



Legislative Changes Urgently Needed Prior to November 2020 Election
Senate State Government Committee
July 23, 2020

We are remarkably fortunate that the General Assembly passed last October the most significant set of election reforms in 80 years. Without Act 77 of 2019 and its vote-by-mail option available to *any* Pennsylvanian, it is unclear how we would have had a chance to conduct safe, secure elections this year amid a global pandemic.

Then in March, the Legislature acted to postpone the primary and grant counties emergency relief with poll worker assignments and polling place locations in order to administer the election as the COVID-19 crisis worsened. With these temporary provisions from Act 12 of 2020 and herculean efforts by county election staff, Pennsylvania avoided the disastrous consequences experienced in other states when state and local officials did not act decisively to protect voters and safeguard their elections.

But even with our best efforts, thousands of voters had difficulty traveling to their local polling place or returning their ballot in the mail; poll workers – many of them senior citizens – stayed home with health concerns; and a few close races took more than a week to decide. Pennsylvania needs one final volley of refinements to key parts of our 1930s-era Election Code to prepare for another unprecedented election in November.

The Committee of Seventy is a member of the nonpartisan Keystone Votes coalition and endorses its [2020 Legislative Priorities](#)¹. We believe the following Election Code provisions will be critical for our counties to successfully administer the November general election during the COVID-19 pandemic but must be passed *as soon as possible* to allow election officials an opportunity to properly implement.

Emergency Flexibility for Poll Workers and Polling Places

Pennsylvania is one of only several states with elected poll workers. Elected every four years, Election Officers – a Judge of Elections and two Inspectors of Election per precinct – are enshrined in the state Constitution. A dwindling supply of poll workers is a sleeping crisis across much of the United States in jurisdictions that still rely on hundreds or thousands of these workers. With approximately 9,000 election precincts and 27,000 of these neighborhood-elected positions to fill in Pennsylvania, this generations-old polling place model creates an enormous burden on our election directors.

¹ Keystone Votes 2020 Legislative Priorities. <<http://www.keystonevotes.org/2020-legislative-priorities>>



Seventy welcomes a fuller discussion in the next legislative session around election modernization in the Constitution. However, it is critical that – at least for the November 3 election – county election officials have the latitude to **deploy poll workers anywhere within the county** and exercise **limited polling place consolidation, setting a cap of 4,000 to 5,000 voters per location**. The massive consolidation of polling sites in the primary was unfortunate but necessary under uncertain and quickly-changing circumstances. If the Legislature acts quickly, we can avoid a repeat in November. Election directors need as much time as possible to identify vacancies, recruit and train replacements, and determine available buildings to house precincts.

Ballots Postmarked on Election Day Should be Counted

As evidenced by the June 2 primary, thousands of voters risk being disenfranchised if ballots postmarked on Election Day are not accepted after polls close. Unprecedented mail-in volume, further potential disruptions by COVID-19, and strains on the U.S. Postal Service compound this issue. Without a postmark deadline, voters are also put in the troubling position of not knowing when, due to varying USPS delivery times, their sent ballot will be received and whether their vote will count.

According to the National Conference of State Legislatures, 12 states accept mail ballots after polls close if postmarked on Election Day; another five states require postmarks the day before the election, with receipt windows of up to 10 days later. However, some of these states – including Colorado, Washington and Oregon that are predominantly vote-by-mail – also have ballot drop-off options that vastly increase opportunities for voters to timely return their ballots. Although Act 77 does allow for counties to implement drop boxes, election directors have had only one high-stress election and no additional funding to implement these measures.

The early development of counties' drop-off programs amplifies the need for a postmark deadline, as does the fact that hundreds of thousands of Pennsylvanians will be voting by mail for the first time. The June primary saw a nearly 20-fold increase in mail-in ballots, and this factor is certain to increase in the general. Consequently, **a clear postmark deadline on Election Day with seven days for that ballot to reach county officials** will maximize the number of Pennsylvanians able to successfully vote by mail. This post-election window should also be sufficient to cover the range of delivery times across the state.

Extended Window to Pre-Canvass Ballots

Much public discussion and debate has rightly focused on ensuring the rest of the country is not waiting for Pennsylvania to publish election results. Counties should be allowed to **pre-canvass mail ballots** (as currently defined in the Election Code) at least seven days before Election Day. Two-thirds of states allow some degree of returned-ballot processing before the election, which often includes scanning ballots but not tabulating or publishing any results until after polls close. Of these, 14 even conduct this processing (e.g., sorting, opening, separating) on a rolling



basis as ballots are received; these steps, in particular, are time intensive when undertaken by hand and without specialized equipment. Pre-election day scanning is also securely performed in many of these states, from Arizona to Ohio, without any incidents that Seventy could identify. Security precautions used in Colorado and regulated by the state election office include, for example, restrictions on staff who have access to ballots, audit logs of systems used, and 24-hour video surveillance in election offices where ballots are stored and handled.

With Pennsylvania counties allocating staff and resources to run essentially two major elections at the same time – one by mail and another in person – the ability to begin processing a high volume of mail ballots will help avoid delays in public election results after polls close.

Counties Need Legal Clarity and Funding to Implement

County election directors are working relentlessly to make plans for the fall election, accounting for numerous outstanding variables including the pandemic, ongoing litigation, state and federal funding, and one final set of changes to the Election Code. We urge the General Assembly to negotiate as quickly as possible towards a bipartisan agreement that, in addition to the aforementioned list of legislative changes, includes urgently-needed funding for adequate vote-by-mail processing capacity (equipment, staff), return postage for ballots, and personal protective equipment at the polls. With debate in Congress around COVID relief ongoing, it is incumbent on the Governor and Legislature to ensure our county officials can administer a safe and secure election, and that every eligible Pennsylvanian voter has the opportunity to cast a ballot.

Thank you.

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Committee of Seventy