, and then ultimately
23 putting them into the completed process and moving the
24 ballot forward through the scanning process or starting the
25 cure process.

1 So having a human on that -- and a software
2 solution is not an end-all, be-all, and I am by no means an
3 expert on that. You might want to bring in another
4 administrator from Colorado or Washington on that. But
5 you're always going to have to have some human interaction
6 with that because the software that's currently out there
7 only validates within a certain range. It says, hey, we
8 feel that this is a 70 percent match, and anything below 70
9 percent it's going to kick out and a human will have to
10 evaluate it, so there will always be a human interaction.

11 REPRESENTATIVE LEWIS: And on that, which is
12 phenomenal, what type of training does Kentucky have for
13 those elections officials? Is training required to know
14 kind of how to verify these signatures?

15 MR. DEARING: Well, there's no statutory mandate
16 for signature training, but what we did -- so you know, I
17 saw, you know, Jennifer Morrell was on earlier today.
18 Jennifer actually was instrumental in helping Kentucky
19 stand up some of our systems during the primary election.
20 Her work with CISA and DHS.

21 So my point is, is that elections administrators,
22 it's a small community, and we're always supportive of each
23 other. So this is not something we had in effect prior to
24 this last election. So what I did is I went to my peers.
25 I went to Colorado, I went to Washington, I went to several

1 other states and said how are you training your deputy
2 clerks to be able to evaluate signatures, and I took best
3 of breed -- kind of all those best interactions and coupled
4 them together into a document that we provided our county
5 clerks and then provided them multiple trainings on how to
6 identify a signature.

7 REPRESENTATIVE LEWIS: Wonderful. Does Kentucky
8 law currently allow for ballots to be challenged on the
9 basis of signature discrepancies at all?

10 MR. DEARING: So it allows for a challenge in a
11 sense that on Election Day -- so it's hard to give you a
12 really clear answer on that because so many things changed
13 during the primary and general election. We still allowed
14 for challenges. So every candidate is allowed to have an
15 individual present while ballots are being tabulated and
16 counted, right, as well as processed. So if someone is
17 there and challenges a signature necessarily, you know,
18 that's part of our process, but it's been rare because so
19 few of our ballots have been processed by absentee mail.
20 Prior to this election cycle, 1.5 percent of our ballots
21 were cast by absentee mail.

22 REPRESENTATIVE LEWIS: Wow.

23 MR. DEARING: To put that into perspective, our
24 primary elections, 55 percent of our ballots were cast by
25 mail. So my guess is moving forward into the next election

1 cycle with our new law, probably about maybe seven percent
2 of our ballots will be cast by mail.

3 REPRESENTATIVE LEWIS: I see. I see. Okay.
4 That makes sense. Well, I appreciate your answers, and
5 thanks for all you do. And thank you, Mr. Chairman.

6 MAJORITY CHAIRMAN GROVE: Representative Dowling.

7 REPRESENTATIVE DOWLING: Thank you, Mr. Chairman.
8 Under your new law that just took -- under the new law,
9 there's a unique tracking bar code that will be placed on
10 all mail-in absentees, ballots. Can you explain that to
11 us?

12 MR. DEARING: Yeah. So that was part and parcel
13 of the process I was explaining earlier. So when a voter
14 accesses the absentee application portal that is operated
15 by the State Board of Elections, they apply for that
16 ballot, we validate their identity through multiple
17 processes, including their driver's license, if they have
18 one. We also provide other avenues for that. We also
19 allow county clerks to take calls from the voter directly.
20 If the clerk is comfortable in accepting the personal
21 identifiable information provided by the voter over the
22 phone, that will also generate an application. There's
23 also still that validation process on the ballot -- or on
24 the back side. There's always steps between the process.
25 So that being said, when the voter applies for

1 that application, it generates a label system here at the
2 State Board. We print those off. Every voter will receive
3 three ballot labels, and each ballot label will have three
4 unique bar codes generated by the state that mean nothing
5 to anyone other than us here at the state and our unique
6 system at the voter registration system. Those are then
7 overnight mailed to the county clerk. They will then take
8 a ballot, put it in with instructions, including a security
9 sleeve or a secrecy sleeve, an inner envelope, and an outer
10 envelope that they then mail to the voter.

