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Senate State Government Committee Public Hearing
Tuesday, April 30, 2019
Dauphin County Administration Building
By Jerry Feaser, Director
Dauphin County Bureau of Registration and Elections

Greetings Chairman Folmer and Chairman Williams, and members of the Senate State Government Committee. Once again, I want to thank members of this committee and staff for including the county election directors in the development of much of this package, especially since after all the debate and discussion are over it will be county election officials that must implement or administer whatever is decided.

With that in mind, I offer the following on the bills before the committee:

SB 411: constitutional amendment absentee ballots. Administratively speaking, I don't believe any county election official opposes transitioning to a "no excuse" absentee ballot process in Pennsylvania. Frankly, it is none of our business why someone is choosing to vote by absentee. Some conscientious voters send us print outs of their travel itineraries or details of an upcoming medical procedure to support their ability to vote by absentee; others simply provide the bare minimum. Either way, I really don't have time to investigate each applicant to see if their reason is valid and take them at their word. I would only request one clarification: the way the bill is drafted it appears that only those who will be out of the municipality on the primary or election day will be able to vote by absentee. I would ask that if the intent is to move toward "no excuse" absentee ballots that the bill be amended to make this point clear. Otherwise, it appears that we are eliminating the use of absentee ballots by those with medical or physical limitations, or for religious holiday observance. Lastly, "no-excuse" absentee voting should be presented as an alternative to voting at the polls, and once a voter chooses that path they should not be permitted a "do-over" to vote at the polls on Election Day. Not even military voters or overseas civilian voters get a do-over.

SB 412: constitutional amendment poll workers. Admittedly, this is my favorite of these bills as finding poll workers is perhaps the most challenging of all my tasks. I can't tell you how many times I've had to turn potential poll workers away, including individuals offering to serve as Judge of Election, because they are Commonwealth employees. In fact, I have had some stressed conversations with employees of the state House and Senate who feel that I am somehow the one disqualifying them from serving as a poll worker rather than the Pennsylvania Constitution. At a time of declining civic participation, we should be doing all that we can to embrace those who are willing to serve. Additionally, this change should permit counties to assign registered voters to an election district within the county other than the one in which the voter resides.

SB 413: constitutional amendment judicial retention elections. The Pennsylvania Constitution currently requires that judicial retention questions be placed onto a "separate ballot" card in counties that use paper ballots, or in a separate column for counties that use electronic voting machines. This change would save

counties printing costs and programming time. Without spiraling off into another debate, let me simply state that that ballot printing costs are a looming problem as all 67 counties are being directed to transition to paper-based voting systems. If left unaddressed, a single retention question for a judicial office would double all 67 counties' printing costs or require counties to purchase more scanners to handle the additional ballots. Additionally, eliminating this requirement also minimizes the potential for confusion where a poll worker might inadvertently forget to give a voter two ballots, or where a voter may not understand why they are being given two ballots and accidentally discard one.

SB 414: absentee ballots. This is one bill election directors can get behind, specifically as it relates to absentee ballot deadlines. Changes in U.S. Postal Service delivery schedules has made next-day delivery a thing of the past. There is no way possible that we can receive an application on the Tuesday before a primary or election, process and mail that absentee ballot to the voter on the same day, have the voter receive the ballot, vote the ballot and mail it back to us so that we receive it by close of business on the Friday before the primary or election. A recent test case between a voter in Hershey and my office showed that it took the Post Office three days to deliver a mailed ballot between our two locations. Imagine if I am mailing absentee ballots to Dauphin County voters on extended vacation, business or college in Florida, California or beyond. Another provision of this bill would eliminate the general posting requirement for the absentee voter listings. Other than the political parties and candidates seeking to reach out to these voters, I can only imagine the possible abuse of such listings as we live in the day of porch pirates and identify theft. If "no excuse" absentee balloting is enacted, we can expect to see a dramatic increase in the number of mailed ballots. Also, if deadlines to return absentee or mailed ballots are extended to on Election Day or after, counties will need to verify that that absentee voter did not appear at the polls and vote, which means we will have to wait until precinct returns are delivered to the central tabulation location. I can guarantee you that any extension in the deadline for ballots to be returned will cause a delay in the release of election night returns and increase uncertainty whenever you have a close race. Lastly, some county directors strongly believe that in giving voters greater flexibility to vote by mail we should then restrict their ability to go to the polls and cast a ballot on election day. Presently, if this is done, poll workers must void the absentee ballot and then allow the voter to cast a ballot on election day. By significantly increasing the number of mailed ballots, we may create a situation in which mailed ballots and the voter showing up at the polls enables them to vote twice if poll workers are overwhelmed. As stated before, "no-excuse" absentee voting should be presented as an alternative to voting at the polls, and once a voter chooses that path they should not be permitted a "do-over" to vote at the polls on Election Day.

SB 415: permanent early voting. While supporting a permanent absentee ballot application list with periodic affirmation of residency, most county election offices are hesitant to automatically mail "live" absentee ballots without confirming that the voter still resides at the address we have on file and that the voter desires to participate in a primary or election. If we simply mail out a ballot without such due diligence, we lose control of who may be on the receiving end of ballots.

