

Chairwoman Lee, Ranking Member Sewell, members of the Committee on House Administration Subcommittee on Elections, thank you for the opportunity to testify today as part of the 2022 Midterms Lookback series on election observer access. Elections administration and elections legislation have been a significant focus of the time I've spent in the public sector over the course of my career, and I truly appreciate that this committee is seeking perspectives from those who have actually spent time as elections administrators.

As a former Secretary of State herself, I'm sure Chair Lee would agree that the experience of working in elections administration provides a unique perspective when discussing the functions of our election system. In the years before I began working for Congress, I worked as one of the precinct election official coordinators for the Summit County Board of Elections, Ohio's fourth largest county, and one of the top 150 largest counties, by population, in the country. In addition to the responsibility of conducting successful elections required of all staff at the Board, I hired, trained, and maintained a system of over 2,000 individuals to be available to do the important work of managing the polls on Election Day. Prior to that, I worked for the Ohio House of Representatives during a time when we had numerous pieces of election legislation under consideration, and served as the caucus observer for two recounts of state legislative races during periods when I worked on the campaign side of things. Just for good measure, I still take the time during each election to serve as the Voting Location Manager for four precincts.

So, needless to say, when I was working for a member of Ohio's Congressional delegation in the run-up to the 2020 election, and my Chief of Staff emailed me about the House Administration election observer program, the EOP, I said yes about as fast as I could. I understand that this hearing is a retrospective on the 2022 election, but I do feel that the challenges and results that I experienced as a staffer deployed in the observer program in 2020 are insights that are always relevant to the program overall. The election observer program is limited to employees of the House in order to build an independent record in the event of a contested election. This function helps the House to be assured that the actual winner is seated. It is very important to note that House employees that are deployed receive extensive training prior Election Day. Some of the issues covered in the training include basic principles of election administration and emphasizing core concepts about the neutrality of the program, such as the fact that Congressional observers cannot touch ballots or advocate on behalf of candidates.

My series of deployments in 2020 began the day after the election and ran until about the week before Christmas. I was deployed to Detroit MI, Pittsburgh PA, Davenport IA, and various areas around upstate NY. The last two deployments covered particularly contentious post-election scenarios in the IA-2nd and NY-22nd races. The IA-2nd race, where now Congresswoman Mariannette Miller Meeks won by 6 votes out of approximately 390,000 cast, truly shows how important the observer program can be. During my deployment in Iowa, I sat and watched as the recount board worked through issues with reconciling counts. On Election Night, hard-working but very tired county auditor staff had forgot to reset a sorting machine while running ballots for the so-called absentee precinct, which includes the ballots cast during early in-person and absentee ballots under Iowa law. This led to a discrepancy between the election night reporting and the recount numbers. In fact, the recount board re-ran the numbers a third time, and then a fourth time, and ultimately came up with a third number for what the actual ballot count would be. If this all sounds confusing, imagine trying to understand it without the benefit of bipartisan staff there to document it and explain it to the Committee.

Just in Scott County alone, Rep. Miller-Meeks lead shrank from election night by about 30-40 votes during the recount. It was one of the largest vote shifts during the recount of any county in the district, largely because of the issue with the absentee precinct. As state, and then national, media began to focus on this race, the issues in Scott County would be a central part of the discussion over the correct victor of the race. But, I got to stand over the shoulders of the recount board as they debated things known in election administration parlance as “hesitation marks” and “double bubbles”, and I could build a record for Committee staff about the procedures the recount board was undertaking, and report back about what I was seeing. The Democratic staffer that was deployed in Scott County did the same thing on their side as well, providing contemporaneous reports to both the majority and minority sides of the committee.

During my Pittsburgh, Davenport, and upstate New York deployments, I partnered with Democratic staffers that were deployed. The Pittsburgh deployment was an interesting example. The Allegheny county office for their vote counting is a rather large warehouse, and because of the fact that Pennsylvania had NOT been called for the Presidential race at the time, there were many political party observers and even international media, all trying to cram into the space. Allegheny County officials were doing their best to accommodate everyone while still preserving the secrecy of voters’ ballots, and specific areas were set up for observers. However, my Democratic counterpart and I agreed that at certain points, we might want access to parts of the building that would be off limits to regular political party observers, such as being a bit closer to certain mail processing efforts.

