



January 31, 2020

VIA MAIL, EMAIL, and FAX

**Deborah Olivieri**

Director  
Berks County Office of Election Services  
Berks County Services Center  
633 Court Street, 1st Floor  
Reading, PA 19601  
Phone: 610-478-6490  
Fax: 610-478-6218  
[elections@countycountyofberks.com](mailto:elections@countycountyofberks.com)

Dear Director Olivieri:

On behalf of All Voting is Local, the Lawyers’ Committee for Civil Rights Under Law, the ACLU of Pennsylvania, Protect Democracy, and the Campaign Legal Center, we are writing to voice our concerns regarding the implementation of the new 15 day voter registration deadline created by Act 77 (2019). Shortening Pennsylvania’s voter registration deadline from 30 days to 15 days is an important step to expanding the franchise and ensuring that all eligible Pennsylvanians exercise their fundamental right to vote. We also recognize that the new deadline imposes new burdens on you and other county election officials, and we write to offer our willingness to assist with these efforts however possible.

Pennsylvania law provides that county election officials “shall ensure that an applicant who is a qualified elector is registered to vote in an election” when they have received an application within 15 days of an election. *See* 25 P.S. § 1231(b); Act 77 (2019), § 4. This requirement applies to applications received by county election officials voters who register in person at a PennDOT location or at other voter registration agencies, as well as to applications received through the mail. *Id.* § 1231(b)(4) (identifying scope of applications), § 1325 (defining relevant agencies).

We applaud the Election Service’s efforts to undertake the administrative changes necessary to implement the new voter registration deadline. Ultimately, the Election Services office must process voter registration applications as required by Act 77 and take meaningful steps

to communicate these changes to the public, so that no eligible voter is disenfranchised. Not only do Alabama, Nebraska, and South Dakota have 15 day registration deadlines, but 19 states and the District of Columbia offer registration during the Early Voting period and on Election Day. If large municipalities in those 22 states can make these deadlines work, so can Berks County.

The failure to process voter registration applications completed by eligible voters risks violating not only the express provisions of Act 77 (2019) but also Article VII, Section 1 of the Pennsylvania Constitution, the First and Fourteenth Amendments to the United States Constitution, and Section 2 of the Voting Rights Act of 1965. Pa. Const. art. VII, § 1 (stating that “[e]lections shall be free and equal” and prohibiting any “interfere[ence] to prevent the free exercise of the right of suffrage”); *see also Applewhite v. Commonwealth*, 2014 WL 184988, at \*18-19 (Pa. Commw. Ct. Jan. 17, 2014).

We urge your office to (1) immediately contact the undersigned to identify the steps undertaken to comply with the 15 day registration requirement; (2) take affirmative steps to reach out to other states and jurisdictions that employ 15 day registration deadlines and same-day registration to seek out best practices; (3) take affirmative steps to notify every voter of this deadline change before April 13, 2020 (including by phone, text, email, and mailed correspondence); (4) commit to publicizing the new registration deadline through public service announcements on local radio and news; and (5) work with the undersigned and other local organizations to coordinate for the purpose of ensuring that the Elections Division receive voter registration applications as soon as possible to ensure that no Berks County voters will be disenfranchised in the 2020 elections.

Thank you for your attention and anticipated cooperation,

**Aerion Abney**

Pennsylvania State Director, All Voting is Local  
The Leadership Conference Education Fund  
606 Liberty Avenue, Suite 217  
Pittsburgh, PA 15222  
(267) 809-3717  
[aerion@allvotingislocal.org](mailto:aerion@allvotingislocal.org)

**John Powers**

Counsel  
Lawyers’ Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
Telephone: (202) 662-8389

General Fax: (202) 783-0857  
[jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org)  
[lawyerscommittee.org](http://lawyerscommittee.org)

**Sara Mullen**

Associate Director/Advocacy and Policy Director  
ACLU of Pennsylvania  
P.O. Box 60173  
Philadelphia, PA 19102  
(215) 592-1513  
[smullen@aclupa.org](mailto:smullen@aclupa.org)  
[aclupa.org](http://aclupa.org)

**Jonathan Diaz**

Voting Rights Counsel  
Campaign Legal Center  
1101 14th St. NW, Suite 400  
Washington, DC 20005  
202.868.4758  
[JDiaz@campaignlegalcenter.org](mailto:JDiaz@campaignlegalcenter.org)  
[campaignlegal.org](http://campaignlegal.org)

**Will Gonzalez, Esq.**

Executive Director  
Ceiba  
174 Diamond St  
Philadelphia, PA 19122  
Tel: (215) 634-7245  
Fax: (215) 634-7265  
[ceibaphiladelphia.org](http://ceibaphiladelphia.org)

**Brittany Williams**

Counsel  
The Protect Democracy Project  
2020 Pennsylvania Ave NW #163  
Washington, DC 20006  
(202) 236-7396  
[brittany.williams@protectdemocracy.org](mailto:brittany.williams@protectdemocracy.org)  
[protectdemocracy.org](http://protectdemocracy.org)

CC: **Kathy Boockvar**  
Secretary of the Commonwealth  
302 North Office Building, 401 North Street  
Harrisburg, PA 17120  
Phone: (717) 787-6458  
Fax: (717) 787-1734