SB 416: vote centers/curbside voting. While I have concerns with the current draft of this bill, I applaud its goal of enabling counties to establish a polling place to serve multiple election districts or possibly more than one municipality. One of the most difficult decisions for an election official to make is to move a polling place, as some facilities have served as a community's polling place for more than 50 years. But, with federal Americans with Disabilities Act restrictions, some of these locations are not accessible and must either be modified at significant costs to the taxpayers or relocated. Some of our polling places are houses of worship, which creates another challenge as the debate about public tax dollars benefiting one religion over another comes into play. Giving counties the ability to maximize the use of facilities that are ADA accessible or enabling curbside voting where no feasible alternative location is available without inconveniencing the general voting population of an election district would be welcomed by this county election director. In Steelton Borough, all four polling places are deemed to be in violation of federal ADA regulations. The problem is that Steelton was built on a 45-degree slope, so finding a flat enough piece of ground for a polling place is a challenge and is forcing me to

look at facilities that are in the neighboring first-class township, which is not permitted under current law. In Derry Township (Hershey), which has 15 precincts, there are several precincts clustered in the township's southwestern corner in which there are no public or private facilities that can serve as a polling place. The nearest acceptable facility is half-way across the township, but, in doing so, I would violate the current statutory prohibition on place an election district's polling place more than one election district away.

SB 417: number of votes to qualify as write-in winner. Frivolous write-in votes for local offices such as township auditor, tax collector and constable, requires counties to attempt to identify someone who may not even exist and notify that individual that they've won election to an office they have no interest in holding. In extreme cases, counties must notify upwards of a dozen individuals who each received a single vote to appear for a public casting of lots to determine who will be a township auditor for the next six years. In addition to the process akin to searching for a needle in a haystack, governmental bodies cannot properly reorganize while write-in votes are unresolved. We would support either requiring write-in candidates to communicate in advance with the county Board of Elections for their write-in votes to be counted or require write-in candidates to receive the minimum number of write-in votes currently applied to those seeking nomination in the primaries. Also, the Election Code only requires write-in nominees or winners to file a *Statement of Financial Interests* with the municipality within 30 days of being certified as the nominee or winner. Some counties require write-in nominees/winners to complete a *Candidates Affidavit* and a campaign finance waiver or report to accept the nomination or office; other counties do not. County election officials would like to see and uniform filing requirements and a statutory filing deadline.

SB 418: number of ballots to be printed. The current statutory requirement that counties using paper ballots print 110 percent of an election districts registration is overkill, especially in certain election cycles that we know turnout may only be 20 to 30 percent. Counties are in the best position to know how many ballots should be printed during a given election cycle. Providing counties with the flexibility to determine how many ballots need to be printed could yield substantial cost savings. And, as some vendors are offering the ability to print ballots on-demand, this requirement may be a thing of the past.

SB 419: consolidation of smaller precincts. Coupled with vote centers, this bill could ease the challenge in some smaller municipalities or election districts where finding an ADA accessible polling place is too difficult or too costly. Also, this would be helpful when not enough people in a municipality or election district are willing to serve as a local election board. I would support legislation to permit the county to: relocate the municipality or election district's polling place to a shared facility with a neighboring municipality or somewhere within the same municipality; operate a single vote center to serve the voters of multiple municipalities or election districts that each have 250 or fewer registered voters, which could result in a single polling place operating with one set of election workers handling the voters for multiple municipalities or election districts; or mail ballots to all registered voters in the municipality or election district so that all voters may cast their ballots by mail. If we move to all mail ballots, "ballot trace" or some other mail tracking system would need to be implemented to ensure proper delivery of ballots

SB 420: voter registration for younger Pennsylvanians. With online voter registration, I believe that this is not necessary, especially given the problems counties encounter with the SURE system, the SURE Portal and Motor Voter. Also, I don't want to speak for PennDOT, but I don't expect that they would relish being the repository for voter registration information any longer than required presently under Motor Voter. In Dauphin County, I routinely provide high schools with as many voter registration forms as they would like to do their own voter registration drives, as well as the League of Women Voters. Again, I don't know that any county election official has any real objection to informing younger people about voter registration, but it would be a significant waste of taxpayer dollars to send paper to every person when online registration is available.

SB 421: elimination of straight party voting. From strictly an election director perspective, this is a bill on which we take no position. We can program or produce election materials with or without straight party options. One point I would like to make is that, when applied to absentee ballots, the straight party option does seem to confuse some voters. From personal experience, during the canvassing of elections, I've seen absentee ballots in which it appears to me that a voter selected one of the straight party options thinking they were being asked in which party they were enrolled, because that voter selected candidates in each office on the ballot seemingly not understanding that a "straight party" selection cast a vote for all candidates of that party in all offices. But then again, maybe I was misunderstood, and the voter was just making certain that they had their bases covered.

SB 300: allow independents to participate in Democratic or Republican primary. As with the elimination of straight party voting, from strictly an election director perspective, this is a bill on which we take no position. The only caveat that I would offer is that this could nominally increase costs for election material preparations and may require additional procedures and training for poll workers to document in which of the two major parties' primary an "unenrolled elector" chooses to participate. Also, election directors would want further clarification on the definition of "unenrolled elector," which presently is someone registered to vote within an election district but "not enrolled as a member of a political party." Does that mean someone registered as an Independent, Green or Libertarian voter will not qualify? Are you only seeking to extend this right to participate in a primary to those who are registered as "no affiliation" or "none?" From what I read in the prime sponsor's memo - and as layman reading of the bill - it sounds like you are attempting to allow anyone who is registered in any manner other than Democratic or Republican should be permitted to participate in the primary of their choice. If so, the bill may need clarification as some may interpret this bill more narrowly and bring about court challenges.

SB 422: elections commission. The leadership of Sen. Folmer and his staff has gone a long way toward filling the void that exists without such a commission being formalized. County election officials all support the creation of an advisory board that would review election-related legislation and report back to the Senate and House State Government Committees. County election officials supported this legislation last session, and we continue to do so. Establishing an advisory board or commission would ensure a long-term, productive dialogue between the General Assembly and county election officials on election-related matters and may be the most important bill in this package.

Thank you for the opportunity to testify and I welcome any questions that the committee may have.

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