



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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Written Testimony of Michael Dirckx Regarding 2016 Senate Resolution 394
Voting Technology in Pennsylvania

I am Michael Dirckx, staff attorney at Joint State Government Commission (JSGC) and project manager for the SR394 study.

Senate Resolution No. 394 of 2016 directed JSGC to study the issue of voting system technology. Specifically, the resolution directed that the study include information gathered from other states regarding the administration of elections and technology, a survey of counties in the Commonwealth regarding the administration of elections, and information regarding the cost to administer elections and to improve, upgrade, modernize or replace election system technology.

To facilitate the study, the resolution also directed JSGC to assemble an Advisory Committee consisting of the Secretary of State or a designee; the Commissioner for the Bureau of Commissions, Elections and Legislation or a designee; representatives from groups advocating for individuals who are hearing impaired, physically disabled, and blind or visually impaired; county commissioners, who must be from geographically and politically diverse areas of the Commonwealth; county election officials, who must be from geographically and politically diverse areas of the Commonwealth; and other individuals selected by JSGC.

To recruit members of the advisory committee, I reached out to the County Commissioners Association of Pennsylvania (CCAP), the Department of State, and several organizations advocating for people with disabilities for nominations or suggestions. I then narrowed the list of potential members to avoid overrepresentation of counties or areas of the state, pursuant to the resolution's directives.

Once assembled, the Advisory Committee held its first meeting via teleconference in September 2016, and then continued to meet in person and via teleconference to discuss numerous issues that the members identified as relevant to voting technology. While many members of the Advisory Committee felt that the laws governing elections in Pennsylvania needed to be reviewed and updated in their entirety, others were hesitant to make changes that could negatively affect the rights or experiences of voters.

Because the resolution was narrowly tailored to address voting technology, the Advisory Committee did not address the entirety of Pennsylvania's election laws, and ultimately came to consensus on a number of recommendations. Those recommendations are presented in the JSGC report released in December 2017.

Because of the narrow focus of the study, the Advisory Committee's recommendations presume the continuation of the status quo regarding the administration of elections. If the current law is amended, the recommendations may not reflect the most efficient use of taxpayer dollars or be in the best interests of the Commonwealth and its citizens.

The Advisory Committee made five main recommendations. First, the Advisory Committee recommended that the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, be amended in several ways to provide a greater incentive to poll workers to attend training, to allow counties to conduct elections more efficiently by taking into account actual voter participation levels when determining how many ballots to print, and to improve election security and integrity. These amendments were included in the proposed legislation at the end of the JSGC report.

Second, the Advisory Committee recommended that the Pennsylvania Election Code be amended at Article X (relating to ballots), Article XI (relating to voting machines), and Article XI-A (relating to electronic voting systems) to eliminate obsolete or redundant provisions and to ensure the Pennsylvania Election Code is technology-neutral in order to avoid future obsolescence.

Third, the Advisory Committee recommended that the General Assembly provide funding to assist counties in the purchase or lease of new equipment that complies with the requirements for a voter-verifiable paper record and adequate security measures.

Fourth, the Advisory Committee recommended that the General Assembly create a commission to advise the General Assembly regarding proposed amendments to the Pennsylvania Election Code as well as other election-related matters.

Fifth and finally, the Advisory Committee recommended that Article 5 of The Constitution of the Commonwealth of Pennsylvania be amended to prevent ambiguity and inefficiency regarding the way justices, judges, and justices of the peace are listed on ballots for purposes of retention elections.

In addition to the recommendations of the Advisory Committee, the JSGC report included information regarding how other states administer elections, as well as the results of a survey of Pennsylvania's counties regarding election costs. The survey was conducted in partnership with the Department of State.