



July 26, 2021

Commissioner-At-Large Bob Elbich  
17 South Seventh Street  
Allentown, PA 18101-2400

Commissioner-At-Large Dave Harrington  
17 South Seventh Street  
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Commissioner-At Large Dan Hartzell  
17 South Seventh Street  
Allentown, PA 18101-2400

Commissioner-At\_Large Zakiya Smalls  
17 South Seventh Street  
Allentown, PA. 18101-2400

Re: Supporting Efforts to Address Provisional Ballot Issue in Lehigh County

Commissioners Elbich, Harrington, Hartzell, and Smalls,

On behalf of a coalition of voting rights organizations working with cities and counties across Pennsylvania to protect the right to vote, we are writing to share our concerns about the increase in provisional ballots in Lehigh County in 2020 and to offer our support to help address this issue ahead of future elections.

First, we greatly appreciate the hard work performed by you and other election officials during a historically challenging set of circumstances in the 2020 election, and we applaud the overall high voter turnout witnessed in Lehigh County. **An issue we're concerned about is the high increase in voters who cast ballots provisionally after they requested to vote by mail.** Out of the 105,000 voters who successfully cast provisional ballots in Pennsylvania, over 83,000 of them requested to vote by mail in the days and weeks leading up to the election. This is an unfortunate duplication of effort, both for voters and for election officials processing ballots. We understand that this was an issue for your county, as it was for most counties throughout the Commonwealth.

**More specifically, we are concerned by the inconsistent manner in which provisional ballots were cast across Lehigh County precincts.** According to our data, 31 precincts had high levels of provisional ballots for voters who did not return their mail-in ballots (at least 25% of those votes cast).

Yet, among this category of voters in 37 different precincts, we found low turnout (below 40%) *and* low rates of spoiled ballots (below 40%). In other words, we fear that in these precincts, even if the comparative rate of provisional ballots was not high, voters may not have been given the opportunity to spoil their mail ballot and vote regularly.

As you know, failure to receive a regular ballot at a polling location causes voter confusion, adds an additional step in the voting process, and works to discourage voters from voting in the future. In fact, experts have long warned that high rates of provisional ballots can lead to [polling place congestion, longer lines, and delays](#). Some provisional ballots are to be expected, but spikes in the casting of these ballots are often symptomatic of a larger problem. And we know that increases in provisional ballots require greater capacity to process and count at the county level. While it is reasonable to consider why so many voters requested to vote by mail and did not do so, it is in our shared interest to improve the process and increase the ratio of regular to provisional ballots.

We are well aware of the administrative strain the pandemic placed on you and your colleagues. We are also well aware that, due to [Act 77](#) and the COVID-19 pandemic, widespread use of the vote-by-mail option was new to Pennsylvania voters and election administrators in the 2020 election, and that new laws and rules often need periods of adjustment.

That said, we know you share our goal of maximizing voter participation in ways that are efficient for voters as well as election administrators. With that in mind, we offer the following recommendations and support as you prepare for future elections:

**Bolster poll worker training materials on provisional ballot distribution:**

Every effort should be made to provide registered voters with a regular ballot at their polling location. We believe this requires enhanced training for poll workers on the subject so that they are confident and equipped with the knowledge to help voters get a regular ballot quickly. Specifically, we recommend that the county create a teaching tool for poll worker training focused on when to use provisional ballots and what the process is for relinquishing an unmarked vote-by-mail ballot to a poll worker in order to vote normally, including a printable reference guide for use on election day at in-person polling places.

**Expand outreach and communication about the vote-by-mail process:**

The effective spread of good election information, as you know, is critical to ensuring the right to vote. We recommend that you increase outreach and communication efforts about the vote-by-mail process so that voters are better informed about deadlines and requirements. These efforts can and should take the form of digital and mail notifications, public service announcements, or op-ed articles. Additionally, we recommend that you conduct a targeted education campaign to every voter who cast a provisional ballot after requesting a mail-in ballot in 2020 and notify them of vote-by-mail rules. We strongly believe that directly contacting these voters will have a positive effect on their voting behavior in the future. Furthermore, we recommend that in future election cycles, you send reminders ahead of the vote-by-mail period to voters who requested mail ballots that they will receive them soon.

**Improve voting systems around provisional ballots:**

Voting systems must always be efficient and friendly to the voter. At polling locations, voters should be given straightforward instructions, and poll workers should have easily accessible options to solve problems and to track information regarding these problems. For example, many counties across the

country have set up direct call lines on Election Day for poll workers to call county officials to verify voter information, or have implemented an easy-to-use data system that allows both poll workers and county officials to immediately update voting activity. To the extent feasible under Pennsylvania state law, we recommend that you implement a system in which poll workers can run through a series of clear “troubleshooting” steps that work to maximize the opportunity for voters to receive a regular ballot, if it appears to the poll worker that the voter may be required to vote provisionally. Additionally, we recommend that you implement a system to track the reasons why each voter is being issued a provisional ballot instead of a regular ballot, so that there is good data on which to continuously improve voter-facing processes in the future.

We are available to discuss any and all of these recommendations, and welcome the opportunity to assist with any changes. We will soon be releasing a toolkit and materials to help address this provisional ballot issue and we look forward to sharing those with you.

We appreciate your consideration of these ideas to help all voters in your county vote. If you have any questions, please contact Scott Seeborg at [scott@allvotingislocal.org](mailto:scott@allvotingislocal.org).

Sincerely,

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