



October 21, 2024

Joshua G. Parsons, Chairman
Ray D'Agostino, Vice-Chairman
Alice Yoder, Commissioner
Lancaster County Commissioners and Voter Registration Commission, *ex officio*
Office of the County Commissioners
150 N. Queen St., Seventh Floor, Suite 715
Lancaster, PA 17603

Via email only (to parsons@lancastercountypa.gov, rdagostino@lancastercountypa.gov, aiyoder@lancastercountypa.gov)

Re: Voter registration

Dear Commissioners Parsons, D'Agostino and Yoder:

The Department has been made aware of some troubling reports that the Lancaster County elections office has been non-compliant with state and federal law regarding two important processes in exercising the franchise: registering to vote, and requesting a mail-in ballot or absentee ballot ("mail ballot") in-person at a county elections office ("on-demand requests"). Specifically, in several conversations with the Department in recent days and in public statements, the county has incorrectly stated that an otherwise qualified citizen may not register to vote unless they have cancelled their prior registration in another jurisdiction. This is an inaccurate description of Pennsylvania law, and this situation demands your immediate attention to correct the misconception you have created.

Voter registration non-compliance. As you should be aware, individuals who are at least 18 years of age by the date of the next election, are United States citizens for at least one month before the election, and have resided in the Commonwealth and election district where the individual offers to vote for at least 30 days before the next election are qualified to register in Pennsylvania. 25 Pa.C.S. § 1301. Students attending a college or university in Pennsylvania are permitted to register in Pennsylvania if these criteria are met. 4 Pa. Code § 183.3(a)(4).

Under Pennsylvania law, upon receiving a voter registration application, the county registration commission must examine and make a decision—affirmative or negative—on registration applications. 25 Pa.C.S. § 1328. All applications must be processed. *Id.* Further, any rejection must be made no later than ten days before the next election, and the county must record the reason for the rejection and notify the applicant by first class mail. *Id.* 1328(b)(2). Applications may not be left in pending status indefinitely, which is essentially equivalent to a rejection—but which deprives applicants of the right to appeal a rejection under 25 P.S. § 3072.

Further, double voting is illegal, and the Department takes any allegations that it is occurring, or has occurred, very seriously. As a matter of sound administration, the Department encourages all voters to cancel registrations in states where they will no longer vote. Yet, nothing in Pennsylvania law allows a county to deny any individual qualified to vote in Pennsylvania their right to do so because that person may not have cancelled a prior voter registration, nor to impose conditions on the registration of qualified voters. Notwithstanding the requirements of Pennsylvania law, we have received reports that registration applicants, particularly college students, have been refused registration unless they have a Pennsylvania driver's license and unless they can prove they have cancelled any voter registration in another state prior to registering in Pennsylvania. Neither of these purported reasons for denial are supported by Pennsylvania law. Worse yet, the Department has reason to believe that a significant portion of the applications, including applications received in September and early October, had not been entered into SURE until today, that the reason for rejection had therefore not been recorded, and that no correspondence to the voter had been sent. The information thus received by the Department indicates that not only had voters been improperly denied their registration, but also deprived of a key procedure for challenging that erroneous decision that is required by law.

Mail ballot application non-compliance. As you should be additionally aware, registered voters are entitled to apply for a mail ballot in person at a county elections office or other designated location, and the county board of elections must "promptly" supply the voter with a ballot and cannot deny the request absent a "bona fide objection" to the mail ballot applications. 25 P.S. § 3146.5(b)(2). Voters applying for a mail ballot need only provide a Pennsylvania driver's license number or, lacking that, the last four digits of their Social Security Number ("SSN") in order to verify their identity on a mail ballot application. 25 P.S. §§ 2602 (z.5)(3); 3146.2b(c); 3150.12b(a). Only where the voter is unable to provide either of these two numbers may the county elections board require the voter to provide additional identification. *Id.*

The Department understands that staff members of the Lancaster County Board of Elections may have improperly imposed barriers with respect to on-demand requests in violation of these laws. Specifically, the Department has received reports that individuals presenting at the elections office to register to vote and request a mail ballot were asked to show photo identification and were denied their requests when the individual was unable to present identification issued by Pennsylvania. For example, one voter who had successfully registered to vote in Pennsylvania in the fall of 2022 and voted in the 2022 election and the 2024 primary election inexplicably had his registration placed in "On-Hold" status after he requested a mail-in ballot in person at the elections office and provided his SSN. Records in SURE indicate that his provided SSN was verified by the county, and that his on-demand request was initially approved, but that the county cancelled this request after the voter was asked to show an *additional* form of ID – a requirement not contemplated by Pennsylvania law. *See* 25 P.S. §§ 2602 (z.5)(3). The denial of the mail ballot therefore lacked a "bona fide objection," and was in violation of Pennsylvania law. *See* 25 P.S. § 3146.5(b)(2). The further change of this particular voter's record to a "On-Hold" status was also without any basis under law and effectively operated as a rejection for purposes of voter registration and voting.

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The Department demands that you immediately investigate these matters and compel the elections office to properly adjudicate all registration applications in compliance with Pennsylvania law, as well as to reinstate all registrations which have been erroneously placed on hold. Further, pursuant to the Secretary's authority under 25 Pa.C.S. § 1803(b), please provide a scan of every paper voter registration application that has not been adjudicated or entered into the SURE system that the county has received from September 1 – October 22, 2024. And to ensure that every voter who may have been impacted by these erroneous decisions is permitted to exercise their right to vote, we ask that you provide a report on how you plan to address all potentially impacted applicants, including through direct contacts and plans for provisional voting as appropriate.

Please note that Pennsylvania law prohibits a registrar, commissioner or clerk from refusing to register a qualified elector lawfully entitled to be registered without reasonable cause and imposes criminal penalties for such conduct. 25 Pa.C.S. § 1702; *see also* 25 P.S. § 3548 (failure to perform duty under Election Code). Given that today is the voter registration deadline, please provide an oral report on the county's plans immediately. Please also provide a response in writing by October 24, 2024.

Sincerely,



Al Schmidt

Cc: Christa L. Miller, Chief Registrar/Chief Clerk of Elections (mchrista@lanastercountypa.gov)
Jacquelyn E. Pfursich, Esq. (JEPfursich@lanastercountypa.gov)