



County of Bucks

BOARD OF ELECTIONS and REGISTRATION COMMISSION
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Board of Elections

ROBERT J. HARVIE, JR. *Chairman*
DIANE M. ELLIS-MARSEGLIA, LCSW
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THOMAS A. FREITAG
Director

Dear Acting Secretary Chapman:

On July 29, 2022, the Department of State indicated to counties its intent to implement a combined voter registration and mail-in application form. The following week at the Pennsylvania County Election Officials annual conference there was lengthy discussion with both Jessica Mathis and you on this initiative. The consensus against this move was so resounding that a workgroup was formed to provide meaningful feedback to the State regarding this combined form.

On August 10, 2022, I was part of that workgroup made up of county election officials, which pointed out various formatting and statutory issues with the proposed form. Further, the workgroup highlighted how issues arising from the proposed form would likely lead to uncertainty and could result in 67 counties having 67 different opinions on how to treat issues.

We believe this proposed form is likely to stoke new and undue confusion, concern and skepticism among voters at a time when it is imperative that we rebuild trust in our election system.

To begin, the proposed form seems to imply that in order to register to vote, one must also request to receive a ballot by mail. The form only has an application for a mail-in ballot and has no option to apply for an absentee ballot, the two of which are different under the law. There is a provision in Act 12 which removes the ability to challenge an application on the grounds that the wrong type of ballot was requested, but this form fails to provide the option to even apply for an absentee ballot.

As you are fully aware, county election officials across Pennsylvania and the nation are already experiencing an unprecedented amount of threats and abuse. We believe this proposed form, as-is, would give fuel to individuals and groups who continue to question the integrity of our elections.

Voters who inadvertently request a mail-in ballot with the check of a box, would assume they never requested a ballot, and will then be forced to vote provisionally when they fail to surrender their mail-in ballot at their polling place. Counties have already seen a tremendous spike in provisional ballots due to the surrender process. It is likely that the implementation of this form will cause even greater numbers of provisional ballots, further slowing Pennsylvania's vote count.

The proposed form does not contain necessary language on the remittance process, nor does it allow for the voter to declare that they are eligible to vote by mail. The form also eliminates the "mailing address" section of the existing registration application, which ignores voters who do not receive mail at their home address. The form also leaves a great deal of ambiguity on how to

process applications. For example, if a voter completes the section on “Where to mail my ballot” but does not check that they in fact want a ballot, how are counties to handle it?

The form also does not account for the different statutory deadlines that voter registration applications and mail-in applications have. How are boards of elections supposed to treat a voter registration application received after the 15-day deadline that also requests a mail-in ballot? Is the mail-in ballot request still valid or does the fact that it came on a voter registration application mean it can’t be processed until after the election? It gets further complicated if the voter is also changing their address or political affiliation at the same time.

We are encouraged that the Department of State has said that it wants to work with counties and utilize our feedback. Please know, our concerns regarding this combined form do not stem from an unwillingness to adapt to change. County election departments have been dutifully adapting to change since the passage of Act 77, in October 2019. This is legitimate feedback, which comes from a place of concern and caution, from those who work at the ground level of elections. Voters will ultimately come to us when they are angry, upset, or confused.

We believe implementing this change, less than 90 days before an election, is highly inadvisable.

We request that the implementation of any new voter registration form be postponed until after the 2022 General Election. This will allow counties time to partner with the Department of State to make necessary changes without fundamentally altering our election process.

Respectfully,



Thomas A. Freitag
Director

cc: Robert J. Harvie, Jr., Commissioner, Chair
Diane M. Ellis-Marseglia, LCSW, Commissioner, Vice-Chair
Gene DiGirolamo, Commissioner, Secretary
Gail Humphrey, Chief Clerk