

**Tammy Patrick, Senior Advisor, Elections, Democracy Fund**  
**Protecting America's Democracy: Ensuring Every Vote Counts**  
**Friday, August 28, 2020**

## **SALUTATION**

Thank you Honorable Chairman Thompson, Ranking Member Rogers, and Members of the Committee for asking me here today to share with you how election officials have been preparing for the upcoming election, the challenges they are facing, and the concerns some of them have with what has been happening under the new leadership at the United States Postal Service.

As a bit of background, I was a local official in Maricopa County, Arizona for over a decade and served as a Commissioner on President Obama's Presidential Commission on Election Administration (PCEA). I serve as a liaison between the National Association of Election Officials (Election Center) and USPS as a member of the Postal Service's Mailers Technical Advisory Committee (MTAC), and for years have worked with the National Institute of Standards and Technology (NIST) on various risk assessments, election common data formats, the Voluntary Voting Systems Guidelines (VVSG), and most recently cybersecurity frameworks.

After the PCEA's work was completed I moved from Arizona to work in Washington, D.C. at the Bipartisan Policy Center where I penned the *New Reality in Voting by Mail* in 2016. Since 2017, I have served as a Senior Advisor to the elections team at Democracy Fund, an independent foundation working to defend American democracy and challenge it to be more open and just. I am also an adjunct professor at the Humphrey School of Public Administration at the University of Minnesota.

## **INTRODUCTION**

We do not properly fund our elections. A recent study by Auburn University of Election Center members found that the election department budget of their members averaged .54% of their counties' budgets. These are some of the best resourced offices in the country and they are barely one-half of one percent of their counties' budget. Many jurisdictions were advised earlier in the year to submit budgets with cuts of 10-20% due to loss tax revenues in their jurisdictions. Offices have seen salary reductions and furloughs in a time when we have additional workloads and responsibilities.

Episodic federal funding does not sufficiently bridge the gap nor stabilize election administration to allow for planned considerations of improvements and modernizations. Infusion of funding far too often happens late in the election cycle, thus limiting its effectiveness.

Philanthropy has played a key role in the last decade. Pew's Voting Initiatives brought us programs like the Electronic Registration Information Center (ERIC) now an independent consortium of states, the Voting Information Project (VIP) that gathers official data from the

states and aids in its distribution to hundreds of websites now housed at Democracy Works, and the Election Performance Index (EPI) now housed at MIT's Election Data Science Lab (MEDSL). These efforts have helped shape our understanding of election administration and improved policy decisions based on facts and data.

Five years ago Democracy Fund stepped into the void created when Pew left the space. Since 2016 we have funded some of the most successful efforts responding to the security threats to our elections—some of them recently picked up by the Election Assistance Commission (EAC) such as the Center for Internet Security's Non-Voting Election Technology Verification program to provide guidance similar to the VVSG for the tertiary technology not contemplated in the Help America Vote Act (HAVA) and training programs for election officials created by the Center for Technology in Civic Life (CTCL) on cybersecurity. CTCL recently expanded their training offerings to include a module on combating election misinformation and communicating trusted election information, an ongoing concern for election officials. The Belfer Center's Defending Digital Democracy Program has offered Tabletop Exercises that have been touted as one of the most effective efforts to prepare election officials.

In this moment, when the country is dealing with a global pandemic during a Presidential Election Cycle, business and commerce are also assisting. Anheuser-Busch has launched a nationwide effort to supply hand-sanitizer to election officials, facilities are opening their doors as polling locations, and businesses are offering employees time off to work the polls. Yet, all of these deficiencies remain problematic in far too many jurisdictions.

In this moment the basic necessities of our democratic process are in need of attention: acquisition of sufficient polling places, hiring of capable staff and poll workers, reliable postal delivery, and a secure and resilient electoral process. It is also important to note that even as national attention has shifted focus to carrying out an election in the midst of a global pandemic, foreign adversaries have not gone away. We must continue to invest in election security infrastructure, resources, and capacity and build on the progress made since 2016.

