



Senate of Pennsylvania

November 4, 2022

The Honorable Leigh M. Chapman
Acting Secretary of the Commonwealth
302 North Office Building, 401 North Street
Harrisburg, PA 17120

Dear Acting Secretary Chapman:

In light of recent events affecting election administration, we are compelled to bring to your attention some of our concerns regarding the upcoming election. Treatment of undated mail-in ballots, poll watchers' observation rights, ensuring compliance with Act 88 of 2022, and ensuring voter's identification is properly verified are chief among these concerns. In the interest of maintaining the integrity of the Commonwealth's elections, we must ensure the law is followed and that counties and the electorate can count on clear and lawful guidance from the Department of State.

As you are aware, the Pennsylvania Supreme Court issued its decision regarding undated mail-in ballots earlier this week and reaffirmed its position that undated ballots should not be counted. Your office should ensure counties have clarity that undated mail-in ballots should be kept separate from mail-in ballots with a completed voter declaration and that those ballots should not be counted.

We were particularly troubled when your office issued knee-jerk guidance regarding undated mail-in ballots following a United State Supreme Court decision last month. Only a few hours after the Court vacated a Third Circuit decision requiring undated mail-in ballots to be counted, your office issued a statement suggesting counties should include undated mail-in ballots in their returns. At the time you issued the guidance it conflicted with a 2020 Pennsylvania Supreme Court decision, as well as guidance from your own website, which states, that "[i]f you do not complete the declaration on the return envelope your ballot will not be counted." This type of confusion only adds to the public's mistrust of our Commonwealth's elections.

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Ensuring poll watchers are granted meaningful and reasonable access to observe the election is also of great concern. Poll watchers are a legitimate, statutorily authorized, component of ensuring election integrity. To perform their job, as intended by the law, they must be permitted access to places where they can actually observe the process at all polling and canvassing locations. Earlier this year, the General Assembly passed legislation which would have provided for more poll watchers and clarified their observation rights at the polls, consistent with the current intent of the law. Unfortunately, Governor Wolf vetoed this legislation citing voter intimidation, despite the fact the legislation provided greater enforcement and penalties associated with election interference. Nevertheless, poll watchers are authorized under the Pennsylvania Election Code and should be granted meaningful access to observe the polls in all 67 counties. We are confident your office will ensure this happens.

Additionally, Act 88 of 2022 established a grant program to incentivize counties to provide election results in a timely and transparent manner. This bipartisan legislation requires counties that accepted the grant money to count mail-in and absentee ballots continuously until all ballots have been counted and requires counties to announce the number of mail-in and absentee ballots that have been received no later than 12:01 a.m. the day following the election. Your office must ensure compliance with these new requirements. Timely and transparent results is paramount in ensuring the public's trust in the upcoming election.

Finally, in recent days conflicting reports regarding mail-in ballots of unverified voters have emerged. Concerns have been raised that ballots have been sent to individuals whose identification has not been verified. Please provide an explanation of how this has occurred and provide assurances that no ballot will be counted where the identification of the voter has not been verified.

Voting is the cornerstone of democracy and voters should have confidence in the administration of elections. Too often election results are unclear for days or even weeks following an election. However, this is often due to avoidable circumstances. We implore you to take the appropriate steps to ensure a fair and accurate election next week.

Sincerely,



Kim L. Ward
Senate Majority Leader



Jake Corman
President Pro Tempore