

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

STATE GOVERNMENT COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

IRVIS OFFICE BUILDING
ROOM G-50

MONDAY, OCTOBER 15, 2018
9:06 A.M.

PRESENTATION ON
ELECTION INTEGRITY AND REFORMS

BEFORE:

HONORABLE DARYL D. METCALFE, MAJORITY CHAIRMAN
HONORABLE CRIS DUSH
HONORABLE SETH M. GROVE
HONORABLE KRISTIN HILL
HONORABLE JERRY KNOWLES
HONORABLE BRETT R. MILLER
HONORABLE BRAD ROAE
HONORABLE FRANK RYAN
HONORABLE RICK SACCONI
HONORABLE TOMMY SANKEY
HONORABLE CRAIG T. STAATS
HONORABLE JUDY WARD
HONORABLE JEFF C. WHEELAND

* * * * *

Debra B. Miller

dbmreporting@msn.com

BEFORE (continued):

HONORABLE MATTHEW D. BRADFORD, DEMOCRATIC CHAIRMAN
HONORABLE DONNA BULLOCK
HONORABLE MARY JO DALEY
HONORABLE PAMELA A. DeLISSIO
HONORABLE ISABELLA V. FITZGERALD
HONORABLE STEPHEN McCARTER
HONORABLE CHRISTOPHER M. RABB
HONORABLE JARED G. SOLOMON

COMMITTEE STAFF PRESENT:

SUSAN BOYLE
 MAJORITY EXECUTIVE DIRECTOR
KAREN PRIEGO
 MAJORITY RESEARCH ANALYST
GLENDON KING
 MAJORITY RESEARCH ANALYST
MIKE HECKMANN
 MAJORITY RESEARCH ANALYST
PAM NEUGARD
 MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

BRIDGET LAFFERTY
 DEMOCRATIC EXECUTIVE DIRECTOR
MATT HURLBURT
 DEMOCRATIC RESEARCH ANALYST
KATHY SEIDL
 DEMOCRATIC RESEARCH ANALYST
SHARON HOUSSOU
 DEMOCRATIC LEGISLATIVE ASSISTANT

I N D E X

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SUBMITTED WRITTEN TESTIMONY

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See submitted written testimony and handouts online under "Show:" at:

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P R O C E E D I N G S

* * *

MAJORITY CHAIRMAN METCALFE: This meeting of the House State Government Committee is called to order.

Today we are having a public hearing on election integrity and reforms.

We'll take the roll, and before we say the Pledge, we received some sobering news, some sad news this morning from the Democratic side of the aisle, that Representative Mike O'Brien has passed away.

So if I could ask everybody to please stand, and we'll have a moment of silence for Representative O'Brien.

(A moment of silence was observed.)

MAJORITY CHAIRMAN METCALFE: Thank you.

Yeah; Mike and I were always on different sides of the issue, but we always had a cordial and civil relationship, and I enjoyed knowing Mike. So he will be missed. It's sad news for a Monday morning.

So if I could ask our Member-Secretary to call the roll, and then afterwards, we'll say the Pledge.

(Roll call was taken.)

1 REPRESENTATIVE HILL: Thank you.

2 MAJORITY CHAIRMAN METCALFE: Thank you,
3 Representative Hill.

4 If I could ask everyone to please rise, and
5 Representative Ward, would you lead us in the Pledge,
6 please.

7

8 (The Pledge of Allegiance was recited.)

9

10 MAJORITY CHAIRMAN METCALFE: Thank you,
11 Representative Ward.

12 As I had mentioned, today's public hearing is on
13 election integrity and reforms, and our first testifier was
14 scheduled to be Mr. Jonathan Marks, Commissioner with the
15 Bureau of Commissions, Elections, and Legislation. And up
16 until this morning, at around 8:30, I was still under the
17 impression that he would be testifying today.

18 And I had actually asked my staff to ask our
19 legal counsel questions that I should avoid asking the
20 Commissioner, because we have a hearing, as I understand
21 it, set before the court with this Department, on behalf
22 of the Wolf Administration, to have a hearing on my
23 Right-to-Know Law appeal that I was granted by the
24 Open Records Office. Because myself and other Members had
25 sent a letter to the Administration early on, earlier this

1 year, and this has been an issue that has been over the
2 last couple of years and that we have had hearings in the
3 past regarding individuals who are present in the
4 United States legally, but foreign nationals that are here
5 residing in the United States that have also registered to
6 vote, and some of which have voted.

7 And I had asked the Department to give us
8 information, and some of my colleagues have joined me in
9 asking for this information. We had asked to have the
10 Department identify for us between comparisons within the
11 SURE system, which is the voting system for the State, and
12 the driver's licensing system that has also utilized to
13 issue ID cards for individuals that don't drive, on how
14 many people are issued driver's licenses and ID cards that
15 have INS indicators. Their immigration status is something
16 that is captured when they are being given a driver's
17 license while they're a foreign national residing here
18 legally in the United States. And we have asked for a
19 comparison between those databases and how many foreign
20 nationals do we have in Pennsylvania that are actually
21 registered to vote, registered to vote illegally, and then
22 from there, I would like to find out how many of those
23 individuals have been voting.

24 We know, based on testimony from Jonathan in the
25 past, that they have found that there is individuals that

1 are foreign nationals registered here across multiple
2 counties. And the county that had first sparked the
3 interest and was brought to our attention was Philadelphia,
4 and since then, one of our testifiers today has done some
5 work in Allegheny County also that has identified some of
6 this. So we were hopeful that the Commissioner would be
7 here to answer other questions that we had today, but he
8 withdrew on advice of counsel. This morning, I was
9 informed about a quarter of 9, before the hearing, that he
10 was not going to testify on advice of counsel.

11 So we had a lot of questions for the
12 Commissioner. I want to read some of those, since we do
13 have a little extra time before we get started with our
14 first testifier. But questions that we had for him were as
15 follows:

16 The Department of State has, in its rush to
17 respond to concerns of foreign election interference, begun
18 to block access to its website from outside of the United
19 States, impeding the right to vote for Pennsylvanians
20 living abroad, including our military, Service members, and
21 their families. Despite reports of this issue, as early as
22 2016, the Department claims that it only became aware of
23 this issue at the end of September of this year. Why was
24 this problem allowed to go unresolved for so long, despite
25 numerous complaints from this year's primary and prior

1 regarding the issue?

2 Further, why did the issue need to be reported at
3 all? Shouldn't the Department of State be aware of a
4 broad-based voter's need to access its website and capable
5 of anticipating that they will be unable to do so if it
6 blocks international access to that site?

7 Although the issue has been resolved, it remains
8 the case that international voters will be unable to vote
9 through the same process they were used to in the past.
10 What initiatives can the Department undertake to minimize
11 the disruption this causes to Pennsylvanians living abroad,
12 especially our military personnel?

13 Another question we had was, as you know,
14 Commissioner, this Committee has a great interest in making
15 sure that only eligible voters are on the voting rolls and
16 voting in the elections of Pennsylvania. I have been
17 trying to get an answer from your Department since October
18 of 2017 regarding the total number of record matches
19 obtained by comparing driver's license numbers and PennDOT
20 ID card numbers of registered electors in the SURE system
21 database with driver's license numbers and IDs with an
22 INS indicator. This is what I was mentioning, but
23 actually, I was thinking it was earlier this year. It was
24 already at the end of last year, October of last year, so a
25 year ago.

1 I sent the Department a letter on this issue,
2 October 4th of 2017, and did not receive a response. I sent
3 two more letters to Acting Secretary Torres, who did not
4 respond. And it should be noted that in between that, the
5 former Secretary, Pedro Cortes, was fired about a week
6 after I had sent my first letter, the letter that I believe
7 some of the Members of the Committee had signed with me,
8 some of the Republican Members.

9 You testified at a hearing, Commissioner Marks,
10 and could not answer this question. Finally, I was forced
11 to file a right-to-know request on this topic, which should
12 not happen. As an elected official representing the
13 public, especially somebody in the balancing branch of
14 government and the Legislature, we should have access to
15 this type of information when we ask for it instead of
16 having to file a right-to-know request.

17 In March of this year, the Open Records Office
18 granted my appeal after the Department denied my
19 right-to-know request. And he granted it in part. We had
20 asked a lot of questions, and he granted the request in
21 part. Instead of providing me with the information, the
22 Department filed an appeal to the Commonwealth Court. It
23 should be noted that they waited the full 30 days they had
24 to give me the information and filed the appeal to the
25 courts on the 30th day.

1 It is my understanding that the hearing is
2 scheduled on the topic in December. Why can you not
3 provide this information, and what are you hiding? And I
4 think that's something that the Commissioner certainly
5 wanted to avoid answering this morning. And on advice of
6 counsel, as I mentioned, we were notified about 15 minutes,
7 20 minutes before the meeting this morning that he would
8 not be coming to testify today or to take any questions
9 from us.

10 What has your Department been doing to maintain
11 the integrity of the voter rolls? Regarding the directive
12 you have put in place requiring counties to put in place
13 voter verifiable paper audit voting machines by 2020, it is
14 my understanding that you intend to decertify the voting
15 machines currently in use by next year. What authority do
16 you have to take this action?

17 If you feel these machines are unsecure in some
18 way, why are you allowing them to be used in the elections
19 next month?

20 If you do not feel the machines are unsecure,
21 then why are you rushing to make the counties buy new
22 machines so quickly?

23 We've heard from some counties that the timeline
24 to replace their voting machines is unrealistic and even
25 dangerous, considering the first time many of these new

1 voting machines may be used is a very important 2020
2 Presidential election. Why the rush?

3 It is my understanding that you only have one of
4 these new machines certified that counties can choose from
5 at this point. Is that correct?

6 How can counties be expected to make a decision
7 or get a good price on a machine when there's no
8 competition at this point?

9 When will other voting machines be certified?

10 Could you provide an update on your transition to
11 the new SURE system?

12 Are you facing any challenges making this
13 transition?

14 So that's some of the questions. I'm sure other
15 Members would have additional questions if the Commissioner
16 would have been here with us this morning. But since he
17 has withdrawn on advice of counsel, we won't get to have
18 the answers that the public deserves on any of these
19 questions, questions that I know that our counties have
20 related to what authority the Department believes they
21 have to actually force them in this direction on new
22 machines, and then when you only have one machine that's
23 certified, it appears, as to how that's going to affect
24 them with the cost and whether or not they'll be able to
25 afford it.

1 But I think the most important question for me
2 is, how many foreign nationals are registered to vote in
3 Pennsylvania? We know there are foreign nationals here.
4 We know that they are here legally. We know that they are
5 registered to vote. We know that some have voted, because
6 they have self-reported to get off the voting rolls, and
7 that's how we found out about it, because they want to
8 obtain citizenship, and then when they're told that that
9 could affect their application to become a citizen, they
10 self-report to the various bureaus of elections in the
11 counties to have their names removed, hoping that will save
12 them in the process of applying for citizenship.

13 Now, some people certainly might apply to become
14 a voter through the process of motor-voter, that was
15 dictated by the Federal Government, that will end up going
16 through PennDOT, and some people have become registered
17 through that and never cast a vote, and that's a mistake
18 that they made. They didn't intend to get on the voter
19 rolls. They never cast a vote. But some people registered
20 and then they voted, and they voted in election after
21 election and multiple elections. That's a serious problem.

22 When you have somebody registering to vote that
23 is not eligible, that's an illegal voter, then they're
24 nullifying the votes of legally-cast votes by our citizens,
25 and we want to make sure that the votes that are being cast

1 are being cast with integrity and that every legally-cast
2 vote is being counted.

3 So I continue my pursuit of this information, and
4 I know a lot of Members share my concerns. It appears that
5 we're not going to be granted the hearing before the court
6 until December, even though we have been battling this, as
7 you know, since, from what I just read, since last October.
8 And with the election in 3 weeks, we're going to have an
9 election where foreign nationals potentially could be
10 influencing the outcome of this election.

11 And they're not just Russians. I mean, all of
12 the talk about Russia's interference with our elections,
13 there's real interference with our elections by foreign
14 nationals in the State of Pennsylvania. And those foreign
15 nationals are here legally but registering illegally and
16 voting illegally, and we need to bring that to an end, and
17 Wolf's Administration should not be covering it up. They
18 should be working with the Legislature to identify it and
19 fix it and to let the public know what the ramifications
20 and consequences are of it.

21 We do have Members that would want to ask
22 questions of the Commissioner, and we had scheduled him
23 until 9:25, so we have 7 more minutes. We have got
24 Representatives Hill, Dush, and Roae, and Representative
25 Bradford has been trying to get my attention.

1 So Representative Bradford for a question to the
2 Commissioner, who is obviously not in his seat.

3 MINORITY CHAIRMAN BRADFORD: Thank you.

4 And I think the Chairman obviously touches on an
5 issue that has been dealt with for some time by the
6 Administration.

7 When it came to light, obviously the motor-voter
8 bill and PennDOT, how it was interacting with their system
9 and was allowing those who were obviously legally in the
10 country and allowed to have driver's licenses but were
11 presented with the ability to register to vote, obviously
12 over several Administrations, there has been a glaring
13 error that has been brought to light, and it is the
14 responsible thing to address it in a nonpartisan and
15 nonpolitical way.

16 I think the Administration deserves a lot of
17 credit for what it is doing in that regard. It is
18 unfortunate that one of the litigants and the litigation
19 that is going on resolving this matter was invited to
20 testify and puts Commissioner Marks in a very difficult
21 position to talk about ongoing litigation.

22 But again, I know the Department of State in
23 being proactive is actually having a forum this afternoon
24 on election modernization. I think we should not kind of
25 raise the specter of something very sinister when there was

1 obviously a clerical error that needs to be addressed in a
2 forthright and responsible and bipartisan manner.

3 So I would just hope that -- the issue may be
4 charged by emotion, but it should be infused with fact and
5 reason, and I would just hope that that is the way that
6 this issue is addressed from this moment forward.

7 Thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN METCALFE: Thank you,
9 Representative Bradford.

10 The majority of the registrations have occurred
11 through PennDOT. I think it was in the 70 percent range.
12 But there has been an additional 20 to 30 percent that have
13 occurred through other forms of registration, including
14 some of the voting drives that go on regularly on college
15 campuses and other locations. So there's a problem beyond
16 just a technical glitch with the software, which should
17 have been corrected throughout many years ago and
18 throughout many Administrations.