## **IN-PERSON ACTIVITIES: VOTING & ELECTION ADMINISTRATION**

Election officials all across the country are having difficulty securing polling locations for the upcoming election. I have spoken to election officials who, in the best-case scenario are missing about a fourth of their facilities, and in the worst-case all of their locations have denied them access. Houses of worship have said "If we can't have our services, we can't be a polling location". Schools have said "If we can't teach the children safely, then it isn't safe to be a polling location either". Many officials have told me that even when they can secure a facility many of them are now requiring a post-Election Day deep cleaning as a prerequisite, and local election officials are hard pressed for the resources as most of the CARE Act funding was expended in the conduction of the primary elections earlier this year.

Given the Center for Disease Control (CDC) social distancing recommendations some facilities are no longer satisfactory. A growing trend is the use of large polling locations such as arenas and colosseums—many with ample parking and sufficient air circulation to keep voters safe. More curbside-voting and drive-thru, contact-free offerings will be available to voters. We saw

some of this in the primary season and it is anticipated that these practices will most likely expand and spread given the ongoing growth of the numbers of positive infections and subsequent deaths.

Having a polling location is just the first challenge in a global pandemic, staffing the locations is the second. Traditionally our polls have been staffed by the very individuals who are the most vulnerable to COVID-19. Although every state will offer in-person voting solutions for the November election, they may look differently: new location, new staff, different procedures. Because we will see an increase in poll workers working for the first time, training and support materials will be critical to ensure that policies and procedures are understood and followed.

I started my career in poll worker recruitment. I had a staff of a dozen or so temporary workers who hired around 8,000 workers to staff the 1142 precincts. The county hired hundreds of workers as field rovers, warehouse personnel and delivery drivers of polling location materials, central boardworkers processing vote by mail applications, and provisional ballots. Many of those positions, just like poll worker positions, were filled by retirees. We filled the halls of our tabulation facility with card tables of processing boards to ensure that every eligible ballot was authenticated, processed, and counted.

In 2020 those tables will need to be further apart.

In 2020 many of those workers will decline to serve.

In 2020 we have seen election officials test positive, spend weeks in the hospital, have their offices quarantined, and even the loss of life for a few. We do not know where the next hotspot will be or where it will hit. We know that election officials working from home and “dialing it in” have to take additional steps to secure their connections, to secure their networks.

In 2020 we do not have Supervisors of Elections in Florida out registering voters at the local festival, we do not have County Auditors in Iowa at the county fair providing voter information, we do not have political parties, candidates, third-party organizations in front of the library providing voters with information on when and where to vote as we would in a normal presidential election cycle. Instead we are more reliant upon social media platforms and reaching voters online. This reliance increases the opportunity for mis and disinformation to prevail, to spread, to sow chaos, and to cast doubt on the legitimacy of our election.

For this reason, as the General Election nears, it will be critical to ensure that advocates, journalists, and others’ growing interest in discussing election security does not inadvertently dampen voter trust and enthusiasm. If framed correctly, growing attention to election security issues can help create momentum to address security gaps and secure federal election security funding. Employing the wrong messages, however, can lead voters to lose faith in elections. To understand how election security messages resonate with voters within a rapidly evolving election security landscape Democracy Fund commissioned research in 2018 resulting in a report titled “How to Talk about Threats to Elections in Ways that Won’t Dampen People’s Desire to Vote” from the Annette Strauss Institute for Civic Life at the Moody College of Communication at the University of Texas at Austin. This research revealed that focusing exclusively on election

security threats decreases trust, while pairing threats and solutions (or efforts to defend elections), informs the public without decreasing trust. Specifically, reporting on threats to elections alone heightens negative emotions: Reporting on election issues increases anxiety and anger and makes people feel less enthusiastic about politics. In contrast, coverage featuring threats and efforts to address them leads to less negative emotions and an increased sense that elections can be protected.

## **ACTION ITEMS**

### **CONGRESS**

**Funding Stream.** Congress needs to establish a steady funding stream for elections to support this critical infrastructure. Although the election is practically upon us, additional funding, even at this late date, can be used to secure additional PPE, cover the costs of additional space for processing and voting, and cover expanded payrolls.

