

# National Vote at Home Institute's Testimony for Pennsylvania, April 15, 2021

The National Vote at Home Institute (NVAHI) is pleased to submit this testimony regarding the possible improvements to the election systems in the Commonwealth of Pennsylvania. NVAHI is a nonpartisan nonprofit dedicated to making sure every American can vote in secure, accessible, and equitable elections by expanding vote at home systems in all 50 states. NVAHI works with election officials in optimizing their administration processes and governing laws for both mail ballot and in-person voting methods. The organization also works to remove legislative and administrative barriers to participation, and to educate the public on the benefits of voting at home while still preserving the ability to vote in person for those who may want or need it. Voting is not and cannot be one-size-fits all.

As you all know, the COVID-19 pandemic upended all aspects of our lives and the voting process is no different. Simply put, our democracy is essential and we must do everything we can to ensure our election system is resilient and secure. In 2020, election officials across the country worked tirelessly to make this happen, even in extremely challenging circumstances, often with one hand tied behind their backs due to outdated laws and a lack of funding and resources.

Pennsylvania made historic and necessary changes to the Commonwealth's voting system through the passage of Act 77 of 2019 and Act 12 of 2020. The National Vote at Home Institute appreciates the thorough examination of elections in Pennsylvania and hopes to act as a resource as further progress is considered by the General Assembly.

Extraordinarily long lines at the polls, differing interpretations of guidance by Pennsylvania counties, and the departure of election officials from their positions in 2020 have been visible issues driving a reexamination of what additional policy or resources may benefit Pennsylvania voters. Pennsylvania voters have repeatedly seen long lines in various election cycles and yet the necessary adjustments have not been made to rectify this issue. Election officials are on the front lines, delivering democracy to all voters in small towns and in metro areas, and it is incumbent upon the government to provide the resources needed to ensure that elections are conducted efficiently and securely.

The National Vote at Home Institute believes that elections should always be Fair, Accessible, Secure, Transparent, Equitable, and Reliable. It is a tall order, but voters deserve elections that meet all those

criteria. With sound election policy from this General Assembly, we know the hardworking election officials of the Commonwealth can deliver on that order.

## **Fair:**

First and foremost, in this highly partisan environment, it is important to remember that elections are not just about who wins or loses — it's about who votes. A fair election gives all eligible voters adequate opportunity to cast their ballots, ensures the security of the election, and affirms the validity of the results of the election. It also includes the equal application of laws and rules across the state, whether that pertains to curing ballots, accepting postmarked ballots, or any other policy.

## **Accessible:**

Voters, no matter their circumstances, deserve a variety of options when casting a ballot so that they can exercise their right to vote. Ideally, voters would be proactively mailed a ballot, but if that is not possible then they should have the option of requesting a mail ballot, a policy that Pennsylvania implemented as part of Act 77. We've seen from [the MIT elections study](#) that as the use of mail ballots increases, the turnout gap of voters with disabilities decreases. For those who choose to receive a mail ballot, there should be a variety of return methods. In addition to ballot return through the USPS, voters should also be able to return their ballot at their polling place, early voting location, local election office, and at 24/7 secure drop boxes placed throughout the community.

Voters of all abilities should also have in-person voting options, both on election day and during an early voting period. This ensures that those who want to or need to vote in person have sufficient options. By providing these options to voters, Pennsylvania recognizes that what works for one voter might not work for another and can offer access across the board.

## **Secure:**

Facts and research over decades of elections across the country show that voting at home is secure. Numerous security measures like barcoded ballot envelopes and signature verification ensure that voters can feel confident that the process of voting by any method is not compromised. Maintaining election security involves implementing best practices at all levels of election administration, from chain of custody logs for ballots, to risk limiting audits of election results, and more to ensure that there are no errors that could impact the result of the election. The good news is that security measures do not have to impede access for voters.

Signature Verification - Signature verification can be a helpful tool to ensure that the ballot received by election officials was indeed cast by the correct voter. Signature verification has been the most widely used verification method for mail ballots for decades. NVAHI recommends comparing the

signature on the ballot envelope against all signatures on file for the voter when performing signature verification. Ideally this would be done by non-biased software and/or bi-partisan teams who have been trained in signature verification. This method is similar to that used by financial institutions. With any signature verification process it is strongly advised there is an accompanying cure process. Pennsylvania should allow voters to cure ballots with missing or mismatched signatures as well as ballots missing a secrecy sleeve. While some counties in Pennsylvania conducted signature verification during the 2020 primary, it was ruled that they could not continue to reject ballots due to a signature mismatch without also having a cure process in place. This only strengthens the argument that Pennsylvania should implement **both** signature verification and a cure process as soon as possible.

Chain of Custody Logs - Chain of custody logs closely track the every movement of ballots to ensure that they are always secure and never tampered with. These chain of custody logs should be used when drop boxes are being emptied, when ballots are being transported from one location to another, etc.