11 So every single one of those envelopes gets a
12 ballot label. That label allows us to track it through the
13 entire system. The clerk will scan that bar code when it
14 leaves the office, so now I as the state -- from an
15 administrative role, I know exactly when the voter applied
16 for their absentee ballot. I know when the ballot labels
17 were issued. I know when they arrived at the county
18 clerk's office. I then know when and how long it took the
19 clerk to turn that ballot around. So if they're scanning
20 that ballot envelope on the way out, I know that. And
21 then, once it comes back from the voter, I can track it
22 through that last part of the system, which is the
23 signature validation and ultimately, that the ballot is
24 then open and counted. Does that --

25 REPRESENTATIVE DOWLING: Thank you --

1 MR. DEARING: -- answer your question?

2 REPRESENTATIVE DOWLING: Yes. I had just one
3 follow-up on that, and that was, how does the system
4 accommodate for the ballot secrecy concerns?

5 MR. DEARING: So the ballot label itself is only
6 on the envelope, right, so it has nothing to do with the
7 ballot. I'm trying to see. I think I actually have an
8 envelope. But we have an inner envelope that has an outer
9 flap on it. So when the voter fills out their ballot,
10 they'll make their selections, they'll then fold that and
11 then place it inside the envelope, and then seal the
12 envelope. Now, that envelope has an outer flap that can be
13 detached. That detachment has the bar code on it. So when
14 the ballot is mailed back to the county clerk's office, the
15 county clerk is validating the signature and scanning the
16 bar codes based on the envelope itself and not the ballot.

17 Once the signature is validated, the clerk says,
18 okay, it's gone through all the security steps of that part
19 of the phase. They then rip the outer tab off, and now
20 what you're left with is a blank envelope that's still
21 sealed and has the ballot inside of it and has no
22 identifiable information on it, and then they move that
23 through the next part of the process. Someone else will
24 then open that ballot, stack it with a group of other
25 ballots, and then ultimately that will be scanned for

1 tabulation.

2 So we've separated the part that identifies the
3 envelope and the actual ballot itself. And at some point
4 in that process they separate the two, so the
5 secrecy -- when the ballot is still opened up, no one has
6 an idea of who that ballot has been cast by.

7 REPRESENTATIVE DOWLING: Thank you very much.
8 Thank you, Mr. Chairman

9 MAJORITY CHAIRMAN GROVE: Representative Keefer.

10 REPRESENTATIVE KEEFER: Thank you. Mr. Dearing,
11 the uniformity -- that's been a huge issue in Pennsylvania
12 throughout all of the hearings that we've had. Uniformity,
13 that's been one of our deficiencies in the Commonwealth.
14 So with that understanding, I'm asking you, with your new
15 law that Kentucky just passed, you have included in there
16 an approach to election administration during declared
17 states of emergency in that. So obviously, all states had
18 some experience with this recently with COVID during the
19 2020 elections. Can you describe how this provision that
20 you have in the law will function?

21 MR. DEARING: Sure. I kind of want to be
22 nonpolitical when I say this. So under our previous law,
23 the State Legislature gave the authority in the state of
24 emergency to, one, allow the Governor to declare a state of
25 emergency. Once that emergency was declared, the Secretary

1 of State then had the ability to request the change in the
2 time and manner of the election, and that was a two-step
3 process, checks and balance between the Secretary and the
4 Governor.

5 Then the State Board of Elections would step in
6 and articulate the changes in the manner of the election
7 and the policies and procedures therefore. And what we
8 would result with is a regulation. That regulation would
9 be an emergency regulation that would then be signed by the
10 Secretary of State and approved by the Governor.

