

**IN THE SUPREME COURT OF PENNSYLVANIA**

JACQUELYN CRAMER,

Petitioner,

v.

No.

KATHY BOOCKVAR, IN HER  
CAPACITY AS ACTING SECRETARY  
OF THE COMMONWEALTH OF  
PENNSYLVANIA; AND JESSICA  
MATHIS, IN HER CAPACITY AS  
DIRECTOR OF THE BUREAU OF  
ELECTION SERVICES AND NOTARIES  
OF THE PENNSYLVANIA  
DEPARTMENT OF STATE,

Respondents.

**DECLARATION OF DAVID NEWMANN**

I, David Newmann, hereby declare and state as follows:

1. I am an attorney employed by the law firm of Hogan Lovells US LLP, counsel for Petitioner, Jacquelyn Cramer, in the above-captioned matter. I make this declaration based on personal knowledge of the matters stated herein.

1. Attached hereto as Exhibit A is a true and correct copy of the Complaint For Emergency Declaratory and Injunctive Relief.

2. Attached hereto as Exhibit B is a true and correct copy of the Letter from United States Postal Service to Secretary of the Commonwealth of Pennsylvania, dated July 29, 2020.

3. Attached hereto as Exhibit C is a true and correct copy of COVID-19 Data Tracker of the United States COVID-19 Cases and Deaths by State published by the Centers for Disease Control and Prevention, last visited on August 31, 2020, and available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

4. Attached hereto as Exhibit D is a true and correct copy of the *COVID-19 Data for Pennsylvania* by the Pennsylvania Department of Health, last visited on August 31, 2020, and available at <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx>.

5. Attached hereto as Exhibit E is a true and correct copy of the *Weekly Report for Deaths Attributed to COVID-19* by the Pennsylvania Department of Health, issued on August 28, 2020, and available at <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/COVID-19%20Death%20Reports/Weekly%20Report%20of%20Deaths%20Attributed%20to%20COVID-19%20--%202020-08-28.pdf>.

6. Attached hereto as Exhibit F is a true and correct copy of *People with Certain Medical Conditions* published by the CDC, last updated on August 14, 2020, and available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

7. Attached hereto as Exhibit G is a true and correct copy of *How does coronavirus kill? Clinicians trace a ferocious rampage through the body, from brain to toes* by Meredith Wadman et al., dated April 17, 2020, and available at <https://www.sciencemag.org/news/2020/04/how-does-coronavirus-kill-clinicians-trace-ferocious-rampage-through-body-brain-toes>.

8. Attached hereto as Exhibit H is a true and correct copy of *Why is COVID-19 Coronavirus Causing Strokes in Young And Middle-Aged People?* by Robert Glatter, M.D., dated April 27, 2020, and available at <https://www.forbes.com/sites/robertglatter/2020/04/27/why-is-covid-19-coronavirus-causing-strokes-in-young-and-middle-aged-people/>.

9. Attached hereto as Exhibit I is a true and correct copy of *New Inflammatory Condition in Children Probably Linked to Coronavirus, Study Finds* by Pam Belluck, last updated on May 21, 2020, and available at <https://www.nytimes.com/2020/05/13/health/coronavirus-children-kawasaki-pmis.html>.

10. Attached hereto as Exhibit J is a true and correct copy of *CDC on Homemade Masks* published by the CDC, last updated on July 6, 2020, and available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.

11. Attached hereto as Exhibit K is a true and correct copy of *How to Wear Masks* by the CDC, last updated on August 7, 2020, and available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>.

12. Attached hereto as Exhibit L is a true and correct copy of *How It Spreads* by the CDC, last updated on June 16, 2020, and available at <https://www.cdc.gov/coronavirus/2019-ncov/prepare/transmission.html>.

13. Attached hereto as Exhibit M is a true and correct copy of *The emerging long-term complications of Covid-19, explained* by Lois Parshley, dated June 12, 2020, and available at <https://www.vox.com/2020/5/8/21251899/coronavirus-long-term-effects-symptoms>.

14. Attached hereto as Exhibit N is a true and correct copy of *What does high voter turnout tell us about the 2020 elections?* by William A. Galston, dated November 20, 2019, and available at <https://www.brookings.edu/blog/fixgov/2019/11/20/what-does-high-voter-turnout-tell-us-about-the-2020-elections/>.



15. Attached hereto as Exhibit O is a true and correct copy of *Preparing for a Voter Surge* by Susan Milligan, dated September 20, 2019, and available at <https://www.usnews.com/news/elections/articles/2019-09-20/experts-predict-huge-turnout-in-2020>.

16. Attached hereto as Exhibit P is a true and correct copy *Huge Turnout Is Expected in 2020. So Which Party Would Benefit?* by Nate Cohn, dated July 15, 2019, and available at <https://www.nytimes.com/2019/07/15/upshot/2020-election-turnout-analysis.html>.

17. Attached hereto as Exhibit Q is a true and correct copy of *Brace for a Voter-Turnout Tsunami* by Ronald Brownstein, dated June 13, 2019, and available at <https://www.theatlantic.com/politics/archive/2019/06/2020-election-voter-turnout-could-be-record-breaking/591607/>.

18. Attached hereto as Exhibit R is a true and correct copy of *Election 2020: A once-in-a-century, massive turnout?* by William A. Galston, dated Aug. 14, 2020, and available at <https://www.brookings.edu/blog/fixgov/2020/08/14/election-2020-a-once-in-a-century-massive-turnout/>.

19. Attached hereto as Exhibit S is a true and correct copy of *Considerations for Election Polling Locations and Voters* by the CDC, last visited on August 23, 2020, and available at <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

20. Attached hereto as Exhibit T is a true and correct copy of Press Release, *Gov. Wolf Encourages Voters to Apply for a Mail-in Ballot*, dated April 22, 2020, and available at <https://www.governor.pa.gov/newsroom/gov-wolf-encourages-voters-to-apply-for-a-mail-in-ballot/>.

21. Attached hereto as Exhibit U is a true and correct copy of the Proclamation of Disaster Emergency by the Commonwealth of Pennsylvania by the Office of the Governor of the Commonwealth of Pennsylvania, dated March 6, 2020, and available at <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200306-COVID19-Digital-Proclamation.pdf>.

22. Attached hereto as Exhibit V is a true and correct copy of the Order of the Governor of the Commonwealth of Pennsylvania Regarding the Closure of All Business that are not Life Sustaining by the Office of the Governor of the Commonwealth of Pennsylvania, dated March 19, 2020, and available at <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200319-TWW-COVID-19-business-closure-order.pdf>.

23. Attached hereto as Exhibit W is a true and correct copy of the *Session of 2020, 204th of the General Assembly* by Commonwealth of Pennsylvania Legislative Journal, dated March 25, 2020, and available at <https://www.legis.state.pa.us/WU01/LI/SJ/2020/0/Sj20200325.pdf#page=11>.

24. Attached hereto as Exhibit X is a true and correct copy of *Bill delaying Pennsylvania primary to June 2 heads to Gov. Wolf's desk* by Jan Murphy, dated March 25, 2020, and available at <https://www.pennlive.com/news/2020/03/postponement-of-pa-primary-to-june-2-wins-legislative-approval.html>.

25. Attached hereto as Exhibit Y is a true and correct copy of the Order of the Governor of the Commonwealth of Pennsylvania for Individuals to Stay at Home, by the Office of the Governor of the Commonwealth of Pennsylvania, dated April 1, 2020, and available at <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200401-GOV-Statewide-Stay-at-Home-Order.pdf>.

26. Attached hereto as Exhibit Z is a true and correct copy of the Amendment to the Order of the Governor of the Commonwealth of Pennsylvania for Individuals to Stay at Home by the Office of the Governor of the Commonwealth of Pennsylvania, dated May 7, 2020, and available at <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200507-TWW-Stay-at-Home-Order-Amendment.pdf>.

27. Attached hereto as Exhibit AA is a true and correct copy of *Pennsylvania's mail ballot problems kept tens of thousands from voting in a pandemic primary* by Jonathan Lai Phila. Inquirer, dated July 30, 2020, and available

at <https://www.inquirer.com/politics/election/pa-mail-ballot-deadlines-disenfranchisement-20200730.html>.

28. Attached hereto as Exhibit AB is a true and correct copy of *The postal service has been removing machines from Pennsylvania sorting facilities. How is that affecting the state's election planning?* by Emily Previti, dated August 21, 2020, and available at <https://www.witf.org/2020/08/21/the-postal-service-has-been-removing-machines-from-pennsylvania-sorting-facilities-how-is-that-affecting-the-states-election-planning>.

29. Attached hereto as Exhibit AC is a true and correct copy of *Postal Service warns 46 states their voters could be disenfranchised by delayed mail-in ballots* by Erin Cox et al., dated August 14, 2020, and available at [https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381\\_story.html](https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html).

30. Attached hereto as Exhibit AD is a true and correct copy of the Service Performance Measurement: PMG Briefing by the U.S. Postal Service, dated August 12, 2020, and available at [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing\\_Service%20Performance%20Management\\_08\\_12\\_2020.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing_Service%20Performance%20Management_08_12_2020.pdf).

31. Attached hereto as Exhibit AE is a true and correct copy of *Voting by Mail-in or Absentee Ballot* published by Votes PA, last visited on August 27, 2020,

and available at <https://www.votespa.com/Voting-in-PA/Pages/Mail-and-Absentee-Ballot.aspx>.

32. Attached hereto as Exhibit AF is a true and correct copy of *Philly will have way fewer polling places for next month's primary because of coronavirus. Find yours here* by Jonathan Lai, dated May 12, 2020, and available at <https://www.inquirer.com/politics/election/philadelphia-new-polling-places-2020-primary-20200512.html>.

33. Attached hereto as Exhibit AG is a true and correct copy of *What we're watching for in Tuesday's unprecedented Pennsylvania primary election* by Jonathan Tamari & Jonathan Lai, dated June 2, 2020, and available at <https://www.inquirer.com/news/pa-primary-2020-what-to-watch-20200602.html>.

34. Attached hereto as Exhibit AH is a true and correct copy of *'Swing County, USA' Prepares For Unprecedented Influx Of Ballots By Mail* by Andrea Hsu et al., dated July 21, 2020, and available at <https://www.npr.org/2020/07/21/893115504/swing-county-u-s-a-prepares-for-unprecedented-influx-of-ballots-by-mail>.

35. Attached hereto as Exhibit AI is a true and correct copy of *Some Counting Continues, a Week After Pennsylvania's Primary* by Mark Scolforo, dated June 9, 2020, and available at <https://www.usnews.com/news/best->

states/pennsylvania/articles/2020-06-09/some-counting-continues-a-week-after-pennsylvanias-primary.

36. Attached hereto as Exhibit AJ is a true and correct copy of *Pandemic Forces Pennsylvania Elections Officials To Consolidate Polling Sites By 75% For Primary* by Alecia Reid, dated May 13, 2020, and available at <https://philadelphia.cbslocal.com/2020/05/13/pandemic-forces-philadelphia-elections-officials-to-consolidate-polling-sites-by-75-for-primary>.

37. Attached hereto as Exhibit AK is a true and correct copy of the Letter from Mike Turzai, Jason Orititay, Bob Brooks, Michal Puskaric, Natalie Mihalek and Lori Mizgorski to Kathryn Boockvar, dated May 21, 2020, and available at <http://www.pahousegop.com/Display/SiteFiles/1/2020/allegHENYPOLL.pdf>.

38. Attached hereto as Exhibit AL is a true and correct copy of *Tens of thousands of Pennsylvania mail ballots were turned in after the deadline. November could be worse* by Jonathan Lai, dated June 10, 2020, and available at <https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>.

39. Attached hereto as Exhibit AM is a true and correct copy of the Supplemental Declaration of Jonathan Marks, Deputy Secretary for Elections and Commissions for Pennsylvania, *Crossey v. Boockvar*, No. 266 MD 2020 (Pa.

Commw. Ct. May 22, 2020), available at <http://www.pacourts.us/assets/files/page-1305/file-9375.pdf>, Ex. C.

40. Attached hereto as Exhibit AN is a true and correct copy of Pennsylvania 2020 Primary Election: Act 35 of 2020 Report by the Pennsylvania Department of State, dated August 1, 2020, and available at <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

41. Attached hereto as Exhibit AO is a true and correct copy of the County Election Official Notes for Senate Hearing by the Senate of Pennsylvania, dated April 30, 2020, and available at <https://stategovernment.pasenategop.com/wp-content/uploads/sites/30/2020/04/tioga-county.pdf>.

42. Attached hereto as Exhibit AP is a true and correct copy of the Declaration of Karley Sisler, Director of the Office of Voter Services for Montgomery County, *Crossey v. Boockvar*, No. 266 MD 2020 (Pa. Commw. Ct. May 6, 2020), available at [https://moritzlaw.osu.edu/electionlaw/litigation/documents/Crossey\\_Boockvar\\_3.pdf](https://moritzlaw.osu.edu/electionlaw/litigation/documents/Crossey_Boockvar_3.pdf).

43. Attached hereto as Exhibit AQ is a true and correct copy of *Montgomery Cnty. sent 2,000 Pa. voters the wrong ballots for next week's primary* by Jonathan Lai, dated May 26, 2020, and available at

<https://www.inquirer.com/politics/election/montgomery-county-pa-wrong-primary-ballots-20200526.html>.

44. Attached hereto as Exhibit AR is a true and correct copy of *2020 Primary Election Mail Ballot Requests* published by OpenDataPA, last updated on August 3, 2020, and available at <https://data.pa.gov/Government-Efficiency-Citizen-Engagement/2020-Primary-Election-Mail-Ballot-Requests-Departm/853w-ecfz/>.

45. Attached hereto as Exhibit AS is a true and correct copy of Executive Order 2020-02: Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties of the Commonwealth of Pennsylvania Governor's Office, dated June 1, 2020, and available at <https://www.governor.pa.gov/wp-content/uploads/2020/06/20200601-EO-Deadline-Extention.pdf>.

46. Attached hereto as Exhibit AT is a true and correct copy of the Emergency Petition, *In re: Extension of Time for Absentee and Mail-in Ballots to be Received by Mail and Counted in the 2020 Primary Election*, No. CV-2020-003416 (Delaware Cnty. Ct. C.P. 2020), available at <https://www.delcopa.gov/electionsbureau/pdfs/2020/BOEPetitionforExtension.pdf>.

47. Attached hereto as Exhibit AU is a true and correct copy of *Courts extend Pennsylvania mail ballot deadlines in Bucks and Delaware Counties* by Jonathan Lai, dated June 2, 2020, and available at



<https://www.inquirer.com/politics/election/bucks-delaware-county-mail-ballot-deadlines-extended-20200602.html>.

