

1 HOUSE OF REPRESENTATIVES
2 COMMONWEALTH OF PENNSYLVANIA

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4 Budget Hearing
5 Pennsylvania Department of State

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7 Appropriations Committee

8 Main Capitol Building
9 Majority Caucus Room 140
10 Harrisburg, Pennsylvania

11 Wednesday, February 19, 2020 - 10:00 a.m.

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13 MAJORITY MEMBERS PRESENT:

14 Honorable George Dunbar, Acting Majority Chairman
15 Honorable Rosemary Brown
16 Honorable Lynda Schlegel-Culver
17 Honorable Sheryl Delozier
18 Honorable Jonathan Fritz
19 Honorable Matt Gabler
20 Honorable Keith Greiner
21 Honorable Seth Grove
22 Honorable Marcia Hahn
23 Honorable Doyle Heffley
24 Honorable Lee James
25 Honorable John Lawrence
Honorable Jason Ortitay
Honorable Clint Owlett
Honorable Chris Quinn
Honorable Greg Rothman
Honorable James Struzzi
Honorable Jesse Topper
Honorable Jeff Wheeland
Honorable Ryan Warner
Honorable Martina White

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Key Reporters

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1 MINORITY COMMITTEE MEMBERS PRESENT:

2 Honorable Matt Bradford, Minority Chairman
3 Honorable Donna Bullock
4 Honorable Morgan Cephas
5 Honorable Carolyn Comitta
6 Honorable Austin Davis
7 Honorable Maria Donatucci
8 Honorable Elizabeth Fiedler
9 Honorable Marty Flynn
10 Honorable Edward Gainey
11 Honorable Patty Kim
12 Honorable Stephen Kinsey
13 Honorable Leanne Krueger
14 Honorable Stephen McCarter
15 Honorable Benjamin Sanchez
16 Honorable Peter Schweyer

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11 NON-COMMITTEE MEMBERS PRESENT:

12 Honorable Harry Readshaw, Majority Professional
13 Licensure Committee Chairman
14 Honorable Kevin Boyle, Minority State Government
15 Committee Chairman
16 Honorable Cris Dush
17 Honorable Curt Sonney
18 Honorable Tom Mehaffie
19 Honorable Frank Farry
20 Honorable Frank Ryan
21 Honorable Mark Gillen
22 Honorable Joe Ciresi
23 Honorable Joe Webster
24 Honorable Brian Simms
25 Honorable Joe Hohenstein
Honorable Pam DeLissio
Honorable Kevin Boyle
Honorable Chris Sainato
Honorable Ed Neilson
Honorable Patrick Harkins
Honorable Gerald Mullery

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1 STAFF ATTENDANCE:

2 David Donley
3 Majority Executive Director

4 Ritchie LaFaver
5 Deputy Executive Director

6 Ann Baloga
7 Minority Executive Director

8 Tara Trees
9 Minority Chief Counsel

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2 TESTIFIERS

3 DEPARTMENT OF STATE

4 Kathy Boockvar, Secretary

5 Jonathan Marks, Deputy Secretary
6 Elections & Commissions

7 Kalonji Johnson, Acting Commissioner
8 Bureau of Professional & Occupational Affairs

9 Kim Mattis, Director
Bureau of Finance & Operations

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11
12 SUBMITTED WRITTEN TESTIMONY

13 (See other submitted testimony and handouts
14 online.)

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1 ACTING MAJORITY CHAIRMAN DUNBAR: Good
2 morning, everyone. As you can tell, I'm not
3 Chairman Saylor. I'm Representative Dunbar and I'm
4 standing in for Stan who is a little bit under -- a
5 lot bit under the weather you could say. I feel
6 for Minority Chairman Bradford who had to sit next
7 to him yesterday, so I'm worried about maybe
8 putting a screen up between us here, if he's a
9 carrier of the Coronavirus.

10 Welcome. This is the hearing for the
11 Department of State, and Secretary Kathy Boockvar
12 is here with us. And before we get started, I
13 wanted you, if you would be able to introduce all
14 your people with you before we swear everybody in.

15 SECRETARY BOOCKVAR: Sure.

16 Good morning, everybody. I'm Kathy
17 Boockvar. And with me is Kimberly Mattis, who is
18 our Director of Finance and Operations; Kalonji
19 Johnson who is our Acting Commissioner of BPOA,
20 Bureau of Professional and Occupational Affairs;
21 and Jonathan Marks who's our Deputy Secretary for
22 Elections and Commissions.

23 ACTING MAJORITY CHAIRMAN DUNBAR: And
24 we'd like to swear everybody in. So if everybody
25 is going to be testifying, please stand and raise

1 your right hand.

2 (Testifiers were sworn en masse).

3 ACTING MAJORITY CHAIRMAN DUNBAR: So
4 sworn. Please have a seat.

5 We're not -- We don't -- We haven't been
6 doing opening statements. We're gonna go directly
7 to questions.

8 But before we do, I just want to
9 introduce our Democrat Professional License
10 Committee Chairman Henry Readshaw who's with us,
11 and our Democratic State Government Chairman Kevin
12 Boyle who's with us. Thank you for joining us. I
13 also wanted to recognize Representative Dush who's
14 joined us.

15 Before we get started, Representative
16 Kinsey had a special announcement.

17 REPRESENTATIVE KINSEY: Thank you,
18 Mr. Chairman.

19 To all my colleagues and folks that are
20 gathered here, we just want to really give a warm
21 welcome and happy birthday wish to Representative
22 Ed Gainey who's birthday is today.

23 (Applause).

24 REPRESENTATIVE GAINNEY: Thank you,
25 Mr. Chairman.

1 ACTING MAJORITY CHAIRMAN DUNBAR: Happy
2 birthday, Ed. And we will start with questions
3 from Representative Lawrence.

4 REPRESENTATIVE LAWRENCE: Thank you,
5 Mr. Chairman.

6 Madam Secretary, I want to get right
7 into the situation regarding the upcoming 2020
8 election. As we know, Governor Wolf chose to
9 unilaterally decertify every voting machine in
10 Pennsylvania recently, even machines like the ones
11 used in Chester County that had Scantron-style
12 paper ballots.

13 A June 2019 Associated Press article by
14 Marc Levy quoted the Governor saying that the
15 integrity of Pennsylvania's elections is everyone's
16 responsibility. Later in the article a nameless
17 source from the Governor's Office issued the
18 somewhat menacing statement that, if they, the
19 counties, elect not to support protecting
20 Pennsylvania's votes, Governor Wolf will assess the
21 best path forward for the Commonwealth.

22 Last year the Department of State held
23 an event at the Farm Show Complex where voting
24 machine vendors could hock their wares to county
25 officers dutifully looking to buy new voting

1 machines. I went to that event, and I tried many
2 of the machines myself. In my view, the clear
3 choice was the Scantron-style machine that Chester
4 County uses. Many of the other machines required
5 multiple input steps or required the voter to go
6 through multiple touch screens to locate their
7 candidate for a given race.

8 Unfortunately, the Governor and the
9 Department of State, after mandating counties to
10 buy new machines, gave lousy guidance regarding
11 what new machines counties should purchase.
12 Philadelphia and other counties purchased expensive
13 new voting machines that are now being challenged
14 in court.

15 Just yesterday, Madam Secretary, you
16 were in federal court on this very matter.
17 According to Emily Previti's PA Post report this
18 morning, the judge asked how -- asked you how
19 voting would proceed in the presidential election
20 if he invalidated Philadelphia's voting machines.
21 As the top election official in this state, your
22 response was, I don't know.

23 To summarize, nine months out from the
24 most consequential election of our lifetime in a
25 swing state with the eyes of the nation watching,

1 there is still no consensus on the voting machines
2 that the state prefers to see counties use. As the
3 top election official in the state, you told the
4 judge yesterday that, quote, chaos would ensue, end
5 quote, if he ruled against your position. Hardly a
6 reassuring statement.

7 Madam Secretary, what can you say to
8 this Committee and the people of Pennsylvania to
9 give us some comfort that on election night, this
10 November, Pennsylvania will not be the next version
11 of the Iowa caucus debacle?

12 SECRETARY BOOCKVAR: Thank you for your
13 question, Representative.

14 So, I want to start out by saying, I was
15 on the stand for three and a half hours yesterday,
16 and Miss Previti's article discussed about one
17 minute of that three and a half hours. So, there
18 were lots of other things said.

19 What the judge asked me, and which is
20 not clear from the reporting in the article, was,
21 if I were to say it needed to be decertified before
22 the April 28th primary, what would be the
23 circumstances? So I just want to be clear, the
24 article was not.

25 So, for the primary -- And I have to

1 say, after that discussion, I'm very happy to say
2 it was effective, because the plaintiffs actually
3 withdrew their request that this happened before
4 the primary, which was the point of discussing the
5 burden on Pennsylvania; three counties, not just
6 Philadelphia, who were planning to use this for the
7 primary. I'm happy to say the end result is that
8 they're not seeking that, which I did say would
9 cause chaos if it was decertified before the
10 primary.

11 For the general, that was a different
12 discussion, and that's not clear in the article.
13 So, first of all, there is -- You asked me a series
14 of questions. I think the --

15 We, in Pennsylvania, under Pennsylvania
16 law, every voting system that's certified needs to
17 be certified by both the Federal Government and the
18 State Government. We created -- In 2018, we
19 created a whole host of new security tests and
20 accessibility testing that every system, in order
21 to be certified in Pennsylvania, need to go
22 through. We've now certified eight systems, one of
23 which is used, is the one being challenged in
24 court.

25 The Department of State, the Elections

1 Assistance Commission by Federal Government, a
2 whole handful, maybe half a dozen or more other
3 states use these systems, including states that
4 have at least, you know, just as secured testing as
5 we do. So we have full confidence in every single
6 system.

7 In Pennsylvania and, frankly, the fact
8 the counties use different systems, actually adds
9 to our security posture because, if there were one
10 system that was vulnerable, having more than one
11 and having, you know --

12 We have maybe between 20 and 25
13 different configurations of systems being used in
14 counties across the Commonwealth. That's a strain.
15 That's actually a strain.

16 So I'm happy to answer kind of specific
17 additional questions. But, overall, we have -- we
18 have confidence in both defeating the challenge
19 that was brought yesterday. We have confidence in
20 the security of elections. We have confidence of
21 every single system being selected by a county.

22 REPRESENTATIVE LAWRENCE: Madam
23 Secretary, according again to this article, the
24 Department of State Attorney Timothy Gates
25 testified yesterday, no one ever made it a point to

1 nail down which phrase or definition to use to
2 refer to the paper that voting machine should
3 produce. Now, that's a startling statement.

4 Since it seems, Madam Secretary, that it
5 was up in the air in the court yesterday, can you
6 tell me, what is your definition of a paper ballot?

7 SECRETARY BOOCKVAR: I can,
8 Representative. And again, I'm sure -- I'm
9 guessing that every person in this room has been in
10 the circumstance where you know you said one thing,
11 or maybe three and a half hours of things, and the
12 way it's quoted in the paper is not accurate.

13 So, our settlement agreement from
14 November of 2018, was explicitly clear. And what
15 it said was, the parties agree that all systems
16 certified in Pennsylvania will have the vote
17 recorded on paper; that the vote will be verifiable
18 by the voter, and that it must be an auditable
19 paper record of the vote. So those were three
20 explicit definitions of what every system had to
21 include.

22 And the fourth was, the parties agree
23 that the path the Department had already set, which
24 started in April of 2018, saying that all the
25 counties needed to upgrade, as you referred to

1 earlier, that that would -- that the parties would
2 agree to continue on that path.

3 So the settlement agreement is explicit,
4 and the parties agreed to it. I was at that
5 settlement conference, and I can tell you a hundred
6 percent there was agreement.

7 So, is Jill Stein trying to come back in
8 and make herself relevant again? Yes, she's suing
9 us. Do I think that there's any validity to that
10 challenge? I do not.

11 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
12 you, Secretary. Thank you, Representative.

13 I was a little remiss--I'm new at this
14 job--and I started without giving the Minority
15 Chairman an opportunity. But I think he did want
16 to make some comments now.

17 MINORITY CHAIRMAN BRADFORD: Thank you,
18 Interim Chair. I appreciate the opportunity.

19 Real quick. Rather than make opening
20 remarks, I just wanna kind of settle a little bit
21 of the history based on the gentleman's comments.
22 I think it's important to have a good feel of how
23 we wound up with the actions that the Governor was
24 necessitated to take in light of what happened in
25 the 2016 presidential election.

1 At that time I think there is largely a
2 bipartisan consensus from America's professional
3 security and intelligence communities that there
4 was foreign interference in our election. That is
5 a statement of fact. Is that a fair assessment?

6 SECRETARY BOOCKVAR: Yes.

7 MINORITY CHAIRMAN BRADFORD: Was there a
8 concern that our election system, because of it
9 being connected to the Internet in some way, was
10 possible it could be hacked by a foreign
11 interference?

12 SECRETARY BOOCKVAR: Well, more so that
13 there was no paper record. So, there was no
14 ability to know whether it was being hacked or
15 otherwise interfered with?

16 MINORITY CHAIRMAN BRADFORD: Okay.

17 And what steps did the Governor take in
18 order to alleviate the concern of foreign
19 interference, a hacking, or to really ensure
20 credibility that there would be some kind of paper
21 backup for our election systems?

22 SECRETARY BOOCKVAR: Thank you for that
23 question.

24 You know, this is -- Pennsylvania was
25 one of the last states to move in this direction,

1 so this had been a national, as you said, since
2 2016. Since late 2016, it's been a national
3 movement in this direction.

4 By the time that I joined the
5 Administration, which was in March of 2018, I think
6 we were one of only 12 states remaining that did
7 not have the ability to audit paper records or to
8 have the voters verify the records. So, the
9 Governor, back in February of 2018, first issued a
10 directive via the Department of State requiring
11 that any new systems procured in Pennsylvania use
12 -- purchase systems that had a voter verifiable
13 paper trail so that it could be audited; so that
14 the voter can make sure that the vote actually
15 recorded was the vote that they -- that they
16 intended.

17 So, in April of 2018, we got to where
18 the Department of State via the Governor and the
19 Department of State set the timeline that every
20 county should replace their aging voting systems,
21 which were, you know, at minimum 12, 15 years old;
22 in some cases 30 years old, using technology that
23 existed before the very first iPhone, and everybody
24 replace their system to new systems that had voter
25 verifiable paper trails. And this was consistent,

1 as I said, with nearly every state across the
2 country except for a dozen. Department of
3 Homeland Security, under President Trump, the U.S.
4 Senate Intelligence Committee, U.S. House
5 Intelligence Committee, really, every computer
6 science national security expert has agreed that
7 this was where we needed to go. And so, that's the
8 path that we've been on.

9 Did that answer your question?

10 MINORITY CHAIRMAN BRADFORD: I believe
11 it does, because I think that little bit of history
12 needs to be stated. Otherwise, this discussion I
13 think can kind of veer down a road that, frankly,
14 is not helpful.

15 I think people need to understand this
16 is a process. Obviously, this Legislature has
17 thrown another curve ball in terms of Act 77, which
18 is a tremendous opportunity, but is obviously in a
19 very compressed period of time.

20 Rather than me taking up a lot of time
21 here and using my question time, I just want to
22 thank you, recognizing that your department has
23 been thrown quite a bit from the Legislature, from
24 the Federal Government, and, obviously, from
25 external powers beyond our control. But I just

1 want to thank you for coming here today and laying
2 out what activities your Department's doing to
3 secure our election. Thank you.

4 SECRETARY BOOCKVAR: Thank you,
5 Chairman.

6 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
7 you, Mr. Chairman.

8 Next will be Representative Rothman.

9 REPRESENTATIVE ROTHMAN: Thank you,
10 Mr. Chairman.

11 I think I need to ask a follow-up
12 question to the ranking member's question. Are you
13 saying there was foreign interference in
14 Pennsylvania's election 2016?

15 SECRETARY BOOCKVAR: No. Thank you for
16 asking that qualification.

17 So, what happened in 2016 is, I think
18 the best analogy is, picture if you're a bad actor,
19 which in this case we understand to be foreign
20 governments, picture if you're a thief wannabe and
21 you would go around the neighborhood and you would
22 check to see which houses have unlocked doors and
23 windows. You're gonna look for the easiest target.
24 But when you find a locked window or a locked door,
25 you're gonna go on to the next house.

1 So Russia -- The information that we got
2 after the fact was that Russia went around and
3 tried the doors and windows of at least 21 states,
4 of which Pennsylvania was one of them. Good news
5 is they found our doors and windows locked. So
6 they moved on to the next one. So there was no
7 interference that happened.

8 Was there attempted interference?
9 Absolutely. That's -- The Federal Government has
10 said that they have tried it in the past, they're
11 gonna try it again, which is why we have spent so
12 much time in Pennsylvania really shoring up our
13 election security collaborations, our election
14 security forces at every level, and we have --

15 I'm happy to talk to you about all our
16 different, you know, resources in place. Would
17 that be helpful?

18 REPRESENTATIVE ROTHMAN: Sure. I do
19 have your testimony, too. I appreciate what you
20 did in 2019, and you're planning to do in 2020. I
21 do have a question, though.

22 In your testimony on page 5, you're
23 talking about audits, and it says: Audits can
24 confirm that the voting systems tabulated the paper
25 ballots accurately enough that a full-hand count

1 would produce the same outcome.

2 What is your definition of accurately
3 enough? I'm a math person, so 1 plus 1 should
4 equal 2. I would expect that accurately enough
5 would be 100 percent accurate.

6 SECRETARY BOOCKVAR: So, yeah. And
7 that's sort of technical language that I guess if
8 you -- I don't know if you're a statistician and
9 I'm not. I'll start with that.

10 So, basically, statistically significant
11 is what the academics use. And so, risk-limiting
12 audits which is what we piloted in Mercer County
13 and Philadelphia in November, it is a type of
14 audit, post-election audit, which is considered
15 enhanced, where, based on how much a winner won by
16 or a loser lost by, they can determine what the --
17 what the -- what the calculations are needed, how
18 many ballots are needed to come to a statistically
19 significant result, that would be the same -- that
20 would reach the same result as if you had done a
21 complete recount.