11 That process worked very well for us. We
12 actually had an extremely successful election. It'll be
13 one of the most proud moments of my career to be able to
14 say that we had no community spread of COVID during either
15 our primary or general election due to election processes.
16 So it was a really successful process.

17 That being said, I think there has been a -- I
18 think national news has highlighted the fact that
19 legislatures have a very key role in drafting elections
20 law, which is appropriate and should be that case. In
21 Kentucky's case, the Legislature wanted to pull back a
22 little bit of that authority from the Secretary of State,
23 the Governor to make those changes. Now the State
24 Legislature will have to declare that the change in the
25 manner of the election -- the state board will, then, still

1 have that role. We then submit them to the session. I'm
2 still interested to see how that will play out in future
3 election cycles if we have a pandemic issue or some other
4 type of statewide emergency since our legislature is a
5 part-time legislature and not in office full time.

6 REPRESENTATIVE KEEFER: Okay. Yeah. And that's
7 part of ours here is just that balance of power, but also
8 looking at, you know, each county, you know, the size and
9 demographics of it is different as far -- in rural and
10 suburban and urban areas and consolidating that. So it
11 takes several processes in Pennsylvania to consolidate
12 polling locations and allowing that, so there's got to be
13 some way that the stakeholders are all getting input in
14 this and are able to accommodate their voters.

15 MR. DEARING: Absolutely. One of the things that
16 we constantly are trying to do in Kentucky is create
17 flexibility in the processes that we create because
18 I -- you know, I think I said that earlier that Hickman
19 County has several thousand, Jefferson has 600,000. It has
20 to work for both of those counties, and so flexibility
21 tends to be the way to create some uniformity in the sense
22 that everyone's operating under the same umbrella. And
23 then, ultimately, whatever that election plan is, is going
24 to have to be approved by the State Board of Elections.
25 And again, right, we have four D's, four R's, myself, and

1 the Secretary of State who sit on this board and do our
2 best to be able to make sure that counties are effectuating
3 good election plans, and for the most part, they all do.

4 REPRESENTATIVE KEEFER: Okay. Thank you.

5 MAJORITY CHAIRMAN GROVE: Representative Schemel.

6 REPRESENTATIVE SCHEMEL: Thank you, Mr. Chair.

7 And Director Dearing, if you want to return to the land of
8 your grandparents, you're welcome back. They're probably
9 still on the voter rolls. In the 2016 presidential --

10 MINORITY CHAIRWOMAN DAVIDSON: Objection.

11 REPRESENTATIVE SCHEMEL: -- general election, the
12 Associated Press called Pennsylvania's result at 3:00 a.m.
13 on November 4th, just a few hours after the last polls
14 closed on the West Coast. In 2020, the AP called
15 Pennsylvania on 11:00 on November 7th, more than three full
16 days after polls closed. Clearly, we know the difficult
17 administration of mail-in ballots accounted for some of
18 this delay. In the both the 2020 and 2016 general
19 elections, Kentucky's results have been clear soon after
20 the end of voting. Can you speak to what policies Kentucky
21 has that may have facilitated a more efficient counting
22 process?

23 MR. DEARING: Sure. And let me answer that in
24 two parts. And one, I want to push back just a little bit
25 as respectfully as I can. The AP does not certify our

1 elections, nor do they certify Pennsylvania's elections or
2 Colorado's or anyone else's. You know, it continues to be
3 this thing that when the AP or the media calls the election
4 for a candidate that somehow the electorate thinks that,
5 oh, well, the election's done now. And in our history,
6 that's never been the case. All states certify their
7 election based on multiple checks in that system.

8 So the county boards of elections will come
9 together after our election -- several days after our
10 election, sometimes after a week after election. They'll
11 certify the elections at the county level. They'll send
12 those up to the Secretary of State. The Secretary of State
13 will review them, look for anomalies, and then, ultimately,
14 present them to the State Board of Elections, who usually
15 will certify an election several weeks after the election.
16 And that is when candidates are certified as having won
17 their election. And I think part of the problem is, is
18 that so much of the context has been stripped out of
19 election night results.

