

April 29, 2020
Via Email Only

The Honorable Kathy Boockvar
Secretary of the Commonwealth
Michael Moser
Director of the Bureau of Election Security and Technology
401 North Street
Harrisburg, PA 17120
c/o Steve Latanishen and Jonathan Marks
Emails: kboockvar@pa.gov, slatanishe@pa.gov, jmarks@pa.gov

RE: Equal Access to Absentee and Mail-In Ballot Applications in the 2020 Election Cycle

Dear Secretary Boockvar and Director Moser,

The undersigned organizations write concerning your ongoing efforts to ensure all voters are able to successfully cast ballots in the upcoming June primary and November general elections in light of challenges created by the COVID-19 pandemic. We commend the efforts of the Department of State and of local officials to safeguard the right to vote while taking other steps necessary to address this serious public health crisis. However, there remain significant barriers to accessing mail-in and absentee ballots for large numbers of voters throughout the Commonwealth. In the spirit of working cooperatively to encourage broader participation in the electoral process, we write to suggest several steps that can be taken to ensure that more Pennsylvania voters are able to access the absentee and mail voting processes in the June primary and November general elections.

I. Making the Online Mail-In Ballot Application Process Accessible to Voters Lacking a PennDOT ID Number

Currently, voters who lack a PennDOT ID number are unable to use the online mail ballot request application (“online form”).¹ This situation imposes a particularly significant burden on voters who currently lack access to a printer or to postage stamps and envelopes or cannot print and mail the PDF version of the paper Mail-In Ballot application (“paper form”) due to the COVID-19 pandemic.² Many Pennsylvanians are also unable to access PennDOT offices due to the pandemic. Voters of color, low-wealth voters, young voters, elderly voters, limited English proficient voters, and disabled voters are likely to be disproportionately affected.

It is our understanding that efforts are already underway to update the online form to allow voters to apply for an Absentee or Mail-In Ballot using their Social Security number, or by

¹ See <https://www.pavoterservices.pa.gov/OnlineAbsenteeApplication/#/OnlineAbsenteeBegin>.

² Available at https://www.votespa.com/Register-to-Vote/Documents/PADOS_mailInapplication.pdf.

indicating that they do not have either a Social Security number or PennDOT ID number. We commend these efforts, while noting that these options are already available on the paper form³ as well as the online voter registration form.⁴ We urge you to complete this update as soon as possible and certainly in time for the start of the absentee and mail-in ballot voting period for the November general election. We also ask that you update the undersigned organizations on your progress in the meantime.

II. Making the Online Mail-In Ballot Application Process Accessible in Spanish Through the Pennsylvania Department of State's Website

The online Mail-In Ballot application process is accessible on the Department of State's website in English only.⁵ While we appreciate the fact that the Department of State's website links to a PDF of a paper Spanish-language Mail-In Ballot application,⁶ we note that the text of the website itself is in English only. This makes the online Mail-In Ballot application option unavailable to many limited English proficient Spanish-speaking voters in Pennsylvania, and makes it practically difficult for these voters to access the PDF version of this application.

This fact is particularly significant because the Philadelphia City Commissioners' website, and the websites of other jurisdictions covered by Section 203 of the Voting Rights Act, 52 U.S.C. § 10503, link to the Department of State's English-only application portal.⁷ We therefore request that you provide a Spanish-language translation of the Department of State's Absentee and Mail-In Ballot Application online portal and website. In the meantime, we encourage all local election offices to continue linking to the portal, while noting that the rights of voters educated in Spanish-speaking school in Puerto Rico are also protected under Section 4(e) of the Voting Rights Act, 52 U.S.C. § 10303(e).

We also suggest that the Department of State consider providing election materials on its website in Chinese, Vietnamese, and other languages commonly spoken at home in Pennsylvania. Taking this action would send the important and salutary message that reaching these voters is a priority of the Department of State.

³ *See id.*

⁴ *See* <https://www.pavoterservices.pa.gov/Pages/VoterRegistrationApplication.aspx>.

⁵ *See* Note 1, *supra*.

⁶ *Available at* https://www.votespa.com/Register-to-Vote/Documents/PADOS_MailInApplication_Spanish.pdf

⁷ *See* https://www.philadelphiavotes.com/index.php?option=com_k2&view=item&id=1789; *see also* 52 U.S.C. § 10503(c) (“Whenever any State or political subdivision subject to... this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”).

III. Updating the Department of State Website and Informing Pennsylvanians of All Options for Requesting Absentee and Mail-In Ballot Applications

Simple steps can be taken immediately to ensure that more voters avail themselves of the absentee and mail-in voting processes for the upcoming June primary and beyond. Specifically, we recommend that the Department of State update the PA Voter Services ballot request application website⁸ to make clear that, in addition to filling out the online form or printing and mailing the paper form, voters may (1) request that a paper form be mailed to them by calling or emailing their local election officials or the Department of State, or (2) apply for a Mail-In Ballot by writing all of the information requested on the paper form by hand on a piece of paper and mailing it to their local election official.

While these alternative application processes are already available to voters under Pennsylvania law, many voters do not know about these options and will be unable to use them. Furthermore, without specific additional guidance from the Department of State, local election officials may not know that these processes are required to be provided to all voters.

IV. Making Sure That Jurisdictions Mailing Paper Absentee and Mail-In Ballot Applications and Absentee Ballots to Voters Include Pre-Paid Return Envelopes

To address the aforementioned problems faced by voters who lack access to stamps and envelopes, we also request that jurisdictions mailing paper absentee and mail-in ballot applications and absentee ballots include pre-paid return envelopes.

V. Next Steps

Given the unique challenges created by the COVID-19 pandemic, we ask that the Department of State do everything in its power, in a timely manner, to enable people without PennDOT ID or printers to apply for Mail-In Ballots with a Social Security Number and a digital signature, make the online Mail-In Ballot application process accessible to LEP Spanish-speaking voters, make other changes to the website to inform voters of their options for applying for absentee and mail-in ballots, and ask jurisdictions to include pre-paid return envelopes when mailing paper Absentee and Mail-In Ballot applications and Absentee Ballots to voters. We also ask that you update local election officials about these changes and publicize them through social media and a news release issued to media outlets, including Spanish-language media outlets.

We look forward to working with you to ensure that all eligible Pennsylvania voters enjoy equal access to the absentee and mail-in voting processes in upcoming elections.

Thank you for your attention to and consideration of this matter.

⁸ See Note 1, *supra*.

Sincerely,

Lawyers' Committee for Civil Rights Under Law

All Voting Is Local

Alliance for Philadelphia Public Schools

Black Lives Matter At School

Business for America

Caucus of Working Educators

Ceiba

The Civics Center

Fair Elections Center

League of Women Voters Erie County Chapter

Melanated Educators

NALEO Educational Fund

Philadelphia Higher Education Network for Neighborhood Development

Philly Youth Vote

Protect Our Vote Philly

Rush Votes Team

Teacher Action Group Philadelphia

Youth Empowerment and Studies Program

Youth United for Change