



**Written Testimony of Action Together Northeastern Pennsylvania**

**Submitted by**

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**United States House Committee on House Administration**

**Hearing on**

**“2022 Midterms Look Back Series:**

**Government Voter Suppression in Luzerne County, Pennsylvania”**

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**I. Introduction**

Since March of 2022, I have had the honor of serving as the Executive Director of Action Together NEPA. Action Together NEPA is a nonprofit, nonpartisan civic advocacy organization with chapters in Luzerne, Lackawanna, Columbia, Montour, Susquehanna, and Wayne Counties. We also have members and volunteers in the surrounding counties of Northeastern Pennsylvania. I have lived in Luzerne County for approximately 18 years.

In the November 2022 general election, multiple polling locations in Luzerne County experienced paper shortages. While we don't yet know the cause of this error, we do know that it caused confusion among voters and poll workers alike.

Action Together NEPA and many other individuals, groups, and reporters learned about what was happening on Election Day and sprang into action. Our number one goal that day and in the days after was not to point fingers or get angry. It was to help voters vote and to get those votes counted.

Going forward, our goal is to make sure mistakes like this do not happen again and to strengthen democracy, transparency, and accountability across Northeastern Pennsylvania. We have much work to do to improve our election administration in Luzerne. We must adequately fund our election officials; structure and staff our elections offices with professionals; and address the toxic environment we have created for election workers – one that drives away and scares people from the job.

My testimony is based upon our work on Election Day and the research we have done since then. However, I caution that the District Attorney's investigation is ongoing, and therefore we do not yet have a full and complete accounting of what occurred on Election Day. Action Together NEPA looks forward to that investigation being completed and we hope that the District Attorney will finish it soon and release the findings publicly.

## **II. Background**

Some background information on the structure and history of Luzerne County government and its elections bureau may assist the Committee.

First, Luzerne County is one of seven counties in Pennsylvania that has a home rule charter. Adopted in 2012, the charter established an eleven member County Council as the legislative governing body. The Council today, which was the same as Election Day 2022, is comprised of ten Republicans and one Democrat.

The executive or administrative side of county government is overseen by the County Manager, who is hired by the County Council. It is the County Manager who has the power to hire, terminate, and manage all administrative staff, including the Director of the Bureau of Elections. Our county manager for the election in 2022 was Randy Robertson. He was in his post for approximately five months before Election Day, and he resigned almost immediately after that, citing family obligations. It is important to note that the Division Head of Administrative Services, who reports to the County Manager, is the person who directly oversees the Elections Bureau as well as seven other county divisions. The county has seen significant turnover in that post. The current head of Administrative Services, Jennifer Pecora, started her job in September 2022. While the County Council gives final approval to annual budgets, it is the administrative side of county government that drafts the budget and handles purchasing.

Second, the County Manager hires the elections director. Luzerne County has had four elections directors and one interim elections director between 2019 and the end of 2022. The longest any one of our elections directors has stayed in their post since 2019 has been just over a year. During multiple periods in the last four years, the county has lacked a permanent elections director for months at a time, including from August 2022 to February 2023, the period that includes the ramp up to and execution of the 2022 general election. In addition, since August 2020, the bureau has had five different deputy directors. The chronic turnover in this critical office and the lack of institutional memory creates instability that leads to breakdowns in procedures.<sup>1</sup> One press analysis in early 2023 found: "During the 2016 through 2019 elections,

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<sup>1</sup> The Director of the Bureau of Elections is under the Supervision of the County Manager and Division head of the Administrative Services Department. The organizational structure of the county government is available at <https://www.luzernecounty.org/DocumentCenter/View/13340/Luzerne-County-Government-Organizational-Chart>. The four elections directors and one acting director since 2019 are: Marissa Crispell (Crispell was hired in 2015 and resigned in the late summer of 2019); Shelby Watchilla (Watchilla was hired in December 2019 and left at the end of December in 2020); Bob Morgan (Morgan was hired in March 2021 and left in October 2021); Michael Susek

staff in the department had a median of 17 to 22 years of service. That number fell to roughly one year of median experience in 2020 and in 2021....”<sup>2</sup>

Third, the Board of Elections, according to the Home Rule charter, “provide[s] general supervision over all elections conducted by the County.” Four of the members of the Board are appointed by the County Council, and they must be equally divided between the two major parties. Those four in turn interview and select the fifth member who serves as chair of the Board of Elections. The Board sets general policies on issues such as tabulations of write-ins, curing of mail-in ballots, and dropbox usage. It works in coordination with the Bureau of Elections, but does not manage or oversee the Bureau. It does not direct staff nor does it have the power to hire or fire staff. It does not formulate a budget nor does it have the power to make purchases.

The complexities of the Luzerne County government and the recurrent turnover in key positions do not foster the stability and institutional knowledge that is needed to seamlessly carry out large, complicated projects such as elections. It is important to consider these factors when studying what occurred on Election Day in 2022.

