



BUREAU OF REGISTRATION AND ELECTIONS

DAUPHIN COUNTY ADMINISTRATION BUILDING
2 SOUTH SECOND STREET, FIRST FLOOR
HARRISBURG, PA. 17101
(717) 780-6360
1-800-328-0058

BOARD OF COMMISSIONERS
JEFFREY T. HASTE, CHAIRMAN
MIKE PRIES, VICE CHAIRMAN
GEORGE P. HARTWICK III, SECRETARY

CHIEF CLERK/CHIEF OF STAFF
CHAD SAYLOR

DIRECTOR
GERALD D. FEASER, JR

House State Government Committee Public Hearing
Monday, October 15, 2018
Dauphin County Administration Building
By Gerald D. Feaser, Jr.
Director, Dauphin County Bureau of Registration and Elections

Greetings to Chairman Metcalf and Chairman Bradford, and the members of the House State Government Committee. I thank the committee for the opportunity to speak about election integrity and reforms.

With the General Election a mere three weeks away, I have accepted this unique invitation to offer my assessment about the integrity of our election process, which I define as voting systems, voter registration and website election results, as well as possible reforms election directors support.

Given all that is stated and misstated in the public arena about the integrity of our election process, the only clear and concise message that I can offer is simply this: Pennsylvanians should rest easy knowing that the official election results in Pennsylvania are secure and reflect the will of the people. Under state law, all 67 counties follow strict requirements to keep our voting systems that record and tabulate the official election results secure and off line.

Specifically, in Dauphin County, not only are our voting machines not connected to the internet, our machines are incapable of being connected to the internet. Looking for a Wi-Fi or internet connection on our machines is like looking for a turbo charger on a Model T Ford; it just simply isn't there. We use the same voting systems as does Berks, Bucks, Delaware, Monroe and Philadelphia counties.

Given the security and safety features built into our current system – including chain of custody of the machines, materials and memory cartridges – I could drop off one of my sealed voting machines in the middle of Red Square in Moscow and the only way the Russians could hack into it is by using an ax.

The voting system consists of propriety software, which is maintained on a single-use computer in my office, and that computer is literally not connected to the internet or even the County's network; and the hardware, which consists of nearly 500 programmed, tested and sealed machines we prepare before each primary and general.

Election integrity also extends to our voter registration rolls. Thanks to the Wolf Administration, voters now have greater control over their voter registration status via Online Voter Registration.

When a voter uses OVR, the application arrives through the Statewide Uniform Registry of Electors (SURE) system in my office within 16 minutes to be processed. As OVR was in place for the 2016 presidential election, we were able to keep on top of the volume of registrations and we did not have to record nearly as much overtime or hire additional workers to keep up with applications as was needed during the 2012 presidential election.

As to the security, firewall protections and integrity of OVR and the SURE system, I will defer to Commissioner Jonathan Marks from the Department of State, as he is far more versed on the complexities of these systems that the counties all tie into. And, despite some county user frustrations with connecting to the SURE system from time to time and the schedule of certain upgrades to SURE, I believe that all counties are confident of the integrity of that system.

The last piece of the integrity puzzle is where things can become confusing: website election results. The news media and public have come to rely on the Department of State's website for election night returns for statewide races, and regularly check on county websites for local races.

From time to time, we hear about a wide variety of public and private websites being altered by someone other than an authorized user. So, it is to be expected that the possibility exists that someone could hack into a website and change result numbers, candidate names, party affiliations or the like. But it is important to remember that the websites contain unofficial results and are in no way connected to the computers and databases that maintain the official results. Yes, such an act may cause confusion, but that is something well beyond any election officials control as social media has been plagued with the misdeeds of those who seek to slander and malign others.

Sometimes the media is duped about what exactly is at stake, too. CNN's coverage of a recent "Defcon" gathering stated that a pair of 11-year old hackers "hacked" into a state election website and "changed votes." Not only did these youngsters NOT change any votes, the website was a mock website and not an official election website. The average person was left with the impression that such an act altered the results of an election, rather than an act that would similar to a news release containing transposed numbers.

And, to be clear, I'm not aware of anyone cracking into the websites of either the Department of State or any county to change unofficial vote tallies.

As for election reforms, there are several items that the 67 county election directors have in mind to save taxpayer money and improve the delivery of elections. Our top four reforms are:

- 1) Equipment modernization and funding: In February, the Wolf Administration issued an edict in which all counties were told that any new voting systems purchased must meet new certification standards, including voter-verifiable paper trail. Counties were appreciative of this direction, as some counties, such as Susquehanna, Lehigh and Montgomery, had already begun searching for a replacement to their voting systems.

