

# DAUPHIN COUNTY

BUREAU OF REGISTRATION AND ELECTIONS

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August 19, 2022

Honorable Leigh Chapman, Acting Secretary  
Pennsylvania Department of State  
302 North Office Building  
401 North Street  
Harrisburg, PA 17120

Dear Acting Secretary Chapman:

I'm writing to go on record with my opposition to the Wolf Administration's announced intention to deploy a paper application that combines Voter Registration and Mail-in Ballot prior to the 2022 General Election.

So as not to be dismissed as a nattering nabob of negativism, I remind you that I stood with former Department of State Secretary Pedro Cortes to hail implementation of the Wolf Administration's online voter registration application and have been unequivocal in my support of the online mail-in/absentee ballot application process. However, this dramatic change in front-line service of voters with a dual registration/mail-in ballot application so close to a potentially pivotal election is a terrible idea. My concern is based on my experience – and the shared experience of the other 66 election directors across Pennsylvania – since Act 77 of 2019.

It has been clear from the outset that this idea was developed in a vacuum. The initially proposed form (1) violated several sections of the Election Code, (2) did not show an understanding of how addresses work on either the voter registration or mail-in ballot form, (3) and did not show an understanding of how people request mail-in ballots for one election versus on an ongoing (permanent) basis.

Even if these issues are all addressed, the Department has shown no interest to avoid the legal conundrum that they are inviting as counties will have to face the question of what to do when this form is received after the voter registration deadline (15 days before an election) but before the mail-in ballot deadline (7 days before an election). The form would not be processed—it is a voter registration form—but do we subsequently add the voter to the permanent list if they checked the box to become a permanent mail-in voter? Such a situation may be clear-cut if the voter is already registered and the “registration” part of their application does not reflect any changes in their present status, but what if their registration status is changing because they have moved, changed their name or changed party.

Let me give you a specific scenario: what do I do if a voter registered in another county submits one of these dual applications changing their address to Dauphin County, but it is received on Oct. 25, which is after the deadline to register or make changes to a voter's status, and they are requesting a mailed ballot at the same time? Do I set it aside as received after deadline? Do I forward it to the county in which they are presently registered to vote and hope that that county decides to issue a mailed ballot for the voter's current election

district in that county but mail it to the voter's new address in Dauphin County? What if that county decides to set it aside as "received after deadline" and declines to issue the ballot? What if they issue the ballot, but mail it to the voter's current address in their county and not the voter's "new" address in Dauphin County? These and many other questions will be answered by the 67 county solicitors with 67 different interpretations.

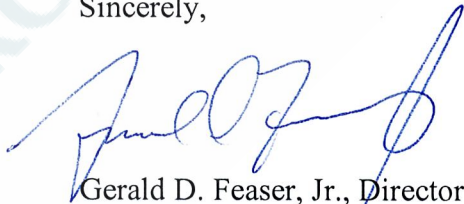
Now, if we do honor these mail-in requests, the next step is what happens if we are challenged by a candidate or concerned party seeking to set aside ballots issued by way of the dual application because the application was received after the last day to register to vote. Do we have to set these ballots aside? Do we have to record these votes separately and allow a court to determine if these votes should count? We've already been down this road before with the 2021 election of a Lehigh County Court of Common Pleas Judge that took more than six months to resolve due to "undated ballots." Do we really want this type of confusion injected into determining winners this November?

While the idea of providing a one-stop shop application may seem logical, in practice it opens too many avenues for legal challenges, which may result in voters being disenfranchised rather than having their vote protected. Had the Governor and General Assembly set the last day to apply for a mailed ballot to be the same as the last day to register to vote, nearly all my concerns would be moot. But they didn't and no one has adequately answered my questions.

I hope you recognize that counties have extensive experience from the 2020 election of how these mailings worked out. We were flooded with duplicate applications, and irate voters who received a mail-in ballot for the 2020 election who wanted to vote in person and were forced to cast a provisional ballot. We lost large numbers of poll workers because of the threats and anger directed at them by voters who became permanent mail-in voters in error. By rushing this form through, without putting in place appropriate safeguards, the Department is putting political interests ahead of the safety of Pennsylvania's election workers.

In closing, I wish the Department of State had been left to focus on preparations for the upcoming Mid-Term Election. What we, as counties, presently need from the Department is a list of candidates and SUREVote candidate codes to facilitate election night reporting so that we can complete ballot preparations to mail ballots to voters by mid-September. Further delays in providing this information may cause ballot mailings to be pushed back until October due to the Department taking its eye off the ball with this dual application distraction.

Sincerely,



Gerald D. Feaser, Jr., Director

cc: Governor Tom Wolf  
Senator David G. Argall, Republican Chair, Senate State Government Committee  
Senator Sharif Street, Democratic Chair, Senate State Government Committee  
Representative Seth M. Grove, Republican Chair, House State Government Committee  
Representative Scott Conklin, Democratic Chair, House State Government Committee  
Dauphin County Legislative Delegation  
Dauphin County Board of Commissioners