

Senate State Government and Transportation Committees
Public Hearing on Motor Voter, Unlawful Voting & Cybersecurity
December 12, 2017
10:00 AM
Hearing Room 1, North Office Building
Written Testimony of Robert Torres, Acting Secretary
Pennsylvania Department of State

Thank you Chairman Folmer, Chairman Rafferty, Minority Chair Williams, Minority Chair Sabatina, and members of the committees for allowing the Department of State to submit written comments and testify at today's hearing.

The security and accuracy of Pennsylvania's elections infrastructure is extremely important to the Department of State (Department). Voters are concerned about threats to the security and integrity of our election system. A nationwide poll conducted by the University of Chicago (September, 2016) showed that only 4 in 10 Americans had a high degree of confidence that their votes would be counted accurately. Those sobering statistics underscore the challenge election administrators and leaders at all levels of government are facing as we head into next year's elections. While there may be many reasons for this lack of confidence, they all share a common sentiment – people generally feel that their election system has not caught up to the threats facing it. That sentiment is why the Department has been working to update and improve both the way Pennsylvania registers eligible citizens to vote and the way it conducts voter list maintenance to ensure the integrity of our voter rolls.

The Department of State is committed to using reliable tools, such as our partnership in the Electronic Registration Information Center (ERIC), that advance the goal of increasing the accuracy of Pennsylvania's voter rolls. I assure you the Department is actively working to address the concern of registrations by non-citizens. We have also worked with the Pennsylvania Department of Transportation (PennDOT) to improve the "motor voter" process, in which qualified voters register while applying for their drivers' licenses, and have plans to enhance and further improve the voter registration and list maintenance process.

MOTOR VOTER PROCESS

The Department undertook a comprehensive review of the statewide voter registration database and is using this analysis to re-examine every part of the voter registration and list maintenance process.

In the initial analysis of statewide records, the Department found 1,160 records that indicated a registrant apparently self-reported and cancelled their registration because they were not citizens. The following statistics were relevant in the initial findings. However, further validation and review with the counties is required to ensure their accuracy.

- Approximately 79% (912) never voted.
- Approximately 21% (248) individuals had voted at least 1 time. Of those 248:
 - 134 voted 1 time

- 51 voted 2 times
- 63 voted 3 or more times
- Total ballots cast by the 248 individuals: 642
- The 1,160 records identified were from 46 counties.
- The 248 registrants with records showing they voted at least one time before cancelling were from 30 counties.
- Of the 1,160 who self-reported statewide, approximately 66% (769) registered through the Motor Voter system.

Upon further review of the data, the Department focused on the years 2000 through 2017. Data collected prior to 2000 was not reliable, due to differences in how the 67 counties captured and reported this information in their legacy databases. During that timeframe, we found approximately 544 ballots that were cast by the identified registrants throughout 35 primary and general elections held in Pennsylvania, with a total of 93.6 million ballots cast.

The Department's ongoing effort includes expert analysis of the State Uniform Registry of Electors (SURE) database and PennDOT's driver license database. This analysis must be done deliberately, and it must demonstrate a critical level of accuracy and sound methodology that results in high-confidence matches, to avoid the risk of disenfranchising eligible voters. The history of similar data comparisons in other jurisdictions indicates that those jurisdictions started with larger numbers of records that were reduced to relatively smaller numbers of potential matches requiring additional review and manual verification. Particularly concerning is the unintended disenfranchisement of those new citizens who naturalized. The Department owes a duty to those voters to ensure that their earliest experience participating in our unique form of democracy is not marred by any unsubstantiated controversy over their eligibility.

This Administration has undertaken substantial efforts to strengthen the front-end of the Motor Voter process to eliminate inadvertent registrations by non-citizens. In addition to simplifying the Motor Voter instructions used by applicants, the Department has worked with PennDOT and authorized the reconfiguration of the Motor Voter process to prevent non-citizens from ever being offered the voter registration screens. I am pleased to inform you that as of December 4, 2017, this change was implemented at PennDOT locations throughout the state. Individuals who are identified as non-citizens, as part of their PennDOT transaction, will no longer be able to register to vote, inadvertently or otherwise.