48. Attached hereto as Exhibit AV is a true and correct copy of the Order, *In Re: Extension of Time*, at 2-3 (Delaware Cnty. Ct. C.P. (June 2, 2020)), available at <http://www.pacourts.us/assets/files/page-1305/file-9439.pdf>.

49. Attached hereto as Exhibit AW is a true and correct copy of *As More Americans Prepare To Vote By Mail, Postal Serv. Faces Big Challenges* by Brian Naylor, dated May 30, 2020, and available at <https://www.npr.org/2020/05/30/865258362/as-more-americans-prepare-to-vote-by-mail-postal-service-faces-big-challenges>.

50. Attached hereto as Exhibit AX is a true and correct copy of *Reports emerge of completed mail-in ballots being returned to voters instead of delivered to Allegheny County elections office* by Juliette Rihl, dated June 1, 2020, and available at <https://www.publicsource.org/reports-emerge-of-completed-mail-in-ballots-being-returned-to-voters-instead-of-delivered-to-allegheny-county-elections-office/>.

51. Attached hereto as Exhibit AY is a true and correct copy of *Lots of mail ballots and voter enthusiasm for Pennsylvania primary. But results could take days: Live updates* published by the Philadelphia Inquirer, dated June 2, 2020, and

available at <https://www.inquirer.com/politics/election/live/pa-2020-primary-election-philadelphia-live-updates-results-20200602.html>.

52. Attached hereto as Exhibit AZ is a true and correct copy of *Some Counting Continues, a Week After Pennsylvania's Primary* by Mark Scolforo, dated June 9, 2020, and available at <https://why.org/articles/some-counting-continues-a-week-after-pennsylvanias-primary/>.

53. Attached hereto as Exhibit BA is a true and correct copy of the *Official 2020 Voter Registration Statistics by the Department of State of the Commonwealth of Pennsylvania*, dated June 2, 2020, and available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Documents/2020%20Primary%20VR%20Stats%20%20FINAL.pdf>.

54. Attached hereto as Exhibit BB is a true and correct copy of the *2016 Presidential Election: Official Returns* by the Commonwealth of Pennsylvania, last visited on August 25, 2020, and available at <https://electionreturns.pa.gov/General/SummaryResults?ElectionID=54&ElectionType=G&IsActive=0>.

55. Attached hereto as Exhibit BC is a true and correct copy of *Fixing Pennsylvania mail-in vote glitches goes down to wire* by Marc Levy, dated August 24, 2020, and available

at <https://www.timesonline.com/story/news/2020/08/24/fixing-pennsylvania-mail-vote-glitches-goes-down-wire/3424779001/>.

56. Attached hereto as Exhibit BD is a true and correct copy of *2020 Primary Mail Ballots Returned %* published by OpenDataPA, last visited on August 25, 2020, and available at <https://data.pa.gov/dataset/2020-Primary-Mail-Ballots-Returned-/m5hb-icht>.

57. Attached hereto as Exhibit BE is a true and correct copy of *Pennsylvania primary election 'went remarkably smoothly' despite many challenges* by Jan Murphy, dated June 3, 2020, and available at <https://www.pennlive.com/news/2020/06/pa-primary-election-went-remarkably-smoothly-despite-many-challenges.html>.

58. Attached hereto as Exhibit BF is a true and correct copy of *Information for Military and Overseas Voters* published by Votes PA, last visited on September 2, 2020, and available at <https://www.votespa.com/Voting-in-PA/Pages/Military-and-Overseas-Voters.aspx>.

59. Attached hereto as Exhibit BG is a true and correct copy of *Pennsylvania implements OmniBallot tool for blind voters in November election* by Madasyn Lee, dated August 30, 2020, and available at <https://triblive.com/news/pennsylvania/state-implements-omniballot-tool-for-blind-voters-in-november-election/>.

60. Attached hereto as Exhibit BH is a true and correct copy of the Affidavit Pick-Up Vote-By-Mail Ballot for a Voter, Form Ds-De 37, of the Florida Department of State, available at <https://dos.myflorida.com/media/701775/dsde37.pdf>.

*/s/ David Newmann*

David Newmann

Executed on September 3, 2020.

I declare under penalty of perjury that the foregoing is a true and correct.

*/s/ David Newmann*

David Newmann

# Exhibit A

David Newmann (Pa. No. 82401)  
Jasmeet K. Ahuja (Pa. No. 322093)  
Robert E. Beecher (Pa. No. 327410)  
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*(additional counsel listed on next page)*

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

JACQUELYN CRAMER,

Petitioner,

v.

No.

KATHY BOOCKVAR, IN HER  
CAPACITY AS SECRETARY OF THE  
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MATHIS, IN HER CAPACITY AS  
DIRECTOR OF THE BUREAU OF  
ELECTION SERVICES AND NOTARIES  
OF THE PENNSYLVANIA  
DEPARTMENT OF STATE,

Respondents.

**NOTICE TO PLEAD**

**TO:**

**Secretary Kathy Boockvar**

Office of the Secretary  
302 North Office Building, 401 North Street  
Harrisburg, PA 17120

**Director Jessica Mathis**

Pennsylvania Department of State  
Bureau of Election Services and Notaries  
210 North Office Building, 401 North Street  
Harrisburg, PA 17120

You are hereby notified to file a written response to the enclosed Complaint within twenty (20) days from service hereof or a judgment may be entered against you.

*/s/ David Newmann*

David Newmann (Pa. No. 82401)  
Jasmeet K. Ahuja (Pa. No. 322093)  
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*Attorneys for Petitioner  
Jacquelyn Cramer*



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JACQUELYN CRAMER,

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No.

KATHY BOOCKVAR, IN HER  
CAPACITY AS SECRETARY OF THE  
COMMONWEALTH OF  
PENNSYLVANIA; JESSICA MATHIS, IN  
HER CAPACITY AS DIRECTOR OF THE  
BUREAU OF ELECTION SERVICES AND  
NOTARIES OF THE PENNSYLVANIA  
DEPARTMENT OF STATE,

Respondents.

**PETITION FOR REVIEW IN THE NATURE OF A COMPLAINT  
FOR EMERGENCY DECLARATORY AND INJUNCTIVE RELIEF**

Petitioner Jacquelyn Cramer files this Petition for Review in the Nature of A Complaint for Emergency and Declaratory Injunctive Relief against Respondents Kathy Boockvar, in her capacity as Acting Secretary of the Commonwealth of

Pennsylvania, and Jessica Mathis, in her capacity as Director of the Bureau of Election Services and Notaries of the Pennsylvania Department of State, states as follows.

### **INTRODUCTION**

1. This lawsuit is about protecting the fundamental right to vote guaranteed by the Pennsylvania Constitution, and ensuring that Pennsylvania voters do not have to choose between exercising that fundamental right and protecting their health. In the context of the Covid-19 pandemic and unprecedented delays in delivery of U.S. mail, failsafe alternatives for expedited delivery of ballots are required to ensure that every eligible voter who requests a mail-in ballot obtains a ballot in time to vote without going to the polls. This relief is necessary and appropriate to permit the citizens of the Commonwealth to vote *safely* for local, state, and national leaders during a pandemic that has required massive disruptions to daily life. Despite efforts to address the pandemic's impact on other aspects of the voting process, no other pending litigation or government proposal addresses how to ensure timely delivery of ballots when, as expected, significant quantities of ballots are not delivered in time, or not delivered at all. This Complaint does.

2. As the November 2020 election approaches, the threat of the Covid-19 pandemic looms over Pennsylvanians' ability to have their voices heard in the

Fall. Epidemiologists and infectious disease experts alike have stated that Covid-19 transmission will continue at the current rate or higher through the Fall. No vaccine or widely available therapeutic treatments have yet been shown to significantly alter the trajectory of the Covid-19 outbreak, and, in any event, no such interventions are expected to be widely available and administered such that they could have a meaningful impact by November 2020. Thus, because Covid-19 transmission will at least be as serious in November 2020 as it is today, relief is necessary to protect the voting rights of eligible Pennsylvanians who, in the context of the ongoing pandemic, will be required to vote by mail or absentee ballot in November.

3. Caused by a novel coronavirus and transmitted by asymptomatic and otherwise-healthy or presymptomatic, Covid-19-positive individuals, as well as the symptomatic, Covid-19 threatens the health of millions of Americans, especially elderly people and those with certain pre-existing medical conditions, many of which, like cancer, obesity, and diabetes, are common. As infections and deaths continue to mount, the fallout from Covid-19 has severely strained health care systems, the economy, and all levels and branches of government.

4. This public health crisis continues to endanger the machinery of our democracy by threatening massive disruptions in election administration in a presidential election year that was already on track for exceptionally high

registration rates and turnout. During the primary season, many states were compelled to take drastic measures to counteract the spread of Covid-19, including postponing elections, which bought some time for state and local election officials' to prepare. Pennsylvania postponed its primary to June 2, 2020, but the unprecedented surge in voting by mail nevertheless strained the systems of ballot preparation and delivery. At least thousands of voters who requested mail or absentee ballots never received these ballots in the mail or received them too late to actually vote by them. Now, heading into a presidential election with a projection of an even higher demand for mail-in ballots, the U.S. Postal Service's (the "USPS") operations have been severely disrupted by policy changes and the decommissioning of mail sorting machines, threatening continued mail ballot delivery delays and failures this fall. For these reasons, voters need a fail-safe option to receive a replacement mail or absentee ballot if their previously-requested ballot does not arrive in time by USPS mail.

5. The Pennsylvania Constitution provides: "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Pa. Const. art. I, § 5. The Commonwealth recognizes the right of suffrage as a "fundamental" right. *Bergdoll v. Kane*, 731 A.2d 1261, 1269 (Pa. 1999) (citation omitted). The right to vote is "the most treasured prerogative of citizenship . . . . [I]t may not be impaired or infringed upon

in any way except through fault of the voter himself.” *Appeal of Norwood*, 116 A.2d 552, 553 (Pa. 1955).

6. Courts in the Commonwealth have repeatedly held that elections are free and equal when they are “open to all qualified electors”; “every voter has the same right as any other voter”; “each voter . . . has the right to cast his ballot and have it honestly counted”; “the *regulation of the right to exercise the franchise does not deny the franchise itself*”; and “*no constitutional right of the qualified elector is subverted or denied.*” *In re 1991 Pa. Legis. Reapportionment Comm’n*, 609 A.2d 132, 142 (Pa. 1992), *abrogated on other grounds by Holt v. 2011 Legis. Reapportionment Comm’n*, 38 A.3d 711 (Pa. 2012), (emphasis added) (internal quotation marks omitted) (quoting *City Council of City of Bethlehem v. Marcincin*, 515 A.2d 1320, 1323 (Pa. 1986)).

7. Elections are not “free” when thousands of Pennsylvania voters are disenfranchised due to the consequences of a pandemic or must risk their lives to ensure their votes will be counted. And elections are not “equal” when voters in one region of the Commonwealth—southeast Pennsylvania—face grossly disparate burdens on their right to vote—and ultimately disenfranchisement—because they have the misfortune of living in the region that has been hit hardest by a deadly virus.

8. Fortunately, there are measures this Court can order to ensure that eligible Pennsylvania voters receive a ballot, even when election office or postal service delays prevent them from arriving on time by mail. Petitioner’s proposed remedies in these circumstances—electronic delivery of absentee and mail ballots to affected voters, authorizing such voters to use a downloadable write-in ballot, and authorizing them to designate a person to pick up their previously-requested ballot in the week before the election—will ensure that voters who have not received their timely-requested ballots can still receive their ballots in time to vote without going to the polls.

### **PARTIES**

#### **Petitioner**

9. Petitioner Jacquelyn Cramer is a 72-year-old retiree with hypertension, high cholesterol, and glaucoma, who is, and at all relevant times has been, a permanent resident of O’Hara Township and a registered voter of Allegheny County, Pennsylvania. In May, she applied for an absentee ballot for the primary election held on June 2, 2020 as well as the November 2020 election. She did not receive the ballot she requested for the June election. Jacquelyn went to her polling place to see whether she could safely vote in person. However, she was not able to even park in the parking lot; the polling place was very crowded. Jacquelyn quickly realized that she could not vote in person because of the crowded

conditions and resulting danger of contracting Covid-19. She lives with and cares for her 94-year-old mother and can neither take the risk of contracting nor transmitting Covid-19 to her. Her mother had breast cancer with metastasis to a lung and the mediastinum and, as a result, had one third of a lung removed. She also has high blood pressure. Due to the risk posed by Covid-19, her mother has not left their home since March 13 and has only been outside on the back patio. Ms. Cramer is strictly following social distancing protocols and has limited her ventures outside the home to grocery shopping, obtaining prescriptions and eyeglasses, and doctor appointments, and critical errands that can be accomplished without leaving her vehicle. Ms. Cramer is a regular voter in all elections, including local elections.

### **Respondents**

10. Respondent Kathy Boockvar is the Secretary of the Commonwealth of Pennsylvania and is sued only in her official capacity. In that capacity, she is Pennsylvania's Chief Election Official and a member of the Governor's Executive Board. Respondent Boockvar's responsibilities include the general supervision and administration of Pennsylvania's elections and election laws. 25 P.S. § 2621.

11. Respondent Jessica Mathis is the Director of the Bureau of Election Services and Notaries of the Pennsylvania Department of State and is sued in her

official capacity only. In that capacity, she supervises and administers Pennsylvania's elections and electoral process.

### **JURISDICTION**

12. The Court has original jurisdiction over this Verified Complaint pursuant to 42 Pa.C.S. § 761(a).

### **FACTUAL ALLEGATIONS**

#### ***The Covid-19 Pandemic***

13. In December 2019, health officials in mainland China detected a novel coronavirus, SARS-CoV-2, which causes a disease known as Covid-19. On January 30, 2020, the World Health Organization ("WHO") declared Covid-19 to be a "Public Health Emergency of International Concern." On March 11, 2020, the WHO declared that it had become a pandemic. Covid-19 has now spread throughout the world, including to every state in the United States and throughout Pennsylvania.

14. The novel coronavirus that causes Covid-19 continues to spread at an unprecedented pace around the world and particularly within the United States. As of September 1, 2020, there have been 6,004,443 confirmed cases in the United States and 183,050 deaths nationwide.<sup>1</sup> As of the evening of August 28, 2020, the

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<sup>1</sup> See *U.S. COVID-19 Cases and Deaths by State*, Ctrs. for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last visited Sept. 1, 2020).



Pennsylvania Department of Health Services had confirmed 132,834 positive cases of coronavirus in Pennsylvania and 7,655 deaths in the Commonwealth.<sup>2</sup>

15. Covid-19 is highly contagious in significant part because of its capacity for asymptomatic and presymptomatic transmission. The disease is highly lethal, particularly for people with underlying health conditions or comorbidities that put them at severe risk of complications or death from the disease.

