

## **United Methodist Advocacy in Pennsylvania August 31, 2020**

The General Assembly was in recess during August. At the top of the new legislation list is Election Code changes, ostensibly to implement lessons learned from the spring primary election. However, any changes will take time to put in place. Consequently, if improvements are to be made, lawmakers cannot dilly dally.

There has also been a lot of talking and arguing about how to conduct school under pandemic conditions. However, time hasn't waited, schools are starting, and it looks like hard experience is going to be the real determining factor in policy-making.

As for United Methodist Advocacy in PA this month, I participated in hate-crimes legislation discussions, responded to the House State Government Committee regarding election code changes and co-hosted a digital town hall meeting with U.S. Sen. Bob Casey on the subject of faith community concerns arising from the pandemic.

Following are some state-level issues and activities from August:

- **Wolf's "Fall Legislative Agenda"**
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### **Wolf's "Fall Legislative Agenda"**

On August 25, Governor Tom Wolf announced what he called his "fall legislative agenda." The two highest profile proposals of the Governor are to legalize recreational marijuana and to require employers to provide parental leave.

Wolf's agenda was embraced by Democrats and criticized by Republicans.

**The governor said he wants 50 percent of proceeds from recreational marijuana to go to "historically disadvantaged businesses," to be disbursed through existing small business grant funding programs. Another portion of those proceeds would be "used to further restorative justice programs that give priority to repairing the harm done to crime victims and communities as a result of marijuana criminalization."** Furthermore, Wolf said he wants the Legislature to do more to address those who have already been convicted of marijuana-related offenses.

**Other items on the Governor's list:**

- **Continuation of the \$3 per hour boost to "frontline worker" wages, using \$225 million of the \$1 billion in CARES Act funding that was put in reserve, from the \$3.9 billion received by Pennsylvania.**
- **\$10 million to reimburse employers for the personal protective equipment (PPE) they purchase for their frontline workers and for counties providing PPE to election workers.**
- **Small business assistance in the form of \$225 million in forgivable loans and grants through the COVID-19 Relief Statewide Small Business Assistance Program.**

- \$100 million in forgivable loans and grants would be available to the hospitality, leisure and service industries.
- Cancellation or reduction of Pennsylvania’s alcohol tax for six months and to allow the hospitality industry to purchase alcohol at or near cost for six months.
- \$250 million for subsidized child care, an additional \$50 million in grants to partial-day school programs serving low-income communities.
- \$3 million for institutions of higher education to partner with local education agencies to provide targeted professional development.
- \$100 million in grants, to be divided between the Low-Income Home Energy Assistance Program (LIHEAP) and a new emergency water/wastewater program to assist residential customers who would be subject to termination of service when the current PUC moratorium on terminations is lifted.
- \$100 million to be used to expand the existing PA Housing Finance Agency CARES Rent Relief Program to provide additional financial assistance on behalf of low-to-moderate income renters experiencing difficulty making rent payments as a result of the pandemic.

Republicans were dismissive. “For more than six months, the Governor has lorded over Pennsylvania through Executive Order and today he wants to dictate to the legislature through press release,” said Senate Majority Leader Jake Corman (R-Centre). “Governor Wolf has not been in the Capitol in months. He has not even held a call with legislative leaders since July. The Governor is clearly not interested in governing. If he were, he would have reached out to legislative leaders at some point during the summer to discuss a fall agenda.”

House Majority Leader Kerry Benninghoff (R-Centre) said, “Gov. Wolf has spent the last six months turning his back on the people’s representatives in the General Assembly, despite our numerous attempts to work with him to fight this pandemic. It is disingenuous for this governor to put forward an unaffordable legislative agenda and require taxpayers to bail him out of his unilateral mandates that have devastated their lives and livelihoods.”

## General Election Recommendations

On August 1, the Pennsylvania Department of State posted on its website a report regarding the June 2 primary election. The primary election was postponed six weeks, as a result of the coronavirus pandemic. But, it was even more unusual because there were more mail-in ballots cast (nearly 1.5 million) than in-person ballots (over 1.3 million).

The foremost recommendation of the report is to have a lead time of three weeks to pre-canvass mail-in ballots. The report was issued under direction of Act 35, enacted in mid-June.

“We hope to work with the General Assembly to allow counties to begin pre-canvassing ballots in the weeks before Election Day,” the report said. “The counties overwhelmingly support this reform, and we hope the Legislature shares this priority and will pass this amendment before counties finalize and prepare sending ballots in early September.” Ever since the primary, Secretary of State Kathy Boockvar has been calling for this change, to help election boards deal more quickly and accurately with an anticipated flood of mail-in ballots for the Nov. 3 general election.

