

Testimony of Secretary of the Commonwealth Al Schmidt
Pennsylvania Department of State
Senate Intergovernmental Operations Committee
October 25, 2023

Chairman Coleman, Chairwoman Tartaglione, thank you for the invitation to appear before the committee today. Maintaining transparency about the important work our Department does is something I value deeply. I appreciate the opportunity to explain how the department has sought to improve voter access and strengthen election integrity.

I understand that the committee has questions about practices at the Department that predate my tenure, and relate to the Commonwealth's membership in the Electronic Registration Information Center, or ERIC. ERIC is a partnership between the Commonwealth and nearly half the states in the country, dedicated to promoting complete and accurate voter rolls, and to securing elections free of improper vote casting. This partnership with other states helps us comply with our list maintenance responsibilities under both federal and state law, and gives us access to the information necessary to conduct accurate, uniform, and non-discriminatory voter list maintenance. Some of this information, like National Change of Address data, is more efficient and less expensive through our ERIC membership than through a direct purchase. And the ability of ERIC to create reports that aggregate this information in a way that can accurately provide information to the Department to assist in county's list maintenance obligations is unparalleled. Since 2020, information received from ERIC has resulted in the removal of 130,371 duplicate records or records of voters who have moved out of state by Pennsylvania counties.

Once every two years ERIC provides an "EBU report" to each member state, listing residents who may be eligible to vote but are unregistered. As a condition of membership in ERIC, each state must contact newly-identified EBUs once every two years; a requirement that supports ERIC's mission of ensuring that states' voter rolls are accurate and complete, and supports the Department's mission of ensuring that every eligible Pennsylvanian has the opportunity to register to vote and participate in our democracy.

The EBU report provided to Pennsylvania is created pursuant to criteria defined by the Department of State and narrowly tailored to ensure that only those eligible to vote are contacted. Pursuant to that criteria, the Pennsylvania Department of Transportation (PennDOT) produces a list that contains only the names and addresses of Pennsylvania residents who: (1) are active PennDOT customers, i.e., they have a current and valid driver's license or photo identification product; (2) are not listed as having a confidential or fraudulent record; and (3) appear to meet the requirements for voter eligibility pursuant to section 1301 of the Voter Registration Law, 25 Pa.C.S. § 1301(a). Specifically, the report identifies individuals who: 1) will be at least 18 years of age on the day of the next election; 2) have not been identified through their most recent interaction with PennDOT as being a non-citizen; and 3) reside in the Commonwealth. The Commonwealth transmits this data to ERIC in the same manner that it transmits other data to ERIC. This means that sensitive data is transmitted through a hashing application that all member states use to ensure that data transmitted to ERIC is in a format that prevents disclosure of sensitive personal identifying information, including social security numbers and driver's license numbers.

ERIC then compares that list of individuals against the list of voters from the Statewide Uniform Registry of Electors (SURE) database. ERIC maintains this data on its secure servers, and any sensitive information is kept in hashed format. ERIC then creates the EBU list -- a list of individuals who appear to be eligible to vote under Pennsylvania law -- as verified through data from PennDOT, but are not currently registered. The EBU list provided by ERIC contains no personal identifying information other than names and addresses.

The Department then sends a postcard to the individuals on the EBU list. That postcard informs the recipients that they may be eligible to vote, provides them with information regarding the registration deadline and the eligibility requirements to register, and directs them to a URL for the Department's online voter registration application. It also includes a toll-free number that the recipient may call for further information. Any individual receiving the postcard who wishes to register must take the additional step of completing and submitting a voter registration application verifying their eligibility to vote pursuant to Pennsylvania law. That application is

then received by the applicant's respective County Voter Registration Commission for review as to whether the voter meets the qualifications to vote.

While the data from PennDOT that is provided to ERIC is used to create the EBU list, it also plays a role in list maintenance as well. For example, ERIC uses that information to help identify individuals who may have moved but are still registered at their previous location.

In connection with the EBU outreach in 2020, DOS shared the name and mailing address for each eligible but unregistered individual who received a postcard that year with the Center for Election Innovation and Research, or CEIR. This data was provided through ERIC's secure portal. The EBU data containing the same limited information, only names and addresses, for years 2018, 2020, and 2022 was provided earlier this year to the Senate State Government Committee at the request of Chairman Dush.

As I stated at the outset, transparency is extremely important to me and the Department. That includes transparency to stakeholders, the General Assembly and the voting public. In September of this year, I informed ERIC in a letter that copied General Assembly leadership that DOS would not share data with non-governmental third parties going forward. During the confirmation process earlier this year, members had questions about our membership in ERIC and the sharing of data with third parties. As I said in the September letter, I understand the intent of the previous Administration sharing this data. However, I do not feel it is prudent to do so going forward.

I look forward to continuing to work with you on ways to optimize the use of the data we do receive from ERIC. It remains the best tool available to make voter rolls as accurate as possible. I hope that as we move forward, we can focus on expanding the information we can use from ERIC. Well-maintained lists promote well-conducted elections. List maintenance helps election administrators allocate resources, cut down on wait times at the polls, and keep our elections secure. Keeping Pennsylvania's voter rolls accurate, updated, and complete, will remain a priority of the Administration.

Thank you for the opportunity to appear before the committee today.