

1 COMMONWEALTH OF PENNSYLVANIA
2 HOUSE OF REPRESENTATIVES
3 HOUSE STATE GOVERNMENT COMMITTEE HEARING

4 IN RE: GENERAL PRIMARY PREPAREDNESS

5 STATE CAPITOL
6 RYAN OFFICE BUILDING
7 ROOM 205
8 HARRISBURG, PENNSYLVANIA

9 THURSDAY, APRIL 3, 2008, 9:05 A.M.

10
11
12 BEFORE:

13 HONORABLE BABETTE JOSEPHS, CHAIR
14 HONORABLE GLEN R. GRELL
15 HONORABLE CARL W. MANTZ
16 HONORABLE MARK COHEN
17 HONORABLE MATTHEW E. BAKER
18 HONORABLE LAWRENCE H. CURRY
19 HONORABLE ROSITA C. YOUNGBLOOD
20 HONORABLE FLORINDO J. FABRIZIO
21 HONORABLE JARET GIBBONS
22 HONORABLE MICHAEL H. O'BRIEN
23 HONORABLE THOMAS W. BLACKWELL
24 HONORABLE KERRY BENNINGHOFF
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1 P R O C E E D I N G S

2 CHAIR JOSEPHS: Thank you for coming. Welcome
3 everybody to this hearing. I convened this hearing, and I
4 will ask everyone who's here to introduce him or herself in
5 a moment. I'm Babette Josephs, the Chair of the State
6 Government Committee in the House.

7 Because we have extraordinary registration
8 going, went on; and I believe that we will have a huge
9 turnout with heightened interest in the presidential to
10 begin with and then, secondly, of course, in the democratic
11 presidential primary, I am concerned whether we are ready
12 to take care of all these voters.

13 I want the day to go smoothly. I want every
14 voter who turns out to have the opportunity to vote, and I
15 want to make sure that every vote is counted accurately.
16 And that's from counties; the most urban county to the most
17 rural, from the suburban, the north, the south, the east,
18 the west, the whole state.

19 I am looking forward to a smoothly-going
20 Election Day, and I am hoping that this hearing will help
21 and we will all have information that will help that go
22 faster and better.

23 One of the questions that I am interested in
24 have to do with the number of provisional ballots, whether
25 campaigns are able to get the information about new voters,

1 whether there will be enough machines in each polling
2 place, whether there will be polling places that are
3 supplemental in any locations. And I'm sure that my
4 colleagues will have many more and undoubtedly more
5 perceptive questions as well.

6 And we will start all the way on the left with
7 Representative Blackwell, if you'd introduce yourself, and
8 then we'll ask the Secretary to get started.

9 REPRESENTATIVE BLACKWELL: I'm Tom Blackwell,
10 Philadelphia County.

11 REPRESENTATIVE O'BRIEN: Mike O'Brien, 175th
12 Legislative District, Philadelphia.

13 REPRESENTATIVE FABRIZIO: Flo Fabrizio, 2nd
14 District, Erie County.

15 REPRESENTATIVE CURRY: Lawrence Curry, 154th
16 District, Montgomery County.

17 CHAIR JOSEPHS: As I said, I'm Babette Josephs,
18 182nd District, Philadelphia County.

19 REPRESENTATIVE BAKER: Matt Baker, 68th
20 District, Tioga and Bradford Counties.

21 REPRESENTATIVE MANTZ: Carl Mantz, 187th
22 Legislative District, Berks and Lehigh Counties.

23 CHAIR JOSEPHS: And we have two staff people.
24 If you'll introduce yourselves, I'd appreciate that.

25 MR. HURLBURT: Matt Hurlburt, Research Analyst.

1 MS. BOYLE: Susan Boyle, Republican Director of
2 the Committee.

3 CHAIR JOSEPHS: Okay. Mr. Secretary, if you are
4 ready, we are eager to hear your testimony.

5 SECRETARY CORTES: I have prepared remarks that
6 I'll read in a second. But I can give you, Madam Chair, a
7 sound bite to your primary question, are we ready; will we
8 be ready; are we going to have a smooth election despite
9 the heightened activity and alert, and the short answer is
10 yes. But I'll start now with my formal remarks.

11 Chairman Josephs, Chairman Baker and
12 distinguished members of the House State Government
13 Committee, good morning. Thank you for the invitation to
14 appear before the Committee to discuss the steps the
15 Department has taken to be ready for the Pennsylvania
16 primary on April 22nd.

17 This is a historic primary, as Pennsylvania is
18 in a position to have a voice in at least one of the major
19 party nominations. More than 8.27 million Pennsylvanians
20 and registered to vote in the primary, and counties are
21 still entering voter registration forms postmarked by March
22 24 of this year, which was our deadline.

23 Between January 1st and March 30th, 2008, more
24 than 155,959 new voters have registered, and 146,625 voters
25 changed parties. Although the presidential race dominates

1 much of the media coverage, Pennsylvanians will also focus
2 on the crucial races of the state House and Senate,
3 Attorney General, Auditor General, Treasurer and Congress.
4 Over 14 hundred candidates filed nomination petitions.

5 My testimony will cover the following
6 election-related matters: First, voter education,
7 collaboration with counties to address critical issues and
8 poll worker training; two, the Statewide Uniform Registry
9 of Electors and voter registration; and, three, Election
10 Day activities.

11 In terms of education and outreach, the
12 Department has issued news releases and provided interviews
13 with media to explain the qualifications and process to
14 register to vote as well as the requirements of a closed
15 primary. A special message and news release was issued to
16 members of our armed forces explaining the process for
17 military and overseas voters.

18 The Department also reached out to university
19 presidents to communicate guidelines for college voters, as
20 many of the students may be voting for the first time. In
21 addition, the Department is launching Ready.Set.Vote., an
22 interactive voter education campaign that features
23 multimedia advertising, outreach efforts and a soon-to-be
24 launched revised version of our interactive website,
25 VotesPa.com.

1 The campaign's goal is to ensure that
2 Pennsylvania voters are familiar with voting procedures,
3 rights and technology. With regard to addressing critical
4 issues, the Department continues its close collaboration
5 with Pennsylvania's 67 counties.

6 The Department has identified these issues based
7 on feedback from the County Commissioners and Election
8 Directors, prior Pennsylvania elections and 2008 primaries
9 and caucuses across the nation. Key issues focus on
10 managing a potential record number of voters in the
11 electoral process and voting system security.

12 Beginning shortly after Super Tuesday, February
13 5th, the Department began to communicate to the counties'
14 recommendations for handling large volumes of registration
15 applications as well as a higher voter turnout. Sufficient
16 staffing throughout the entire process is key as well as
17 ordering ample supplies of absentee ballots and optical
18 scan ballots in the counties that require them.

19 Given the volume of new registrations and the
20 heightened interest in this election, the Department has
21 discussed with County Election Directors on various
22 occasions the need for contingency planning to meet the
23 increased demand for provisional ballots as well as the
24 importance of sufficient emergency ballots.

25 In addition, counties are customarily reminded

1 to be prepared to handle unexpected polling place
2 emergencies; such as power outages, inclement weather,
3 fires, water damage and flooding. Voting system integrity
4 and security is the next critical issue that the
5 Commonwealth and the counties continue to address.

6 The Department has recommended public viewing of
7 election system preparation and testing, as transparency of
8 the process is a key component of instilling voting system
9 integrity. Establishing a well-guarded and documented
10 chain of custody and providing physical security of voting
11 systems before, during and after the election are also
12 critical steps to secure the electoral process.

13 Some counties have reassessed their voting
14 system needs since the last election. For the primary, 51
15 counties will use DREs, direct recording electronic
16 machines; 12 counties will use optical scan, and 4 counties
17 will use both DREs and optical scan systems.

18 I want to take a moment to clarify any
19 misconceptions about the Rendell Administration's position
20 on voter-verified paper records. Some individuals have
21 suggested that voting systems in Pennsylvania should
22 include voter-verified paper records. The Department have
23 certified optical scan systems that provide such a paper
24 record.

25 The counties ultimately choose whether to

1 procure an optical scan system or a DRE. The
2 Department is not opposed to DREs with a paper record
3 capability, provided such systems meet constitutional and
4 statutory requirements.

5 This includes ensuring that a person's vote is
6 secret and cannot be viewed by others in a way that would
7 divulge who cast the vote. We have yet to examine a DRE
8 system with a paper record that meets constitutional and
9 statutory requirements for secrecy of the ballot.

10 The large volume of voters also magnifies the
11 importance of poll worker training. Historically, issues
12 that have arisen during Election Day have been primarily
13 due to human error. Adequate poll worker training can
14 minimize errors and ensure that the elections are
15 administered smoothly.

16 This year, the Department of State produced a
17 new DVD titled, Election Officials Training Program. This
18 video has been made available to all counties to supplement
19 their training efforts. I'd now like to move to the main,
20 the second main subject, which is the Statewide Uniform
21 Registry of Electors.

22 The Statewide Uniform Registry of Electors, more
23 commonly known as SURE, is a centralized voter registration
24 and election management system used by the counties and the
25 Department to ensure the accuracy and integrity of the

1 Commonwealth's voter registration records. All 67 counties
2 have used SURE since 2006.

3 Over the last two years, the Department has
4 worked diligently to increase the system's capacity to
5 process records. The enhancements continue to be
6 implemented. Considering the staggering number of voter
7 registration applications being entered at this time, the
8 SURE system is performing at its capacity.

9 Please understand that all first-time
10 registrants are also required to be checked through a
11 separate process controlled by the Social Security
12 Administration. The availability of that process is not
13 within the control of the Department.

14 The Department continues to develop services
15 that provide greater access to available technology and
16 data. These services are called SURE portals. The public
17 portal allows voters to find their own registration and
18 polling place information on the Department's website. The
19 county portal enables elections staff to view and certify
20 voter registration statistics, enter and track provisional
21 ballots and enter election night returns.

22 The Department's innovative use of technology
23 gives counties increased flexibility for more employees to
24 enter voter registration data. This additional data entry
25 capability is helping counties complete the task of

1 entering new voter applications. Finally, I will address
2 the Department's Election Day activities. The Department
3 has staff members who are experts on specific topics.