19 But we have brought this to the Administration,
20 to this current Administration's attention more than once
21 now, and instead of getting answers that we can all work
22 together on resolving the ultimate problem, we've had
23 nothing but a cover-up going on.

24 Representative Hill.

25 REPRESENTATIVE HILL: Thank you, Mr. Chairman.

1 Mr. Chairman, in anticipation of this morning's
2 meeting, the York County delegation met with our York
3 County commissioners. They have a lot of concerns with
4 regard to the timeline to replace their voting machines,
5 with regard to what machines are certified for future use,
6 and if there has been any attempt by the Administration to
7 negotiate better, you know, price for the counties in
8 purchasing these new machines and several other questions.

9 Will we have an opportunity at some point to
10 send a letter, get answers to those questions in some way,
11 shape, or form, because I think if we're hearing it from
12 our York County commissioners, that there are 66 other
13 counties that they're probably expressing similar
14 concerns.

15 MAJORITY CHAIRMAN METCALFE: I agree with you. I
16 think we should follow up. Since the Commissioner didn't
17 join us this morning, I think that we need to do some
18 additional follow-up to try and get those answers and
19 demand those answers.

20 REPRESENTATIVE HILL: I know that our county
21 commissioners would really appreciate it.

22 Thank you very much.

23 MAJORITY CHAIRMAN METCALFE: Thank you.

24 Representative Dush.

25 REPRESENTATIVE DUSH: Thank you, Chairman.

1 Given what transpired this morning with the
2 Commissioner and the intransigence over the last several
3 years -- it's not like it's something simple. Well, there
4 are some simple solutions, obviously; we have been able to
5 take care of some.

6 But my point is, I believe that because of the
7 intransigence of the Commissioner and his predecessor and
8 the right-to-know appeals and this morning's events, as
9 well as the court pushing the date off until after the
10 election, I would request that we seek from the Speaker of
11 the House the ability to subpoena the Commissioner for
12 testimony next week and that he produce the documents that
13 are necessary to answer all of these questions.

14 Under Act 19 of 1842, if he fails to do so, he
15 could very easily, if he refuses, he could end up in the
16 Dauphin County jail. I'm hoping that we start using that
17 leverage that is given to us under the legislation.

18 Thank you.

19 MAJORITY CHAIRMAN METCALFE: Thank you,
20 Representative Dush.

21 Representative Roae.

22 REPRESENTATIVE ROAE: Thank you, Mr. Chairman.

23 I am very, very upset. This meeting was
24 scheduled September 24th, and 15 minutes before the meeting
25 is supposed to start, Commissioner Jonathan Marks from,

1 you know, the Bureau of Commissions, Elections, and
2 Legislation of the Department of State says he's not going
3 to come, and that's just very, very bad.

4 I think we should send, I don't know, a
5 Sergeant at Arms or House Security or somebody to go get
6 him, because when we're having a meeting like this, you
7 know, the Committee Members and the public deserves to have
8 this information.

9 But the question I would ask him is, if PennDOT
10 has a list of all the noncitizens that have a driver's
11 license and the Department of State has a list of all the
12 registered voters, why won't the Wolf Administration let
13 the two lists be compared and make sure noncitizens aren't
14 on the voter registration lists?

15 I mean, it's a pretty simple thing. And, you
16 know, months and months and months and no answer from them
17 and then they don't show up at the meeting? I mean, this
18 is about making sure that U.S. citizens are the only people
19 that vote in elections, and I just think it's a disgrace
20 that he's not here. And I don't know; I think somebody
21 should go get him.

22 Thank you.

23 MAJORITY CHAIRMAN METCALFE: I nominate you,
24 Representative Roae, to go get him.

25 REPRESENTATIVE ROAE: Okay.

1 MAJORITY CHAIRMAN METCALFE: I'm just kidding,
2 Representative Roae. I know you probably would. You would
3 try to. Then who knows what kind of trouble you could get
4 me into.

5 Thank you, Representative Roae.

6 Well, we are going to move on with our testifier
7 who is actually here, and we appreciate Major Pierce
8 joining us this morning: Major Christine M. Pierce, and
9 she is with the Pennsylvania National Guard's Cyber Defense
10 -- she is the Pennsylvania National Guard's Cyber Defense
11 Branch Chief and Defensive Cyber Operations Element Team
12 Chief, and we appreciate the Major joining us.

13 And, ma'am, you can join us at the microphone if
14 you choose to there. You can spin that mic around, if you
15 like, and you can begin when you're ready, ma'am. Thank
16 you for coming.

17 MAJOR PIERCE: Good morning, Chairman Metcalfe,
18 Chairman Bradford, and Committee Members.

19 Is it on? Can you hear me? Yeah? Better?

20 MAJORITY CHAIRMAN METCALFE: That's better now.

21 MAJOR PIERCE: Yeah? Okay. I am loud, but not
22 that loud.

23 Ladies and gentlemen, as mentioned, I am
24 Major Christine Pierce. I am the Pennsylvania Cyber
25 Defense Branch Chief and the Defensive Cyber Operations

1 Team Chief for the Pennsylvania National Guard. I am
2 honored to be here today to testify, it was supposed to be
3 alongside the Department of State, on elections security
4 and reform. But particularly, I want to share how the
5 Pennsylvania National Guard is supporting the Commonwealth
6 with elections cybersecurity.

7 Our preparations for the upcoming November
8 elections date back to the 2016 Presidential election.
9 Because of the attention that the 2016 elections drew in
10 the media, National Guard Cyber Teams were being called
11 upon to provide cybersecurity support to their State's
12 electoral systems. The Pennsylvania National Guard Cyber
13 Team supported the Office of Administration and the
14 Department of State throughout the duration of the
15 election.

16 As you know, the Department of State is
17 responsible for voter registration and processing of
18 election results, and many of these processes could now be
19 done through web applications, servers, and databases that,
20 if not properly protected, could be susceptible to
21 cyber-attacks and potential hackers trying to disrupt
22 Pennsylvania's electoral process, and those risks
23 dramatically increase during the election cycle.

24 In order to mitigate the risk of interference
25 with our electoral process, the Department of State, the

1 Office of Administration's Office for Information Security,
2 and the Pennsylvania National Guard Cyber Team worked
3 together to proactively monitor our electoral applications
4 and systems during that 2016 election.

5 The Pennsylvania National Guard Cyber Team worked
6 closely with OA's enterprise security specialists,
7 forensics analysts, network administrators, and incident
8 response teams to monitor and investigate any cybersecurity
9 incidents that could have impacted the Department of
10 State's voter registration applications or election-night
11 returns. We have also assisted with the monitoring of the
12 public facing elections reporting site while continuously
13 helping back up the elections system servers.

14 The Pennsylvania National Guard Cyber Team also
15 supported the midterm elections in May of this year and is
16 ready to support the Commonwealth during the upcoming
17 November elections, just as we have always done in the
18 past.

19 In addition, the Pennsylvania National Guard
20 Cyber Team has been actively involved in other efforts to
21 secure our voting systems, including participating in the
22 Election Security Interagency Workgroup. Through this
23 Department of State initiative, the Pennsylvania National
24 Guard, the County Commissioners Association of Pennsylvania
25 representatives, county election directors, Department of

1 State staff, and county and State IT directors discuss
2 security issues, share training resources, and conduct
3 county-level self-assessments to improve the county's
4 security posture.

5 This collaborative effort has allowed the
6 Pennsylvania National Guard Cyber Team to tell our story,
7 to engage with the counties directly, to raise awareness
8 about our team's capabilities, and offer our cybersecurity
9 assistance. Some of that assistance that our team provides
10 is penetration testing, vulnerability assessments, and
11 security assessments to any State agency and local
12 government networks.

13 We can also provide vulnerability remediation,
14 cyber incident response, and general cybersecurity
15 assistance and support, like election support and cyber
16 exercise development and those sorts of events. We provide
17 training and education, and we provide, we have a joint
18 cyber training facility at Fort Indiantown Gap where we can
19 test software before purchasing, and we can use that as a
20 test bed if any counties want to come and test any
21 potential electoral systems that they want to put in place.
22 We have that facility there.

23 The Pennsylvania National Guard was also a key
24 player in the cybersecurity election tabletop exercise
25 hosted by the Department of State a few months ago and the

1 election security tabletop exercise hosted by the
2 Pennsylvania Emergency Management Agency last month. These
3 events provided an opportunity for participants involved in
4 any part of the elections process to test their internal
5 processes, exercise their incident response plans,
6 collaborate with each other, share experiences and
7 information, and just walk through all of those "what if"
8 election security scenarios.

9 With everything that is heard in the national
10 media regarding the vulnerability of our election systems,
11 gaining the confidence of our voters has been a top
12 priority in Pennsylvania, and Pennsylvania is doing a lot
13 of great work to ensure the security of its elections, and
14 voters need to hear that story.

15 For example, Acting Secretary Torres and I
16 participated in a voter roundtable discussion in August in
17 Philadelphia. That roundtable was hosted by the National
18 Commission for Voter Justice, and our participation in the
19 event gave us the opportunity to share information about
20 what the Commonwealth is doing for election security and to
21 answer questions from the Commission and the public.

22 The feedback that we received at that event was
23 positive, and the Commission appreciated the information
24 that we shared. They indicated that they have a better
25 understanding of what is actually going on for security in

1 the election process, and that gains greater confidence in
2 the security of our process. And it indicated that they
3 now have the reliable information that they need to go
4 ahead and share this story and to tell their members
5 regarding Pennsylvania's efforts to secure our elections.

6 From my perspective as the Commander of the
7 Pennsylvania National Guard Cyber Team providing election
8 security support for the last couple of years, I can attest
9 to the fact that Pennsylvania has a great team of local,
10 State, and Federal partners who truly care about
11 maintaining the integrity and security of our elections,
12 and they do their absolute best to ensure that our votes
13 are secure and accurate.

14 The team works vigilantly to ensure that we have
15 multiple layers of security in place, constantly assessing
16 any potential vulnerabilities, implementing the necessary
17 technical controls, sharing resources, sharing information,
18 training and exercising plans, and building relationships
19 with stakeholders and subject matter experts. Transparency
20 and communication are the keys to our success as we
21 continually strive to ensure the security of the elections
22 process.

23 Thank you, and I would be pleased to answer any
24 questions that you may have at this time.

25 MAJORITY CHAIRMAN METCALFE: Thank you, ma'am.

1 MAJOR PIERCE: You are welcome.

2 MAJORITY CHAIRMAN METCALFE: Representative Roae
3 for our first question.

4 REPRESENTATIVE ROAE: Thank you, Mr. Chairman.

5 And thank you so much for your testimony today.
6 We appreciate it.

7 I don't know that much about computers, but you
8 are obviously a computer expert, you know, IT, a technology
9 kind of a person. My question is, from a computer
10 standpoint, an IT/technology standpoint, how hard would it
11 be if you had a list of people with their names and their
12 driver's license numbers, and then there's a field, you
13 know, a noncitizen, and there's like an X in the field to
14 mark noncitizens. If you're a citizen, there wouldn't be
15 an X there. If you had to compare that list to a list of
16 registered voters, should it take months and months to do
17 that, or from a computer standpoint, is it relatively easy
18 to sort something like that, basically just trying to print
19 a list of all the people's names that have an X in that one
20 field?

21 MAJOR PIERCE: I can't speak on behalf of the
22 Department of State, but from a just strictly computer
23 point of view, it's a database, and a database you can pull
24 information from and you can write scrips to compare that
25 information if you have the right expertise to do it.

1 REPRESENTATIVE ROAE: So rather than taking like
2 a whole year, like the Department of State has done, they
3 should be able to, you know, PennDOT should be able to
4 print a list of all the noncitizens that have driver's
5 licenses, and then it seems like that would be pretty easy
6 to compare that with the voter registration lists.

7 So it's very disappointing that the Department of
8 State, you know, wouldn't be here today. I wish the Wolf
9 Administration would take election security more seriously.
10 But thank you for your answer. I appreciate it.

11 MAJOR PIERCE: You're welcome.

12 MAJORITY CHAIRMAN METCALFE: Thank you,
13 Representative Roae.

14 Representative Dush.

15 REPRESENTATIVE DUSH: Thank you, Chairman, and
16 thank you for showing up, Major.

17 As the former Chief of Information Protection for
18 the Air side of the Guard, I know what you guys are capable
19 of, and I'm grateful for your testimony.

20 Just a couple of quick questions.

21 You had mentioned about vulnerability
22 assessments. Have there been any conducted on any of the
23 county voter registration machines, and if so, have you any
24 results to share?

25 MAJOR PIERCE: I know that the counties have been

1 doing them internally. We have provided -- we went out to
2 the counties and we have told them about our resources. We
3 have not been out to the counties at this point, at least
4 my team, to conduct a vulnerability assessment.

5 Going forward, I think our resources will be
6 used, you know, much more moving on into the future. But
7 for this November 6th election, we have not.

8 REPRESENTATIVE DUSH: And it's the same with your
9 capabilities with the testing of the equipment. Has any
10 county taken you up on that?

11 MAJOR PIERCE: We have, we have talked through
12 the processes. So they're thinking about it; they're
13 talking about it. Now it's just doing it, so.

14 REPRESENTATIVE DUSH: All right.

15 MAJOR PIERCE: We have the facilities.

16 REPRESENTATIVE DUSH: One last question.

17 Are you involved at all with the overseas
18 registration in the sense that when the absentee ballot
19 requests are sent and the processing of them, because I'm
20 actually getting, over the last several elections, I have
21 received complaints from people, family members of people
22 who are in the military, but I have yet to receive any
23 complaints for, like, my foreign service officers, from
24 family members, from people from the State Department, but
25 I do receive the complaints on the military side.

1 MAJOR PIERCE: I don't know. I mean, I can just,
2 from my own personal experience, I have been deployed
3 several times to Iraq, and it was obviously during election
4 time, and I never had a problem getting an absentee ballot
5 and getting it submitted through the Federal Voter
6 Assistance Program. It has always been a process that
7 worked, that I have seen work, so I don't -- I can't -- I
8 don't know. I can't answer that, why there's a -- if
9 there's a gap somewhere.

10 REPRESENTATIVE DUSH: I know I didn't experience
11 any problems before either, 4 ½ years in England plus my
12 deployment to Iraq. But it seems now that I am starting to
13 receive something here over the last couple of years,
14 complaints.

