



2022 House State Government Hearing

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Testimony of

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Pennsylvania Department of State
2022 November Election Preparations

Chairman Grove, Chairman Conklin, and members of the House State Government Committee:

Good morning. Thank you for the invitation to appear before the Committee to discuss the Department of State's preparations ahead of the 2022 November Election.

The Department of State continues to work year-round with county elections offices, county commissioners, vendors, other state agencies, and federal partners to administer and ensure secure, fair, and accessible elections in the Commonwealth. The Department is prepared for the November election, and we are confident that our 67 counties are prepared as well.

Since the May Primary, the Department has closely collaborated with county officials to make necessary updates to forms such as the voter registration mail-in application, to update guidance, to provide essential election security to county election officials, and to continue developing and testing the new SUREVote system.

As we approach the November election, the Department is monitoring external issues that might impact the election. We are in ongoing communication with county boards of elections to identify and resolve any changing needs or concerns. To facilitate frequent, ongoing communications with counties, Deputy Secretary of Elections Jonathan Marks holds biweekly office hours calls with county election directors and monthly office hours calls with members of the County Commissioners Association of PA (CCAP). These calls provide an open forum to parse through both technological and procedural questions, like those pertaining to SUREVote testing or the implementation of Act 88 of 2022, with Department staff and other county elections staff.

I. Act 88 of 2022 Implementation

As a result of the passage of Act 88 of 2022, the Department worked closely with the Department of Community and Economic Development (DCED) to implement Act 88. The Department issued new guidance summarizing the Act and the requirements for counties to receive their portion of the \$45 million in funds available through the Election Integrity Grant Program. You can find a copy of the Act 88 guidance on the Department's website here: https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_Act%202022-88%20Guidance.pdf

I am pleased to report that DCED received grant applications from 63 of 67 counties by the August 15 deadline. The Election Integrity Grant Program funding is a historic investment of state dollars in election administration, and it should help counties to obtain the staff and equipment they need to efficiently process and tabulate ballots.

II. HAVA Grant Implementation and Administration

Under the 2022 Help America Vote Act (HAVA) appropriation, Pennsylvania received \$2.2 million in grant funds. Counties will receive fifty percent of Pennsylvania's award, \$1.1 million, that is allocated proportionately based on the number of registered voters in each county as of May 2, 2022. Funding can be expended by counties on modernization efforts to either prepare for the implementation of the SUREVote system or enhance their election security posture. This includes items such as computers that meet the required specifications to access SUREVote, mobile devices or other tokens necessary to conform to the Commonwealth's Multi-Factor Authentication standard, physical security to protect critical election infrastructure, or monitoring and detection tools to identify and/or mitigate threats to the county's election infrastructure.

The Department will use the remainder of the 2022 Election Security Grant to ensure funds are available for any projects associated with the new SUREVote platform as well as for traditional voter education efforts for the 2022 General Election.

III. Risk Limiting Audits

Additionally, the Department continued its work with the members of the Post-Election Audit Workgroup established by the Settlement Agreement and Release in Stein v. Cortes, No. 16-CV-6287 (E.D. Pa.) to finalize its third report, which summarizes the workgroup's efforts and makes recommendations for required post-election, pre-certification Risk Limiting Audits (RLAs) in Pennsylvania.

The Department began administering risk limiting audit pilots in November 2019 and has been conducting statewide pilots since 2020 with up to 63 counties

participating. When conducted according to rigorous statistical methods, RLAs are an election best practice recommended by the U.S. Department of Homeland Security, the U.S. Senate Select Intelligence Committee, the U.S. Election Assistance Commission, and other experts as one element of a strong and resilient election infrastructure.

The Department and counties conducted pilot audits of the 2020 primary and general elections, as well as the 2021 and 2022 primary elections. The November election will be the first time the Department will be directing all counties to complete a pre-certification risk limiting audit.

IV. Combating Misinformation and Disinformation

The Department also continues to work closely with its federal and state partners to identify and respond to misinformation and disinformation related to election administration in Pennsylvania. These efforts include monitoring, detecting and reporting misinformation and disinformation in the news and on social media, as well as providing trainings to counties to empower them to report that misinformation and disinformation to the appropriate entity.

Further, we work directly with the online social media platforms to address our concerns. For example, we worked with Twitter earlier this year to remove misinformation and provide clarity through our own Twitter account about mail-in voting. We have established lines of communication and scheduled meetings with Twitter, Facebook, TikTok, and Snapchat in advance of the November 2022 election.

We all have a shared responsibility to combat misinformation and disinformation about voting rights and elections in Pennsylvania to ensure that Pennsylvania's citizens

are not adversely impacted by false information about their right to vote, the options available to them for exercising that right, and the processes and procedures related to election administration. To that end, the Department will continue to use every tool available to us to disseminate official voting information to all of Pennsylvania's voters.

V. SUREVote Implementation

The Department is continuing the plan to upgrade the SURE system. Legacy SURE is more than 20 years old. The Department is working closely with counties to modernize this system to get to a product that fits the unique needs of the Commonwealth and its election systems. The plan is to deploy the new SURE system in four phases: Election Management & Election Night Reporting (ENR); Voter Registration & Voting; Absentee Balloting, including UOCAVA; and Campaign Finance & Lobbying Disclosure.

Our expectation was to have Phase 1 completed by November 2022; however, due to unforeseen delays with the vendor, the Department will have legacy SURE ENR available to the public on election night with SUREVote and ENR tested in parallel. In addition to legacy ENR, as in the past general elections, supplemental data on mail-in ballots will be available on Election Night for voters, candidates, political parties and the media to obtain up-to-date information about mail-in and absentee ballots and the progress of ballot counting.

While we continue to move forward with development and testing of SUREVote, we have also worked with the Office of Administration's IT Support specialists to ensure

that counties have the support they need to administer the November election securely and accurately in the current SURE system.

VI. Recommendations

Despite the hard work and progress made by the Department and county officials, there are still many needed reforms to continue Pennsylvania's progress towards the gold standard of election administration. The grant funding made available through Act 88 of 2022 is a valuable tool in counties' efforts to improve elections administration and ensure confidence in Pennsylvania's election system. However, it does not address Pennsylvania's lack of pre-canvassing prior to Election Day. As a result, many counties will still not be able to report complete results on Election Night.

The Department will continue to educate voters and the media on what they can expect regarding the timeline for tabulating and reporting unofficial and official election results. Nonetheless, we join with county elections officials and the County Commissioners Association in calling on the General Assembly to give the counties additional time for pre-canvassing prior to Election Day. Extending the pre-canvassing period increases the likelihood that election officials are able to post election results on the evening of Election Day, rather than in the days following, which leads to frustration and questions from the public.

The Department was pleased that this committee and the House passed HB 2507, sponsored by Chairman Grove and Chairman Conklin, to allow the Department to fully utilize the deceased voter data from the Electronic Registration Information Center (ERIC). We encourage you to urge your colleagues in the Senate to do the same.

Further, we encourage this committee to support Leader McClinton's comprehensive election reform bill, HB 2090, which builds on the critical reforms of Act 77.

Thank you for your time and attention. We appreciate the opportunity to appear before you. Deputy Secretary Marks and I are happy to answer any questions you may have about our plans and procedures.