20 So states want to be able to give voters some
21 clarity and understanding of where the election is on
22 election night. It's important for candidates to also know
23 where they stand at the end of the Election Day itself,
24 right, so that's an important part of the process. But so
25 much of that context has been stripped out in a way that

1 people think -- I mean, you know, Supreme Court Justice
2 Kavanaugh himself said that Americans are used to receiving
3 their election night results -- or their election results
4 on election night. But again, that's never been the case
5 from an administrative perspective.

6 That being said, in Kentucky that's one of the
7 things we wanted to address during the pandemic elections
8 and also in our new law. It gives the counties 14 days to
9 process all of those ballots leading up to Election Day.
10 It doesn't release the results, so no one knows who anyone
11 is voting for. Obviously, the secrecy of the ballot is
12 sacrosanct, but also the results are sacrosanct when it
13 comes to that.

14 Nothing is released until the close of polls
15 after 6:00 p.m., but we've given the clerks the
16 administrative ability to be able to process those ballots
17 leading up to Election Day, and then ultimately, they get
18 those results from Election Day. Those machine totals come
19 in. They aggregate at the county level. And then, like I
20 said, they get, ultimately, certified at the county by the
21 county board and then up to the Secretary and then the
22 State Board of Elections.

23 REPRESENTATIVE SCHEMEL: Very good. Thank you.

24 MAJORITY CHAIRMAN GROVE: Chairwoman Davidson.

25 MINORITY CHAIRWOMAN DAVIDSON: Thank you, Mr.

1 Chairman. I just have mainly a few statements, but I just
2 wanted to say that I truly appreciated all of the testimony
3 except for one notable one, from Wendy Underhill, Jennifer
4 Morrell, and Mr. Dearing here. The other testifier, Sam
5 Adolphsen, I found his testimony to be disappointing,
6 alarming, and sometimes even disturbing, and you know,
7 really should be stricken from the record. It wasn't fact
8 based, even though he was --

9 MAJORITY CHAIRMAN GROVE: Chairwoman, do you have
10 a question for the testifier, or are these closing
11 comments?

12 MINORITY CHAIRWOMAN DAVIDSON: These are closing
13 comments. I don't really have a question.

14 MAJORITY CHAIRMAN GROVE: We're still on the
15 testifier. I still have one more member who wants to ask a
16 question.

17 MINORITY CHAIRWOMAN DAVIDSON: Okay. I thought
18 we were done --

19 MAJORITY CHAIRMAN GROVE: No.

20 MINORITY CHAIRWOMAN DAVIDSON: -- with the member
21 testimony.

22 MAJORITY CHAIRMAN GROVE: No.

23 Representative Wheeland.

24 REPRESENTATIVE WHEELAND: Thank you very much.
25 And I'm back again. So a couple questions. Your testimony

1 mentions Kentucky has 120 counties. I thought we had a lot
2 of counties with 67. So that large number of counties that
3 you have in your state, how does that affect county clerks,
4 the whole election administration having that many
5 counties?

6 MR. DEARING: Well, so I would say -- you know,
7 whenever I talk to some of my peers, Michigan and
8 Wisconsin -- Wisconsin specifically has 1,800 elections
9 administrators. They operate their elections at the
10 municipal level; it's not even the county level. So every
11 state's a little bit different. I will say I cannot speak
12 highly enough of the 120 county clerks that represent the
13 Commonwealth of Kentucky. I have found them to be
14 incredibly diligent public servants that go above and
15 beyond what is called for them in effectuating their
16 elections, caring about their community, caring about their
17 voters, and they do it in a way that is, in many ways,
18 nonpartisan -- not even bipartisan, but nonpartisan.