15 But thank you very much for your answers.

16 MAJOR PIERCE: You're welcome.

17 MAJORITY CHAIRMAN METCALFE: Thank you,
18 Representative Dush.

19 Representative Saccone.

20 REPRESENTATIVE SACCONI: Thank you, and thank
21 you, Major Pierce, for your testimony.

22 Two questions.

23 One, what vulnerabilities have the roundtable
24 group discovered that you can share with us; and number
25 two, have you looked at or are you looking at the

1 programming of the machines, because we have had literally
2 thousands of complaints of voter flipping. In other words,
3 a candidate pushes a button for candidate A but candidate B
4 shows up. And, you know, sometimes the machines are shut
5 down. Sometimes they just, the judge of elections will,
6 you know, try to, I don't know, do something with the
7 machine. I don't know the computer technology of that.

8 And we have never been able to resolve why that
9 happens. It happens intermittently. Maybe it happens on
10 every 50th vote, maybe every hundredth vote. But is someone
11 looking at the programming of this to see if there's some
12 pattern to that?

13 MAJOR PIERCE: I mean, at the county level, they
14 are the ones who are doing those security assessments
15 currently on their voting systems. We have not gone out
16 yet to assist with that. We have offered our resources to
17 every single county in the Commonwealth; they just haven't
18 made a formal request yet for us to actually come out.

19 As far as your first question about sharing any
20 vulnerabilities that we have seen, we did do, the
21 Department of Homeland Security, they did do a penetration
22 test on the Department of State electoral system back in
23 June, and my team had the opportunity to shadow the
24 Department of State and the Homeland Security team and kind
25 of walk through that process. And there were no -- I

1 didn't -- from the end result, I don't know how much I can
2 share about the final report. I didn't even see the final
3 report. But what we did see, there were no critical
4 vulnerabilities that were found.

5 REPRESENTATIVE SACCONI: Thank you.

6 MAJORITY CHAIRMAN METCALFE: Thank you,
7 Representative Saccone.

8 Representative Daley.

9 REPRESENTATIVE DALEY: Thank you, Mr. Chairman,
10 and thank you, Major Pierce, for being with us today.

11 So in your testimony you talked about you and
12 Acting Secretary Torres participating in a voter roundtable
13 in August in Philadelphia, and it was hosted by the
14 National Commission for Voter Justice. So we received
15 written testimony for this meeting today from the co-chairs
16 of the Blue Ribbon Commission on Pennsylvania's Election
17 Security. So that Pennsylvania Blue Ribbon Commission,
18 does that have anything to do with the National Commission
19 for Voter Justice?

20 MAJOR PIERCE: I'm not aware of that. I don't
21 know.

22 REPRESENTATIVE DALEY: Is that a group that you
23 have had anything to do with?

24 MAJOR PIERCE: I have never heard of them, so I
25 would say no.

1 REPRESENTATIVE DALEY: Never heard of them?

2 MAJOR PIERCE: No.

3 REPRESENTATIVE DALEY: Oh. Well, that's
4 interesting. So you can't really comment on any of their
5 activity.

6 MAJOR PIERCE: I cannot. Sorry.

7 REPRESENTATIVE DALEY: All right. Well, thank
8 you for your testimony.

9 I guess my question was, if there's ranking of
10 what the issues are that your group and the national group
11 see as the greatest threats to election integrity and
12 security, is there some way you could just list those in
13 kind of a rank order?

14 MAJOR PIERCE: I think just the number one would
15 just be getting updated systems, and that's with any
16 computer system. If you have, you know, a Windows XP
17 computer, you're going to have more vulnerabilities, and if
18 you have an outdated voter system, there is going to be a
19 greater chance of vulnerabilities.

20 So my number one would be just updating the
21 systems, whether it's software or a new voting system,
22 whatever needs to be done. Just, the more updated the
23 system is, the better secure it will be.

24 REPRESENTATIVE DALEY: And has your group been
25 active at all with the State Department's certification of

1 the newer machines?

2 MAJOR PIERCE: Not yet.

3 REPRESENTATIVE DALEY: Not yet. And do you
4 anticipate that you will be?

5 MAJOR PIERCE: I anticipate that we will be
6 working closely with them for any services that they may
7 need. We have, you know, a team of really strong
8 cybersecurity experts, so. And it's a resource to
9 Pennsylvania, so we offer our services.

10 REPRESENTATIVE DALEY: That's great. I really
11 appreciate your time.

12 And is there a timeline that you are aware of for
13 certifying the machines?

14 MAJOR PIERCE: I---

15 REPRESENTATIVE DALEY: The new machines.

16 MAJOR PIERCE: I have not. I don't know yet.

17 REPRESENTATIVE DALEY: Okay. Thank you.

18 MAJORITY CHAIRMAN METCALFE: Thank you,
19 Representative Daley.

20 Representative Hill.

21 REPRESENTATIVE HILL: Thank you, Mr. Chairman.
22 Thank you for being here today.

23 Exactly who is securing our voter databases?

24 MAJOR PIERCE: That is the Department of State.

25 REPRESENTATIVE HILL: It's the Department of

1 State.

2 MAJOR PIERCE: And the Office of Administration,
3 because the Department of State network runs off of the
4 Office of IT, OIT.

5 REPRESENTATIVE HILL: Okay.

6 So we have had a lot of breaches. We had the
7 ransomware attack over on the Senate side. We have had
8 breaches at the Bureau of Vital Statistics, the Department
9 of Human Services, the Department of Corrections. If there
10 is a data breach, who is the entity that is in charge of
11 recovery, and do you know what their recovery point
12 objective would be and do you know what their recovery time
13 objectives would be?

14 MAJOR PIERCE: I know the Office of
15 Administration's IT department does incident response every
16 day, so I believe it would be them that would be the first
17 incident responders. And if it's something that goes above
18 their -- if they need to call in our team, we will be
19 on-site with the Office of Administration on Election Day
20 and working with them side by side throughout the duration
21 of the process in case of an event.

22 REPRESENTATIVE HILL: So the National Guard does
23 not have primary responsibility for securing our databases?

24 MAJOR PIERCE: Uh-uh.

25 REPRESENTATIVE HILL: Okay.

1 All right. Thank you very much.

2 MAJORITY CHAIRMAN METCALFE: Thank you,
3 Representative Hill.

4 Representative Solomon.

5 REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.
6 Thank you, ma'am, for being here today.

7 How many folks are within your shop that are in
8 the cyber unit?

9 MAJOR PIERCE: On my particular team, the
10 Defensive Cyber Operations Element, it is a 10-person cyber
11 team. Two of those personnel, myself and my technical
12 expert, we're full time. The rest of them are traditional
13 Guardsmen, so they get called in when there's an incident,
14 if necessary. And then we also have the 112th Cyber
15 Operations Squadron out of Horsham, and that's about an
16 80-percent cyber element, and we can call upon them if we
17 need additional support.

18 MR. SOLOMON: So in theory, all of them could be
19 called upon to deal with election security issues.

20 MAJOR PIERCE: If we had to. We never had to do
21 that before, but we have, you know, a call roster of
22 personnel that can be called upon.

23 REPRESENTATIVE SOLOMON: You mentioned, ma'am, a
24 collaborative effort with county commissioners, with the
25 Department of State, that you all come together and talk

1 about possible threats. How frequently do you all get
2 together?

3 MAJOR PIERCE: The Election Security Interagency
4 Workgroup I think began, oh, about 6 months ago, so we have
5 been coming together since then.

6 In the past, most of the cybersecurity personnel
7 at the State level -- the Office of Administration, the
8 Governor's Office of Homeland Security, PEMA, the Public
9 Utility Commission, ourself, and the National Guard -- we
10 have been meeting regularly, at least monthly, or
11 quarterly, since, for the last 3 or 4 years.

12 REPRESENTATIVE SOLOMON: So in all that time,
13 ma'am, because you had mentioned the guidance was put out
14 to counties to contact you if there was any kind of
15 perceived threat, what have they brought to your attention?

16 MAJOR PIERCE: We have just started working with
17 the counties within the last few months. We were
18 traditionally just working with State agencies, and we have
19 brought into our scope now the counties and local
20 governments. But that has been an initiative that has been
21 ongoing for just, like I said, about the last 6 months, and
22 they have not brought anything to our attention yet.

23 I go out and I go to the CCAP meetings and I
24 brief the capabilities and the services we can provide.
25 And some have contacted me and they want us to come and do

1 a penetration test, not necessarily on their electoral
2 systems but on their local government networks in general.

3 REPRESENTATIVE SOLOMON: So, ma'am, when
4 Representative Saccone was mentioning the judge of
5 elections, flipping machines, going rogue, have you guys
6 heard of that one before?

7 MAJOR PIERCE: I have not personally.

8 REPRESENTATIVE SOLOMON: And how about
9 Representative Roae; he's talking about undocumented. Have
10 you heard about that?

11 MAJOR PIERCE: I can't speak to that.

12 REPRESENTATIVE SOLOMON: Thank you, ma'am.

13 MAJORITY CHAIRMAN METCALFE: Thank you.

14 That's all the time that we have for this
15 testifier.

16 MINORITY CHAIRMAN BRADFORD: I have some
17 questions real quick.

18 MAJORITY CHAIRMAN METCALFE: We're out of time.
19 We have to move on to the next testifier. It's 9:45.

20 But thank you, ma'am, for your testimony.

21 MAJOR PIERCE: You're welcome. It has been my
22 pleasure.

23 MAJORITY CHAIRMAN METCALFE: Thank you very much
24 for joining us today. Have a great day, ma'am.

25 MAJOR PIERCE: Thank you. You, too.

1 MAJORITY CHAIRMAN METCALFE: I don't think
2 Representative Roae mentioned undocumented at all. For
3 Representative Solomon's benefit, I think Representative
4 Roae was referring to the same issue that I have been
5 talking about since the beginning of the meeting when I
6 brought up that there are, factually, foreign nationals
7 that registered to vote in Pennsylvania. Some have voted.
8 The Department knows that. We just don't know how many, so
9 we're trying to get that number. That's why we have a
10 hearing date set in December.

11 Our next testifier will be Mr. Gerald Feaser,
12 Jr., Director of Dauphin County Elections and Voter
13 Registration.

14 Thank you for joining us today, sir.

15 MR. FEASER: Thank you, Mr. Chairman.

16 MAJORITY CHAIRMAN METCALFE: Good morning. You
17 can begin when you're ready, sir. You can begin when
18 you're ready. Thank you.

19 MR. FEASER: Greetings, Chairman Metcalfe,
20 Chairman Bradford, and Members of the House State
21 Government Committee. I thank you for the opportunity to
22 speak about election integrity and reforms.

23 With the General Election a mere 3 weeks away, I
24 have accepted this unique invitation to offer my assessment
25 about the integrity of our election process, which I define

1 as the voting systems, voter registration, and website
2 election results, as well as the possible election
3 directors' support for various reforms.

4 Given all that is stated and misstated in the
5 public arena about the integrity of our election process,
6 the only clear and concise message that I can offer is
7 simply this: Pennsylvanians should rest easy knowing the
8 official election results in Pennsylvania are secure and
9 reflect the will of the people. Under State law, all
10 67 counties follow strict requirements to keep our voting
11 systems that record and tabulate the official election
12 results secure and offline.

13 Specifically in Dauphin County, not only are our
14 voting machines not connected to the Internet, our machines
15 are incapable of being connected to the Internet. Looking
16 for a Wi-Fi or Internet connection on our machines is like
17 looking for a turbocharger on a Model T Ford. It simply is
18 not there.

19 We use the same voting systems as does Berks,
20 Bucks, Delaware, Monroe, and Philadelphia Counties. And
21 given the security and safety features built into our
22 current system, including the chain of custody of the
23 machines, materials, and memory cartridges, I could drop
24 off one of my sealed voting machines in the middle of
25 Red Square in Moscow, and the only way the Russians could

1 hack into it is by using an ax.

2 One thing I want to specifically point to, using
3 some show-and-tell from my days in kindergarten, this is
4 the memory cartridge for the voting machines for the
5 counties that I referenced. As you can see, and I'll be
6 happy to pass this around, it has a unique series of
7 pinholes. It is not something you're going to find on the
8 store shelves of Staples.

9 This is proprietary information. It runs on
10 proprietary software and is not something that if you were
11 to steal from a judge of elections you could do anything
12 other than use it as a paperweight or a doorstop. So the
13 security of our machines are unique to the creation of the
14 machine and the system itself.

15 I would be happy to pass that around. I just
16 need it at the end of the day.

17 Voting systems consist, again, as I had
18 mentioned, of proprietary software, which is maintained on
19 a single-use computer in my office, and that computer is
20 literally not connected to the Internet or even the
21 county's network. It is a self-contained system. It runs
22 on Windows XP, but the only thing I use it for is to
23 program the cartridges and print the ballots for our
24 machines. I don't use it for email. I don't use it for
25 playing Solitaire -- nothing. The hardware consists of

1 nearly 500 programmed, tested, and sealed machines.

2 Election integrity also extends to our voter
3 registration rolls, and thanks to the Wolf Administration,
4 voters now have greater control over their voter
5 registration status via online voter registration. When a
6 voter uses OVR, the application arrives through the SURE
7 system in my office literally within 16 minutes. So a
8 voter has enormous control over changing their voter
9 registration in terms of party of choice, name changes, or
10 address changes.

11 As OVR was in place for the 2016 Presidential
12 election, we were able to keep on top of the volume of
13 registrations, and we did not have to record nearly as much
14 overtime or hire additional workers to keep up with the
15 applications, as my office did during the 2012 Presidential
16 election.

17 I was going to defer to Commissioner Marks on the
18 security of the SURE system, as it's a system our counties
19 tap into and we don't have control over. But I can tell
20 you that despite some of the user issues, we are very
21 confident in that system being secure as well, both from
22 the Department of State and through the Office of
23 Administration.

24 There are times where the system goes out, and
25 the other Thursday before the last day to register to vote,

1 the system was unavailable for about 6 hours. Again, I
2 believe some of that is due to the security upgrades. But,
3 you know, we do work through those things.

4 The last piece of the puzzle, I think, to
5 integrity is where things can become a little confusing,
6 and that's the website election results. The news media
7 and the public have come to rely on the Department of State
8 and the counties for election-night results. They are
9 great systems. But from time to time, we hear about a wide
10 variety of public and private websites where things are
11 being altered by someone other than the authorized users.
12 So it's expected that the possibility exists that someone
13 could get in, transpose numbers, change a candidate's name,
14 change the candidate's party affiliation, but again, those
15 are all unofficial results that you see on those websites
16 at night. They are not the official results.