Two months later, the Administration issued an updated edict in which we learned that all counties would be required to have a voter-verifiable paper trail voting system in place

before the April 2020 presidential primary. Those counties with paper ballots breathed a temporary sigh of relief, as it was their opinion that their current systems already met the new standards. It wasn't until June that those counties were told that even they would need to abandon their current systems and replace them with "new" yet-to-be certified systems.

Presently, there is only one system approved for use in Pennsylvania, with the promise of four or five more by the end of the year. I respect the Department of State and have no doubt that its team will do their best to meet this goal. But, I still question the sanity of attempting to try and have 66 counties meet this artificial deadline without funding and with only one system presently certified for use in Pennsylvania.

Susquehanna County, which began searching for a new voting system more than three years ago, was lucky enough to be happy with the one system presently certified. They moved forward and will have a new system in place for this November. With 41 election districts and 25,552 voters, I look forward to the feedback from Susquehanna County following this election.

But, with 159 election districts and more than 185,000 voters, it may take a little more effort for Dauphin County to find a new system that fits our needs.

Most other counties, including Dauphin County, can't afford this unfunded state mandate to purchase a multi-million dollar system and – even if some were planning to acquire a new voting system – many didn't plan for changing systems so suddenly.

It also is worth noting that, as someone who speaks directly to voters before and after their voting experiences, I can't imagine a worse time to change systems than before what is shaping up to be a contentious presidential election. I realize that the public has been encouraged to want a voter-verifiable paper trail in their voting systems. At present, I still view that as a preference rather than a necessity as our current system continues to serve us well.

Regardless of how all of this turns out, funding for new machines and other modern election equipment is going to be a priority. I estimate that it will cost Dauphin County nearly \$8 million dollars to purchase a new system, train my staff and the poll workers to use the new system, hold public meetings to enable voters a chance to review the system prior to conducting an election and to dispose of the old system.

If we all go to a paper-based system, I hope that some of the systems approved by the Department of State will include a "print-on-demand" feature and that the General Assembly will remove the requirement that counties pre-print paper ballots to serve 110 percent of our voter registration total for each election district. To give you an idea of what this looks like, with 185,000 registered voters, Dauphin County would have to print 203,500 ballots. With a package of shrink-wrapped paper ballots measuring 3 inches for every 500 ballots, the stack of ballots would be more than 100 feet high, of which 75 feet

would be thrown into recycling bin following a municipal election year and at least 20 feet after a presidential election.

In addition to purchasing new voting machines, I believe that this “modern election equipment” phrase should be expanded to include purchasing or leasing other new technologies, such as electronic poll books (or E-Poll Books), which would enable lines at polling places to move quicker.

E-Poll Books are electronic tablets that can contain the entire election districts voter listing, or the entire county’s list. Voters would no longer have to stand in “A to L” or “M to Z” lines waiting to sign the paper poll book in which their name appears. Lines would move much smoother as voters would simply step up to the next E-Poll Book sign their name like you do at a grocery store check-out when using a credit or bank card and move onto the voting process. Also, E-Poll Books would enable us to do a simple download of those who signed in on election day. This would be a more accurate method of crediting voters who turned out in comparison to the scanning of bar codes by each name in the paper poll books that we presently perform after each election.

For those who advocate for “same day registration,” we firmly believe that the Election Code would need to be changed to require mandatory identification and the use of E-Poll Books that are connected to the central office of each county, as well as to be able to communicate with other E-Poll Books issued throughout the county and throughout the state. If we are unable to have E-Poll Books communicating in real-time, it wouldn’t take much to have the conditions for in-person voting fraud.

- 2) Absentee ballot reform: Since 1937, when the deadlines for absentee ballots were put into the Election Code, there have been a few changes in the U.S. Postal Services delivery schedule. The current deadline to apply for an absentee ballot is the Tuesday before the election, and the voted ballots must be returned by the Friday before the election. However, the U.S. Postal Service no longer has “next day” regular first-class mail. So, based on the current realities, there is no way that we can mail an absentee ballot, have the voter receive it and mail it back within that time frame.

Also, as society’s schedules have changed, many counties believe the time has come for “no excuse” absentee balloting. Not only is it none of our business why a voter has decided to vote by absentee, I believe the dissemination of lists of those voting by absentee needs to be revisited given that this is an area ripe for abuse. I can understand the political parties and candidates requesting the absentee voter lists for last-minute outreach, but under current “right to know” laws, what is to prevent someone with a less than honorable plans from acquiring these lists? Why should we continue to require poll workers to post absentee voters lists in the polling places to share with the world who may not be home?