4 This staff will be ready and available during
5 Election Day to provide assistance to the counties and to
6 the public on issues ranging from basic questions to
7 complex legal matters. Given the higher volume of activity
8 anticipated for this election, the Department of State is
9 taking the additional step to make available communication
10 liaisons to serve the counties on the day of the primary.

11 The liaisons will be trained by Department and
12 county staff and will be on site in each county to provide
13 additional communication channels between the counties and
14 the Commonwealth during a likely high turnout primary. The
15 Department also continues to improve its reporting of
16 unofficial election results after the close of the polls.

17 For the first time, a direct interface for
18 electronic reporting using the SURE county portal will be
19 employed by 17 and possibly more counties. In addition, a
20 team of Department staff will work with county staff to
21 expedite the reporting of election returns on the
22 Department's website.

23 Based on all of these preparations, I am
24 confident the Department and the counties will be well
25 prepared for the primary. I am also confident we will have

1 a well-informed electorate. In closing, I thank you for
2 your interest and support of the Department's election
3 preparation efforts.

4 We look forward to continuing to work with you
5 and with the counties to ensure fair, accurate, accessible
6 and secure elections for the voters of Pennsylvania. Thank
7 you for your invitation. I welcome your questions at this
8 time.

9 CHAIR JOSEPHS: Thank you very much.

10 Are there any questions?

11 Representative -- I'll start down this way.

12 Representative O'Brien.

13 REPRESENTATIVE O'BRIEN: Thank you,

14 Madam Chairman.

15 Good morning, Mr. Secretary.

16 SECRETARY CORTES: Good morning.

17 REPRESENTATIVE O'BRIEN: Thanks so much for
18 joining us this morning at this ungodly early hour. As one
19 of the casual observers of the election process over the
20 years, it seems to me that traditionally around 8:03 p.m.
21 on Election Day as I'm listening to KYW, I always hear that
22 there's problems in precincts, being in Philadelphia and
23 divisions, that have occurred.

24 And it seems to me that they seem to be
25 clustered traditionally in the same areas of the City of

1 Philadelphia, all that in the way of introduction. With
2 the anticipated high turnout and mindful of problems that
3 occurred in other states, has there been any effort to try
4 to target what precincts may have been problematic in the
5 past and to do something preemptive?

6 I know it's more of a county level question, but
7 has there been any sort of overview on a preemptive strike
8 on the state level?

9 SECRETARY CORTES: In the preparations and the
10 conversations that we have with the counties, we address
11 the high level issues as I discuss in my introductory
12 remarks about the need to have sufficient equipment,
13 sufficient ballots, making sure that your poll workers are
14 well trained so that they're able to address the issues.
15 And that's how we handle our interaction with the counties
16 mostly.

17 In the occasions where there have been specific
18 needs, say, for example, in Philadelphia, the Department of
19 Justice wanting to make sure that the county was well
20 prepared to address the needs of limited English proficient
21 voters, vis-a-vis, those who need services in Spanish, we
22 have worked very closely with the counties and also with
23 federal authorities, if needed, first, make sure that we
24 understand the issue well enough and then provide whatever
25 guidance we need.

1 It's a delicate balance because we recognize
2 that while the Department is charged with the
3 responsibility of certifying voting systems and overseeing
4 the overall process and reporting the results at the end of
5 the day, matters that on the actual administration on
6 Election Day are left to the counties, but we do carry on
7 those conversations.

8 And one example I can give you more precisely is
9 the issue of polling places' accessibility because the
10 Department of State is the pass-through agency for federal
11 dollars to make sure that our polling places are
12 accessible.

13 We have those conversations with the counties,
14 and we request and require reports from the counties to see
15 what progress they're making in that fashion, make sure
16 that we properly exercise our fiduciary duty to release
17 dollars. And so those are ongoing conversations.

18 I will encourage you, Representative, and other
19 members, if there are other very specific issues that you
20 have and concerns, please share them with me; share them
21 with the Department; share them with the counties. And we
22 will work very diligently to address those issues.

23 I will tell you, for our last general election,
24 in addition to relying on the information that we get from
25 the counties and that we hear from the media, the

1 Department pondered with a number of voter rights
2 organizations that keep a close eye of the activities of
3 elections at the precinct level on Election Day, and we
4 have good lines of communications to get reports back
5 whenever there are issues.

6 And I've also stressed to those groups to please
7 make the information available to us at the Department of
8 State available in real time so that if there's an issue
9 that's happening at 10:00 in the morning, let me know
10 immediately so that we can address it while we're still on
11 Election Day and we can do something about it.

12 Knowing about the issue three days after
13 prepares us for the next election, but doesn't do nothing
14 at that point in time for that voter who may not be
15 effective on Election Day. But that's -- I hope I'm being
16 responsive of your question, but, yes, we work very closely
17 with counties.

18 REPRESENTATIVE O'BRIEN: Thank you, Mr.
19 Secretary.

20 Thank you, Madam Chairman.

21 CHAIR JOSEPHS: Thank you.

22 Let me say that we have been joined by
23 Representative Youngblood of Philadelphia County.

24 Are there any questions at this end?

25 Mr. Chairman Baker.

1 REPRESENTATIVE BAKER: Thank you, Madam Chair.

2 And good morning, Mr. Secretary. Always nice to
3 see you.

4 SECRETARY CORTES: Good to see you.

5 REPRESENTATIVE BAKER: On your second page of
6 your testimony, you mention a soon-to-be launched revised
7 version of our interactive website VotesPa.com, and I think
8 I know what that's about because there was a great article
9 about a problem and then I had a good talk with Robert
10 Swift about the particular issue with the state disabling
11 the voter registration website.

12 Apparently, there was -- and I really appreciate
13 your earlier concern in your testimony about voting system
14 integrity and security, particularly because apparently,
15 there was some kind of compromised problem with your
16 website, wherein driver licenses and Social Security,
17 partial Social Security numbers were being disclosed
18 publicly.

19 Has that been totally remedied, and has that now
20 been addressed so that people's driver licenses and Social
21 Security numbers will not be subject to potential identity
22 theft or fraud?

23 SECRETARY CORTES: Absolutely, yes. We have
24 handled that situation, and I appreciate the question to
25 clarify for the members and others. The Department in its

1 continuing commitment and goal to facilitate our electors'
2 ability to participate or our citizens' ability to
3 participate in the election process through our website,
4 VotesPa.com, which is our comprehensive voter education
5 site, made available a feature that would allow -- we have
6 always had on our website, talking about voter
7 registration, we've had blank, what's called PDF format
8 voter application form that somebody can print from the
9 website and then have it completed by hand.

10 And they'll have to sign it and mail it in to
11 the counties to be registered. Wanting to be helpful to
12 potential registrants and knowing that some people may,
13 especially younger generations that are so used to
14 completing applications online, at least be able to
15 complete the fields online, we made a feature available
16 where people could go in; and instead of a blank, they were
17 able to populate the different fields with their name and
18 the information.

19 And at the end, what they had to do still was to
20 print the form because under the requirement of the
21 Election Code, we still have to capture the signature and
22 then go ahead and sign their name to the application, but
23 they didn't have to fill everything out and then send it in
24 to the counties. Over 51 thousand Pennsylvanians took
25 advantage of that feature.

1 We've learned from a member of the media that
2 someone was able to illegally access the site and view some
3 of the records. As soon as we learned about that breach,
4 we immediately disabled that feature that would have
5 allowed someone to enter that information. And we engaged
6 a number of partners; the Office of Administration, Office
7 of Information Technology, Microsoft and others, to review
8 the extent of that intrusion.

9 We were very pleased to learn, after our due
10 diligence, that out of over 51 thousand records, only 18
11 were viewed by someone other than the person entering the
12 information. The way we were able to tell that is because
13 every person that uses the internet has a specific
14 identifier.

15 So when we went through all the records, we were
16 able to see what records had been checked more than once.
17 Most people could have seen the record twice because they
18 could have gone back to just check information or print
19 more than one form. But then whenever we saw that there
20 was more than one address coming in and checking on that
21 record, we flagged that as being a potential record that
22 could have been viewed.

23 In the end, we had only 18. The Department
24 proceeded immediately, within days, to, once we identified
25 those records -- in fact, it had not even taken a week for

1 us to go through all that, due diligence -- we went ahead
2 and first contacted on the phone, personally contacted our
3 staff and the 18 affected individuals.

4 From there, we went to the further step to
5 contract with TransUnion, the credit reporting company, to
6 make available free of charge to those individuals a year's
7 worth of credit checking, so that their credit could be
8 monitored and they could be alerted if there was any type
9 of inquiry into the records, which could be possibly
10 themselves, but it's a way to do that.

11 It made it available -- first, we gave them the
12 option to opt in if they want to. Few people did not opt
13 into that, but I can tell you that everyone that we talked
14 to was very grateful. Nobody seemed overly alarmed. The
15 information, by the way, that was viewed would have been
16 either a driver's license or the last four digits of
17 someone's Social Security number.

18 The rest of the information is public
19 information anyhow, but be that as it may, we're very
20 concerned about that. At this point in time, that feature
21 that would allow someone to populate those fields for the
22 application online is disabled, and we're reassessing
23 whether we will make that feature available in the future.

24 Again, the benefit of having had that feature
25 was that people would have been able to populate the

1 information on the form. They still would have had to
2 print the form and sign it anyhow because the counties need
3 to capture the signature. So that was the extent of the
4 intrusion. And I'm very proud of the way the Department
5 handled that, and the feedback has been quite positive.

6 REPRESENTATIVE BAKER: I do appreciate the way
7 that that was handled, and to your knowledge, none of them
8 had been victimized or at least at this point in time?

9 SECRETARY CORTES: No one that we are aware.

10 REPRESENTATIVE BAKER: And you're confident that
11 this is going to be prevented in the future?

12 SECRETARY CORTES: I'm very confident. I can
13 commit to you our utmost attention and diligence and
14 respect for people's privacy. Even when we have
15 information that may be mostly public, as a citizen myself
16 and someone who cherishes my privacy and don't want to be a
17 victim of identity theft, I can appreciate the serious
18 implications of something like this.