17 In fact, the election doesn't end at the close of
18 Election Day. There is a 2-week period where we go through
19 and certify the results and communicate with the Department
20 of State on paper the actual results.

21 Now, sometimes the media is duped into what
22 exactly is at stake, too. CNN recently covered some
23 conference of computer technical people, let's just call
24 them. It was called DEF CON, and a pair of 11-year-olds
25 were able to hack into and alter a website and change some

1 votes. But not only did these youngsters not hack into an
2 election system, it wasn't even a real election website.
3 So again, some of that information is misinterpreted by the
4 media, intentionally or unintentionally, and it gives the
5 public a false perception of what's really at stake.

6 And to be clear -- I want to be very clear on
7 this -- I am not aware of anybody hacking into any county
8 website or Department of State website and changing any
9 numbers, names, but there is that possibility, I will
10 grant.

11 As for election reforms, there are several items
12 the 67 county election directors have in mind to both save
13 taxpayer money and improve on the delivery of elections. I
14 won't belabor the whole issue of voting machine changes.
15 It's contained in my public testimony. But suffice it to
16 say that right now, we are very concerned of the timeline
17 that the Wolf Administration has laid out.

18 We are not opposed to the objective of changing
19 and upgrading and updating to new machines. Our concern is
20 the aggressive timeline. And as many have information,
21 right now there is only one certified system in the
22 Commonwealth of Pennsylvania.

23 The Department of State has promised to work
24 hard, and I believe they will, to certify more systems by
25 the end of this year, but that still gives us only one very

1 busy municipal year in which to select a system. And there
2 are no funds provided for these systems. I estimate in
3 Dauphin County, it will cost about \$8 million to change
4 over to a new voting system. Without the funding for that,
5 I don't know how we're going to be able to do it in that
6 time frame.

7 Other things are, you know, we have talked about
8 election modernization, and it's not just new voting
9 systems. There are other technologies out there that we
10 think will enhance the ability to conduct and deliver
11 elections. E-poll books are a great system that can be
12 used to smooth out and streamline and expedite the lines
13 that we hear about forming at Presidential elections, long
14 lines, because you have right now paper poll books that are
15 printed, and people have to get into line where their name
16 appears in that book, and the lines are long sometimes. If
17 you have e-poll books, you can expedite that line like a
18 self-checkout system at a grocery store.

19 Absentee ballot reform. You know, keeping in
20 mind 1937, there's a lot of things that have changed since
21 the Election Code was put in place. Absentee ballot
22 deadlines are something we have talked to the Senate State
23 Government Committee about, because the Postal Service no
24 longer has next-day delivery. So having a deadline for
25 receiving a civilian absentee ballot of the Tuesday before

1 election and then have to have that voted ballot back to us
2 by Friday, there is no physical way possible that you're
3 going to have us get an application on Tuesday, mail the
4 ballot to the voter, have the voter mark it up, and mail it
5 back to us. It's just not reasonable. So things need to
6 be looked at in that regard.

7 Also, times have changed in our society, and we
8 as election directors believe maybe it's time for
9 "no excuse" absentees. Frankly, not only is it none of my
10 business why a voter wants to vote by absentee, by the
11 current requirements under law, those lists must be posted
12 for public review. Do you really want to provide somebody
13 who may not have well-intentioned reasons for getting ahold
14 of a list of absentee voters to find out who's not at home,
15 who's taking a trip.

16 Polling place reform. From our country's
17 founding, at many of our polling places the only thing that
18 was required was to have a hitching post for the horses.
19 Well, guess what? Things have changed a lot, and for good
20 reasons, too. We now have to follow the Federal ADA
21 requirements, which can cost thousands of dollars to
22 upgrade some of our old facilities. Many of our rural
23 municipalities where we use the municipal buildings or even
24 outbuildings for vehicles, things like that, they're not
25 technically ADA compliant.

1 If you look at the ADA Federal requirements, some
2 of them, I would think, were written as if people lived in
3 Delaware and Kansas where the State is flat. When you have
4 places like Penn Hills and others, Mount Pleasant and
5 places like that in Pennsylvania, you arguably have to
6 understand that the typography is going to be a little
7 challenging to meet with all the ADA requirements. So we
8 need to have some of these changes for polling places.

9 One of the things I would like to see is vote
10 centers, and I give you two examples in my written comments
11 about how I could use vote centers without greatly
12 inconveniencing voters.

13 I have a borough that has four wards, because
14 that's how they elect their council people. They are
15 unwilling to merge the wards because they don't want to
16 lose their council people. But yet, I have to find people
17 in each one of those wards to work that poll, and it's -- I
18 mean, technically, I'm actually putting in there two or
19 three times more equipment and resources than I really need
20 to responsibly run an election in Penbrook Borough.

21 In Lower Paxton Township, I could merge several
22 of the election districts into one, have them go to one
23 building, and run it in a smoother fashion.

24 So again, giving us the option, not the
25 requirement that we use vote centers, but the option would

1 be greatly appreciated.

2 And then last but not least is the poll workers.
3 These folks are the linchpin in all the elections. We
4 could buy the newest, greatest, shiniest, most secure
5 equipment that you envision, but if we don't have the
6 people there on the ground to run the polls on Election
7 Day, it will just sit there unused.

8 And frankly, if you look at the Election Code as
9 to how you actually fill vacancies on Election Day, it's a
10 curbstome election among the voters who are present to fill
11 the vacancies on a local election board. I certainly
12 believe you will receive many calls in your offices if we
13 ever had to get to that point.

14 As you can tell, I'm a little passionate about
15 this. I have a lot of other things I would love to say. I
16 have the greatest respect for this Committee. I'm a former
17 House employee. So I really welcome this opportunity and
18 look forward to possibly having more exchanges with this
19 Committee, with the Members individually.

20 And as I close my remarks, I would also note that
21 both the Senate and the House have bills that would create
22 election advisory committees. I would lend my voice of
23 support to whatever you could do to enact legislation like
24 that.

25 Thank you, and I welcome the questions.

1 MAJORITY CHAIRMAN METCALFE: Thank you,
2 Mr. Feaser, for joining us. We appreciate it, appreciate
3 the information you have provided today and your expertise
4 and sharing that with us.

5 We have about seven Members that want to ask
6 questions within 6 minutes, so less than a minute per
7 Member. We'll get through as many as we can. We're going
8 to need to move on to the next testifier at some point, so
9 all Members won't have a chance.

10 I'm going to start with the list as they came in.
11 Representative Roae.

12 REPRESENTATIVE ROAE: Thank you, sir, for your
13 testimony.

14 I was just thinking, if we could make it so that
15 PennDOT would send you a list of all the Dauphin County
16 driver's license people and there's an X by the ones that
17 were not citizens, would it be that hard for you to purge
18 your list of the noncitizens?

19 MR. FEASER: We have actually received such a
20 list and began to reconcile. We have mailed letters. Many
21 of the counties have mailed letters to these individuals.
22 Because of their movements, the letters are coming back to
23 us undeliverable.

24 As some of you note, I mean, many of these people
25 got registered to vote by error---

1 REPRESENTATIVE ROAE: Right.

2 MR. FEASER: ---and they have never voted.

3 I had an individual just the other day come into
4 my office who is a regular voter, and she is not a citizen,
5 and we have received a request to be removed. We removed
6 her from the voter rolls, and I warned her that if she goes
7 through with the naturalization process, this could become
8 an issue.

9 I have dealt with impassioned phone calls from
10 residents who are here legally but not citizens, who are in
11 the process of being deported because of that issue. So
12 whatever we can do to rectify it, I would like to see that
13 done.

14 I think the Department of State, in working with
15 PennDOT, has made the upfront change for those initial
16 applications. But I have warned Commissioner Marks already
17 that I have received requests for change of address from
18 noncitizens yet, and they're working on trying to rectify
19 that.

20 But I will tell you that I also have paper
21 applications in my office where someone has checked the
22 box, yes, I'm a citizen, and I think it's just a matter of
23 confusion, not necessarily understanding the nuance between
24 resident here legally and not a citizen.

25 REPRESENTATIVE ROAE: All right. Thank you, sir.

1 MAJORITY CHAIRMAN METCALFE: Thank you,
2 Representative Roae.

3 Representative Knowles.

4 Representative McCarter.

5 REPRESENTATIVE McCARTER: Thank you,
6 Mr. Chairman.

7 Again, thank you, Mr. Feaser, for your testimony
8 today.

9 MR. FEASER: You're welcome.

10 REPRESENTATIVE McCARTER: And again, I share a
11 lot of your concerns about the needed reform, especially in
12 the absentee-ballot area, that has become somewhat
13 problematic, I think not only because of the timelines that
14 you mentioned in that last week, which are absolutely
15 impossible to follow, but things dealing with emergency
16 absentee ballots as well, dealing with people who may have
17 to go into the hospital before they're able to vote and
18 having that opportunity.

19 And so when we look at last year's elections and
20 the year before and looking at the number of absentee
21 ballot problems that we had in many counties throughout the
22 Commonwealth, I would hope that, you know, your suggestions
23 and so forth can be the subject of something that we look
24 at in a very detailed way here in the Committee here, along
25 with your polling place ADA requirement issues as well.

1 And I know surely in the voting area that I voted, we have
2 major problems in finding locations that can meet those
3 needs at this particular time. And along with your poll
4 worker suggestions as well.

5 I would strongly suggest that the Committee take
6 up this issue in the future of trying to make some, you
7 know, significant election reforms to help the process for
8 people like yourself who have been trying to carry this out
9 for years in a very nonpartisan way.

10 Thank you.

11 MAJORITY CHAIRMAN METCALFE: Thank you,
12 Representative McCarter.

13 Representative Dush.

14 REPRESENTATIVE DUSH: Thank you, Mr. Chairman.

15 Mr. Feaser, just a quick note on what you had
16 said about the inability to hack. I have got actually two
17 counties; one has some paper ballots and the other one that
18 are read by a machine and another one the computers.

19 But just recently in Bloomberg, and as mentioned
20 before, I am former Chief of Information Protection for the
21 Air National Guard. The motherboard for our servers that
22 were being used for drone footage to the CIA, the
23 International Space Station, et cetera, have a chip about
24 the size of a grain of rice. If that stuff is hardwired in
25 it, I would like to have more information on who is

1 producing the motherboards, who is producing those cards.

2 There are significant ways to gain access to some
3 of these systems, so it's not outside the realm of
4 possibility. In fact, there are a lot of motivated foreign
5 actors who are definitely interested in doing just such a
6 thing.

7 MAJORITY CHAIRMAN METCALFE: Thank you.

8 MR. FEASER: If I could respond quickly, sir?

9 MAJORITY CHAIRMAN METCALFE: We have several
10 other Members, but they have questions. Representative
11 Dush, you didn't have a question there, right?

12 Representative Saccone for a question?

13 REPRESENTATIVE SACCONI: Yes, sir.

14 So is the software for the voting machines in
15 that little device you passed around or is it in the
16 general machine itself?

17 MR. FEASER: There are three chips in that
18 cartridge. There are three chips on the machine. If the
19 cartridge is lost or damaged in transit back to my office
20 on election night, I can take a blank cartridge, go back
21 out to the machine, and download it with a series of codes
22 and retrieve that.

23 REPRESENTATIVE SACCONI: Yeah. So what I'm
24 worried about is not so much hacking by the Internet but
25 dealing with this vote flipping, that the actual program

1 itself may have come in with that in it, with that virus in
2 it.

3 MR. FEASER: Well, again, that is not, that is
4 not likely in our system. Our system uses electromagnetic
5 switches rather than a touchscreen.

6 It is my understanding that touchscreens may be
7 susceptible because of a calibration issue that may or may
8 not have been performed properly in the morning or at the
9 beginning of the day. So those types of things are unique
10 to a different system than the one at Dauphin County and
11 the other counties that use our system that we maintain.

12 REPRESENTATIVE SACCONI: Thank you.

13 MAJORITY CHAIRMAN METCALFE: And just for
14 Representative Sacconi and the issue you brought up a
15 couple of items.

16 After the last election, we had reported a number
17 of times, especially out west where some of those machines
18 are being used in my district, we actually, my staff and I,
19 had the vendor on the phone, one of the engineers from the
20 vendor, and they explained that from their perspective what
21 they thought was occurring was a lack of calibration on
22 some of those machines. And depending on the age and the
23 movement -- moving; the storage time -- there's a lot of
24 variables there that when you place the machine, it needs
25 to be recalibrated to make sure that the screen is

1 reflecting where somebody is touching and that they
2 thought, that was their assessment on why we were seeing
3 that vote flipping.

4 MR. FEASER: Right. And again, that's the
5 touchscreen. Ours are electromagnetic switches.

6 MAJORITY CHAIRMAN METCALFE: Thank you.

7 Representative Solomon, for what appears to be
8 our last question for this testifier.

9 REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.

10 I just want to thank you for your remarks. I
11 think they bring out that election security is a broader
12 conversation, a comprehensive one, about reforming our
13 antiquated Election Code.

14 Can you specifically identify, what would be the
15 number-one thing that we can do as Legislators to support
16 your work?

17 MR. FEASER: Oh, that would be hard to narrow it
18 down to one. The four reforms I list are basically the
19 four that are universally supported by election directors
20 across the State: funding for modern technologies,
21 especially if we're going to be forced to make the switch
22 to new systems; absentee ballots; poll workers; and polling
23 places. Those are the four things.

24 And they all go hand in glove, because if those
25 things are not altered before we are changing to a new

1 system, all we're going to end up doing is just turning the
2 page to a new set of challenges.

3 REPRESENTATIVE SOLOMON: Thank you, sir.

4 MAJORITY CHAIRMAN METCALFE: Thank you.

5 That's all the time we have for this testifier.
6 Thank you, sir, for your testimony today.

7 MR. FEASER: Thank you, Mr. Chairman. I'm always
8 available the day after Election Day if you need me again.

9 MAJORITY CHAIRMAN METCALFE: Thank you. Thank
10 you. Well, we look forward to working with you in the
11 future, sir.

12 Our next testifier is Mr. David J. Becker,
13 Executive Director and Founder of the Center for Election
14 Innovation & Research.

