

Good morning Chairman Steil, Ranking member Morelle, and members of the Committee on House Administration.

My name is Ben Herring and I'm here before this committee today to talk about one of the most crucial and fundamental rights all Americans have - The ability to vote.

I was raised by Military parents, grew up on military bases across the globe, and decided in 2003 to take the sacred oath myself by joining the United States Marine Corps. As a Marine Corps Veteran, I served in Fallujah Iraq in 2004 during Operation Phantom Fury as well as in the Korengal Valley of Afghanistan in 2006. I joined the Marine Corps after 9/11, and my time spent alongside my brothers and sisters in harms way will forever be a part of my foundation.

I witnessed firsthand while serving in Iraq in 2005, when the first ever Iraqi elections took place, the joy and hope on the faces of Iraqi citizens as they envisioned finally having a chance to declare for themselves who their elected officials would be. Just as I was taught by my parents when I was young, if you don't like something, fix it. Voting gives us that chance, and any infringement upon that right needs to be investigated thoroughly and completely, with adjudication occurring only after all relevant facts are reviewed. Sadly, we have not seen a full reconciliation to date, only name calling, non-critical-thinking pundits, emotional attacks, opinions disguised as news, and partisan activism aimed at silencing those whom they don't agree with. If there's nothing to hide, why hide it? Make every single solitary piece of information related to any election discrepancies public. Let the public decide.

The issues that occurred in Luzerne County for the 2022 mid term elections represent a culture which embodies exactly what is permeating throughout our great nation - a complete lack of respect and understanding to what being a public servant is, and the correlation of public service to **Transparency** and **Accountability**.

In the Commonwealth of Pennsylvania, we have a law known as the "Sunshine Act", which like many state(s) was enacted directly following the Watergate scandal and is founded on the principal that citizens should not accept government secrecy in decision making. It is our money being spent, and we unequivocally have the right to see how and where its spent.

The Pennsylvania Office of Open Records, a state agency, further clarifies that "Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree." And "As an agency subject to the RTKL, the agency is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access.

I submitted (3) Right to Know requests pursuant to the Pennsylvania Sunshine Act on November 15, 2022, as my question(s) to the Luzerne County Board of Elections went unanswered on November 14th when the chairwoman of that board refused to answer any questions the public asked. While the sunshine act does not REQUIRE you to answer the public's questions during a public hearing, it also does not dissuade or restrict you from doing so. That same chairwoman refused to testify before this committee, which represents once again a complete lack of respect for accountability or transparency. She didn't answer to us, she hasn't answered to you... who will she answer to? That's what citizens in Luzerne County want to know. When does accountability and transparency become more than just a punch line or calculated posturing?

I would like to draw attention to (1) particular submission which surrounds what's now known as Papergate in Pennsylvania:

I requested to receive a copy of all procurements conducted by Luzerne County that were applicable to supporting the 2022 mid term elections. The results I received from the county confirmed my concerns. They did NOT purchase paper for the election. A voter simply cannot enter their ballot into a tabulator if there is no paper to print the ballot onto.. In what conceivable world does this happen?

While I have a plethora of documentation, correspondence, and data to present to this committee, there are certain facts which are indisputable and overarching to the center of this issue:

1. Luzerne County reported **117,495** ballots cast by voters for the 2022 Mid-term elections.
2. Luzerne County officials and concerned citizens purchased around **76,000** sheets of paper on Election day due to the paper shortage, or 65% of the voting population for this election.

A reasonable person would not contend that needing to frantically purchase 65% of the voting populations ballot paper constitutes a simple mistake. This is either gross incompetence or intentional voter suppression targeted at in person election day voters.

If its gross incompetence, then Luzerne County officials need to act and hold someone accountable, which to date has not occurred. The acting Luzerne County election director during the 2022 midterm election not only retained her job but was a finalist to become the full time Director. Item #6 on the essential duties of that specific job description is to assure adequate supplies for elections are available. Why is not performing your job not only permitted, but rewarded?

If this embarrassing moment was due to intentionally targeting in person election day voters, the following information may support that:

1. 48 Precincts were affected by the paper shortage, as reported by multiple news outlets.
 - a. All 48 precincts had around 2 to 1 republican to democrat in person voting turnout in previous elections. Some were as much as 9 to 1 in person votes cast for republicans.
2. All employees and officials involved in the Papergate issue in Luzerne County have partisan positions.
 - a. The acting election director for the 2022 Mid-Term elections is a Democrat member of Wilkes-Barre City Council.
 - b. The chairwoman of the Election Board is a Democrat
 - c. The election Board which certified the 2022 mid-term elections even with all the issues presented to them, hold a 3-2 democrat majority.

If this is NOT a partisan issue, then why does it scream partisanship? I hold hope that the Luzerne County District Attorney will get to the bottom of this and present all of what is discovered to the citizens of Luzerne County. Anything less will be shameful, unacceptable, and would require more action on our part to hold the line on accountability.

In our current state of backwards priorities, I'm encouraged that this committee has undertaken the imperative task of investigating all issues which may affect ANY citizens sacred right to vote. I look forward to any questions you may have, thank you.