Lehigh County
Pennsylvania

AN

E S S A Y

CONCERNING

Election Procedures

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Executive Summary

The Lehigh County Controller has produced a special report looking at the 2020 Pennsylvania primary election procedures after concerns arose over significant delays in the tabulation and reporting of mail-in ballots.

The Lehigh County Controller investigated the practices and policies in place in other Pennsylvania counties in addition to interviewing Lehigh County election staff.

This report details findings from our special investigation with the following recommendations.

- Due to concerns over reduced hours and capacity at the U.S Postal Service and concerns over the virus, mail every registered voter a mail-in ballot application similar to Allegheny County.
- Procure and utilize industrial scale letter openers to expedite the process of opening mail-in ballots. *(in process)*
- Procure ballot scanner with the capacity to scan a higher volume of ballots per minute. (*in process*)
- Prioritize the hiring and training of poll workers and ballot counters, especially those who are bilingual, with sufficient time to prepare them for the upcoming election.
- Provide multiple safe and accessible drop-off sites for mail-in ballots prior to election day, potentially at secure municipal buildings and Magisterial District Judge offices.

These recommendations reflect procedural and systematic changes the Controller believes will strengthen the electoral process and ensure that the voters receive timely election results.

The Challenge:

The 2020 Election is likely to be one of the highest turnout elections in U.S history. Michael McDonald, a political scientist at the University of Florida, believes over two-thirds of eligible voters could cast a ballot this year. This would exceed the highest turnout of eligible voters since 1908 when 65.7% of eligible voters cast a ballot. It would also exceed the 1960 election where turnout was roughly 63.8% (1).

At the same time, Pennsylvania is contending with a historic shift in its election process allowing for all registered voters to elect to vote through a no-excuse absentee ballot system. This system has been furthered stressed by the unprecedented nature of the Covid-19 pandemic.

Furthermore, recent literature as to the epidemiological consequences of in-person voting has emerged raising serious concerns about in-person voting. Research conducted by Ball State University, found a strong connection between in-person voting in Wisconsin and the spread of Covid-19.

They found that for every 10% difference between in-person voting in counties, there was approximately 17.7% percent increase in positive test rates. In the weeks following the election, in-person voting may have accounted for 8% of all new positive cases (2).

The combined effect of a more convenient system of voting and the rising concerns over Covid-19 transmission resulted in an abnormally high number of mail-in ballots in Pennsylvania.

"The primary election was the first time Pennsylvanians could vote by mail-in ballot without having to provide an excuse. Nearly 1.5 million mail-in or absentee ballot were cast, 17 times the number that voted absentee in the 2016 primary, when approximately 84,000 absentee ballots were cast," according to a report by Pennsylvania Governor Tom Wolf (3).

In Philadelphia alone, the number of mail-in ballot requests, 145,000 was more than the entire state from 2016. The high number of ballot requests came despite the absence of heavily contested primarily elections at top of both major party tickets (4).

In Lehigh County, 57% of the ballots cast were mail-in ballots, out of a total of 70,409. The number of mail-in votes stemming from the state's new law regarding no-excuse absentee ballots was 5 times the rate of traditional absentee ballots.

As both political scientists and emerging trends suggest, November's general election is likely to feature an even higher volume of mail-in ballots being cast. It is imperative that Lehigh County be prepared to effectively receive, record and present election results in a timely manner.

An extended period of time between voting and electoral outcomes is likely to draw unnecessary and otherwise inaccurate criticism regarding the legitimacy of the election. The more effectively Lehigh County can count ballots and post the results, the less likely this situation is to materialize.

The eyes of the nation will be on Pennsylvania come November, we owe it to our voters and our residents to get this right.

Lessons Learned:

As many may have observed following the primary, Northampton County was able to tabulate and canvass ballots in a more efficient and routine fashion. Northampton county had almost 36,000 mail-in ballots cast in their primary.

Despite this hurdle, Northampton was able to deliver a quicker and more definitive result on election night. Upon further investigation there were a number of factors that produced this outcome.

During the 2020 primary, Lehigh County was contending with an abnormally high volume of mail-in votes. Prior to the election, Lehigh County had procured two DS 450's from Election Systems & Software (ES&S), the same firm which sold Lehigh County it's voting machines.

These ballots counters are capable of counting roughly 72 ballots a minute (5). The counting speed can vary based on the personnel operating the device and quality of ballots which can slow the process.

Northampton county had two of these scanners in addition to ES&S's DS850 which can scan up to 300 ballots per minute. These enabled Northampton County to expedite the ballot counting process (6).

Even prior to the ballot scanning process the most significant potential for delays comes during the process of opening mail-in ballots. Mail-in votes when received are scanned and then sorted by voting precinct and stored until 7:00 AM on election day.

The process of counting the mail-in votes can't legally commence until polls open on election which itself creates an unnecessary delay. This provision is likely to create greater additional strain during the general election when the quantity of ballots will inevitably grow.

Once the mail-in ballots are permitted to be opened, poll workers must feed them through letter openers, opening both the security envelope and the secondary envelope containing the ballot. This means that the number of mail-in votes equates to double the number of letters which must be opened before ballots can be scanned.

In the Controller's review of our voting procedures and conversations with Tim Benyo, Director of Elections, we determined this to be the primary reason for the delay in results. Ballot counting machines would occasionally sit idle while employees worked to accumulate enough ballots to put through our scanners.

Northampton County had two industrial letter openers which enabled workers to open letters at a quicker pace which in turn amplified the speed at which ballots could be scanned.

Finally, throughout Pennsylvania, counties experienced difficulties in finding and training poll workers. Poll workers tend to be from predominantly older age brackets which also made them highly susceptible to the Coronavirus.

