



**Senate State Government Committee
Hearing on Election Funding
April 5, 2022
Pennsylvania Department of State**

Good afternoon, Chairman Argall, Chairman Street, and members of the committee. Thank you for the opportunity to provide input on HB 2044 and SB 982, which both seek to prohibit the Department of State and county elections officials from receiving any financial assistance or anything of value from third parties for the purposes of operating elections, staffing, and equipping polling places, and educating voters. The Department has serious concerns about both pieces of legislation as they would only exacerbate what is one of the core challenges facing our county election offices—securing steady elections funding. Without a serious conversation regarding allocation of resources to the counties, the Department fears that these bills would be detrimental to county operations.

If this committee gleans nothing else from the Department's testimony at this hearing, we hope that you will take away this one message: Pennsylvania must adequately support election administration.

When discussing third-party assistance for election administration, it is important to remember the context of how and why that assistance became necessary. 2020 was an unprecedented year in Pennsylvania elections for several reasons. First, all counties implemented new voting systems that maintain a voter-verifiable paper record of each

voter's ballot. The General Assembly, on a bipartisan basis, enacted legislation—Act 77 of 2019—that provided up to \$90 million in funding for the new voting systems so Pennsylvania could join the majority of states that had already implemented voting systems that are capable of meaningful post-election audits and that provide a verifiable paper record to confirm the accuracy of election results. Second, along with funding for the new voting systems, Act 77 also enacted sweeping election reforms that gave Pennsylvanians more voting options. The 2020 Primary was the first election where millions of Pennsylvanians were given the option to vote by mail without having to provide an excuse. Third, adding this voting option turned out to be very well-timed, and almost prescient, as the commonwealth and nation were gripped by a global pandemic in March of 2020. No-excuse mail-in voting provided voters with a safer alternative to voting in person during the pandemic. As a result, demand for the new mail-in voting option increased quickly and dramatically.

As counties were working to make these changes, they were also suddenly faced with new and unforeseen challenges, both in terms of protecting public safety and processing the large volume of mail ballots prompted by the pandemic. The Department heard concerns from county election officials all over the state that they were not sure how they would be able to handle the volume of mail-in ballots, particularly with the added responsibility of ensuring safety for their staff and voters during the pandemic. Several counties also shared their concerns with this committee in hearings in April and July of 2020. Counties needed personal protective equipment, additional temporary and permanent staff, machinery to help them process the large volume of mail ballots, additional voting system tabulators to enable them to count ballots faster in the November

election, an extended period of pre-canvassing, and resources to educate voters on the recent election reforms.

The federal government recognized the urgent need for resources in election administration and in March 2020, Congress passed the CARES Act, which included \$400 million in emergency election funding, of which \$14.2 million was allocated to Pennsylvania. The Department distributed \$6 million of CARES Act fund to the counties through block grants, which were allocated based on the number of registered voters as of April 13, 2020. Pennsylvania counties received an additional \$1.1 million for return postage on mail in ballots for 2020 general election, with the exception of 2 counties that did not participate (Forest and Perry). The Department used remaining funds for an outreach and education campaign, and personal protective equipment and supplies to be used at polling places for the 2020 primary election. Much of the CARES Act funding was spent in advance of the November 2020 General Election.

The Department agrees that the conduct of free and fair elections is the responsibility of the Commonwealth and a core function of government. Hence, on almost every occasion that the Department or county elections officials have appeared before this committee and other committees of the General Assembly to discuss elections, we have testified that the commonwealth desperately needs a new model for funding election administration. In the Department's most recent budget proposal, we propose adding 21 new positions to our elections team, several of which will provide direct support to counties in administering elections.

Again, the Department and local officials clearly warned this committee about their funding needs prior to the 2020 General Election. At a July 23, 2020, hearing, Senator Muth posed a pointed question to county officials regarding the urgency of the resource deficit and its impact on the counties' ability to ensure a free and fair general election that November. County Commissioner Joe Kantz, who has since retired from the Snyder County Board of Commissioners, explained that counties operate on a calendar-year budget, which means they had to anticipate their 2020 needs based on the information they had in December 2019. And while they accounted for additional costs to implement Act 77, they could not have anticipated the extraordinary issues that emerged during the 2020 election cycle, such as the COVID-19 pandemic and ensuing higher demand for mail-in voting.

At the same hearing, Forrest Lehman, Director of Elections for Lycoming County, reported that his county had already spent its CARES Act allocation and predicted it would likely run out of its Help America Vote Act (HAVA) allocation by the end of 2020, even though those funds were intended to last through 2022. Deputy Secretary of Elections Jonathan Marks suggested to the committee that the legislature consider an existing model for providing grant money to local government and authorize a reimbursement-based grant to address the immediate needs of counties in 2020. He also stressed that Pennsylvania could not continue with the existing model for elections funding, where counties bear 100 percent of the cost, because another unforeseeable crisis like COVID-19 could put a future election in jeopardy.

