KeystoneVotes
THE COALITION FOR MODERN ELECTIONS

Testimony of Keystone Votes before the Senate State Government Committee Related to Pennsylvania's June 2 Primary Election and the State's Ongoing Response to COVID-19

10 a.m. Thursday, April 30, 2020

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Majority Chairman DiSanto, Minority Chairman Williams and members of the Committee: Thank you for providing an opportunity to Keystone Votes to testify about the ongoing bipartisan efforts to ensure a safe, secure, fully accessible election process as the state continues to confront the new realities related to our collective COVID-19 response.

All of us remain cautiously optimistic that the beginning of May will mark a transition period for our commonwealth. Although Gov. Tom Wolf's phased-in "Plan for PA" is slated to begin after the stay at home order ends May 8, none of us truly expects a return to complete normalcy anytime soon. That is why your intent to convene this hearing to continue discussions related to administration of our Primary Election on June 2 is so important.

Keystone Votes is a nonpartisan coalition comprising 43 civil rights, civil liberties, and good government groups, as well as large civic engagement organizations with members in all 67 counties. For years, our coalition has been working to update Pennsylvania's election laws to make voting more convenient, secure and equally accessible for all who are eligible.

The bipartisan work of this legislature to secure passage of Act 77 of 2019 ushered in the single most sweeping election reforms in Pennsylvania in 80 years. Your recent decision to move Pennsylvania's Primary Election from April 28 to June 2 was yet another display of elected leaders reaching across the aisle to do the right thing. Act 12 of 2020 helps to ensure residents' health and safety while protecting the integrity of our elections.

We commend you for these actions and appreciate the chance to help guide our next steps. At the same time, as much as this hearing focuses on issues with implementation and the challenges our election directors face, the voice of advocates who represent voters' interests should be weighed equally. These elections are about making sure every eligible has a say in how they are represented, so they should be at the table when these issues are being discussed.

Given these unprecedented times, and with elections looming, our coalition has been hard at work with elected leaders like you and the Department of State and elected leaders to ensure the implementation of these provisions is seamless. Our focus remains on making sure a free and fair election is available to all eligible residents, especially voters of color, low-income Pennsylvanians, people with disabilities, and all of those who are most directly suffering as a result of this global pandemic.

Much of the responsibility with implementation rests with the counties, and they have an obligation to fulfill their mission. Administering elections is never easy, and the pandemic certainly has made things much more difficult, but our counties, in partnership with the Department of State and voting rights groups, have an obligation to ensure a free and fair election. We believe that mission is fully attainable.

We don't know what the coming months may bring --- and that can be unsettling. But our democracy depends on active participants. **As you look to the administration of the state's elections to ensure robust participation and equal access, we believe several key policy issues need to be addressed or considered.** Among them:

- As we continue to flatten the curve and mitigate the effects of the COVID-19 pandemic, we must not forget that the health and safety of Pennsylvanians remains paramount. To that end, **registered voters should be encouraged to vote by mail for both the June 2 Primary Election and Nov. 3 General Election**. As we cautiously move toward a recovery phase, protecting our collective wellbeing should remain a priority, with voters being encouraged to capitalize on the state's new vote-by-mail option. Voting by mail is a secure system with safeguards against fraud, and it provides certainty in uncertain times.

- To facilitate the vote-by-mail option, **the Pennsylvania Department of State must take the lead and engage all stakeholders** in state and county government, as well as community organizations and institutions throughout the state, about the changed Primary Election date and the associated changes to the voter registration and ballot application deadlines. Some work to the effect is already under way, even as many of you also have been working to ensure your constituents know about this option. The state has already received more than half a million applications.

- The increased access to a mail-in ballots is beneficial for a large portion of Pennsylvania's registered voters. However, **there are some populations that face challenges with being able to request a mail-in or absentee ballot**. For example, in order to submit an application, at a minimum a voter must be able to access the Internet, if not also a printer. There is a

considerable digital divide in Pennsylvania, and that is only magnified by the fact that many public spaces remain closed and may not be fully reopened in time for elections.

- Even with increased mail-in voting, **we must ensure there are in-person voting opportunities in each county**, as mail-in and absentee ballots will not be an option for every eligible voter. We must ensure our diverse populations have the ability to vote on Election Day, including individuals with disabilities and those with limited English proficiency who must have access to a polling location with adequate resources to help them cast their votes. It is essential that voters who require language assistance have full access to all the information and assistance provided to English-only speakers, and it is imperative that voters with disabilities be provided with alternative access to ballots that can be read with screen readers and marked independently.

- County election directors have expressed concern about the loss of poll workers and being able to staff polling places adequately, especially in the Primary Election. Indeed, Act 12 of 2020 allows counties to consolidate up to 60 percent of polling places no later than 20 days prior to the Primary Election, with approvals. These are very real challenges. To help ensure eligible voters have ways to cast their ballots safely and securely, **allowing county boards of elections to create vote centers or introduce curbside drop-off of ballots is a good idea**. These location would replace precincts that close. Secure and convenient opportunities to vote are important, especially during these unprecedented times.

- Safety is also paramount. Let's be honest: Asking tens of thousands of poll workers --- many of whom are over the age of 60 and considered at risk for this coronavirus --- to open up polling stations and assist hundreds of thousands voters in small spaces is too risky and dangerous to public health and safety, and runs counter to most state and federal guidelines designed to reduce the spread of coronavirus (COVID-19). Established polling places must be large enough for social distancing and **poll workers must have the proper personal protective equipment (PPE) to keep them safe** and to sanitize the polling places to protect voters as well.

- Experience in other states makes it clear that many mail voters will want to know when their ballot is coming to them in the mail, and when the voted ballot they send back is received. With the significant number of mail-in ballot applications requested throughout the state, voters and counties alike would benefit from the ability to know where a ballot request stands in the process. **Implementing ballot tracking software** or some other means to make it simple for voters to obtain this information without overburdening county election offices is imperative.

- COVID-19 has thrust a new set of circumstances upon our country, such as following social distancing guidelines and health and safety precautions. Following these protocols could increase costs for counties that administer elections. These unanticipated issues may place significant financial burdens on counties. **The General Assembly must ensure funding is**

available and that all costs related to election administration changes as a result of the COVID-19 pandemic are covered by the state rather than by the counties or through the Pennsylvania Department of State.

- Continued bipartisan leadership is crucial to navigating through the unfamiliar circumstances created by COVID-19. **Additional legislative action may be required from the General Assembly and administration, depending on how the situation evolves over the coming weeks and months.** Should the COVID-19 pandemic persist, short-term action may be required to ensure our elections are safely carried out. The state can take steps to mail ballots to registered voters and consolidate voting precincts if the situation warrants. The General Assembly also should consider:

    o Printing ballots for registered voters and including prepaid postage at a cost of approximately $2 million to $3 million.
    o Sending a mail-in ballot to all registered voters at a cost of approximately $15 million.
    o Allowing counties to establish vote centers at which any voter in a county can cast a ballot, regardless of precinct. But please keep in mind with selecting a location that consolidating polling places may present challenges for voters relying on public transportation. Nevertheless, providing voters with the ability to cast a vote at any vote center, regardless of precinct, can help increase access to in-person voting on Election Day.

Especially during this crisis, the rule of law and the sanctity of our democracy must be guaranteed. A free and fair election must be available to all eligible commonwealth residents. We appreciate your continued bipartisan work in addressing these issues.

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