Legislators have been *talking* this summer about adjustments to the election code, based on lessons learned from the primary.

House State Government Committee Majority Chairman Garth Everett (R-Lycoming) and Senate State Government Committee Majority Chairman John DiSanto (R-Dauphin) said that agreeing on what “pre-canvassing” means is the key issue.

Everett prefers the word “pre-processing.” He said that means verifying the name on the ballot and flattening the ballot so a high-speed scanner can read it. He believes that doing these things ahead of time would make the vote count go quicker.

DiSanto said, “At this time I think it would be a challenge to get a consensus for a three-week pre-canvassing period.” He explained, “For example, would pre-canvassing apply only to the current process: open the secrecy envelopes, remove ballots, and scan- but wait to record or publish votes? Would the penalties for early release of election results need to be revised? If pre-canvassing were to be revised, what about ballots received after Election Day?”

County Commissioners Association of Pennsylvania Executive Director Lisa Schaefer provided a definition, “Pre-canvass procedures include verifying the bar code and voter’s information on the outer envelope, matching the information in the SURE (Statewide Uniform Registry of Electors), opening envelopes and removing and flattening the tri-fold ballot, all following security protocols, to prepare ballots to be placed in high-speed scanners....Counties are not asking for the ability to begin tabulating votes during the pre-canvass period, just to complete the time-consuming manual work of preparing the ballots to be scanned.”

The Senate is currently scheduled to return to session September 8 and the House September 1. Everett said lawmakers can move promptly to pass a new election bill once an agreement is reached.

The State Department’s report also calls for delivering mail-in ballots to voters 28 days before an election and suggests the current 14-day timeline doesn’t provide enough time for turnaround.

To address poll worker shortages, the report suggests allowing election boards to appoint workers to fill vacancies up to 60 days before an election and permanently allowing poll workers who are registered to vote to work outside their home precinct.

## **Republican Proposals for the General Election**

On August 24, two Republican legislative leaders announced the introduction of legislation seeking to address concerns about the general election in November.

State Senate President Pro Tem Joe Scarnati (R-Jefferson) and Senate Majority Leader Jake Corman (R-Centre) said the legislation, **Senate Bill 10**, would reflect “the majority of recommendations made by the Pennsylvania Department of State in its 2020 Primary Election Act 35 of 2020 Report,” as well as address concerns of Pennsylvania’s county commissioners and local elections officials.

According to the senators, the bill seeks to:

- Require mail-in and absentee ballot signature verification.
- Allow counties to open mail-in and absentee ballots up to three days prior to the election, giving them the ability to pre-canvass starting at 8 a.m. the Saturday prior to an election.
- Expand the region in which poll watchers may serve from county to statewide.
- Increase the area that a poll worker may serve from their home election district to any voting location in the same county.
- Change the county deadline to start sending mail-in and absentee ballots to voters to 28 days ahead of the election, instead of the previous deadline of 14 days.
- Move the application deadline to request a ballot to 15 days prior to an election, which mirrors the deadline for voter registration.
- Provide counties with the ability to establish secured locations for the return of ballots at county courthouses, permanent offices of the county election boards and polling places.

When the state House returns on September 1, it will consider **House Bill 2626**, another Republican-sponsored Election Code measure. Currently, there are 8 filed amendments on the bill. There will probably be more. I am not going to go into detail about this bill.

## **Wolf’s Proposals for the General Election**

On August 27, Democratic Gov. Tom Wolf conducted a news conference to announce his proposals “for safe and secure elections.”

Wolf noted that 1.5 million people have signed up to vote by mail, along with 200,000 people signed up for absentee ballots. “I think we were successful in our primary election,” Gov. Wolf said. “It showed that we were right to have confidence in our voting system, but I think there are some changes that still need to be made that could make a good system even better.”

The Governor called on the legislature to take “immediate action.” Following are Wolf’s main proposals:

- Allow counties to start pre-canvassing ballots 21 days before the election, rather than on election day, itself. However, counties would not tabulate or report vote totals until polls close on election day.

- Allow counties to count eligible ballots postmarked by election day, but received as late as the Friday following election day.
- Require counties to send mail-in ballots at least 28 days before the election, rather than the 14 days presently required.
- Allow counties flexibility to appoint poll workers to vacant positions earlier than five days before and election. (note: more poll workers are needed)

## Reopening Schools

The confusion and uncertainty of how to cope with the pandemic is, perhaps, no more on display than with the issue of what to do about conducting school. School is a deeply ingrained element of American social and cultural experience. Of course, school directly relates to children, but, it can be argued, school also affects most adults, in some way.

