



Vote-By-Mail Reforms

Counties take their responsibility for the fair, secure, and accurate administration of Pennsylvania's elections very seriously and need clear rules that enable consistent implementation across the commonwealth. The ongoing lack of clarity around provisions of Act 77 of 2019, the statute that expanded mail-in ballots, continues to create challenges for county election administration. This priority is especially urgent with the recent surge in "on-demand" requests of mail-in ballots during the 2024 General Election that inundated county staff and resources. In addition, pre-canvassing and unrealistic mail-in ballot application deadlines continue to remain important to all counties.

Since the enactment of Act 77 of 2019, counties have identified areas of the Election Code that need to be addressed and clarified in the wake of multiple court decisions and appeals to help counties meet their responsibilities for election administration and to provide efficient and accurate results. While technology improvements and more experienced county election operations led to faster counting by counties during the 2024 Presidential Election, pre-canvassing and unrealistic mail-in ballot application deadlines remain two of the most important changes that would significantly improve the election experience for both counties and voters, without sacrificing ballot security or access to voting.

Furthermore, 2024 saw an increase in voters using on-demand, in-person mail-in voting in the weeks leading up to Election Day. This led to a number of counties experiencing a significant influx of voters waiting in line to request, fill out, and return mail in ballots in one visit. Running what was effectively a third election, counties experienced significant delays and challenges due to the confusion this process caused and created additional stresses on county election administrators and staff while trying to prepare for Election Day. Counties need the support of the legislature and administration to update these and other key areas of the Election Code so that counties have clear rules ensure the public remains confident in the integrity of our elections.

THE FACTS

- Since its enactment in 2019, Act 77 remains unclear, or in some cases silent, on how counties should address certain situations, such as what to do with naked ballots and whether voters should be contacted and permitted to cure defects with their mail-in ballot. Procedures for handling and processing un/misdated ballots have also become a point of great legal debate.
- The lack of clarity resulting from Act 77 continues to create new challenges for counties, including the influx of voters across the commonwealth engaging in on-demand, in-person mail-in voting during the 2024 General Election, placing additional stress on county election offices and staff that worked to remain in compliance with the Election Code despite the unclear rules for these situations.
- Changing court decisions, in addition to the statutory language or lack thereof, have led to a situation where counties have struggled to implement the law consistently.
- Giving counties the ability to pre-canvass will help with managing workloads on Election Day, particularly in a busy presidential year, where timely results will be anticipated given the high level of attention that will be paid to Pennsylvania on election night and beyond.
- Mail-in ballot deadlines, including the application window, create timing challenges with the postal service and within county election offices. Further clarification and extension of timelines will benefit voters by providing more time for the ballot to be able to get from the county to the voter and back again through the mail, creating less uncertainty over whether ballots were received by 8 p.m. election night.

COUNTIES SUPPORT

- Resolving ambiguities and gaps in the Election Code for which counties need clarity and uniformity, including provisions related to the law on counties' authority to use drop boxes for mail-in ballots as well as clear and concise guidelines for curing ballot defects and third parties sending in mail-in ballot applications.
- Extending the pre-canvassing period to allow ample time for counties to prepare mail-in and absentee ballots for tabulation so that accurate results can be provided as soon as possible.
- Moving back the deadline for absentee and mail-in ballot applications to 15 days prior to an election, so that voters can be confident there is plenty of time for their county to process the application and for the ballot to be mailed from the county to voter and back again.
- Ensuring any changes to Act 77 or the Election Code are enacted and allow enough time for implementation well before the next regularly scheduled election.
- Ensuring that counties are involved in discussions on any election law reforms at the earliest possible point, to create positive, meaningful, and effective election policy moving forward.

THE BIG PICTURE

Achieving this priority would give counties the tools they need to continue to run fair, secure, and accurate elections while restoring public trust in the election system.