19 Again, it's one of those where you're trying to
20 be helpful. But there's always lessons learned in
21 situations like this, and we are reassessing all of our
22 applications to ensure that that doesn't happen. And we've
23 learned from it, and I don't believe that anyone has been
24 victimized. And I will hope very sincerely it doesn't
25 happen, and if that happens, we will, again, try to help

1 that individual as much as we can.

2 REPRESENTATIVE BAKER: Thank you very much for
3 your due diligence in all the people that were involved in
4 that. The comment you made on page 5 that surprised all of
5 us up here was that you mentioned that first-time
6 registrants are to be checked through a separate process
7 controlled by the federal Social Security Administration.
8 None of us ever had heard about that before. Can you
9 explain that?

10 SECRETARY CORTES: Sure. And this goes back to,
11 as I was mentioning about the application, when we talked
12 about that the applications contained either driver's
13 license number or the last four digits of someone's Social
14 Security number, not the full number, but the last four.

15 This is one of those very challenging situations
16 that we face as state governments, whereby the federal
17 government puts in place a requirement that we may not have
18 a lot of control over. Let me explain further.

19 Under the Help America Vote Act, one of the
20 safeguards or one of the checks of the federal government
21 is to establish the identity, or attempt to the best of the
22 state's ability, to identify the identity of an applicant
23 or voter registrant to verify that that person is who they
24 say they are.

25 And the scheme that the federal government put

1 into the Help America Vote Act was to require that the
2 applications for voter registration include either, a,
3 Social Security -- I'm sorry. In Pennsylvania, it's either
4 your Pennsylvania driver's license number or the last four
5 digits, not nine, but the last four digits of your Social
6 Security number.

7 When a new application is entered by the
8 counties, they go through a series of processes, one being
9 a duplicate check to make sure that it's not someone that's
10 already registered elsewhere. That's one of the benefits
11 of SURE, that now it's all centralized. You don't have to
12 rely on county-to-county communication.

13 But after that, there is another procedure for
14 new applicants only, not for those who changed party
15 affiliation or addresses, but the first-time voter
16 registrant, which is to do a countercheck of that
17 application against the data bases of your state Department
18 of Transportation for those applicants that included their
19 driver's license number; or if they didn't include a
20 driver's license number, but instead the last four digits
21 of their Social Security number, a check with the federal
22 government through the Social Security Administration.

23 And that's a process that we do with a
24 collaboration of contract between the Department of State
25 and PennDOT. So all the records that come in,

1 applications, are entered into the system and they are
2 transmitted to PennDOT. PennDOT looks at those records and
3 process those that are driver's licenses for Pennsylvania.
4 And they can do that fairly quickly, and that system runs
5 24 hours a day, 7 days a week.

6 For those records that have the last four digits
7 of the Social Security number, there's another vendor,
8 another liaison between a group called AMBA (ph). That is
9 the vendor that has the contract with the Social Security
10 Administration to check on that other end. Where I
11 mentioned that we don't have full control of that system is
12 because it's the Social Security Administration, so they
13 think at their own pace.

14 And one of the things that happens is that the
15 Social Security Administration shuts down their system that
16 allows you to check every night from Monday through Friday
17 from 12 midnight until 7 in the morning; and then over the
18 weekends, they shut the system on Saturday from 11 at night
19 until 7 in the morning; and then on Sundays from 8 p.m.
20 until 7:00 in the morning of Monday.

21 We have had this historic number, staggering
22 number of new registrations that are coming in; that if
23 they're new voter registrations, have to be checked against
24 either PennDOT records or the Social Security. We have no
25 issues with PennDOT because we can check those very quickly

1 because we have a system that is up 24 hours a day. With
2 the Social Security Administration, the system is down for
3 those periods that are considered maintenance periods.

4 So I wanted to alert the Committee that there is
5 this process that is challenging because there's a lot of
6 applications, and we don't have control over what the
7 Social Security Administration allows us to do.

8 REPRESENTATIVE BAKER: Regarding those security
9 measures with PennDOT or the Department of State or the
10 Social Security Administration, has there, have you been
11 alerted to any publicity or broad or potential implication
12 or potential issues with regard to that?

13 SECRETARY CORTES: No. I've asked the question.
14 And, no, there is no security concerns at this point in
15 time, and we believe that the system is pretty sound. This
16 is, the technology that Pennsylvania uses and for this
17 middle group, AMBA, is the same system that is used by all
18 other states and territories.

19 So it's a pretty robust security system that is
20 the national model that I am -- I don't know this for a
21 fact, but I wouldn't be surprised that it's also used for
22 other entities that have to do any type of double check or
23 communication with the Social Security Administration.

24 And, again, in Pennsylvania, we only use the
25 last four digits as opposed to the entire nine digits, but

1 we have no indication whatsoever, nothing on our radar
2 screen, not coming from Pennsylvania or coming from any
3 other state or territory that there has ever been any
4 breach or issue with that system.

5 But, again, to clarify, that is a mandated
6 requirement of the Commonwealth. Let me say something
7 further to that effect. The system, again, is intended,
8 pursuant to the intent of the federal government, our
9 members in Congress who passed the Help American Vote Act,
10 to try to establish identity.

11 And that is relevant for states, for example,
12 Texas, that don't have any type of first-time voter ID, so
13 they're trying to figure a way to try to establish
14 identity. In Pennsylvania, we have first time, first time
15 only voter ID checks. Anyone who is voting for the first
16 time where you have your processing application, the SURE
17 system flags that record as being a new voter that's voting
18 for the first time.

19 And so that in Pennsylvania, you can argue, you
20 could say we go through two tiers of checks through the
21 Department of Transportation, PennDOT, and check with the
22 Social Security. And then after that, because all the
23 records of first-time voters are flagged as first-time
24 voters when they get to the polls, they will be asked to
25 present identification at that point in time as well. So

1 we do two tiers as opposed to what some other states do
2 that only rely on the check through Social Security.

3 REPRESENTATIVE BAKER: And my last question,
4 just upon the security issue, and forgive me for -- this is
5 a personal matter for me. Several years ago, I had my
6 identity stolen, driver's license stolen, Social Security
7 card stolen, thousands of dollars stolen, credit card,
8 insurance coverage; you name it, it happened to me.

9 So just on behalf of the public, I think it's
10 very commendable of what you're doing to make sure that the
11 integrity and security of this identifier information is
12 accurate.

13 With regard to the voter registrations at the
14 county -- maybe this could be a question for Doug Hill
15 later -- are you confident that everything's being done
16 both at the state level and at the county level to prevent
17 identity theft from people accessing information, dates of
18 birth, driver's license numbers, partial Social Security
19 numbers?

20 First, can anyone just go into the county
21 courthouse, Bureau of Elections, and access every bit of
22 information that's on that voter registration file?

23 SECRETARY CORTES: Yeah. I'm going to defer
24 to -- I'll look to my legal counsel or Director of -- yes,
25 that's correct. So someone can go into the county

1 registration office and request to see the voter
2 application of a registrant.

3 REPRESENTATIVE BAKER: So everything that's on
4 that card, their date of birth, is totally accessible to
5 the public? Because that's one of the key ingredients that
6 is used to obtain a birth certificate to then obtain the
7 Social Security card.

8 I'm very concerned about that. Is there a
9 process by which someone has to sign a form, for instance,
10 saying they will not use that information in a dishonorable
11 way?

12 SECRETARY CORTES: I'm going to ask our Chief
13 Counsel, Mr. Masland.

14 Will you comment on that?

15 REPRESENTATIVE BAKER: I've been told that if
16 you go in there and access that information, a person told
17 me you had to sign some sort of affidavit. Is that
18 correct?

19 MR. MASLAND: You do need to fill out a form
20 to --

21 CHAIR JOSEPHS: Will you identify yourself?

22 MR. MASLAND: Yes. My name is Albert Masland.
23 I'm Chief Counsel for the Department of State.

24 REPRESENTATIVE BAKER: Good to see you, Al.

25 MR. MASLAND: Yes. Good to see you, too.

1 REPRESENTATIVE BAKER: And former member of the
2 House of Representatives and former colleague.

3 MR. MASLAND: Yes. Under the SURE Act,
4 basically this is public information. We do require people
5 to fill out a form when they go in to access the
6 information. Most of that is overseen at the county level,
7 but they can access that information.

8 REPRESENTATIVE BAKER: So under oath or
9 affidavit, if they use it in a dishonorable way, they can
10 be prosecuted?

11 MR. MASLAND: If they use it for commercial
12 purposes or things of that nature, they can be, yes.

13 REPRESENTATIVE BAKER: Okay. Great. Thank you
14 very much. I will yield.

15 MR. MASLAND: And I will yield.

16 CHAIR JOSEPHS: Mr. Secretary, is your answer
17 complete?

18 SECRETARY CORTES: Yes. My answer with regards
19 to steps concerning due diligence, I'll restate the point.
20 I've been the victim of identity theft as well with credit
21 cards and others, and I can sympathize with the situation.
22 It's very troubling. It's a big headache.

23 You have to spend a great deal of time trying to
24 clear up your good record, so it is something that we take
25 very seriously. There's no indication with any of our

1 systems that there's a vulnerability at this point in time.
2 If there's something good that came out of that incident
3 with those 18 records is the lesson learned.

4 As I mentioned, the training moment, we're
5 taking that to heart and we're double- and triple-checking
6 to make sure that anything that we use on our end is not
7 something that could be illegally accessed. But in this
8 nation, not only this Commonwealth, but the federal
9 government faces hundreds upon hundreds, if not thousands
10 of hacking attacks every single day.

11 So it's an ongoing battle because what you build
12 today with your safeguards, technology changes so quickly
13 that you always have to be on vanguard. And as the
14 Department and the Administration, that's a commitment that
15 we pledge to you and to our citizens and to our residents.

16 REPRESENTATIVE BAKER: Thank you very much.

17 CHAIR JOSEPHS: Thank you. We've been joined by
18 Representative Glen Grell, and I believe Representative
19 Fabrizio had a question.

20 REPRESENTATIVE FABRIZIO: Good morning. Thank
21 you for being here, Mr. Secretary.

22 SECRETARY CORTES: My pleasure.

23 REPRESENTATIVE FABRIZIO: Erie County
24 historically and consistently has always, in a presidential
25 election, has always probably had a turnout that exceeds

1 the national average by about 25 percent, and we've
2 approached up to 90 percent on several occasions. And we
3 all appreciate and certainly respect the sanctity of the
4 secret ballot, but they have got the iVotronic machines in
5 Erie. Okay?