15 Thank you, Mr. Becker, for joining us, and you
16 can begin when you're ready, sir.

17 MR. BECKER: Good morning, and thank you,
18 Mr. Chair and Members of the Committee. Thank you for the
19 invitation to testify before you today about the important
20 issue of election integrity and security. With voter
21 confidence at risk and foreign adversaries intent upon
22 weakening democratic institutions, this issue is more
23 important than ever.

24 My name is David Becker, and I am the Executive
25 Director and Founder of the Center for Election Innovation

1 & Research. CEIR is an innovative nonprofit with a proven
2 track record of working with election officials from around
3 the country and from both sides of the aisle. We work to
4 build voter trust and confidence, increase voter
5 participation, and improve the efficiency of election
6 administration.

7 Prior to founding CEIR, I led the elections team
8 at the Pew Charitable Trusts for many years, and before
9 that, I served as a trial attorney in the Voting Section of
10 the Civil Rights Division of the Department of Justice
11 under both the Clinton and W. Bush Administrations.
12 Overall, I have over two decades of experience working to
13 improve the efficiency, security, and integrity of
14 elections in States across the political spectrum.

15 The good news is that voting in the United
16 States, and Pennsylvania in particular, is easier and more
17 secure than ever before. More voters than ever have an
18 easier time registering to vote, voting with more options,
19 and can be assured their vote will be counted properly.
20 But we're going to need to keep improving to ensure
21 security, integrity, and access for all voters, and
22 Pennsylvania is on that path.

23 First, we know that foreign adversaries have
24 attempted to attack our election infrastructure. The
25 threat from Russia and perhaps others is real. Russia

1 attempted to infiltrate voter registration databases in
2 2016, and while almost all of those efforts were
3 unsuccessful -- only the Illinois voter database was
4 successfully breached, and no records were altered or
5 deleted -- our intelligence services and the Department of
6 Homeland Security agree that the threat remains, and we
7 must be vigilant to secure our systems.

8 But while vigilance is important, we must also
9 not be so hysterical about potential vulnerabilities that
10 we cause voters to lose confidence. In just the last few
11 weeks, media reports have included claims that election
12 officials are to blame if Russia attacks our election
13 again, that voting systems are more vulnerable than ever,
14 and that nobody is trying to fix them. These claims are
15 all demonstrably false, and there remains zero evidence
16 that votes in any past U.S. election were interfered with
17 or changed, despite substantial investigation.

18 So I think it's important to note the tremendous
19 progress that has been made since 2016. Most election
20 experts, including myself, advise that the best defense
21 against interference with the vote itself is to use paper
22 ballots with a robust audit of those ballots to ensure any
23 mechanical count was accurate. We're close to that goal
24 nationwide. Already 80 percent of all U.S. voters can cast
25 a paper ballot, the highest percentage of non-punch card

1 paper ballot availability since computers were introduced
2 to voting.

3 Since 2016, the State of Virginia has moved to
4 entirely paper, and other States like Delaware are moving
5 to paper right after 2018. And thanks to efforts from the
6 Secretary of State's office and local election officials,
7 Pennsylvania is likely to have paper well before 2020, as
8 will other States who still use paperless systems.

9 A majority of States have audits of their paper
10 ballots, and a growing number of States are leading the way
11 to even more robust audits of their paper ballots.

12 Pennsylvania requires a small audit of ballots, but as it
13 implements paper statewide, it may be advisable to consider
14 a more significant routine random audit of ballots to
15 ensure confidence in the outcome. My organization and
16 others are working with States on helping them implement
17 such audits.

18 Congress has stepped up with a one-time,
19 \$380 million appropriation to the States, including over
20 \$13 million for Pennsylvania. The State is using these
21 funds to help the counties with better security protocols,
22 as most of the States are.

23 All 50 States and over 1,000 local election
24 offices and the Federal Government are sharing information
25 on potential election cyber threats as never before through

1 an organization called the Election Infrastructure
2 Information Sharing and Analysis Center, or EI-ISAC. The
3 EI-ISAC didn't even exist until earlier this year, and
4 already every State is participating. Pennsylvania and
5 virtually every other State has partnered with DHS to also
6 hold tabletop exercises simulating a variety of possible
7 cyber-attacks to election infrastructure.

8 So voters should note that their votes will be
9 counted and counted accurately. But what about the one
10 area where we know a vulnerability has been exploited --
11 our voter databases. CEIR has worked with States on this
12 important issue and recently surveyed the States to
13 determine whether States are adopting best practices for
14 security of their voter lists. A majority of the States
15 responded, although Pennsylvania did not. Our findings are
16 that States have made significant progress, though further
17 improvement is needed.

18 For instance, there are several security
19 protocols we recommend which can help prevent an attack on
20 a voter database from occurring, detect any attempted
21 intrusion, and if necessary, mitigate the effects of any
22 successful infiltration. These recommendations include:

- 23
- 24 • Secure password requirements, requiring
- 25 authorized users to use uncommon, sufficiently

1 long and complex passwords and to change them
2 regularly;

- 3 • Multi-factor authentication, which requires an
4 identifying factor other than a password to
5 log in, such as a confirming text message or
6 use of a token which can generate a separate
7 password;
- 8 • Regularly training voter registration database
9 users, including county and local staff with
10 access, to detect cyber threats like spear
11 phishing;
- 12 • Deploying tools like Albert sensors in
13 partnership with the Center for Internet
14 Security and DHS and other tools to
15 consistently monitor for improper access to
16 the voter database, including checking for
17 things like unusual volume of activity or
18 activity originating in a foreign country;
- 19 • Use secure HTTPS for websites with sensitive
20 information;
- 21 • Employ tools to prevent distributed denial-of-
22 service attacks, or DDoS attacks;
- 23 • Utilize email protection tools;
- 24 • And regular backups of the voter database,
25 daily if possible, and regular tests of those

1 backups so the system can be restored quickly
2 if necessary.

3

4 Based on our survey, it's clear that a
5 significant majority of States are utilizing most of the
6 recommended tools. Indeed, over 90 percent of voters live
7 in jurisdictions protected by Albert sensors. However,
8 there are areas for improvement. For instance, States can
9 do better when it comes to implementing more secure
10 password requirements and further adopting multi-factor
11 authentication.

12 As for Pennsylvania, I'm not aware of whether all
13 these recommendations and the others made in the report are
14 being followed, but knowing their approach to security, I
15 think it's likely that Pennsylvania is implementing most of
16 these, and you can confirm that directly with the
17 Department of State.

18 Finally, I would like to discuss one key area of
19 election integrity related to the voter database, and
20 that's the accuracy of the voter lists themselves.
21 Election officials from across the political spectrum agree
22 that it is important that the voter lists are as accurate
23 and up to date as possible and represent only those who are
24 eligible to vote, and I know you have discussed that
25 already here today.

1 States are doing better than ever before in
2 meeting this goal, thanks to three key strategies which we
3 recommend, all of which Pennsylvania has been at the
4 leading edge of implementing.

5 First, online voter registration. This is a
6 basic system that allows voter registration to enter the
7 21st century. Though there were only two States offering
8 online voter registration 10 years ago, now nearly
9 40 States do, including Pennsylvania, of course. And it's
10 only a matter of a few years before every voter can
11 register to vote securely online, 24 hours a day, reducing
12 the amount of paper to process, reducing errors in data
13 entry, and reducing possible voter registration fraud.

14 Second, automating the motor-voter process. When
15 a citizen experiences a life event, a move, a name change,
16 or coming of age, the agency they are most likely to tell
17 first is Motor Vehicles. When Motor Vehicles can
18 efficiently and effectively pass on information about new
19 voters or updates for existing voters to election
20 officials, the lists are more accurate and up to date.
21 This should be a fully electronic process, eliminating
22 paper to maximize efficiency. Pennsylvania has been a
23 national leader in modernizing its systems, and many other
24 States are looking to Pennsylvania's model as they consider
25 more automation.

1 Last, membership in the Electronic Registration
2 Information Center, or ERIC as it's called. ERIC is a
3 sophisticated data center run by the States that choose to
4 participate that helps States improve the accuracy of
5 America's voter rolls and increase access to voter
6 registration for all eligible citizens.

7 As of this summer, ERIC has helped its 24 member
8 States, including Pennsylvania, identify over 7.2 million
9 voters who moved within the State but the voter record
10 hadn't yet been updated, over 2.2 million voters who moved
11 out of the State and were therefore no longer eligible to
12 vote in that State, and over 220,000 voter records for
13 individuals who had passed away since they last voted. All
14 totaled, ERIC is responsible for correcting nearly
15 10 million voter records that were no longer accurate since
16 its inception in 2012.

17 Pennsylvania and other States have made great
18 strides in election integrity in the last several years,
19 but there is more work to be done, particularly in election
20 cybersecurity. Election officials stand ready to continue
21 to make improvements, but they need resources.

22 There is no finish line in cybersecurity. As we
23 improve our defenses, those who would seek to undermine our
24 democracy will improve their attack capabilities.
25 Therefore, election officials will need a more regular

1 stream of funding to ensure that they can continue the
2 progress to secure our election systems.

3 Funds are needed to purchase new technology and
4 hire and train staff. I am hopeful that the States will
5 step up to provide these needed resources, perhaps in
6 partnership with Congress, to ensure that voters can have
7 confidence that their votes will count.

8 Thank you, and I'd be happy to answer any
9 questions.

10 MAJORITY CHAIRMAN METCALFE: Thank you,
11 Mr. Becker.

12 Our first question is from Representative
13 Bullock.

14 REPRESENTATIVE BULLOCK: Thank you, Chairman.
15 Thank you. How are you doing this morning?

16 MR. BECKER: Good. Thank you.

17 REPRESENTATIVE BULLOCK: Great.

18 So I just wanted to follow up on what I saw as
19 sort of the juxtaposition between two recommendations, that
20 we move to a paper ballot system for voting but then
21 increase our reliance on electronic and online registration
22 and other systems. And so how do you balance those two
23 sort of seemingly opposite directions of recommendations?

24 MR. BECKER: Yeah; that's a really good question.

25 So registration and the vote itself are very

1 different processes. For voter registration to be
2 effective, it has to be linked and associated with an
3 individual who has been identified, and so that link to
4 that individual is always there. It's much like a lot of
5 the other online transactions that we have, so it's more
6 similar to what we might do on our smartphones and our
7 laptops any day.

8 We know that can be secure, because we've had a
9 long history of securing those kinds of transactions. The
10 vote is a very different kind of transaction. For a vote
11 to be effective in the United States, at some point we need
12 to separate that vote from the individual who cast it and
13 thus completely delink it to the identifying information,
14 because we want the vote to be secret.

15 In order to have an auditable record of that,
16 it's very, very difficult, and the best way to do that is
17 paper right now. So to have some kind of record of the
18 ballot that we can't link back to the individual after the
19 individual has left and still be able to confirm this is
20 how a vote was cast and we're sure of it, paper is the best
21 way right now.

22 REPRESENTATIVE BULLOCK: Thank you.

23 MAJORITY CHAIRMAN METCALFE: Thank you,
24 Representative Bullock.

25 Representative Dush.

1 REPRESENTATIVE DUSH: Thank you, and I happen to
2 concur. I have got now two different types of voting
3 machines. As I said before, in one county it's paper, much
4 more secure and also much easier to audit.

5 MR. BECKER: Mm-hmm.

6 REPRESENTATIVE DUSH: My question for you is, you
7 had talked about the ERIC system, and you had some
8 significant numbers there on a number of people who have
9 moved out of the State and are thus no longer eligible.
10 Since Pennsylvania is a member of that, do you have the
11 number on how many you have informed the Pennsylvania
12 Department of State were not eligible?

13 MR. BECKER: So I should first say, I don't run
14 ERIC.

15 REPRESENTATIVE DUSH: Okay.

16 MR. BECKER: I led the effort to create ERIC and
17 I sit on ERIC's board, but I don't run ERIC. ERIC is an
18 independent 501(c)(3) that is actually run by the States
19 that participate. So Pennsylvania sits on the board and
20 participates as well. I think the best source of that
21 would be the Department of State, although I can get you
22 that information if you need it.

23 I should also note that all of those States,
24 almost all of the States in ERIC -- and it's almost exactly
25 evenly divided between States led by Republicans and States

1 led by Democrats. All of the States with the exception of
2 a couple are subject to the National Voter Registration
3 Act, as is Pennsylvania. So the process of removing those
4 voters would still need to comply with that Federal law,
5 requiring usually some kind of notice and a period of time
6 if you don't hear back from them. But the ERIC system has
7 been able to effectively identify those voters for mailing
8 and notices.

9 REPRESENTATIVE DUSH: When the States get that
10 notification, are you aware of what the process is for
11 eliminating them from the rolls? Do they contact the
12 counties and have them eliminated, or---

13 MR. BECKER: So I can speak generally to that. I
14 can't speak specifically to Pennsylvania. But from my
15 knowledge of what most of the States do, the States get a
16 record, a report sent to them, and then depending upon the
17 State, either the State, or it's delegated down to the
18 counties, mails out notices to all of the people identified
19 on the report. And they wait to see whether some of those
20 notices are returned, which, of course, would enable a
21 transaction, or whether the voter does not respond to
22 those, which would then enable the State to inactivate that
23 voter for, under Federal law, two Federal election cycles
24 before they remove them.

25 REPRESENTATIVE DUSH: Thank you very much.

1 And, Mr. Chairman, I would just request that we
2 make a request for that information from the Commissioner.

3 Thank you.

4 MAJORITY CHAIRMAN METCALFE: We might have to go
5 to court to get it, but we could do that.

6 Representative DeLissio.

7 REPRESENTATIVE DeLISSIO: Thank you,
8 Mr. Chairman.

9 This may be more of a quick comment than a
10 question.

11 I had an aunt who died in July -- 99; a good
12 life. Within short days, if not hours, everything she had
13 financially was frozen, boom boom boom. You know, the
14 funeral director needs to notify Social Security and it
15 goes out from there. So I have always been fascinated how,
16 you know, this technology exists to cross-reference
17 databases to ensure, you know, where somebody is filing tax
18 returns. You know, this alert goes out within, and when my
19 dad passed away, I swear it was within hours.

20 So are these the types of systems that ERIC is --
21 I mean, if it does exist, I am always wondering sometimes
22 why we're recreating the wheel and/or why we're not
23 leveraging something that's already in place.

