Pennsylvania Election Readiness

August 17, 2020

Pennsylvania's June 2, 2020 primary election highlighted several challenges to running a successful election during a pandemic. Although the state now allows no-excuse absentee balloting due to a 2019 change to voting laws, it has faced challenges in implementation. Counties struggled to process the large volume of mail-in ballot requests, and technical issues and mail delays interrupted delivery. Furthermore, tight deadlines to request and return ballots resulted in counting delays and uncounted votes. At the same time, the state saw a significant reduction in the number of in-person polling places as well as reports of insufficient social distancing.

While election officials are working to address these challenges, many are concerned that they neither have the funding nor the workers needed to fully resolve these issues. Poll worker recruitment continues to present challenges across the state. And with the influx of more mail-in ballots, counties very much need staff to process and to count these ballots. Mail delays are another concern, as the state legislature or courts might extend the deadline for receipt of returned mail-in ballots. Currently, state law requires ballots to be received by election officials by 8:00 p.m. on Election Day. The Philadelphia Inquirer estimated that this law may have led to 92,000 ballots being left uncounted. Although the Pennsylvania Department of State and the USPS recommended a three day extension of this deadline, the state legislature has yet to implement the change. Facing legislative inaction, the Department of State has asked the courts to require an extension.

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I. Background

A. Decentralization of Election Administration - While the Pennsylvania Department of State oversees election administration, elections are largely administered at the county level. Preparations for vote-by-mail and safe polling places varied by county during the June 2nd election.

B. New Rules on No-Excuse Absentee Balloting - Voters in Pennsylvania may vote by mail without an excuse. To receive a ballot voters must reapply for an absentee or mail-in ballot each year. While there is now widespread access to mail-in ballots, Pennsylvania has limited experience administering mail voting because no-excuse vote by mail was only enacted in 2019. For instance, Pennsylvania voters requested 107,000 absentee ballots in the 2016 primary and more than 1.8 million mail ballots for the June 2nd primary.

C. New Law on Polling Place Consolidation - In response to the COVID-19 public health crisis, Pennsylvania's legislature enacted SB 422, which authorized counties to "consolidate" polling places by 60 percent without approval or consolidate more than 60 percent with the approval of DoS. SB 422 only authorized consolidation of polling places for the June 2nd primary election.

D. June Primary Overview - In the June 2nd primary election, Pennsylvanians voted for candidates in a wide array of elections: President, Attorney General, House, and the state legislature.

E. June Primary Turnout - Turnout for the primary was lower in 2020 than it was in 2016, with only about 2.8 million people casting ballots in 2020, 35% of registered voters, compared to about 3.2 million in 2016 (37%). This drop was especially prevalent in key counties. Philadelphia County saw a drop in turnout from 39% in 2016 to 32% in 2020, and Allegheny County saw a steep decline from 46% in 2016 to 36% in 2020. This drop could be explained, at least in part, by the lack of competitiveness of this election, as neither presidential candidate in 2016 had consolidated support within their respective parties by the Pennsylvania primary.

II. Challenges Faced in Adapting Election Procedures to the Pandemic

A. Vote-By-Mail Performance in June

Counties across Pennsylvania struggled to deal with the increase of mail-in ballots. Issues with mail-in-voting occurred at all stages of implementation: processing requests for ballots, delivery, and counting.

First, counties had difficulties processing all the mail ballot applications. High demand for the ballots, coupled with under-staffed election offices, contributed to long processing times for ballot applications. When asked about handling the increased volume of requests, Secretary of State Kathy Boockvar responded "Are there lessons to be learned from suddenly finding yourself with 17 times as many mail-in ballots as you used to have? Absolutely." Second, delivery of ballots was interrupted by design flaws, technical issues, and mail delays. In Montgomery County, a design flaw in the state's online application omitted voters' apartment numbers from printed ballots. Without this address information many ballots became undeliverable and were returned to the county board of elections. Counties also suffered from technical problems. Allegheny County had an issue with its election software's label printing function that caused several voters to receive multiple ballots. Montgomery County similarly sent the wrong ballots to approximately 2,000 voters because of a software glitch that occurred when printing.