This resulted in a precipitous decline in both available poll workers and traditional polling locations. A number of polling stations are habitually located in schools, senior centers and other public venues that complicate efforts to mitigate the spread of the virus.

The result was the consolidation and relocation of various polling stations throughout the county which can confuse or otherwise discourage participation by inconveniencing voting.

In some Pennsylvania cities, polling stations were simply closed further imperiling the ability of all voters to participate in the process. In Philadelphia, 80% of polling stations were closed (7).

In addition, Lehigh County had only one ballot drop-off location, located in the main entrance of the Government Center. This produced several inconveniences and difficulties for voters including weekend access when the main entrance is closed and distance from the furthest extent of the county.

As we continue to contend with Covid-19, Lehigh County should take every available step to ensure that our elections are carried out in a manner that are accessible and timely. In doing so we can contribute to efforts to slow down the spread of the Coronavirus, protect our residents from exposure and ensure that those who wish to exercise their most fundamental right are given every opportunity.

Recommendations:

In evaluating the various challenges, the Department of Elections faced during the course of the primary election and reviewing the practices of other counties, we make the following recommendations:

1. The Corona Virus has left many people unsure of what they should do to vote. In order to maximize participation amongst all voters and minimize the necessity of in-person voting, Lehigh County should mail every registered voter in the county a mail-in ballot application.

   This strategy was adopted by Allegheny County during the primary election. It resulted in county-wide turnout of about 40%, a full 5% better than Lehigh County (8). Allegheny County was among one of the hardest hit counties in the state. Their cost was roughly 57 cents per ballot in Allegheny County (9).

   To mail out ballots to all 234,850 of Lehigh County's registered voters, it would cost $133,864 based on Allegheny County's costs.

   It is the opinion of the Controller that despite the cost of mailing out ballot applications, it is one of the most immediate and effective ways to ensure each voter has an opportunity to participate. It has the potential to reduce the number of people who opt to vote in person which protect public health, and further uphold the democratic process during these times of immense strife.

We recommend that the Lehigh County Board of Election and the Board of Commissioners collaborate to develop a strategy for mailing out ballot applications.

Consequently, encouraging more residents to regularly engage in vote by mail will overtime reduce operating costs associated with running a traditional election.

For example, Orange County, California home to nearly 1.6 million registered voters made the decision to switch to a full vote at home model. Their plan is to consolidate polling stations into voting centers and promote universal vote by mail. They expect the county will experience as much as 29 million dollars in savings (10).

A Pew Review of Colorado's vote-by-mail system found that the system saved $6 per voter per election and resulted in significant administrative cost reduction. (11)

This election cycle affords us not just an opportunity to demonstrate that the county can effectively respond to real-world events, but also help shift the public mindset around voting. This will produce long-term savings and strengthen the democratic process for all.

2. The county should immediately procure and train staff on the use of industrial letter openers used in Allegheny County and Northampton County which significantly improved the letter opening procedure.

   In discussions with Tim Benyo, the procurement efforts for these industrial letter openers has already been placed. At time of publication, one letter opener had been installed and a second one was on backorder, but will arrive before November.

   This policy decision represents one of the most effective ways the county can rectify the previous backlog that occurred during the primary counting process.

3. Procure and train on the use of ES&S's DS850 ballot scanner which enables workers to scan a higher volume of ballots at a time. The county's use of its three voting machines with their total scanning potential will yield a similar result to Northampton County.

In conversations with Mr. Benyo, it was stated that the procurement request for this ballot scanner had already been placed and ordered.

The procedural improvements of letter opening and ballot scanning will ensure citizens are given more conclusive outcomes on the night of the election. It will also further mitigate any potential criticism which could be levied against the process.

4. Prioritize the recruitment and early training of additional poll workers, especially those who are bilingual. In interviews with election officials, concerns were expressed over having sufficient personnel for conducting both in-person voting and ballot counting on election night.

   The Controller recommends that additional monetary resources be provided to the Department of Elections to ensure that a sufficient number of poll workers and internal election workers can be hired and sufficiently trained.

   In discussions with Tim Benyo, it was stated that Lehigh County already has wide deployment of bilingual workers as per requirements from the Department of Justice.

5. We recommend the county provide multiple safe and secure locations to drop-off mail in ballots prior to election day after a thorough legal and logistical review of the proposal. The Controller believes that existing county and municipal buildings represent the most convenient and recognizable locations.

   There have been recent lawsuits over the capacity of counties to deploy this as an option for voting. We recommend Lehigh County check with Legal to find out if the County can host drop-boxes that have been secured in Magisterial District offices and secondarily, if legal determines they are unsure then the County should be prepared to follow this strategy should it be determined to be within the county's authority.

   The Controller believes that the Magisterial District Judge Offices or municipal buildings could host mail-in drop off boxes.

Conclusion:

Lehigh County experienced the growing pains associated with an entirely new voting process in addition to the devastating effects of a global pandemic. This confluence of events would have undermined even the best preparations given the historic and unprecedented nature of the current crisis.

However, Lehigh County has had a chance to evaluate best practices from other counties. It is crucial that we take the following months to commit ourselves wholly to preparing for the continued increase in mail-in voting and the unpredictable nature of the virus.

The electoral process is one of the most important duties given to county governments. We must ensure that voters are ultimately protected and respected during the process.

We must strengthen the integrity of the process by insulating it from criticism and potential doubt by ensuring the timely reporting of results.

We must guarantee that our poll workers receive the training they need to carry out their duties and confidently handle the concerns of voters.

If we adopt the following practices, we can ensure that all future elections are a seamless and routine process without significant delays or doubts.

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