



**TESTIMONY ON
CHANGES TO PA ELECTIONS AMID 2020 CORONAVIRUS PANDEMIC**

Presented to the Senate State Government Committee

By
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Thank you for the opportunity to offer our written comments regarding potential election reforms as we approach the November general election on behalf of the County Commissioners Association of Pennsylvania (CCAP). CCAP is a non-profit, non-partisan association providing legislative, educational, insurance, research, technology, and similar services on behalf of all of the Commonwealth's 67 counties.

Counties have a significant responsibility in assuring elections remain fair, secure and accessible at every step of the process. This year, the task is complicated greatly, as elections directors, county commissioners and other county officials also hold the unprecedented responsibility of considering risk to public health in holding an election during a global pandemic. Furthermore, we have learned a great deal from the June 2 primary election that we hope will inform clear and prompt policy changes to ensure an accessible and secure general election on Nov. 2, 2020.

First, we appreciate the General Assembly's efforts to make necessary changes to the primary election in light of the pandemic. The emergency provisions in Act 12 offered counties additional time to monitor the situation and evaluate appropriate steps to mitigate disruptions cause by these significant public health concerns.

Even in the summer months, we continue to face challenging circumstances with the COVID-19 pandemic and still we gain new knowledge almost daily about the virus, how it spreads through communities and its widespread impacts. The questions counties continue to wrestle are focused on how to safely conduct the general election with public health in mind and to address learnings from the primary election in order to ensure a smooth election in light of expectations of both higher voter turnout and higher than expected mail-in and absentee ballot voting.

In considering such changes, counties have two overarching requests. First, any changes to the Election Code must be enacted well in advance of November in order to allow for enough time to properly implement any changes, particularly if they involve developing new protocols or procedures, retraining poll workers, etc. Second, any changes to the Election Code must also be developed in partnership with counties. Given the short window before the general election, counties can help to create language that is clear and easily understood, and identify challenges up front regarding how, or even if, certain changes can be practically and successfully implemented.

Counties, with the direction of the CCAP Elections Reform Committee, have identified a list of desired reforms to assist with challenges identified during the June 2 primary election. We hope the General Assembly will take these recommendations under consideration in developing clear updates to the Election Code that can be implemented promptly and efficiently at the county level:

- **Allow counties to begin the pre-canvass process up to three weeks prior to the election.** As expected, it took several days in most counties to fully process all of the mail-in ballots because of the sheer volume and the inability to begin the pre-canvass before 7 a.m. election day. Allowing counties to begin the pre-canvass process up to

three weeks in advance would offer adequate time to complete necessary tasks and assist in providing accurate and timely results following the election. Pre-canvass procedures include verifying the bar code number and voter's information on the outer envelope match the information in the SURE system, opening envelopes and removing and flattening the tri-fold ballot, all following appropriate security protocols, to prepare ballots to be placed into high-speed scanners. Counties are not asking for the ability to begin tabulating votes during the pre-canvass period, just to complete the time-consuming manual work of preparing the ballots to be scanned.

- **Adjust the deadline to apply for a mail-in ballot back to 14 or 15 days before an election.** The current seven-day deadline to apply for a mail-in ballot created timing challenges with the postal service, which led to some ballots not being received by the voter before the deadline to submit those ballots, or too close to the deadline to return completed ballots to the county to make it logistically possible for ballots to be returned via mail by 8 p.m. on election night.
- **Clarify if, and how, drop boxes may be used for collection of mail-in and absentee ballots.** With the pandemic closing many courthouses and county offices to the public, many counties interpreted the Election Code to permit drop boxes to collect mail-in and absentee ballots, some within the entrance to the courthouse and others in alternate locations. Committee members are well aware that this practice is the subject of two different lawsuits, one in federal court and one in state court, and clarity must be provided in the Election Code on if, and how, drop boxes may be used in the general election.
- **Clarify how to handle ballots that do not have a secrecy envelope, or that are returned with marks on them.** In order to assure counties are addressing this issue consistently, clarity must be provided in the Election Code so that the language is not open to interpretation.
- **Address only those reforms that need to be made for the November election.** Many other reforms have been raised during the current legislative session that would require major changes to Pennsylvania's elections and need adequate time to implement properly. The General Assembly must consult with counties to understand which changes can and cannot be reasonably and successfully implemented in the time available prior to the November election, and revisit those that cannot later.
- **Provide adequate resources for any changes to the elections process.** Although federal funds have been provided to assist in election implementation, those funds do not take into account the impact of any new protocols or requirements that may be enacted, such as additional postage needs.

Further, we have reviewed the proposals in HB 2626, currently before the House, and offer our concerns regarding provisions that appear to require the creation of a tracking system that would assign all ballots – those cast in person as well as absentee and mail-in ballots – a scannable barcode. There are practical, legal and constitutional implications to consider around requiring barcodes on all ballots. If barcodes are placed on all ballots directly, it creates a connection from voter to barcode to ballot, which raises questions about how voter anonymity will be preserved. In addition, none of the new voting systems that counties just purchased has either has the technical capability of affixing or recognizing a barcode, or is certified to do so.

Ultimately, our goal is to support counties' needs in conducting the quickly approaching presidential election during this unprecedented situation. This includes providing the safest possible environment for voters, poll workers and county officials while also assuring the integrity and accuracy of every vote in every race.

Thank you for your consideration of these comments. Please feel free to reach out to me with any questions or concerns you may have at lschaefer@pacounties.org or 717-649-1541.