



January 31, 2020

VIA MAIL, EMAIL, and FAX

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Philadelphia City Commissioners

Philadelphia, PA 19107

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Dear Honorable Members of the Philadelphia City Commissioners:

On behalf of All Voting is Local, the Lawyers' Committee for Civil Rights Under Law, Ceiba, 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 City Commissioners' efforts to undertake the administrative changes necessary to implement the new voter registration deadline. Ultimately, the City

Commissioners' 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 Philadelphia.

The failure to process voter registration applications means that eligible voters will not be on the registration list at polling places and that they will cast provisional ballots that will be rejected, resulting in disenfranchisement. Already, Philadelphia voters face a substantial likelihood of casting provisional ballots, which should only be used as a last resort. Indeed, in 2018, voters in Philadelphia County (41% Black) were more than five times as likely as voters in Allegheny County (12.7% Black) or Berks County (4% Black) to be given a provisional ballot.

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 in both English and Spanish of this deadline change before April 13, 2020 (including by phone, text, email, and mailed correspondence); (4) commit to publicizing, in both English and Spanish, 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 City Commissioners receive voter registration applications as soon as possible to ensure that no Philadelphia 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

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<sup>1</sup> All Voting is Local, analysis of Pennsylvania provisional ballot rates, October 2019.

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