Individual schools, school districts, and state-level government and agencies have been struggling all summer to come to grips with the task of conducting school this fall, during the pandemic.

The Pennsylvania Department of Education in conjunction with the Department of Health have provided guidelines for school districts on a variety of topics related to schooling.

According to the Wolf administration, final decisions related to procedures and protocols are going to be made at the local school district-level. But, a fear among educators is that state guidance really amounts to mandates. Some have expressed the worry that they risk being sued if they do something contrary to state recommendations (my observation is that nothing frightens educators more than litigation).

During an August 19 hearing with members of both the state House and Senate Education Committees, Sen. David Arnold (R-Lebanon) asked if it wasn't irresponsible for state agencies to issue guidance without first determining if school officials would be liable if they don't follow that guidance. Education Secretary Pedro Rivera (in an answer that needs to be recorded for the ages) said, "I don't think it's irresponsible at all. That's what we do in government."

The bottom line is that returning to school under the current conditions is an extremely complicated challenge. It will be unavoidably messy.

## Interscholastic Athletics Permitted for Fall

On August 21, the Pennsylvania Interscholastic Athletic Association (PIAA) released a decision to permit school sporting events to take place this fall. PIAA is the independent governing body for interscholastic athletic competition in the Commonwealth.

The statement said the PIAA would "permit fall sports to begin on Monday, August 24th, based on local school decisions. The Board agrees the decision to compete should be made locally allowing for each school entity to decide whether to proceed and which sports to sponsor. As the health and safety of students is paramount in moving forward with athletics, the Board believes that through each member schools' adherence to their developed school health and safety plans and the *PIAA Return to Competition* guidelines, sports can continue....The PIAA Board of Directors has heard the thousands of voices of student-athletes, parents, coaches, officials as well as community leaders that have contacted us. We remind those individuals who have strongly advocated for athletics that they must keep strict adherence to school health and safety plans. All individuals involved in interscholastic athletic communities have a role in the health and wellness of all participants."

Gov. Tom Wolf has repeatedly recommended that no sports occur this fall. In response to the PIAA's decision, the Wolf administration stated, "The governor's recommendation is grounded in public health evidence and a common-sense reaction to league after league canceling or postponing their fall seasons, outbreaks across the country, growing evidence of higher transmission in children, protecting higher-risk adults, and the fundamentally important need to get kids back into learning in classrooms. Every gathering outside the classroom jeopardizes a school's ability to resume in-person instruction because it increases the risk of super-spreading events."

Some state Republican legislators, who have been at odds with Wolf regarding his responses to the COVID-19 outbreak in Pennsylvania, lauded the PIAA for its decision.

### **Municipalities Face Gambling Share Loss**

For over a decade, local governments in Pennsylvania have been the beneficiaries of tens of millions of dollars that the state's casinos have paid in Local Share Assessments (LSA). But, because of the pandemic, this revenue source has been reduced, resulting in financial strain for some municipalities and counties.

During the second quarter, casinos were closed as being non-essential. They began to reopen in June, but are operating at reduced capacity under pandemic mitigation efforts.

**Casinos generated \$160 million in LSA revenue from slot machines, table games and interactive games for all of 2019. By comparison, during the first half of 2020, LSA revenue has been \$66. According to the state Independent Fiscal Office, municipalities are projected to receive \$57.7 million in LSAs during 2020, compared to \$63.9 million in 2019. Counties are projected to receive \$73.5 million in LSAs in 2020, compared to \$92.4 million in 2019.**

### **Municipal Leaders Seek Federal Aid**

On August 11, the Pennsylvania Municipal League (PML) conducted a press conference in Harrisburg—PML is a nonprofit organization established in 1900 as an advocate for the state's 3<sup>rd</sup> class cities.

City leaders urged the U.S. Congress and Trump administration to provide new aid to municipalities, to make up for lost revenue due to COVID-19. They warned that without such relief, local governments will need to seek distressed status and further cut services and employees.

"The demand for services is not going away, but the revenue is," said Lancaster Mayor Danene Sorace.

PML Executive Director Rick Schuettler observed if Washington doesn't provide direct aid, a number of municipalities will have to move into Act 47, the state oversight program for municipalities facing serious financial problems. Altoona Mayor Matthew Pacifico agreed, saying, "There's a real strong chance the city will be forced back into Act 47"—Altoona dropped its Act 47 status in 2018.

Sixteen municipalities are currently in the Act 47 program. The program puts conditions on municipal spending and establishes recovery plans. The number of municipalities in this program has declined in recent years.