Risk-Limiting Audits - Risk-limiting audits are post-election tabulation audits in which a random sample of voted ballots is manually examined for evidence that the originally reported outcome of the election is correct. Pennsylvania has already taken the necessary steps to do these audits by making all voting machines have a paper trail. The state is currently piloting risk-limiting audits in most jurisdictions; NVAHI recommends requiring them across the state as they are the gold standard for audits, can confirm the accuracy of an election, and can increase voter confidence in the results. Not only are risk-limiting audits the gold standard, but they are also popular with voters. The vast majority of Americans support states doing an audit of their election results.

### **Transparent:**

While the majority of voters agree that elections are conducted fairly, it is important to continue fostering confidence in election processes. Transparent elections create trust between election officials and voters. NVAHI recommends a series of best practices to ensure that elections are transparent including but not limited to livestreaming the counting process, providing press tours of election facilities, allowing for poll watchers, and implementing ballot tracking. States and counties across the political spectrum have implemented these policies with great success. Please see the linked document created in collaboration with the Carter Center for more examples on jurisdictions that have implemented these policies.

Ballot tracking in particular has been found to increase voter trust as it allows voters to track their ballot like they would track a package. 83% of voters support online ballot tracking as a modern voter

convenience. It is also a good policy to pair with a cure process, as voters can often be notified of a problem with their ballot through a text or email. Advanced, vendor-run tracking allows voters to track their ballots like they would track a package under guidance of the election office and proactively notifies voters of their ballot's progress through accessible texts, calls, or emails.

## **Equitable:**

Voting is not and cannot be one-size-fits all. Equitability is all about how the fair, accessible, secure, and transparent policies listed above are implemented. The equitable application of these policies make them work for all voters, not just for those who can take time off work, who have adequate transportation to the polls, or who do not need any sort of accommodation. Ensuring that our elections are equitable includes implementing many of the policies we've just described: cure processes, signature verification, equitable allocation of secure ballot drop boxes and voting locations, sufficient funding for elections and staffing polling places. With this comprehensive approach, Pennsylvania can make sure no voter is forced to wait an undue amount of time to exercise their right to vote.

## **Reliable:**

The aforementioned policies, when implemented correctly, guarantee a reliable election. Reliable elections are conducted efficiently and effectively for both voters and election officials in a modern way, no matter the circumstances. Those states with systems that mailed all eligible voters a ballot and offered a variety of in-person options as well as ballot return options responded well to the pandemic. Voters in those states were more able to safely cast their ballots without causing undue strain on election officials — and without emergency action from decisionmakers. Pennsylvania has many of the components that make up a reliable election system, including allowing all voters to request and receive a ballot by mail.

In addition to the voting tenets described, however, NVAHI would like to highlight a few additional areas for improvement that would benefit voters and election officials in Pennsylvania.

First, election officials should be allowed to preprocess ballots at least 14 days before election day and ideally upon receipt. While election officials in 2020 did an impressive job spending long nights counting ballots as quickly as possible, these actions should not be necessary. Preprocessing is a crucial step before Pennsylvania can institute other security measures, such as signature verification. By allowing election officials to designate a ballot as received, verify signatures, and give voters the option to cure their ballot of any deficiencies, Pennsylvania would increase the security of its elections, lighten the burden placed on election officials, and ensure that all voters have adequate

opportunity to have their ballot counted. If Pennsylvania does not allow preprocessing signatures, it would cause delays in election results and a cure process would become nearly impossible.

Second, Pennsylvania should encourage counties to switch to electronic poll books and should strongly consider sharing the financial burden this would place upon counties similar to what the state did for the voting system transition. Pennsylvania would not necessarily have to use a third party vendor for electronic poll books, another option would be to create an internal e-poll book system. These generally are highly secure and cost effective. Electronic poll books, while an initial expense, provide additional security and streamline the election and voting process. When a voter requests an absentee or mail ballot but chooses to then vote in person, it can be determined whether the ballot was returned and if not, the absentee or mail ballot can be automatically cancelled through an electronic poll book.

Additionally, Pennsylvania should look into a more structured rulemaking process to ensure that the Secretary of State can provide proper, uniformly applied guidance in a timely manner for election officials. As part of the rulemaking process, there should be a clear timeline and way for election officials to weigh in on rules before they are finalized. We also recommend an emergency rulemaking process for when rules are needed to address issues that arise after the regular rule making process has ended and a new rule is essential for the upcoming election. There should be clear criteria as to what constitutes an emergency to require an emergency rule. A robust rule making process allows for additional details of election implementation to be clarified and codified. If this level of detail were included in legislation it would be excessive. This flexibility is important to allow election officials to address changes in technology and procedures in a timely manner without having to wait for the legislative process, which is often out of sync with the implementation of elections.

No election system is perfect, and this is why it is critical to continually review and improve systems by enhancing security, access, and transparency, particularly in this unprecedented time. Democracy is the shared DNA of our nation. We must do everything we can to ensure that it works for all, even in this most trying time. Thank you for your consideration of this testimony. The National Vote at Home Institute looks forward to the opportunity to act as a resource as the General Assembly considers further enhancements to the Commonwealth's election system.

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