6 And there's a question that our election workers
7 wanted to bring to your attention that; one, apparently you
8 vote, you hit the vote button and then you hit the confirm
9 button. Okay? Now, there's been a directive issued by
10 your office saying if the confirm button has not been hit,
11 then the vote is to be discounted. Okay?

12 And I can understand that because that's
13 protecting the sanctity of the secrecy. My question is,
14 you know, there's conflicting law here too, that once the
15 voter leaves the enclosed area, he can't return; but if
16 they catch him in time, they notice the confirm hasn't been
17 hit, is he going to be allowed to go back in, he or she
18 allowed to go back in to confirm that vote?

19 SECRETARY CORTES: We are talking -- thank you.
20 It's a good question, and that's the issue.

21 REPRESENTATIVE FABRIZIO: It's happened on many
22 occasions, you know, and --

23 SECRETARY CORTES: Hopefully through better, you
24 know, continued voter education and poll worker training,
25 that doesn't happen. But you're referring to the issue

1 that we call the fleeing voter.

2 REPRESENTATIVE FABRIZIO: Right.

3 SECRETARY CORTES: One of the safeguards and one
4 of the benefits of the new technology that the counties
5 use, including the iVotronic up in Erie County, is that a
6 person go through the various screens to select their
7 candidates.

8 When you get to the last, when you vote all the
9 candidates and you vote -- if there are any questions on
10 the ballot, you get to a summary screen. That summary
11 screen serves a very beneficial purpose of alerting you
12 that you may have undervoted, which could be purposely, but
13 maybe not.

14 It will alert you if you overvoted or if you
15 miss a race all together. So it gives you a summary, and
16 it allows you at that point in time to go back and address
17 those alerts or it lets you then press finally the vote
18 button. So it's only one time that someone will actually
19 press the button and vote, and that's with all the systems
20 that are the DREs.

21 The fleeing voter is a person, who for one
22 reason or another, may have perhaps believed that they have
23 already voted the ballot, but the ballot was not voted,
24 that he failed to press that vote button before they left
25 the booth.

1 If that -- because the poll worker will reset
2 the machine for the next voter, if they are able to
3 identify that the person didn't press the vote button and
4 the person hasn't left, they will alert the person and say,
5 hey, you didn't finish voting; do you want to press that
6 button to vote.

7 And the idea is you are enfranchising the person
8 who most likely doesn't get to the polls, go through all of
9 that and then decides, I decided to change my mind and
10 didn't vote. But you may have that person. So the
11 question is what happens with someone who leaves the booth
12 before the vote is, the vote button is pressed.

13 And if the person leaves at that point in time,
14 the directive from the Department of State is that you
15 cancel that vote. If you don't have the person in front of
16 you, you don't have voter intent. And many times to press
17 the vote button, someone will have to go and look at the
18 actual ballot, and that's what challenges the secrecy.

19 It doesn't happen very frequently though.
20 That's one of those incidents that we track because they're
21 very troubling. The reason the Department did put out, you
22 know, a guidance position for the counties to adopt was
23 because it does happen infrequently, but when it does
24 happen, it leaves you with that question of how do you
25 address it.

1 So our policy position is intended to have,
2 provide consistency and guidance for the counties. I,
3 again, I believe that through increased and better voter
4 education, poll worker training, I am hopeful that we'll
5 get to the day when that doesn't happen.

6 REPRESENTATIVE FABRIZIO: And I can appreciate
7 that. And my concern is back to this confirm button.
8 Apparently there's a vote button and a confirm button.

9 SECRETARY CORTES: No. There's one. You vote
10 the ballot. You go through the different screens voting
11 the ballot, and then you get to the final --

12 REPRESENTATIVE FABRIZIO: That's the confirm
13 button?

14 SECRETARY CORTES: Yeah. The confirm and the
15 vote is one in the same. It's the last one that you press
16 to make sure this is, exactly this is your intent, this is
17 what you want to vote.

18 REPRESENTATIVE FABRIZIO: And then the second
19 part of my question, when the voter leaves, someone notices
20 that it hasn't been voted or confirmed. He's not out the
21 door yet. Can they get him back?

22 SECRETARY CORTES: Sure.

23 REPRESENTATIVE FABRIZIO: Because the question
24 was, once he's left the enclosed area, the law says you
25 can't go back in the enclosed area once you've left it.

1 SECRETARY CORTES: I have to get back
2 to -- well, you've read it, so I'm not questioning what you
3 have read. If the person is still there -- I mean, we are
4 trying to capture a person's vote. I mean --

5 REPRESENTATIVE FABRIZIO: I know we're putting
6 up big signs and arrows.

7 SECRETARY CORTES: Oh, yeah. And, in fact, this
8 is what we have done, and I'm glad you, Representative,
9 that you brought up that point. Although this happens
10 infrequently, it's a concern. The Department went ahead
11 and actually printed large posters that we have that say,
12 before you leave, press that button.

13 And we did that for all the different systems,
14 so the counties have posters that they can either put right
15 in where the actual voting system is or on the walls.
16 Where I vote in my precinct, they have it where they have
17 all the other information that is a fairly good size and
18 say, press that particular button, and it's specific to
19 whatever voting system you have in your county.

20 So you have a graphic depiction of that button
21 that says press it before you leave the booth so that your
22 vote is counted. But if the person is still in the
23 precinct and we can catch that person, if the person would
24 alert them, you didn't finish; you didn't consummate the
25 vote, you have that choice.

1 REPRESENTATIVE FABRIZIO: Just as an aside,
2 there were numerous occasions, at least with the old AVM
3 machines, and oftentimes -- I shouldn't say often, but on
4 one or more occasions during election, people would go to
5 the polls, get in to the machine, close the curtain and
6 say, I don't want to vote; get me out of here.

7 SECRETARY CORTES: Could well be, so that it, in
8 fact, does happen.

9 REPRESENTATIVE FABRIZIO: It can happen.

10 SECRETARY CORTES: So that if somebody goes, you
11 know, leaves the booth -- and that's why -- and thank you.
12 I think you make an excellent point, Representative. If
13 someone leaves the booth and leaves, at that point, you
14 don't know whether they, in fact, left because they didn't
15 want to finalize the vote, so you don't count it.

16 You could might as well stop someone on the way
17 out that's rushing, darting out the door; and you stop them
18 and say you haven't finished and they say, I don't want to
19 do so. So you just let it go and then you cancel it.

20 REPRESENTATIVE FABRIZIO: The important question
21 was, would they be able to stop them and have them come
22 back to the machine?

23 SECRETARY CORTES: They will be alerted and be
24 able to come back and vote their vote, which should not
25 have been seen by anyone else but the person. And if, in

1 fact, the person doesn't want to vote or the person has
2 left, the vote is cancelled at that point in time.

3 CHAIR JOSEPHS: You're finished, sir?

4 REPRESENTATIVE FABRIZIO: I'm finished, in more
5 ways than one.

6 CHAIR JOSEPHS: Ms. Youngblood.

7 REPRESENTATIVE YOUNGBLOOD: Good morning,
8 Secretary Cortes. I have a question. It's two-part. The
9 first part, since voter ID is required for anyone that is a
10 first-time voter, what happens when it's an absentee ballot
11 that is being used as a first-time voter? How is that
12 handled because they're not going to be able to show ID?

13 SECRETARY CORTES: Mr. -- I was going to
14 have -- excuse me.

15 REPRESENTATIVE YOUNGBLOOD: No, I'm curious
16 because that has been presented to me by constituents that
17 will not be home in the county on Election Day and they're
18 first-time voters and they will be voting by absentee
19 ballot and they're not going to be able to show ID, so how
20 do we handle that?

21 MR. MASLAND: Albert Masland, again, for the
22 record.

23 They're still allowed to vote. There's no
24 question about that. The question is whether or not they
25 have to send in ID, and they do have to send in ID.

1 REPRESENTATIVE YOUNGBLOOD: A copy of --

2 MS. MASLAND: A copy of something that shows who
3 they are.

4 REPRESENTATIVE YOUNGBLOOD: Is that noted at the
5 various counties, that the first-time voters -- because
6 this is the first time I'm hearing this, that first-time
7 voters would have to send in ID along with their absentee
8 ballot. And anybody can send in ID. It doesn't
9 necessarily mean that that was the particular individual.

10 MS. MASLAND: Well, that's true, but the county
11 needs to have something to identify the individual. And
12 obviously, you know, someone could send something in and
13 falsify it, but that's the only protection that you can
14 have.

15 REPRESENTATIVE YOUNGBLOOD: Thank you for that.
16 Second question, when we talk about public buildings that
17 we're going to have access to for voting sites and public
18 buildings that are handicapped accessible, does that
19 include also federal buildings?

20 SECRETARY CORTES: It will -- my understanding
21 is that -- the short answer is yes. There are 24 standards
22 that must be met by any polling place to deem that place
23 accessible. One that you don't have, even if you have the
24 other 23, makes that place technically inaccessible.

25 For example, in Philadelphia, what we see most

1 often is lack of a disabled parking space. That alone will
2 deem the place inaccessible even if you have a ramp and an
3 elevator and all that. I'm not sure how many federal
4 buildings are used by the counties, but I would think that
5 it applies to them as well.

6 REPRESENTATIVE YOUNGBLOOD: The reason I'm
7 asking that question is the Veterans Administration
8 Building that has parking; it's handicapped accessible, and
9 I was told because of homeland security, that federal
10 buildings are not accessible for voting.

11 SECRETARY CORTES: Okay. All right. Thank you
12 for that clarification. I got your question, not
13 physically -- not accessible in the sense of our
14 designation of an accessible building, but whether, the
15 question is, whether the counties have access to those
16 buildings.

17 And I'm not surprised by that answer, but it's a
18 federal building -- it's federal autonomy over that
19 building; the state cannot require them to use it. You
20 know, you can always ask, and if that particular federal
21 agency wants to say sure, you can do it, but you have to
22 have the -- and I'd be very surprised that due to homeland
23 security concerns, that they will open a federal building,
24 say, a courthouse, for that particular use.