22 So that, you don't have to recount a
23 hundred percent of the ballots. The statisticians
24 can actually plug in algorithms based on how
25 different the race was. If it was 5 percent or

1 10 percent it could say to a, you know, whatever,
2 96 percent, reasonable degree of statistical
3 certainty. And as a math person, you could
4 probably explain this better than I can; that the
5 outcome of the election was correct.

6 So, the language in the -- in the
7 testimony, you know, was probably taken without
8 that full context.

9 REPRESENTATIVE ROTHMAN: So to be clear,
10 we're talking about a test. And so, at some point
11 in your testimony you talk about how we're gonna
12 base -- we're gonna look at the actual results and
13 compare it to a model showing what the results
14 should be. But that -- that's not -- that's --

15 The data coming in will affect the
16 outcome. So, who's determining what the outcome
17 should be before the outcome takes place?

18 SECRETARY BOOCKVAR: So this is --

19 So, on election night, obviously, all
20 the results get tabbed, so this is not -- this is
21 not gonna take the place of any of the normal
22 tabulation. So, on Election Day, votes, whether
23 they're done at the polling place, whether they're
24 done by mail, all get tabulated. The results are
25 published as always, like they always will be.

1 What currently the Pennsylvania statutes
2 include a statutory 2 percent audit or statistical
3 recount which is flat. It's 2 percent or 2000
4 votes, whichever is less. And there's pretty much
5 no guidance to the counties how to choose where you
6 pull from. It's old, right? It's not -- It's not
7 statistic. It doesn't use statistics of
8 significance. It doesn't take into account, you
9 know, lots of different factors.

10 So, over the last decade or so,
11 statisticians, mathematicians, election folks,
12 computer scientists have been working on improving
13 those models so that, again, rather than just say
14 2 percent or 2000 votes, which has no logical
15 ability to prove to us statistical significance
16 that the outcome of the -- of the election was
17 correct, they've actually developed models with
18 which to do that.

19 And so, we're -- we've been looking at
20 those models. We have this statewide post-election
21 audit work group that includes six counties from
22 across the state, small, medium, and large. It
23 includes Department of State representatives. It
24 includes some experts, national experts on post-
25 election audits. We had the National Council of

1 State Legisla -- the NCSL, who has a lot of good
2 information about what's going on across the
3 country, come and present.

4 So we've been looking at models to help,
5 again, not take the place of the count, but add
6 assurance that the count that was reported is
7 accurate. Does that make sense? And then, if the
8 results of the audit don't confirm that the results
9 match what the audit says, then a full recount
10 would be undertaken.

11 REPRESENTATIVE ROTHMAN: Thank you for
12 your time. My time is up. Thank you.

13 It's just a little concerning that we're
14 gonna allow a model when we just should look at the
15 results. The results are results. If you have
16 paper ballots, we should do a paper recount. So
17 that's -- what triggers it is, as I understand
18 that.

19 SECRETARY BOOCKVAR: And none of that
20 would take the place of the results, a hundred
21 percent. The results are the results, and that's a
22 hundred percent.

23 REPRESENTATIVE ROTHMAN: Thank you.
24 Thank you for your time.

25 SECRETARY BOOCKVAR: Thank you.

1 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
2 you, Representative.

3 And I did want to mention that we've
4 been joined by Chairman Curt Sonney and
5 Representative Mehaffie.

6 Next will be Austin Davis.

7 REPRESENTATIVE DAVIS: Thank you.

8 Madam Secretary, I'm over here. Thank
9 you for being with us today.

10 Act 77 allocated around roughly
11 \$90 million to reimburse counties for 60 percent of
12 their costs for new voting machines. And I just
13 wanted to ask, is that the only funding available
14 to counties, or are there other various sources of
15 funding that they're gonna be able to tap into as
16 we move forward?

17 SECRETARY BOOCKVAR: Thank you for that
18 question.

19 Yeah. So there's various sources of
20 funding that are going to the counties on various
21 pieces of the election security puzzle. So, for
22 example, in 2018, the Federal Government allocated
23 \$380 million nationwide, of which Pennsylvania got
24 14.15 million, and we gave a hundred percent. We,
25 being the Department of State, gave a hundred

1 percent of that to the counties. So the counties
2 got, depending on what system they chose, anywhere
3 between about, I would say between 10 and
4 18 percent of their costs came from those dollars
5 alone. And the \$90 million from the bond funding
6 under Act 77 will cover approximately 60 percent as
7 well.

8 And on top of that, we just, from the
9 Federal Government, got a new allocation of a
10 little over \$15 million that we're in the process
11 of determining how that's going to be allocated.
12 But again, that's going to go to election security
13 and related election administration.

14 So, we're looking -- it's -- We're very
15 happy for the extra funding, and we're gonna be
16 working with identifying what the highest priority
17 expenses are, but it's really gonna be going to the
18 counties to make sure that they have the resources
19 they need to carry out all these programs.

20 REPRESENTATIVE DAVIS: Thank you.

21 And just a quick follow-up. Is your
22 Department engaged in any PR to kind of inform
23 voters and people who are going to be participating
24 in our election system all the changes and the
25 options they have now as a voter?

1 SECRETARY BOOCKVAR: Yes. We actually
2 started last year what -- what we're calling Ready
3 to Vote 2020, and after --

4 So, originally, it was mostly directed
5 at the new voting systems and making sure that
6 every voter knows what voting system is in place in
7 their county, how to use it and all that. Then Act
8 77 happened, so we added all of that to this
9 initiative.

10 So we are about to roll out -- There's
11 going to be 67 individual web pages for each
12 county, so that each voter is going to be able to
13 identify what exact configuration of their voting
14 system is in place, how to use it, all the links.

15 Then also, we're going to be putting out
16 all kinds of information. We already have like a
17 -- sort of like a palm card that talks about the
18 most significant Act 77 changes. We're gonna be
19 blasting on social media.

20 We actually created a tool kit which is
21 gonna be part of the rollout with the web pages and
22 the tool kit. People can take, whether it's
23 legislators, whether it's county officials, whether
24 it's advocates, anybody who wants to can take --
25 It's to sort of help all of us help the voters get

1 accurate information on what the deadlines are,
2 where to find information, and so forth.

3 So, yes, we have a lot of that going on.

4 REPRESENTATIVE DAVIS: Thank you. And
5 thank you for your efforts as we lead forward with
6 this rather large change in the way we do
7 elections. Thank you, Madam Secretary.

8 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
9 you, Representative.

10 Next will be Representative Grove.

11 REPRESENTATIVE GROVE: Good morning.

12 SECRETARY BOOCKVAR: Good morning.

13 REPRESENTATIVE GROVE: How many people
14 do you anticipate that are gonna vote in the
15 general election this year?

16 SECRETARY BOOCKVAR: I'm going to kick
17 this to you, Jonathan.

18 REPRESENTATIVE GROVE: I'm not gonna
19 hold you accountable for it because it's an
20 estimate. But --

21 DEPUTY SECRETARY MARKS: I hate to
22 prognosticate, but we can expect that over
23 6 million people will vote in the November
24 election.

25 REPRESENTATIVE GROVE: All right. Six

1 million people voting.

2 DEPUTY SECRETARY MARKS: In
3 Pennsylvania, of course.

4 REPRESENTATIVE GROVE: In Pennsylvania.
5 So, statistically significant is usually around
6 5 percent or less. So depending on the model you
7 run, you can actually be discounting votes within
8 that equation. So, if you're expecting 6 million
9 votes, 5 percent aren't voting, if you run a model
10 based on 5 percent, which is usually the
11 statistical significant value, you're basically
12 saying 300,000 votes, if they're not counted are
13 okay. So, I would say your model better be set at
14 zero, right?

15 SECRETARY BOOCKVAR: Are you talking
16 about the post-election audit?

17 REPRESENTATIVE GROVE: Correct.

18 SECRETARY BOOCKVAR: So right now all
19 that's required in Pennsylvania is 2 percent; 2
20 percent or 2000 votes, whichever is less, in the
21 county.

22 REPRESENTATIVE GROVE: Okay.

23 SECRETARY BOOCKVAR: So, just to be
24 clear, that's the only thing at this point that's
25 required that's equivalent to an audit.

1 So, on Election Day, a hundred percent
2 of the votes are going to be counted, period. And
3 then, of course, absentees and overseas, and all
4 that over the following week, you know, they come
5 in. Obviously, the overseas voters have a
6 (inaudible word). A hundred percent of the votes
7 are gonna be counted.

8 Under current law, there's this
9 2 percent requirement. What we're exploring are
10 additional -- additional ways to confirm, so
11 mathematical, statistically significant ways. This
12 is not taking away from anything that currently
13 exists.

14 And, in addition, I think you know that
15 under Pennsylvania law, if the results of a
16 statewide election are under .5 percent --

17 Is that correct?

18 -- there's an automatic statewide -- Is
19 that right?

20 DEPUTY SECRETARY MARKS: A half a
21 percent, yes.

22 SECRETARY BOOCKVAR: Yes, half a
23 percent. There's an automatic statewide full
24 recount. So none of that is going away. We're
25 actually adding a level to increase, so I just want

1 to make sure that's clear.

2 REPRESENTATIVE GROVE: I just want to be
3 very, very clear, and I want you to say that. We
4 will ensure every vote is counted.

5 SECRETARY BOOCKVAR: Hundred percent.

6 REPRESENTATIVE GROVE: Okay.

7 SECRETARY BOOCKVAR: Hundred percent.

8 REPRESENTATIVE GROVE: Because you
9 worried me when you said statistically significant
10 because that's usually around 5 percent. So I'm
11 not -- I'm not, like, if we're kind of close at
12 5 percent, we're good with this election, right?
13 So we are -- we're making sure every vote --

14 And post audit, we're verifying that,
15 correct?

16 SECRETARY BOOCKVAR: Correct. Deputy
17 Secretary Marks would like to add something as
18 well, if that's okay.

19 DEPUTY SECRETARY MARKS: I just wanna --
20 I wanna make sure there's no confusion about what
21 -- what risk-limiting post -- risk-limiting
22 post-election audits do.

23 The 2 percent the Secretary is talking
24 about, which is current law, typically come in
25 batches. So the county will select 2 percent of

1 its precincts, so they'll select 2 percent of the
2 ballots.

3 What a -- What a risk-limiting audit
4 does, it spreads out. It selects ballots from all
5 across the county, so you're getting a sample that
6 reflects the entire universe of votes in the county
7 as opposed to just one small percentage. That's
8 why you can say with a higher degree of certainty
9 that that audit confirms the results of election as
10 opposed to just polling 2 percent of the ballots.

11 Does that -- Does that make sense?

12 REPRESENTATIVE GROVE: It makes perfect
13 sense, yes.

14 SECRETARY BOOCKVAR: But, most important
15 to your question, a hundred percent of the ballots
16 are counted, and that's --

17 REPRESENTATIVE GROVE: I want to make
18 sure that's our bar.

19 SECRETARY BOOCKVAR: That is.

20 REPRESENTATIVE GROVE: Not significantly
21 --

22 SECRETARY BOOCKVAR: I cannot --

23 REPRESENTATIVE GROVE: -- statistically
24 significant 'cause --

25 SECRETARY BOOCKVAR: I cannot -- I

1 cannot express that more strongly. A hundred
2 percent of the votes will be counted.

3 REPRESENTATIVE GROVE: Thank you. Madam
4 Secretary and Deputy Secretary, we appreciate the
5 work you did with the Oversight Committee moving
6 forward. So, thank you.

7 SECRETARY BOOCKVAR: Thank you,
8 Representative.

9 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
10 you, Representative.

11 Next will be Representative Fiedler.

12 REPRESENTATIVE FIEDLER: Hello, Madam
13 Secretary. Thank you for being here.

14 SECRETARY BOOCKVAR: Good morning.

15 REPRESENTATIVE FIEDLER: Good morning,
16 and it's still morning.

17 According to an IFO report in November
18 2018, 88 percent of eligible voters are actually
19 registered to vote, and only 52 percent of
20 registered voters actually vote. Could you tell us
21 what the Department is doing to increase voter
22 turnout, please?

23 SECRETARY BOOCKVAR: Sure. And I want
24 to thank the Legislature again for Act 77, even
25 though as the Chairman mentioned, it's a bit of

1 work.

2 But, Act 77 really is our, you know, one
3 of our first steps forward in a long time that can
4 make serious quantifiable change in that. So, for
5 example, Act 77 changed the registration deadline.
6 Instead of being 30 days before an election, it's
7 now 15 days before an election. Cutting that
8 period in half can have dramatic effect in and of
9 itself to registration.

10 Turnout and registration now enabling
11 voters to vote by mail, and by mail being, you
12 know, words that actually can also be done in
13 person, is a tremendous increase in convenience to
14 voters. So, I think this is gonna be incredibly
15 helpful for voter turnout because now voters --

16 So I can vote absentee because I live in
17 Bucks County, but I know I'm gonna be in Harrisburg
18 all day. Or I can vote by mail because I just feel
19 like voting by mail. And I could decide, you know
20 what, two weeks before Election Day, I just want to
21 go over to the county elections office and I wanna
22 vote now, today, for no reason; for any reason at
23 all.

24 So the ability to go into an elections
25 office two, three, four weeks before Election Day

1 and say, here's my application to vote by mail.
2 They hand you your ballot literally that day, go in
3 the back, fill it out, hand it back in, done.
4 That's voter convenience that we've never had in
5 Pennsylvania.

6 And then, on top of that, I think
7 there's gonna be -- I think the Ready to Vote 2020
8 is going to be, you know, getting information, as
9 needed, to the voters. I think there's, you know,
10 obviously, a lot that you all will be helpful in --
11 I think it's gonna be hard not to be paying
12 attention. So I think --

13 Oh, and let me not forget to mention all
14 our online advancements. So, online voter
15 registration had dramatic effects that went back
16 several years ago, and we expect over 60 percent of
17 registrations to come in online. I encourage all
18 of you, as you know folks who are registering
19 people to vote, tell them to use the online
20 registration. It is so much more effective, quick.
21 It cuts down on errors. It makes sure that the
22 system is not, you know, accidentally data entering
23 wrongly.

24 But now you also have online absentee
25 and vote-by-mail applications. So I encourage

1 everybody to use that system. Not only do you,
2 again, data entry errors are much minimized, but
3 you'll get e-mail notifications telling you when
4 your ballot has been rec -- when your ballot has
5 been processed, when it's being sent in the mail.

6 So, I think all these things together
7 are really gonna have an impact.

8 REPRESENTATIVE FIEDLER: Thank you for
9 that. When it comes to online absentee ballot
10 applications, compared to previous years, have you
11 seen an increase in the actual applications?

12 SECRETARY BOOCKVAR: So, I think -- Ask
13 me that in a couple of months. We just started the
14 online applications last year, and we just -- we
15 opened it a week ago. Already, just in the first
16 week of opening it this year, we already have over
17 14,000 applications in one week alone. That's
18 incredible.

19 REPRESENTATIVE FIEDLER: Can you put
20 that in perspective for us compared to a typical
21 week or --

22 SECRETARY BOOCKVAR: Because this is the
23 first time that we have the vote by mail, it's -- I
24 can't really compare it because last year was only
25 absentee. So I think each time we use it -- So

1 it's not really fair to compare it, but...

2 Do you know what the first week was?

3 DEPUTY SECRETARY MARKS: A third of them
4 are mail-in requests.

5 SECRETARY BOOCKVAR: A third of the
6 14,000?

7 DEPUTY SECRETARY MARKS: Yes.

8 SECRETARY BOOCKVAR: So -- But you don't
9 know where we were a week in last year when we
10 opened the absentee application?

11 DEPUTY SECRETARY MARKS: I think we're
12 at a few thousand --

13 ACTING MAJORITY CHAIRMAN DUNBAR:
14 Secretary Marks, could you please use the
15 microphone so we can hear you? Thank you.

16 DEPUTY SECRETARY MARKS: I'm sorry.

17 I don't recall exactly where we were at
18 after week one.

19 SECRETARY BOOCKVAR: So I think it's
20 higher, but I don't think there's an apples to
21 apples because we literally just started this
22 program.

23 But, as -- as Deputy Secretary Marks
24 said, I can tell you that last year when we rolled
25 out the online absentee application, 30 percent of

1 all the applications came in electronically, so
2 that was far greater success than we ever imagined
3 for the first time it was used. I think we're
4 gonna see dramatically higher this year because now
5 it can be anybody who submits it that way.

6 But come back. I'm happy to give
7 updates as we go. It's just new, so...

8 REPRESENTATIVE FIEDLER: We'll check in
9 next time. Thank you very much.

10 SECRETARY BOOCKVAR: Thank you.

11 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
12 you, Representative.

13 Next will be Representative Hahn.

14 REPRESENTATIVE HAHN: Thank you,
15 Chairman.

16 Good morning, Madam Secretary.

17 SECRETARY BOOCKVAR: Good morning.

18 REPRESENTATIVE HAHN: I'm gonna switch
19 gears. I'm going to give you a break from voter
20 reg and I'm going to professional licensure.

21 One of the things that we hear in our
22 office, we get so many calls on, are for licenses
23 and the delay in getting them. So, can you tell me
24 what the Department's doing?

25 I know we got a letter, especially for,

1 I think nursing especially, they graduate in May
2 and December, so we know that, and we get calls.
3 These are students who have jobs waiting for them.
4 They want to get their license approved as soon as
5 possible. I know I had a family member who had to
6 wait on her start date because it didn't go
7 through.

8 What are you doing to help that process?

9 SECRETARY BOOCKVAR: Thank you for
10 asking that question.

11 So, we have done -- I'm really, really
12 pleased with where we are today compared to where
13 we were a year ago. So, as you know, when we
14 rolled out PALS, the online application licensing
15 system, which was back -- It kind of was on a
16 rolling basis in 2015, 2016, 2017, and then it was
17 -- in early 2018, I believe, was when it started to
18 really go live for the most of the licenses in
19 Pennsylvania.

20 So, for example, in 2018, the average
21 turnaround for nursing in Pennsylvania was
22 approximately 88 days, which is unacceptable.

23 REPRESENTATIVE HAHN: But why?

24 SECRETARY BOOCKVAR: So, that was 2018.
25 So I -- So I -- I was not Secretary at that point.

1 So, as soon as I became Secretary, which was
2 January 5th, 2019, within a couple of weeks, and I
3 brought Acting Commissioner Johnson on early, I
4 think March of 2019, we hired a new director of
5 operations. We restructured the Department, and we
6 started basically putting together a group of
7 cross-sector analysis to look at, literally, every
8 phase of the process, the licensing process in
9 Pennsylvania from the moment the license
10 application comes into the door to the moment it's
11 granted, because we -- we asked the same question
12 you did. Why? Why is it taking that long?