Third, mail delays with the USPS also caused voters to receive ballots too late to cast. The USPS recommended giving voters at least two weeks to receive and mail their ballots. Despite this guidance, the state's deadline to request a ballot was May 26th, one week before the election, which allowed insufficient time for some voters to receive and submit ballots on time. As a result, thousands of ballots were uncounted because officials received them after the deadline. According to the Philadelphia Inquirer, approximately 92,000 ballots could have been uncounted because of this tight deadline. In a state that recently saw a margin of victory of just 44,000 votes, tight deadlines coupled with slow mail delivery could influence the outcome of the election. Ultimately, Governor Wolf issued an executive order to extend the deadline to count mail-in ballots in six counties by a full week. This extension allowed for some late ballots to be counted, but tens of thousands received in the days after the election were not.

Pennsylvania also faced challenges counting mail-in ballots. In Philadelphia County, Bucks County, Delaware County, and Montgomery County, election officials took about two weeks to count all the mail-in ballots. All told, about half of all counties in Pennsylvania took at least a week to count ballots. Just opening the two envelopes in which the ballots are mailed is incredibly time consuming, and some counties experienced difficulties with their electronic letter openers. For instance, Lehigh County's machines require workers to slide each envelope through it individually to

open just the outer envelope and the motor in one of their three machines burned out on the second day of counting. Furthermore, tens of thousands of ballots were disqualified because of the state's signature verification process. Many of these voters are given no notice of their disenfranchisement, and so cannot correct the error or submit another ballot. Signature verification processes disproportionately impact young voters, old voters, voters of color, voters with disabilities, women, trans and gender non-conforming voters, and military personnel.

B. Vote-by-Mail Outlook for November

Looking forward, the challenges evident in the primary provide valuable lessons to help prepare for the general election this November. Although the state's absentee voting laws only require a voter to apply once a year to request mail-in ballots, low-turnout for the June 2nd election means that a large wave of applications for November would likely cause counties to once again struggle to process applications. If history is our guide, Pennsylvania will see a 200% increase in voters between the primary and the general election. Pennsylvania had a rough time dealing with mail-in ballots in the primary; increasing the scale three-fold this November will not make these systemic issues go away. If anything, issues with both in-person voting and mail-in ballots will worsen as counties lag behind the pace of ballot applications, and fail to adequately staff polling places.

Issues with timely delivery may also persist. Despite the fact that Pennsylvania's late deadline to request a ballot resulted in thousands of uncounted ballots, Pennsylvania is planning to use a similar deadline for the November election. In July the USPS warned election officials that ballot application deadlines were too close to the election for the service's delivery standards and would likely result in delayed ballots again. In a court filing, the DoS asked the Pennsylvania Supreme Court to order that mail ballots be counted as long as they are received by November 6th. This was in response to concerns over USPS's ability to deliver ballots in a timely manner. A court order granting an extension would likely be challenged by the Trump campaign and the Republican National Committee, which have already sued Pennsylvania to block the use of drop boxes. The Pennsylvania Democrats, on the other hand, are still seeking a seven-day extension, as opposed to this potential three-day extension.

To improve the speed at which mail-in ballots are counted, some counties are investing in new equipment. Bucks County, for example, is planning to buy two on-demand ballot printers, six ballot scanners, and four machines that extract ballots from envelopes, using some of the $109 million the county received from the CARES Act to respond to COVID-19. Philadelphia County is spending several million dollars to prepare for November. Delaware County, a suburb of Philidelpia, is also spending over $2 million to prepare for the election.

C. In-Person Voting

Leading up to the election, the Pennsylvania Department of State released [guidelines](#) for polling places. These guidelines included:

- Remote poll worker training, including online Q&A sessions and pre-recorded videos
- PPE for poll workers, such as gloves and masks
- Physically marking out spaces for voters to stand in line and vote at a safe distance
- Posting poll workers as "greeters" to explain social-distancing protocols
- Making hand sanitizer available on entry and exit from polling places
- Maintenance of separate check-in and polling areas for "consolidated" precincts in which voters from multiple precincts share the same polling place

The Department of State allowed for large [reductions](#) in poll workers and polling places for the June 2 primary. It also required polling places to have a minimum of five poll workers per polling place. Many counties, such as Philadelphia County, Allegheny County, Delaware County, and Montgomery County [closed over half](#) of all their polling places. Allegheny County closed about [85%](#) of its polling places, and Philadelphia County closed about [75%](#) of its polling places. Together these measures enabled polling places to maintain sufficient staffing levels. Poll workers were required to wear masks, but voters were not. Philadelphia County had trouble enforcing [social distancing](#), in no small part because several voting machines were "crammed together."