25 REPRESENTATIVE YOUNGBLOOD: Thank you.

1 MS. MASLAND: The state cannot direct the
2 federal government that they need to make their facilities
3 available. I'm not really aware of too many federal
4 facilities being used. I'm sure there's other people in
5 this room that may, but I am not.

6 CHAIR JOSEPHS: Mr. Mantz.

7 REPRESENTATIVE MANTZ: Thank you, Madam
8 Chairman.

9 Good morning, Mr. Secretary.

10 SECRETARY CORTES: Good morning.

11 REPRESENTATIVE MANTZ: There are a number of
12 constituents in my district that for religious reasons do
13 not have Social Security numbers, and for personal reasons,
14 do not have a Pennsylvania driver's license.

15 I understand from your comments and am I correct
16 when I say they're not automatically excluded from -- if
17 they're otherwise qualified to vote, they're not otherwise
18 excluded from submitting the ballot or registration for
19 voting procedures?

20 SECRETARY CORTES: You're correct,
21 Representative. There has been already federal litigation
22 based out of the State of Washington that questions the,
23 how rigid are the states to read that requirement and went
24 back to the intent of our members in Congress.

25 The intent is to provide for a measure of trying

1 to identify the applicant. However, we recognize that
2 electing our officials is the most fundamental right of
3 citizenship that we have in this country. As a result,
4 states read it slightly different.

5 But in Pennsylvania, our interpretation is if
6 you have an application that comes in, we put it through
7 this process of both the driver's license number and/or the
8 last four digits of the Social Security number. If you
9 don't have either or if you don't have a match, the
10 counties then exercise due diligence to try to identify the
11 person some other way.

12 They either contact the person and say, you
13 know, there's something missing, something just doesn't
14 match and you are trying to identify the person. In the
15 end, I'm comfortable saying that all counties err on the
16 side of allowing the person to be in the poll books.

17 The benefit is that in Pennsylvania, we have
18 that second process of verification, which is, for the
19 first-time voter, having to show a form of ID, first-time
20 voters only. And then you also have in there -- so the
21 person may not have a driver's license, but the person may
22 have some other form of documentation.

23 Although -- and I'm trying to think of an
24 instance where someone doesn't have a Social Security
25 because it is assigned to you whether you like it or not by

1 the federal government. But be that as it may, the county
2 tries to establish identity at the polls, and they will
3 check the signatures and things of that nature. So there's
4 several safeguards, but, again, the issue has already been
5 considered at the federal level.

6 And the bottom line is that while you have that
7 security check and driver's license check for the purpose
8 of that initial identification, if an exact match cannot be
9 made, you then exercise other forms of due diligence to try
10 to ascertain that, in fact, that person is the person they
11 say they are.

12 And if the person then is unable then to meet
13 that requirement, then the person probably will not be
14 allowed to vote, but the person has been given an
15 opportunity to establish that identity.

16 REPRESENTATIVE MANTZ: And where would that
17 opportunity be given?

18 SECRETARY CORTES: Again, when the application
19 first comes in, if there is information missing or there's
20 an inconsistency that doesn't match with records from the
21 state or federal agencies, being PennDOT here and the
22 Social Security Administration, the counties contact the
23 individual and let them know we have something missing.

24 So it allows the person to explain the situation
25 because, by and large, you don't get applications -- if

1 there is a requirement that you have to provide one or the
2 other, you will get that. If you don't, then there's an
3 opportunity for the person to explain.

4 And ultimately, again, most of the time, the
5 person is put in the poll books, and then how do you
6 establish identities once you get to the vote. The record
7 in the poll book that indicates that you are a first-time
8 voter is flagged towards that person to be required to
9 provide a form of ID.

10 REPRESENTATIVE MANTZ: When they go in to the
11 voting booth?

12 SECRETARY CORTES: When they go into the --

13 REPRESENTATIVE MANTZ: Or the --

14 SECRETARY CORTES: The polling place, yes, on
15 Election Day, and that's how we will go ahead and catch
16 that identity. I can tell you that, in working very
17 closely with Doug Hill and CCAP and working with county
18 commissioners, working with the election directors, the
19 verification of someone's identity is paramount, not only
20 to the Department, but it's paramount to the counties.

21 We do want to make sure that those who have the
22 right to vote are permitted to vote and exercise their
23 rights, but at the same time, you don't want to let people
24 who are not supposed to vote vote by lack of your, their
25 election of duty because that will make its way quickly

1 into the press and other groups and it will create more
2 headaches and bad press for you that you care to handle.

3 So there's a vested interest in doing the right
4 thing in terms of due diligence and making sure that you,
5 you know, you respect the person to exercise their voice.

6 REPRESENTATIVE MANTZ: For training purposes,
7 how would a poll worker be trained to make such
8 verification? Under those circumstances, what training do
9 you provide?

10 SECRETARY CORTES: Various ways. The counties
11 handle, by and large, their training program. But also the
12 Department, it's been working very closely in collaboration
13 with the counties. In my initial remarks, I made reference
14 to a DVD that we just produced. I'm very proud. It's very
15 well done. It's a DVD.

16 It's a video that takes poll workers through
17 everything from opening the polling place up to closing,
18 and there is a section there on checking signatures. But
19 the way that the poll worker is alerted that you have to
20 request a form of ID from that voter is that, for the SURE
21 system, it identified those individuals as being first-time
22 voters that need to have an ID, and that is very clearly
23 marked in the poll books.

24 So that when you're looking at poll books and I
25 come in and I say I'm Pedro Cortes, they look through the

1 records and they'll see Pedro Cortes with a flag; this
2 person needs to have an ID. And at that point in time, the
3 poll worker will require the person to present a form of
4 ID.

5 The Department has also made available for the
6 election officials a concise version, but very-easy-to-read
7 version that says, this is the law as it pertains to
8 first-time voters. And then it has columns of types of
9 IDs, information that you can accept to verify that
10 identity. So that information's conveyed by training.
11 There are visual aids that are used, and now we have this
12 poll worker training DVD that the counties will have as
13 well.

14 REPRESENTATIVE MANTZ: Okay. Thank you.

15 CHAIR JOSEPHS: I want to say that we've been
16 joined by Representative Gibbons. Also, I wanted to remind
17 the members that it is a little bit past 10, and we have
18 been asking questions of the Secretary for some time. This
19 is not to cut anybody off, just a reminder.

20 Mr. Chairman Baker.

21 REPRESENTATIVE BAKER: Very quickly then,
22 provisional ballots, Madam Chair brought that issue up
23 initially before we got started, and it's not quite clear
24 how that works for a lot of people. For instance, people
25 come in and vote; they're not registered to vote, but they

1 claim they did, for instance, or there could be a whole
2 host of circumstances.

3 They're then allowed to vote, but it's a
4 provisional ballot, and then later, it's ascertained
5 whether they should be counted or not. Can you explain how
6 that works, and what is -- is it a high percentage or a low
7 percentage of people that cast provisional ballots that
8 actually are counted?

9 SECRETARY CORTES: And I'll give you a -- it's a
10 good question. In fact, it's an excellent question.
11 Provisional ballots, which are required -- this is under
12 the Help America Vote Act -- serve two primary purposes.
13 They're used for individuals who are first-time voters who
14 come in to the polls.

15 Their name is in the poll books. They're
16 flagged as having to show ID, but they don't have an ID.
17 The person that's informed of that, that they have to have
18 ID and they don't have it, is permitted or is allowed, is
19 given the opportunity to get an ID and come back.

20 Many times, people have very critical time
21 restraints, so they say, I can't. All right. So the
22 person is allowed to vote by provisional ballot. There's a
23 whole process of several envelopes and affidavits, and that
24 ballot is marked as being, is clearly marked as being
25 provisional and there's a check on it saying it's being

1 kept provisional because, in this case, not having voter
2 ID. That's scenario one.

3 Scenario number two, a person comes to the
4 polling place; the name is not in the poll books. The
5 person is adamant that they are registered. At which time,
6 using the SURE system, you can check for the person and see
7 whether they are at the right polling place. It could be
8 they're in the wrong location.

9 The person, let's say the person is registered
10 elsewhere. They're given the opportunity to go to that
11 polling place and vote, but maybe time is of the essence;
12 the person cannot do it. We will let them vote by
13 provisional ballots, noting that they're not at the right
14 polling place. But most of the time, it's that their name
15 doesn't appear in the poll books in that district, in that
16 polling place, so you have to look at the SURE system.

17 So the person says, I'm adamant I registered,
18 but the name is not on the poll books. If that's the case,
19 again, vote by provisional ballot, check off the outside
20 envelope that it's because the person doesn't appear in the
21 poll books. In either case, there is a stub that is given.
22 All these provisional ballots are individually identified
23 by number. There are no two that have the same number.

24 So the voter, before they leave, are given this
25 stub that has the Department of State's toll-free number

1 and our website. And the person is explained that the
2 ballot will be returned to the county Board of Elections,
3 so it's not handed to us that night as an absentee ballot
4 in the precinct, but it will be taken to the county Board
5 of Elections.

6 And then there's a process a few days later
7 where the county board, with members of both parties and
8 other observers, will go ahead and open that -- they sort
9 them out by, for what reason, ID, what have you. And then
10 they go through their process of trying to identify the
11 person. So someone didn't have ID, but they have a
12 signature in the provisional ballot envelope, so then you
13 go ahead and check the signature on the records.

14 And if you have a match, then you say, okay,
15 this is just a person who didn't have the ID. So you try
16 to do, again, that type, that level of review that is done
17 with members of both parties and check and then eventually
18 make the decision whether the vote is counted or not. And
19 then the person can go a few days later and check online
20 and see if they were counted.

21 There's three potential options; the ballot is
22 counted completely, the ballot is counted
23 partial -- partial, how would that happen? The person was
24 not in the right polling place. So you will count the
25 races that were counted to where the person should have

1 voted and where the person voted. If you have a
2 representative for a local race -- so that's a partial.

3 And then you have the ones that don't count at
4 all because you couldn't identify, couldn't establish that
5 the person was properly registered or was the person they
6 say they were. The split right now is about a third a
7 third a third of how many end up being counted fully, how
8 many end up being counted partially and how many end up
9 being not counted. That's not precise, but that's just
10 roughly. I hope that was responsive of the process and how
11 it works.

