

Election Operations During COVID-19

4.28.2020

Version 1.1

As our local, state, and national leaders address the spread of the novel coronavirus (COVID-19), this pandemic impacts the conduct of elections and daily operations for the Department of State and county election offices. In order to assist the counties in providing these essential services to voters, the Department is providing this guidance to help clarify the provisions of Act 12 of 2020, as well as provide recommendations issued by health experts, and assist in integrating these conditions and recommendations into election processes in Pennsylvania, to protect public health while providing access to voting.

This guidance provides information on immediate actions or steps that may be taken by county boards of elections (CBE). The measures described herein are only in place during the course of the pandemic and the 2020 primary election. Following the COVID-19 pandemic and the 2020 primary election, election operations will resume to normal. The Department of State (DOS) will update this guidance as necessary.

As the Department noted in prior communications, additional federal funding is thankfully being appropriated to the states for COVID-related election modifications under the CARES Act and will cover many costs related to needs described below. Pennsylvania expects to receive about \$14.155 million, and a 20 percent state match appears to be required. The Election Assistance Commission (EAC) is still determining details on how these funds may be matched and spent. Between these funds and the prior federal dollars appropriated for election security and modernization this year, we expect to be distributing a significant portion of these funds to counties to help pay for these increased costs. We will distribute details shortly.

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1 Public Meetings

During the COVID-19 pandemic and the Governor's Executive Stay at Home Order issued on April 1, 2020, County boards of elections (CBEs) should consider conducting official meetings remotely using electronic means, as long as public meeting requirements are fully satisfied, including the requirements for notice and open meetings. Public access may be accomplished by providing a call-in number. Services such as FreeConferenceCall.com, Zoom, and GoToMeeting* have free telephone conference options if your county does not have a service. When board members attend remotely, all materials necessary for any decision-making must be made available to all board members, and unless deemed confidential, also available to the public. For additional guidance, county boards should consult with their solicitor on how to conduct official meetings remotely and ensure compliance.

**The Department does not endorse any specific telephonic service and is providing a few commonly used tools as examples*

2 County Election Office Operations

2.1 STAFFING

Your county government offices may likely have been closed or implemented alternative work schedules due to COVID-19, and many county boards of elections frequently follow the closures of their county government. We encourage your board, in consultation with your solicitor, to adopt a policy specifically regarding closure of the elections office when other county offices are closed. This policy will allow your board to make provisions for essential services (e.g., submission and processing of voter registration forms, absentee ballot requests from military and overseas civilian voters, and other voter documents).

County boards should consider adopting alternative work schedules or arrangements for essential elections staff, including staggered schedules so that staff members do not interact with each other closely. This may include designating work areas that meet the prescribed social distancing of six (6) feet, quarantining the elections office such that only employees may enter the office, and/or making a public drop box available outside the office door. You may also consider placing a phone outside the office entrance so that members of the public who come to the office can still receive assistance. For additional guidance, refer to information from the [PA Department of Health](#) or the [Centers for Disease Control and Prevention](#).

In order to continue essential functions, county boards may consider options for telework. Boards may identify tasks or projects that staff who are teleworking can complete remotely.

The Department of State recommends the following security guidelines for teleworking:

- You may work with your IT office to set up and use a virtual private network (VPN). If you use a VPN, be aware of the security risks and take all necessary precautions.
 - It is imperative that staff recognize and be trained on heightened security during teleworking and training is recommended prior to enabling telework conditions.
- Where feasible, provide county equipment for staff to work remotely, rather than allowing them to use a personal device.

- Require multi-factor authentication (MFA) for employees who access their work accounts remotely. This will further safeguard access to restricted information. Be mindful that phishing attempts and other cybersecurity risks may be higher during the coronavirus response period.
 - Additionally, security should be considered at all levels in addition to MFA. For example, to name a few other considerations:
 - Username and password policies
 - End user device and endpoint protections
 - Network routing for teleworkers
 - Application access and roles
 - Data access and roles
- Develop teleworking agreements for all staff members.

If your county elections office modifies operations or closes, be sure to inform the Department of State. Furthermore, if your office has not developed a continuity of operations plan (COOP), this should be done immediately, and if you do have a COOP plan, you should review and revise the plan as necessary. For assistance or recommendations, please don't hesitate to contact the Department.

