

Testimony of Christopher Thomas, Fellow at the Bipartisan Policy Center before the Pennsylvania Senate State Government Committee on February 15, 2022 at 1 p.m.

Good afternoon to the Chair and members of the State Government Committee. Thank you for the opportunity to present testimony on election administration issues.

As noted, I served as Michigan's state election director for 36 years during my 40-year tenure with Michigan Department of State. I worked for a Democratic Secretary of State for 17 years and three Republican Secretaries of State for 23 years.

In addition, during the 2020 November general election, I served as a senior advisor to Janice Winfrey, Detroit City Clerk. In that capacity I was part of the management team at the TCF Center processing and tabulating more than 174,000 absent voter ballots.

Michigan and Pennsylvania shared fortuitous pre-pandemic enactments of no-excuse mail voting for all electors. Ours was by voter initiated constitutional amendment; yours by well crafted legislation. Public Acts 77 and 22 have all the necessary components for secure and accessible elections, which was demonstrated in 2020. However, like all new, major enactments the first series of elections reveal the need for necessary adjustments. The pandemic canceled any plans for easing into these new provisions by providing the ultimate stress test of the abilities of state and county election officials and voters to manage the voting changes.

Binding election law instruction: Michigan has 1,600 county, city and township election officials conducting elections. A primary role of the secretary of State is to ensure uniformity in the conduct of election. Without state source to issue legally enforceable instructions, uniformity would suffer as various communities set their own rules. PA places authority in the county election boards to establish rules and regulations. Unfortunately, the courts end up making the hard calls. Rulemaking by the Secretary of State would provide an avenue for input from county election officials and the public. Also, in the midst of an election, a state process for addressing legal issues, in consultation with county officials, would benefit clarity, uniformity and judicial economy.

Signature verification: This is essential to both the acceptance and rejection of ballots. Pennsylvania has "belts and suspenders" by also requiring driver license numbers or last four digits of social security numbers. The challenge is how to apply both verifications. There are issues with both forms of verification, such as signature changing over time or verification numbers have transposed digits. This challenge call for laws that set the standard of review and then uniform guidance on how to perform the verifications. In Michigan, a ballot may be rejected if the signature does not sufficiently agree with signature on record. The standard does not impose an exact match, taking into account some variation in signatures. Out of 3.3 million mail ballots cast in November 2020, only 1,386 were rejected based on signature comparison. With the annual request for mail ballots, PA election officials have time to closely review

signatures, and those accepted should become another retained, valid signature for comparison purposes. Finally, Michigan's registration file contains the driver license or state ID signatures for most voters.

Curing via email and text: As election day approaches the viability of contacting voters by first class mail quickly diminishes, making curing opportunities empty gestures. Many voters are reluctant to disclose their email addresses and phone numbers that will then be publicly available for political and commercial purposes. These communication avenues should be exempt from disclosure under public records law.

Pre-canvassing before election day: From the testimony on record, this topic wins the popularity contest. The Michigan legislature on October 6th before the November 2020 election provided election officials with 10 hours of pre-processing on Monday prior to the election. The ballots could be checked into the poll book, the return envelopes opened, and the ballot number printed on the ballot stub verified against the ballot number in the poll book. That was it. Signatures are verified by municipal clerk staff as they received; this is not done on election day. As the Bipartisan Policy Center Task Force recommends, seven days are desired, but if three days are what is offered, election officials should take it. More important is what is done during the pre-canvassing. For security and efficiency, ballots should be scanned and then secured. Merely opening ballots and unfolding them is neither efficient nor the more secure process.

Naked ballots: Ballots returned without a secrecy envelope or sleeve are counted in Michigan. Voters should not be penalized for this error as it is not evidence of fraud. If managed properly, the ballot will not reveal votes connected to a particular voter as it is inserted into a secrecy sleeve by an election worker.

Mandatory training: The franchise is dependent on the execution of laws and procedures designed to enhance and protect it. The Secretary of the Commonwealth should be authorized by law to require certification of all new county election officials and promulgated training curriculums for county election staff and poll workers. County Boards of Election will conduct the training as they currently do but with the state curriculum as part of the training.

Thank you for the opportunity to testify before this committee.