12 REPRESENTATIVE BAKER: Thank you. That was very
13 helpful.

14 Thank you, Madam Chairman.

15 CHAIR JOSEPHS: Is there anybody?

16 I have some questions. We have a lot of new
17 voters, people who have changed their address and they're
18 new in the polling place, and people are just new. Are
19 they being educated by your department that they need to
20 come with certain identifications, and if so, how?

21 SECRETARY CORTES: Yes. We are taking steps to
22 educate or inform the electorate about the requirements.
23 We do it several ways. Our Ready.Set.Vote voter education
24 campaign is one where we explain in various ways the
25 different requirements for voting, but more importantly,

1 make people aware of our VotesPa.com website.

2 On that website, there is a vast array of voter
3 education information, including information for those who
4 are voting for the first time, so it explains the
5 requirements, ID and the like. We have a college guide for
6 students who are college students that have many questions
7 because some of them may be here from out of state, so
8 they're not sure do I vote here, do I vote back home.

9 So those questions are answered as well through
10 those voter guides. The counties do a good job as well in
11 making different forms of aid available to those
12 individuals. So we try to be very proactive in putting the
13 information out that these are the requirements.

14 We have online -- if you go to our site,
15 VotesPa.com, we have videos that you can watch per county.
16 We have a map of the state, and for those who are not very
17 geographically oriented, we also have a listing of all the
18 counties alphabetically.

19 If you click in there, you can see a
20 three-minute video, that the first thing you see through
21 that video, the first minute or so, is the requirements to
22 vote and it explains, again, first-time voters and all
23 that. And then the rest of that video is showing you how
24 to cast a vote in the voting system that you'll see when
25 you come to the polls for the first time. So those are

1 the, just a number of the very proactive ways that we take
2 at the Department to get the word out.

3 And by the way, I also may add that the counties
4 are talking about -- and Mr. Hill may be able to speak more
5 to this -- the counties take also their machines out to
6 different shopping malls, senior centers. And part of that
7 discussion is not only how to use the machine, but also
8 answering questions that they may have about how do I
9 exercise my vote in Pennsylvania.

10 CHAIR JOSEPHS: Yes, that was my next question.
11 Of course, not everybody's online, and there is a divide
12 there that has to do with age and economy, your economic
13 status. That is unfortunate, but has to be dealt with.
14 You were talking about provisional ballots. We keep
15 running out of them.

16 I think that it would be a major glitch this
17 Election Day. Is that your responsibility or the county's
18 responsibility to make sure we have twice as many
19 provisional ballots as the highest estimate was made that
20 we will need?

21 SECRETARY CORTES: In the end, it is the
22 responsibility of the counties to ensure that they have
23 adequate supplies of machines, ballots; whether it's
24 provisional, emergency. However, we know that if there is
25 an issue, very likely someone will point to the Department

1 of State and to me personally as the state Chief Election
2 Official and say, what did you do to make sure that didn't
3 happen.

4 And to that end, as I mention in my testimony,
5 we are working very closely and collaboratively with the
6 counties to just stress the point, making the obvious
7 abundantly clear. And it's a fine line because we don't
8 want to suggest that the counties don't do what they need
9 to do because they do. They're the experts.

10 But we are having those conversations, sending
11 written documents. We are stressing this is an unusual
12 election as far as the high voter turnout for a primary.
13 You need to be prepared, and part of that is to have
14 adequate supplies of provisional ballots and other
15 materials.

16 CHAIR JOSEPHS: Thank you, and I will ask
17 Mr. Hill about that as well. Can you tell me, have all the
18 counties processed all the new and changed voter
19 registrations, and if they have not, which ones are they
20 and how far behind might they be?

21 SECRETARY CORTES: This year, again, the number
22 of registration is staggering. We are in the tail end now
23 where we anticipate that within the next few days, by the
24 end of this weekend, all the counties would have entered
25 all of the applications into the SURE system.

1 There are, again, those checks with Social
2 Security Administration, others that have to also take
3 place, so it's a multi-step process. I am comfortable that
4 the counties will be, with the help of the Department
5 through our technology, will be able to process their
6 applications.

7 And there's sometimes the need to bring poll
8 books and then bring supplemental poll books after that,
9 but we're working closely with the counties to make sure
10 they are in the best position possible to process. But the
11 numbers -- let me just give you an idea of numbers.

12 For a presidential primary election, for the
13 last 30 years, we don't expect Pennsylvania to be relevant.
14 So you have just a handful of applications. I say handful
15 loosely, but you don't have more than a couple thousand.
16 This year, in terms of new voter applications, we're
17 looking probably at about 170 thousand just brand new voter
18 applicants.

19 As far as applicants that are changing their
20 party affiliation, over 150 thousand. Those who are
21 changing address, thousands as well. So you're looking at
22 a situation whereby we had next to nothing coming in by way
23 of applications, and this is -- so we have expedited the
24 general election to April, but the counties are well aware
25 of what that entails and are working diligently.

1 CHAIR JOSEPHS: Thank you. That's interesting,
2 and it's interesting that what's happening today in
3 Pennsylvania really bears out what I've been saying for
4 years and years and years. If you make the election
5 relevant, the voters will vote. They will vote. And I
6 think that we are only seeing a runner-up, Mr. Secretary,
7 to the general election.

8 We are going to have more people registering, I
9 believe, in the general election, and it will just be as
10 big, if not bigger than this one. Of course, it's a little
11 easier to handle and we don't have to get into why because
12 people generally just know better how they're going to vote
13 and goes faster, but I anticipate November being also huge
14 and much bigger than it was four years ago November and
15 four years before that.

16 SECRETARY CORTES: Agreed.

17 CHAIR JOSEPH: I have one more question. I am
18 hearing from some campaigns that they are not able to get
19 new voter information, and if they are, it's not coming to
20 them in electronic form. Now, this may be a county issue.

21 Do you know anything about it? If not -- okay.
22 Let us follow up with that at some other time because
23 almost everybody sitting at this table has an election
24 interest and might have a campaign, and we all probably
25 want those in electronic form.

1 SECRETARY CORTES: I understand.

2 CHAIR JOSEPHS: I want to thank you very much.
3 You put up with many, many minutes of questions, but I
4 think very helpful to all of us. I really appreciate your
5 willingness to come here, your openness, your testimony.

6 Mr. Hill, if you'll come up, and I want a little
7 word with you in between.

8 (A brief recess was taken.)

9 CHAIR JOSEPHS: I really did anticipate a lot of
10 questions since we're all -- if there's anything that all
11 of us are interested in in this House, the members are
12 interested in, no matter where your district or what your
13 party or etiology or anything is how you vote. So I did
14 expect a lot of questions, but really not quite that many.

15 Mr. Hill, I'm very happy to have you here. If
16 you would introduce yourself and give us your testimony,
17 we'd appreciate it.

18 MR. HILL: Thank you, Madam Chair.

19 I'm Douglas Hill, Executive Director of the
20 County Commissioners Association of Pennsylvania. We are a
21 nonprofit, nonpartisan association that represents all the
22 Commonwealth's 67 counties. I appreciate the opportunity
23 to appear before you today. I believe the original
24 invitation was to have a few election directors.

25 I think, as you can understand, they're doing

1 other things right now. And, in fact, they often joke
2 amongst themselves; people think we only work two days a
3 year. This happens to be, as you know, the most difficult
4 election cycle they've been through in quite some time.

5 CHAIR JOSEPHS: Well, I think I have to say that
6 people think that state reps only work when we're in
7 session, same joke.

8 MR. HILL: Right. Thank you.

9 REPRESENTATIVE BAKER: Or a preacher, once a
10 week.

11 MR. HILL: I understand. And I do apologize as
12 well that I don't have written remarks, but I do have some
13 notes here that I'll go through. And then I'll be happy to
14 answer as many questions as you have. As you know, our
15 election responsibilities include things like the
16 equipment, the acquisition program, the testing, security,
17 deployment.

18 It includes acquisition of polling places in
19 prepping them for the election, handling all aspects of
20 registration, ballot preparation, poll workers -- and
21 that's both acquiring poll workers and training the poll
22 workers -- training the electorate, dealing with absentee
23 ballots and a whole list of other things.

24 And most of that comes to a head right about
25 now, just right in advance of the election. And I know as

1 well that we're under particular scrutiny this year,
2 Pennsylvania being the focus state for the month of April
3 nationally.

4 And so our folks always do an excellent job, but
5 they are acutely aware of the additional scrutiny that
6 they're under and they're taking additional steps to be
7 absolutely certain that this election is going to run
8 smoothly. Now let me talk about a handful of things that I
9 know have been questions.

10 First, let's talk about the voting equipment.
11 Now, with just a couple exceptions, all the counties have
12 equipment in place that's been in place for at least four
13 years now, and so the voters who, at least the super
14 voters, have some concept of how it works.

15 Our folks on the other side, and that includes
16 our professional staff as well as our poll workers, have
17 been through their shakedown cruises and so they know a
18 little bit better what to expect. I think a testament to
19 their capabilities is the fact that when most of these
20 systems were put in place, it was done under what you might
21 call duress.

22 We had a very short turnaround time from
23 acquisition to actual deployment in the May primary. And
24 the fact that both our workers and our poll workers were
25 able to get the systems up and running, get the voters

1 accumulated and have a very successful election I think is
2 a testament to their capability.

3 The question was raised earlier about
4 malfunctions and problems with equipment, and I think it
5 was accurately answered that most of the problems really
6 are in training, both for poll workers and the voters.
7 Most of our problems on Election Day, in fact, are simple
8 things, like resetting and those types of issues.

9 So it's really relatively nominal if we're
10 paying attention, things that we can normally correct
11 rather quickly. We'll talk about a few other things for
12 this election. The highlight for us is, as the Secretary
13 said, the huge volume of registration issues that we're
14 dealing with now.

15 And in any presidential year, we will deal with
16 an increased number of new registrations or people
17 reactivating the registrations. This one is particularly
18 unusual because rather than the volume appearing at the
19 general election, it's appearing in the primary because the
20 obvious plight that Pennsylvania's in; and second, because
21 of that unique nature, we're seeing an unprecedented volume
22 of changes in party registration.

