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TESTIMONY BEFORE THE MAJORITY AND MINORITY POLICY COMMITTEES  
OF THE SENATE OF PENNSYLVANIA

ON CHANGING THE DATE OF PENNSYLVANIA'S PRESIDENTIAL PRIMARY ELECTION

Presented by  
Douglas E. Hill, Executive Director

Accompanied by  
Joseph Passarella, Director of Voter Services, Montgomery County

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Harrisburg, PA

Good morning. I am Douglas E. Hill, Executive Director of the County Commissioners Association of Pennsylvania. CCAP is a non-profit, non-partisan association providing legislative, training, insurance, technology, research, and similar services for all of the Commonwealth's 67 counties. Joining me today is Joseph Passarella, Director of Voter Services for Montgomery County. He also serves as an officer of the Association of Eastern Pennsylvania Election Personnel.

We appreciate the opportunity to offer comments to the Senate Policy Committee regarding proposals to move Pennsylvania's presidential primary to an earlier date. I will present our comments, and Joe and I will be pleased to answer your questions.

Counties are the administrators of elections here in the Commonwealth, a responsibility to the citizens and our democracy which we cherish and which we fulfill with the utmost diligence. Administration of elections includes purchase, maintenance, programming, deployment, and storage of election equipment, poll worker administration, voter registration, voter education, securing and preparing polling places, development of ballots and ballot faces, administering candidate petitions, assisting the courts in ballot challenges, placing advertisements, certifying and posting election results, administration of military, overseas, and absentee ballots, determination of voting precincts, and others. Counties most recently completed tasks central to implementation of the federal Help America Vote Act, which included not just purchase of new voting equipment, but other task such as voter and poll worker training, development of "what constitutes a vote" standards, providing for handicap accessibility, and developing alternative language processes. Clearly this is not a two-day-a-year task.

With a hotly contested Presidential primary now underway in both parties, and continuing public interest in the separate matter of voter verified paper audit trails, our Association anticipated legislative attention to election issues this session and made election administration one of its top ten legislative priorities for the year.

While there are several proposals pending to move Pennsylvania's presidential primary, the proposal under consideration today is to move the primary to the first Tuesday in February during presidential election years, which means for 2008 the primary would occur on February 5.

CCAP opposes this change. We believe it will be problematic for counties as administrators of elections, as well as for candidates for office. While the general public has expressed some level of support for an earlier presidential primary based on a perception that it would allow Pennsylvania to wield more influence in the presidential election process, we believe there are also ramifications for voters themselves that should be considered.

Any move of the date of the presidential primary would require concurrent movement in the allotted time frames for all election-related activities, including petition circulation, voter registration, overseas ballot preparation and mailing, and poll preparation. These timelines must remain intact to allow candidates sufficient time to complete the nomination process, to assure that ballots are prepared and mailed for overseas and military electors, to allow resolution of ballot challenges, and to enable counties to complete all other elections-related tasks.

Preserving all of the timelines for election duties for a February 5 presidential primary in 2008 translates into problematic deadlines. Candidates would pick up and begin circulating petitions for the 2008 primary on the date of the fall general election, November 6, and petitions would be circulated from that date until December 4. This timeline cannot be shortened or moved closer to the date of the primary because adequate time must be allowed for circulation, filing, and resolving challenges. Additionally, because the 2008 ballot includes state-level and state-wide candidates, the county elections office needs sufficient time to prepare candidate lists for submittal to the Department of State and for DOS to resolve challenges at that level. More importantly, these timelines are necessary to allow time to prepare and mail absentee ballots to those serving overseas in the military, which in this circumstance would have to occur by December 17 in accordance with the 50 day statutory requirement.

Beginning the petition process on the date of the 2007 general election is also problematic because it falls on top of our concurrent responsibility to certify election results, a process that includes certification of the machine totals, review and determination of provisional ballots, counting absentees, opening machines in the event of challenge, and the potential for litigation of results. Other post-election responsibilities include updating voter records.

There are other calendar issues as well. Candidates who are involved in local races and may be considering candidacy for a state office would be disadvantaged because the cycle of petitioning falls immediately after the prior general election cycle. Resolution of petition and ballot challenges would have to take place during the peak of the holiday vacation season, making an already-problematic judicial process more difficult and potentially less accessible. Pennsylvania has a high proportion of retirees who work our polls, and many spend the winter months in the south and would not be available to work an earlier election.

Changing the date also advances the voter registration cycle and registration is likely to be affected; registration would begin the day after the general election and close for the primary on January 7. Typically the Presidential election year is our highest new-registrant cycle, and an advanced primary would overlap registration with a time of year when voters are preoccupied with holiday travel or family events. Parenthetically, we also have to enter new or changed data on the Statewide Uniform Register of Electors, which would also have to be completed over the holidays.

The potential impact of Pennsylvania's February weather on voter turnout and participation in an early presidential primary also should not be overlooked. Although we have a remote potential of weather events in April, and we know other states have been able to accommodate February weather, our recent experience with the unique problems that occur with extremely cold temperatures and icing causes us concern about the probabilities for a similar occurrence if the primary is moved to February.

I have to note at this point that CCAP had the privilege of having three seats on Governor Rendell's 2004 Election Reform Task Force (Joe Passarella was one of the representatives of that group). While consideration of the date of the Presidential primary was just one of six specific tasks assigned to the Task Force, it was the first task on the list and clearly was the one that garnered most of the public attention. Ultimately the Task Force recommended establishing the first Tuesday in March as the Presidential primary in 2008 and 2012, and

requiring the General Assembly to review the date for future elections. The recommendation was approved on a 9 – 4 vote.

Testimony and supporting documentation on the matter, which along with all of the meeting transcripts is still available on the Department of State web site, discussed many of the issues we are bringing before you today. The one question we were not able to answer empirically is whether, in the absence of any national nominating system, any date would truly give Pennsylvanians a better voice in the candidate selection process. Many think that a move to an earlier presidential primary will give Pennsylvania voters a greater say in the nationwide race for nominations for the office of president. However, according to the National Association of Secretaries of State, Pennsylvania would be competing with at least six other states if the presidential primary were held on February 5, and an additional 13 states are considering moving their primary to this date. This crowded, front-loaded presidential primary calendar would require the candidates to focus their efforts in many places at once, and may actually decrease the amount of time that candidates spend campaigning in Pennsylvania and engaging with our voters.

On the other side of the argument, Pennsylvania is the only state with an April presidential primary, and in a year as contentious as 2008 might be on both tickets, the early primaries may serve only to weed weak candidates from a crowded field while Pennsylvania could actually be the deciding state in an April primary.

Before concluding, let me offer one final comment regarding the concern raised recently about the effects on schools for Special Session Act 1 referenda. Clearly the schools for very practical reasons share our concern about an early primary. One solution that has been proposed is to bifurcate the primary, a proposal we would oppose with equal vigor. The first question this raises is who goes to which ballot and on the basis of what practical (and perhaps political) reasons – does the Presidential primary stand alone, or does the school tax ballot stand alone, and specifically on which ballot do PA House members and half of the Senate fall? The second issue is to us more important. Given the problematic nature this proposal already gives us with election cycle overlap, adding another election compounds the problems with the cycle and creates a potentially insurmountable burden of having poll workers and polling places available for a third time, and clearing voting machines in time to allow them to be programmed to conduct the next election.

Thank you again for the opportunity to share our concerns. I invite Joe to add any additional comments at this time, and we would be happy to answer any questions.