16. According to the U.S. Centers for Disease Control and Prevention, (“CDC”), individuals are at higher risk of severe complications and death from Covid-19 if they are 65 years or older or have underlying health conditions and diseases, including cancer, chronic kidney disease, chronic obstructive pulmonary disease, serious heart conditions, obesity (body mass index (“BMI”) of 30 or higher), Type 2 diabetes, sickle cell disease, and immunocompromised state from a solid organ transplant.<sup>3</sup> In addition, the CDC cautions that people with the following conditions *may* also be at increased risk from Covid-19: moderate to severe asthma; cerebrovascular disease; cystic fibrosis; hypertension; immunocompromised state from blood or bone marrow transplant; immune

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<sup>2</sup> *COVID-19 Data for Pennsylvania*, Pa. Dep’t of Health, <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx> (last visited Aug. 28, 2020); *Weekly Report for Deaths Attributed to COVID-19*, Pa. Dep’t of Health (Aug. 28, 2020), <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/COVID-19%20Death%20Reports/Weekly%20Report%20of%20Deaths%20Attributed%20to%20COVID-19%20--%202020-08-28.pdf>.

<sup>3</sup> See *People with Certain Med. Conditions*, Ctrs. for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last updated Aug. 14, 2020).

deficiencies; HIV; use of corticosteroids, or use of other immune weakening medicines; neurological conditions; liver disease; pregnancy; pulmonary fibrosis; smoking; thalassemia; and Type 1 diabetes.<sup>4</sup>

17. Severe Covid-19 cases can cause pneumonia, acute respiratory distress syndrome, kidney failure, liver failure, strokes, heart attacks, cardiac inflammation, and gastrointestinal infections, among others.<sup>5</sup> Furthermore, everyone is at some risk of severe complications and death from Covid-19, as health officials have also associated Covid-19 with pulmonary embolism and stroke in younger patients without known risk factors<sup>6</sup> and inflammatory disease in young children.<sup>7</sup> Many critical care patients ultimately die.

18. The threat of airborne transmission of SARS-CoV-2, the virus that causes Covid-19, in indoor settings like polling places is real, substantial, and not meaningfully mitigated by any of the available protective measures.

19. The virus spreads through respiratory droplets that can suspend in the air and then be transmitted when inhaled. These respiratory droplets are emitted

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<sup>4</sup> *Id.*

<sup>5</sup> Meredith Wadman et al., *How does coronavirus kill? Clinicians trace a ferocious rampage through the body, from brain to toes*, *Science* (Apr. 17, 2020), <https://www.sciencemag.org/news/2020/04/how-does-coronavirus-kill-clinicians-trace-ferocious-rampage-through-body-brain-toes>.

<sup>6</sup> Robert Glatter, M.D., *Why is COVID-19 Coronavirus Causing Strokes in Young And Middle-Aged People?*, *Forbes* (Apr. 27, 2020), <https://www.forbes.com/sites/robertglatter/2020/04/27/why-is-covid-19-coronavirus-causing-strokes-in-young-and-middle-aged-people/>.

<sup>7</sup> Pam Belluck, *New Inflammatory Condition in Children Probably Linked to Coronavirus, Study Finds*, *N.Y. Times* (last updated May 21, 2020), <https://www.nytimes.com/2020/05/13/health/coronavirus-children-kawasaki-pmis.html>.

when an individual coughs and sneezes, or even when an individual is simply talking. And because these droplets are somewhat large, they can travel short distances in the air (around 6 feet) to infect those who come into contact with them. In other words, these large respiratory droplets create the risk of spread from close quarters with infected individuals. Although masks and hand hygiene can mitigate the spread of the respiratory droplets, they cannot completely prevent transmission, especially when masks are not constructed or worn properly<sup>8</sup> and where Pennsylvania law does not require voters to wear masks at polling places.

20. There is a gathering scientific consensus that Covid-19 spreads as an aerosol; in other words, through direct inhalation even in settings where two individuals do not have contact with each other. Aerosol transmission is much harder to control via traditional control methods, such as handwashing or masks, than transmission through large droplets. During aerosol transmission, small respiratory droplets can linger in the air in small particles known as “droplet nuclei.” Because of the particles’ smaller size, they can travel further distances—some evidence suggests up to 25 feet—and expand the range in which people can be infected. As a result of this type of airborne spread, one’s risk of infection

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<sup>8</sup> See *CDC on HomemadeMasks*, Ctrs. For Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html> (last updated July 6, 2020); *How to WearMasks*, Ctrs. for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html> (last updated Aug. 7, 2020).

increases in indoor, poorly-ventilated areas where multiple people are congregated, even when individuals maintain social distance.

21. Moreover, since Covid-19 can be transmitted by symptomatic, presymptomatic, and asymptomatic people, individuals can spread the disease before realizing they are infected and self-quarantining. The CDC has also warned that presymptomatic and asymptomatic Covid-19-positive individuals can transmit the disease to others.<sup>9</sup> As a result, voters can spread the disease at a polling place before they even realize they are infected.

22. The long-term effects of Covid-19 on health are currently unknown. But medical experts are increasingly seeing evidence that infection can have long-lasting effects. Current evidence suggests that infected patients can suffer from long-term damage, including lung scarring, heart damage, and neurological and mental health effects.<sup>10</sup>

23. Leading epidemiologists anticipate that the pandemic will continue throughout the end of 2020 and likely well into 2021, if not beyond. Given the current prevalence and transmission of Covid-19, as well as the failures of federal, state, and local governments to bring the virus under control, it is highly likely that Covid-19 will continue to circulate at its current level or at an even higher level

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<sup>9</sup> *How It Spreads*, Ctrs. for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/prepare/transmission.html> (last updated June 16, 2020).

<sup>10</sup> Lois Parshley, *The emerging long-term complications of Covid-19, explained*, Vox (June 12, 2020), <https://www.vox.com/2020/5/8/21251899/coronavirus-long-term-effects-symptoms>.

through October and November of 2020. Herd immunity is unlikely to be reached in Pennsylvania or the United States by the time voting occurs this Fall, and an effective vaccine is extremely unlikely to have been tested, manufactured in sufficient quantities, and widely distributed before November. And while some drugs have some efficacy in reducing the duration of the illness, pharmaceutical treatments are unlikely to have a substantial impact on the transmission of the virus and the risk of severe disease or death by November 2020.

24. Covid-19 has severely affected the State of Pennsylvania. As new infections continue to grow, many voters, especially those at high risk, continue to self-isolate for fear of contracting Covid-19, and for fear of transmitting the disease, regardless of whether they have symptoms of the disease.

25. Covid-19 will have an unprecedented impact on the nation's upcoming elections. Before the Covid-19 pandemic, the Brookings Institution predicted that "turnout in 2020 could break all records and test our election machinery as it has never been tested before."<sup>11</sup> Other experts also anticipate record-breaking turnout in the 2020 presidential election.<sup>12</sup> Even with the

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<sup>11</sup> William A. Galston, *What does high voter turnout tell us about the 2020 elections?*, Brookings Inst. (Nov. 20, 2019), <https://www.brookings.edu/blog/fixgov/2019/11/20/what-does-high-voter-turnout-tell-us-about-the-2020-elections/>.

<sup>12</sup> See, e.g., Susan Milligan, *Preparing for a Voter Surge*, U.S. News & World Report (Sept. 20, 2019), <https://www.usnews.com/news/elections/articles/2019-09-20/experts-predict-huge-turnout-in-2020>; Nate Cohn, *Huge Turnout Is Expected in 2020. So Which Party Would Benefit?* N.Y. Times (July 15, 2019), <https://www.nytimes.com/2019/07/15/upshot/2020-election-turnout-analysis.html>; Ronald Brownstein, *Brace for a Voter-Turnout Tsunami*, The Atlantic (June 13,

pandemic in full effect, experts continue to predict a record turnout, perhaps the highest in over a century.<sup>13</sup>

26. The CDC has recommended that states encourage mail-in voting in elections whenever possible in order to combat the spread of Covid-19.<sup>14</sup> Governor Tom Wolf in fact encouraged voters to request a mail ballot for the June 2, 2020 election in order to vote safely during the pandemic.<sup>15</sup>

27. On March 6, 2020, Governor Wolf signed an emergency disaster declaration to increase support to state agencies involved in the response to the virus. The order directed the Pennsylvania Emergency Management Agency Director to assume command and control of statewide emergency operations and directed all departments and agencies to use all available resources and personnel as necessary to cope with the emergency situation.<sup>16</sup>

28. On March 13, 2020, President Donald Trump proclaimed a National Emergency concerning Covid-19.

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2019), <https://www.theatlantic.com/politics/archive/2019/06/2020-election-voter-turnout-could-be-record-breaking/591607/>.

<sup>13</sup> William A. Galston, *Election 2020: A once-in-a-century, massive turnout?*, Brookings Inst. (Aug. 14, 2020), <https://www.brookings.edu/blog/fixgov/2020/08/14/election-2020-a-once-in-a-century-massive-turnout/>.

<sup>14</sup> *Considerations for Election Polling Locations and Voters*, Ctrs. for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html> (last visited Aug. 23, 2020).

<sup>15</sup> Press Release, *Gov. Wolf Encourages Voters to Apply for a Mail-in Ballot* (Apr. 22, 2020) <https://www.governor.pa.gov/newsroom/gov-wolf-encourages-voters-to-apply-for-a-mail-in-ballot/>.

<sup>16</sup> Proclamation of Disaster Emergency, Commonwealth of Pa. Off. of the Governor (Mar. 6, 2020), <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200306-COVID19-Digital-Proclamation.pdf> (“Governor’s Proclamation”).

29. On March 19, 2020, Governor Wolf ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations to slow the spread of Covid-19.<sup>17</sup> The Supreme Court upheld the Governor’s order as a proper exercise of the police power and consistent with statutory and constitutional authority. *Friends of Danny DeVito v. Wolf*, 227 A.3d 872 (Pa. 2020).

30. On March 25, 2020, in light of the devastating impact of Covid-19 was having on the state of Pennsylvania, the legislature voted to delay the state’s primary election by five weeks, postponing the election from April 28 to June 2, 2020.<sup>18</sup> The Governor signed the bill on March 27, 2020.<sup>19</sup> Under the statute, registered voters had until 5 p.m. on May 26, 2020, to sign up to vote by mail, and until 8 p.m. on Election Day, to return their voted ballot.

31. On April 1, 2020, Governor Tom Wolf issued an order directing individuals to stay at home in all 67 of Pennsylvania’s counties. Importantly, the Executive Order specified that “gatherings of individuals outside of the home are

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<sup>17</sup> Order of the Governor of the Commonwealth of Pa. Regarding the Closure of All Bus. that are not Life Sustaining, Commonwealth of Pa. Off. of the Governor (Mar. 19, 2020), <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200319-TWW-COVID-19-business-closure-order.pdf>.

<sup>18</sup> 2020 Pa. Legis. Serv. Act 2020-12 (S.B. 422); Commonwealth of Pa. Legis. Journal, *Session of 2020, 204th of the Gen. Assembly* (Mar. 25, 2020), <https://www.legis.state.pa.us/WU01/LI/SJ/2020/0/Sj20200325.pdf#page=11>; see also Jan Murphy, *Bill delaying Pa. primary to June 2 heads to Gov. Wolf’s desk*, Penn Live (Mar. 25, 2020), <https://www.pennlive.com/news/2020/03/postponement-of-pa-primary-to-june-2-wins-legislative-approval.html>.

<sup>19</sup> Pa. Act of Mar. 27, 2020, P.L. 41, No. 12.

generally prohibited except as may be required to access, support, or provide life-sustaining services.”<sup>20</sup>

32. On May 7, 2020, as part of ongoing disease management protocols, the Governor issued an Amendment to his original stay-at-home order.<sup>21</sup> The Amendment extended the effect of the original Executive Order through June 4, 2020, while noting that its “requirements may be suspended for specific counties as part of the gradual and strategic approach to reopening the Commonwealth.”<sup>22</sup> Over the course of the next month, the Commonwealth began to allow businesses previously deemed non-life-sustaining to reopen on the condition that they follow safety guidance for staff, customers, and facilities.

### *The Disruption of the U.S. Postal Service*

33. The U.S. Postal Service (“USPS”) is experiencing severe delays in delivering the mail, and these problems have already impacted voters. The *Philadelphia Inquirer* has estimated that 92,000 more Pennsylvanians would have

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<sup>20</sup> Order of the Governor of the Commonwealth of Pa. for Individuals to Stay at Home, Commonwealth of Pa. Off. of the Governor (Apr. 1, 2020), <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200401-GOV-Statewide-Stay-at-Home-Order.pdf> (“Executive Order”).

<sup>21</sup> Amendment to Order of the Governor of the Commonwealth of Pa. for Individuals to Stay at Home, Commonwealth of Pa. Off. of the Governor (May. 7, 2020), <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200507-TWW-Stay-at-Home-Order-Amendment.pdf> (“The Amendment”).

<sup>22</sup> *Id.*



voted in the June 2020 primary but for processing or delivery delays in the last three weeks before the primary election.<sup>23</sup>

34. The recently-appointed Postmaster General Louis DeJoy has ordered a number of policy changes that have already caused severe backlogs around the country. First, he has ended overtime pay for USPS employees and instructed carriers to depart processing facilities for their routes at specified times each day, regardless of whether mail scheduled to go out that day remains unprocessed. Second, over 650 mail sorting machines have been removed and/or decommissioned nationwide. In Pennsylvania, “[a]t least 26 mail scanning and sorting machines have been taken offline — and, in most cases, promptly trashed or taken offsite — at eight mail processing sites this summer across the state. . . . In Scranton, for example, only machines used to handle mail surges were removed, while Harrisburg’s initial process capacity has been halved with the loss of a postage canceling device.”<sup>24</sup> According to USPS itself, the reduction in mail sorting capacity in Philadelphia alone is 310,000 pieces of mail per hour.<sup>25</sup>

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<sup>23</sup> Jonathan Lai, *Pa. ’s mail ballot problems kept tens of thousands from voting in a pandemic primary*, Phila. Inquirer (July 30, 2020), <https://www.inquirer.com/politics/election/pa-mail-ballot-deadlines-disenfranchisement-20200730.html>.

<sup>24</sup> Emily Previti, *The postal serv. has been removing machines from Pa. sorting facilities. How is that affecting the state’s election planning?*, WITF (Aug. 21, 2020), <https://www.witf.org/2020/08/21/the-postal-service-has-been-removing-machines-from-pennsylvania-sorting-facilities-how-is-that-affecting-the-states-election-planning/>.