Municipal leaders voiced concern over the necessity for more cuts, as 2021 budgets are being prepared.

Pittsburgh Mayor Bill Peduto said, "[Federal aid] is a bridge to help us get through a national crisis."

### **Drug and Alcohol Service Providers Need Help**

**On August 25, the state House Human Services Committee conducted a hearing regarding the impact of the pandemic in relation to drug and alcohol services. The committee heard testimony from state and county officials, service providers and health care companies.**

Service providers are serving fewer people due to pandemic mitigation efforts. Nonetheless, treatment centers are spending more on personal protection equipment, cleaning and overtime pay.

Jennifer Smith, secretary of the Department of Drug and Alcohol Programs (DDAP), told the panel that providers need financial help to deal with lost revenue and extra expenses, perhaps from a share of COVID-19 relief money. Some providers are closing.

Kristen Houser, a deputy secretary of the Department of Human Services, observed that a spending increase is likely, given a 7.6 percent increase from March through July in the number of new individuals eligible for substance abuse services under Medicaid.

Service providers described increased rates of overdose and substance abuse as clients lose jobs. Along with this is a loss of hope, isolation and greater strains on their workforce. "Recovery is about connection, hope and

purpose,” said William Stauffer, executive director of the Pennsylvania Recovery Organization Alliance. “COVID deflates this.”

Providers asked DDAP to allow them to obtain state funding when providing substance abuse counseling and other clinical services using “telehealth” technology. They claim telehealth has helped maintain services.

### **Small Business Grants Distributed**

On August 10, the Wolf Administration announced that \$96 million from the federal government, earmarked for small businesses has been distributed through state programs to nearly 5,000 Pennsylvania small businesses impacted by the pandemic.

As part of the short-term Pennsylvania budget, formulated in May, arrangements were made for distribution of \$2.6 billion in federal stimulus funds from the federal CARES Act, with \$225 million allocated for small business relief.

The small business money was placed in three grant programs. Officials said they received 50,000 applications for the grants, amounting to \$860 million in total requests.

Gov. Tom Wolf said, “As we continue to address this public health crisis, it’s critical that we also focus on our state’s economic recovery and supporting our small businesses across the state, which continue to be impacted by our necessary mitigation efforts....This funding will go a long way to help small businesses, including historically disadvantaged businesses, at a time when they need it most.”

### **Wolf Renews Opioid Emergency**

On August 19, Gov. Tom Wolf renewed the opioid disaster emergency declaration for the 11<sup>th</sup> time. During this time of COVID-19 pandemic, it is easy to forget the opioid and heroin epidemic. The opioid emergency declaration was first issued by the Governor in January 2018.

In his statement, Wolf said, “The work that is enabled by this declaration is vital to saving the lives of so many Pennsylvanians, providing education and treatment, and advancing initiatives across the state to continue to battle this epidemic. This work is no less important during COVID and I am grateful for all those dedicated professionals who continue the drumbeat of compassionate care and work toward ending this crisis.”

### **Education Secretary to Leave**

On August 4, the Wolf Administration announced that Pennsylvania Education Secretary Pedro Rivera will leave his position to become president of Thaddeus Stevens College. The change will take place on October 1.

The Gov. Tom Wolf also announced that he has nominated Education Department Deputy Secretary of Postsecondary and Higher Education Noe Ortega to replace Rivera. Ortega joined the Department in 2017, after holding various academic and administrative positions at the University of Michigan.

### **Masking is Mandatory**

On August 3, Gov. Tom Wolf reminded state residents that every Pennsylvanian is to wear a mask when out in public. The order was first issued on July 1, to prevent the spread of the coronavirus.

Sanctions can be applied to anyone not wearing a mask in public. However, Wolf noted that he is appealing to people to do the right thing by others. He likened the mandate to wearing a seat belt or making a full stop at a stop sign. The Governor said, “I’m calling upon every Pennsylvanian to do their part to help us get as close as we can to 100 percent compliance on masking.”

### **COVID-19 Cases Decreasing in PA**

As of August 26, according to the Pennsylvania Department of Health, of the state's 130,536 confirmed and probable coronavirus cases reported since early March, 81 percent—about 105,764—have recovered. This leaves approximately 17,148 active cases. In Pennsylvania, there have been 7,624 coronavirus-related deaths.

Active case numbers were lowest in late-June and highest in early August. However, since mid-August, numbers of new cases have been trending downward. Hospitalizations and deaths have also declined during the last half of August.

But, it wouldn't be wise to interpret this as meaning COVID-19 is on the way out.

Dai Morgan