13 So it turned out that there were a
14 number of different factors, including the
15 processes in Penn -- that were being used were not
16 effective. Staff were not well-trained. In
17 addition, there was not good information to
18 stakeholders, to applicants.

19 REPRESENTATIVE HAHN: Whose staff was
20 not well-trained? Yours?

21 SECRETARY BOOCKVAR: The prior -- the
22 prior staff. They hadn't gotten --

23 REPRESENTATIVE HAHN: Okay.

24 SECRETARY BOOCKVAR: Yes, I'm sorry.
25 The boards, you know, that oversees it. There are

1 29 boards and commissions in Pennsylvania that
2 oversee all the hundreds of -- of licenses.

3 So we started hitting every facet of
4 that, from like, literally, the documents
5 processing center which is the first phase of the
6 process to improvements to the technology, to
7 increase -- We hired a director of state -- of
8 Intergovernmental Affairs who's making sure that
9 stakeholders are engaged. I'm happy to tell you
10 that as of late 2018 -- So, again, I said 88 days
11 for nurses in 2018, it's down to below 50 days as
12 of the end of 2019, in one year. So --

13 REPRESENTATIVE HAHN: But that's still a
14 long time. And when I'm looking at, you know,
15 cosmetology, and I understand there's probably less
16 cosmetology licenses coming in than nursing. But I
17 think --

18 I know in my staff, we know at certain
19 times of the year rebates are a big thing, so,
20 we're prepared. You know May and December are
21 going to be big months. Do you have people that
22 are going to come in and help that? When you --

23 We want to keep the jobs here in
24 Pennsylvania. When people have jobs waiting for
25 them and then they can't take them, that's --

1 that's concerning to me.

2 SECRETARY BOOCKVAR: Yeah.

3 REPRESENTATIVE HAHN: So I just want to
4 make sure -- And I have to tell you, the letter
5 that we got that said, don't call our office until
6 after three weeks, the schools are telling their
7 students, the only way you're going to get your
8 license through is if you call a legislator's
9 license. Then we're told don't call us, because
10 now you know everybody is calling us --

11 And your staff is great. When we call
12 our "Leg." office, they're always very helpful. I
13 have no complaints about that. I just didn't
14 appreciate the letter saying, don't call us for
15 three weeks. I think that's something you need to
16 take up on your end and get those documents in as
17 fast as possible.

18 SECRETARY BOOCKVAR: So, a couple --
19 Thank you for all that. A couple of things.

20 I think there was some confusion about,
21 um -- about how -- And I apologize for the letter
22 causing any confusion.

23 What's happened is that, there's, say,
24 X group of people who are all applying and they get
25 put in a cue and all need to be processed. And so,

1 when you have -- When there's a problem it makes
2 total sense to put people out of line; make sure
3 that there's not a problem.

4 But when you -- When it's part of the
5 regular process for legislative calls to reorder
6 the applicants, there's also all these other
7 applicants who then get pushed down the line. So I
8 think the intent of the letter, it may not have
9 been well-worded, but to make it so that it's
10 reserve for when there's actually problems, so that
11 the people that are in the cue, it ends up taking
12 more time for everybody if it's not orderly.

13 REPRESENTATIVE HAHN: And I agree. I
14 think if you process them in a more timely manner,
15 we won't have that problem on either end.

16 I see my time is up. Thank you.

17 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
18 you, Representative.

19 Next will be Representative Bullock.

20 REPRESENTATIVE BULLOCK: Good morning.
21 How are you doing, Madam Secretary?

22 SECRETARY BOOCKVAR: Good morning. How
23 are you?

24 REPRESENTATIVE BULLOCK: Great.

25 I have two sets of questions. The first

1 one you're probably familiar with, and that's
2 regards to your own force diversity and inclusion
3 within your Department, if you can share your
4 percentages, and also share them in comparison to
5 last year, and any changes or growth in that area.
6 Specifically, adding to that question, the
7 percentages of women and minorities that are in
8 positions of supervisor or management or executive
9 roles.

10 My second set of question kind of pivots
11 a little bit off of the last line of questions, but
12 also focuses on diversity and inclusion in regards
13 to those professions and occupations that require
14 licensing. We know that those occupations, whether
15 it be cosmetology, plumbing or others, this is
16 where a lot of folks can support their families,
17 and we want to get Pennsylvanians working.

18 Sometimes there are obstacles to get
19 those Pennsylvanians licensed and working. Those
20 obstacles may include criminal records, licensing
21 fees and other things. There's some legislation,
22 both in the Senate and I believe also in the House
23 that looks at how we can revise the current sort of
24 statutory language around criminal records and how
25 they're looked at and used to keep people from

1 obtaining licenses.

2 I'd like for you to opine on what that
3 legislation would mean and how we can diversify
4 some of those professions, and whether there are
5 other changes we can make as a Legislature to make
6 those professions more available and open so all
7 communities, whether it's licensing fees, waivers,
8 or other things.

9 And lastly, in regards to that, is there
10 anything your Department is doing to keep a record
11 or study the diversity of those professions? Is it
12 optional for applicants to indicate their race or
13 gender, by example, or is there -- Are there any
14 records you're keeping in that regard to sort of
15 track how those professions are diverse?

16 SECRETARY BOOCKVAR: Thank you. So,
17 I'll start with the first question first.

18 So, we are -- we have -- we are very
19 proud of the -- We have a much higher rate of
20 women, both white women and women of color, than
21 the Commonwealth as a whole. So our non-minority
22 female rate is 45 percent for 2019 compared to
23 32 percent for the Commonwealth as a whole, and
24 12 percent for women of color compared to 9 percent
25 for the Commonwealth as a whole.

1 I have to say, I'm particularly proud of
2 our leadership team which are -- have a tremendous
3 number of women.

4 Our men of color are 5 percent compared
5 to 6 percent as a whole, so we can certainly do
6 better there. But, we -- We actually, just in the
7 last couple of weeks and in the next couple of
8 weeks are adding to our leadership team another
9 woman of color and another veteran, which we don't
10 have -- I want to also make sure that we're
11 increasing our veteran representation in the state
12 and throughout the Commonwealth.

13 So, I think we're -- I feel like we have
14 a great diversity among our leadership team and
15 overall. But, I think we always have more we can
16 do, so...

17 Did that answer -- Was there another
18 question?

19 REPRESENTATIVE BULLOCK: That answered
20 the first part. Thank you.

21 SECRETARY BOOCKVAR: Great.

22 So the second part had a number of
23 different levels to it. So, I think I'm going to
24 answer some of them. Then I'm gonna ask Acting
25 Commissioner Johnson to answer some of them as

1 well.

2 So the CHRIA bill, I'm not sure if
3 you're familiar with, but that's -- Is it called
4 that in both the House and Senate?

5 ACTING COMMISSIONER JOHNSON: It is.

6 SECRETARY BOOCKVAR: What does CHRIA
7 stand for?

8 ACTING COMMISSIONER JOHNSON: It's the
9 Criminal History Records Information Act.

10 REPRESENTATIVE BULLOCK: Yes, I'm
11 familiar with that particular bill.

12 SECRETARY BOOCKVAR: So we very strongly
13 support the Senate version of the bill.

14 Do you want to talk about -- Do you know
15 the difference between the Senate and the House
16 version?

17 ACTING COMMISSIONER JOHNSON: Sure.

18 The bureau's position on the Senate bill
19 is that they support -- we support the Senate
20 version of the bill. The House version of the bill
21 we feel there are some factors that are a little
22 more restrictive than --

23 ACTING MAJORITY CHAIRMAN DUNBAR:
24 Commissioner, can you get a little closer to the
25 microphone? Thank you.

1 ACTING COMMISSIONER JOHNSON: Sorry. Is
2 that better, Representative?

3 We're concerned about some of the
4 factors in the House version of the bill that
5 seemed to be a little more restrictive in terms of
6 the presumption that's placed on the candidate for
7 licensure, and also the shifting of the burden
8 from, essentially, the board to the applicant to
9 prove that they are not a harm to the public.

10 We welcome the opportunity to work with
11 the Legislature to -- to bring clarity or to
12 provide a perspective to the drafting of the
13 legislation. As we have worked in the past with
14 the Legislature, we'll continue to work with you on
15 those types of initiatives.

16 But, we certainly support opportunities
17 where we can -- where we can talk about our
18 policies, I think, in the past few years, you've
19 seen it. We have implemented a change in the
20 policy in the way that we -- that we have -- that
21 we have implemented our -- our interpretation of
22 the CHRIA legislation so that we are making sure
23 that we provide opportunities to everyone.

24 We are -- We are currently in the
25 process of working to promote a lot of these

1 initiatives, not just in-house, but also to the
2 public. We'll be working with the Department of
3 Corrections this year. They typically run job
4 fairs throughout -- throughout the year at their
5 different institutions. We want to have a presence
6 there this year. We want to promote licensing
7 opportunities and availability to those individuals
8 that have -- that have -- you know, they've done
9 their time.

10 They have committed to rehabilitation,
11 and they've undergone training while incarcerated.
12 We want to be able make sure that they have the
13 information they need when they return back to
14 society, and they're ready to take that next step
15 and become taxpaying citizens.

16 Does that answer the second part of your
17 question?

18 REPRESENTATIVE BULLOCK: Most of it.
19 There was this whether or not you're keeping any
20 records of diversity in those individual
21 professions and licensing.

22 ACTING COMMISSIONER JOHNSON: So, we do
23 not capture that type of demographic data amongst
24 our regulated community. In the past we have -- we
25 have initiated optional surveys for our board

1 members to capture those statistics. But, we have
2 found in the past that applicants for licensure and
3 also active licensees are not as receptive to
4 answering those types of questions.

5 If we could find a -- If we could find a
6 platform or we could find a vehicle that would --
7 would promote that level of -- of information
8 sharing, it may not come from us directly. But if
9 we certainly could facilitate that, we'd be open.
10 If the Legislature has any suggestions or ideas,
11 we'd be -- we'd be willing to.

12 REPRESENTATIVE BULLOCK: Thank you.
13 I'll definitely follow that directive up with your
14 Department.

15 Thank you, Mr. Chairman.

16 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
17 you.

18 Next will be Representative Culver.

19 REPRESENTATIVE SCHLEGEL-CULVER: Thank
20 you.

21 Madam Secretary, over here.

22 The Governor has been advocating across
23 the state in his budget for funding for mental
24 health services. I, along with 108 other House
25 members on both sides of the aisle, are cosponsors

1 of House Bill 1900 which creates a professional
2 licensure for behavior analyst.

3 These professionals use the science of
4 applied behavior called Applied Behavior Analysis,
5 or ABA, to improve the outcomes for individuals
6 with chronic conditions. Currently, 31 states
7 licensed behavioral specialists, or analysts, and
8 New Jersey just licensed them last month.

9 So with that said, can you explain to
10 the Committee why these professionals were denied
11 their Sunrise application for proposed licensure of
12 behavioral analyst when this Administration is
13 looking for more funding and qualified and
14 experienced providers to reduce health care cost?

15 SECRETARY BOOCKVAR: So I'm gonna defer
16 this again to Acting Commissioner Johnson.

17 ACTING COMMISSIONER JOHNSON: Good
18 morning, Representative.

19 So, to answer your question, we did
20 review the Sunrise application. We did not support
21 licensure at this time. We are open to discussions
22 with the stakeholders to discuss our reasons for
23 why we did not support the Sunrise application.

24 To parse some of the detail, we did not
25 -- We were concerned about the application creating

1 the presumption of an elite class of licensure that
2 was separate from the existing class of licensure
3 that already exists, which was the behavioral
4 specialist licensing class, of which behavior
5 analysts can now operate under. We expressed that
6 concern to the stakeholders.

7 We also expressed a concern to work with
8 them moving forward to try to amend the language or
9 work within -- work within our existing parameters
10 to come back with a -- with a vehicle that makes
11 sense to us and also makes sense to them and,
12 hopefully, push forward in the process.

13 REPRESENTATIVE SCHLEGEL-CULVER: So I
14 think the concern is, in my district specifically,
15 parents are getting great results with behavioral
16 analysts and specialists that they were not seeing
17 before, and being able to intergrate children
18 specifically into situations that may have been
19 impossible previously. So, they are seeking out
20 these services.

21 I think it's incumbent upon us to make
22 sure that they are getting to the professionals,
23 somebody who's been well-trained, and that
24 licensure I think kind of -- gives that assurance
25 to the public that that's what they're getting what

1 they're seeking, and the child is getting the best
2 care possible, or the individual is getting the
3 best care possible.

4 SECRETARY BOOCKVAR: Am I correct,
5 behavioral specialists are licensed in
6 Pennsylvania, so this is creating an additional --
7 Is that correct?

8 ACTING COMMISSIONER JOHNSON: That's
9 correct.

10 SECRETARY BOOCKVAR: So we have
11 behavioral specialists. It was just creating a
12 separate behavioral analyst.

13 I think one of the goals is -- You know,
14 this is a constant balance, I think, and the
15 Governor is always trying to reach this where,
16 sometimes creating a new class can actually create
17 barriers rather than lower barriers. So, it
18 doesn't make sense to create a new class of
19 licensees or work through the existing behavioral
20 specialists.

21 I don't pretend to know all the issues
22 involved here. I'm happy to continue having these
23 conversations, but I think -- It's a high priority
24 for the Governor not to create barriers for people
25 who are looking to assist with the populations that

1 you're talking about.

2 REPRESENTATIVE SCHLEGEL-CULVER: I think
3 we would agree with that. If you would be open to
4 more dialogue on the issue, we would be glad to
5 come and talk to you about it.

6 SECRETARY BOOCKVAR: That sounds good.
7 Thank you, Representative.

8 REPRESENTATIVE SCHLEGEL-CULVER: Thank
9 you.

10 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
11 you, Representative.

12 Next will be Representative Sanchez.

13 REPRESENTATIVE SANCHEZ: Thank you, Mr.
14 Chairman.

15 Thank you, Madam Secretary. Way up
16 here.

17 SECRETARY BOOCKVAR: My eyesight is not
18 what it used to be.

19 REPRESENTATIVE SANCHEZ: It always
20 throws people off when you're right in the line of
21 sight, too. Just one very granular question in
22 your past experience as an election lawyer you
23 would probably know the answer off the top of your
24 head. But, with Act 77 may have changed us a
25 little bit. When challenging at the canvass of

1 ballots, does Act 77 allow county officials to post
2 a list of all the names of those who cast ballots
3 in lieu of having to read each name out loud?

4 SECRETARY BOOCKVAR: So, actually, we
5 just had this conversation, didn't we? And what
6 was the conclusion we reached?

7 DEPUTY SECRETARY MARKS: We're actually
8 still reviewing it with the Department's counsel.

9 It says -- The statute actually uses the
10 term --

11 SECRETARY BOOCKVAR: Announce.

12 DEPUTY SECRETARY MARKS: -- announce.

13 SECRETARY BOOCKVAR: Right.

14 DEPUTY SECRETARY MARKS: Depending on
15 how rigid you are in your interpretation, announce
16 could mean verbally announcing.

17 Certainly providing a list in advance of
18 that hearing is helpful. Our hope would be that
19 the parties, if they wish to make challenges, would
20 know going into the canvass which ballots they
21 wanted to challenge and for what reason.

22 The difficulty is trying to -- trying
23 not to have too loose of an interpretation of the
24 term announce, and maybe that's something the
25 General Assembly could look at. I think a list

1 certainly serves the purpose and meets the spirit
2 of the law. It's getting around that specific word
3 announce.

4 REPRESENTATIVE SANCHEZ: I think, to
5 your point, it certainly hinges on that very word
6 and could save a lot of time with the clarity and
7 from secondary challenge.

8 So, thank you very much.

9 SECRETARY BOOCKVAR: Thank you.

10 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
11 you, Representative.

12 Next will be Representative Gabler.

13 REPRESENTATIVE GABLER: Thank you,
14 Mr. Chairman.

15 Madam Secretary, it's great to have a
16 chance to talk to you here. I've appreciated
17 working with you both as a member of the House
18 State Government Committee and as a member here on
19 this Committee.

20 I did want to correct the record on
21 something that was stated by the Minority Chairman
22 a little bit earlier. I have expressed my concerns
23 in the past that the Administration, through some
24 of the Governor's decisions, has created the
25 artificial timeline and the challenge that,

1 frankly, your Department has had to respond to.

2 The Governor made the unilateral
3 decision in 2018 to decertify the election systems.
4 I think in spite of the fact that all of us can
5 agree the goal is laudable. I think the artificial
6 timeline that was placed on everybody, the General
7 Assembly, the Department of State, was something
8 that has created some chaos and some confusion.

9 The Minority Chairman had stated that
10 the General Assembly has thrown some curve balls to
11 the Department. I would say that the General
12 Assembly has actually been a very willing partner
13 in providing legislation and solutions.

14 There was a Governor's veto in early
15 2019 that then led us to be scrambling in the fall,
16 but then we delivered two pieces of legislation,
17 Act 77 and Act 94, that have updated the statute in
18 collaboration and cooperation between the General
19 Assembly and the Department of State.

20 So, from the standpoint of timeline, I
21 just wanted to start by asking, where do you feel
22 the Department is based on our posture for
23 implementing everything that needs to happen so
24 that we have a successful 2020 season of elections,
25 both primary and general?

1 SECRETARY BOOCKVAR: Are you asking
2 about everything; the voting systems' upgrade and
3 Act 77, and kind of all things that go into
4 elections?

5 REPRESENTATIVE GABLER: Right. Just as
6 far as, where we sit right here in February, do you
7 believe that the Department is where it needs to be
8 so we can avoid any kind of chaos both for May and
9 November this year, so that, whatever the outcome
10 of the election is, everyone can agree that there's
11 confidence that those results are what they should
12 be?

13 SECRETARY BOOCKVAR: Absolutely, a
14 hundred percent.

15 First of all, with regard to the voting
16 systems upgrade, I'm happy to say that a hundred
17 percent of the counties as of December 30th, voted
18 to select new voting systems. 45 of the counties
19 had already rolled them out in 2019, so there's 22
20 counties that are rolling them out for the first
21 time in either April or in one of the special
22 elections before April.