In the wake of COVID, Philadelphia and its adjoining counties are trying to [innovate](#) in order to create an accessible election this November. These counties all plan to host early voting [satellite elections offices](#) where voters can request and then submit a mail-in ballot on the spot. The goal is to not only streamline the voting process for the voters, but to also reduce lines and congestion at the polls.

However, some lingering problems make it difficult to keep polling places efficient and operational come November. Many counties in Pennsylvania are suffering from severe [poll worker shortages](#). Because of COVID, many poll workers, a majority of whom are over 60 historically, have declined to participate this election cycle. This problem is exacerbated because [Pennsylvania law](#) requires poll workers to reside in the precinct in which they work. This may also increase the time it will take to tabulate results because poll workers also help count [mail-in ballots](#), which are expected to increase this cycle. Looking ahead, some counties are concerned about [poll worker shortages](#). For instance, [Allegheny County](#) is thinking about how to staff its polling places and address reports that it was difficult to physically distance at the polls in June.

D. Election Rules in Flux

At the last minute before the primary, Governor Wolf issued an [executive order](#) extending the deadline to receive ballots in six counties. Although this was implemented the day before the election, it does not appear to have caused voter confusion.

Changes to the state's election rules, however, may change before the November election. In early August, the DoS released a retrospective report on the June 2nd primary [recommending changes to the state's election code](#). The report recommended requiring counties to accept mailed ballots postmarked by Election Day and received up to three days after the election, moving up the date for counties to start sending out ballots, filling poll worker vacancies earlier, and allowing poll workers to serve in any district within their county of residence. Although state lawmakers have sounded optimistic in their comments on the proposal, there has been [no progress](#) to implement these legal changes despite the introduction of [SB 1169](#), which would extend the deadline to receive ballots to seven days after the election.

E. Election Funding

Pennsylvania [received](#) $14 million in federal grants from the CARES Act and an additional $15.1 million in election security grants. Pennsylvania officials plan to use the money for improvements on technology and security, post-election audits, worker training and support, voter education, precinct protection measures, and funding to implement a state-wide accessible vote-by-mail option. A recent [report](#) from Secretary of State Kathy Broockvar said that Pennsylvania will also be using some of its stimulus funds to pay for postage on all absentee ballots.

Some counties, like Delaware County and Bucks County, are stepping in to adequately [fund](#) their elections. The Delaware County council recently [approved](#) several election measures that would allocate about $2 million to solve logistical challenges the county has not faced before, including the printing and mailing of mail-in ballots and election technology to stuff mail-in ballots and sort envelopes. Bucks County is using $500,000 of its stimulus funds to purchase [election technology](#), such as an on-demand ballot printer, scanners, and ballot extractors.

State officials, however, do not believe they have enough funding to properly prepare for the general election. According to a [report](#) from the University of Pittsburgh Institute for Cyber Law, Policy and Security, Pennsylvania needs approximately $70 million more to adequately fund this election. Chief election officials have said extra funding is ["absolutely critical"](#) to run this election.

III.   Overall Readiness

Although state and county election officials are making efforts to address the challenges that occurred during Pennsylvania's June election, it is unclear if these changes will be implemented – or if they will be enough to avoid a repeat performance of delayed mail-in ballots and overcrowded polling places. A key issue to watch is whether the deadlines for mail-in ballots to be received is extended by the state legislature or supreme court. Without this extension, it is likely that a large number of mail-in ballots will go uncounted. It is also important that election officials continue working on the logistical challenges associated with an increase in voting-by-mail. To prevent counting delays, election officials may consider investing in equipment, increasing staffing, and lobbying for a policy change to allow ballots to be counted before elections. Adequately staffing polling places, while challenging because of COVID, is necessary for Pennsylvania elections to function properly. The task of preparing for mail-in voting should not be underestimated. In words of Kathy Boockvar, Pennsylvania's Secretary of the Commonwmonweath, "[e]very component piece of the process [of vote by mail] requires more — more dollars, more space, more staffing, more equipment. And earlier timelines."