### **CISA**

**Continue to provide tools, education, and support for election officials.** CISA has proven to be an essential partner to state and local election officials by providing election officials with a range of tools, education, and support to strengthen the cybersecurity of their election systems. Since CISA began working with election officials and other partners to increase the security and information sharing across election systems and networks, important benchmarks have been reached. Notably, CISA has conducted hundreds of vulnerability assessments, offered online cybersecurity training completed by close to 3,000 election officials across the country, and developed tools and resources like their Last Mile and Misinformation resources to improve election official security posture and awareness. A critical contributor to CISA's success has been its ability to build trusted relationships with election officials and others in the space working to improve election cybersecurity.

**Continue information sharing coordinator role.** Another coordinating role that CISA plays in the election community is as an information sharing hub—CISA monitors, receives, and shares out critical information on cyber threats and incidents to election officials and other key stakeholders. On Election Day for the 2018 Midterm Election and on 2020's Super Tuesday CISA hosted an unclassified Situation Room at DHS. This gathering of invested stakeholders expedited communications and incident response and was demonstrative of their collaborative approach to securing our elections.

### **STATE/LOCAL**

**Expand EI-ISAC membership.** All 50 states plus D.C. participate in the EI-ISAC, which provides elections officials with regular updates on cyber threats, cyber event analysis, and cyber education materials. While state participation is key, additional tools, outreach, and support targeting local officials is need for the elections community as a whole to benefit from the critical services provided. For some without a dedicated cyber security or IT staff person, the information shared, and actions required can be overwhelming. To meet these needs, an effort is

underway to make the messages more consumable and actionable for local officials who may not be as steeped in the more technological aspects of the content.

**Expand options for voters.** State and local election officials need to continue their efforts to provide voters with as many safe voting options as they can and ensure that in-person solutions allow for adherence to CDC recommendations while still processing voters in a timely fashion. Restrictions on types of facilities that can be used should be lifted, all government facilities be made available. Number of days, hours, and locations for voting should allow voters sufficient capacity to spread out over both time and distance.

**Education Campaigns.** Election officials need the resources to undertake a concerted effort to educate and update voters with what their voting options are in 2020. At this time there are currently more than 200 cases of election litigation in the courts all across the country. Almost every state has a challenge to some aspect of how the General Election is to be conducted, along with state legislatures still seated in a dozen or so states with potential election legislation. Election officials must communicate information so voters are aware of changes and can act early in the process.

## **VOTERS**

**Make a plan to vote.** Voters should verify what their options are, make a plan to vote, and talk to friends and family members about their plans. Ensuring that correct information is being shared is critical.

## **VOTE BY MAIL**

I would like to turn to the other channel of voting, voting by mail or absentee.

Since the Civil War, ballots have been entrusted to mail carriers for safe delivery. Since the late 1980s the State of Oregon has conducted all of their elections by mail. In the 90s, the Postal Service created the Official Election Mail Logo to help identify ballots and voter registration materials in the mail stream. But it was not enough.

Ten years ago, when election officials would have a postal session at our conferences, election administrators from across the country would line up at the microphone to share their stories of poor communication: phone calls that went unanswered, emails that were never returned, questionable customer service.

However, in the ensuing decade we made great strides in fostering a collaborative partnership between election officials and the Postal Service. For tens of millions of American voters their ballot is handed to them not by a poll worker, but by their postal carrier and we have seen USPS embrace their role in what I often refer to as “delivering democracy”. It isn’t just another envelope in with the more than 400M mail pieces each day: it is someone’s ballot, someone’s vote.

Protocols were established:

- the tracking of election and political mail throughout processing;
- focused training of operational staff on treatment of ballots;
- the creation of a special service type ID (STID) for ballots in the intelligent mail barcodes to raise visibility of ballots in the data (to parallel what the logo does visually);
- the sweeping of plants for ballots in increasing frequency as Election Day draws near with nightly all-clears verifying that all ballots have been processed and are on their way to their final destination; and
- Election Mail specialists were tasked with outreach to election officials to aid them in their navigation of the many rules and regulations in the tome that is the USPS Domestic Mail Manual (DMM).