2.2 PROCESSING ELECTIONS APPLICATIONS AND BALLOT ISSUANCE

Protecting the health and welfare of your staff and the public is paramount. The county boards of elections, however, should take all reasonable measures to continue performing essential election operations during the COVID-19 emergency. If your office closes because of the pandemic, activate your office's emergency continuity of operations procedures so that you will be in a position to perform the following core election tasks:

2.2.1 Process Voter Registration Applications

County boards should continue to process voter registration applications and perform related voter registration processes. These processes are essential government functions because they ensure that voters will be properly registered for the upcoming primary, that their name, address and party affiliation are updated and voters who indicate they are no longer qualified to vote in a county are removed from the voter list in that county.

When possible, county boards of elections should encourage voters to submit online applications for voter registration, at votespa.com/Register-to-Vote.

2.2.2 Process Absentee and Mail-in Voting Applications

Like voter registration processes, absentee and mail-in voting processes are essential functions necessary to conduct the upcoming primary election. In the event that a county board of elections office is officially closed to the public, county staff should continue processing absentee and mail-in applications but should do so in an environment that minimizes their risk of exposure to COVID-19.

To the extent possible, the county board of elections should encourage voters to submit online applications for absentee and mail-in ballots, rather than paper applications, at www.votespa.com/applymailballot.

2.2.3 Issue Absentee and Mail-in Ballots

County election officials must arrange to fulfill civilian and UOCAVA ballot requests. Ballots for UOCAVA voters must be issued to the voter starting no later than the federal 45-day deadline. With the new primary date of June 2, 2020, the deadline to comply with this mandate is April 18, 2020. It is important that all processing is current by the deadline in order to comply with federal requirements.

“Over the Counter Transactions”: So long as county election offices are closed to the public due to the pandemic, county elections officials need not facilitate “counter transactions” for absentee or mail-in ballots under section 1305(b)(2) of the Election Code, 25 P.S. § 3146.5(b)(2).

2.3 REMOTE ACCESS TO THE STATEWIDE UNIFORM REGISTRY OF ELECTORS (SURE)

The Department of State’s election technology team is taking steps to permit county boards of elections to perform certain activities in SURE remotely. Once we have more information, guidance on utilizing the secure remote connections will be shared.

Regardless of how you access SURE during this time, to prevent voter confusion, do not confirm absentee or mail-in batches in the SURE system until balloting materials are ready or nearly ready to be sent to the voter. As we have discussed in prior guidance, when a county confirms the batches, emails are sent to voters stating that the ballot has been issued. However, you can print labels and prepare envelopes before the balloting materials are ready.

2.4 POLL WORKER TRAINING

Because training of election officials is another essential function for elections, in light of the pandemic, poll worker training may be conducted using social distancing protocols or may be provided remotely in order to safeguard the health and wellbeing of all workers. The department has developed general online training tools that counties can utilize during the training of poll workers. More information can be found in section 2.4.1 below.

If you are using a voting system for the first time, DOS recommends hosting a video conference rather than a phone conference, so that poll workers can see the system components. Poll workers should be given sufficient time and flexibility to attend multiple training sessions and be given opportunities to ask questions and follow up on any questions they have.

2.4.1 Resources for Remote Training

County board of elections can develop training to recognize different learning styles and what suits your poll worker population most. Consider using the following, depending on available resources:

- Reading material such as manuals and other visual aids.
- Audio-visual resources such as online lectures, telephonic question-and-answer sessions and slide presentations.

Live representations such as acted out polling place scenarios and Election Day simulation videos.

There are a number of ways that counties can train poll workers remotely:

- Webinar software such as Zoom, GoToMeeting, and Skype are examples of useful tools that can be procured at a reasonable cost and may include free options.
- Webinars may be conducted live, with participants joining during a set time to participate.
- Webinars may also be pre-recorded and made available to poll workers as a static resource.
- If the county has conducted or conducts an in-person training, that session could be recorded and made available to poll workers who prefer not to come in person.

Important Tip: While conducting training remotely, be mindful that you should not inadvertently disseminate passwords or share sensitive information about the voting system. Further, we encourage you to follow all security protocols required by your county's IT administration.

To assist counties, the Department of State has developed PowerPoint presentations that counties may use during remote training and/or provide to poll workers as resources, and we are converting these documents into video presentations for county use. These resources will be provided to counties and will also be available on VotesPA.com shortly. They cover the following topics:

- Voter identification.
- Checking in voters.
- Provisional ballots.
- Voters with disabilities.
- Voters who are limited English proficient.