In addition to the enhancements to the Motor Voter process, the Department also updated the online voter registration (OVR) form to highlight and emphasize the eligibility requirements to register to vote. The Department is also considering further changes to the OVR form to make it easier to use and build logic in to the system to cancel the session when a voter is determined to be ineligible.

The Department has established a voter registration guidance working group that includes key stakeholders. The first meeting is scheduled on December 19. Evaluation of the voter

registration process will be one of its primary focuses, including addressing the issue of registrations that are untimely processed, and updating guidance for groups conducting voter registration drives.

The Department is also initiating a public information campaign, with the assistance of key stakeholders, to ensure that all Pennsylvanians are aware of eligibility requirements for registration and voting.

Finally, the Department is drafting a voter registration and list maintenance modernization plan. This plan will include analysis of the relevant statutes, regulations and guidance issued by the Department on voter registration and list maintenance, to identify areas for enhancement and potential changes to the election code that will improve data matching and maintenance procedures.

The modernization plan will also include a full review and audit of the SURE system to determine: the accuracy of data collected; system areas for improvement, and; potential revisions to county guidelines for processing registrations. While the Department continues to work with PennDOT to improve the motor voter process, it is also working on a web application program interface (API) in conjunction with those state agencies that are required under the National Voter Registration Act (Motor Voter Act) to offer voter registration to their clients. Implementation of a web API at those agencies means that voter registration applications generated at those sister agencies will be submitted electronically, improving both accuracy and efficiency, reducing costs, and enabling systematic confirmation of eligibility.

The modernization plan also includes a review and update of the format of the Annual Report provided by the Bureau of Commissions, Elections and Legislation. To support improvements to the list maintenance and voter registration processes, the Department wants to enhance this report to provide more details and transparency on voter registration data and the process used to maintain voter rolls.

CYBERSECURITY

The way the Department of State communicates the measures taken every day by election officials to protect the security and integrity of elections is critical to voters' perception of the electoral process. Last year's election marked an unprecedented level of cooperation and collaboration between federal, state and local authorities. The Department worked collaboratively with the Department of Homeland Security and other federal and state partners, throughout the last year, in response to evolving threats to our elections infrastructure. The Department maintains that close working relationship with these partners today.

The Department also works with staff from the Commonwealth's Office of Administration and Information Technology and the County Commissioners Association. Earlier this year, the Department established an Election Security Working Group that brings together state and county level election administrators and information technology staff for the common purpose

of ensuring that the Commonwealth is always well-positioned to respond swiftly and firmly to anything that threatens our elections infrastructure. As part of this effort, the Department is working with County Chief Information Officers (CIO)s and Election Officials to enhance cybersecurity awareness, training and practices at the county level.

Like other mission-critical systems and data, Pennsylvania protects its election system with a cybersecurity program based upon industry best practices. The Commonwealth has implemented policies, technologies, best practices and procedures around the safeguarding of data and the protection of our applications, systems and resources. The Department constantly monitors the data and systems for vulnerabilities and attempted attacks to keep pace with the rapidly evolving threat landscape.

The key to this cybersecurity program is effective communication that provides stakeholder outreach and risk education. The Department communicates frequently with stakeholders about a variety of election administration topics, including cybersecurity and risk mitigation. The Commonwealth's Chief Information Security Officer works closely with his United States Department of Homeland Security Liaison to monitor threats and respond appropriately.

Similarly, the Department works closely with County Election Offices to develop and implement policies and best practices regarding the setup and configuration of voting systems. For example, the Department issued a directive to counties in September, 2016 reiterating good cyber-hygiene practices for elections.

The Commonwealth's voting processes work well and voters should be confident in casting their votes. However, these steps must be taken to modernize election administration to make elections more safe, secure and transparent. The Commonwealth must invest in election technology and pass commonsense reforms to our decades-old election laws. This Department is committed to modernizing the election process and we look forward to partnering with the General Assembly to provide sufficient funding and authority to update the SURE database, fund modern and more resilient election equipment, and refine the tools we use to ensure that only eligible voters cast their ballot on Election Day. I cannot stress enough the substantial steps the Department has taken and the critical need to partner with one another to secure the integrity of the voter rolls, along with the right of every eligible citizen to vote.