In closing remarks, Senator Williams implored the committee to heed the concerns stated by both Republican and Democratic elections officials and asked the body to seriously consider taking immediate action to support election officials with resources. Nevertheless, additional state funding was not made available. Instead, nonprofit organizations stepped up to fill urgent needs in every county that requested funding. These nonprofit organizations enabled a third of Pennsylvania's counties to pay for additional staff or purchase expensive specialized mail processing and ballot processing equipment. A January 31, 2021, report, titled "Lessons Learned in the 2020 Election," by the American Enterprise Institute and the MIT Election Lab to the U.S. Election Assistance Commission put it this way:

Private philanthropy provided a critical lifeline to a diverse group of election jurisdictions that would not have been necessary had the emergency election response been adequately funded by the state and federal governments.

The Department of State also received grants from two nonprofit organizations in 2020. The Department spent these funds in an equitable, nonpartisan manner. In September of 2020, the Department received two awards in the amounts of \$13,260,000 and \$830,779 from the Center for Elections Innovation and Research (CEIR).

The Department used the larger award for voter outreach, including additional staff for the 2020 Election Day Hotline and statewide digital and print ads for the Ready to Vote voter education campaign. We subsequently returned \$235,000 to CEIR as unspent.

A significant portion of the larger CEIR grant was used to provide voter education to voters in every county in the state. The Department engaged in a multi-media campaign that employed various methods of outreach to touch the broadest swath of voters possible. We understood that reaching the diverse groups represented in our voting population required this multifaceted approach. We employed a variety of media—radio (in every market serving Pennsylvania residents), television, billboards, print ads, mailers, posters in bus shelters, ads on Facebook and other social media platforms—to reach different portions of the population.

The Department used the second award of more than \$800,000 for the specific purpose of distributing a mailer to eligible but unregistered voters, which is an existing requirement of our membership agreement with the Electronic Registration Information Center (ERIC).

The Department also received a grant of \$2,440,000 from the Center for Tech and Civic Life (CTCL) for assistance in safely administering an election during the COVID-19 pandemic. The Department used these grant funds to purchase personal protective equipment, hardware and technical support, including:

- masks, sanitizers, sneeze guards and gloves for Election Day polling places
- equipment such as printers, barcode scanners and tablets
- increased help desk support for counties and
- additional bandwidth/capacity for the Statewide Uniform Registry of Electors (SURE).

The Department surveyed each county to obtain information regarding its specific needs and then distributed supplies to all 67 counties based on each county's needs. The Department sought to fill in gaps in resources so that all Pennsylvanians could participate equally in the election.

Because the Department communicates with county elections officials on a near-constant basis, the Department was aware of some counties' specific needs based on their experience during the 2020 General Primary. When the Department learned that CTCL had launched a grant program on the county level, the Department notified all counties of this funding opportunity.

Each year, the Department collaborates with all 67 counties to address both statewide and county-specific issues pertaining to elections. Like many other state agencies, the Department partners with individual counties to ensure they are able to align their individual policies and practices with broader mandates under state and federal law.

Although the Department made all counties aware of this opportunity and encouraged them to apply, not all counties chose to do so. What the Department knows about the grants CTCL awarded to counties comes from information counties have provided to us and what has been reported in the media. Notably, we are not aware of any county that applied directly to CTCL that did not receive what it requested. Further, as has been widely reported, the counties that accessed CTCL funds were very pleased with their ability to purchase additional equipment. Specifically, many counties used CTCL monies to purchase equipment that assists them in processing mail-in ballots

more quickly, which is especially important given that there has been no change to the mail ballot pre-canvassing period, despite that being an often-reiterated priority of counties. Other counties requested funding for additional staff to process mail-in ballots. Much has been made of the allegedly disproportionate amount of third-party grant funding given to “Democratic” counties compared to “Republican” counties; however, the facts refute any partisan bias in grant awards. Those counties received more grant funding because they asked for more funding.

The Department’s concern with the proposed legislation, HB 2044 and SB 982, is that it would only further hobble county elections officials and the Department’s election staff, who already work with limited resources to administer elections. These election workers have been feeling the financial, mental, and emotional strain of recent elections. They are doing more with the same or fewer resources, all while facing heightened scrutiny and even, in some cases, threats from the public. National, regional, and local news outlets have widely reported that recent election cycles have had a grievous impact on the morale of local elections officials. Most recently, the Brennan Center issued a poll of elections officials that indicates that at least one in four are considering leaving elections administration. Rather than address the root of the problem, which is the inadequate funding for elections and support for election officials, the proposed legislation attempts to address a purported issue with non-existent bias in third-party grant funding for the 2020 election.

Further, the language in HB 2044 is so overly broad that it would prohibit elections officials from allowing volunteers to donate their time assisting employed

election staff. Again, for many counties, this would render facilitating a fair election nearly impossible.

The Department did not seek to affect the outcome of the election, other than to encourage voter participation, inform voters of the options available to cast a ballot, and protect the health and safety of voters and poll workers during a pandemic. The grants provided in 2020 filled a critical gap in elections funding and helped ensure a safe election.

The Department, again, encourages all parties to engage in a conversation about funding elections in the Commonwealth instead of prohibiting a much-needed additional resource to counties. Additionally, we hope that you will support the President's new proposal for the federal government to infuse \$15 billion dollars into elections. Announced earlier this week, the proposal seeks to provide \$10 billion dollars to states for equipment and staff to increase access and security for voting, and \$5 million dollars to the postal service to ensure mail-in ballots are delivered timely.