Counties may also use training videos and resources provided by voting system vendors. The county board of elections must work with the voting system and electronic poll book vendor (if applicable) to ensure that the content in the training is tailored to the county's procedures, if necessary.

2.4.2 Guidelines for In-Person Training

County board of elections can consider having sessions with smaller numbers of participants following social distancing guidelines from the PA Department of Health and the Centers for Disease Control and Prevention. For example, counties may consider training by remote means clerks of election, whose duties and scope of responsibilities are limited, and reserve in-person training sessions for judges and inspectors.

The county board of elections can make the voting system available at the county elections office for poll workers to inspect individually or in small groups within the guidelines of social distancing safe practices. This would allow poll workers who have not seen the equipment to familiarize themselves with the voting system before election day. Be sure to follow the instructions from the voting system vendor to properly sanitize the voting system components before and after each instructional session.

2.5 LOGIC & ACCURACY TESTING:

Thorough logic and accuracy (L&A) testing is an essential function and critical for successful election day operations. County boards of elections must conduct proper L&A testing of any voting equipment or electronic poll books that will be used in the upcoming primary election; however, staff should take the following precautions:

- Utilize personal protective equipment and proper sanitization techniques.
- Follow social distancing and sanitation guidelines from the PA Department of Health or the CD.
- Follow your vendor's recommendations for sanitizing the voting equipment.
- Set up the testing space so that personnel, and public if present, can follow social distancing and sanitation guidelines.
- For public access during this emergency period, county boards may live-stream their L&A testing.

If you rely on vendors for onsite support for L&A testing, you should start coordinating with the vendors as soon as possible to plan their L&A testing. COVID-19 restrictions may require the vendor to minimize travel. The county board of elections must work with the vendor to plan remote support if onsite support is not possible. County boards of elections should be in constant contact with all the vendors and stakeholders in their supply chain to identify and mitigate any risks or delays that may happen due to COVID-19 restrictions.

**Note: county boards of elections must follow the L&A testing directive from the Department of State and submit the signed attestation after completing testing. For any questions on L&A testing, contact the Department of State at RA-STBEST@pa.gov.*

3 Emergency Relief with Respect to Election Officials and Polling Places

Act 12 of 2020, passed by the legislature and signed into law by Governor Wolf on March 27, not only changed the date of the primary from April 28 to June 2, but also provides some assistance and flexibility to the counties in implementing the election on June 2. As described below, some of this flexibility relates to consolidation of polling places and assignment of poll workers for the primary election. Additionally, Federal funds appropriated under the CARES Act and distributed to counties may be used to cover added expenditures that may be needed as described herein. More details are forthcoming shortly.

3.1 POLLING PLACE SETUP

Polling location setup should follow the social distancing and disinfecting guidelines in effect during the pandemic. The Department has ordered polling place protection kits and will be distributing them to counties prior to the primary, which will include supplies such as masks, gloves, hand sanitizer and other cleaning sanitizers, and tape to mark the floor for distance markers.

For example, consider the following measures:

- Provide election officials with gloves, masks or other personal protective equipment.
- Designate work areas for poll workers following the 6 feet rule and encourage poll workers to follow proper hand hygiene.
- Designate spaces for voters to stand while waiting to check-in, while waiting for an available voting station, and while waiting to scan their ballot. This can be achieved by using stanchions, traffic cones, marking with tape and/or having instructions posted at the polling place.
- Place hand sanitizer dispensers at the polling place entrance and exit for voters to use upon entering and exiting the polling place.

- Use election officials as “greeters” to advise voters about social distancing and hand-hygiene at the polling place.
- County boards have been asked to use voter privacy sleeves to protect voters’ privacy. In light of COVID-19, counties may consider using one of the following measures to prevent the spread of germs:
 - Use plastic folders that can be wiped off or sprayed with disinfectant before being handed to another voter.
 - Use single-use sheets of large-sized paper (e.g. 11”X 17”) that can be folded to cover the ballot but may then be discarded by voters following their usage.

3.2 ELECTION OFFICIALS

Under Act 12, some relief was granted to counties related to easing the appointment of election officers during the 2020 Primary Election. For the 2020 Primary, an appointed election officer does not need to reside in their election district and can serve in other county districts as long as they are a qualified voter of the county.