- 3) Polling Place Reform: From our country's founding, voters have gone to a local precinct polling place to cast their ballot. While originally needing hitching posts to tie up a horse, we now are required to comply with federal ADA requirements, which in some cases either costs thousands of dollars to retrofit a facility or counties must move to a new polling place. Given some of the specific measurements contained in the federal ADA requirements, it is often difficult to identify a site within a precinct that would qualify let alone a municipality.

Moving polling places – as I'm certain you hear – is not a popular action. For this reason, we support giving counties the option to make use of "voting centers" or designating an election district a "vote by mail" district.

Vote centers would enable a county to redirect resources by having one voting location serve multiple election districts. Two examples of how I would use vote centers are:

- a) Penbrook Borough is comprised of four wards, each of which must be a separate election district, and each consists of less than 550 voters. Because the borough has council members elected by ward, the borough is unwilling to merge any of its wards since the Borough Code would require a reduction in the number of council members. At election time, I am unable to find enough people from each of the four wards to properly staff each respective election district. If I could run this borough as a vote center, I could allocate five voting machines, and pay for one Judge of Elections, two Inspectors of Election and five machine operators and two clerks, all of whom would be from Penbrook. Instead, I presently allocate eight voting machines and have four Judges, eight Inspectors, eight clerks and eight machine operators, many of whom do not live in the election district they are working or even in Penbrook Borough.
- b) In Lower Paxton Township, I have six election districts in which you can see each of six polling places from any one of the others. No one walks to any of these polling places due to heavy traffic, so everyone drives. Each of the six sites have challenges with ADA compliance, and some of the facilities are small. If I could create a Voting Center at the high school in the middle of these six polling places, I could have all voters report to one site that would meet ADA accessibility requirements, provide plenty of parking and be large enough area to serve all voters.

Some municipalities in Dauphin County have fewer than 200 voters, which translates into low numbers of voters for high costs of conducting elections, as well as challenges in finding enough poll workers even to fill the minimum of five poll worker spots: Judge of Election, Majority Inspector, Minority Inspector, Clerk and Machine Operator. We can get by with just three, as some poll workers pull double-duty. It comes down to the fact that we could conduct elections in these small municipalities in a far more cost-effective manner by simply mailing everyone who is registered to vote a ballot like an absentee ballot and counting the ballots in my office on election night.

- 4) Poll Worker Reform: Regardless of what changes are made to voting systems, registration processes or how and where elections are held, the linchpin in all of this are the poll workers. If we continue to lose poll workers, we may have the newest and shiniest equipment, but no one will be there to operate it.

Our poll workers are the folks who put in not only the 13-hours in which the polls are open, but also the hour to set up and two to three hours to close the polls and tabulate the results. Sometimes they work all day without a lunch or dinner break. While Dauphin County pays our poll workers higher than most counties, few if any perform this work for the paycheck. They do this work because they consider it their patriotic duty.

As noted earlier, society is changing and fewer and fewer people demonstrate the interest in serving as a poll worker. Contested elections for the three elected spots on the local election boards are far and few between. In some cases, excellent poll workers just don't like the idea of circulating petitions to have their name on the ballot; they see it as a conflict of interest.

The Pennsylvania Constitution bans federal, state, county and municipal employees from serving as poll workers. As the election director with the State Capitol in his county, I can't tell you how many times I've had to explain to employees of the General Assembly that it is the Constitution and Election Code that prevent them from serving as poll workers and not me. I'd love to have them work the polls for me, but if I know where they work, I can't accept their offer to serve.

Dwindling numbers in civic participation can be witnessed when looking at the many organizations that once boasted large numbers of members, such as the Lions Club, Elks Club, Masonic bodies, historical societies, garden clubs and even the League of Women Voters. One story recently spoke of the erosion in the number of individuals willing to serve as PIAA officials in various sports.

Removing poll workers as an elected position would be a good first step. Also enabling counties to legally use those interested in working the polls in any election district throughout the county might help as well.

And, I can tell you that moving election day to the weekend will only compound the problem of having poll workers willing to serve, as the election workers who responded to a survey I did this summer told me that nearly 25 percent would stop working if that were enacted.

In closing, I want to say that I know that both the House and Senate have versions of legislation to establish an Election Law Advisory Board. I certainly would add my support to such a measure as it would create and open channel of communication between those on the front line of conducting elections and the legislators. Indeed, the Advisory Board may help move us into the 21st Century and save taxpayer money rather than following a 1937 way of conducting elections

Thank you for your time, and I'm available to answer any questions.

###