



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

September 9, 2021

Senator Cris Dush
Majority Chair, Senate Intergovernmental Operations Committee
16 East Wing
Harrisburg, PA 17120

Senator Anthony H. Williams
Minority Chair, Senate Intergovernmental Operations Committee
11 East Wing
Harrisburg, PA 17120

Dear Senators Dush and Williams,

Thank you for the invitation to testify at the “Public Hearing on the Investigation of the 2020 General Election and the 2021 Primary Election” scheduled for today, September 9, 2021. As my office has demonstrated on numerous occasions prior to and since the 2020 General Election, we are committed to transparency and have sought to work productively with the Legislature.

However, this hearing will undoubtedly touch upon issues core to two pending lawsuits. Given the impact that those lawsuits might have on my office, on voters, and on taxpayers, I must respectfully decline the invitation to today’s hearing. The proper forum for publicly discussing the matters raised in those lawsuits now is before a court of law.

As you know, members of the Legislature recently filed a lawsuit against the Department of State (*Bonner, et al v. Degraffenreid*) challenging the constitutionality of Act 77, which expanded the right to vote by mail for all eligible voters in Pennsylvania beginning with the 2020 primary elections and continuing to this day. The lawsuit seeks a variety of relief against the Department, including attorneys’ fees and expenses that would be borne by the taxpayers of Pennsylvania. I also note that the Chairman of the Board of Elections for Fulton County is testifying at the hearing. You may be aware that he has also sued my office for elections related matters (*Ulsh, et al v. Secretary*), and that lawsuit similarly seeks, among other relief, “costs of suit” that would be payable by state taxpayers.

I want to reiterate that the Department’s has sought to work with the Legislature productively and to discuss publicly election related matters in the proper forums. Late last month, Deputy Secretary of Elections and Commissions Jonathan Marks and I had the honor to testify before both of you at the Senate State Government Committee hearing on risk-limiting audits for almost two hours. We were happy to work with that committee, which has jurisdiction over election issues, to bring together a panel of additional audit experts for the hearing as well.

Earlier this year, on March 23, Mr. Marks and I were also given the opportunity to testify before the Senate's Special Committee on Election Integrity and Reform. That Committee held three days of hearings with 21 witnesses and in mid-June it issued a report on its findings regarding the administration of elections.¹

In addition, the Department participated in an extensive set of hearings conducted by the House State Government Committee from January to April this year. A total of 52 witnesses appeared over ten days before that committee. More than 31 hours of testimony were taken at the hearings. Mr. Marks testified at six of those hearings, on January 21, January 28, February 11, March 4, March 10, and March 18, 2021. The hearing on January 21st specifically focused on guidance issued last year, and the Department provided over three hours of testimony in response to Committee members' questions. The committee ultimately produced a 98-page report in May covering a variety of matters from the Statewide Uniform Registry of Electors to Department guidance to audits and more.² Questions submitted to the Department on these issues both before and after those hearings have also been answered with additional information and data.

The Department also has prepared numerous reports regarding the administration of the 2020 election. In June, we sent a report, "The Administration of Voter Registration in Pennsylvania," to the General Assembly.³ In May, we produced and publicly distributed our "Report on the 2020 General Election."⁴ Additionally, we have publicly posted material regarding the official post-election audits the Department facilitated, and we have shared data regarding those efforts with the Senate's State Government Committee.⁵

The 2020 general election in Pennsylvania was free, fair, and accurate. The votes were counted in public and in front of observers from both major parties. The county canvasses were conducted transparently and then conveyed to the Department which certified the results. A statutorily required statistical audit of two percent of the ballots cast was conducted by all 67 counties and no irregularities were detected. Afterward, 63 counties participated in a pilot risk-limiting audit which reinforced the earlier results of the two percent audit. At least 19 post-election lawsuits were filed in 2020, and none of the judges to review those lawsuits found fraud or reason to support accusations that the election was improperly conducted or that the outcome was in error.

¹ Pennsylvania Senate Special Committee On Election Integrity And Reform, "Report On The Special Committee's Findings And Recommendations To The Senate And The Senate State Government Committee," June 2021, available at <https://pasenelectioncommittee.com/wp-content/uploads/sites/106/2021/06/election-integrity-report-final.pdf>

² Pennsylvania House of Representatives, "A Comprehensive Review of Pennsylvania's Election Laws: How Pennsylvania Can Guarantee Rights and Integrity in Our Election System," May 10, 2021, available at <http://www.pahousegop.com/Display/SiteFiles/1/OtherDocuments/Election%20Oversight%20Hearing%20Final%20Report.pdf>

³ Pennsylvania Department of State, "The Administration Of Voter Registration In Pennsylvania 2020: Report To The General Assembly," June 2021, available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Documents/Annual%20Reports%20on%20Voter%20Registration/2020-Annual-Voter-Registration-Report.pdf>

⁴ Pennsylvania Department of State, "Report on the 2020 General Election," May 14, 2021, available at <https://www.dos.pa.gov/VotingElections/Documents/2020-General-Election-Report.pdf>

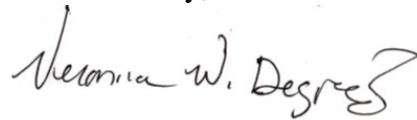
⁵ Pennsylvania Department of State, "Post-Election Audits," available at <https://www.vote.pa.gov/About-Elections/Pages/Post-Election-Audits.aspx>

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Last year, a record 6.9 million Pennsylvanians turned out to cast their ballots in the midst of a global pandemic. The election was overseen by thousands of trusted and hard-working county officials, as well as our Department's staff. We are proud of the work we did together to ensure Pennsylvanians were able to cast their ballots in an accessible, safe, and secure manner in 2020, and we look forward to continuing our work to make our democracy a shining beacon and one in which all Pennsylvanians can have faith.

Yours Sincerely,

A handwritten signature in black ink that reads "Veronica W. Degraffenreid". The signature is written in a cursive style with a large, stylized flourish at the end.

Veronica Degraffenreid
Acting Secretary of the Commonwealth