3.3 CONSOLIDATING POLLING LOCATIONS

Under Act 12 of 2020, the legislature granted counties emergency relief to consolidate polling locations for the upcoming 2020 primary election due to COVID-19. In a consolidated polling location, county boards of elections may temporarily assign voters from a given election district (hereafter “precinct”) to another polling location located outside of the voters’ geographical precinct, for the purpose of casting a ballot in-person on June 2, 2020. For clarification, while the physical place of voting for two or more precincts may be collocated within the same building, there must be a clear delineation of each precinct. These emergency reliefs are set to expire after the primary election and normal procedures will resume for the upcoming general election.

3.3.1 Selection and Designation of Consolidated Polling Locations

A county board of election must decide upon consolidation of polling places no later than **20 days** prior to the primary election.

Act 12 permits, without court or other approval, the consolidation of polling locations of up to a 60% reduction of existing polling locations in the county. **To illustrate what a 60 percent reduction means - for example, if a county normally has 100 polling locations for its precincts, the county should make best efforts to provide at least 40 polling locations for the upcoming primary.**

However, under necessitous circumstances, if a county is unable to do so and it is necessary to reduce the amount of polling locations further, the county may apply for an exception from the Department of State by submitting a plan that provides for a further reduction of polling locations. Please use the form attached herein as Addendum A to apply for an exception.

- It is important to note that under federal law, voters with disabilities **must** be provided with accessible methods of voting for all elections. All voters must have the right to vote privately and independently. Further, voters who are visually impaired or who may have difficulty marking their ballot will need access to accessible voting equipment, and cannot rely solely on vote by mail/absentee voting.

- The Department of State is working to procure and implement an online tool for accessible vote by mail in all counties, but it is not currently available.

When establishing consolidated polling locations, county boards should designate locations that are equitably distributed across the county to afford maximally convenient options for voters.

The polling locations designated must be directly accessible by a public street or thoroughfare. Further, county boards of elections should ensure that locations offer maximum accessibility and appropriate ADA parking.

For the purposes of the primary election only, a consolidated polling location may be held in a location that has malt beverages, brewed beverages, or liquors served in the building. See also Section 4.2.3.

3.3.2 Providing Notice of Consolidated Polling Locations

Upon adoption of a resolution establishing consolidated polling locations, a county board of elections must post a list of each polling location that will be participating in the primary election at least **15 days** before the election. The list must be posted in a conspicuous place at the office of the county board of elections at the office of the county board of elections and posted on the county's public website.

A county board may not change any polling place until they have posted a notice of the proposed change for at least five days at the existing polling place and in the immediate vicinity thereof, and provided written notice of the proposed change to the owner, agent or occupant of the regular polling location.

The board shall ensure that the notice remains posted at the permanent polling location on Election Day, informing voters of the location of their new polling place and directing them there. If feasible, the county board may want to mail a notice of polling place changes to each registered voter who as a result of the consolidation will be assigned to a different voting place on June 2, 2020. Federal funds appropriated pursuant to the CARES Act may be used for this purpose.

At their discretion, a county board of elections may also provide notice by one or more of the following means:

- by television or radio media
- by advertisement in a newspaper having general circulation in the county
- by distributing a copy of the resolution to the chair of every political party in the county.

Outreach should also be made to include access for voters who are deaf or hard of hearing, those who are blind or visually impaired, and voters who are non-English-speaking citizens in those jurisdictions that are required to provide voting materials and assistance.

3.3.3 Setup of Consolidated Polling Locations

When two or more precincts are sharing the same polling place, the physical layout for the location may be one of the following:

1. a separate room within the same building for each distinct precinct, or
2. a single room at the polling location for the purposes of voting, but each precinct will occupy a separate area of the room for purposes of check-in, ballot issuance, voting and vote tabulation

When setting up the polling place, be mindful of the *Voter Privacy Guidance*.

The room in which voting occurs may not be the same room where malt or brewed beverages or liquors are dispensed. If malt or brewed beverages or liquors are served in the same building, the polling place must be accessible from an outside entrance that does not require passageway through the room where malt or brewed beverages or liquors are dispensed.

3.3.4 Accessibility

The polling place must meet all accessibility standards under the [ADA guidelines](#) for accessible polling locations.

Consolidated polling locations must be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently.

The polling locations must have enough ADA ballot marking devices (BMDs) based on the number of voters assigned to the consolidated polling location and the capacity of the ballot marking devices. At a minimum, a consolidated polling location should have at least one ADA machine for each precinct served in the polling location.

3.3.5 Polling Location Resources

Although two or more precincts may be located in the same polling location, the location must provide for the separation of voter registration, ballot issuance and voting records.