<sup>25</sup> Erin Cox et al., *Postal Serv. warns 46 states their voters could be disenfranchised by delayed mail-in ballots*, Wash. Post (Aug. 14, 2020), <https://www.washingtonpost.com/local/md->

Postmaster General DeJoy informed Congress that he had no intention of ordering the restoration or reinstallation of any of the mail sorting machines taken offline.

35. Indeed, the Commonwealth, along with other states, recently sued USPS in federal court for election-related service reductions, including failure to properly postmark Election Mail, and failure to adhere to USPS's longstanding practice of treating Election Mail as high priority, first class mail.<sup>26</sup>

36. USPS itself has reported a substantial decline in its capacity and speed nationwide.<sup>27</sup> Since the recent changes were implemented, service performance for pre-sort first class mail and marketing mail processing times are both down nearly 8 points from their baselines.<sup>28</sup>

37. Additionally, USPS threatened Pennsylvania election officials, warning that voters may well be disenfranchised due to mail delivery delays.<sup>29</sup>

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politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381\_story.html.

<sup>26</sup> Complaint, *Pennsylvania et al. v. DeJoy*, No. 2:20-04096 (E.D. Pa. Aug. 21, 2020).

<sup>27</sup> U.S. Postal Serv., *Serv. Performance Measurement: PMG Briefing* (Aug. 12, 2020), *available at*

[https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing\\_Service%20Performance%20Management\\_08\\_12\\_2020.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing_Service%20Performance%20Management_08_12_2020.pdf).

<sup>28</sup> *Id.* at 5, 17.

<sup>29</sup> Erin Cox et al., *Postal Serv. warns 46 states their voters could be disenfranchised by delayed mail-in ballots*, *Wash. Post* (Aug. 14, 2020), [https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381\\_story.html](https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html);

*see also* Ex. A, Letter from United States Postal Service to Secretary of the Commonwealth of Pennsylvania (July 29, 2020).

### ***Defendants' Responsibilities with Respect to Mail-in and Absentee Ballots***

38. The Secretary prescribes the form of absentee and mail-in ballot applications, 25 P.S. §§ 3146.2, 3150.12, the form and contents of envelopes for absentee and mail-in ballots, 25 P.S. §§ 3146.4, 3150.14, and the form of absentee and mail-in ballots themselves, 25 P.S. §§ 3146.3, 3150.13. The Code also empowers the Secretary to “develop an electronic system through which all qualified electors may apply for” absentee and mail-in ballots. 25 P.S. §§ 3146.2, 3150.12. For military and overseas voters, the Secretary must “[e]stablish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots and other information.” 25 Pa.C.S. § 3503. The Secretary is also a member of the Voting Standards Development Board, which is established within the Department of State “for the purpose of developing uniform and nondiscriminatory standards that define what constitutes a vote.” 25 P.S. § 2624. The Secretary also administers the SURE system, which serves both as the voter registration database as well as the system for processing absentee and mail ballots. 25 Pa.C.S. § 1222(f).

### ***Requesting, Casting, and Returning a Mail-in or Absentee Ballot in Pennsylvania***

39. In 2019, Pennsylvania enacted (and modified in March 2020) a law allowing any registered qualified elector to cast a mail ballot. 25 P.S. §§ 3150.11-3150.12b; *see* Act of Oct. 31, 2019 (“Act 77”), P.L. 552, No. 77. Voters who meet

specific qualifications may also vote with an absentee ballot. 25 P.S. § 3146.1. To receive a mail-in or absentee ballot under the Pennsylvania Election Code, voters must apply for a ballot. 25 P.S. §§ 3146.2, 3150.12. Voters with a PennDOT license can currently do so online.<sup>30</sup> Voters without a PennDOT ID must currently submit a paper request.<sup>31</sup>

40. Pennsylvania law provides for two categories of ballots that may be submitted via mail: “absentee” ballots and “mail-in” ballots. Absentee ballots are available to, among others, people who are unable to vote in person due to a physical disability or illness, people who expect to be absent from the municipality of their residence on Election Day due to work, and people who cannot vote in person because of a religious holiday. 25 P.S. § 3146.1.

41. Any registered voter, regardless of whether they qualify for an absentee ballot, may vote by “mail-in” ballot, without providing a justification. 25 P.S. §§ 3150.11–3150.12b; *see* Act 77.

42. The deadline for voters to apply for an absentee ballot or a mail-in ballot is “five o’clock P.M. of the first Tuesday prior to the day of any primary or election.” 25 P.S. §§ 3146.2a(a), 3150.12a(a).

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<sup>30</sup> *Voting by Mail-in or Absentee Ballot*, Pa. Dep’t of State, Votes PA, <https://www.votespa.com/Voting-in-PA/Pages/Mail-and-Absentee-Ballot.aspx> (last visited Aug. 27, 2020).

<sup>31</sup> *Id.*

43. “A qualified elector ... may apply at any time before any primary or election for an official mail-in ballot ....” 25 P.S. § 3150.12.

44. Registered voters in Pennsylvania can apply for and obtain mail-in ballots in a variety of ways: in person at any County Board of Elections office; on a form addressed to the Secretary of the Commonwealth or the board of elections office of the county in which the qualified elector's voting residence is located; or online at <https://www.pavoterservices.pa.gov/OnlineAbsenteeApplication/#/OnlineAbsenteeBegin>. Voters have the option to be added to a “permanent mail-in voting list,” for which a mail-in ballot application effective for the remaining elections in the calendar year will be automatically mailed to a voter at the beginning of each year. 25 P.S. § 3150.12(g).

45. The same deadlines for requesting and submitting ballots apply to absentee voters and mail-in voters. Voters must apply for an absentee or mail-in ballot by “five o’clock P.M. [on] the first Tuesday prior to the day of any primary or election.” 25 P.S. §§ 3146.2a(a), 3150.12a(a). If the application is approved, the board must deliver or mail the ballot to the voter. See 25 P.S. §§ 3146.2a(a.3)(3), 3150.12b(a)(1), 3146.5, 3150.15. The voter’s absentee or mail-in ballot must be received by the county board of elections “on or before eight o’clock P.M. the day

of the primary or election” to count, 25 P.S. §§ 3146.6(c), 3146.8(g)(1)(ii), 3150.16(c).

46. Overseas and military voters are able to obtain absentee ballots delivered electronically. 25 Pa.C.S. § 3508, which by its terms implements parts of UOCAVA, provides that “[a] covered voter may request that a ballot and balloting materials be sent to the voter by mail or by Internet delivery.”

47. County Boards of Elections must

commence to deliver or mail official mail-in ballots as soon as a ballot is certified and the ballots are available. While any proceeding is pending in a Federal or State court which would affect the contents of any ballot, the county board of elections may await a resolution of that proceeding but in any event, shall commence to deliver or mail official mail-in ballots not later than the second Tuesday prior to the primary or election.

25 P.S. § 3150.15. As additional applications are received and approved, the county boards are required by statute to deliver or mail official mail-in ballots to the additional electors within 48 hours of receipt. *Id.*

48. The same “deliver or mail” language, as well as the timeframe to deliver or mail the ballot applies to absentee ballots as well. 25 P.S. § 3146.5.

49. If a voter has requested a mail ballot or absentee ballot, they may not vote by regular ballot in person on Election Day, unless the voter brings the ballot to the polls to be spoiled. 25 P.S. §§ 3146.3(e), 3150.13(e). Voters can personally hand-deliver their own ballot to their county board of elections office by 8:00 p.m.

on Election Day. *See* 25 P.S. §§ 3146.6(a), 3150.16(a). Those voters who never received their requested ballot have only one option: cast a provisional ballot in person. 25 P.S. §§ 3146.3(e), 3150.16(b)(2).

50. In *Drenth v. Boockvar*, a federal judge granted a TRO ordering the Commonwealth of Pennsylvania to provide digitally accessible write-in ballots (“AWIBs”) to blind Pennsylvania voters for the June 2 primary election. No. 1:20-CV-00829, 2020 WL 2745729 (M.D. Pa. May 27, 2020). Following that, on August 12, 2020, the Department finalized a contract for a remote ballot marking system with a vendor, Democracy Live. The system will be in use for the November 2020 general election. This system is

a cloud-based platform that will allow county election officials to upload their ballot definition files exported from their county’s election management software associated with the voting system in use in that county. Once the ballot definition files are uploaded by the county election officials, the remote ballot marking system will create an accessible ballot for the voter. An eligible voter who applies for an accessible ballot will be able to access the ballot through a web link. The voter will then be able to vote on the accessible ballot by marking his choices and will be able to use a variety of assistive technologies while doing so.

*Drenth v. Boockvar*, No. 1:20-CV-00829, 2020 WL 4805621, at \*3–4 (M.D. Pa. Aug. 18, 2020) (record citations omitted).

51. The Department has also resolved to issue guidance to county boards of elections in time for the November 2020 election that would instruct the boards

to send a return envelope that is larger than the security envelope to voters voting through the remote ballot marking system and that would instruct counties to accept the return envelopes as long as the voter's signature appeared anywhere on the envelope. *Id.* at \*4. Thus, the infrastructure to provide downloadable, printable replacement mail or absentee ballots already exists in Pennsylvania.

***Risks of Forcing Voters to Appear In Person to Vote***

52. The threat of contracting Covid-19, which is particularly acute in confined spaces like polling sites, has fundamentally changed election administration in Pennsylvania.

53. Voting in person creates substantial health risks. The virus may be spread through close contact with other persons, even if an individual wears a mask to the polls—which in any event is not required under Pennsylvania law. Moreover, the use of shared voting machines and interactions with instruments that many others have touched also may spread Covid-19. In addition, due to airborne spread, voters also face risk from congregating in poorly ventilated areas where multiple people are coming in and out of the same location, such as polling places, even when individuals maintain social distance.

54. Forcing voters to appear to vote in person creates an unnecessarily high risk of transmission of Covid-19 because voters will potentially be forced to stand in long lines to cast their votes on Election Day. They will also have to



congregate in confined polling places with election workers and other voters, contrary to social distancing guidelines.

55. The risk of long lines and crowded polling places is particularly acute where many counties have eliminated significant numbers of polling places due to the inability to recruit the necessary number of poll workers. Montgomery County reduced its polling places by 60 percent in the June primary, and Philadelphia reduced its polling places by 77 percent.<sup>32</sup>

56. Petitioner and voters in the same circumstances each face an increased risk of severe illness or death if they contract Covid-19 due their ages and pre-existing conditions. If Petitioner and similarly situated voters do not receive their mail ballot in time to cast it in the General Election on November 3, 2020, they will have to choose between exercising their right to vote and their health—even their lives.

***Failures to Process Absentee and Mail-in Ballot Requests and Deliver Ballots to Voters***

57. Following the enactment of Act 77 and subsequent amendments, Pennsylvania has substantially increased access to and reliance on absentee and mail ballots for the 2020 elections. Whereas the 2016 presidential primary saw

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<sup>32</sup> Jonathan Lai, *Philly will have way fewer polling places for next month's primary because of coronavirus. Find yours here.*, Phila. Inquirer (May 12, 2020), <https://www.inquirer.com/politics/election/philadelphia-new-polling-places-2020-primary-20200512.html>.

only 107,000 voters receive approval to cast an absentee ballot, more than 1.8 million voters applied for and were approved to vote by mail for the 2020 June presidential primary.<sup>33</sup> Due to the pandemic, this volume far outpaces the expected use of the vote-by-mail system when it was enacted.<sup>34</sup> Of the 2.8 million votes cast in the 2020 primary election, approximately half – or 1.4 million – ultimately were cast by mail.<sup>35</sup> Importantly, the increase in mail-in ballots was accompanied by a dramatic reduction in polling places, particularly in some of Pennsylvania’s most populous counties.<sup>36</sup>

58. Nevertheless, voters in the June primary election faced catastrophic and systemic failures to timely prepare and deliver ballots by mail. The total number of voters disenfranchised in the June primary is unknown. But the facts on the ground are sobering at best. Thousands of voters received their ballots too late

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<sup>33</sup> Jonathan Tamari & Jonathan Lai, *What we’re watching for in Tuesday’s unprecedented Pa. primary election*, Phila. Inquirer (June 2, 2020), <https://www.inquirer.com/news/pa-primary-2020-what-to-watch-20200602.html>

<sup>34</sup> Andrea Hsu et al., *'Swing County, USA' Prepares For Unprecedented Influx Of Ballots By Mail*, Nat’l Public Radio (July 21, 2020), <https://www.npr.org/2020/07/21/893115504/swing-county-u-s-a-prepares-for-unprecedented-influx-of-ballots-by-mail>.

<sup>35</sup> Mark Scoloro, *Some Counting Continues, a Week After Pa.’s Primary*, Associated Press (June 9, 2020), <https://www.usnews.com/news/best-states/pennsylvania/articles/2020-06-09/some-counting-continues-a-week-after-pennsylvanias-primary>.

<sup>36</sup> Alecia Reid, *Pandemic Forces Pa. Elections Offs. To Consolidate Polling Sites By 75% For Primary*, CBS Philly (May 13, 2020), <https://philadelphia.cbslocal.com/2020/05/13/pandemic-forces-philadelphia-elections-officials-to-consolidate-polling-sites-by-75-for-primary>; see also Letter from Mike Turzai, Jason Orititay, Bob Brooks, Michal Puskaric, Natalie Mihalek and Lori Mizgorski to Kathryn Boockvar (May 21, 2020), available at <http://www.pahousegop.com/Display/SiteFiles/1/2020/allegheypoll.pdf>.

to cast and deliver or postmark them.<sup>37</sup> Pennsylvania's Election Code required counties to mail out absentee and mail ballots for approved applications by Tuesday, May 19,<sup>38</sup> yet state data indicates that they were unable to do so. As of May 21, statewide, a mere 11 days before the primary, county boards of elections had not yet sent out absentee or mail ballots for 241,270 voters who had submitted applications, and had not approved 172,929 applications.<sup>39</sup> More specifically, while 1,528,212 overall applications had been approved, the counties had only mailed 1,459,871 of those ballots.<sup>40</sup> In other words, at least 68,321 approved mail or absentee voters received their ballots very close to the election or after it, jeopardizing those voters' ability to complete and return those ballots in a timely fashion.

59. Statewide more than fifty thousand voters who had requested a mail or absentee ballot voted provisionally in person.<sup>41</sup>

60. Delays and backlogs were particularly acute in many populous counties. Local officials, overwhelmed by the unprecedented increase in ballot

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<sup>37</sup> Jonathan Lai, *Tens of thousands of Pa. mail ballots were turned in after the deadline. Nov. could be worse.*, Phila. Inquirer (June 10, 2020), <https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>.

<sup>38</sup> Suppl. Decl. of Jonathan Marks ¶ 2, Deputy Sec'y for Elections and Comm'ns for Pa., *Crossey v. Boockvar*, No. 266 MD 2020 (Pa. Commw. Ct. May 22, 2020) [Marks Decl.], <http://www.pacourts.us/assets/files/page-1305/file-9375.pdf>, Ex. C.

