

**STATEMENT OF
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REPUBLICAN NATIONAL COMMITTEE**

before the

**COMMITTEE ON HOUSE ADMINISTRATION
UNITED STATES HOUSE OF REPRESENTATIVES**

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Chairman Steil, Ranking Member Morelle, and Members of the Committee, thank you for the opportunity to testify today.

My name is Darin Gibbons and I have been an attorney for the Republican National Committee since October 2021. During the 2022 mid-term elections, I oversaw the RNC's legal election integrity efforts in Pennsylvania and other northeastern states. My role on Election Day was to monitor and manage the issues reported to our Pennsylvania Election Day headquarters.

What happened in Luzerne is a national issue because of the impact poor election administration can have on voters' confidence. The main objective of the RNC's Election Integrity program is to protect and champion voter rights and build trust in the election process. Pennsylvania's Luzerne County faced a catastrophic breakdown on Election Day in 2022: County officials supplied polling places with an insufficient quantity of ballots to get through even the first hours of voting. This led to voters checking in and not receiving ballots, voters being turned away, and voters casting ballots on incorrect paper not recognized by tabulators. Poll workers and party observers scrambled to get answers from the county and the state to no avail. They simply could not and did not take adequate steps to resolve or mitigate these problems. Failures like those in Luzerne County not only have the direct effect of disenfranchising voters through no fault of their own, it also severely diminishes voters' confidence in our elections. I thank the Committee for taking this matter seriously and examining how it occurred in order to prevent it from happening again, whether in Luzerne or anywhere else in our country.

In hindsight, there were early warning signs that foreshadowed Luzerne was ill-prepared to competently administer this election. For example, it was reported that the county mailed 937 duplicate mail ballots in the weeks leading up to the election. The county also had a recent history of senior staff turnover. In November, it was led by an acting director who had only been with the office since July. The RNC anticipated potential problems in Luzerne and because of that ensured we had attorney coverage there on Election Day. Even with these early warning signs, no one could have predicted a meltdown on this scale.

We had over 8,600 poll watchers in precincts throughout the Commonwealth, with 97 in Luzerne County. Watchers across the Commonwealth were instructed to report issues directly to our state

headquarters which allowed us to monitor and respond to problems across the state and help ensure a smooth voting process for all Pennsylvania voters.

On Election Day morning, the headquarters received reports of towns that were out of ballots. Reports of ballot shortages continued, and we noticed the polling locations reporting these issues were all coming from Luzerne County. It was apparent this was a countywide issue.

The RNC's headquarters received reports that a polling location turned away 50 voters because of ballot shortages; a location sent an individual to go purchase computer paper from a store to use for makeshift ballot paper; and locations' machines were not properly scanning ballots.

Around 1:00 p.m., the Luzerne County Solicitor filed an Emergency Petition to the Court of Common Pleas which subsequently ordered a two-hour poll hours extension and that voters voting during the extension cast provisional ballots as required by federal law. However, due to the ballot shortage some precincts were already out of provisional ballots.

Getting accurate information from the county throughout the day was difficult. On Wednesday morning, we dispatched a retained attorney to Luzerne County Board of Elections' canvass to give public comment on how the party expected the county to ensure every legal vote was counted.

As of Wednesday evening, the adjudication had not concluded and the county could not say for certain how many ballots remained to be counted. I traveled to Luzerne the following day to attend the canvass personally, primarily because I could not believe how incomplete the information was coming from the county. The canvass continued for approximately two weeks, and at no point was the county able to give an adequate explanation of the cause of the failures on election day or a clear indication of how many ballots remained to be counted.

The Luzerne County Board of Elections called a special meeting on November 14, almost a week after the election to allow for public comment. Disenfranchised voters and impacted poll workers commented that evening and the Board voted to refer the matter to the district attorney for investigation.

Throughout this process, a primary concern was pollbook reconciliation, where the county could prove its pollbooks matched the number of ballots each precinct returned. On November 21, the Bognet for Congress campaign sued to require the Board to complete reconciliation prior to certifying the results of the election and the court ordered the county to provide the reconciliation by November 23. A reconciliation would help account for whether every voter who appeared to vote in the county on Election Day had a ballot properly recorded. By court order, the county provided a spreadsheet reflecting its reconciliation, which had data for "votes on tape," "voters checked in," and "notes from office."

By our analysis, there were 4,457 more voters signed into pollbooks than there were votes on tape. However, some of these sign-ins are accounted for by further analyzing the county's notes. It remains difficult to tell exactly how many votes may have not been counted in Luzerne County, but it can be concluded that voters were disenfranchised.

Although there are slightly less than 200,000 registered voters in Luzerne County, a systemic failure like this is a national issue. It is not just a failure by Luzerne County, but it is a failure by the Commonwealth of Pennsylvania and its Department of State.

It is inevitable that things will go wrong on Election Day, but good election administration accounts for problems and ensures there are clear procedures for what poll workers are supposed to do when things go wrong. Pennsylvania has a reputation for inconsistent election administration practices throughout its 67 counties, which can largely be attributed to a lack of leadership from the Pennsylvania Department of State. Despite warning signs such as staff turnover, the mailing of duplicate ballots, and early reports of ballot shortages on Election Day, the state left the county to fend for itself during the post-election aftermath.

Thank you for having me here today. The RNC is focused on building voters' confidence in elections and we are optimistic that together we can find solutions that prevent this from happening again. I look forward to answering your questions and continuing to engage with the Committee as we work together for fair and secure elections.