Maintaining separate voter registration records

- Consolidated polling locations must have a way for the poll workers assigned to the site to immediately access poll books and determine whether voters have been issued either an absentee or mail-in ballot, including whether the ballot has been received by the election officials or not.
- To aid the requirement that registration and voting records be kept separate, the physical setup or layout at a consolidated polling location may provide for separate areas within the physical location for each precinct.
- If a county uses an electronic pollbook, the pollbooks may have a local connection to other pollbooks within the voting site but may not in any way be connected to an outside network or the voting system and must follow all implementation conditions identified in the electronic poll book approval report.

Maintaining separate voting records

- A consolidated polling location must provide for separate ballots and also provide for ballot marking equipment so that each voter receives the proper ballot style for their assigned precinct and the recorded results for the polling location are distinguishable by precinct.
- In counties using precinct scanners, the polling location must have a precinct scanner for each precinct assigned to the polling place.
- For polling place optimization, the County elections board must calculate the number of voting system components necessary to [accommodate](#) the number of registered voters in the participating precincts. For guidance, use a poll optimization tool. In addition, use at minimum

the equipment capacity specified in the Secretary's certification report for the voting system being used. Contact the Department of State elections staff if you need assistance.

3.3.6 Assignment of Polling Officials

The Department is exploring the most effective means by which consolidated polling places will allow fewer total and more flexible uses of poll-workers during the 2020 primary than in usual elections. We are developing the details of specific guidance and will provide it to the counties this week.

4 Other COVID-19 and Emergency Election Resources:

As a reminder, please refer to additional information on COVID-19 in the links below.

- Pennsylvania Department of Health: They are continually updating the site with several updates throughout the day on current information. Their resource page may be found here: <https://www.health.pa.gov/topics/disease/Pages/Coronavirus.aspx>.
- Centers for Disease Control (CDC): They are also providing updates and have additional information that may be helpful to you and your staff. You may access their page here: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
- Centers for Disease Control (CDC) - Recommendations for Polling Locations: The CDC has also assembled information dedicated for polling location for consideration. You may access the page here: <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.
- The U.S. Election Assistance Commission has compiled a library of information regarding novel coronavirus/COVID-19 to support the election community's response to this concern. This helpful resource is available at <https://www.eac.gov/election-officials/coronavirus-covid-19-resources>.
- NASS Report on State Laws & Practices for the Emergency Management of Elections (we have not found state law changes since 2017, we will continue to track)
- NCSL State Laws on Election Emergencies

Version History:

Version	Date	Description	Author
1.0	4.21.2020	Initial document release	Bureau of Elections and Notaries/Bureau of Election Security and Technology
1.1	4.28.2020	Updated the Request Template	Bureau of Election Security and Technology

Addendum A: Act 12 Consolidation Request Template

COUNTY OF _____

To the Pennsylvania Department of State,

In accordance with section 1802-B(a) of the Pennsylvania Election Code [25 P.S. § 3582(a)], the _____ County Board of Elections requests approval of the enclosed polling place consolidation plan, such plan resulting in a greater than 60% reduction of polling locations in the county.

The enclosed consolidation plan includes:

- *The total number of polling locations in the county currently prior to the proposed consolidation.*
- *The number of consolidated polling locations that will be available after the consolidation plan is implemented.*
- *The number and names of polling places and precincts, with the precinct code if known, that will be colocated in each consolidated polling location.*
- *The name and location of each consolidated polling location.*
- *An estimated number of registered voters in each consolidated polling location.*
- *Other details and information about the consolidation plan that may be relevant for making a determination about the plan's effectiveness, including:*
 - *information about the availability of parking and accessibility at the consolidated polling places*
 - *Building type (i.e., municipal building, gymnasium, school, etc.)*
 - *The number of separate rooms available in each polling location and the number of voters to be served in each separate room, if available.*
 - *The number of entrances that will be utilized at each polling location*
 - *The number of voting booths/privacy booths, ballot marking devices and scanners in each consolidated polling location (if available upon submission; if not, will be needed shortly).*

_____ County acknowledges that this consolidation plan is effective only for the June 2, 2020 General Primary. The county further acknowledges that it will comply with the posting requirements prescribed by section 1802-B(b) of the Election Code [25 P.S. § 3582(b)] and will make other reasonable efforts to notify voters or otherwise publicize the impact of this polling place consolidation plan.

Signature

Date

Name of Chief Clerk or Other Authorized Official

Title/Position

Upon completion of this form, please submit via email to RA-Elections@pa.gov