<sup>39</sup> *Id.* ¶¶ 5-7.

<sup>40</sup> *Id.*

<sup>41</sup> Pa. Dep't of State, Pa. 2020 Primary Election, Act 35 of 2020 Report at 14, 22 (Aug. 1, 2020), <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

requests and simultaneously stymied in their ability to work together in person due to social distancing, undertook heroic efforts to fulfill vote-by-mail requests. But as one group of officials aptly put it, “counties were expecting about 30 inches of snow. What we’re getting is the equivalent of 10 feet and it’s going to get worse.”<sup>42</sup>

61. Montgomery County, which experienced more than a ten-fold increase in ballot requests, typified the challenges counties faced in timely delivering ballots.<sup>43</sup> To accommodate the increase in ballot requests, county officials worked nights and evenings, but the county was unable to secure the additional staff it needed to process ballots because of the statewide lockdown.<sup>44</sup> In the face of those staffing challenges, as well as the strain of working in accordance with social distancing guidelines, errors proliferated. As of May 21, the county had not sent ballots to approximately 6,431 approved mail or absentee voters.<sup>45</sup> Those who did receive a timely ballot faced challenges, too. Montgomery County also sent the wrong ballots to 1,984 voters as a result of a computer error.<sup>46</sup>

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<sup>42</sup> Cnty. Election Off. Notes for Senate Hearing, at 2 (April 30, 2020), <https://stategovernment.pasenategop.com/wp-content/uploads/sites/30/2020/04/tioga-county.pdf>.

<sup>43</sup> Decl. of Karley Sisler, Director of the Office of Voter Services for Montgomery County, *Crossey v. Boockvar*, No. 266 MD 2020 (Pa. Commw. Ct. May 6, 2020) [Sisler Decl.], [https://moritzlaw.osu.edu/electionlaw/litigation/documents/Crossey\\_Boockvar\\_3.pdf](https://moritzlaw.osu.edu/electionlaw/litigation/documents/Crossey_Boockvar_3.pdf).

<sup>44</sup> *Id.* ¶ 4.

<sup>45</sup> Marks Decl. ¶ 12.

<sup>46</sup> Jonathan Lai, *Montgomery Cnty. sent 2,000 Pa. voters the wrong ballots for next week’s primary*, Phila. Inquirer (May 26, 2020),

Unfortunately, despite weeks of voter complaints, the county realized that the issue was widespread a mere two weeks before Election Day.<sup>47</sup> Over five thousand voters in the county who had requested mail or absentee ballots voted provisionally in the county.<sup>48</sup>

62. Philadelphia County also struggled to meet its obligations to send voters ballots in a timely manner. Due to a combination of factors – including a surge of paper ballot applications, which take longer to process than online applications, Covid-19-related staffing shortages and social distancing rules, and an outage in Philadelphia’s Verizon connection, which covered the network connection with the election database – the county faced a significant backlog in its delivery of mail-in ballots to voters.<sup>49</sup> As of May 21, Philadelphia County had mailed out only 142,836 ballots, though it had approved 159,772 mail-in ballot requests.<sup>50</sup> In other words, the county had not yet sent ballots to almost ten percent of approved voters, or 16,936 people. In addition, the county had failed to process another 19,769 applications.<sup>51</sup> Those delays had direct consequences for voters, as more than 14,600 ballots in the county would ultimately arrive after the original

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<https://www.inquirer.com/politics/election/montgomery-county-pa-wrong-primary-ballots-20200526.html>.

<sup>47</sup> *Id.*

<sup>48</sup> Pa. Dep’t of State, Pa. 2020 Primary Election, Act 35 of 2020 Report at 14, 22 (Aug. 1, 2020), <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

<sup>49</sup> Marks Decl. ¶¶ 13-14.

<sup>50</sup> Marks Decl. ¶ 15.

<sup>51</sup> *Id.*

Election Day deadline of June 2.<sup>52</sup> Similarly, Allegheny County had 9,400 ballots arrive after the original deadline, Montgomery County had more than 5,800, Delaware County had 2,500, and Bucks County had more than 1,200.<sup>53</sup>

63. Because Covid-19 is statistically far riskier for those over the age of sixty-five, voters in that age group are more likely to face significant health risks when voting in person. However, thousands of voters over the age of sixty-five who requested mail or absentee ballots far in advance of the June primary had not received them two weeks before the election. Department of State data suggests that, two weeks before the election, county officials had failed to mail ballots to at least 6,700 voters over the age of sixty-five whose ballot requests had been approved at least one month in advance. One week before the election, there were at least 7,000 absentee or mail-in ballots that had not yet been mailed to voters over the age of sixty-five with approved applications and where those voters ultimately did not have a ballot marked as returned.<sup>54</sup>

64. In light of challenges to voters from Covid-19 and civil unrest, on June 1, 2020, Governor Tom Wolf signed an executive order extending the deadline for county election offices in Allegheny, Dauphin, Delaware, Erie,

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<sup>52</sup> Jonathan Lai, *Tens of thousands of Pa. mail ballots were turned in after the deadline. Nov. could be worse.*, Phila. Inquirer (June 10, 2020), <https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>.

<sup>53</sup> *Id.*

<sup>54</sup> OpenDataPA, *2020 Primary Election Mail Ballot Requests*, Commonwealth of Pennsylvania, <https://data.pa.gov/Government-Efficiency-Citizen-Engagement/2020-Primary-Election-Mail-Ballot-Requests-Departm/853w-ecfz/data> (last updated Aug. 3, 2020).

Montgomery and Philadelphia counties to receive absentee or mail ballots to 5 p.m. on June 9, 2020. Under the executive order, all ballots still had to be postmarked no later than Tuesday, June 2, 2020.<sup>55</sup> State data suggests that delays in delivering ballots may have led to as many as 75,700 mail-in ballots arriving after the June 2 Election Day deadline.<sup>56</sup> Of course, the executive order was no consolation to the thousands of voters who did not receive their ballot before June 2.

65. Data from the Department of State suggests that at least a thousand voters with approved applications *never* received their ballots in the mail or otherwise. While all of these voters had their applications for mail ballots submitted and approved by the May 26 deadline, the Department of State has no record of these voters having been mailed a ballot. Thus, while thousands of voters received their ballots too late to cast and deliver or *postmark* them by June 2, some voters never received them *at all*. Given the health risks associated with voting in person, failure to deliver these ballots in a timely fashion was not just administrative error; it was a dangerous impediment to these voters' ability to cast

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<sup>55</sup> Exec. Order 2020-02: Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties, Commonwealth of Pennsylvania Governor's Office (Jun. 1, 2020), <https://www.governor.pa.gov/wp-content/uploads/2020/06/20200601-EO-Deadline-Extention.pdf>.

<sup>56</sup> Jonathan Lai, *Tens of thousands of Pa. mail ballots were turned in after the deadline. Nov. could be worse.*, Phila. Inquirer (June 10, 2020), <https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>.

a ballot in the June primary, particularly those voters at high risk for severe complications from Covid-19.

66. The challenges in Delaware County were particularly striking. As the County noted, the

consequences of the COVID-19 pandemic have converged into a perfect storm in which requests for mail-in and absentee ballots have far exceeded the Bureau of Elections' expectations and capacity to process. Notwithstanding the heroic efforts of the Bureau and its staff to preserve the constitutional rights of all Delaware County citizens, it simply was unable to process all mail-in requests by the statutory deadline.<sup>57</sup>

As of May 21, Delaware County had 31,139 ballot applications (forty percent of the total applications it had received) for which it had either (a) not processed the application or (b) not yet sent out a ballot, despite the application being approved.<sup>58</sup>

Ultimately, the significant backlog in mail-in and absentee ballots caused the county to mail thousands of ballots in the days leading up to the election, including mailing approximately 5,760 to 6,000 ballots the day before the election.<sup>59</sup> Overall, the County states that it mailed between 24,240 and 25,250 ballots between May 29 and June 1, thereby very likely depriving the affected voters of an opportunity

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<sup>57</sup> Emergency Pet. ¶ 11, *In re: Extension of Time for Absentee and Mail-in Ballots to be Received by Mail and Counted in the 2020 Primary Election*, No. CV-2020-003416 (Delaware Cnty. Ct. Com. Pl. 2020), <https://www.delcopa.gov/electionsbureau/pdfs/2020/BOEPetitionforExtension.pdf>.

<sup>58</sup> Marks Decl. ¶ 16.

<sup>59</sup> Emergency Pet. ¶ 13, *In re: Extension of Time for Absentee and Mail-in Ballots to be Received by Mail and Counted in the 2020 Primary Election*, No. CV-2020-003416 (Delaware Cnty. Ct. C.P. 2020), <https://www.delcopa.gov/electionsbureau/pdfs/2020/BOEPetitionforExtension.pdf>.



to submit those ballots by June 2.<sup>60</sup> The County acknowledged that most of those would “not be received in time for voters to return them by the deadline.”<sup>61</sup> The Governor included Delaware County in his executive order extending the deadline for receiving mail ballots.<sup>62</sup> However, that extension almost certainly proved insufficient for many affected voters, as it is inconceivable that each of the approximately 25,000 voters could receive, complete, and timely return a ballot mailed to them just one or two days before the election.

67. Not only did Delaware County mail ballots late, but in the chaos leading up to Election Day, county officials also identified between 400 to 500 voters that they were certain would not receive their ballots until *after* Election Day.<sup>63</sup> Because those voters’ ballots would not arrive before the election, officials had originally simply given up on sending them. Instead, the county changed course, asking the Delaware County Court of Common pleas, in an emergency petition, for an extension. The court obliged, and in a June 2 (Election Day) order, allowed those 400 to 500 voters to have their ballots counted so long as they were

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Jonathan Lai, *Courts extend Pa. mail ballot deadlines in Bucks and Delaware Counties*, Phila. Inquirer (June 2, 2020), <https://www.inquirer.com/politics/election/bucks-delaware-county-mail-ballot-deadlines-extended-20200602.html>.

<sup>63</sup> Emergency Pet. ¶ 14, *In re: Extension of Time for Absentee and Mail-in Ballots to be Received by Mail and Counted in the 2020 Primary Election*, No. CV-2020-003416 (Delaware Cnty. Ct. C.P. 2020), <https://www.delcopa.gov/elections/bureau/pdfs/2020/BOEPetitionforExtension.pdf>.

returned by 5 p.m. on June 12, even if those ballots were not mailed or postmarked by June 2.<sup>64</sup>

68. USPS has faced challenges across the country as states increase access to absentee voting to avoid the spread of Covid-19.<sup>65</sup> As Karley Sisler, Director of the Office of Voter Services for Montgomery County, noted, delays in working with the postal service significantly hindered the county's ability to distribute ballots and resulted in an increase in delivery times.<sup>66</sup> The delays, outside the Defendants' control, made it difficult for voters who requested ballots in a timely fashion to submit those ballots before the June 2 election.<sup>67</sup> And USPS delays—which are certain to be aggravated under pandemic conditions and have already increased due to recent policy changes—caused problems at every step of the vote-by-mail process, including the receipt of applications, delivery of ballots, and return of those ballots. Moreover, even when voters did timely receive their ballots, additional mail delivery issues continued to arise. One media report found that completed mail ballots were being returned to voters instead of delivered to the

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<sup>64</sup> *Id.*; see also Order, *In Re: Extension of Time*, at 2-3 (Delaware Cnty. Ct. C.P. (June 2, 2020), <http://www.pacourts.us/assets/files/page-1305/file-9439.pdf>).

<sup>65</sup> Brian Naylor, *As More Ams. Prepare To Vote By Mail, Postal Serv. Faces Big Challenges*, Nat'l Public Radio (May 30, 2020), <https://www.npr.org/2020/05/30/865258362/as-more-americans-prepare-to-vote-by-mail-postal-service-faces-big-challenges>.

<sup>66</sup> Sisler Decl. ¶ 6.

<sup>67</sup> Marks Decl. ¶ 12.

elections office in Allegheny County.<sup>68</sup> While it is not clear just how many voters were disenfranchised due to the mail delivery errors, postal carriers said they had never seen the issue occur “at this scale,” and one postal supervisor claimed that mail-in ballots were being returned to voters “all over Pittsburgh.”<sup>69</sup>

69. All of these factors made it extremely difficult to process and deliver ballots to voters. Voters like Petitioner Cramer who requested their ballots weeks in advance of the June primary never received their ballots in the mail—not before, on, or after Election Day. Put simply, the absence of a fail-safe in the face of these systematic problems jeopardized the rights of thousands of voters, ultimately leaving them with an unconscionable choice: risk their health by voting in person or forfeit their fundamental right to vote.

70. Due to the systemic challenges in delivering mail-in ballots and the absence of a back-up plan to deliver the ballots any other way, an unprecedented number of voters were forced to cast provisional ballots in the June 2020 primary.<sup>70</sup>

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<sup>68</sup> Juliette Rihl, *Reports emerge of completed mail-in ballots being returned to voters instead of delivered to Allegheny Cnty. elections off.*, Public Source (June 1, 2020), <https://www.publicsource.org/reports-emerge-of-completed-mail-in-ballots-being-returned-to-voters-instead-of-delivered-to-allegheny-county-elections-office/>.

<sup>69</sup> *Id.*

<sup>70</sup> *Lots of mail ballots and voter enthusiasm for Pa. primary. But results could take days: Live updates*, Phila. Inquirer (June 2, 2020), <https://www.inquirer.com/politics/election/live/pa-2020-primary-election-philadelphia-live-updates-results-20200602.html> (“Officials work to restock supplies as voters show up to polls after not receiving mail ballots”).

71. Montgomery County also struggled to procure enough provisional ballots for voters who did not receive their ballots in the mail.<sup>71</sup> “Montgomery County had 60,000 provisional ballots flown in Monday from its printer in Ohio in preparation for high demand at polling places, and a roving team of seven county staffers—dedicated exclusively to provisional ballots—ha[d] been responding to restock polling places as they run low.”<sup>72</sup> Even if voters decided to risk voting in person, provisional ballots alone were an insufficient safeguard.

72. Turnout in the June election totaled approximately 2.8 million.<sup>73</sup> It is inevitable that counties will not be able to handle nearly double the volume of mail ballot requests in a timely fashion this fall. Pennsylvania had 8,599,294 registered voters as of June 2, 2020.<sup>74</sup> In 2016, 6,115,402 voters cast ballots for President.<sup>75</sup> If the same number of voters vote in November and if, as in June, around half of

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<sup>71</sup> *Lots of mail ballots and voter enthusiasm for Pa. primary. But results could take days: Live updates*, Phila. Inquirer (June 2, 2020), <https://www.inquirer.com/politics/election/live/pa-2020-primary-election-philadelphia-live-updates-results-20200602.html>.