23 They have been -- They have been very
24 closely in touch with us. We were much more -- As
25 a result of some of the lessons that we learned

1 from November about not having enough scanners in
2 some of the counties and so forth, I think the
3 counties that were remaining, you know, nobody
4 wants to be the focus, right? Let's just be
5 honest. So that's been --

6 And Act 77 has been -- the \$90 million,
7 of course, has also been helpful. And us saying to
8 the counties, oh, like, order every piece of
9 equipment you need; every piece of equipment.
10 Don't hold back. You'll be getting most of your
11 reimbursement for this. The payoff is, obviously,
12 far outweighs any cost. So the counties have been
13 doing that, and they've been purchasing. They've
14 been talking to us.

15 Jonathan and our team have been talking
16 to vendors. I had spoken in November at a hearing
17 before the Senate, talking about all the things we
18 were going to do. That's all been happening.
19 We've been talking to counties. We've been talking
20 to vendors. Whether it's printers or voting system
21 manufacturers, or the -- all the different
22 component pieces that go into it, those
23 conversations have been being had.

24 The counties are very -- are training
25 their poll workers, their election officials,

1 making sure that they understand how to program so
2 that some of the human errors that happened in a
3 couple of counties in November don't happen again.

4 So the transition to the new voting
5 systems is going great. The delivery, you know,
6 places where they are still getting delivered,
7 all's been on track and I have very, very high
8 confidence.

9 Act 77, on, you know, the other side --
10 not the other side, but just an additional thing,
11 also high confidence in where we are. So, right
12 after Act 77 was passed, we created a work group,
13 kind of command center with the counties. So we
14 had a conversation with CCAP within a day of Act 77
15 passing, maybe it was same day, and there was --
16 there was a recommendation that we create this very
17 active work group. So that involves election
18 directors, county commissioners and CCAP from at
19 least 11 counties, all different shapes and sizes
20 across the Commonwealth.

21 Department of State and other folks who
22 are -- CCAP, CIO and other folks to make sure that
23 each piece of that puzzle, whether it's revising
24 forms and envelopes to online information, to
25 training, all that is being carried out. So I want

1 to say, the counties are doing phenomenal. It's
2 been a terrific partnership, and I have very high
3 confidence in everything.

4 REPRESENTATIVE GABLER: Thank you. If I
5 could follow up, because I did have one follow-up I
6 wanted to ask pertaining to the decertification of
7 an existing election system that has an audible
8 voter verifiable paper trail. Why was -- And the
9 example given previously and the questions with
10 Chester County?

11 Why was it necessary to decertify a
12 system like that that already had a voter
13 verifiable paper trail and an audible after-the-
14 fact paper ballot? It seems that that would have
15 met all the criteria for a secure, safe confident
16 system, and it seemed like that might have been a
17 decision to throw out the baby with the bath water.

18 SECRETARY BOOCKVAR: And that was the
19 hardest question that really was part of this
20 endeavor, this initiative, because, they had a
21 paper trail, as you said.

22 The downside is, what they had, their
23 systems were still 15 years old. And so, when you
24 think about it in terms of the technology of the
25 scanners -- the copy machines and scanners that we

1 used 15 years ago were not as nearly as good as the
2 scanners that we have now, the copiers we have now.
3 Neither the quality of --

4 When you think about, like, hand-marked
5 paper ballots, sometimes people don't fully fill in
6 circles, or maybe there's a -- you've got oil on
7 your fingers and it smudges. The old systems are
8 much more likely to pick up those kind of
9 inaccuracies than the new ones.

10 In addition, the new ones, they have
11 much higher security standards. Because, as I
12 started out earlier saying, we created these very
13 stringent security standards for every piece of
14 equipment being used in the Commonwealth. So every
15 one of our new systems has gone through penetration
16 testing by experts. It's gone through access
17 control testing to make sure that every potential
18 access point is secure.

19 So, all the old systems were created
20 even before the Federal EAC, Election Assistance
21 Commission, even existed. So, they had none of
22 those protections. So, basically, that's why they
23 were included; to make sure that they were offering
24 voters the same protections and the same advances
25 that every other voter in the Commonwealth would

1 have.

2 And, in addition, the ADA accessible
3 machines, even Chester County and any paper trail,
4 or already-existing paper trail county had to have,
5 again, that those needed to be up to par as well.

6 Does that answer your question?

7 REPRESENTATIVE GABLER: It does. I know
8 I'm out of time. I'll just wrap up by saying, I
9 would express some concern. If we're -- If we're
10 in a position where we have to replace our election
11 systems every 15 years, we use them two days a
12 year, so that every 30 days we're throwing out our
13 computer and replacing it. I have a concern with
14 that. So I hope going forward we've got systems
15 that has staying power. Thank you:

16 SECRETARY BOOCKVAR: Thank you.

17 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
18 you, Representative.

19 Next will be Representative Gainey.
20 Happy birthday, Ed.

21 REPRESENTATIVE GAINEY: Good morning,
22 Madam Secretary. How are you?

23 SECRETARY BOOCKVAR: Good morning,
24 Representative. How are you?

25 REPRESENTATIVE GAINEY: First I want to

1 thank you for all the work that you put in to make
2 sure our elections are safe. I know a lot of
3 people want to dig into the details, but the
4 reality is something had to be done. You stepped
5 up to the plate and you did it. There's no perfect
6 system, but there's always perfective ways. First
7 and foremost, I want to thank you for that.

8 Secondly, I want to talk about our
9 senior population. I know a lot of it will fall on
10 the county, but you also know that the majority of
11 our seniors are not on social media. A lot of them
12 are going to be impacted in many ways about the new
13 changes in this whole voting process.

14 My question is -- My first question is,
15 is there going to be a direct -- a direct campaign
16 to talk to seniors whether that's public service
17 announcements or something from the state level to
18 let them know of the changes or who they can
19 contact? Because you and I know that after five
20 minutes of being frustrated, that's a wrap.

21 So what I'm trying -- I'm trying to ask
22 is, how will education happen? Will it be public
23 service announcement? What will we do and how can
24 we help you to help us to better communicate the
25 changes to our senior population?

1 SECRETARY BOOCKVAR: That's a great
2 question. And may I just say, thank you for your
3 remarks at the Black History Month event. It was
4 really powerful. So thank you.

5 REPRESENTATIVE GAINEY: Thank you.

6 SECRETARY BOOCKVAR: So, as I mentioned
7 earlier, this Ready to Vote 2020 is a good vehicle
8 or a hub to make sure information is being given
9 out to everyone of every -- you know, young, old,
10 in- between. But I think, you know --

11 The good news about Act 77 combined with
12 the new voting systems is that, we have so many
13 more choices that they can use. So I think one of
14 the things that we'd love your help with is making
15 sure -- I mean, you all, you know, you talk to your
16 constituents in a different way than we can do at
17 the state level. And so, if you can be bringing --

18 Like, if we -- we're going to have, like
19 I said, this--what are we calling it?--the tool
20 kit, which gives ideas for specific language, and
21 we have PDFs that you can take our talking points
22 and put it on your card. And if you go into, you
23 know, a senior citizens center, you can bring the
24 information with you. We have --

25 We're working with other agencies as

1 well. For example, Department of Aging is a really
2 good, you know, partner to make sure that they're
3 getting information out to the Triple A's. I think
4 there are other agencies as well as they touch
5 people in the communities more than, say, the
6 Department of State directly does.

7 But we're also going to, you know,
8 different community events to make sure that we're
9 touching this population.

10 So what I would say is, if you have
11 suggestions, if you know that in your county you
12 have, whatever. In the summer you have an event
13 where it has the opportunity to touch a lot of
14 people, in addition to PSAs and the other ways of
15 touching people, radio, so forth. If there are
16 events that you know of, please let us know. We
17 can get you materials. We can send somebody there.
18 Happy to talk. We have already been talking to
19 organizations that reach out and want just more
20 information. So, we'd love to work together with
21 you on this.

22 REPRESENTATIVE GAINEY: I appreciate
23 that.

24 My second question is, we talked about
25 the House bill and the Senate bill when it comes to

1 people coming home and being able to -- being able
2 to get licensures. Can you go a little bit more
3 into detail about the difference between the House
4 and the Senate bill and while one is more
5 acceptable than the other? I just think people
6 should hear it.

7 ACTING COMMISSIONER JOHNSON: So, Rep, I
8 apologize. From memory I can't quote all the
9 different factors that -- all the different
10 distinctions, but I'd love to follow up on that
11 question with you.

12 REPRESENTATIVE GAINEY: Any time we can
13 follow up I think that's great. I just think if
14 we're going to create centers of hope, people have
15 to understand the difference and why one is more
16 effective than the other.

17 I appreciate you all being here, and
18 thank you.

19 SECRETARY BOOCKVAR: Thank you.

20 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
21 you. Commissioner Johnson, can you pick up the
22 microphone and just pull it back to you a little
23 bit because people are having trouble hearing.
24 Thank you so much.

25 Next will be Representative White.

1 REPRESENTATIVE WHITE: Thank you,
2 Secretary -- or Chairman.

3 Secretary, I have a couple of questions,
4 one of which is regarding the mail-in ballots.

5 SECRETARY BOOCKVAR: Yes.

6 REPRESENTATIVE WHITE: Can you just talk
7 to us a little bit about the difference between
8 ballot harvesting versus ballot collecting, and
9 what's permissible in Pennsylvania versus not
10 permissible in Pennsylvania?

11 SECRETARY BOOCKVAR: I have to admit. I
12 don't know what ballot harvesting is. So,
13 Jonathan, do you?

14 DEPUTY SECRETARY MARKS: If you're
15 referring to -- Whether you call it harvesting or
16 collecting, if you're talking about third-party
17 delivery of the ballots themselves, it's not
18 authorized by Pennsylvania law, with one exception;
19 for voters with disabilities.

20 REPRESENTATIVE WHITE: Okay. So can I
21 give you an example of some things I have heard
22 rumored to be taking place in Philadelphia, and you
23 can tell me whether or not it's permissible?

24 DEPUTY SECRETARY MARKS: I --

25 REPRESENTATIVE WHITE: One of which --

1 DEPUTY SECRETARY MARKS: I can try.

2 REPRESENTATIVE WHITE: Well, I mean,
3 either it is or it isn't, right?

4 Quick question. If someone was to take
5 a mail-in ballot application into a center, let's
6 just say this office space is created and people
7 walk in. They receive an application to apply for
8 early voting, which is not a big deal, right?
9 Anybody can take in an application.

10 But then the individual completing the
11 application hands the application back to the --
12 over the counter and says, okay, I'm good. I'm all
13 done. I'm going to apply. Okay. That application
14 is taken by the individual across the counter,
15 submitted on their behalf, good to go.

16 But, the return mailing address is
17 located at that center, because the person
18 requested that the mail-in ballot be sent to the
19 mail-in center, right?

20 Then the person behind the counter that
21 took everything in, they start calling up when the
22 ballot comes in the mail. They call up the
23 individual and say, hey, your main-in ballot is
24 here. Come on down and complete it and submit it.
25 So, that all takes place, right?

1 So, the mail-in ballot is now in hand at
2 the center, right, and holding it. Person comes up
3 to the counter, here's your -- here's your mail-in
4 ballot. Go over to the table, fill it out, and
5 hand it back to me and we'll get it to where it
6 needs to go.

7 Is that all permissible?

8 DEPUTY SECRETARY MARKS: I had a little
9 trouble following all of the factual pattern there.
10 But, if the voter has a disability -- and there's a
11 form for this. If the voter is voting because they
12 have a disability or an illness that prevents them
13 from appearing in person, they can authorize an
14 individual to -- to take delivery of the ballot and
15 deliver it to them. So, as long as that process is
16 followed, that doesn't violate --

17 And I'm not the Department's counsel, so
18 you're getting a non-attorney's --

19 REPRESENTATIVE WHITE: Understood.

20 DEPUTY SECRETARY MARKS: -- opinion
21 here. But that doesn't violate the election code.

22 REPRESENTATIVE WHITE: Is that just for
23 absentee ballots, or is that for mail-in ballots as
24 well?

25 DEPUTY SECRETARY MARKS: It would be for

1 both, absentees and mail-in ballots as I understand
2 it. What changed in Act 77, previously for voters
3 with disabilities, you could only have -- it was a
4 one for one. A person could authorize an
5 individual to deliver their ballot for them. And
6 that authorized representative could only deliver
7 one person's ballot.

8 Act 77 changed that. Now an authorized
9 representative can deliver multiple ballots for
10 multiple people provided they've been authorized by
11 those individuals.

12 REPRESENTATIVE WHITE: And what is the
13 authorized criteria? Just verbal?

14 DEPUTY SECRETARY MARKS: No. It's an
15 affirmation that the voter has to fill out
16 basically saying, I authorize this person. If it's
17 me, I authorize Jonathan Marks to deliver my ballot
18 for me. It's a signed affirmation. And I believe
19 the -- Again, I'm not Department's counsel, but I
20 believe the penalties for falsely swearing on an
21 affirmation are the same as falsely swearing an
22 affidavit.

23 SECRETARY BOOCKVAR: And I'm just gonna
24 -- I don't often disagree with Jonathan, but I
25 might disagree on this one point, which is, I think

1 it may be only for absentee because, technically,
2 if you're a qualified absentee, you're not
3 qualified for mail-in at this point.

4 DEPUTY SECRETARY MARKS: Correct.

5 SECRETARY BOOCKVAR: It's a little
6 vague, but I think --

7 REPRESENTATIVE WHITE: It won't be vague
8 on Election Day, I'll tell ya.

9 SECRETARY BOOCKVAR: Yeah.

10 REPRESENTATIVE WHITE: That's why I'm
11 trying to get clarification today.

12 SECRETARY BOOCKVAR: So, for the
13 designation of an agent, it has to be -- it's only
14 like Jonathan said, it has to be people that have
15 disabilities or illnesses that have designated an
16 agency. Nobody else can -- is authorized to
17 deliver a ballot on behalf of a mail-in voter who's
18 voting by mail because they choose to.

19 Does that make sense?

20 REPRESENTATIVE WHITE: That makes sense.
21 I appreciate the clarification. Sorry I couldn't
22 quite give you the run-down that I would have liked
23 to, but we got it together in the end. Thank you.

24 SECRETARY BOOCKVAR: Thanks.

25 ACTING MAJORITY CHAIRMAN DUNBAR: Thank

1 you, Representative.

2 Next will be Representative Cephas.

3 REPRESENTATIVE CEPHAS: Thank you,
4 Chairman.

5 Thank you, Secretary, for your
6 willingness. You have a tall order. In 2020, your
7 willingness to navigate this challenging
8 environment domestically and across foreign seas,
9 with hypotheticals, and everything, any of the
10 above. Anything we can do in Philadelphia, please
11 let us know.

12 But I wanted to switch gears back to
13 professional licensure. Over the past several
14 years, there's been conversations around changing
15 the licensing process as a result of the criminal
16 justice reform conversation. We continue to
17 reference Senate Bill 637, your support.

18 But an additional area is the issue
19 around maternal mortality, where you have other
20 states that have implemented requirements for
21 professional licenses to incorporate implicit bias
22 training, cultural competency training. So I just
23 wanted to get a sense from your Department, statute
24 versus policy shift.

25 When do you begin having conversation

1 and making changes in your licensing process as a
2 result of the national conversation that's
3 happening around different issues related to
4 policy? It's nice to get things by statute, but as
5 you know, it takes time.

6 So, can you talk with me about -- can
7 you talk to the point of making internal policy
8 shifts as a result of national conversations that
9 are happening, like, criminal justice reform, the
10 opioid crisis, maternal mortality, and things like
11 that?

12 SECRETARY BOOCKVAR: And thank you for
13 asking this excellent question. It's an issue
14 that's particularly close to my heart having come
15 from women's health care before this.

16 So, the Department of Health, as you
17 know, Secretary Levine has the Maternal Mortality
18 Commission, and I know Philadelphia also has a
19 Maternal Mortality --

20 REPRESENTATIVE CEPHAS: Review
21 Committee.

22 SECRETARY BOOCKVAR: Review Committee,
23 yeah. And so, I think -- You know, I'm always
24 interested in that intersection of where policy
25 into law and everywhere in between. So I'm gonna

1 ask Commissioner Johnson to respond in more detail.

2 REPRESENTATIVE CEPHAS: Great.

3 ACTING COMMISSIONER JOHNSON: Thank you,
4 Secretary.

5 Representative, I would say, first to
6 answer your question with regards specifically to
7 the implicit bias training and maternal mortality.

8 So, as a member who sits on 27 of the 29
9 boards, I have one vote out of -- out of
10 potentially a dozen. My job as a member of the
11 board is to articulate the policy of the
12 Administration; discuss it with -- discuss it with
13 my fellow board members, and to impress upon them,
14 one, that is a priority of the Administration, but
15 also strategize and figure out how to work within
16 the parameters of my -- of my position.

17 I have to separate the administrative
18 obligations and the administrative authority that I
19 have with my persuasive authority in those
20 particular meetings.

21 I can tell you with respect to the
22 implicit bias training, the health licensing boards
23 have been largely supportive of the measure.

24 REPRESENTATIVE CEPHAS: Okay.

25 ACTING COMMISSIONER JOHNSON: They have

1 -- They have expressed some opinions about the
2 process. They have expressed -- You know, they
3 have expressed concerns about how --

4 REPRESENTATIVE CEPHAS: How to actualize
5 that.

6 ACTING COMMISSIONER JOHNSON: How to
7 actualize that; how the training would be -- how
8 their requirement would be recognized.

9 REPRESENTATIVE CEPHAS: Okay.

10 ACTING COMMISSIONER JOHNSON: But I
11 think those are all -- I mean, that's all the
12 discussion that they're moving -- that they're
13 blocks.

14 One of the things that we constantly
15 have to balance is our -- our responsibility to
16 both supervise and -- and oversee each of the 29
17 boards or commissions under our authority, but also
18 recognize that they do act autonomously.

19 REPRESENTATIVE CEPHAS: Great.

20 ACTING COMMISSIONER JOHNSON: They do
21 have various opinions, various insight as regulated
22 professionals that is valuable to the
23 Administration. I try to work to make sure that
24 that communication is two ways. And I try to -- I
25 try to work with our Office of Legislative Affairs

1 and our Office of Policy to make sure that their
2 messages are communicated up, as well as our
3 messages are communicated down.