Some of these efforts have required overtime.

Some of them require additional trips, and some late trips.

The “Mandatory Stand-up Talk” directive postal employees received in early July outlined no overtime and no late trips and that changes “may be difficult” and that “we may see mail left behind or mail on the workroom floor or docks”. This is diametrically opposed to the ethos of the Postal Service: “Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds”.

It has been reported that “there IS overtime” and that “there have been no official changes”—yet my understanding is that a *mandatory* directive outlining that “*Every single employee* will receive this information, no matter what job they perform” changes the expectation of what that employee will do on the job. Although the Postmaster General made statements in an effort to clarify the situation in his recent testimony, there is still confusion amongst postal employees, election officials, and voters.

My concern is with the postal carrier out on their route and their shift is about to end: do they finish the route? Do they leave the remaining stops to be picked up the next day? What if there are ballots in those mailboxes?

If the carrier DOES complete their route, will the truck heading for the processing plant wait for the carrier to come in? Even if it means that they don’t leave on time?

If the mail is not collected or does not go to the plant on the day it is picked up, will it be postmarked that day, or the next?

Some will say that it is only delayed one day—but in many states one day is a day too late for the ballot to count. And there are many points along the journey that such a delay could occur (see Figure 1).

It was reported earlier this week that trucks are leaving on time, but they are leaving empty.

The Postal Service has recommended for years that that ballots mail out at First Class, rather than Marketing Mail (formerly Standard Mail). The use of Marketing Mail is most common in the Western States where we have whole states, and large portions of other states, mailing out ballots to voters weeks in advance of Election Day. Many election offices have mailed at this rate not because they have a lesser view of Election Mail, but because they have been told for years that the use of the Election Mail logo and the green Ballot Tag 191 (a placard that goes on the mail trays) allowed the Postal Service to identify ballots and expedite their delivery. This is still what local Postal employees are telling election officials, what they recently experienced in the state's primaries in the last few weeks.

Yet from L'Enfant Plaza election officials have been hearing that, "You get the service that you pay for. The logo does not change the class of service." It is only recently that the Postmaster General has somewhat begrudgingly agreed to continue prioritizing Election Mail.

The tone I am hearing from this Postmaster General is a new one, it is accusatory and combative where previously it was collaborative and instructive. At the recent Board of Governors meeting it was said that "we cannot correct the errors of the Election Boards if they fail to deploy processes that take our normal processing and delivery standards into account." Election boards do not set the dates and deadlines to mail out ballots, state legislatures do and they have been remiss to change them.

The voters should not be disenfranchised because of the failings of their elected officials. In the past the Postal Service has moved mountains if need be to ensure ballots were prioritized—even, and most importantly, in those final days before the deadline.

I will be honest; this is where I do have some internal angst. For years I have been calling on the states change their deadlines to request a ballot—and some have. The Postal Service recommends voters mail back their ballot at least one week before it is due, and that is pre-COVID. Yet, 22 states allow a voter to request a ballot in that time—seven allowing for a voter to request a ballot by mail on Monday for Tuesday's election. This sets the wrong expectation for voters, the expectation that even if they do wait until the deadline things will be fine. They won't. Especially if the Postal Service is no longer going to the lengths, they have in the past to make certain that voters aren't the ones to pay the cost for outdated statutes. That cost is high. That cost is with their vote.

It is all about timing. Removal of blue collection boxes, pulling sorting equipment offline, hiring freeze, rapid reorganization, pilot programs to change carrier routes in urban areas—some of these actions may be warranted and fully supported by data, but the lack of transparency has been palpable; and in a vacuum, you get viral. The public outcry of concern demonstrates that the voters are listen, they are watching, and it is impacting their confidence in their ability to vote by mail.