<sup>72</sup> *Id.*

<sup>73</sup> Mark Scolforo, *Some counting continues, a week after Pa. 's primary*, WHYY (June 9, 2020), <https://whyy.org/articles/some-counting-continues-a-week-after-pennsylvanias-primary/>.

<sup>74</sup> Pa. Dep't of State, *2020 Voter Registration Statistics – Off.*, Commonwealth of Pa. (June 2, 2020), <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Documents/2020%20Primary%20VR%20Stats%20%20FINAL.pdf>.

<sup>75</sup> Pa. Dep't of State, *2016 Presidential Election*, Commonwealth of Pa., <https://electionreturns.pa.gov/General/SummaryResults?ElectionID=54&ElectionType=G&IsActive=0> (last visited Aug. 25, 2020).

those voters cast mail-in/absentee ballots,<sup>76</sup> municipal clerks will need to process a *minimum* of 3 million ballot requests and successfully deliver the same number by mail in the fall. Assuming the 1 to 1.25 ratio of returned mail-in ballots to total issued mail-in ballots holds from the June primary election,<sup>77</sup> then clerks will need to issue over 3.5 million mail-in ballots.

73. Due to the lack of adequate funding, staffing, and supplies, Pennsylvania election officials at the state and local level will not be able to fully meet the demand in a timely way with such an enormous increase in mail-in/absentee ballot requests. Defendants appear to acknowledge this conclusion as well, insofar as the Secretary of State has expressed her desire to provide counties assistance in what she deems “a very, very challenging job.”<sup>78</sup> But the Commonwealth has not proposed how voters can be guaranteed the ability to vote in light of the twin obstacles of the pandemic and unprecedented delays in delivery of U.S. mail. Indeed, expanded access to mail-in applications, greater time for counties to count ballots, and other tweaks around the edges cannot solve the

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<sup>76</sup> Marc Levy, *Fixing Pa. mail-in vote glitches goes down to wire*, The Times (Aug. 24, 2020), <https://www.timesonline.com/story/news/2020/08/24/fixing-pennsylvania-mail-vote-glitches-goes-down-wire/3424779001/>.

<sup>77</sup> OpenDataPA, *2020 Primary Mail Ballots Returned %*, Commonwealth of Pennsylvania, <https://data.pa.gov/dataset/2020-Primary-Mail-Ballots-Returned-/m5hb-icht> (last visited Aug. 25, 2020).

<sup>78</sup> Jan Murphy, *Pa. primary election ‘went remarkably smoothly’ despite many challenges*, Penn Live (June 3, 2020), <https://www.pennlive.com/news/2020/06/pa-primary-election-went-remarkably-smoothly-despite-many-challenges.html>.

problem of an overwhelming demand for mail-in and absentee ballots and a lack of staff and resources to match that demand.

74. The only way to overcome these obstacles is to provide a failsafe means of delivering ballots on an expedited basis if they fail to arrive on time by mail. Three such alternatives readily present themselves. Petitioner's proposed remedies of email delivery of absentee ballots and/or authorizing voters to use a downloadable write-in ballot, and allowing a voter to designate a person to pick up their previously-requested ballot in the week before the election will significantly alleviate the burden on voters statewide. Providing such a fail-safe option is the only way to guarantee that at-risk voters can access the ballot in the likely event that counties are once again overwhelmed by a deluge of mail-in ballot requests. However, if those alternatives are not made available to voters and election officials alike (who both stand to benefit), Defendants cannot and will not be able to guarantee that the labor-intensive tasks of processing over 3.5 million ballot requests, entering data and printing labels for all those ballots, and then mailing them off will not once again cause the system to overload. Defendants cannot guarantee that USPS will timely deliver ballots to mail/absentee voters. And, most importantly, Defendants cannot guarantee they will do any of these things in the context of an ongoing, if not resurgent, public health crisis. Given the concrete evidence of a systemic failure to keep up with the demand for mail and absentee

ballots in a much lower turnout primary election, action should be taken to safeguard voters' constitutional rights. A presidential election is no time to leave voters without a fail-safe and allow electoral disarray to proceed unabated.

***Fail-Safe Remedies for Ballot Preparation and Delivery Failures***

75. The following proposed remedies for the disenfranchisement caused by ballot preparation and delivery failures are intended to serve as last resorts or fail-safes for voters such as Petitioner. They should not be used by voters or election officials in the first instance, but rather only after a timely-requested mail-in or absentee ballot fails to arrive with sufficient time for it to be filled out and timely returned. If a timely-requested ballot does not arrive in the mail, then voters such as Petitioner must be afforded one or more of the following fail-safe alternatives: (a) electronic delivery of the ballot; (b) access to and permission to vote a state write-in ballot, like those ordered in the TRO as to the June election in *Drenth v. Boockvar*, No. 1:20-CV-00829, 2020 WL 2745729 (M.D. Pa. May 27, 2020).; and/or (c) a voter may designate an agent to pick up a replacement for a previously-requested ballot that the voter did not receive. Granted, these solutions to the constitutional problem of ballot preparation and delivery failures that continue to threaten at-risk Pennsylvania voters and their caregivers with disenfranchisement will not work for all voters, particularly those who lack printers or who cannot identify a person who is able to pick up the ballot in person

on their behalf. But for the many Covid-19 vulnerable voters who simply cannot safely vote in person, these fail-safes will prove their only available means to vote when a ballot does not arrive in the mail timely or at all.

*A. Electronic Delivery of Mail/Absentee Ballots*

76. The Pennsylvania Election Code instructs county boards of elections to “deliver or mail” absentee and mail-in ballots to absentee and mail-in electors, respectively. 25 P.S. §§ 3146.5, 3150.15. The word “deliver” is not defined in any Definitions section of Chapter 25, which governs elections. *See* 25 P.S. §§ 2602, 2745, 2831, 3001, 3031.1, 3035.1, 3150.1, 3150.21, 3241, 3595.102, 3596.102; 25 Pa.C.S. §§ 701, 1102, 3502. A military or overseas voter “may request that a ballot and balloting materials be sent to the voter by mail or by Internet delivery.” 25 Pa.C.S. § 3508(c), reflecting the Legislature’s judgment that Internet delivery is a form of “delivery.”

77. The VotesPA website offers several options for military or overseas voters to obtain an absentee or mail-in ballot via email.<sup>79</sup> Voters can either mark the box that says e-mail preference in block 5 on the Federal Post Card Application Form or contact their local County Election Office by e-mail or phone. After completing one of these options, the voter then receives an e-mail telling them that

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<sup>79</sup> *Info. for Mil. and Overseas Voters*, Votes PA, <https://www.votespa.com/Voting-in-PA/Pages/Military-and-Overseas-Voters.aspx> (last visited Aug. 28, 2020).



their ballot is ready, which they can then download from [www.pavoterservices.pa.gov](http://www.pavoterservices.pa.gov).

78. 25 Pa.C.S. § 3508(c) requires online delivery for military and overseas voters who request it, but neither mandates or prohibits online delivery of domestic civilian ballots. Leaving the form of delivery unspecified as to domestic civilian voters preserves a broader range of delivery options, including, for example, in-person delivery. Accordingly, nothing in the Election Code precludes county boards of elections from fulfilling their statutory mandate to “deliver or mail” absentee and mail-in ballots to voters by electronically transmitting the ballot.

79. Indeed, one federal court has already recognized that online delivery of ballots represents a reasonable accommodation in light of Covid-19. In *Drenth v. Boockvar*, a federal judge granted a TRO ordering the Commonwealth of Pennsylvania to provide digitally-accessible write-in ballots to blind Pennsylvania voters for the June 2 primary election.<sup>80</sup> The Court, in issuing its order, noted that failure to provide an electronic ballot would effectively force blind voters, who may not be able to fill out a paper ballot without assistance, “to choose between forfeiting their right to vote privately and independently or risking their health and safety by traveling to a polling place to vote in person.” *Id.* at \*5. The court

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<sup>80</sup> No. 1:20-CV-00829, 2020 WL 2745729 (M.D. Pa. May 27, 2020).

therefore required the state to provide blind voters with a list of the candidates on the ballot for their voting district along with an accessible electronic form on which they could type in their choices for each office. After filling out their ballot digitally, blind voters could print out the ballot and mail it in, just as would occur with any absentee ballot. As such, leveraging electronic delivery of ballots could help voters who do not timely receive their mail-in or absentee ballot to avoid the same dilemma, whereby they are forced to choose between their health and their right to vote. This is particularly true given that the infrastructure to deliver individual voters now exists in Pennsylvania, due to the recent finalization of the contract to utilize the Democracy Live software to provide voters who need them with downloadable, accessible ballots.<sup>81</sup>

80. The difficulty Defendants, county election boards, and the USPS face in trying to fully keep up with the demand for mail-in absentee ballots during this Covid-19 pandemic requires an alternative fail-safe option of electronic delivery of replacement mail-in/absentee ballots. It need not and should not be a first resort; it is a last resort. However, to prevent disenfranchisement when ballots fail to arrive timely in the mail such that voters can timely cast and return them, Petitioner respectfully requests that this Court order Defendants to establish a failsafe system to electronically deliver and/or instruct county election directors to electronically

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<sup>81</sup> See *infra* ; *Drenth v. Boockvar*, No. 1:20-CV-00829, 2020 WL 4805621, at \*3–4 (M.D. Pa. Aug. 18, 2020) (record citations omitted).

deliver replacement mail or absentee ballots to voters who timely requested those ballots be delivered by mail but did not receive them by the eighth day before an election during the pandemic, including the November 3, 2020 general election. Electronic delivery will greatly alleviate the administrative burden on county election directors' offices in mailing out replacement ballots for those that do not arrive timely in the mail.

*B. Write-In Absentee Ballots*

81. A downloadable ballot is not new to Pennsylvania, which has already implemented the Federal Write-in Absentee Ballot ("FWAB") for years. Used for military and overseas voters under Pennsylvania's enactment of federal law the FWAB is downloadable and printable at: <https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf>. The voter must assemble the envelope, and the voter fills out both a voter information sheet and the official back-up ballot. Pennsylvania law requires a military or overseas voter to first apply for an absentee ballot with the absentee ballot application or federal postcard application before using the FWAB. 25 Pa.C.S. § 3506. FWABs are counted under various rules that allow for the voter's intent to be determined without regard to misspellings, abbreviations, or the like. *See* 52 U.S.C. § 20303(c)(3). These ballots are accepted for federal and state offices under Pennsylvania law. 25 Pa.C.S. § 3510.

82. The principle behind allowing use of the FWAB is that a voter who is overseas will face hardship or potential disenfranchisement if this option is not made available to them. The Covid-19 pandemic now threatens many *domestic* civilian voters with hardship and potential disenfranchisement; in the context of this public health emergency, their right to vote is entitled to the same protection.

83. In the context of the pandemic, affording domestic civilian voters the right to cast downloadable write-in ballots to the same extent as overseas civilian voters who use a downloadable ballot, including for all offices in an election, would also cure the state constitutional violations caused by the lack of a fail-safe option for voters who request an absentee ballot during this pandemic because they cannot safely vote in person and whose absentee ballot never arrives in the mail. Petitioner respectfully requests that this Court order this as relief in the alternative or in addition to the email delivery of ballots in the narrow circumstance where a voter timely requests a mail-in absentee ballot be delivered by mail but does not receive that ballot by the eighth day before the November 3, 2020 general election.

*C. Use of An Agent to Retrieve Replacement for Undelivered, Timely Requested Ballot*

84. While electronic delivery methods will benefit many voters who do not receive their timely-requested ballots, some at-risk voters who do not receive

their ballots will not have access to the technology needed to retrieve their ballot electronically.

85. In some states, for example, in Florida, a voter may designate an agent to retrieve their vote-by-mail ballot.<sup>82</sup> Under that state’s law, voters “may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee’s own ballot, except that additional ballots may be picked up for members of the designee’s immediate family . . . .”<sup>83</sup> The designated person is required to provide written, signed authorization by the voter and the designated person’s picture ID, and must complete an official state-designed affidavit signed under penalty of perjury stating the person is authorized by the voter to pick up the ballot.<sup>84</sup>

86. In the context of the pandemic, allowing voters to designate an individual to pick up a timely-requested main-in/absentee ballot that was not received in the mail would provide an additional fail-safe for those voters who cannot access the Internet and/or print out an electronically-delivered ballot.

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<sup>82</sup> Fla. Stat. § 101.62(4)(c)(4).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*; see also Fla. Dep’t of State, Form DS-DE 37, <https://dos.myflorida.com/media/701775/dsde37.pdf>; cf. Mich. Comp. Laws Ann. § 168.759(b) (2020) (emergency ballot process includes opportunity to have a ballot delivered to the applicant through a deputy or election assistant, or at the election official’s approval, to a person named by the voter in the application).

**COUNT I**  
**EMERGENCY DECLARATORY AND INJUNCTIVE RELIEF FOR**  
**VIOLATION OF FREE AND EQUAL ELECTIONS CLAUSE**

87. Petitioner re-alleges and incorporates by reference all of the allegations contained in all of the preceding paragraphs.

88. The right to vote is a fundamental right in the Commonwealth of Pennsylvania. Pa. Const. art. I, § 5. Article I, Section 5 of the Pennsylvania Constitution provides that “Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” *Id.* The Pennsylvania Supreme Court recently reviewed the history of the Free and Equal Elections Clause, affirming that:

[E]lections are free and equal within the meaning of the Constitution when they are public and open to all qualified electors alike; when every voter has the same right as every other voter; when each voter under the law has the right to cast his ballot and have it honestly counted; when the regulation of the right to exercise the franchise does not deny the franchise itself, or make it so difficult as to amount to a denial; and when no constitutional right of the qualified elector is subverted or denied him.

*League of Women Voters v. Commonwealth*, 110, 178 A.3d 737, 810 (2018)

(quoting *Winston v. Moore*, 91 A. 520, 523 (1914)); *see also Applewhite v.*

*Commonwealth of Pa.*, No. 330 M.D. 2012, 2014 WL 184988, at \*19 (quoting same).

89. Echoing the expansive right to suffrage contemplated by the Pennsylvania Constitution, courts in the Commonwealth have repeatedly held that the right of suffrage “is a fundamental one” and the “most treasured prerogative of citizenship through which other rights flow.” *Applewhite v. Commonwealth of Pa.*, No. 330 M.D. 2012, 2014 WL 184988, at \*19 (Jan. 17, 2014) (internal quotation marks and citations omitted).

