



**TESTIMONY ON
ELECTION ADMINISTRATION BEFORE THE GENERAL ELECTION**

Presented to the House State Government Committee

By

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September 14, 2022

Thank you for the opportunity to submit testimony on behalf of the County Commissioners Association of Pennsylvania (CCAP), a non-profit, non-partisan association representing the commonwealth's 67 counties. Being the key administrators of the on-the-ground elections, Pennsylvania's counties have a significant responsibility in assuring elections remain fair, secure, accurate and accessible at every step of the process. We appreciate this opportunity to offer remarks related to preparations for the November 8 General Election.

Election administration is a responsibility we take extremely seriously, and we firmly believe that counties have continued to meet and exceed that responsibility, even as we faced significant challenges over the past several years. CCAP applauds the county election offices and the tens of thousands of volunteers for addressing these challenges in an extremely professional manner to deliver successful elections and maintain the security and integrity of the results.

Counties continue to gain experience implementing mail-in ballots under Act 77 of 2019, and we know there are ways that changes to the law can improve our ability to administer elections, as well as our ability to provide more efficient results. We stand by the conviction that the electorate must have the utmost confidence in the integrity of the election process. For that reason, counties voted last November that one of their 2022 priorities would be to promote election integrity by advocating for changes to our election laws that will resolve existing ambiguities and make sure counties have clear rules that can be implemented uniformly across Pennsylvania. Despite working diligently toward these sensible clarifications, however, the Election Code remains a politically fraught topic and legislative action on the specific clarifications that counties are seeking to be able to administer smoother elections has been a challenge.

For context, CCAP's Elections Reform Committee – comprised of county officials and county election directors from across the state – convened shortly after the November 2020 election and began reviewing county experiences, ultimately resulting in a report and recommendations released in early 2021. These recommendations are applicable to both absentee and mail-in ballots and counties have been working with the General Assembly to seek changes to the Election Code that would achieve the recommendations in the report and would result in smoother elections administration.

For almost two years now, counties have offered their recommendations on how the law could be improved and give counties the tools and clarifications they need to properly fulfill their election day responsibilities. As such, we must promote election integrity by assuring counties have clear and efficient rules to help restore the public's confidence in our elections. These clarifications include a whole host of operational improvements. For instance, counties seek clarity in the law on whether they have the authority to use drop boxes for absentee and mail-in ballots, after questions were raised (and litigated) on their use. The law is unclear, or in some cases silent, on how counties should address other situations, such as what to do with naked ballots and whether voters should be contacted to be permitted to cure defects with their mail-in ballot. Even more recently, procedures for handling and processing undated ballots has become a point of great legal debate. This lack of clarity was the basis for many of the lawsuits

that were filed at the state and federal levels since the 2020 Primary Election, and the challenges have continued with each election thereafter. Changing court decisions, in addition to the statutory language, or lack thereof, led to a situation where counties struggled to implement the law on a consistent basis.

We know too that state policymakers have their own ideas on amending the Election Code. Every change takes not only time to implement, but also requires changes to procedures and protocols, training, funding and other resources. And with every substantial addition to the law, we know from Act 77 that it is always possible that kinks will likely need to be worked out. Counties can help make sure we do not find ourselves in another Act 77 situation by working with legislators to craft legislative language that is clear. This means counties need to be involved and consulted, as there may be practices and procedures already used by a majority of counties that can be captured and memorialized, rather than having to reinvent the wheel or uproot procedures that are working. In addition, this consultative process would help to assure that the language ultimately is understandable to those at the county level who will be trying to follow it and that appropriate time is given to implement any changes.

Without the ability to work together to achieve the operational changes that counties have identified and are advocating for, we continue to be forced to overcome these challenges as we continue operating in a system that lacks clear law, which only serves to further perpetuate misinformation and mistrust unnecessarily. While we are absolutely confident in our ability to administer fair, secure and accurate elections, the impact of the Primary Election not yet having the changes counties have been seeking is that we lessen our collective ability to implement the clarity needed to restore the public's faith in our elections.

One of the effects of Act 77 that is rarely talked about is how the changes to election administration significantly increased costs to counties and the resources we need to run what is, in essence, an entirely separate election. We have heard counties reporting that their elections-related costs have at least doubled over the past few years, as we needed additional supplies, saw printing costs go up, and watched staffing and overtime needs grow to address the significant workload increases. All of this fell squarely on county shoulders – and ultimately, our county property taxpayers – because we are solely responsible for election administration, yet have not received ongoing, sustainable support from the state to offset costs related to all of these new requirements. For these reasons, we have also been seeking appropriate, ongoing and sustainable resources and funding for elections as a priority this year so that counties can cover increased expenses from all of the additional requirements of Act 77 and address staff recruitment and retention needs resulting from the monumental increases in elections workload, stress and staff loss over the past two years.

We are certainly appreciative of the recognition given to counties' significantly increased election cost in the FY 2022-2023 budget with the creation of the Election Integrity Grant program providing \$45 million to counties – a substantial and previously unseen investment by the state in county elections. The grant did, however, come with conditions and additional administrative duties, including requirements to begin pre-canvassing and canvassing on

election day and continue without interruption. While many counties will make this work in order to gain the financial support they so badly need, this runs counter to our requests of limiting unnecessary or duplicative administrative duties placed on counties related to elections and only exacerbates workload issues on Election Day by continuing to require the operation of two elections on the same day, rather than allowing counties to balance their resources more effectively by allowing pre-canvassing of mail-in ballots. Due to this, there are a few counties that opted not to apply for the grant funding.

Moving forward, counties and the state must also work together as new laws and policies are developed to assure any increased costs and resource needs, as well as adequate time for implementation, are addressed. The current state of affairs is not sustainable, and continually increasing what counties are asked to do without providing for the funding, staff and time to implement those requirements will only set us up for failure in the future.

Finally, counties are a critical intergovernmental partner in the administration of elections, and we must be at the table with all members of the legislature and administration to help solve these problems and implement process improvements. As such, we suggest that a better way to frame this conversation is as *non-partisan*, rather than bipartisan, election reform – our counties understand that election administration is not about party affiliation, but about making our democracy run smoothly. Even while debates over election reforms often focus on big picture concepts like voter access or election security, counties know it is the small, often unseen tasks related to day-to-day administration that can have substantial ramifications on the outcome of elections and the smoothness of the process that shape public perceptions.

In conclusion, it is worth echoing two points: One, we are edging ever closer to the General Election and any changes to the Election Code must be enacted well in advance of an election to allow for enough time to properly implement them, and with county input and appropriate funding to support those changes. And two, to reiterate that regardless of the rhetoric, regardless of the lawsuits, regardless of the noise, our county officials and the dedicated public servants who work in our county election offices remain laser focused on their responsibility as stewards of our democracy.

Thank you again for the opportunity to offer our testimony and your consideration of these comments. We look forward to continuing to work with you on the necessary legislative changes to improve the administration of elections in Pennsylvania.