23 The interesting thing is or the expected thing
24 is that that increase in registrations tends to concentrate
25 right before the deadline. I don't know if the Secretary

1 mentioned it in earlier testimony, but on their website,
2 they do have a spreadsheet that shows when registrations
3 came in and when party changes came in by month.

4 And it's very interesting, very instructive on
5 how the flow works. It is causing some problems for the
6 system. The Secretary alluded to that. The system is at
7 or over capacity right now. Our counties are reporting to
8 us that it's taking a minimum of three days for any change
9 or any new registration to turn around in the system to run
10 through its checks.

11 That's the minimum. It can often go longer than
12 that. And that is, again, presuming the system is running,
13 and as the Secretary said, that all the interfaces are
14 alive and accessible. We have seen backlogs well into four
15 figures in many counties and up into five figures in others
16 in the amount of data that's awaiting verification and
17 return to the county.

18 Now, the concern that that raises for us is that
19 as we approach Election Day, in fact, before Election Day,
20 we are now right about at the deadline for beginning to
21 print the poll books. And to the extent we don't have
22 information back and verified, that means there's
23 additional applications we know are in the pipeline and
24 we're going to have to anticipate how we deal with them
25 when those voters show up, whether that's through

1 supplemental poll books or through provisional ballots.

2 One way or another, we're going to accommodate
3 those electors. So the electors don't need to be
4 concerned, but it is causing some administrative headaches
5 at our level. We have taken advantage, by and large, with
6 all the additional access that's granted.

7 Most of the counties are using portals, which
8 are additional notes on the system that the Secretary
9 referenced. But even then, the response time in the system
10 is slow. You all, I'm sure, are internet familiar, and you
11 can appreciate when it takes you a couple seconds from the
12 time you hit the button until the time the screen
13 refreshes.

14 We can have several minutes longer when we're
15 trying to go through, and, in fact, some people who say
16 they type too fast are the ones that often have their
17 systems lock up and go to the reset modes. And so that's
18 really our biggest issue now.

19 It's something that you may want to talk to
20 election directors about some time in the middle of May
21 after we completed all the post-election certification,
22 plus take a couple days to go to Disney World. The other
23 thing -- but there is some hope there. The state is
24 working on a new system using a new backbone and software
25 that should get it up to current technological standards

1 that should have the type of response time that I think we
2 should be able to expect on a system of this size.

3 That system is not ready for this year. I don't
4 anticipate it will be ready for the general election. In
5 any case, I'm not sure you want to switch over to a new
6 system right in the middle of a process either, but that's
7 something for which there's critical need.

8 I don't know if there's any additional funding
9 that's available for it, but I think there is encouragement
10 to provide that additional funding as a part of the budget
11 process because the system as it's currently configured
12 simply cannot, certainly isn't geared to handle an election
13 this size or the numbers of registrations of this type.

14 We've even had some of our larger counties
15 respectfully request that everyone in the campaigns, please
16 don't make a dramatic show of bringing in a bunch of new
17 registrations all at one time; bring them in as you're
18 getting them because we have to spread them out over the
19 course of the available time to get them in.

20 Other aspects of administration, I think we are
21 very well prepared. I believe every county made their
22 deadlines for absentee ballots, and that's remote, military
23 and regular absentees. You asked some questions about
24 anticipation of turnout and problems. The Secretary did
25 send a letter relative to emergency ballots asking us to

1 have 20 percent on hand and available at the polling place
2 rather than at the courthouse.

3 Provisional ballots are a little bit more of a
4 moving target. I expect the counties that have seen the
5 most significant backlogs in returns of the registrations
6 we're entering into the system are probably going to be
7 printing more provisional ballots, so that we're certain
8 that people would have an application somewhere in the
9 pipeline. If we don't get it back in time, they'll at
10 least be able to vote provisionally, and it won't
11 disenfranchise anyone.

12 The Secretary mentioned the Department of State
13 liaisons that they're going to post out to the counties, so
14 this was done in the last presidential. At that time, it
15 was a very new concept. We got through that successfully,
16 didn't have to call on most counties, and ones where they
17 did, they were done acceptably.

18 But there was no intrusion by the Department of
19 State, and they did not inject themselves into a chain of
20 custody or anything like that, served simply as a resource.
21 And so I think our folks are comfortable with the
22 announcement that we'd be doing that again with this
23 election. And, in fact, a couple of the election directors
24 and I are participating in training that the Department
25 will be doing for those volunteers. I believe that's next

1 week.

2 I also have to note that the Secretary and the
3 Department have been remarkably cooperative with the
4 counties with providing direct assistance and guidance.
5 It's a little bit of a new role. Historically, the
6 Department did not have direct, as direct control of the
7 conduct of elections, but that shift went under Help
8 America Vote Act.

9 And so there are some very specific
10 responsibilities that the Secretary has and some greater
11 ability to direct our administration of elections. But
12 in any event, I think it's safe to say that that
13 relationship has worked very well. The Department is a
14 regular participant in training of the election directors
15 and providing additional assistance there.

16 They have provided direct assistance in
17 litigation over a number of matters relative to casting
18 ballots, military ballots, absentee ballots over the course
19 of the last couple years. The Secretary mentioned the
20 website where they work cooperatively with us to make sure
21 that our information matches their information and
22 particularly things like voter training so that we will
23 know how their particular election systems work.

24 We also had good assistance with the Department
25 as we ran into problems in a few of our counties over the

1 last few years with the types of equipment they had and
2 decertification problems, and so I think that's all gone
3 very well.

4 The bottom line though is I think we are
5 confident that our counties are prepared, that we are
6 trying to reasonably anticipate any problems that might
7 arise and be prepared to deal with that as well. And our
8 real objective is to be serving on the evening news on
9 April 22nd, that the story is the results of the election
10 and not the conduct of the election. I'll be happy to
11 answer your questions.

12 CHAIR JOSEPHS: Thank you.

13 We've been joined by Representative Benninghoff.

14 Are there any questions?

15 Mr. Mantz.

16 REPRESENTATIVE MANTZ: Yes. In my own county,
17 there have been news reports in my county, Berks County,
18 Lehigh County, in my district and also Philadelphia, about
19 allegations respecting the activities of the ACORN, the
20 Association of Community Organizations for Reform Now.

21 And allegations have been made that ACORN and
22 its employees have submitted fraudulent voter
23 registrations. Number one, I guess my question is, is it
24 legal for Pennsylvania, in this state, to compensate
25 individuals or voters, each voter registration that a

1 person -- I understand that that's apparently -- I don't
2 believe
3 that's -- I see Al Masland has left, and I apologize. I'm
4 not as familiar with the statute in that respect.

5 CHAIR JOSEPHS: Mr. Mantz, we can get the answer
6 to you, but I would like to say that I am a member of
7 ACORN, and they do not do that.

8 REPRESENTATIVE MANTZ: I referenced that, Madam
9 Chairman, because it appeared in the press in the Reading
10 Eagle newspaper, the KYW report. That's the reason for my
11 question.

12 MR. HILL: Well, be that as it may, there are
13 some safeguards built into the system. You have to have a
14 certain amount of information on the application, and then
15 you run crosschecks. And then once you're satisfied that
16 the registration's correct, at least based on the
17 information provided, then we send a card out to the voter.

18 At that time, if the voter gets a registration
19 card that is a surprise to them, shall we say, then they
20 contact us and make corrections, if necessary. But beyond
21 that, I'm not sure I can answer the technical part of your
22 question.

23 REPRESENTATIVE MANTZ: Thank you.

24 CHAIR JOSEPHS: We've been joined by
25 Representative Cohen.

1 I'm sorry. Mr. Mantz, are you finished?

2 REPRESENTATIVE MANTZ: Yes.

3 CHAIR JOSEPHS: Thank you.

4 I have some questions.

5 Mr. Baker, you had a question.

6 REPRESENTATIVE BAKER: Thank you, Doug, for your
7 testimony. Madam Chair handed out a very good color-coded
8 map of the Commonwealth of Pennsylvania, and in that, it
9 indicates ten different voting systems throughout the
10 Commonwealth's 67 counties.

11 Are all of those ten different voting systems,
12 as indicated on this map, all in compliance and working
13 well? Are some better than others? Would you rather take
14 the 5th on that last question?

15 MR. HILL: Well, I'll answer the first part.
16 They are all compliant. As I think you've heard in the
17 testimony in other hearings, our election equipment goes
18 through a couple certification processes. There's one at
19 the federal level and then a separate certification that we
20 do at the state level, and that state certification is more
21 than just seeing if the machine works or not.

22 It's a number of things to make sure it's going
23 to be compliant. And I think, in part, testimony for that,
24 over the course of time when we've discovered problems, the
25 state has taken action to either suspend the machines or

1 actually decertify that equipment, and so I think we're
2 confident that our equipment is good.

3 The fact that we have multiple types of
4 equipment, under Pennsylvania's law, it's still the choice
5 of the county as long as it is certified by the state and
6 approved at the federal level as well. That's the only
7 requirement for us.

8 But our counties do, typically do a thorough
9 testing. Most of the counties test their equipment after
10 bringing in voters and others to take them for a test
11 drive, if you will, to see usability and functionality and
12 those kinds of things. And so generally, it's been a good
13 process.

14 REPRESENTATIVE BAKER: Are there emergency
15 contingency plans in case a voting machine goes down and
16 you have a substitute or a backup of some sort?

17 MR. HILL: Yes, we do. We have in each county,
18 each county's required to prepare emergency ballots and
19 have a certain supply on hand in the polling place.
20 They're essentially a paper ballot that can be used in the
21 failure of the equipment. I will add though that we do
22 have people who would like to see a paper audit trail.

23 Pennsylvania does not currently require that,
24 and, in fact, I don't know if they certified any equipment
25 other than the optical scan that has an audit trail

1 capacity that meets our constitutional requirements. The
2 Secretary mentioned that in his testimony.

3 That said, we have people that will come into
4 the polling place and say, I don't want to use your
5 electronic machine; I know you have provisional ballots; I
6 want to vote provisional. They are not permitted to do
7 that.