24 MR. BECKER: Yeah. So that's also a very good
25 question.

1 So ERIC exists on top of existing systems. And
2 it's different, death reporting exists differently
3 depending upon where someone dies. So if someone dies in
4 State, it's very likely the State agencies are going to
5 learn about it very quickly. But if someone from
6 Pennsylvania dies in Florida, it might take a long time.
7 And there are some networking systems called, like, for
8 instance, there's one called STEVE that helps coordinate
9 that.

10 What ERIC does, Social Security creates a
11 database called their death master list, and that death
12 master list tries to incorporate all of the data from all
13 of the States and all of the systems and put it all in one
14 place. ERIC subscribes to that list, as certain
15 organizations are allowed to, and incorporates that list
16 into its matching process.

17 And then very, very importantly, it has a very,
18 very sophisticated matching process that is highly
19 accurate. So we can be sure that if we get the right
20 John Doe rather than -- because you don't want someone
21 showing up to vote and having been removed from the list
22 and saying, you marked me as dead; I'm standing here; I'm
23 not dead. Local news always seems to be there when that
24 happens. So it's important to get that right, but I think
25 ERIC has a pretty good system for doing that.

1 REPRESENTATIVE DeLISSIO: Thank you.

2 Thank you, Mr. Chairman.

3 MAJORITY CHAIRMAN METCALFE: Thank you,
4 Representative DeLissio.

5 Representative Bradford.

6 MINORITY CHAIRMAN BRADFORD: Similar to actually
7 what the last speaker said.

8 I was very impressed by your testimony, because
9 something you said really struck home, where you said that
10 vigilance is important, but we must not be hysterical about
11 potential vulnerabilities, and some of the last few
12 speakers I think this is true of.

13 When you really lay it out, this isn't a
14 Democrat/Republican thing. We are all in this together.
15 We do have to bolster election confidence, and I just
16 really appreciate kind of the thoughtfulness that can be
17 brought to this when you get away from the kind of one-offs
18 or the issues that are needlessly divisive.

19 This is, you know, this is the fundamental stuff.
20 Elections are the key to making this system work, and we've
21 got to bolster that confidence, not tear it down. So I
22 really appreciate what you had to say.

23 MR. BECKER: I appreciate that. And I just want
24 to say that I have unlimited respect for people like the
25 staff at the Department of State and the county and local

1 election officials all over the country, especially in
2 Pennsylvania, who have to walk this fine line of trying to
3 secure their process and, you know, up their security game
4 while at the same time communicating to all their voters
5 that they should have confidence that they can come out and
6 vote and know their vote will be counted as it was cast.

7 MINORITY CHAIRMAN BRADFORD: You know, and if I
8 could, real quick, and I should have ended with the
9 commentary and started with this.

10 One of the things, I know I was at a conference
11 about this issue, and one of the things I was quite
12 impressed with is, it's not just in Pennsylvania. It's
13 not just the professionals. Through all 50 States, D, R,
14 you know, blue, red, whatever, everyone is kind of saying
15 the one thing -- the same things. Everyone seems to be
16 hitting the same points.

17 But it always reminds me of something, and I
18 remember this was in the 9/11 Commission Report, was the
19 failure of thinking about what no one else is thinking
20 about, the failure of imagination, which is a horrible way
21 to think about it. But what are we not thinking about?
22 Like, because it seems like everyone is saying the same
23 things, and that's comforting, but it also makes you think
24 there's a little bit of group think that's going on, and
25 are we missing it.

1 MR. BECKER: Yeah.

2 MINORITY CHAIRMAN BRADFORD: Because no one
3 thought up until 2016 this is the direction it was going.

4 MR. BECKER: So I think -- it's one of the things
5 I think about a lot, and it keeps me up a little bit at
6 night. And I worked with others to red team the election
7 ahead of time. Imagine if we were sitting in Moscow or
8 somewhere else, if we wanted to interfere with democracy,
9 what we would do.

10 I won't share with you my worst-case scenarios,
11 but I think we're prepared for many of them. And one of
12 the things that we need to do is, there are a lot of things
13 that an adversary or a criminal could do to cause
14 frustration and chaos in our system, but as we move to
15 paper, as we move to very robust audits, as we move to
16 secure voter registration databases and other technology
17 that we use in our election system, we can mitigate any
18 possible problem.

19 I usually focus on three things: prevention,
20 detection, and mitigation. You want to prevent it as much
21 as possible; if someone gets in, you want to detect it; and
22 if something bad happens, you want to mitigate it. Things
23 like provisional ballots really help with that, which
24 Pennsylvania and every other State has under Federal law
25 for Federal elections.

1 Again, we can -- as long as we can educate voters
2 and get them prepared and be ready in a worst-case
3 circumstance, our democracy should be resilient against
4 attack. And there are a lot of smart people at places like
5 the Department of Homeland Security, which has acted
6 incredibly responsibly and been very helpful during this
7 whole thing, and in all of the States working on those
8 kinds of things.

9 MINORITY CHAIRMAN BRADFORD: Thank you,
10 Mr. Chair.

11 MAJORITY CHAIRMAN METCALFE: Representative
12 Saccone.

13 REPRESENTATIVE SACCONI: Yes. Thank you.

14 Is the Department of State on the notification
15 list from funeral directors if they have to notify Social
16 Security, or are they on the list to be notified so that
17 they can be taken off the rolls? I say that, again, having
18 the same experience. My father died, and for every, you
19 know, for like 5 years, until I actually told them, please
20 take him off, he's not in there; he shouldn't be in your
21 little box there.

22 MR. BECKER: The short answer is, I don't know,
23 and the Department of State would know better. I know the
24 Department of State does get a death list from ERIC.

25 I should also say that one of the real challenges

1 here isn't just getting notified about people who have
2 died; it's then matching that information to the voter
3 list, and so much of government relies upon being able to
4 take information on John Doe from one list and information
5 on John Doe from another list and match it together and
6 say, we know for sure this is the right person, because you
7 don't want to get that wrong, right?

8 So getting the information is just one part of
9 it, but being able to successfully match it is the second
10 and most important part, and that's what ERIC does very
11 well. It does both. So if States are getting regular ERIC
12 reports, as most are, it should be just a few month lag
13 between the death and the notice to a State, from ERIC at
14 least.

15 REPRESENTATIVE SACCONI: Chairman, I think we
16 should find out if they are on that list, and maybe that's
17 a piece of legislation we could do, is that, add them to
18 the funeral directors' notification list with some matching
19 information like a Social Security number or whatever it is
20 so that we can make sure it's the right person when they're
21 purging the list.

22 MAJORITY CHAIRMAN METCALFE: We'll research that
23 further.

24 Thank you, Representative Sacconi. I agree with
25 you.

1 Mr. Becker, in all of what you talked about, it's
2 kind of on the back end of the process, protecting the
3 vote. On the front end is what I was addressing when we
4 first opened the hearing, I think before you had arrived,
5 when Commissioner Marks had declined to comment. We may
6 actually have a hearing set, that I'm supposed to have a
7 hearing regarding information I've asked for from the
8 Department that they have not come forth with, and I asked
9 for it a year ago, and that's comparisons between our SURE
10 system and our driver's licensing system to see how many
11 foreign nationals are registered to vote in Pennsylvania
12 illegally, and then from there, I would like to find out
13 how many of them have been casting illegal votes. So we
14 know that they have been doing it. We know there are
15 foreign nationals registered.

16 And one of the occurrences that occurred kind of
17 around that same sphere was that a constituent of mine
18 complained that his wife was a foreign national and
19 received a letter from the Department wanting her to vote,
20 wanting her to register to vote. And when we contacted the
21 Department, I think at the time Secretary Cortes actually
22 talked to the individual that had called from my district
23 about this, and in part he blamed that letter on the
24 requirements they had to comply with from ERIC for sending
25 out a mailing to all these individuals in Pennsylvania that

1 weren't registered to vote, and many of them, I think there
2 was a number of them that were not eligible to vote but
3 they were getting letters saying that they should vote.

4 So in that sense, ERIC's process was doing kind
5 of what PennDOT was doing, because their software wasn't
6 set up correct to discourage people from illegally voting.
7 So when you get a letter and you're a foreign national and
8 it tells you to register to vote from an official
9 department, I think that's a problem.

10 So do you know, what's ERIC doing regarding this,
11 because the front end is where I'm concerned about.
12 Because I feel confident that we have the right security in
13 place to stop the cyber-attack kind of scenario that has
14 been talked about this morning. My concern is the front
15 end, and that's why I have been asking for this information
16 for over a year now from the Administration, and they're
17 not forthcoming. And after a year, you have to say
18 cover-up. Why aren't they giving this information to the
19 public?

20 MR. BECKER: So I'll address both the ERIC and
21 the DMV side of this.

22 I think one thing I know from talking with
23 election officials all around the country, no one wants
24 those who are ineligible to register to vote. That is not
25 a good situation for anyone. I don't care if you're a

1 liberal Democrat or a conservative Republican; that is a
2 bipartisan position.

3 The way -- I should start with Motor Vehicles.
4 So when someone goes into Motor Vehicles in almost every
5 State -- and I can't say this is true in Pennsylvania, but
6 I'll bet it is -- you generally have to show a form of
7 identification from two or three columns, usually to prove
8 both legal presence and residence in the State of
9 Pennsylvania, for instance. And some of those forms of
10 identification will document either your citizenship or
11 non-citizenship status. So, for instance, I go in. I
12 happen to be a citizen. I may show my passport or a
13 U.S. birth certificate. That's pretty clear on a U.S.
14 citizen at that point.

15 I may also come in and I might be a Green Card
16 holder. It's probably legal to get a driver's license here
17 in Pennsylvania if you're a Green Card holder and legally
18 present.

19 MAJORITY CHAIRMAN METCALFE: It is.

20 MR. BECKER: You show your Green Card. Then you
21 would have documented non-citizenship contemporaneous to
22 the time when you might be registering to vote.

23 And then there's a third category in almost every
24 State, which is, they have not shown documentation of
25 either citizenship or non-citizenship, and in those cases,

1 we're not sure whether they are citizens or not. We know
2 overwhelmingly they are by percentage, but we don't know
3 which ones are and which ones may not be.

4 So when ERIC uploads that data -- or sorry --
5 when the State uploads that data to ERIC, what they do is
6 they eliminate those who have documented non-citizenship at
7 the time, but they don't know whether the people who have
8 documented either citizenship or non-citizenship are
9 citizens, and so those are included in the upload.

10 They get that information back, and the letter
11 that goes out -- and I have seen it both for Pennsylvania
12 and for all the other States. Actually, it's very
13 carefully worded. It says, it appears you may not be
14 registered and you may be eligible. It usually lists the
15 requirements and then directs them to the online voter
16 registration system.

17 As you all know, when you go to the online voter
18 registration system, you need to certify that you are a
19 citizen affirmatively at that time. So it doesn't register
20 you; it will direct you to the online voter registration
21 system. And if you are not eligible, there will be --
22 there's an opportunity there for you to back out because
23 you can't certify all of the eligibility requirements.

24 Now, from the Motor Vehicles' perspective, I
25 think it's really good policy, and this is not uncommon in

1 the United States. Pennsylvania has had this problem.
2 Other States have had this problem. I have worked with
3 other States on this problem.

4 If someone documents non-citizenship in a
5 Motor Vehicles, it is advisable to create a process whereby
6 that person can never get asked to register to vote at that
7 time. And most States have kind of jerry-rigged their
8 system for voter registration, and this is what I'm talking
9 about when I talk about automation of the process. The
10 front end is actually incredibly important. When you're
11 interacting with the individual, if you got information
12 that they are a noncitizen at that point, they should be
13 put into a virtual lane where they never see that question.
14 If they naturalize at some further point in time, they will
15 have opportunities. Of course, the online voter
16 registration system in Pennsylvania has been around for
17 quite some time. They can then register to vote completely
18 legally, and that's wonderful.

19 But we want to make sure that we have a process
20 whereby -- because most of these people that have gotten
21 registered, and I have done a lot of research on this, are
22 doing so accidentally. They are not trying to put in peril
23 their legal status in the United States.

24 MAJORITY CHAIRMAN METCALFE: Mr. Becker?

25 MR. BECKER: Yeah.

1 MAJORITY CHAIRMAN METCALFE: We're pretty much
2 out of time. But just to cut to the quick of it is,
3 everybody knows, except for the public, that there are
4 foreign nationals that have registered and that some of
5 those foreign nationals are voting. So when they vote,
6 they nullify legally cast votes.

7 So I think really to get to -- and that's what I
8 would ask you to take back to the board of ERIC, the
9 concern that we have, many of us, that we would like to
10 see, as our State being a participant in ERIC, that we
11 would like to see something done on the front end that is
12 going to stop the foreign national interference with our
13 elections. It's happening through these registrations
14 where people are voting.

15 I mean, we just had the Dauphin County Elections
16 Bureau Director testify that he had one person that was a
17 frequent voter, and he had warned her that this could
18 impact her becoming a citizen.

19 MR. BECKER: So again, I just want to say a
20 couple of things.

21 First, I have done research about this
22 nationwide. It is undoubtedly true that there are some
23 people who are noncitizens who get registered, and a small
24 percentage of them vote. Those numbers nationally can be
25 counted in the dozens, not even the thousands. We're

1 talking about a very, very small number.

2 That being said, ERIC and all of the States have
3 a great interest in reducing that to zero or as close to
4 zero as possible. And I think one of the things---

5 MAJORITY CHAIRMAN METCALFE: Thank you,
6 Mr. Becker.

7 MR. BECKER: Can I just follow up, because---

8 MAJORITY CHAIRMAN METCALFE: We do have to move
9 on, but I would say, I would say the information that I
10 have---

11 MR. BECKER: Typically what---

12 MAJORITY CHAIRMAN METCALFE: I would say the
13 information I have shows that maybe all those voters are in
14 Pennsylvania, because we have had dozens in Pennsylvania.

15 MINORITY CHAIRMAN BRADFORD: Why don't we let him
16 finish? We normally let people finish their sentence.

17 MR. BECKER: I would just say that ERIC is
18 dependent upon the data that the States share. So if a
19 State DMV allows people to come in and not identify whether
20 they're a citizen or not, which most States do, then ERIC
21 is going to only be dependent upon what it can take in.
22 What it puts out can only be dependent on what it takes in.
23 So if it's ambiguous as to whether the individual is a
24 citizen or not, ERIC can't tell you whether that person is
25 a citizen or not.