4 Without going in -- too much into
5 strategy, you know, board members are acutely aware
6 that legislation dictates the parameters of their
7 authority. And they understand that when there's a
8 legislative initiative, they have two options. One
9 is to get on board, and the other is to get out of
10 the way, essentially.

11 So, I think, you know, we use that -- we
12 use that legislative stick, so to speak, to operate
13 in a manner that works within the General
14 Assembly's parameters and works within the
15 Administration's parameters.

16 REPRESENTATIVE CEPHAS: Fantastic. So I
17 stop there because I see the light. Maybe I'll get
18 another question in on the second round.

19 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
20 you.

21 Next will be Representative Owlett.

22 REPRESENTATIVE OWLETT: Over on this
23 side. How are you?

24 SECRETARY BOOCKVAR: Good. How are you?

25 REPRESENTATIVE OWLETT: Good.

1 I have a question on the federal grant
2 for election security. You said it was \$14 million
3 that we received. When did we receive that money?

4 SECRETARY BOOCKVAR: So there were two.
5 2018, we had to submit our program narrative in
6 May or June of 2018, and the money came in probably
7 a couple months after that. And then the counties,
8 as they've been purchasing voting systems, have
9 been submitting their applications; you know, the
10 forms and the purchase orders and so forth.

11 So I think we're at, I don't know
12 (pause) the figures. I think for that grant there
13 is about -- forty-three --

14 So, almost 50 counties are in some part
15 of the process. The remaining 17 probably are the
16 ones that more recently bought their machines so
17 they haven't submitted their paperwork to us.

18 And then the 2020, that just happened at
19 the very end of December. President Trump signed
20 into law the more recent appropriation, and that's
21 the one that's gonna have a little over
22 \$15 million. We actually -- This one worked a
23 little differently, so the money actually already
24 came in --

25 REPRESENTATIVE OWLETT: Okay.

1 SECRETARY BOOCKVAR: -- because we
2 submitted our initial, you know, request basically,
3 but our program narrative is not due until April so
4 we're still working through the details of that;
5 how that will get allocated, but it all needs to be
6 use pursuant to the law for election security or
7 election administration, sort of related to that.

8 REPRESENTATIVE OWLETT: So they would --
9 they would apply for and show receipts from what
10 they've purchased, or is it a grant process for
11 them? I'm just curious.

12 SECRETARY BOOCKVAR: Yes.

13 REPRESENTATIVE OWLETT: I'd love to know
14 -- And we could provide a breakdown of all the
15 counties, like, how much went to each county so
16 far.

17 SECRETARY BOOCKVAR: Yeah.

18 REPRESENTATIVE OWLETT: Would you be
19 able to provide that to us?

20 SECRETARY BOOCKVAR: Yeah, absolutely.

21 2018 was -- we did black and white. A
22 hundred percent was going for the voting systems
23 upgrade, and we divided it -- because it was only
24 going to cover, whatever, 10 to 15 percent or 10 to
25 18 percent. We just decided that the easiest

1 thing, since it was so early on was to just divide
2 it by voter registration percentage.

3 What county are you from?

4 REPRESENTATIVE OWLETT: Tioga.

5 SECRETARY BOOCKVAR: Tioga County. Oh,
6 I love the Grand Canyon.

7 So, if Tioga had, whatever, 3 percent of
8 the population of Pennsylvania, then they receive
9 3 percent of the -- I can even look at my list
10 right now and tell you if Tioga has received it.

11 Do you have the list open?

12 DEPUTY SECRETARY MARKS: I do.

13 SECRETARY BOOCKVAR: They did. Tioga --

14 DEPUTY SECRETARY MARKS: \$45,000.

15 SECRETARY BOOCKVAR: \$45,000 they got
16 from that. So for the -- for the Act 77,
17 \$90 million we wanted to -- You know, there were
18 all kinds of different ways we could distribute the
19 money, and we decided the best way to do it would
20 be -- And, again, this was in conversations with
21 the Legislature. So the \$90 million is being
22 distributed based on actual cost, or percentage of
23 actual cost, and that's 60 percent approximately of
24 their expenses.

25 Then the 2020 money we haven't figured

1 out how it's gonna work yet, but it's probably --
2 it's not gonna all go to the same thing like it did
3 before. So, I think we're going to use some of it
4 for certain types of election security equipment
5 that will go -- that we'll get and go -- and we'll
6 put in all the counties at no cost to them.

7 There will be, you know, probably
8 support for these post-election audits that we
9 talked about. Again, this is an add so that the
10 counties can do it at no cost to them. You know,
11 other ballot security transfer costs that they may
12 have due to the new systems; again, that we can
13 just give them at no cost to them. So I think it's
14 going to be used for a number of different things.

15 REPRESENTATIVE OWLETT: And when will we
16 see that 90 million being pushed out? I know it's
17 out -- Is it out for bond now?

18 SECRETARY BOOCKVAR: Yes. So the --

19 REPRESENTATIVE OWLETT: So when can we
20 -- When can our counties expect to see that?

21 SECRETARY BOOCKVAR: So the -- We have
22 been -- The counties have been -- are -- have been
23 in the process of getting us their paperwork. So
24 that's been a little bit slower than I would have
25 liked, is getting the paperwork from the counties.

1 But, now we're almost there. I think
2 there's only maybe six or so counties left who
3 haven't sent us the paperwork, and we need the
4 paperwork in order for PEDFA to move forward the
5 bond. So, we're close to that happening. Then
6 once the bond gets issued, then that money will go
7 out to the counties. But it does --

8 The first step was getting the counties
9 to actually send us their documents, and that's
10 been a little bit more of a struggle than I would
11 have liked.

12 Was there something you wanted to add?

13 DEPUTY SECRETARY MARKS: So we have 64
14 in process. We're following up with a few. So
15 there are three counties we haven't heard from yet.

16 REPRESENTATIVE OWLETT: My final
17 question is on the GGO. The increase that you have
18 in the proposal is 9.7 percent. Is that -- I'm
19 sorry, 9.76 percent. Is that for new employees, or
20 is this benefits and salaries, additional benefits
21 and salaries? What -- Can you highlight what that
22 9 percent is for?

23 SECRETARY BOOCKVAR: Sure. I'm going to
24 kick that to you, Kim Mattis, who is the Director
25 of Finance.

1 DIRECTOR MATTIS: Hi. Yes. Most of it
2 is for the actual employees that do work for the
3 Department. There is an increase of one position
4 for the election modernization initiative, but
5 that's the only position increase for the
6 Department.

7 REPRESENTATIVE OWLETT: Okay. So --

8 ACTING MAJORITY CHAIRMAN DUNBAR:
9 Representative.

10 REPRESENTATIVE OWLETT: I can follow up
11 later.

12 ACTING MAJORITY CHAIRMAN DUNBAR: I
13 don't think we'll have a second round, but maybe
14 somebody else wants to finish your questions for
15 you. Thank you.

16 REPRESENTATIVE OWLETT: That would be
17 great.

18 ACTING MAJORITY CHAIRMAN DUNBAR: No
19 offense, but I know you spent three and a half
20 hours on a witness stand earlier. I don't want to
21 repeat that today.

22 SECRETARY BOOCKVAR: Thank you.

23 ACTING MAJORITY CHAIRMAN DUNBAR: With
24 that being said, we'll move on to Representative
25 Comitta.

1 REPRESENTATIVE COMITTA: Thank you,
2 Mr. Chairman.

3 Good morning. Welcome, Madam Secretary,
4 and team.

5 SECRETARY BOOCKVAR: Thank you.

6 REPRESENTATIVE COMITTA: So -- Exciting
7 talking about election reforms in 2020, as we are
8 celebrating the centennial of women's right to
9 vote.

10 The world is changing rapidly. And can
11 you remind us how many years had it been since
12 there had been any election reform legislation
13 before we just passed Act 77?

14 SECRETARY BOOCKVAR: Since -- Any
15 significant reform?

16 REPRESENTATIVE COMITTA: Yes.

17 SECRETARY BOOCKVAR: Over 80 years.

18 REPRESENTATIVE COMITTA: Can you say
19 that again? Eight zero?

20 SECRETARY BOOCKVAR: Eight decades.

21 REPRESENTATIVE COMITTA: Probably the
22 women that got the right to vote provoked that;
23 moved that forward 80 years ago.

24 But, at any rate, so, as I said, the
25 world is changing rapidly. I think that we can all

1 agree it isn't going to be 80 years before we have
2 more significant election reform.

3 So a couple of questions in terms of
4 investing for the future in elections to make sure
5 -- well, we know every vote is gonna be counted,
6 but we want everyone to vote and we want every vote
7 counted.

8 So, do you think that the Department
9 should have a restrictive fund to assist counties
10 when it's time to update voting machines and
11 systems the next time?

12 SECRETARY BOOCKVAR: So that's a good
13 question. You know, we were -- we talked about
14 that over the last two years, or year and a half,
15 as we have been having this conversation about the
16 upgrade this time, because I think the other
17 Representative who mentioned the concern about -- I
18 think it was Representative Gabler, about -- the
19 concern about not wanting to do this or sort of
20 starting from scratch having to do this.

21 We all know technology. I hate that
22 iPhones, they want you to replace them every, what,
23 three years? I'm pushing it at like five right
24 now. But it's very frustrating.

25 So I do think that it would be a

1 responsible way of doing this would be -- One of
2 the things we talked about is, is there a way to
3 have some small dollar amount added to some fee
4 that then could go into an account? That's just
5 the account for whether it's voting systems,
6 whether it's some other need; that you're not
7 starting from zero. I think that would be a great,
8 great investment.

9 REPRESENTATIVE COMITTA: Okay. You can
10 let us know how we can help with that --

11 SECRETARY BOOCKVAR: Okay.

12 REPRESENTATIVE COMITTA: -- in the
13 Legislature.

14 Would the Department support an election
15 modernization advisory committee that provides
16 input, suggestions, and feedback on the election
17 infrastructure to help plan for the future; get
18 ahead of everything?

19 SECRETARY BOOCKVAR: Are you talking
20 about legislative or --

21 REPRESENTATIVE COMITTA: Well, perhaps.
22 Or, perhaps, you would create such an advisory
23 committee.

24 SECRETARY BOOCKVAR: I'm happy to say
25 that we already do have those. So we have several

1 different -- So we have, you know, a stakeholder
2 or -- Stakeholder group, is that what we call it?

3 DEPUTY SECRETARY MARKS: Work group,
4 yeah.

5 SECRETARY BOOCKVAR: Stakeholder work
6 group, which has counties -- county-election
7 officials, CCAP, and then organizations like League
8 of Women Voters and Common Cause, and, you know,
9 any number of different organizations that care
10 about elections and specific engagement meet
11 quarterly, so they on all aspects of election
12 reform administration, and so forth.

13 We also have assure -- So SURE is our
14 voter registration system in Pennsylvania. We have
15 what's called Assured Advisory Work Group.

16 DEPUTY SECRETARY MARKS: Advisory board.

17 SECRETARY BOOCKVAR: Advisory board,
18 that's now grown into an Act 77 slash SURE advisory
19 board. That's where I was referring earlier to, it
20 has 11 different counties and CCAP and us on it.
21 So that's kind of like a different place for
22 stakeholders and a different group of stakeholders
23 to weigh in.

24 So, I think we're happy -- be happy to
25 have ongoing, of course, conversations with you

1 all.

2 We were speaking earlier -- One of the
3 Representatives who I have never met before were
4 speaking about how -- You know, we -- Secretaries
5 have the opportunity to meet with the Senators as
6 we're going through the confirmation process. But
7 there's a lot of you in the room that I've never
8 met with. I think I would love to have the
9 opportunity to sit down, whether it's about
10 election reform or ideas or, you know.

11 Obviously, we meet with our Chairs. Why
12 are you looking at me like that, Chairman? He
13 thinks I'm crazy.

14 But, seriously, I think I would love any
15 opportunity to meet with any groups of legislators
16 and any other stakeholders on any of the issues we
17 are (inaudible word; sneeze interruption).

18 REPRESENTATIVE COMITTA: That's great.
19 Thank you. So what --

20 ACTING MAJORITY CHAIRMAN DUNBAR:
21 Representative, I apologize.

22 REPRESENTATIVE COMITTA: That's quite
23 all right. Thank you very, Mr. Chairman --

24 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
25 you.

1 REPRESENTATIVE COMITTA: -- and Madam
2 Secretary.

3 ACTING MAJORITY CHAIRMAN DUNBAR: Next
4 will be Representative Topper.

5 REPRESENTATIVE TOPPER: Good morning.

6 SECRETARY BOOCKVAR: Good morning.

7 REPRESENTATIVE TOPPER: Still morning
8 here. Madam Secretary, thank you so much, each one
9 of you.

10 I just wanna follow up just a little bit
11 I think of where maybe Representative Owlett was
12 going with the GGO line item with the request of
13 \$1.6 million. And we have in our -- in our
14 breakdown of the Governor -- Governor's budget the
15 \$795,000 for elections modernization implementation
16 which we've talked about a little bit as we've gone
17 on today.

18 I guess my -- my thought is talking
19 about the other \$775,000, which I think is listed
20 as simply continued, whether it be maintenance or
21 just continuing where we are now. That number
22 seems awfully high to me. It's almost a 50/50
23 split and what is being used for a one-time
24 modernization project versus what we're going to
25 continue to see going forward. My concern would be

1 that that number would continue to elevate.

2 So, could we just hear a little bit
3 about the other 775, why that number, and what it's
4 going to be used for? Thank you.

5 SECRETARY BOOCKVAR: I'm gonna ask
6 Director Mattis to reply.

7 DIRECTOR MATTIS: What we did in our
8 budget request going to this, as we move forward,
9 one of the things that our general government
10 operations appropriation does also have is our
11 elections entity, so that's our Bureau of Elections
12 and Notaries, our Bureau of Elections Security and
13 Technology, and our Bureau of Campaign Financing
14 and Civic Engagement.

15 So, one of the things is when we have to
16 maintain ongoing operations for those particular
17 bureaus, it is the 100 percent effect on the
18 General Fund. So one of the things we're trying to
19 do is more adequately fund those particular
20 programs in line with what the actual spends are.

21 So, a lot of the things that we're
22 seeing, we're relying on use of prior waiver
23 dollars, things like that, that might not always be
24 available to us. So --

25 REPRESENTATIVE TOPPER: So our spends

1 have been that low that it requires that kind of an
2 increase to just catch up? Is that -- Is that what
3 you're saying?

4 DIRECTOR MATTIS: Right. We've had a
5 lot of use of waiver dollars in the past few years,
6 so we're just trying to catch that up to try and
7 get it into a more stable appropriation. One of
8 the things we want is transparency. So having that
9 particular set of expenses in our general
10 government operations line may not be as
11 transparent as we would like it to be.

12 So we are looking, definitely looking at
13 ways that we can kind of maybe break that apart
14 into a donor appropriation so we can clearly see
15 election funding and what those costs really are
16 and not necessarily as a general government
17 operation appropriation.

18 REPRESENTATIVE TOPPER: All right. So
19 I'm gonna try and understand, then, where we're
20 going to be, because, you know, as we look at these
21 budgets, we do it year by year, but you also try
22 and project somewhat into the future.

23 So, I guess what I'm hearing is that
24 this is -- Again, these are my words; not yours.
25 I'm using a layman's term here. If we're catching

1 up to where we should be, do we then anticipate --
2 I'm trying to look for if this kind of increase is
3 going to come year after year, or is the --

4 I understand the modernization is kind
5 of a -- not a one-time thing, but it's -- it's for
6 right now as we -- as we implement.

7 But as we look at the other half of that
8 GGO request, is that going to be consistently
9 jumping up? Are you saying, well, this will get us
10 to about half of where we need to be --

11 DIRECTOR MATTIS: Correct.

12 REPRESENTATIVE TOPPER: -- and then the
13 next time we're going to go for more, or are you
14 going for one big swing right now?

15 DIRECTOR MATTIS: We're going for the
16 big swing trying to get it under control where it
17 needs to be, and then we'll be able to kind of be
18 relying on current year dollars going forward.

19 REPRESENTATIVE TOPPER: But as we look
20 then, as we develop this budget product, and I
21 know, obviously, it's hard because this is what you
22 asked for. But, do you believe that there is a
23 number that is less than that that can move us
24 towards that direction, or are we going to continue
25 to be backed up, in your opinion, if we don't hit

1 that number?

2 DIRECTOR MATTIS: We can certainly look
3 into it. This does keep our elections area, you
4 know, healthier. That's a lot of unknowns in that
5 -- in that arena. So, making sure that we are in a
6 place where we can cover all the expenses that are
7 coming in, that's kind of where we are because --

8 REPRESENTATIVE TOPPER: Madam Secretary,
9 I know you wanted to --

10 DIRECTOR MATTIS: We have been relying
11 on other sources.

12 REPRESENTATIVE TOPPER: Okay. Thank
13 you.

14 SECRETARY BOOCKVAR: I have to say that
15 coming into this Department in 2018, I was actually
16 shocked how small the elections team was, managing
17 67 counties' elections. And upon further review,
18 it had been cut over the last decade significantly.

19 You know, I think this is, obviously,
20 the year to make sure that we have the resources to
21 provide the counties with every single bit of
22 training and support we possibly can. But we're
23 always exploring --

24 So like the new voter registration
25 system, no. The move to replace the old voter

1 registration system with the new one, and I think
2 you've -- you've seen we planning to do that in
3 2021. We already have an RFP that's out there. So
4 we're still working from a voter registration
5 system that was installed in what, 2002?

6 DEPUTY SECRETARY MARKS: 2003 through
7 2005 it was phased in.

8 SECRETARY BOOCKVAR: So that, like many
9 old systems actually costs more to run than it
10 should. So, actually, going to a new system,
11 though, it has the one-time cost, is gonna end up
12 costing less, hopefully, overtime, and we're not at
13 the end of the bid process yet.

14 So the plan -- The actual moving forward
15 to the new systems can help us then save money over
16 time. But we need the investment now in order to
17 make sure, as asked earlier, not to be the Iowa,
18 because Iowa -- Even though Pennsylvania has
19 nothing to do with what Iowa did, like, that was
20 run by party, not by election officials, and
21 there's a million reasons why we're different.

22 But the one thing that's really the same
23 is that, preparation, training, testing;
24 preparation, training, testing. We need to be
25 making sure that counties have access to every bit

1 of support we can give them.