### **III. Election Day November 2022**

On Election Day, we began learning of the paper problem by mid-morning. In the early afternoon, Luzerne County Court of Common Pleas Judge Lisa Gelb granted an extension of voting hours from 8pm to 10pm.<sup>3</sup> A February 15, 2023, VoteBeat article reported that the Bureau of Elections reached out to local vendors for paper.<sup>4</sup> Meanwhile, in the precincts, poll workers began an exemplary effort to get voters processed and taken care of. Many of the affected precincts began offering voters “emergency ballots,” which were pre-printed and in stock. When those ran out, many officials began offering provisional ballots.

On that day, Action Together NEPA reached out to many Luzerne county voters to make them aware of the extended polling hours. Our staff and volunteers made every effort to ensure that voters had accurate information and the opportunity to vote. Furthermore, I know that many

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(Susek was hired in December 2021 and left in August 2022); Beth Gilbert McBride (Gilbert McBride was made acting director in August 2022; she had been hired as Deputy Director of Elections in July 2022); and Eryn Harvey (Harvey was hired in February 2023).

<sup>2</sup> See Amanda Berg, “Why election problems continue to plague this northeast Pa. county,” Morning Call, February 23, 2023, available at <https://www.mcall.com/2023/02/16/election-problems-paper-ballots-luzerne-county/>.

<sup>3</sup> James Halprin and Eric Mark, “Paper shortage causes voting delays; polls stayed open late; county council to discuss election issues Wednesday,” Citizens Voice, November 9, 2022, available at [https://www.citizensvoice.com/news/election/paper-shortage-causes-voting-delays-polls-stayed-open-late-county-council-to-discuss-election-issues/article\\_b4e7ead5-c031-548a-a49e-38795bbf2d4c.html](https://www.citizensvoice.com/news/election/paper-shortage-causes-voting-delays-polls-stayed-open-late-county-council-to-discuss-election-issues/article_b4e7ead5-c031-548a-a49e-38795bbf2d4c.html); Staff Report, “County polls are closed after paper snafu,” Citizens Voice, November 8, 2022 updated December 4, 2022, available at [https://www.citizensvoice.com/news/election/county-polls-are-closed-after-paper-snafu/article\\_7f522ca6-7fb9-53b1-aa6b-15ec4906be6e.html](https://www.citizensvoice.com/news/election/county-polls-are-closed-after-paper-snafu/article_7f522ca6-7fb9-53b1-aa6b-15ec4906be6e.html).

<sup>4</sup> Carter Walker, “Ballot shortages, machine errors, voting disputes: Inside a pattern of election problems in one northeast Pennsylvania county,” Votebeat.org, February 15, 2023, available at <https://pennsylvania.votebeat.org/2023/2/15/23601266/luzerne-county-voting-problems-ballot-paper-shortage-turnover>

groups like ours – conservative, progressive, and neither – also worked to contact voters and provide information on what was happening.

In the aftermath of the paper shortage issues, Action Together NEPA staff and members attended every session of the Elections Board’s adjudication and certification process. We observed that all of the emergency and provisional ballots were properly processed and counted. We were in attendance daily and assisted in locating bipartisan volunteer teams to assist in the transcription of emergency provisionals onto proper ballots, ensuring that every vote was counted. We held post-election updates and events highlighting the process that was still underway at the time, and worked to educate voters about the steps that needed to be taken by the county to certify the election.

#### **IV. Conclusion**

We do not know what led to the paper issue on Election Day or the results of the District Attorney's investigation. As an organization that cares deeply about any potential disenfranchisement or issues that could impact voting, we were glad to see that there were steps taken immediately by officials and community members to address the situation; and that lots of effort went into trying to ensure all eligible voters were able to cast their ballot. In addition to the steps taken on Election Day, officials and community members worked together to ensure there was an acceptable process to count votes, a process that was open and transparent.

It is clear that we all need to provide more support for our election administration — that includes providing sufficient funding to ensure adequate staffing levels, that enough paper be ordered in a timely fashion, and that there are people in place to provide appropriate responses during and after Election Day. We need a government in Luzerne County that prioritizes stability and professionalism in our Elections Bureau and does not interfere with the dedicated professionals put in place to do the important job of serving the voters.

Ensuring that every eligible voter is able to cast their ballot must be a top priority. We must eliminate barriers, make voting more accessible and convenient, address errors and ensure that we provide voters with ample opportunity to vote if technical errors occur. Although we were concerned about this issue and sad to see our county in the news in this way, we think there are lessons to be learned from this past election. One key takeaway is that if you aren’t set up to succeed, success is more difficult to attain. We must make sure election offices are fully prepared and have the capacity to run our elections, which means funding for people, equipment, and space.