1 So there might be ways that you can accomplish
2 that here, but ERIC is going to be dependent upon what the
3 DMV here can do.

4 MAJORITY CHAIRMAN METCALFE: Well, if you could
5 take it back to the board. But you said you're on the
6 board?

7 MR. BECKER: Yeah.

8 MAJORITY CHAIRMAN METCALFE: Then ultimately you
9 would like to see something on the front end with States
10 working together to stop the registrations on the front end
11 that are threatening the integrity of the system.

12 MR. BECKER: Thank you, Mr. Chair.

13 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

14 MR. BECKER: Thank you.

15 MAJORITY CHAIRMAN METCALFE: We appreciate it.
16 Thank you for being with us. Have a good day.

17 Our next testifier is Mr. J. Christian Adams,
18 President and General Counsel of the Public Interest Legal
19 Foundation.

20 Good morning.

21 MR. ADAMS: Good morning.

22 MAJORITY CHAIRMAN METCALFE: You can begin when
23 ready, sir.

24 MR. ADAMS: Chairman Metcalfe, Democratic Chair
25 Bradford, and Members of the Committee, thank you for the

1 invitation to testify today.

2 I am the President and General Counsel of the
3 Public Interest Legal Foundation, a nonpartisan charity
4 devoted to promoting election integrity and best practices
5 for election officials.

6 I was also a member of the Presidential Advisory
7 Commission on Election Integrity, and like your previous
8 witness, a trial attorney in the Voting Section of the
9 Department of Justice.

10 My organization has produced two reports
11 detailing several system failures involving noncitizens
12 that are registering and voting in the Commonwealth, one
13 for Philadelphia and one for Allegheny County, which is
14 called *Steeling the Vote*.

15 Almost 2 years to the day have passed since my
16 last appearance before this body. Then I warned that we
17 were finding preliminary indications at the time that
18 noncitizens were in fact registering and voting here in the
19 Commonwealth. Some of my warnings from 2016 have yielded
20 subsequent proofs on a large scale within Pennsylvania's
21 electoral system.

22 It is not true that there are only dozens of
23 people who are noncitizens who are voting nationwide and
24 casting ballots. We now know 2 years later the situation
25 was far worse than we predicted. We now know that for

1 decades, problems in the voter registration systems were
2 failing to screen out aliens in PennDOT's motor-voter
3 system.

4 But there are some things we do not know, because
5 State officials have hid the full extent of the problem
6 from our organization, the public, and even you, the
7 Legislators with the power of oversight over State election
8 officials. My organization has had to file a Federal
9 lawsuit to obtain basic public records regarding the extent
10 of this problem. Instead of transparency, the Commonwealth
11 has vigorously defended against the lawsuit and against
12 public disclosure.

13 I appear before you today because even though
14 more than a year has passed since the Commonwealth
15 disclosed this "glitch" inviting non-U.S. citizens to vote,
16 the general public remains in the dark about the extent of
17 the problem. Instead of opposing our lawsuit, the
18 Commonwealth should be transparent about the mistakes made
19 over the last 20 years that allowed noncitizens to register
20 and vote, because Federal law grants you and the public a
21 right to this information.

22 I know my Foundation is not alone with its
23 frustration with the Department of State. Even the
24 Philadelphia Inquirer's editorial board has registered its
25 unease about how the Commonwealth is handling this affair.

1 The Federal lawsuit continues at the preliminary stages,
2 and I will certainly offer this body updates as they are
3 available.

4 Now, my Foundation was able to dislodge some
5 information from a minority of counties across the
6 Commonwealth, offering only a glimpse of how noncitizens
7 are becoming registered to vote, how they are discovered,
8 and canceled. As I mentioned, we have this report -- and I
9 have extra copies for you or anybody behind me who would
10 like one -- called *Steeling the Vote*. It only focuses on
11 Allegheny County; hence, the black and gold.

12 According to my Foundation's research,
13 noncitizens were invited to the DMV to register and vote.
14 I want to point out two examples from this report.

15 The first is a woman named Karen. Karen wrote a
16 letter which we obtained through a records request from
17 Allegheny County. Remember, the State won't give us these
18 records. It says:

19 "To Whom It May Concern:

20 "I am writing to request that my name be removed
21 from the voter registration list.

22 "I am not eligible to vote as I am not an
23 American citizen."

24 It says, when I came to the United States in
25 1996, registering to vote was part of the driver's license

1 application. I asked the attendant if I should fill it
2 out. I told her I did not think I was qualified to vote
3 because I wasn't a citizen. She thought that I should fill
4 it out anyway and I would be rejected if I was not
5 qualified.

6 The point is, that's not true, because there's no
7 back-end verification of citizenship.

8 Let me share another example in the report. It's
9 number 1 in the report of multiple examples. This is a
10 person named Alister.

11 Alister was a university student at the
12 University of California, Pennsylvania. He said that he
13 had inadvertently signed up to vote during a "get voters to
14 the poll drive."

15 "I was not aware at that time that legal aliens
16 were not permitted to vote. I only did so as part of the
17 'drive' on campus to get college students registered." I
18 voted in the 2004 election, and I understand now that it
19 was very wrong and I am sorry.

20 We have found example after example after example
21 like this in counties across Pennsylvania, including in
22 Pittsburgh, Philadelphia, and other counties. It is not
23 happening only by the dozens nationwide; it is happening by
24 the thousands, at least.

25 About 71 percent of noncitizens removed from the

1 Allegheny County voter rolls were discovered because they
2 reported their own status. Remember, these are
3 self-reports. These are confessions. These are people who
4 actually write in and say, take me off the rolls. We don't
5 know the extent of the full problem, because we have a tiny
6 little sample size. Of them, 63 percent occurred because
7 of PennDOT transactions over the last two decades --
8 63 percent. Noncitizens sat on the rolls -- the ones we
9 found -- for an average of 6 years before removal.

10 Transparency into these failures of the past is
11 not alone going to resolve this matter. The Commonwealth's
12 alleged efforts to reach out to noncitizens before November
13 is a one-off fix, not a course correction.

14 The fact remains, when a voter applicant checks
15 the box on the voter registration that they are indeed a
16 U.S. citizen, that claim is not verified in Pennsylvania.
17 It is an honor system, and the honor system has failed.

18 As I told this body 2 years ago to much
19 skepticism, the number of illegal votes occurring in
20 Pennsylvania by noncitizens doesn't matter when the
21 integrity of the process is at stake. The integrity is at
22 risk because it invites illegal participation and sets
23 otherwise law-abiding immigrants up to fail.

24 Thank you very much for your time and attention.

25 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

1 Questions from Members?

2 Representative Dush.

3 REPRESENTATIVE DUSH: Thank you, Mr. Adams.

4 One of the things that Mr. Becker brought up on
5 the database entries, during the testimony over a year ago,
6 PennDOT came in and tried to explain away the computer
7 database issue and tried to say that it wasn't as simple as
8 an "if-then" statement on the computer program: If the
9 person is an illegal, or I mean, here legally as an alien,
10 then they would not be eligible to actually take a look at
11 that screen to even sign up to vote.

12 That is the type of thing that has precipitated
13 the actions of the Chairman to gain this information. How
14 many other counties have you been able to gain access to
15 information from? I mean, for me, it's appalling that we
16 don't, as having oversight, we don't have access to this.
17 But you said Allegheny County. How many other counties
18 have been helping you out?

19 MR. ADAMS: We have looked at about 10 other
20 counties in Pennsylvania, finding similar numbers,
21 particularly in eastern Pennsylvania, on the eastern side
22 of the State.

23 But the fact that there's no transparency is what
24 is most amazing. It's the only place I can think of in the
25 country where there's this level of stonewalling by the

1 election officials.

2 You know, the public ought to have confidence in
3 the process, and they ought to open up the windows and let
4 the public in. I have never seen a Legislature that has
5 been stonewalled that has oversight authority. That's the
6 most astounding part. The Commonwealth, the Department of
7 State, should make this all transparent so you guys can fix
8 the problem and not just rely on them to operate behind the
9 curtain.

10 REPRESENTATIVE DUSH: Thank you. You just
11 answered my follow-up question. So, Mr. Chairman, I'll
12 yield back.

13 MAJORITY CHAIRMAN METCALFE: Thank you.

14 And Mr. Becker had mentioned toward the end that
15 there were dozens or so in the country, which was when I
16 interrupted and took exception with that, because I know
17 just from the information that you had provided us 2 years
18 ago from Philadelphia, that I think Commissioner Schmidt
19 also had discussed with myself and some of my Members. In
20 fact, he had come here to the Capitol. I think he
21 testified before the Senate State Government Committee,
22 after the point that we had talked.

23 But when you talk about dozens, and we had
24 thought even from the testimony of Commissioner Marks, I
25 think last year, there was a recognition of well more than

1 dozens that had registered illegally in Pennsylvania. And
2 these are just people that are self-reporting. So we're
3 only finding out about these registrants because they're
4 applying for citizenship.

5 So, I mean, do you happen to know what the
6 percentage of those individuals are compared to the
7 percentage of people who are here that aren't applying for
8 citizenship?

9 MR. ADAMS: Yeah.

10 In other words, we don't know the other side of
11 the equation because it's trying to prove a negative.
12 We're only finding, just to be clear, we're harvesting
13 information across the country about aliens who have
14 self-reported their status to election officials. They're
15 usually in the immigration process. They want clean hands,
16 so they get off the rolls. And so we have been harvesting
17 that tiny little part of this.

18 We have another report called *Safe Spaces*, which
19 we looked at sanctuary cities around the country for the
20 same phenomena, and I can assure you, there's a lot more
21 than dozens around the country that have been voting.

22 And these are only -- some of them are voting a
23 dozen times, one individual. And so it's not true that
24 there's only a few dozen people.

25 MAJORITY CHAIRMAN METCALFE: Now, the question

1 that was asked earlier from Representative Roae to the
2 Major, I think at the time regarding databases, and that's
3 what we have asked for, is what's the comparison between
4 the SURE system and the PennDOT driver's licensing system.

5 And once again, this would only identify those
6 individuals who are here as resident aliens, legally, with
7 a Green Card or on a student visa or something like that,
8 where they have been here and they have applied for a
9 driver's license or a Pennsylvania ID card of some sort, so
10 they had some additional ID. So it wouldn't identify those
11 foreign nationals who are here that are not driving, that
12 are not applying for a driver's license, using an
13 international driver's license, using a driver's license
14 from another State that has been issued, that have come
15 here as a student or are working or whatever the scenario.
16 So you're still not going to capture the whole, you know,
17 the whole atmosphere of those individuals that are here,
18 resident aliens.

19 But if we compared those two databases, is that
20 something, are you aware, have other States run those
21 comparisons, and what numbers have they seen and what
22 action have they taken to resolve the issue of having these
23 foreign nationals that they know of on their voting rolls?

24 MR. ADAMS: That's a great question, because a
25 few other States are in fact doing this. Top among them

1 are Texas and Michigan. They are finding astounding
2 numbers in Texas of foreign nationals who are on the voter
3 rolls by comparison of the driver's license Real ID
4 compliant database and the voter rolls.

5 I would hope that every State election official
6 in the country would do that, because it's a great tool.
7 Now, does every match automatically pan out? No; you have
8 some follow-up you have to do. But doing the matchup is
9 the first process.

10 Doing the matchup transparently, informing the
11 oversight committees and law enforcement officials, ought
12 to also be part of the process. And doing that matchup is
13 a great tool to find defects in the system, especially when
14 you have got the situation you have here with two decades
15 of bad practices involving PennDOT.

16 MAJORITY CHAIRMAN METCALFE: Now, it seemed like
17 some of the reasoning or excuses that we were receiving at
18 the last hearing a year or so ago was that the data might
19 not actually be correct and that that individual might now
20 be a naturalized citizen. But there are dates associated
21 with those databases, so they could tell if that person who
22 is now naturalized had registered before being naturalized,
23 I would assume. Isn't that correct?

24 MR. ADAMS: Absolutely.

25 And look, we have found over and over and over

1 again examples of people who remained on the rolls. So
2 there are going to be plenty of people who are on the rolls
3 illegally. So just because somebody might have become a
4 naturalized citizen later doesn't mean that you hide the
5 research.

6 MAJORITY CHAIRMAN METCALFE: Now, I had read
7 through the *Steeling the Vote* report that you had issued,
8 and as I was reading it, I was thinking, this is something
9 that everybody here in the Legislature should read, because
10 as Mr. Becker had proffered that he doesn't believe that
11 this is a partisan issue; he believes that, you know,
12 Democrat, Republican, Independent, that nobody wants to see
13 anybody who is not legally eligible to vote registering to
14 vote, although I just saw something being played on the
15 news this morning. I think she's a Congressman who was
16 talking about some individuals making up the blue wave that
17 she thought would be undocumented. So it seemed like she
18 might actually want somebody to be registered to vote
19 that's not supposed to be.

20 But it seems like if this is a nonpartisan issue,
21 that we would have cooperation with the Administration, and
22 we have not seen any cooperation, either from what you have
23 asked for, which you said that you filed a Federal lawsuit
24 to obtain that. When was that suit filed?

25 MR. ADAMS: Sometime in the spring.

1 The Commonwealth filed a motion to dismiss the
2 case. That's pending before the judge right now. We have
3 had a scheduling conference. I'm confident the Federal law
4 is so clear, that the public has a right to this
5 information, that we will eventually get it, even if it's
6 at the command of a Federal judge.

7 MAJORITY CHAIRMAN METCALFE: That's what's
8 baffling, is that if you want to find out how your neighbor
9 is registered to vote and what their voting frequency is
10 and what their date of birth is and if they voted absentee
11 at all over the course of the last, you know, 5 years or
12 so, for whenever the records are made available to the
13 public, you can get that information. It's public records.

14 You can go to your local election bureau. You
15 can go through the SURE system. You can get the data.
16 You can get the disc from the SURE system for like, I
17 think, 20 bucks or something from the Department, and
18 they'll make you a disc of the whole State. And you can,
19 you know, do your own -- if you are computer savvy, unlike
20 Representative Roae, you could actually do some querying
21 and figure out who's been voting and all of that. The only
22 thing that we wouldn't have access to is to find out if
23 that individual actually has an INS indicator associated
24 with their file that's in the PennDOT system, which the
25 State has.