90. In the context of the 2020 general election, the Covid-19 pandemic and delays in delivery of election mail predicted by both the Commonwealth and the USPS, the failure to timely provide all voters who requested them with mail-in or absentee ballots in time to vote them forces voters who do not receive their requested ballots to vote in person. For voters who are at high risk for complications or death from Covid-19 or who are caring for or living with such individuals, that failure makes exercising Pennsylvania’s fundamental right to vote so difficult or risky as to amount to an effective denial.

91. The failure to timely provide voters with ballots and the further failure to provide voters with failsafe alternative ballot delivery methods so that they can timely receive replacement mail-in or absentee ballots to vote safely when those initially-requested ballots do not arrive on time in the mail denies Petitioner Cramer and similarly-situated individuals the right to vote in violation of the Free and Equal Elections Clause of the Pennsylvania Constitution.

92. Many qualified voters in Pennsylvania with a Covid-19-vulnerable household member cannot cast a ballot in person because they reasonably fear that they or their household member will become infected with Covid-19, develop complications, and die. If they do not receive their mail ballots in time to vote them and have them be counted, they will be disenfranchised as Petitioner Cramer was in June.

93. Article VII, § 6 of the Pennsylvania Constitution provides:

All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class . . . .

Pa. Const. art. VII, § 6.

94. No compelling state interest justifies the disenfranchisement of voters due to any administrative burden of processing requests for replacement mail or absentee ballots via alternative ballot delivery methods such as online access, email, or designee pick-up.

95. Accordingly, in the context of the deadliest pandemic in one hundred years and the massive influx of mail or absentee ballot applications that cannot all be timely processed by election officials or timely delivered by USPS, the lack of fail-safe options to deliver replacement mail or absentee ballots to voters who do not receive their initially-requested mail or absentee ballots in the mail poses



insurmountable burdens on the fundamental right to vote. This practice violates the guarantee of “free and equal” elections under the Pennsylvania Constitution.

96. An actual controversy exists between Petitioner and Respondents regarding Petitioner’s rights and Respondents’ obligations under the Pennsylvania Constitution, Act 77 and other above-mentioned laws. Entry of declaratory relief pursuant to 42 Pa.C.S. §§ 7532 and 7533 is necessary to address and resolve such controversy. Such relief should be entered on an emergency basis to ensure that it can be implemented in time to protect Petitioner’s and other Pennsylvania voters’ rights in the 2020 General Election. Supplemental relief in the nature of a permanent injunction should be entered pursuant to 42 Pa.C.S. § 7538(a) to effectuate such declaratory relief.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Honorable Court enter judgment in her favor and against Defendants:

a. Declaring that, in the context of the 2020 general election, the Covid-19 pandemic and delays in delivery of election mail predicted by both the Commonwealth and the USPS, the failure to provide all voters who requested them with mail-in or absentee ballots in time to vote them by mail violates Pa. Const. art. I, § 5. Article I, Section 5, Pa. Const. art. VII, § 6 and Act 77.

b. Enjoining Defendants to remedy the lack of a fail-safe option for voters who previously and timely requested a mail or absentee ballot by mail delivery but who do not receive that ballot in the mail, for the November general election and additional elections held during the course of the pandemic, by:

1. Establishing a process by which voters who previously and timely requested a mail-in or absentee ballot by mail delivery but who do not receive that ballot in the mail in time to submit it, may have a ballot electronically delivered to them, *e.g.*, accessed online and downloaded through the Democracy Live platform, and/or emailed to the voter with appropriate security measures, along with all the materials necessary to cast that ballot including its certificate envelope;

2. Causing to be counted in the November 2020 general election results of mail-in or absentee ballots that are electronically delivered, *e.g.*, accessed online and downloaded through the Democracy Live platform, and/or emailed to voters, and are timely returned in any way permitted under Pennsylvania law or court orders, by voters who previously and timely requested a mail-in or absentee ballot by mail delivery but did not receive that ballot in the mail in time to vote it; and

3. Prohibiting the rejection and/or refusal to count and certify as part of official election results mail-in and absentee ballots that were electronically

delivered, *e.g.*, accessed online and downloaded through the Democracy Live platform, and/or emailed to voters that are timely returned in any way permitted under Pennsylvania law or court orders by voters who previously and timely requested a mail-in or absentee ballot by mail delivery but did not receive that ballot in the mail in time to vote it; and;

c. In the alternative or in addition to the relief outlined in subsection (b), for the duration of the pandemic, enjoining Defendants to:

1. Establish a process including a uniform statewide form by which voters who previously and timely requested a mail-in or absentee ballot by mail delivery and who do not receive their requested ballot, and cannot retrieve and print out such ballot via alternative electronic delivery methods as set out above, be authorized to, via affidavit, designate an individual who can retrieve the unvoted ballot from the election board and deliver it to the voter;

2. Establish a system by which voters who previously and timely requested a mail ballot or an absentee ballot by mail delivery, may download, vote, and return in any way permitted under Pennsylvania law or court orders an emergency write-in ballot package, containing a write-in ballot, instructions for filling out the ballot, a candidate list for the voter's precinct, and a bar code sufficient to identify the ballot envelope;

3. Direct county officials to permit voters who previously and timely requested a mail-in ballot or an absentee ballot by mail delivery, to download, vote, and return in any way permitted under Pennsylvania law or court orders an emergency write-in ballot package, containing a write-in ballot, instructions for filling out the ballot, a candidate list for the voter's precinct, and a bar code sufficient to identify the ballot envelope;

4. Direct county officials to process and count emergency write-in ballots submitted under paragraph (b)(2)-(3) above that are timely returned in any way permitted under Pennsylvania law or court orders by voters who previously and timely requested a mail-in or absentee ballot by mail delivery;

5. Count and certify as part of official election results emergency write-in ballots submitted under paragraph (b)(2)-(3) above that are timely returned in any way permitted under Pennsylvania law or court orders by voters who previously and timely requested a mail-in or absentee ballot by mail delivery;

d. Declare that electronic ballot delivery, the downloading of ballots, and ballot pick-up via a designated person are all fully consistent with existing Pennsylvania laws requiring election officials to "deliver or mail official" ballots to voters, 25 P.S. §§ 3150.15, 3146.5; and

e. Award any other relief as is just and necessary.

Dated: September 1, 2020

Respectfully submitted,

/s/ David Newmann

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Jacquelyn Cramer*

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# Exhibit B



July 29, 2020

Honorable Kathy Boockvar  
Secretary of the Commonwealth of Pennsylvania  
302 North Capitol Building  
Harrisburg, PA 17120-0001

Dear Secretary Boockvar:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Pennsylvania's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. So, if state law requires ballots to be returned by Election Day, voters should mail their ballots no later than Tuesday, October 27.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

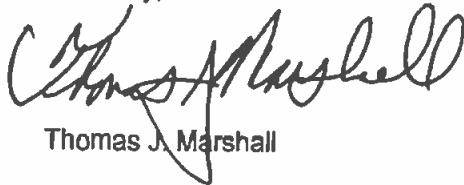
Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to request a ballot as late as 7 days before the November general election. If a voter submits a request at or near that deadline, and the ballot is transmitted to the voter by mail, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline. That risk is exacerbated by the fact that the law does not appear to require election officials to transmit a ballot until 48 hours after receiving a ballot application.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicalection-mail-coordinators.pdf>.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,



Thomas J. Marshall



# Exhibit C

Coronavirus Disease 2019 (COVID-19)

# CDC COVID Data Tracker

Maps, charts, and data provided by the CDC



The CDC COVID-19 Data Tracker has a new look and location to make the data easier to find and use. All previous data remains and will be updated on the same schedule. Please update bookmarks and links.

Also, as of 8/27, the Tracker includes correctional facility information, NIH Vulnerability Index data, and upgraded testing information.

Case Trends ▾

Laboratory ▾

Community Impact ▾

Unique Populations ▾

COVID-19 Home

Cases and Deaths by State

Trends

Compare Trends

Demographics

Cases and Deaths by County

Forecasting

Trends in ED Visits

## United States COVID-19 Cases and Deaths by State

Reported to the CDC since January 21, 2020

**USA**  
**6,047,692**  
**TOTAL CASES**  
 CDC | Updated: Sep 2 2020 12:16PM

**USA**  
**184,083**  
**TOTAL DEATHS**  
 CDC | Updated: Sep 2 2020 12:16PM

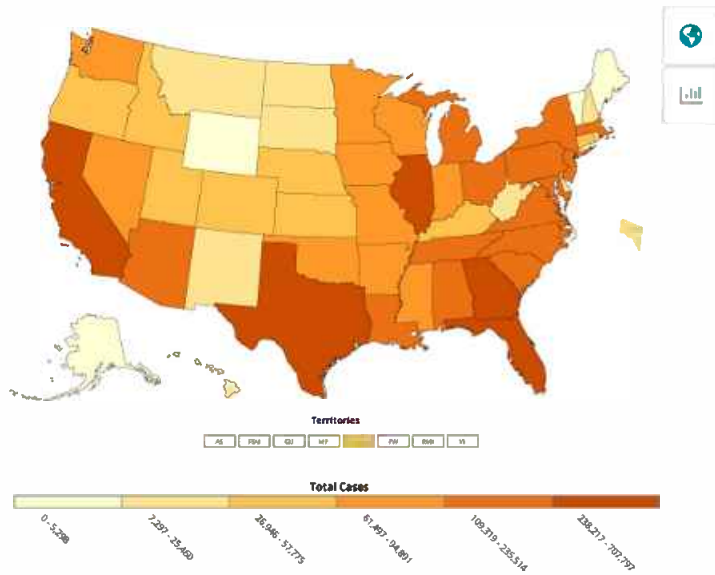
**USA**  
**295,039**  
**Cases in Last 7 Days**  
 CDC | Updated: Sep 2 2020 12:16PM

### Total Cases by State/Territory

State/Territory	Total Cases	Confirmed Probable	
		Confirmed	Probable
California	707,797	N/A	N/A
Florida	624,116	N/A	N/A
Texas	617,333	N/A	N/A
Georgia	272,697	N/A	N/A
Illinois	238,217	236,515	1,702
New York City*	235,514	230,744	4,770
Arizona	202,342	200,608	1,734

Total Cases	Cases in Last 7 Days	Cases per 100,000	Total Deaths	Deaths per 100,000
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Total Number of COVID-19 Cases in the US Reported to the CDC, by State/Territory



State/Territory	Total Cases	Confirmed	Probable
New York*	200,968	N/A	N/A
New Jersey	192,290	N/A	N/A
North Carolina	169,424	N/A	N/A

CDC | Updated: Sep 2 2020 12:16PM

**Data Sources, References & Notes:** Total cases are based on aggregate counts of COVID-19 cases reported by state and territorial jurisdictions to the Centers for Disease Control and Prevention (CDC) since January 21, 2020, with the exception of persons repatriated to the United States from Wuhan, China, and Japan. The numbers are confirmed and probable COVID-19 cases as reported by U.S. states, U.S. territories, New York City, and the District of Columbia from the previous day. \*Counts for New York City and New York state are shown separately; data for New York State show total cases and deaths for the State excluding data for NYC. When not available to CDC this is annotated by N/A. Rates are calculated using U.S. Census Bureau, 2018 American Community Survey 1-year estimates and are shown as cases/100,000 people. The map shows total cases per state, new cases in the last 7 days per state, and the rate (cases/100,000) per state. The 7-day moving average of new cases (current day + 6 preceding days / 7) was calculated to smooth expected variations in daily counts. Demographic data for deaths is based on a subset of cases where case-level data is available. Case numbers reported on other websites may differ from what is posted on CDC's website because CDC's overall case numbers are validated through a confirmation process with each jurisdiction. Differences between reporting jurisdictions and CDC's website may occur due to the timing of reporting and website updates. The process used for finding and confirming cases displayed by other sites may differ.

[View and Download COVID-19 Case Surveillance Public Use Data](#)

# Exhibit D

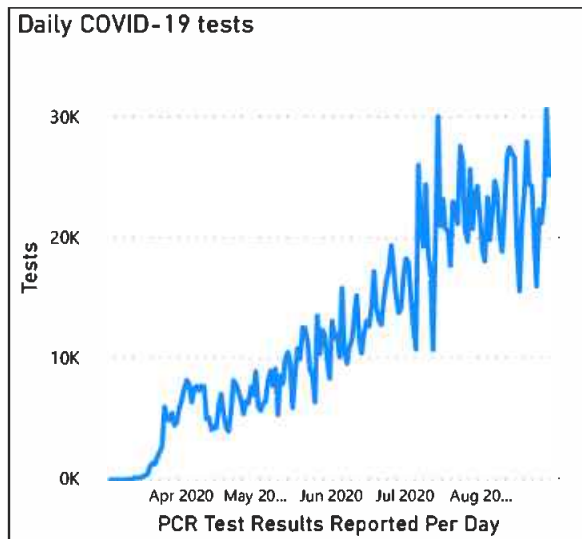
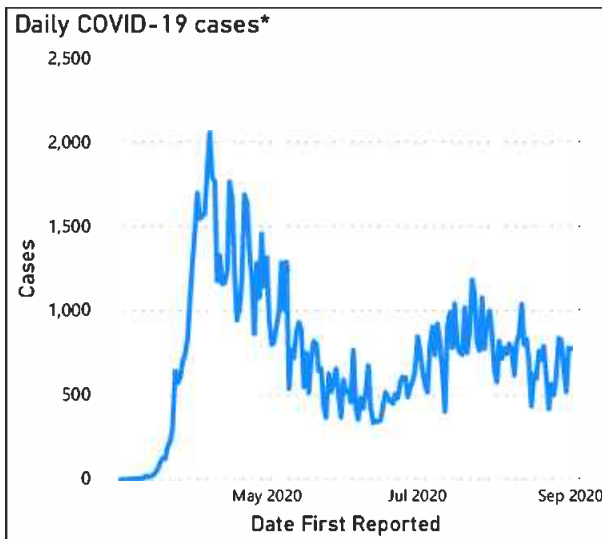
# Coronavirus (COVID-19)

Page last updated September 2, 2020 - 12:00 p.m.

## COVID-19 Data for Pennsylvania

The COVID-19 Data Dashboard does not load properly in Internet Explorer. It is recommended to use Chrome, Edge or Firefox to view the dashboard.