2 REPRESENTATIVE TOPPER: All right.

3 Thank you. Thank you, Mr. Chairman.

4 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
5 you, Representative.

6 Next will be Representative McCarter.

7 SECRETARY BOOCKVAR: Good morning.

8 REPRESENTATIVE McCARTER: Hello, Madam
9 Secretary. And again, thank you for being here
10 today with your team.

11 Again, thank you for all your efforts
12 also in trying to carry out, I think, the will of
13 this Legislature in trying to modernize the
14 election system, which I think is a critical
15 element, obviously, with so much riding on, not
16 only the election, but I think the very basic
17 nature of democracy itself.

18 With that in mind, in a sense, with the
19 anticipated influx of the mail-in and absentee
20 ballots, the increase we expect in that area, will
21 counties be permitted to canvass or count the
22 ballots prior to the 8 clock closing time on
23 election night?

24 SECRETARY BOOCKVAR: I'm gonna take this
25 opportunity to thank those of you who have been

1 involved. I know there's been conversations
2 between the Department of State and the
3 Administration and the Legislature, both parties on
4 changing the -- changing Act 77 to actually provide
5 more flexibility to counties to do more actions
6 before Election Day. So I think -- Two-part
7 answer.

8 One, under our current law, there is --
9 there are actions that the counties can take before
10 Election Day, such as, so when they get the mail-in
11 and absentee ballots, they can look at, as you all
12 probably know, on the outside of the outer envelope
13 there's the information on who the voter is. They
14 can check their eligibility. They can determine
15 whether they're mail-in or absentee. They could
16 provide lists to party and candidate watchers so
17 that they could figure out whether there's gonna be
18 a challenge to any of them or not.

19 But, they can't start opening envelopes
20 until after 8 p.m. on election night, and that
21 holds it up. So, what we'd love to see is more
22 along the lines of what we see in other states
23 where there are more steps that can be done in the
24 weeks leading up to Election Day. That will give
25 the counties ability to take care of the ones that

1 come in early; get those done and then move forward
2 on the rest, so that, really on Election Day -- or
3 after Election Day, you know, that night starting,
4 they'll have a much smaller class to count.

5 The other thing that we're doing --

6 So, hopefully, we all share -- I think
7 my sense is that we all share the desire to make it
8 easier for counties to get this done on election
9 night.

10 In addition, please encourage your
11 counties to buy all high-speed, high-capacity
12 scanners that they need to get this done, because
13 the new scanners are amazing. These high-capacity
14 scanners they can go 5, 10 -- I think there's some
15 that do more than 10,000 ballots an hour. If you
16 have one of those, it's only that many. If you
17 have three of them, it's three times that many, and
18 that's third the number of hours that it will take
19 to count. We're reimbursing counties under the
20 Act 77 bond for those scanners, so they're included
21 in the reimbursement. Please encourage your
22 counties to buy every piece of equipment they need
23 to get this done.

24 REPRESENTATIVE McCARTER: Well, thank
25 you very much for that answer.

1 Again, in terms of the second part that
2 goes along with that, there's also, I think, in the
3 act it requires a -- it says notice of time and
4 place for -- when the canvassing of absentee and
5 mail-in ballots will take place, but it doesn't
6 provide the instructions on how to do that.

7 How will the Department, in a sense,
8 clarify that notice process?

9 SECRETARY BOOCKVAR: Yes. So we're -- I
10 mean, we're very close in touch with the counties
11 on how that all works and the processes that, you
12 know, that create efficiencies, how to do this
13 well. And again, if the law is changed to allow
14 more to happen before Election Day, we'll -- we'll
15 revise all our guidance to provide that.

16 You know, the good news about, you know,
17 not being first is that we're not first. There are
18 more three other states that have been having some
19 form of mail-in voting that's not just absentee for
20 years, if not decades. And so, there's a lot of
21 good models out there.

22 Again, my hope is that, I think we all
23 share the desire to make it even easier to do more
24 before Election Day, and I think there's a lot of
25 good ways to do that. But, whatever it is, as it

1 exists now or whether it's changed to allow more
2 before Election Day, we're gonna be working closely
3 with the counties to make sure they have the
4 suggestions on most effective processing as
5 possible.

6 REPRESENTATIVE McCARTER: Thanks so much
7 for the clarifications. Thank you.

8 SECRETARY BOOCKVAR: Thank you.

9 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
10 you, Representative.

11 Next will be Representative Heffley.

12 REPRESENTATIVE HEFFLEY: Thank you.

13 Just real quick. Just following up on a
14 couple of things. The Governor decertified the
15 voting machines in 2018 for the 2019 election.
16 Prior to that, had there ever been any issues with
17 the elections brought, you know, with the machines
18 that we had?

19 Our county operated fine. I mean, we --
20 There was no issues. The machines worked fine.
21 People were comfortable with them. And it was a
22 huge expense to the counties. I mean, we just
23 spent \$150 million approximately across the state
24 to buy all new machines because we had a system
25 that worked fine. Maybe some people weren't

1 exactly happy with the results in certain
2 elections. I can say I'm not always happy as well.

3 It seemed like a huge expense and
4 unnecessary and unneeded mandate on our counties.
5 That money could have went to fund so many other
6 needed programs.

7 SECRETARY BOOCKVAR: Which county are
8 you from, Representative?

9 REPRESENTATIVE HEFFLEY: Carbon County,
10 the 122nd District. And it's a -- I mean, we have
11 the opioid epidemic. We have -- many issues where
12 that money could have otherwise been used.

13 We had a system that never had an issue.
14 And yet, the first time we used the new voting
15 machines, there were a lot of issues with them, and
16 triggering to the point of actually a hand recount,
17 which then verified that the machines were running
18 accurately.

19 But to get back to the expense, in that
20 the state is only picking up 60 percent. CCAP was
21 opposed to decertifying the machines, correct?

22 SECRETARY BOOCKVAR: Well, no. CCAP was
23 working with -- was trying to figure out the right
24 timeline to do it. So, as -- I'm not sure if you
25 were here earlier, so this is a movement --

1 Pennsylvania was one of about 12 states remaining
2 that did not have moderate sys --

3 REPRESENTATIVE HEFFLEY: I would say we
4 had a -- we had a very modern system. Actually, we
5 went way back with it. I mean, now we've got --

6 There is no longer the integrity of a
7 private ballot, right? One of the great things
8 about our democracy is that, when you went to vote,
9 nobody knew who you -- when you got behind that
10 curtain, so to speak, nobody knew who you were
11 voting for.

12 Now with this new system, everybody can
13 see, when you go in that scanner, when you scan
14 they can see who you're voting for. I think that
15 -- I think that was a big step backwards.

16 My thing is, we had a system that was
17 not compromised. There was no foreign
18 interference. It was all a bunch of baloney coming
19 out of D.C. We have a system that now cost the
20 Commonwealth a lot of money, right, a lot of money
21 that could have otherwise been used. And I think
22 we're disenfranchising so many voters who don't
23 like the new system because it's not -- it's not a
24 secure ballot. Other people can see how they
25 voted.

1 SECRETARY BOOCKVAR: So, a number of
2 things. I mean, again, President Trump is one of
3 the primary proponents of the move to paper ballot
4 voting systems, the new voting system. So we work
5 very closely with the U.S. Department of Homeland
6 Security, the U.S. Senate Intelligence Committee,
7 FBI, national security experts across the country
8 who all, who all, every one of them, wanted every
9 state in the country to move forward to new voting
10 systems; meaning, current security standards with
11 voter verifiable paper ballot.

12 Just so that we're clear, this is not
13 something that was individualized to Pennsylvania.

14 REPRESENTATIVE HEFFLEY: It was, in
15 that, we were forced to -- to provide that funding
16 and change election process that didn't work --
17 that worked fine for many years.

18 So, just to also -- Back to the hand
19 counting of the paper ballots, we've seen the
20 circus that developed in '04 and 2000, the
21 elections where they subjectively hand counted
22 hanging chads and all the other chaos.

23 What would trigger a statewide hand
24 recount of these paper ballots, 'cause hand
25 recounts could be very subjective?

1 SECRETARY BOOCKVAR: Yeah. No. I mean,
2 there's an automatic recount when you have a race
3 that's less than half of a percent difference
4 between the winner and the loser.

5 REPRESENTATIVE HEFFLEY: But that's not
6 a hand read. They're not hand-counted ballots.
7 They're just looking over the tallies.

8 SECRETARY BOOCKVAR: So under the --
9 under the current law, the language, I believe, and
10 Jonathan could confirm, is that, it needs to be
11 done by a different manner than it was computed on
12 Election Day; is that correct?

13 DEPUTY SECRETARY MARKS: Correct. If
14 you're -- So I want --

15 The first thing I want to do, we're not
16 talking about ballots that are hand counted. They
17 are hand marked many of them. Some are machine
18 marked using a ballot-marking device, but they're
19 actually tabulated by scanners.

20 REPRESENTATIVE HEFFLEY: But the premise
21 to have the paper trail was, if there was a
22 question they would count those by hand with a
23 paper trail. What would trigger that?

24 DEPUTY SECRETARY MARKS: Well, what
25 would trigger it is a request for a recount.

1 Now, the half of percent, the statewide
2 -- The statutory provision for the statewide
3 recount and for any recount, even one that's
4 requested, requires that the recount be conducted
5 with equipment or a machine different than the one
6 used to do the initial count. So, it wouldn't
7 necessarily have to be a hand recount, but that is
8 one option that's available.

9 REPRESENTATIVE HEFFLEY: It would be
10 rescanned, but not with the same scanner?

11 DEPUTY SECRETARY MARKS: With a
12 different scanner.

13 SECRETARY BOOCKVAR: We haven't -- We
14 haven't made it -- Yeah, some of it's gonna depend
15 on what we decide, you know, and this is
16 collective. These are conversations that we want
17 to be having with the Legislature about what the
18 new post-election audit process should look like.

19 But the recount -- the automatic recount
20 provision, how we're going to word that language is
21 gonna be something we're going to want to talk with
22 you about as well because, obviously, a full hand
23 count takes resources and has a whole different
24 level
25 of --

1 REPRESENTATIVE HEFFLEY: Yeah. I just
2 -- My concern is the mandate, the unfunded --

3 ACTING MAJORITY CHAIRMAN DUNBAR:
4 Representative --

5 REPRESENTATIVE HEFFLEY: -- mandate.

6 ACTING MAJORITY CHAIRMAN DUNBAR: -- can
7 you please wrap up?

8 REPRESENTATIVE HEFFLEY: Yes. They
9 already had to hire extra employees for these
10 election offices across the state. I'm just
11 concerned about that additional burden and cost on
12 the county. Thank you.

13 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
14 you.

15 Next will be Representative Krueger.

16 REPRESENTATIVE KRUEGER: Thank you,
17 Mr. Chairman.

18 Thank you so much, Madam Secretary, for
19 joining us here today. I really appreciate all of
20 the questions that you've answered so far. I hear
21 concerns from my constituents in Delaware County
22 about election security, and I'm grateful for the
23 steps that you and the Administration are taking on
24 this issue.

25 I want to ask about special elections.

1 We are currently 10 weeks until the primary, and
2 yet, there will be four special elections happening
3 in this time on a date not scheduled during the
4 presidential primary. There's one February 25th,
5 and then there are three scheduled for March 17th.
6 And we know that the dates for special elections
7 are completely at the discretion of the Speaker of
8 the House, so the Speaker has chosen to put these
9 four special elections on dates that are not
10 concurrent with the presidential primary, despite
11 some of the counties who are going to be holding
12 these special elections who petitioned the Speaker
13 to hold them concurrent with the presidential
14 primary when they're gonna have the machines out;
15 the operation is already in place.

16 Can you tell us, what is the approximate
17 cost to taxpayers for one special election that's
18 not held on a regular election?

19 SECRETARY BOOCKVAR: So, on average a
20 House race is approximately a hundred to \$150,000
21 apiece and the Senate race approximately 150 to
22 200,000 apiece. Is that right, Kim?

23 DIRECTOR MATTIS: Yes.

24 SECRETARY BOOCKVAR: One hundred fifty
25 to 200,000 apiece. And don't forget the one in

1 January. So there were five special elections
2 between the general and the primary.

3 REPRESENTATIVE KRUEGER: Okay. So a
4 hundred to 150,000 apiece. And if we've got four
5 happening in that time, so you'd multiply that
6 number by four, so we talking 400 to \$600,000 of
7 taxpayer dollars being spent.

8 SECRETARY BOOCKVAR: Correct.

9 REPRESENTATIVE KRUEGER: So I know, I
10 often hear from folks in my district who are really
11 concerned about fraud, waste and abuse. This seems
12 like a waste of taxpayer dollars. What can the
13 Legislature do to ensure that we're no longer
14 wasting taxpayer dollars by scheduling special
15 elections on dates where they don't really need to
16 be held?

17 SECRETARY BOOCKVAR: You know, I think
18 you could change the law to require more stringent
19 grounds for any time it's not decided -- for it to
20 stray from being on an already scheduled Election
21 Day or primary. And I -- I don't recall the exact
22 language of the current provisions. Jonathan, do
23 you?

24 DEPUTY SECRETARY MARKS: I don't recall
25 off the top of my head. But it does -- it does

1 allow -- it does allow for it to be scheduled on
2 the date of a regularly-scheduled primary election,
3 but it doesn't necessarily bind, in this case,
4 Speaker of the House or, you know, the Lieutenant
5 Governor in the Senate from putting it on another
6 day if he or she believes it's necessary to have it
7 on a date earlier than that.

8 The only limitation is, it can't be less
9 than 60 days from the date that the writ of the
10 election is issued.

11 REPRESENTATIVE KRUEGER: And my
12 understanding is that, with all -- all four of
13 these vacancies, that there was more than 60 days
14 and it could have been scheduled on the
15 presidential primary if we had chosen.

16 Thank you so much. I appreciate what
17 you're doing. I think the Legislature needs to
18 consider taking action here to make sure we're not
19 wasting the funds of our taxpayers.

20 SECRETARY BOOCKVAR: Thank you.

21 ACTING MAJORITY CHAIRMAN DUNBAR:
22 Representative Delozier.

23 REPRESENTATIVE DELOZIER: Thank you,
24 Mr. Chairman.

25 Madam Secretary, thank you for being

1 here and with the folks from the Department of
2 State. I know it's a big job you guys will have
3 dealing with this election coming up. But I want
4 to get back to the licensure boards.

5 The issue of -- That was brought up
6 about calls into our office, obviously, is a big
7 issue. But, specifically, the purpose of the
8 boards is my understanding--And this is just kind
9 of a yes or no--is the safety of those that they
10 serve, correct?

11 SECRETARY BOOCKVAR: Yes.

12 REPRESENTATIVE DELOZIER: Okay. So with
13 that being said, a little while ago the Acting
14 Commissioner mentioned the fact of -- and brought
15 up the bill, which actually is my bill, House Bill
16 1477, and stated that the Department of State is
17 against the bill, which was news to me. And,
18 actually, the Governor's Office because they
19 weren't aware that you were against it either.

20 So, can I ask, you mentioned the issue
21 of moving the burden of the person to prove that
22 they are not a danger to the individual. Can you
23 specifically tell me what in the bill does that?

24 ACTING COMMISSIONER JOHNSON: So my
25 understanding of the bill is that, the individual

1 has -- the individual who has been -- who has
2 the --

3 REPRESENTATIVE DELOZIER: Who has a
4 record.

5 ACTING COMMISSIONER JOHNSON: Has to --
6 has then to make a showing that they're no longer
7 -- no longer --

8 REPRESENTATIVE DELOZIER: A threat to
9 the public.

10 ACTING COMMISSIONER JOHNSON: Propose a
11 threat to the public.

12 REPRESENTATIVE DELOZIER: Correct.

13 So, are you against it because we
14 shouldn't be asking --

15 The board's role is safety of the people
16 with whom they serve. That is what this is
17 allowing them to do is to say to this individual
18 who has a criminal record to show how they've been
19 rehabilitated. So the ability for them, you don't
20 think the individual should show that they have
21 been rehabilitated?

22 ACTING COMMISSIONER JOHNSON: Well,
23 currently, the -- the bureau has a policy that's
24 currently in place that allows an individual to
25 show evidence of rehabilitation.

1 REPRESENTATIVE DELOZIER: So this isn't
2 changing, that issue is asking as to what they have
3 done?

4 ACTING COMMISSIONER JOHNSON: If you're
5 stating that an individual, who has a prior
6 conviction, based on the prior conviction is a --
7 is a -- the prior conviction alone is a threat to
8 the public, then my question would be, how does
9 that -- how does that not antithetical to the
10 current -- the current language we created which --
11 which prohibits the --

12 REPRESENTATIVE DELOZIER: The language
13 right now says that if they have a conviction, they
14 can automatically just say no without asking a
15 question. So they can simply go back to the
16 individual and say, if they have a felony record,
17 they're automatically declined a state record.

18 So what we're saying in the bill is the
19 ability to say, you may have a felony that has
20 nothing to do with what it is that you're trying to
21 do, but that board still will have the ability to
22 make sure that the public then, in which they will
23 be serving, will be safe. And you're saying that
24 shouldn't be a question that the board would ask?

25 ACTING COMMISSIONER JOHNSON: Well,

1 Representative, doesn't -- doesn't CHRIA now
2 prohibit the board from denying --

3 REPRESENTATIVE DELOZIER: Can you pull
4 it just a little closer?

5 ACTING COMMISSIONER JOHNSON: Doesn't --
6 Doesn't -- Doesn't the language of the act
7 currently prohibit us from denying based solely on
8 a criminal conviction, on a --

9 REPRESENTATIVE DELOZIER: As it stands
10 right now without a change in law, no.

11 ACTING COMMISSIONER JOHNSON: You're
12 saying it doesn't?

13 REPRESENTATIVE DELOZIER: Correct. You
14 can deny someone's license because they have a
15 record, correct. That has nothing to do with what
16 it is. It's called the morals clause, the ability
17 for someone to say, even coming out of prison we're
18 teaching them how to be barbers and cosmetologists,
19 but we are denying them their license because they
20 have a record, which is a vicious cycle that we're
21 trying to break.

22 ACTING COMMISSIONER JOHNSON: That's --
23 that's -- that's correct. I would disagree with
24 your interpretation of whether or not a prior
25 conviction in and of itself is -- is a sole factor

1 in denying licensure, because that has not been the
2 policy.

