



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

Presented to the Senate State Government Committee

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The County Commissioners Association of Pennsylvania (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.

We appreciate the opportunity offer our remarks regarding how to move forward with Pennsylvania's primary election, which has been moved from April 28 to June 2 pursuant to Act 12 of 2020 in consideration of the current COVID-19 pandemic. 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.

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.

However, we have now reached the end of April and still we gain new knowledge almost daily about COVID-19, how it spreads through communities and its widespread impacts. The questions counties continue to wrestle with five weeks until the primary election are focused on how to safely conduct the primary election with public health in mind. Certainly, one of the options that has been discussed is whether the primary should be conducted by all mail-in ballot, after Act 77 of 2019 gave Pennsylvania voters the option of voting by mail-in ballot for the first time in this upcoming election. While CCAP as an Association has not taken a position on whether or not the commonwealth should move in this direction, we want to offer the committee today the wide variety of considerations before counties, noting that, of course, each county is unique in how these considerations play out.

Polling place availability

CCAP has heard from a number of counties that are seeing a decline in the availability of facilities that are willing to be used as polling places. For instance, churches and other community buildings have been used for polling places, but are now closed to the public. Counties often use nursing homes or other long-term care facilities, which are convenient to their residents, but these buildings are no longer an option due to the health risk this brings to the already-vulnerable residents and workers in such facilities. Other places previously used for polling are also becoming unavailable, causing a challenging situation for elections directors. Certainly, the provisions of Act 12, which allows counties to consolidate a certain number of polling places, can be helpful in some areas, but still the logistics of finding the necessary number of polling locations and making the proper notifications to the public are proving challenging. In addition, counties must consider the impact of consolidating polling places and how the increased traffic it might bring to a particular facility will affect the ability to maintain social distancing and other public health measures.

We appreciate that the Department of State is acquiring precinct protection kits containing masks, gloves, sanitizers, wipes, floor tape and other supplies to provide to the counties. We understand those kits will be available to about 60% of the state's current precincts, and may go farther depending on county decisions to consolidate polling places. Counties are also purchasing their own equipment and exploring options such as face shields to offer added protections.

Poll workers and training

Even where physical buildings are available to serve as polling places, counties are struggling to recruit and maintain enough poll workers to execute all of the work that goes into holding an election. The demographic of Pennsylvania's poll workers tends to be senior citizens, which is also the demographic most at risk to experience severe impacts as a result of contracting COVID-19. CCAP has heard from counties where 30% or more of the regular poll workers have declined to serve for this primary election.

Many counties, though, were unable to, or had not planned to, complete their regular training for poll workers before the pandemic took hold in Pennsylvania. Even where counties are able to identify a sufficient crew of poll workers to meet their needs, they must also figure out how to hold training on election day procedures, new voting machines, and now, public health procedures at the polls – which typically involves bringing large groups of people together in a single place as well – in a safe manner.

Deploying new voting machines

On top of everything else that is new and extraordinary about the 2020 primary election, about a third of our counties must also deploy new voting equipment for the first time to be in compliance with the requirements of the Stein settlement agreement, which required all counties to implement new voter-verifiable voting equipment no later than the 2020 primary election. This is just one more factor complicating this already-complex election environment.

County and vendor capacity for mail-in ballots

Included in Act 77 of 2019, all Pennsylvania voters have the option, for the first time at this primary election, of voting by no excuse mail-in ballot. It has been fortuitous that this option is available to voters given the current situation, and both the commonwealth and many counties are promoting it to voters as an important alternative to coming to the polls. While counties were already expecting an influx of applications, they are now seeing application numbers well beyond what anyone could have estimated when Act 77 was signed into law last fall. Counties must adjust again their plans to address potential challenges with the resources, both staff and physical space, needed to process the increased number of mail-in ballots.

Resources and capacity would become an even greater consideration if the state were to move in the direction of a completely mail-in primary election now is capacity – for both counties and their vendors. Some counties have indicated that moving to an all mail-in ballot would not only significantly exceed the estimated costs of adding mail-in voting for 2020, and that their

printers, mail houses, other vendors and the county itself would struggle even more to meet the demand.

We also note that because of the anticipated volume of mail-in ballots, counties were already preparing for a lengthy canvassing process. Act 12 granted some relief by allowing counties to begin pre-canvassing 7 a.m. on election day rather than waiting until 8 p.m. But with such a large number of mail-in ballots now expected, it is likely it will take counties longer to be able to report results. However, counties' first and foremost responsibility when it comes to running our elections is to get it right and make sure every vote is legitimate and accurately counted. We know our residents do not want us to sacrifice that responsibility in the name of speed and so hope that everyone will adjust their expectations accordingly.

Timing and procedural questions

With the significant change in direction that would come from moving to an all mail-in primary, we must note again that we are now less than five weeks from the June 2 primary, and it would still take time to get legislation to the governor's desk authorizing an all mail-in election. In addition, certain procedural questions have not begun to be addressed as to how an all mail election would work – would voters still need to apply for a ballot? Would the county be required to mail a ballot to all registered voters regardless of application? It is not clear that there is sufficient turnaround time at this date to convey yet another set of changes to voters, and to successfully implement an all mail-in election.

Resources

We have already noted the resource challenges facing counties in terms of staffing and physical space to process ballots, increased postage demands and so forth, but need to also note that at least two-thirds of our counties have already furloughed staff as a result of the COVID-19 pandemic. In many cases, this includes staff in election offices, adding further stress to counties.

Under the federal CARES Act, Pennsylvania received about \$14 million for COVID-related election modifications, with another 20% state match, and counties have been informed that the commonwealth will be providing about \$6 million of that in subgrants to the counties. We understand that the federal Election Assistance Commission has advised this funding can be used to address a wide variety of county needs related to the primary election; another \$7 million in subgrants will be available from \$15 million in federal dollars, although that is focused primarily on election security and technology.

Ultimately, our goal is to support counties' needs in conducting this primary 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. We would be pleased to answer any questions you may have.