Instances like this provide a good opportunity to discuss the difference between the election observer program and traditional political party post-election observer efforts. Political party or campaign observers are there to do just that, to observe on behalf of parties or campaigns. The authority, and extent of the access, for these political observers is dependent on statutes in each state and potentially local rules. Given the explicit Constitutional authority for the House to be the judge of its own membership, and the important role that the EOP provides in building an independent record in the event of a contest, it is vital for House employees to be able to access all areas of a local election administration building and participate in all parts of the process that are necessary to build the required record, while still avoiding interference with the actual work of the local election administrators.

In the end, most of these items we asked for in Pittsburgh were small details that would not impact anything and wound up not being important, but it was good for us to work together. The Allegheny County officials were extremely obliging, even allowing us to look through training manuals to get a better understanding of the equipment they were using and the processes they were following. But, that’s an essential aspect of the observer program; you don’t know what is important until it becomes important, so access to all sorts of details becomes necessary. Additionally, this Committee cannot always expect that local election administrators will inherently have the same familiarity and understanding of the observer program that we received in Allegheny County.

The biggest challenge during my time as an observer involved the counties in upstate New York that were part of the NY-22nd election. This post-election observation took place during a period of substantial logistical difficulties surrounding COVID. County election offices are often cramped places to work, and the offices in upstate New York were especially so. This created a tension between the need for access to spaces or viewing things up close and in-person (while still preserving voter ballot secrecy), and what offices were willing to grant. I will say that, relative to some of the headline grabbing stories in Detroit relating to political party election observers, these tensions were professional and largely resolved

amicably. A statutory citation of convenience for this program, which has been in effect without incident for decades, and which operates under a direct Constitutional authority, would provide a more robust ability for this committee to fulfill their Constitutional obligation. In the case of at least one county in that district during the cycle, a mistake was made that prevented voters from being properly registered, inadvertently converting them to provisional voters. Election administrators are some of the hardest working people I know, and they are often reluctant to advocate for themselves, because they know that they are usually only in the news when things go wrong, like what happened in this particular instance in New York. But in those rare instances local election officials might resist letting outside observers in, even those with Constitutional authorization, to try to minimize the discovery of mistakes. Certainly, when we were trying to navigate the challenges that year in that county, tensions were higher than in places like Pittsburgh and Davenport, because of the added media scrutiny of this unusual mistake. The clarity provided by a statutory citation of convenience for the EOP is an important counter to issues surrounding access in these outlier events. A statutory citation is also an opportunity for this Committee to engage in outreach to the election administrator community to educate them about the observer program ahead of any deployments. It is an opportunity to point to a specific bit of code, teach people about why the program is so important, and hopefully resolve concerns or questions before staff are sent out in the field.

As I stated, elections administrators are incredibly dedicated folks. Speaking from personal experience, for example, I worked 29 days in a row without a day off in the lead up to the 2016 election at one point, and that wasn't even the record in our office that year. My background in elections administration often helped ease my path in the observer program, because when I mentioned it to the local staff where I was deployed, they knew I understood the difficulties they were working through. Staff are parachuting into districts all over the country, trying to understand the little quirks that make West Virginia different from Alaska and different from New York, and even differences within states about which county uses which type of equipment. I'm proud of the fact that during my work with the Committee, I was able to provide insight on additional ways to train Congressional staff for the observer program. The training program added discussions with administrators from around the country, and more detail on the fundamentals of election administration, so that staff have more resources available and a knowledge base before they deploy. It has been such a privilege to have been a part of this Committee's work to fulfill this Constitutional responsibility. As a bipartisan program that has demonstrated the ability to provide important details during recent contested elections, the observer program deserves additional statutory focus to help ease the path for committed Congressional staff that volunteer to spend time away from their friends and families on this effort. A statutory citation would bring increased visibility to the program, and give committee staff a reference point for discussions with state and local elections administrators throughout the country, thereby improving the program overall. Thank you for your time, and the opportunity to be here today, and I would be happy to take questions from the Committee.