3 REPRESENTATIVE DELOZIER: With this
4 legislation you're saying?

5 ACTING COMMISSIONER JOHNSON: I'm saying
6 the current process now, we do not deny based
7 solely on a prior conviction.

8 REPRESENTATIVE DELOZIER: But you can,
9 and that's what we're trying to fix.

10 SECRETARY BOOCKVAR: Yeah. And,
11 Representative, I want to just clarify that, I
12 don't think -- there's no question that I think we
13 share all the goals. So it's really just which
14 vehicle will better reflect the way that we all can
15 agree.

16 So I want to make it clear, there's no
17 opposition to any particular bill. I think the
18 Senate bill was the -- the vehicle that contained
19 more of the provisions that it was believed to best
20 accomplish those goals. But we definitely would
21 love to continue to work with you and the House to
22 make sure we find a vehicle that works for
23 everybody.

24 But I want to just make it clear,
25 nobody's opposing. We share the same goals.

1 REPRESENTATIVE DELOZIER: Right. Well,
2 I guess, and part of the issue would have been the
3 fact that I would have appreciated hearing as to
4 what it was specifically with the language, because
5 we were in back-and-forth conversations with the
6 Department of State, and we didn't hear about the
7 issue that, specifically, this language was going
8 to turn that around and be something where you
9 would be in opposition to it.

10 SECRETARY BOOCKVAR: So let's -- If we
11 may, I'll speak with our "Leg." office and ask them
12 to set up a meeting where we can revisit all this,
13 move this forward, because I know we can move this
14 forward and it will make a great difference for
15 Pennsylvania, and let's just figure out what the
16 exact wording is and how to do that.

17 REPRESENTATIVE DELOZIER: Right.
18 Because that means the language we have with the 11
19 -- the issues that an individual may have to prove
20 that's more -- that does have a record, basically
21 it's saying what education they maintained outside
22 of after being incarcerated; how long ago the
23 effect -- the criminal act happened; what was the
24 criminal act in and of itself. I mean, all these
25 things --

1 I will say this. I've talked to a
2 number of board members, and they very much don't
3 want their ability to make a decision as to whether
4 or not we have safe nurses or safe dentists or safe
5 doctors in our communities serving our public.
6 They don't want that taken away from them in total.
7 So they do want some control over that. They felt
8 that the Senate version took that total control
9 away from them.

10 So, thank you very much.

11 SECRETARY BOOCKVAR: Thank you. And
12 let's circle back and find language that works.
13 Appreciate it.

14 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
15 you, Representative.

16 Next will be Representative Flynn.

17 REPRESENTATIVE FLYNN: Thank you,
18 Mr. Chairman.

19 My question is for Secretary Boockvar or
20 Commissioner Johnson. It's a licensure question.
21 Part of our job as legislators is kind of helping
22 our constituents serve the state system and get
23 things done where they have problems of their own,
24 like making calls.

25 In the licensure issue I'm facing is, a

1 lot of the time with people in nursing license is
2 coming out of nursing school, there seems to be a
3 lot of efficiency within the Department in getting
4 their licenses on time. I probably had this
5 problem five or six times with different
6 constituents.

7 Is there anything the licensure
8 department is doing to kind of streamline that or
9 make it more efficient?

10 SECRETARY BOOCKVAR: Yes. We have been
11 looking at every step of the process, from the very
12 first moment the license is applied for to the very
13 end of the actual granting or denial of the
14 license. So, for example, I'm not sure if you
15 heard about, we created last year --

16 One of the problems that we found, in
17 addition to there not being the most effective
18 processes internally, was that there was poor
19 communication to stakeholders and licensees for
20 their understanding about how the process works.

21 So, last year we started exploring ways
22 to kind of break out the entire process in a way
23 that applicants would understand, nursing schools,
24 cosmo programs; every -- everybody would
25 understand. So we created what are called license

1 navigator guides, and we have up already the first
2 six, and there's three more that are gonna be up
3 any day.

4 Those nine professions represent already
5 over 55 percent of all the licensees in
6 Pennsylvania. They include cosmo. They include
7 nurses. They include doctors. They include
8 osteos. They include engineers and real estate
9 sales. Barbers are coming in the seven, eight,
10 nine, I think, right? So, a big mix of license
11 classes.

12 What we did was, we broke it out into
13 three phases. So, because -- To hear kind of a
14 global amount of time doesn't tell you anything or
15 help you figure out how to reduce those time
16 frames.

17 So the first phrase is, basically,
18 you've submitted -- you're submitting to the
19 Department of State your things, and it's on the
20 Department now to respond to what you might be
21 missing, telling you that you might need specific
22 training or testing, or whatever.

23 Phase 2 is, we've given you that
24 information as the applicant. Here's all the
25 things you need to do. Criminal -- maybe a

1 criminal history test. Maybe you need to take a
2 nursing exam or a cosmo exam, or whatever it is.
3 There's that phase.

4 And then phase 3 is, you have done all
5 that. You've given it back to Department of State,
6 how much time until we actually issue the license.
7 And what we did was, we created these web pages for
8 each license which tell you how you can reduce the
9 time frame of each phrase.

10 So, not only are we working on the
11 internal systems, but we're also working on the
12 external communications that you know.

13 But, for example, nurses were being told
14 by their school, apply before you graduate, but
15 they weren't being told, however, your license is
16 not gonna actually be able to start the process
17 until after you graduate. So people were applying,
18 say, months before they graduated, thinking, well,
19 I should be moving forward, but that wasn't
20 happening because they hadn't graduated.

21 So, getting information to the
22 applicants -- Still apply early. I will never tell
23 anybody not to apply as early as possible. But
24 understand, here's what you can do before you
25 graduate. You can get a background check. You

1 could start the process of looking for when you're
2 gonna take an exam. All those things that you
3 could do will minimize each of those phases.

4 And in the meantime, like I said, we're
5 reducing -- we're reducing our processing times as
6 well.

7 So, for example, I gave the nursing
8 times, if you look at all of the nine professions
9 that we've put up so far, which again, represent
10 over 55 percent of licensees in Pennsylvania, every
11 one of them has made huge decreases in license
12 processing time since 2018. So, every day I can
13 shave. Every week I could shave we will continue
14 to work on, but it's already been tremendously
15 helpful.

16 REPRESENTATIVE FLYNN: Then also, we
17 work as catalysts here. As Representatives, we're
18 catalysts for our constituents. We're trying to
19 make the process easier. So, we're gonna call and
20 we're gonna continue to call to help expedite that
21 when it comes time. But, a lot of the time they
22 have problems getting through on the phone. They
23 don't get callbacks. That's the inefficiencies we
24 face as a legislator.

25 We've had numerous times where they

1 said, can you please stop calling back. We're not
2 going to allow that anymore for you to expedite
3 them. I kind of told my staff that, if there are
4 inefficiencies, keep calling.

5 SECRETARY BOOCKVAR: Absolutely. And I
6 will tell you, so customer service is also one of
7 the things that we're working very strongly on.

8 I was -- We were surprised to find out
9 last year that there were no voice mails in the
10 boards, which I was floored by. We now have voice
11 mail; like, basic stuff like that. Even the phone
12 tree.

13 So, for example, nursing. Nursing
14 board, nursing calls had 45-minute wait times;
15 whereas, every other board had a couple-minute wait
16 times. So we looked at the tree; like, literally
17 the phone tree that had been in place for years and
18 years and years, and it was different than every
19 other board. So we said, why don't we change that.
20 And guess what? It's now 3 minutes.

21 REPRESENTATIVE FLYNN: Thank you.

22 SECRETARY BOOCKVAR: So across all the
23 boards, all the professions it's 3-minute calls
24 instead of 45, which is great.

25 REPRESENTATIVE FLYNN: Thank you.

1 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
2 you, Representative.

3 Next will be Representative Brown.

4 REPRESENTATIVE BROWN: Thank you,
5 Mr. Chairman.

6 And thank you, Madam Secretary, and all
7 of you for your information today. Quick couple --
8 Two questions.

9 We touched on a few of the different
10 issues in regards to the voting systems, and the
11 numbers that were given earlier were 6 million
12 people anticipated to vote in the general election;
13 about 45 counties rolled in their new systems --

14 SECRETARY BOOCKVAR: Last year.

15 REPRESENTATIVE BROWN: -- election,
16 right? So we learned a lot of what worked and what
17 didn't work, and I know you mentioned you're
18 communicating strongly with the counties.

19 One thing, and Representative Heffley
20 mentioned it a little bit and a few others here and
21 there. But one of the things that was a great
22 concern for my constituents and a lot of feedback,
23 and I specifically experienced it myself, was the
24 privacy issue during the voting process. It was so
25 strong and so evident that I think it really today,

1 during this hearing, has not been brought up
2 enough.

3 The fact of walking in and having the
4 ballot handed to you, to a small table with very
5 low dividers; one table or two tables; people
6 standing on top of you sort of looking down over
7 you, that was just the start. And then, if you
8 were to scan your ballot and it popped back for any
9 reason, you were sometimes handed your ballot back
10 or your ballot was handed to someone else to kind
11 of be floating around. Whether or not it went into
12 a folder eventually and you got a new ballot or --
13 it was just very, very evident.

14 And the concerns that I have, and I
15 think I'm speaking for a lot of my people, is, this
16 general election with the volume of people, the
17 privacy, education and training that I think these
18 counties really, really desire and they need, I
19 think they're crunched.

20 My question to you from the Department
21 of State is, what are the resources -- Now, I know
22 with federal money and the state money combined and
23 they have flexibility for usage, but do they have
24 the resources that they need from you, as the
25 Department of State, for training programs or are

1 you contracting out with third party? A very, very
2 strong concern of mine.

3 SECRETARY BOOCKVAR: Yeah. And thank
4 you very much for that.

5 May I ask, which county are you with?

6 REPRESENTATIVE BROWN: Sure. I have
7 Monroe County and parts of Pike County as well.

8 SECRETARY BOOCKVAR: Okay. So you were
9 going from -- Monroe was -- You were already doing
10 hand-marked paper or you weren't doing hand-marked
11 paper?

12 REPRESENTATIVE BROWN: We weren't.

13 SECRETARY BOOCKVAR: You had machines in
14 both.

15 REPRESENTATIVE BROWN: We had machines
16 and closed, and it went to an open system. So it
17 was tough on everyone I think to change over, but
18 there was definitely a loss of privacy that was
19 very strong.

20 SECRETARY BOOCKVAR: And I think we
21 heard that from a number of places across the
22 Commonwealth. And it's why I thank you, to the
23 Legislature, for working very quickly in November
24 to -- Was it Act 94 where we added increased
25 ability for privacy provisions? I think it was

1 that change where we all had -- you know, whether
2 it was the lever machines, or a lot of the DRE
3 machines, had that gray curtain that went behind
4 you. It was -- It was -- It's a very different
5 system than a lot of the counties that went to
6 hand-marked paper.

7 So we very -- We absolutely are going to
8 be providing the reimbursement under the bond for,
9 you know, whether it's curtains and so forth that
10 need to help provide that privacy physically. But
11 then you're absolutely right, the training is a
12 huge, huge part of it.

13 And so, yes, one of the things that I
14 want to make sure we do as part of the federal
15 dollars as well is, help fund training, whether,
16 again, it's through third parties or vendors
17 providing -- or whoever it is that can help train
18 the poll workers not to invade that personal space.

19 REPRESENTATIVE BROWN: Right.

20 SECRETARY BOOCKVAR: And I think they're
21 -- you know, they're wonderful people doing good
22 work; that they don't get paid a tremendous amount
23 to do it. But what are the current requirements of
24 training that counties do have to provide and are
25 we enhancing that is my question, and are they

1 getting that resource to have appropriate training
2 so that they can feel confident in the counting
3 level?

4 SECRETARY BOOCKVAR: Yeah. And,
5 Jonathan, I'm going to ask you whether you've
6 talked about this recently with counties? I know
7 you've spoken a lot to York which certainly
8 experienced this, and actually, I spoke to one of
9 the county commissioner there last night, and she
10 was also expressing interest in making sure that
11 we're providing this information.

12 I think poll worker training -- you
13 know, it's been part of poll worker training
14 before, but it's a totally different system, right?
15 So if they've used that system once, each time
16 they're using it, they're learning more, and we can
17 be --

18 Do you want to talk some about your
19 conversations?

20 DEPUTY SECRETARY MARKS: Sure. And a
21 lot of it too -- and we can provide -- The biggest
22 resource -- One of the biggest resources we can
23 provide is guidance. A lot of the issues that we
24 heard, kind of when we drilled down talking to
25 individual counties, and even talking to voters who

1 filed complaints, the -- the issues related to
2 privacy, a lot of them had to do with polling place
3 layout.

4 You know, with the old system, polling
5 place layout may not have been as big an issue
6 because the voting booth was completely enclosed.

7 With this type of voting, you have to
8 look at polling place layout differently and make
9 sure that you don't have voters congregating near
10 other voters. And some of it is simple as making
11 sure that voters understand that when they're done
12 voting their ballot, that they need to place it in
13 the privacy sleeve or privacy folder, whatever is
14 provided by the county. So when they're waiting in
15 line, to scan it into the -- into the precinct
16 scanner, their ballot isn't exposed.

17 What we learned, a lot of those things
18 were kind of missed during the training or they
19 didn't sink in. So having -- trained poll workers
20 having efficient poll place layout so they don't
21 have voters congregating in areas where other
22 voters are trying to mark their ballot in secrecy I
23 think can do a lot to change the perception that
24 there was a lack of privacy. I think it's really
25 simple things like that, in addition to the

1 additional equipment and resources the counties
2 need to provide for private atmosphere.

3 REPRESENTATIVE BROWN: Right. We're out
4 of time, but thank you so much. I really just want
5 to make sure that they have the resources to have
6 the appropriate training and the appropriate
7 coverage to make sure the voter feels confident.
8 Thank you.

9 SECRETARY BOOCKVAR: Thank you.

10 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
11 you, Representative.

12 Next will be Chairman Readshaw.

13 REPRESENTATIVE READSHAW: Thank you,
14 Mr. Chairman.

15 Madam Secretary, I suppose at this time
16 it's appropriate that I wish you a good afternoon.

17 SECRETARY BOOCKVAR: Thank you.

18 REPRESENTATIVE READSHAW: It was good
19 morning a few hours ago.

20 Fortunately, I suppose, specific to the
21 professional licensing questions that I have had
22 have already been asked and responded to. So I'll
23 spare you the frustrations of the licensing process
24 that we have all experienced.

25 And I believe we -- It would be

1 appropriate that I would ask for all of us, really,
2 that have experienced these frustrations that
3 greater efficiencies be put in place for the
4 future. I think we owe that to our constituents
5 and all the licensees of the Commonwealth of
6 Pennsylvania. So I hope that takes place, would
7 save us a lot of aggravation and extra work.

8 On a personal note, though, I'd like to
9 thank you and everyone at the table for your
10 interaction and cooperation as we waded our way
11 through these problems with licensure. I know that
12 you have cooperated with me and my executive
13 director, Marlene Wilson, on many occasions. So I
14 thank you for that.

15 But just to reiterate, I hope we can
16 solve the problems of the past which many, many of
17 them were unnecessary. So, please, greater
18 efficiencies would be appreciated.

19 Thank you for being here.

20 SECRETARY BOOCKVAR: Thank you,
21 Chairman.

22 REPRESENTATIVE READSHAW: Thank you,
23 Mr. Chairman.

24 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
25 you, Chairman.

1 Next will be Representative Ortitay.

2 REPRESENTATIVE ORTITAY: Thank you,
3 Mr. Chair.

4 Good afternoon, everyone. I want to
5 follow up on the line of questioning from
6 Representative Topper. Director Mattis, you had
7 mentioned, and I just want to make sure I actually
8 heard correctly because I was over here in the
9 corner, that you were using prior year waivers to
10 fund the GGO?

11 DIRECTOR MATTIS: That is correct. Our
12 elections bureaus are under our GGO appropriations,
13 so when there's added expenses that weren't
14 budgeted for, we are relying on the use of waivers
15 to cover.

16 REPRESENTATIVE ORTITAY: Do you know how
17 much you used for this current year?

18 DIRECTOR MATTIS: We have a lot of
19 different waiver funding sources from different
20 appropriations. I would say it's probably in
21 upwards of about 600,000, give or take. I don't
22 have the exact number off the top of my head, but I
23 can certainly look at that.

24 REPRESENTATIVE ORTITAY: Yes. Can you
25 get those numbers for us, and then maybe go back a

1 couple years, too, just to see if that's increasing
2 or decreasing?

3 DIRECTOR MATTIS: Absolutely.

4 REPRESENTATIVE ORTITAY: And can you
5 also provide the Committee a list of where that --
6 how far those waivers go back and how much money is
7 still available?

8 DIRECTOR MATTIS: Sure. Absolutely.

9 REPRESENTATIVE ORTITAY: All right. So
10 the other part of the question I wanted to get to,
11 augmented funds. I was trying to look through the
12 budget book that was provided to us. I did see
13 some sections for augmented funds.

14 What's the source of your augmented
15 funds? Where does that come from?

16 DIRECTOR MATTIS: So, under the GGO
17 appropriation?

18 REPRESENTATIVE ORTITAY: Yes.

19 DIRECTOR MATTIS: Our augmented funds
20 come from our restricted appropriations, so Bureau
21 of Professional and Occupational Affairs, State
22 Board of Medicine Osteo-podiatry, State Athletic
23 Commission, Bureau of Corporations and Charitable
24 Organizations.

25 REPRESENTATIVE ORTITAY: Are you seeing

1 those numbers increase or decrease over the last
2 five years?

3 DIRECTOR MATTIS: What we're doing is,
4 those -- the augmentations themselves are actually
5 decreasing. But the reason for that is what is --

6 In the past, services such as human
7 resources or information technology services were
8 all funded out of our GGO appropriation. And with
9 the changes to the delivery centers that we now
10 have, what we're doing is, instead of capturing
11 those monies through augmentations into the GGO
12 appropriation, we've actually put those costs in
13 with the perspective appropriations where the work
14 is actually being done.