19 So many of my county clerks, I don't know what
20 their party affiliation is. I don't care to know. I don't
21 need to know because I know they do their job. So when it
22 comes to having 120 counties, you know, it's a little bit
23 of a grab bag. I like to say jokingly and affectionately
24 that is a bag of squirrels without a handle sometimes
25 because you never know what you're going to get. But like

1 I said, the voracity of caring that the clerks have for
2 their communities, it speaks of, you know, the commitment
3 they have for these jobs.

4 So that being said, when you start with county
5 clerks and administrators that care so deeply about their
6 communities and this job and the responsibilities of being
7 an elections administrator, it makes it a lot easier. It
8 means that, you know, when I have trainings, they attend
9 them. It means when I provide them information and
10 resources, they accept them. That doesn't mean I agree
11 with every one of my clerks nor do they agree with me a
12 hundred percent of the time, but you know, someone's not
13 doing their job if everyone's agreeing.

14 But that being said, you know, I am familiar with
15 some of the individuals that represent Pennsylvania, and I
16 know them to also be exactly the same as I see my clerks.
17 They are incredibly diligent, caring administrators. And I
18 think the more you interact with them, the more you can get
19 the details of potential future legislation correct.

20 The mechanics of this and the details will be
21 incredibly important when you are drafting legislation and
22 making sure that you're getting everything correct when it
23 comes to the granularity of an administration process. So
24 you know, I am highly encouraging of you continuing to work
25 with your administrators both at the state and local level

1 and do so in a meaningful way that has some reciprocity
2 there where both sides are gaining more knowledge from each
3 other.

4 REPRESENTATIVE WHEELAND: So any particular
5 efficiencies that you've developed because you have so many
6 election administrators?

7 MR. DEARING: Sure. Again, I think the thing I
8 can point to always and constantly is our monthly training
9 sessions. I don't know if it was meant to do this, but you
10 know, incentivizing the clerks to have some monetary
11 gain -- doesn't have to be a lot but enough to attend
12 trainings on a regular basis. It means that, you know,
13 from the smallest county to the largest county, they're all
14 participating in that process. And more importantly, not
15 only are they receiving efficiencies and recommendations
16 from the State Board, but they're incredibly creative
17 individuals, which means that they're innovating processes
18 at their own county level. And when they all come together
19 and they start sharing those processes -- you know, some of
20 the best ideas I've ever had came from a county clerk,
21 right, how they were doing it, and me being able to take
22 that and articulate in a way that would envelop the entire
23 state.

24 You know, innovation, you know, is always taking
25 place at the county level because they are being asked to

1 do so much with so little. My county clerks not only do
2 elections, but they also have 128 responsibilities outside
3 of elections, including car registrations and marriage
4 license and all the other things that go with that. So
5 again, without getting into too much detail, the best thing
6 I can recommended is to encourage your county clerks to
7 have regular training sessions and to have those sessions
8 be incorporated with some form of your state department.

9 REPRESENTATIVE WHEELAND: Great suggestion.
10 Thank you so much. And I'm also curious, how many hours
11 are polling places open on Election Day in Kentucky?

12 MR. DEARING: We are open from 6:00 a.m. to 6:00
13 p.m.

14 REPRESENTATIVE WHEELAND: Which is 12 hours?

15 MR. DEARING: Yes, sir.

16 REPRESENTATIVE WHEELAND: Do you know how long
17 Kentucky's been at 12 hours?

18 MR. DEARING: So Secretary Adams likes to say
19 that this new law reforms what we implemented during
20 horse-and-buggy days, which is not untrue. Our election
21 law, in many ways, was built on an agrarian society that
22 allowed for farmers to be able to come to the town center
23 on a one-day basis so that they can all know when they
24 would be there, and it was based a lot of time when harvest
25 time was built on. So those hours -- I don't know when

1 they were necessarily dictated or drafted, but it's been
2 that way for many, many years now.