8 As long as the equipment's working, they are
9 required to use the equipment. It's only when all the
10 equipment is down that they use either the emergency ballot
11 or the provisional ballot.

12 REPRESENTATIVE BAKER: So the majority of the
13 systems, I take it, are electronic, are they not?

14 MR. HILL: They're all electronic.

15 REPRESENTATIVE BAKER: They're all electronic?

16 MR. HILL: Yeah. The only ones that have a
17 paper base are the optical scan system, but even those are
18 counted electronically.

19 REPRESENTATIVE BAKER: And I know the Secretary
20 had mentioned it, a percentage or statistic that the vast
21 majority of them would not comply under constitutional
22 tests for a verification. Is that correct?

23 MR. HILL: For voter verified paper audit trail.
24 Now, all of them will print a paper ballot, or a paper
25 audit trail that we can use internally. That is a federal

1 requirement, but that paper audit trail's not available to
2 the voter at the time they cast their ballot.

3 REPRESENTATIVE BAKER: Do you see that as an
4 ongoing issue to address in the future, or are you
5 confident with the current systems that are in place?

6 MR. HILL: We're confident with the current
7 systems. The failure rate of these systems is actually
8 lower than the bigger machines that most of them replaced.
9 And the types of quality checks that are done and
10 inspections and the certification are to a higher standard,
11 and so we're confident that the vote that an individual is
12 casting is being accurately reported and accurately
13 recorded.

14 On the other side, we see potential problems
15 with a paper audit trail. For example, if you have a
16 problem with the printing of a paper audit trail, your
17 official ballot, your official count, you effectively wiped
18 out the official count in favor of the electronic, which
19 might be more accurate.

20 In addition, there are some types of systems
21 where the voter actually handles the paper receipt and then
22 is required to deposit. If just one voter walks out with a
23 paper receipt, then the electronic is apparently more
24 accurate than the paper trail, so there are a number of
25 those kinds of things.

1 Additionally, some spools -- after the voter
2 reads it, then it's spooled. And someone committing fraud
3 could the spool backwards, compare it to the poll book to
4 figure out their vote, and that's the basis for the privacy
5 of the ballot, as the Secretary referenced.

6 REPRESENTATIVE BAKER: And last question, is it
7 your opinion that this primary election and potentially
8 even the general election could be a record turnout across
9 Pennsylvania?

10 MR. HILL: I think so. I think the Chair stated
11 accurately, when people see a true contest and see that
12 their decision is really going to be important, they are
13 going to turn out. Yes, we anticipate a significant
14 turnout both for the primary and for the general election.

15 REPRESENTATIVE BAKER: Thank you, Mr. Hill.

16 CHAIR JOSEPHS: Any other questions before I ask
17 mine?

18 Thank you for being here. We know that machines
19 were decertified in Lackawanna, Northampton and Wayne
20 County. Can you tell us the status? Are we ready in those
21 counties?

22 MR. HILL: We are ready. All three of those
23 counties have replaced their equipment with equipment
24 that's duly certified, yes.

25 CHAIR JOSEPHS: You mentioned the three-day

1 turnaround. I guess that's when the county gets the
2 completed application until the county has the process --

3 MR. HILL: It's from the time we actually enter
4 it into the system, keystroke it into the system, to the
5 time the system verifies that the address check and the
6 Social Security check are accurate.

7 CHAIR JOSEPHS: What's the normal turnaround?

8 MR. HILL: Normally, we don't have volumes of
9 this size. I don't have anything other than anecdotal, but
10 I think it's a good bit faster than that. It can be
11 minutes.

12 CHAIR JOSEPHS: Minutes?

13 MR. HILL: It can be minutes, but in a crunch
14 time, it always does slow down. Particularly this week,
15 this particular week right before the election is the most
16 difficult time and almost always does slow down at that
17 point.

18 CHAIR JOSEPHS: You made some reference to a new
19 system in the state that is not going to be ready this
20 primary or next general. Can you elaborate on that? Is
21 this something that's going to enhance or replace the SURE
22 system?

23 MR. HILL: I'm a little anxious speaking out of
24 turn. It might be better to ask the Department about this
25 directly. But one of the criticisms of the system from its

1 inception is that it was built on a backbone of Microsoft
2 accessed database, as I understand it, which is adequate to
3 handle nominal database sizes.

4 Once you get beyond a certain amount and
5 particularly when there's multiple access notes and
6 combined with running through remote data lines, you reach
7 a capacity problem on what the system's able to handle.
8 And that's what we've been seeing consistently from its
9 conception.

10 The Department of State has been working over
11 time to increase capacity of the system as well as
12 acquisition of servers, rewriting of protocols and
13 operating software to the extent permitted by law. But it
14 really, as I understand it, from a technical aspect, will
15 require replacing that access backbone with another type of
16 system that better supports this type of application and
17 this volume of data.

18 CHAIR JOSEPHS: Do you know, is this going to
19 cost the counties?

20 MR. HILL: My understanding is that it will not.
21 The understanding I have as well -- but, again, I think the
22 Department is in a better position to answer this, is that
23 this is part of the original contract, and I believe it's
24 with the same vendor, at least that's the last I had from
25 status reports on it.

1 Now, and I'll add one more thing on that point.
2 If we can get a system that is more responsive, it will
3 save counties money in a different way, and that's the
4 overtime costs that we're currently incurring. It's not
5 unusual. Our association actually operates an e-mail
6 system for, a list search for the election directors.

7 And when we get to this crunch time, it's not
8 unusual to see messages running at 6 in the morning on a
9 Sunday because we are virtually in a 24-hour operational
10 mode right now. Because of slowing issues of the system,
11 we just have to continually enter the data as the system's
12 available.

13 CHAIR JOSEPHS: I'll direct the rest of my
14 questions in that area to the Secretary, but I thank you
15 for talking about it. What are the counties doing to
16 educate new voters?

17 MR. HILL: We do a number of things, as
18 indicated. Some of it's internet based, but we also do
19 voter education affairs. We go out to senior citizen
20 centers, civic clubs; and anyone else that requests, we'll
21 go out and do educational seminars.

22 Many counties also, in particularly when we're
23 changing voting equipment and now when people are, we're
24 trying to refamiliarize people with equipment, we set up
25 displays, as the Secretary indicated, in malls or elsewhere

1 so that people can have a hands-on experience before they
2 actually go to the polling place.

3 CHAIR JOSEPHS: How about specifically the ID
4 requirement, the requirement to have some kind of
5 identification if they're a new voter and what a new voter
6 is?

7 MR. HILL: I don't know that I can answer that
8 question. I don't know if we, for example, put something
9 in the mailing on the registration card. I would expect
10 they're doing something like that, but I can't say that
11 with certainty.

12 CHAIR JOSEPHS: Do you know if any of the
13 counties though are, for instance, putting any of these
14 educational advertisements on rock stations, hip-hop
15 stations? We have a lot of new people, young people.

16 MR. HILL: I don't know.

17 CHAIR JOSEPHS: Okay.

18 MR. HILL: That doesn't mean it's not happening.
19 I just never asked.

20 CHAIR JOSEPHS: I understand. I understand. I
21 guess the other question I have, and I don't -- it's
22 probably more directed to the too-busy election directors.
23 In various polling places, new machines, more machines -- I
24 know at least in Philadelphia the problems about having
25 more polling places.

1 It's already impossible to find the ones that we
2 need, but once we're in those, if we're having an overflow
3 of capacity -- and I have three machines. I'd like to have
4 four. Do you know if the counties purchased more this
5 year?

6 MR. HILL: Last election, we were still in a
7 state federal election, but still it's a somewhat later
8 turnout. And we were up against the current crunch of
9 available equipment, delivery times and so on. And so we
10 got the equipment to get by, but since then, most counties
11 have purchased additional equipment anticipating the
12 presidential year.

13 CHAIR JOSEPHS: Thank you. I think I'm
14 finished, but I think Mr. Mantz has a question.

15 REPRESENTATIVE MANTZ: Yes. Thank you, Madam
16 Chair.

17 Mr. Hill, in view of the anticipation of
18 highly-increased voter turnout in the upcoming elections,
19 both the primary and the general in the fall, there's most
20 likely, as happened in my direction just two years ago, my
21 district two years ago, waiting lines that extended beyond
22 the official closing time of the polls. What's the
23 recommended procedure in that event?

24 MR. HILL: My understanding is the statutory
25 procedure is that we go to the end of the line at the

1 closing time, and then anyone in line as of closing time is
2 still permitted to vote.

3 REPRESENTATIVE MANTZ: Will still have -- okay.
4 Thank you very much.

5 CHAIR JOSEPHS: Mr. Cohen.

6 REPRESENTATIVE COHEN: Thank you, Madam
7 Chairman.

8 I've had discussions over the last four-year
9 period with the Secretary of State about enforcing, about
10 helping to expedite the party rules, democratic party rules
11 requiring the ballots to be divided by percentage of those
12 for congressional district, and that requires a tabulation
13 for the congressional district, or at least the democratic
14 candidates, as to how many votes each had in the
15 congressional district.

16 Does that present any problems for the local
17 governments at all to tabulate congressional, to calculate
18 presidential votes by congressional district?

19 MR. HILL: My impression is that the cumulative
20 tabulation is available, and each county also reports its
21 results by precinct in each county. So it seems to me it
22 should be something that's able to be done.

23 REPRESENTATIVE MANTZ: Okay. The Election
24 Committee assured me it would be done, but the Secretary
25 was uncertain out in the hallway. I appreciate your

1 answer. Thank you.

2 CHAIR JOSEPHS: Is there anybody else here?

3 Thank you, Mr. Hill. If you do have written
4 testimony, I'd be happy to accept it later on and circulate
5 it when you're not so busy perhaps.

6 MR. HILL: Thank you.

7 CHAIR JOSEPHS: Thank you, all members. I think
8 this was a very helpful hearing. Hearing is adjourned.

9 (The hearing was concluded at 10:50 a.m.)

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1 I hereby certify that the proceedings and evidence
2 are contained fully and accurately to the best of my
3 ability in the notes taken by me on the within proceedings,
4 and that this copy is a correct transcript of the same.

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Jennifer L. Sirois, Court Reporter,
Notary Public

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