15 REPRESENTATIVE ORTITAY: Okay. Are you
16 spending all of that money every year out of that
17 account?

18 DIRECTOR MATTIS: For the most part,
19 yes. It's very close to that.

20 REPRESENTATIVE ORTITAY: Is there any
21 left over in budgetary reserve from previous years?

22 DIRECTOR MATTIS: There is not.

23 REPRESENTATIVE ORTITAY: Okay. And that
24 is a restricted account. It can only be used for
25 that purpose?

1 DIRECTOR MATTIS: That is correct.

2 REPRESENTATIVE ORTITAY: Okay. Now, are
3 there any other sources of funding that the
4 Department can get besides from the Federal
5 Government?

6 DIRECTOR MATTIS: No. Just General
7 Fund; restricted dollars and Federal Fund.

8 REPRESENTATIVE ORTITAY: Do you receive
9 any money from lobbying disclosures? I know
10 there's a line item in there for lobbying
11 disclosures. But I didn't know if there was a fee
12 that lobbyists had to pay.

13 DIRECTOR MATTIS: Yes. Lobbying
14 disclosure appropriation does have some General
15 Fund dollars, but there's also funding that they
16 pay for their biannual registration fees. That
17 does help supplement those services.

18 REPRESENTATIVE ORTITAY: Okay. In the
19 Governor's budget proposal, is there a plan to use
20 any more of the waivers to fund your operation
21 moving forward in the next budget year?

22 DIRECTOR MATTIS: For elections or
23 anything like that? No.

24 REPRESENTATIVE ORTITAY: For anything in
25 your GGO for the Department of State.

1 DIRECTOR MATTIS: Absolutely not. No.
2 What we try and do is, when we submit
3 our budget, we try and show it for what services we
4 need.

5 REPRESENTATIVE ORTITAY: Okay. All
6 right. Thank you very much. I'll look forward to
7 the list.

8 DIRECTOR MATTIS: You're welcome.

9 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
10 you, Representative.

11 Next will be Representative Struzzi.

12 REPRESENTATIVE STRUZZI: Thank you,
13 Mr. Chairman. I know it's running late here, so
14 I'll try to make this very brief.

15 My question, or my concern I guess, and
16 I think I will ask you to state this for some
17 reassurance to the people back in my district,
18 we've spent a lot of time talking about the
19 security of the machines themselves.

20 But my question is, the validity of the
21 voter. A lot of people have asked me in the
22 district, why don't we check IDs when people go to
23 vote. Can you go over the process of how we're
24 going to validate the mail-in ballots? I.e., are
25 the people sending them in, actually, the people

1 sending them in? Thank you.

2 SECRETARY BOOCKVAR: Yeah. Actually,
3 Jonathan Marks has been with the elections team of
4 Department of State for -- He gets mad at me if I
5 tell you about how long.

6 DEPUTY SECRETARY MARKS: I'm gonna --

7 SECRETARY BOOCKVAR: I'm going to ask
8 him to go through because he knows all the details.

9 DEPUTY SECRETARY MARKS: Mail-in
10 ballots, just like absentee ballots now, there's a
11 very specific voter identification requirement.
12 Basically, whichever one you request, you have to
13 provide either your driver's license or the last
14 four digits of your Social Security number, and
15 they have to match. If they don't match, your
16 absentee ballot can't be accepted unless you
17 provide some valid form of identification. That's
18 how we're ensuring that those ballots are, you
19 know, cast by the individual who requested them.

20 REPRESENTATIVE STRUZZI: Okay. Thank
21 you.

22 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
23 you, Representative.

24 Next will be Representative Greiner.

25 REPRESENTATIVE GREINER: Thank you,

1 Mr. Chairman.

2 Kind of lightning round real quickly,
3 following up with some other colleagues.
4 Representative Lawrence, you and I spoke about
5 Lancaster County. We were in really good shape I
6 felt, too. But, I know how the newspaper handles
7 things and I know Representative Lawrence and the
8 issue.

9 But, according to an article this
10 morning from the Post, in yesterday's court
11 testimony you testified if a judge would ultimately
12 order decertification of newly-purchased voting
13 machines, the counties likely would be the best to
14 determine how to handle that.

15 I wanted to give you a chance maybe to
16 quickly talk about that, because I do think, in my
17 mind, I think the buck stops with the Department of
18 State. I wanted to maybe get some feedback on that
19 to begin with.

20 SECRETARY BOOCKVAR: Sure. And again,
21 that question specifically related to if it was
22 going to be decertified in time for the primary, so
23 that's what the discussion was. What's going to
24 happen, like, tomorrow.

25 As I mentioned, the good news is that,

1 the plaintiff said, actually, we don't actually
2 want to move it to be decertified before the
3 primary, so that's off the table.

4 But, in general, under Pennsylvania law
5 -- Forget about yesterday. But, in general, the
6 state certifies the voting systems, but the
7 counties have the -- have the authority to select
8 what method they choose. So it is by statute,
9 really, a partnership between the two. So this
10 would not be like that, good luck. Go figure it
11 out. This would be a combined effort.

12 REPRESENTATIVE GREINER: That's always
13 the problem when you have testimony and things hit
14 the newspaper. I wanted to clarify that.

15 Second question. I know we talked about
16 recounts. I think it's 2 percent or 2000 or --

17 SECRETARY BOOCKVAR: For the audit.

18 REPRESENTATIVE GREINER: Oh, for the
19 audit. You talked about models moving forward on
20 what we're going to do as far as counting, and
21 you're gonna be discussing them or thinking about
22 them. Is that something that's gonna be in place
23 for the primary?

24 SECRETARY BOOCKVAR: No. So, no.

25 Sorry. Did you finish your question?

1 REPRESENTATIVE GREINER: That's fine.

2 That's good.

3 SECRETARY BOOCKVAR: So, there's couple
4 different -- So, there are counties -- As I
5 mentioned, last year two counties did pilot post-
6 election audits, which, again, is not -- They're
7 pilots, right, so they're trying to establish --
8 help in working with us with the work group to see
9 what methods work, what -- what statutory -- like,
10 what statutory direction we may want to go.

11 But for the primary and for the general,
12 nothing's going to change in terms of what's
13 required by the counties. The counties still have
14 the mandatory 2 percent or 2000 ballots that's
15 required by statute. And again, that's not taking
16 the place of counting all hundred percent of the
17 ballots. That's an extra audit to make sure that
18 the machines are working; that the tabulated votes
19 on election night actually match the real thing.

20 REPRESENTATIVE GREINER: So the model is
21 going to change, though, or not going to --

22 SECRETARY BOOCKVAR: It's not going to
23 change for this year, no.

24 REPRESENTATIVE GREINER: Not even for --
25 not even for the general election?

1 SECRETARY BOOCKVAR: No. I mean, so
2 what we may do is -- what we're going to be doing
3 is doing more pilots of alternatives, but that's on
4 top of the requirements. So the pilots are really
5 just -- like any pilot, to help us figure out where
6 we might want to go from here.

7 But this is where we want to be working
8 with the Legislature to figure out -- We're gonna
9 provide to you what the work group, which, again,
10 is a mix of counties in the state, what we would
11 recommend as the direction we go in after we do
12 some more piloting and see what works. But then,
13 this is going to be a collective conversation
14 beyond 2020 what we think should be required going
15 forward.

16 REPRESENTATIVE GREINER: Okay. Then one
17 last question or follow-up was from my colleague,
18 Representative Martina White, on the -- But the
19 voting centers in itself, you know, when we have
20 the people, Americans with disabilities or people
21 with disabilities voting and helping them, are we
22 going to get some guidance?

23 I mean, I do think these centers -- The
24 term vote harvesting came up. I know that we --
25 You say you weren't sure, but I know what that is.

1 That's when you kind of try to get people to vote.
2 You're kind of doing something. It's kind of a
3 push.

4 And I'm wondering, are we going to have
5 some rules and guidelines and maybe some legal
6 guidance on how these voting centers 'cause, you
7 know, can do, what they're trying to accomplish at
8 these centers? Because they aren't necess -- I do
9 think they could -- You know, we don't know. They
10 could be taking the ballots.

11 We talked about integrity of filling in
12 and then they get the ballots and things like that.
13 I mean, I do think -- All I'm going to say is, I
14 think that's an area that I think I like to have a
15 greater understanding as they start to pop up. I
16 think it's something over and beyond the
17 legislation that we passed. Also, I want to be
18 able to protect that integrity and the integrity of
19 the people that are voting.

20 And I do think -- You both said. I
21 actually think this could be more of a legal -- I
22 think there could be some legal questions here with
23 -- with what's moving forward. I --

24 SECRETARY BOOCKVAR: Yes. I mean,
25 Act 77 didn't change the fact that for regular --

1 for most voters, aside from voters with
2 disabilities, it doesn't change. You never could
3 have somebody else deliver your ballot for
4 absentee. It was never authorized. It's still not
5 authorized. So, it didn't -- it didn't expand
6 that.

7 The only thing it expanded is for people
8 on a hos -- say people in a hospital, one agent --

9 Are you all right? Do you want some
10 water? (Comment to Deputy Secretary Marks). Sure.
11 The Department of State official --

12 DEPUTY SECRETARY MARKS: I'll live.

13 SECRETARY BOOCKVAR: -- one last sip of
14 water. Sorry.

15 So, one of the -- one of the advances
16 from Act 77 is that, if you say, for example, have
17 a bunch of people in the hospital, none of whom
18 could vote, one person could collect the ballots
19 from a number of different patients if they're
20 authorized. Again, like, it's very specific to
21 people with disabilities or illnesses who have
22 designated that person.

23 But, for everybody else, it never was
24 permitted; it's still not permitted. We're going
25 to continue to make sure that's clear, but your

1 help with that is appreciated.

2 REPRESENTATIVE GREINER: Absolutely. We
3 want to protect the integrity. Thank you so much
4 for your time.

5 Thank you, Mr. Chairman:

6 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
7 you, Representative.

8 That is all the members. We will go to
9 Chairman Bradford for comments.

10 MINORITY CHAIRMAN BRADFORD: Thank you,
11 Chair. I want to follow up real briefly, if I can,
12 on a couple of things.

13 I think the gentle lady from Monroe, I
14 think raised some very legitimate concerns,
15 obviously, as you're dealing with the new vote
16 machines. There are just issues that the counties
17 are dealing at the individual polling places, I
18 think they're very sincere.

19 I actually was telling George here, we
20 had some of those same growing pains in Montgomery
21 Country with the open file and people -- you know,
22 the machine rejects the ballot and then people are
23 seeing whose -- other people's ballots. So, I
24 totally get that. I think there's legitimate
25 concerns.

1 I think the gentle lady is right to
2 mention that. I also think Representative Greiner,
3 some of his concerns just about how Act 77 will
4 play out. It's very legitimate, and I think those
5 are discussions that we need to have.

6 Conversely, there's a couple things that
7 were said that, I think, a little hyperbolic today
8 and a little bit conspiratorial and, I don't want
9 to say tinfoil hat because I told George I won't
10 use that term, but I may have --

11 But I think we -- Very succinctly, vote
12 harvesting, the idea that third parties are going
13 to be helping nondisabled individuals deliver
14 ballots, will that be allowed in this election?

15 SECRETARY BOOCKVAR: No. Absolutely
16 not.

17 MINORITY CHAIRMAN BRADFORD: Vote
18 counting. Are we going to count every vote, or are
19 we going to use some statistical anomaly? Because
20 I want to tell the old ladies at the Worcester
21 community building that they're not going to be
22 doing some heavy math; that they're just going to
23 be counting ballots.

24 SECRETARY BOOCKVAR: Every single vote
25 will be counted.

1 MINORITY CHAIRMAN BRADFORD: Okay.

2 One of the other issues that was raised,
3 and I would just make the inverse argument, was,
4 that we need to replace this equipment every
5 15 years. The gentleman rightfully points out it's
6 only used twice a year, so why are we doing this?

7 I don't want to make light of it, but I
8 think the -- the analogy I would make, because I
9 live near a nuclear power plant, they don't use the
10 backup system thankfully very often, but they
11 replace it constantly. It's an issue of the
12 highest importance.

13 So I think we need to be mindful that --
14 I realize there's a cost to our counties. I
15 realize there's a cost to all of us, but there's a
16 very real reason why we're doing it. I think we
17 just need to recognize that when we lose sight of
18 things, because I think sometimes people take it
19 too far.

20 Speaking of taking it too far, the last
21 point I would mention is the issue of election
22 interference, and kind of, why are we at this spot
23 and needing new machines. I think it's crazy, in
24 our current political discourse, that we can't
25 concede that there was election interference, for

1 whatever reason because of our national political
2 climate. So I think it's worth repeating.

3 Senator Richard Burr, who is a
4 Republican from the State of North Carolina who's
5 the Chairman of the Intelligence Committee in his
6 report states very succinctly:

7 In 2016, the U.S. was unprepared at all
8 levels of government for a concerted attack from a
9 determined foreign adversary on our election
10 infrastructure. Since then, we have learned much
11 more about the nature of Russia cyber activities
12 and better understand the real and urgent threat
13 they post. The Department of Homeland Security and
14 state and local elected officials have dramatically
15 changed how they approach election security,
16 working together to bridge gaps and information
17 sharing and shore up vulnerabilities.

18 The process they've made over the last
19 three years is a testament to what we can
20 accomplish when we give people the opportunity to
21 be part of a solution. There's still much work
22 that needs to be done. However, I am grateful to
23 the many states that have provided their points of
24 view which help inform our recommendations. It's
25 my hope that the Senate Intelligent Committee's

1 bipartisan report will provide the American people
2 with a valuable insight into the election security
3 threat still facing our nation and the ways we can
4 address them.

5 I would succinctly say, the gentleman
6 from Carbon, that's not baloney. That's actually
7 the words of the Senate Intel Chair.

8 Now, he also, under key findings and
9 recommendations, I think it's important to point
10 out. Russian activities demand renewed attention
11 of vulnerabilities in U.S. voting infrastructure.
12 Cyber security for electoral infrastructure at the
13 state and local level was sorely lacking in 2016.

14 Parenthetical, 2016 we had a Democratic
15 President. I think we had a Democratic Governor
16 here in Pennsylvania. This isn't a Democrat or a
17 Republican thing. Elections really need to be
18 beyond the pale.

19 Going on with the quote:

20 Despite increased focus over the last
21 three years, some of these vulnerabilities,
22 including aging voting equipment, remain. As
23 states look to replace machines that are now out of
24 date, they should purchase more secure voting
25 machines. At a minimum, any machine purchased

1 going forward should have a voter verified paper
2 trail.

3 Going on:

4 Congress should evaluate the results of
5 the \$38 million in state election security grants
6 allocated in 2018. States should be able to use
7 grants -- grant funds provided under the Help
8 America Vote Act, HAVA, to improve cyber security
9 in a variety of ways, including hiring additional
10 I.T. staff, updating software, and contracting
11 vendors provide cyber security services.

12 When these funds are spent, Congress
13 should elevate (sic) the results -- should evaluate
14 the results, sorry, and consider an additional
15 appropriation to address remaining infrastructure
16 of voting machines and systems.

17 Again, I realize this is -- this has
18 been longer than probably the typical wrap-up, and
19 I want to thank my Republican colleague for giving
20 me the time. But I think we should be mindful that
21 the Department of State and the work you do is very
22 important, and we're glad you're doing it. I think
23 there couldn't be a better person to be doing this.

24 Whether we like the results of the
25 election -- I know I didn't like the results of the

1 last presidential election. They are what they
2 are, but people need to have faith that our
3 elections are run in a nonpartisan, appropriate,
4 and professional way. I know George and I were
5 having that very discussion.

6 So, when those who would sow seeds of
7 doubt, talk about vote harvesting and ACORN and
8 crazy things that may pop up on the Internet, I
9 think they do a disservice. I think we should have
10 a very honest discussion about the challenges we
11 face, what this Administration with our Federal
12 Government partners are doing to secure our next
13 election. And I want to thank you for taking the
14 time to put it out there today.

15 Thank you.

16 SECRETARY BOOCKVAR: Thank you,
17 Chairman. Really appreciate it.

18 ACTING MAJORITY CHAIRMAN DUNBAR: Thank
19 you, Chairman.

20 Briefly, because he was very brief, so
21 I'll be very brief as well.

22 Act 77, which many of us support and
23 many of us voted for, it removes so many barriers
24 to voting. It made so many changes. And sometimes
25 change is difficult, and sometimes people are

1 resistant to change. Many people are resistant to
2 change.

3 So, for all of us, when we go back home,
4 we hear from our constituents. We hear all the
5 concerns that everybody has, those conspiratorial
6 things that the Chairman had mentioned, and you
7 want to be able to answer questions properly. I
8 believe the good Chairman reframed some of those
9 arguments, or I would call them discussions, and
10 elaborate a little bit more than we were actually
11 at.

12 I think what we tried to accomplish
13 today is find out where do we stand; where do you
14 stand? What do you need to do to ensure fair and
15 safe elections, and what can we do to help? I
16 think that's what we were trying to accomplish
17 today. And I think we got the answers. You told
18 us -- In regards to what the good Chairman said,
19 you told us the firewall worked.

20 I mean, what we are trying to do is to
21 make sure what else needed to be -- what else
22 needed to happen. There's still going to be some
23 hiccups and there's still gonna be some problems.
24 We all realize that. But whatever we can do to
25 help in order to ensure a fair and safe election,

1 we appreciate your time and your answers.

2 SECRETARY BOOCKVAR: Thank you. I
3 appreciate that as well.

4 And I would encourage any -- all of you,
5 I really -- we appreciate when you reach out to us
6 and say, hey, the county commissioners in my county
7 or constituents, or whatever, have -- are asking me
8 these questions. You know, can you come and speak
9 or can you give us -- tell us the answers? We are
10 happy to follow up.

11 I agree with you a hundred percent. Act
12 77 and all new voting systems, there's lots of
13 great, great changes, but they are changes. And
14 so, we're happy to help in every way we can to make
15 sure that the voters have the information they need
16 and the election officials.

17 So, thank you for --

18 ACTING MAJORITY CHAIRMAN DUNBAR: And I
19 think that's what we all need to do here is to have
20 all the voters have that same level of confidence.

21 Again, we thank you for the time. We're
22 going to adjourn, and we will be back at 1:30.

23 Thank you.

24 SECRETARY BOOCKVAR: Thank you.

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C E R T I F I C A T E

I, Karen J. Meister, Reporter, Notary Public, duly commissioned and qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript, to the best of my ability, of a public hearing taken from a videotape recording, and reduced to computer printout under my supervision.

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