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

5 MR. DEARING: And if could just --

6 MINORITY CHAIRWOMAN DAVIDSON: I do have a
7 question.

8 MR. DEARING: Sorry. Mr. Chairman, if I could
9 just reiterate on that last point. That does not mean that
10 6:00 to 6:00 is the best model. It's what we currently
11 have right now. That might change in the future, but
12 again, it needs to be -- what works for Kentucky might not
13 necessarily work for another state. I just wanted to
14 highlight that.

15 REPRESENTATIVE WHEELAND: Well, could you
16 clarify, then, what would your recommendation be for hours?

17 MR. DEARING: I think I would want to be able to
18 look at it a little more holistically, be able to evaluate
19 it from the perspective of both the voters and county
20 clerks. So what are the county clerks -- we had a lot of
21 people who called and complained that our voting hours
22 were -- you know, they want more voting hours, which is
23 great. You know, having voters have more access to the
24 ballot is always a good thing.

25 But what happens logistically when the clerks

1 don't have the ability to be able to do that? You've got
2 clerks working 36 hours a stretch on Election Day. You
3 know, their hours go well into the following day. You've
4 got poll workers that are working 12 hours. And again,
5 right, many of those poll workers are in their 70s. Can a
6 poll worker work for more than 12 hours at a time? And you
7 want poll workers to be there the entire day. You want
8 them having some ability to visualize every voter that
9 comes through there, to see people, to communicate with
10 people, interact with people. You want those people to be
11 there all day long. How long can you have a poll worker
12 working? Now, could you split those times? Maybe.

13 I know that doesn't answer your answer directly,
14 but you know, I think if it was up to me, I would probably
15 say it'd still be 12 hours, but we might move that time up
16 a little bit maybe from 7:00 to 7:00 because most people
17 used to work in manufacturing jobs that, you know, made
18 sure that they had to vote at 6:00 a.m. Well, now most
19 people are wanting to vote after work, and so I might
20 change that. But that'll be up to the Legislature and the
21 advice of our county clerks and the needs of our voters
22 moving forward.

23 REPRESENTATIVE WHEELAND: Well, thank you very
24 much because it sounds like your state is in the same boat
25 that we are. These poll workers -- age is a factor. Quite

1 honestly, it's tough to get someone to sit for -- you know,
2 in Pennsylvania, we're open for 13 hours, but in -- let's
3 be honest it's a 15-hour day --

4 MR. DEARING: Oh, at least.

5 REPRESENTATIVE WHEELAND: -- and sometimes
6 longer, so --

7 MR. DEARING: Yeah.

8 REPRESENTATIVE WHEELAND: -- I appreciate that
9 insight. Thank you so much. Thank you, Mr. Chairman.

10 MR. DEARING: And I don't know if it's a monetary
11 fix, that that solution is to pay people more. I mean,
12 that might be a solution to this as we move forward, but
13 again, you know, I think having people volunteer their time
14 for civic duty, I think, is something we really need to
15 start leaning towards as a society.

16 MAJORITY CHAIRMAN GROVE: Chairwoman.

17 MINORITY CHAIRWOMAN DAVIDSON: Thank you. I just
18 wanted to talk a little bit more about the county system.
19 You have twice as many counties in Kentucky as we have in
20 Pennsylvania. So I wanted to talk a little bit about
21 uniformity. Of course, we have statute, which is a
22 framework of how we think the election should be run, and
23 then the Secretary of State provides some guidance, which
24 you can term as policy that could fit within the statute,
25 within the framework of the law. And then it provides some

1 flexibility with counties, and that happens a lot in
2 Pennsylvania.

3 We give our local officials some flexibility in
4 how they administer the policy, which is under the statute.
5 How do you do it in Kentucky? You have the laws, the
6 framework. I don't know who sets policy there. And then
7 how -- what leeway do counties have in interpreting the
8 policy set by the administrator?