Lastly, every election there are interruptions of service. Hurricanes, fires, tornadoes, floods, indeed 9/11 was an Election Day in New York City. But this year we also are in a global pandemic and do not know where the next hot spot will be nor when it will hit. Our democracy depends on people, and people can get sick. The Illinois Board of Elections is currently under

quarantine. We know that Fulton County, GA had a 2-week quarantine in the primary and a death of an employee. The Postal Service employs more than 600K people and processing plants and carrier pickup and delivery depend on them. Now is not the time for a hiring freeze.

## **ACTION ITEMS**

### **CONGRESS**

**Fund the USPS.** All of the changes that have been proposed by the new Postmaster General have been done under the auspices of financial stability. Although fiscal changes need to be made, the timing of these changes is questionable. We need to properly fund our Postal Service—not only to support the vibrancy of a safe and secure channel to vote in a global pandemic, but also to ensure rural America remains connected, that our citizens receive their pharmaceuticals, and that our economy isn't further decimated.

**Create Formal Election Mail USPS Policy.** To ensure a consistent, expedited, and high level of service for Election Mail every election, USPS should adopt a formal standardized Election Mail policy that encompasses First Class mail service standards and postmarking to prioritize ballot processing and delivery.

**Provide Paid Postage for all Election Mail.** Providing pre-paid postage for every voter would reduce barriers to voting and increase efficiency at the local election jurisdiction level by creating a federal indicia to pay for outbound and inbound Election Mail to voters—a system already in place for military and overseas voters as a part of UOCAVA legislation.

### **USPS**

**Treat Election Week as “Peak Season”.** Formally treat the week before a federal election as “peak season.” In accordance with holiday “peak season” operating processes, keep processing plants open and operating during the two weekends before Election Day. Consider mirroring tax-day-level front-line service on Election Day.

**Increase USPS Election Mail Training and Outreach.** Following the protocols used in 2016, require USPS Election Mail Coordinators to reach out to each state's chief election official to promote open communication. Increase all USPS staff's understanding of processing Election Mail and ensure that all front-line customer-facing staff proactively offer Election Mail services like round stamping ballot return envelopes through an increased volume of Election Mail trainings to an expanded scope of USPS staff.

### **STATE/LOCAL**

**Increase Ballot Tracking and Mail Ballot Return Options.** Consider using barcode data – like Intelligent mail barcodes – and other information from the USPS to verify that a ballot was submitted in time instead of only relying on a cancellation or postmark. Require Service Type Identification (STID) for all Election Mail to allow USPS to know where ballots are in the mail

stream. Providing voters with expanded options for returning their ballots through drop boxes independent of USPS will aid voters who need to safely return their ballot in the last week before election day.

**Align State Ballot Request Deadlines with Reality of Mail Delivery Timelines.** For many years now, USPS has advised that voters return their ballots back in the mail one week before they are due. However, the necessary policy changes to align dates and deadlines with USPS delivery standards hasn't happened in many states and more than 20 states allow for a voter to request a ballot be mailed to them within seven days of an election—after the time that USPS recommends the ballot be mailed back. This problem will be exacerbated given if ballot prioritization protocols are changed and additional time is added to the process.

## **VOTERS**

Don't Wait to Request.

Don't Wait to Return.

Know Your Options.

## **CONCLUSION**

I got into the field of election administration almost 20 years ago because I was concerned with what I saw, with what I was hearing. At every turn voters were being told that machines could be hacked, votes flipped, the system was rigged, the candidates were all the same, there was rampant fraud, there would be obstacles like long lines/onerous ID laws/voter intimidation. I was concerned because I saw turnout dwindling, apathy growing, and our democracy slipping away.

Ballots mail out to voters in less than one month. Military and overseas voters' ballots will go out in every state in the Nation on September 19<sup>th</sup>. We don't have much time; the runway is running out. The American public is tired, frustrated, grieving the loss of more than 180K souls. They need to be assured that in this moment it is safe and secure to vote by mail if that is what they choose. In this moment their voting booth may be their kitchen table, their ballot box their mailbox. For voters who opt to vote in person, they need to be provided with safe options that do not cause them to choose between their health and ability to participate.

In this moment their voices will be heard and their votes counted.

I look forward to any questions you may have.