



**TESTIMONY ON
ABSENTEE AND MAIL-IN BALLOT ACCESS AND
COUNTY ELECTION REFORM PRIORITIES**
Presented to the Senate Democratic Policy Committee

By
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Good morning, my name is Jeff Reber and I currently serve as vice-chair of the Union County Board of Commissioners. In addition, I also serve as chair of the County Commissioners Association of Pennsylvania (CCAP) Elections Reform policy committee. Counties appreciate the opportunity to join the committee today to discuss absentee and mail-in ballot access here in Pennsylvania.

Counties are appreciative of the attention the General Assembly has given to the important issue of elections and voting in recent years. As you are aware, Pennsylvania's 67 counties have a significant responsibility in assuring elections remain fair, secure and accessible at every step of the process. Over the past several years, counties have worked closely with the General Assembly on significant changes to the Pennsylvania Election Code, including the implementation of mail-in ballots under Act 77 of 2019. Despite numerous challenges, counties have done a tremendous job running successful, fair and accurate elections, and since 2020, counties have learned a great deal from their experiences. However, we also know there are ways in which changes to Pennsylvania's election laws can improve counties' ability to administer elections, as well as their ability to provide more efficient results and a better overall experience for voters who desire flexibility and convenience when participating in the election process.

For that reason, counties have prioritized for several years changes to Pennsylvania's election laws that would provide clarity to the mail-in voting process. In particular, counties have also sought the ability to pre-canvass received mail-in ballots at least five days prior to Election Day and have advocated for moving the mail-in ballot application deadline to 15 days before the election. Giving counties expanded ability to pre-canvass received mail-in and absentee ballots prior to 7 a.m. on Election Day allows counties, especially during high profile, high turnout elections like a presidential election, to focus their energies on in-person Election Day operations and procedures rather than having to run two separate elections. Similarly, moving back the mail-in ballot application deadline to 15 days prior to Election Day – which is consistent with the voter registration deadline - would provide greater assurance to voters that there will be enough time to process their application, receive their ballot in the mail, and be able to return it to the county election office by 8 p.m. on Election Day. In addition, for counties, this would also allow more time to update poll books and keep them current heading into Election Day.

Beyond these two priority issues for counties, there are a number of other election code changes counties continue to advocate for that would improve election administration and the overall experience for voters. In response to the 2020 election, CCAP's Elections Reform Committee – comprised of county officials and county election directors from across the state – convened shortly after the November 2020 election and began reviewing county experiences, ultimately resulting in a report and recommendations released more than three years ago in January 2021. These recommendations are applicable to both absentee and mail-in ballots and counties have been working with the General Assembly over the years to seek changes to the Election Code that would achieve the recommendations in the report and would result in smoother elections administration.

Assuring counties have clear and efficient rules would help restore the public's confidence in our elections and generally improve the experience for both counties and for voters. Several issues where counties are seeking further clarity include:

- Whether counties have the authority to use drop boxes for absentee and mail-in ballots, after questions were raised (and litigated) on their use.
- What to do with naked ballots and whether voters should be contacted to be permitted to cure defects with their mail-in ballot.
- Whether voters who are deemed to have submitted a defective ballot are permitted under the election code to submit a provisional ballot.
- Procedures for handling and processing undated or misdated ballots.

The lack of clarity continues to serve as the basis for lawsuits and misinformation regarding Pennsylvania's elections processes.

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

Without the ability to work together to achieve the operational changes that counties have identified and are advocating for, we continue to be forced to overcome these challenges as we continue operating in a system that lacks clear law, which only serves to further perpetuate misinformation and mistrust unnecessarily.

In addition, these changes to elections processes under Act 77 significantly increased costs to counties and the resources they need to run what is, in essence, an entirely separate election. We have heard counties reporting that their elections-related costs have at least doubled over the past few years, as they needed additional supplies, saw printing costs go up, and watched staffing and overtime needs grow to address the significant workload increases. All of this fell squarely on county shoulders – and ultimately, our county property taxpayers – because we are solely responsible for election administration, yet to that point had not received ongoing, sustainable support from the state to offset any of their elections costs, much less the new requirements. The Election Integrity Grant program authorized by Act 88 of 2022 and administered by the Pennsylvania Department of Community and Economic Development (DCED) was a step in the right direction. However, these grants are not a panacea to solving the

funding issue for counties, especially as funding for the program has remained flat while technology and staffing costs continue to increase. Counties would urge Governor Shapiro and legislature going into the FY 2025-2026 budget cycle to consider increasing the \$45 million line item to ensure the funding keeps up with the increasing costs to counties to administer elections.

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

In conclusion, it is worth echoing two points: One, any changes – and particularly any major or substantive changes - to the Election Code must be enacted well in advance of an election to allow for enough time to properly implement any changes, and with county input and appropriate funding to support those changes. We will have an opportunity to come together following the November election to discuss how we can work together to improve Pennsylvania's election laws and processes both for the counties that administer elections and for voters who seek to have a voice at the ballot box. It is critical we do this together from the start rather than having counties react to unforeseen issues that arise in due course. And two, to reiterate that regardless of the rhetoric, regardless of the current environment, regardless of the noise, our county officials and the dedicated public servants who work in our county election offices remain laser focused on their responsibility as stewards of our democracy.

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