1 And I believe they have already done the
2 comparison. I believe they know. I believe the number is
3 so high that they don't want the public to know how high
4 the number is, and I think that's why we're seeing the
5 cover-up.

6 MR. ADAMS: Well, don't forget about the
7 bipartisan nature of this. Frankly, candidly, Democrats
8 have a reason to be against noncitizen registration,
9 because these are people who may end up deported, may end
10 up in jail. These are Federal felonies. And they may have
11 family members who are citizens in their districts, because
12 a lot of these are concentrated in the eastern part of the
13 State. And so Republicans have a reason to oppose it. I
14 think it is in fact a bipartisan issue, maybe for different
15 reasons.

16 But I recall when I was here 2 years ago to
17 testify, and when I first started talking about this, you
18 would have thought that I had indicated there were elves
19 and unicorns running around in the Poconos. It was as if
20 this was a complete fantasy. And then slowly the data has
21 been extracted across the State, and we are now finding,
22 finally they admitted there is a problem. They just won't
23 tell you how bad it is.

24 MAJORITY CHAIRMAN METCALFE: Right.

25 Representative Solomon.

1 REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.

2 So what's your number right now? How many
3 noncitizens do we have that are registered to vote in
4 Pennsylvania?

5 MR. ADAMS: Well, we don't know, because---

6 MR. SOLOMON: No; but you've got all these little
7 footnotes, anecdotes.

8 MR. ADAMS: Right.

9 MR. SOLOMON: How many have -- and I notice it's
10 only in Philadelphia County and Allegheny County.

11 MR. ADAMS: Yeah. In Allegheny, there were
12 139 self-reports. Remember, these are people who took the
13 time to write in and essentially confess to a Federal
14 felony.

15 REPRESENTATIVE SOLOMON: 139.

16 MR. ADAMS: 139.

17 REPRESENTATIVE SOLOMON: And what do you have in
18 Philadelphia?

19 MR. ADAMS: Ah, Philadelphia, I think the number
20 was -- let me see if I can get it for you.

21 317.

22 REPRESENTATIVE SOLOMON: All right. That
23 conflicts with what Commissioner Schmidt said.

24 But of those, how many are still actively voting?

25 MR. ADAMS: That I don't know. I'm sorry.

1 REPRESENTATIVE SOLOMON: So how many of those
2 have been corrected by either Allegheny County or
3 Philadelphia County?

4 MR. ADAMS: That would be part of our records
5 request that we have made to the Department of State that
6 they have stonewalled. And so it's not -- we don't have
7 the answer to that.

8 REPRESENTATIVE SOLOMON: So what has been your
9 study through the other counties in Pennsylvania? How many
10 there?

11 MR. ADAMS: Well, I will tell you -- and forgive
12 me. You're from the western part of the State, I believe?

13 REPRESENTATIVE SOLOMON: Philadelphia County.

14 MR. ADAMS: Philadelphia. Okay. I'm sorry.

15 Smaller numbers. Obviously we have looked at
16 Westmoreland. We looked at Fayette. They are not going to
17 have numbers that are similar to Philadelphia or---

18 REPRESENTATIVE SOLOMON: How many?

19 MR. ADAMS: Four or five, I think.

20 REPRESENTATIVE SOLOMON: Four or five everywhere
21 else throughout the Commonwealth.

22 MR. ADAMS: No, no, no; that's not accurate. I
23 said Westmoreland County or Fayette.

24 I'm from Westmoreland County.

25 REPRESENTATIVE SOLOMON: Right.

1 MR. ADAMS: And I can assure you there are vast
2 differences between Westmoreland County and other parts of
3 the State. It's not exactly an immigrant magnet.

4 REPRESENTATIVE SOLOMON: An immigrant magnet.
5 Where?

6 MR. ADAMS: In other words -- Westmoreland.

7 REPRESENTATIVE SOLOMON: Right. But, so *Steeling*
8 *the Vote*---

9 MR. ADAMS: Allegheny only.

10 REPRESENTATIVE SOLOMON: Allegheny only.

11 MR. ADAMS: Only.

12 REPRESENTATIVE SOLOMON: So you've got Allegheny.
13 You've got Philadelphia. But you don't have specific
14 numbers throughout the rest of the counties.

15 MR. ADAMS: Well, I do. I just don't have them
16 off the top of my head.

17 REPRESENTATIVE SOLOMON: Well, because you were
18 saying thousands.

19 MR. ADAMS: No.

20 REPRESENTATIVE SOLOMON: So where are they from?

21 MR. ADAMS: No; thousands in other places around
22 the country. The previous testimony you heard was there's
23 only a few dozen around the country that are illegally
24 voting, and that is plainly not true. We have found
25 thousands across the country.

1 REPRESENTATIVE SOLOMON: And is this a concerted
2 effort to register people, or do you think this is by
3 accident?

4 MR. ADAMS: As I indicated, 63 percent of the
5 ones who are registered went through the PennDOT system.
6 And so "concerted effort" I don't think is an accurate
7 description of what was going on at PennDOT.

8 One of the things you do when you get the raw
9 data is you can start to see whether or not there's
10 concerted effort. Were they coming in through third-party
11 registration drives? Were they coming in a different way?
12 Once we get the data from the Department of State, we'll be
13 able to answer the question you just asked.

14 REPRESENTATIVE SOLOMON: But the 63 percent
15 through PennDOT, it would be fair to say that would be by
16 accident.

17 MR. ADAMS: Well, I mean, you can call it
18 accident, incompetence. There's a lot of words that might
19 fit. We would know if we knew more about the problem.

20 REPRESENTATIVE SOLOMON: And you also mentioned
21 that this goes back decades. Have you been receiving
22 anecdotes for 10, 20 years about voter improprieties
23 throughout all 67 counties?

24 MR. ADAMS: The conclusion that it's a
25 decades-long problem is from admissions by State officials.

1 It's not our assessment.

2 REPRESENTATIVE SOLOMON: And where's that report?

3 MR. ADAMS: It's ubiquitous. They have said that
4 this was a motor-voter---

5 REPRESENTATIVE SOLOMON: No; where's the report
6 to quantify your claim?

7 MR. ADAMS: Well, motor-voter was implemented in
8 '95-96. Or excuse me -- '94-95.

9 REPRESENTATIVE SOLOMON: Right.

10 MR. ADAMS: And so 2018 minus '95 is
11 approximately two decades.

12 So this is a problem that existed in
13 motor-voter's implementation, and that's easy to understand
14 that it's two decades long.

15 REPRESENTATIVE SOLOMON: Thank you, Mr. Chairman.

16 MAJORITY CHAIRMAN METCALFE: Representative Ryan.

17 REPRESENTATIVE RYAN: Just a very quick comment.

18 And first of all, thank you for your testimony.

19 One of the comments that comes to mind as someone
20 who does processes and sees process flaws, anytime -- and
21 the group I worked with in the military, we would
22 specifically exploit areas of vulnerability in the system.

23 And I just wanted everyone to be aware, as of
24 right now, there's 6.5 million active Social Security
25 numbers of people who are at least 112 years old, and that

1 was as of 3 years ago, when there's only 35 known people in
2 the process who are that age.

3 Of those, however, only 13 of those individuals
4 are claiming benefits. However, approximately 1.7 million
5 of those people, according to the Social Security
6 Administration, are still reporting earnings and other
7 things under those Social Security numbers in the process.

8 And the reason I bring this up is that the
9 purpose of all these things is to identify flaws in the
10 system. And I agree with you 100 percent as to PA, and
11 whenever you see flaws, you have to say, where will this
12 thing be mishandled?

13 We have got so many issues and so many systems
14 that are problematic that if we don't start to look at them
15 individually, and the lack of transparency is so prolific
16 throughout our government in this area that the probability
17 of us knowing for sure about the amount of data and where
18 it comes from and all those types of things would be very
19 difficult, and I'll give you an example.

20 I tried to see if I could get the information on
21 the redistricting algorithm that was used by the Supreme
22 Court, and they're not subject to open records laws.

23 So, you know, we have got a long way to go.

24 MAJORITY CHAIRMAN METCALFE: Thank you,
25 Representative Ryan.

1 Representative Bradford.

2 MINORITY CHAIRMAN BRADFORD: Thank you.

3 Real quick. In the interests of transparency,
4 what is the Public Interest Legal Foundation?

5 MR. ADAMS: A 501(c)(3). It's a nonprofit, just
6 like the previous witness's organization.

7 MINORITY CHAIRMAN BRADFORD: Yeah.

8 No, no, that wasn't a trick question.

9 MR. ADAMS: Yeah. A 501(c)(3).

10 MINORITY CHAIRMAN BRADFORD: Who funds it?

11 MR. ADAMS: Who funds it? Private donors across
12 the country.

13 MINORITY CHAIRMAN BRADFORD: Great.

14 MR. ADAMS: A wide variety of organizations. You
15 can ask for our 990.

16 MINORITY CHAIRMAN BRADFORD: Yep.

17 MR. ADAMS: I'll have to send you a copy. As
18 soon as I get back to Washington, I'll send you one.

19 MINORITY CHAIRMAN BRADFORD: You don't have to.

20 No; I was actually amazed. This is really well
21 done. Like, it's very high-glossy stuff.

22 Real quick. You mentioned the eastern part of
23 the State, that you had been stonewalled. Which election
24 officials in what county?

25 MR. ADAMS: No, no, no, not the eastern part of

1 the State that has stonewalled. It's the Department of
2 State, the actual State election officials.

3 MINORITY CHAIRMAN BRADFORD: I thought you said
4 you were having issues with counties, too, though.

5 MR. ADAMS: No, no, no. No, sir. We had great
6 cooperation from the eastern part of the State, as a matter
7 of fact.

8 MINORITY CHAIRMAN BRADFORD: Okay.

9 MR. ADAMS: And then they deserve a great amount
10 of commendation for compliance.

11 MINORITY CHAIRMAN BRADFORD: Democrat and
12 Republican counties?

13 MR. ADAMS: Absolutely.

14 MINORITY CHAIRMAN BRADFORD: Great.

15 MR. ADAMS: They followed Federal law. It's the
16 Department of State that has refused to follow Federal law.

17 MINORITY CHAIRMAN BRADFORD: Let me ask you this:
18 Why do you think that your numbers are so different than
19 Mr. Becker's?

20 MR. ADAMS: Well, because Mr. Becker hasn't spent
21 much time looking at the problem. Mr. Becker and I have
22 known each other a long time, and let's just say,
23 noncitizens voting on the rolls is not exactly Mr. Becker's
24 priority. To his credit; that's not what he does. That's
25 what I do.

1 MINORITY CHAIRMAN BRADFORD: Right.

2 And explain to me the lawsuit that you're
3 involved in and your organization is involved in in
4 Virginia right now.

5 MR. ADAMS: Quite good research, sir.

6 We reported on Virginia, and much like
7 Pennsylvania, Virginia was a State that was compiling lists
8 of 5,000 caught aliens.

9 It turns out that their data---

10 MINORITY CHAIRMAN BRADFORD: When you say
11 "aliens," legal aliens?

12 MR. ADAMS: It doesn't matter; both.

13 MINORITY CHAIRMAN BRADFORD: Okay. No, no.
14 I'm---

15 MR. ADAMS: They---

16 MINORITY CHAIRMAN BRADFORD: Sir, I'm just asking
17 for clarity.

18 MR. ADAMS: Right.

19 And Virginia produced records showing that they
20 had upwards of 5,000 aliens who had registered to vote who
21 were removed.

22 Last week, since you asked about the lawsuit, we
23 filed a claim against the Commonwealth of Virginia for
24 improperly removing citizens from the voter rolls. No
25 State officials should be removing citizens from the voter

1 rolls, and we have sued the Commonwealth of Virginia for
2 improper removal of aliens.

3 MINORITY CHAIRMAN BRADFORD: But the original
4 litigation, though, is you're the defendant.

5 MR. ADAMS: Correct.

6 MINORITY CHAIRMAN BRADFORD: You're being sued or
7 called out -- your organization is being sued for voter
8 suppression.

9 MR. ADAMS: No, no, no, sir. That's not
10 accurate. It's not voter suppression.

11 MINORITY CHAIRMAN BRADFORD: But---

12 MR. ADAMS: It's for defamation, the Klan Act,
13 and---

14 MINORITY CHAIRMAN BRADFORD: The Ku Klux Klan
15 Act; yes.

16 MR. ADAMS: ---and Section 11(b) of the Voting
17 Rights Act.

18 MINORITY CHAIRMAN BRADFORD: Yes.

19 MR. ADAMS: Voter suppression is not in Federal
20 law. And so those statutes are, and they sued us because
21 we published records showing that these individuals are
22 noncitizens.

23 MINORITY CHAIRMAN BRADFORD: And are they
24 noncitizens?

25 MR. ADAMS: Well, we don't know. But we know

1 that the Commonwealth of -- we know the Commonwealth of
2 Virginia made a mistake removing them. That's why we sued
3 the Commonwealth of Virginia.

4 So removing these---

5 MINORITY CHAIRMAN BRADFORD: And so you
6 published---

7 MR. ADAMS: May I finish?

8 By removing these voters improperly, we sued the
9 Commonwealth of Virginia for violating Federal law by
10 removing genuine citizens from the voter rolls.

11 MINORITY CHAIRMAN BRADFORD: And respectfully, I
12 understand that's your contention, but they're suing saying
13 that you defamed them.

14 MR. ADAMS: Because we published public
15 information that the government published. And so we are
16 now suing the Commonwealth of Virginia for removing
17 citizens from the voter rolls.

18 Thank you.

19 MAJORITY CHAIRMAN METCALFE: Thank you.

20 Thank you, Representative Bradford.

21 Thank you, Mr. Adams, for testifying with us
22 again. Thanks for coming to Harrisburg, and we really
23 appreciate the work you have been doing.

24 MR. ADAMS: Thank you.

25 MAJORITY CHAIRMAN METCALFE: Thank you.

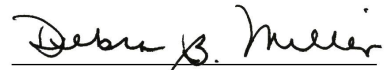
1 A motion by Representative Roae to adjourn,
2 seconded by Representative Dush.

3 This hearing is adjourned. Everyone have a nice
4 day.

5

6 (At 11:01 a.m., the public hearing adjourned.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5
6
7 

8 *Debra B. Miller*

9 *Transcriptionist*

10 dbmreporting@msn.com