9 MR. DEARING: Sure. So the Legislature sets the
10 statute, and the statute is then interpreted by the State
11 Board of Elections. We create the regulations and policies
12 around that statute. Our regulations are approved by the
13 Legislature, so there's a little bit of a checks and
14 balance again, both on us as well as the counties. The
15 counties then take those policies and enact them to the
16 best of their ability.

17 Now, part of that is on us in making sure that
18 they are informed and trained adequately to do that job so
19 that there is uniformity. Uniformity across county lines
20 is really important. You shouldn't have one voter in one
21 county have more access to the ballot than another voter in
22 another county. That's just not good election -- and
23 ultimately will lead towards litigation, which you know, no
24 one wants.

25 So having some uniformity there is really

1 important. But again, that comes down to having policies
2 and procedures that are laid out and having an effective
3 program that allows you to transmit those policies to your
4 counties effectively.

5 MINORITY CHAIRWOMAN DAVIDSON: So just as an
6 example, we allowed for county election boards to set up
7 whether or not they were going to have a polling place at
8 the county. Some counties elected to do that. They all
9 had the option of doing that. Some counties elected to do
10 that. It was interpreted that mail drop boxes were
11 allowed, according to the court. The court issued rules.
12 But some counties decided not to have those mail drop
13 boxes. They all had access to it, so that was uniform, but
14 some of them opted to do it and some not. How would that
15 be different in Kentucky and how you maintain uniformity?

16 MR. DEARING: I don't know if it would be that
17 different, actually. You know, we have clerks. Our clerks
18 are elected officials. That means that they are elected by
19 the people to be their representation. There is some
20 ability for the county clerks to interpret the laws as they
21 see them. We try to make sure they're as uniform as
22 possible. That's not always the case. Sometimes that is a
23 negative, and sometimes it's a positive.

24 I try not to play favorites with my clerks, but
25 you know, I always say this because I like this guy so

1 much. Jason Denny, one of my best clerks, in Anderson
2 County, implemented a drive-through voting location in our
3 last election, which is not new to the country. I mean,
4 there are a couple states that do this on a regular basis,
5 but Jason was one of the first clerks to do it in Kentucky.
6 He had that ability because there was some flexibility in
7 the policies and standards that we set in our regulations,
8 and it was incredibly effective. As a matter of fact
9 they -- literally, the county made him Man of the Year
10 because of the work he did in that last election.

11 So there was some flexibility there. Now, not
12 all counties did that. I had another county who had a
13 mobile voting center that they drove from community to
14 community throughout early voting to give people access.
15 Not every county did that, but it was a benefit. So in
16 order to have some flexibility to achieve that ability to
17 not put so many constraints on someone that it's a one size
18 shoe that fits all because that never is the case.
19 Unfortunately, you're going to have to take some of the bad
20 with the good.

21 Now, hopefully, again, training can come back
22 with that. And ultimately the voters will hold their
23 elected officials accountable. If a clerk fails to
24 administer an election effectively and they're the only
25 county not to do something and every county that surrounds

1 them decides to do that, well, it's up to that electorate
2 to hold that official accountable for that process.

3 MINORITY CHAIRWOMAN DAVIDSON: Thank you.

4 MR. DEARING: Yes, ma'am.

5 MAJORITY CHAIRMAN GROVE: Thank you, Mr. Dearing.
6 Really appreciate your testimony today. Congratulations on
7 your new law. Hopefully, it works well. And we appreciate
8 your time, and go Wildcats.

9 MR. DEARING: Thank you. I appreciate it.

10 MAJORITY CHAIRMAN GROVE: Will do.

11 MR. DEARING: I'm a go Bears fan, myself. But
12 I'll take that for the Commonwealth.

13 MAJORITY CHAIRMAN GROVE: Will do. Appreciate
14 it. 921

15 MR. DEARING: Thank you, sir.

16 MAJORITY CHAIRMAN GROVE: And this Committee is
17 adjourned. Thank you.

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C E R T I F I C A T E

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

Natalie Webb
Transcriptionist
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