<b>Total Cases*</b> <b>135,611</b>	<b>Negatives**</b> <b>1,552,085</b>	<b>Recovered***</b> <b>82%</b>
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\* Cases include confirmed and probable cases

Microsoft Power BI



*\* Total case counts include confirmed and probable cases.*

*\*\* Negative case data only includes negative PCR tests. Negative case data does not include negative antibody tests.*

*\*\*\* Individuals who have recovered is determined using a calculation, similar to what is being done by several other states. If a case has not been reported as a death, and it is more than 30 days past the date of their first positive test (or onset of symptoms) then an individual is considered recovered.*

**Pennsylvania COVID-19 Dashboard**

View the  [\(/topics/disease/coronavirus/Pages/Cases.aspx\)](https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx)

View the **COVID-19 Early Warning Monitoring System Dashboard**

[\(/topics/disease/coronavirus/Pages/Monitoring-Dashboard.aspx\)](https://www.health.pa.gov/topics/disease/coronavirus/Pages/Monitoring-Dashboard.aspx)

<p><b>Symptoms &amp; Testing</b></p>	<p><b>Stop the Spread</b></p>	<p><b>FAQs &amp; Resources</b></p>	<p><b>Pennsylvania Data</b></p>
<p><a href="https://www.health.pa.gov/topics/">(https://www.health.pa.gov/topics/)</a></p>	<p><a href="https://www.health.pa.gov/topics/">(https://www.health.pa.gov/topics/)</a></p>	<p><a href="https://www.health.pa.gov/topics/">(https://www.health.pa.gov/topics/)</a></p>	<p><a href="https://www.health.pa.gov/topics/">(https://www.health.pa.gov/topics/)</a></p>
<p><b>LTCF Data</b></p>	<p><b>Contact Tracing</b></p>	<p><b>Translated Materials</b></p>	<p><b>American Sign Language</b></p>
<p><a href="https://www.health.pa.gov/topics/disease/coronavirus/Pages/LTCFData.aspx"> (https://www.health.pa.gov/topics/disease/coronavirus/Pages/LTCFData.aspx)</a></p>	<p><a href="https://www.health.pa.gov/topics/disease/coronavirus/Pages/ContactTracing.aspx"> (https://www.health.pa.gov/topics/disease/coronavirus/Pages/ContactTracing.aspx)</a></p>	<p><a href="https://www.health.pa.gov/topics/disease/coronavirus/Pages/TranslatedMaterials.aspx"> (https://www.health.pa.gov/topics/disease/coronavirus/Pages/TranslatedMaterials.aspx)</a></p>	<p><a href="https://www.health.pa.gov/topics/disease/coronavirus/Pages/AmericanSignLanguage.aspx"> (https://www.health.pa.gov/topics/disease/coronavirus/Pages/AmericanSignLanguage.aspx)</a></p>

**The Latest Guidance**

In Pennsylvania,

[masks must be worn whenever anyone leaves home](https://www.governor.pa.gov/newsroom/gov-wolf-sec-of-health-signs-expanded-mask-wearing-order/)

(<https://www.governor.pa.gov/newsroom/gov-wolf-sec-of-health-signs-expanded-mask-wearing-order/>)

. Masks are mandatory in all public spaces. Have questions about mask wearing? View the

[Universal Face Coverings Order FAQ](/topics/disease/coronavirus/Pages/Guidance/Universal-Masking-FAQ.aspx)

(</topics/disease/coronavirus/Pages/Guidance/Universal-Masking-FAQ.aspx>)

Pennsylvania is utilizing a three-phase matrix to determine when counties and/or regions are ready to begin easing some restrictions on work, congregate settings, and social interactions. View Governor's Wolf's

[phased reopening plan](https://www.pa.gov/guides/responding-to-covid-19/#PhasedReopening) for

Pennsylvania. View the

[testing](https://www.health.pa.gov/topics/disease/coronavirus/Pages/Testing-Strategy.aspx)

(<https://www.health.pa.gov/topics/disease/coronavirus/Pages/Testing-Strategy.aspx>)

and

[contact tracing](https://www.health.pa.gov/topics/disease/coronavirus/Pages/Contact-Tracing.aspx) plans.

Elementary and secondary schools in the state's yellow and green phases may resume in-person instruction and activities beginning July 1 under a phased reopening approach. Postsecondary institutions and adult basic education programs, effective June 5, to begin in-person instruction immediately following the development of a health and safety plan outlining strategies for safe operations.

[View the preliminary reopening guidance](https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/Pages/default.aspx)

(<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/Pages/default.aspx>)

Businesses in the Commonwealth that are permitted to conduct in-person operations during the disaster emergency must take precautions to protect their employees, their employees' families, and their communities as a whole. View the

[business guidance](https://www.governor.pa.gov/covid-19/business-guidance/) and

[business FAQ](https://www.governor.pa.gov/covid-19/business-faq/)

It is important that as many people as possible wear a nonmedical or homemade mask when leaving their homes. View

[instructions for how to make a homemade mask](#)

(/topics/disease/coronavirus/Pages/Stop-the-Spread.aspx)

## Get Help

[Pennsylvania COVID-19 guide](#)

The [\(https://www.pa.gov/guides/responding-to-covid-19/\)](https://www.pa.gov/guides/responding-to-covid-19/) was created as a place for Pennsylvanians to quickly find the resources they need during the COVID-19 pandemic.

## Questions About COVID-19?

[list of frequently asked questions](#)

First, check out our [\(/topics/disease/coronavirus/Pages/FAQs.aspx\)](https://www.pa.gov/guides/responding-to-covid-19/faq) . If

you still have a question that need to be answered, call us at

[1-877-PA-HEALTH](tel:1-877-PA-HEALTH) 

(tel:1-877-PA-HEALTH)

Watch **LIVE** briefings from the PA Department of Health:

[pacast.com/live/doh](https://pacast.com/live/doh) 

(https://pacast.com/live/doh)

[www.governor.pa.gov/live/](https://www.governor.pa.gov/live/)

(https://www.governor.pa.gov/live/)

[watch on Facebook](https://www.facebook.com/pennsylvaniadepartmentofhealth/)  (https://www.facebook.com/pennsylvaniadepartmentofhealth/)

or Español:

[pacast.com/live/es](https://pacast.com/live/es) 

(https://pacast.com/live/es)

[View the PA Dept. of Health coronavirus archives](#)

(/topics/disease/coronavirus/Pages/Archives.aspx)

[Share social media graphics and posters](#)

(/topics/disease/coronavirus/Pages/Social-Media.aspx)



# Exhibit E

## WEEKLY REPORT FOR DEATHS ATTRIBUTED TO COVID-19 ISSUED AUGUST 28, 2020

**DEATHS REGISTERED:** 7,655

This report is based on COVID-19 deaths that occurred in Pennsylvania. This information has been extracted from death records registered with the Department’s Vital Records Program as of 11:59 pm on August 27, 2020. Please see [State Registrar Notice \(SRN\) 2020-13](#) for detailed information regarding the reporting of these deaths. These deaths meet the CDC’s National Center for Health Statistics guidance.<sup>1</sup> Death records included in this report include laboratory confirmed COVID-19 deaths and clinically confirmed COVID-19 deaths.<sup>2</sup>

This death data information is considered provisional information. Due to the time associated with reporting deaths, recent death data is incomplete and only reflected in the figures below if the death record is complete. Death data will continue to be updated as additional COVID-19 deaths are registered and amended with the Vital Records Program.

**GENDER**

Gender	# of Deaths
Female	3,952
Male	3,703



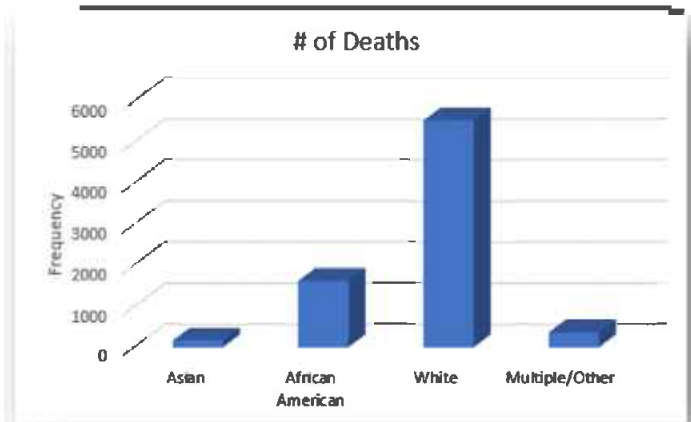
<sup>1</sup> [https://www.cdc.gov/nchs/nvss/vsrr/covid19/tech\\_notes.htm](https://www.cdc.gov/nchs/nvss/vsrr/covid19/tech_notes.htm)

Coronavirus disease deaths are identified when coronavirus disease 2019 or COVID-19 are reported as a cause that contributed to death on the death record. These can include laboratory confirmed cases, as well as cases without laboratory confirmation.

<sup>2</sup> This report only includes deaths among individuals who may have tested positive for COVID-19 if the death record meets the criteria listed in footnote 1 above.

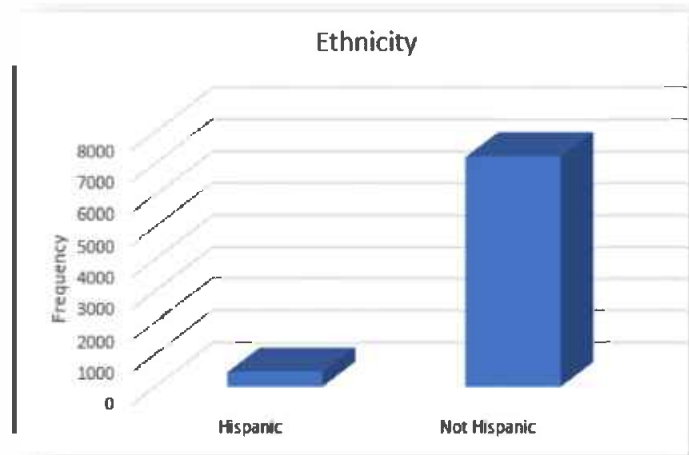
**RACE**

<b>Race</b>	<b># of Deaths</b>
Asian	162
African American	1,608
White	5,520
Multiple/Other	365



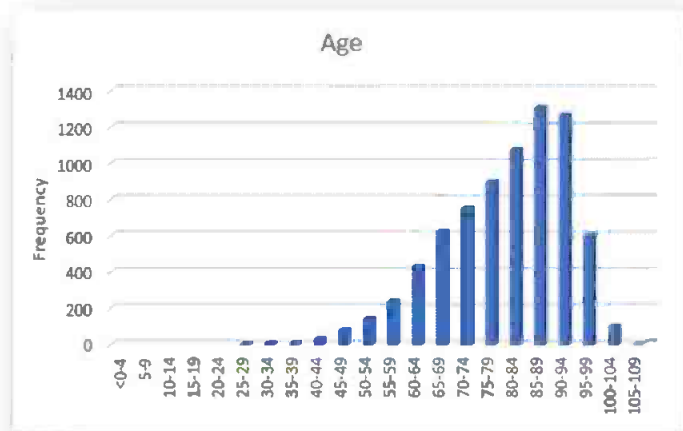
**ETHNICITY**

<b>Ethnicity</b>	<b># of Deaths</b>
Hispanic	453
Not Hispanic	7,202



**AGE**

Age	# of Deaths
<0-4	*
5-9	*
10-14	*
15-19	*
20-24	*
25-29	6
30-34	13
35-39	15
40-44	38
45-49	87
50-54	148
55-59	243
60-64	434
65-69	628
70-74	754
75-79	897
80-84	1077
85-89	1311
90-94	1271
95-99	607
100-104	106
105-109	11



\*Counts less than 5 are suppressed.

**PLACE OF DEATH**

Based on national standards, the place of death is categorized as shown above. The place of death of the decedent is reported by the medical certifier, such as a physician, CRNP, or coroner, based on the physical location where the death occurred.

Place of Death	# of Deaths
Hospice	171
Hospital	3,916
Long-Term Living	3,303
Residence	262
Other	3



## **COMORBIDITIES**

Due to the novel nature of COVID-19, this is a list of comorbidities currently being tracked in Pennsylvania. This subset of comorbidities should not be interpreted as a list of conditions that caused an individual to be more susceptible to the disease. Since an individual may have multiple comorbidities, this count is not mutually exclusive. For instance, a decedent with hypertension and diabetes will be counted in both comorbidity types.

At the time of this reporting, approximately 37% of death records did not include comorbidity data. While medical certifiers are encouraged to include comorbidities that significantly contributed to the death, medical certifiers often underreport comorbidity data.

<b>Comorbidities Grouped by Classification</b>	
Cancer	344
Cardio: Congestive Heart Failure	512
Coronary Artery Disease	581
Hypertension	1,488
Immuno: HIV	14
Organ Transplant	13
Kidney: Chronic	491
End-Stage Renal	165
Liver: Chronic	8
Cirrhosis	36
Metabolic: Diabetes	938
Obesity	161
Neuro: Dementia	1,609
Parkinson's	183
Respiratory: Asthma	60
COPD	603
Sleep Apnea	60

<b>Comorbidities in Descending Order</b>	
Neuro: Dementia	1,609
Cardio: Hypertension	1,488
Metabolic: Diabetes	938
Respiratory: COPD	603
Cardio: Coronary Artery Disease	581
Cardio: Congestive Heart Failure	512
Kidney: Chronic	491
Cancer	344
Neuro: Parkinson's	183
Kidney: End-Stage Renal	165
Metabolic: Obesity	161
Respiratory: Asthma	60
Respiratory: Sleep Apnea	60
Liver: Cirrhosis	36
Immuno: HIV	14
Immuno: Organ Transplant	13
Liver: Chronic	8

# Exhibit F

# Coronavirus Disease

[MENU >](#)

## People with Certain Medical Conditions People with Certain Medical Conditions

Updated Aug. 14, 2020



### Summary of Recent Changes

Revisions were made on July 17, 2020 to reflect recent data supporting increased risk of severe COVID-19 among individuals with cancer. The listed underlying medical conditions in children were also revised to indicate that these conditions might increase risk to better reflect the quality of available data currently. We are learning more about COVID-19 every day, and as new information becomes available, CDC will update the information below.

People of any age with **certain underlying medical conditions** are at increased risk for severe illness from COVID-19:

People of any age with the following conditions are at increased risk of severe illness from COVID-19:

- [Cancer](#)
- [Chronic kidney disease](#)
- [COPD \(chronic obstructive pulmonary disease\)](#)
- [Immunocompromised state \(weakened immune system\) from solid organ transplant](#)
- [Obesity \(body mass index \[BMI\] of 30 or higher\)](#)
- [Serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies](#)
- [Sickle cell disease](#)
- [Type 2 diabetes mellitus](#)

COVID-19 is a new disease. Currently there are limited data and information about the impact of underlying medical conditions and whether they increase the risk for severe illness from COVID-19. Based on what we know at this time, people with the following conditions might be at an increased risk for severe illness from COVID-19:

- [Asthma \(moderate-to-severe\)](#)
- [Cerebrovascular disease \(affects blood vessels and blood supply to the brain\)](#)
- [Cystic fibrosis](#)
- [Hypertension or high blood pressure](#)
- [Immunocompromised state \(weakened immune system\) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines](#)
- [Neurologic conditions, such as dementia](#)
- [Liver disease](#)
- [Pregnancy](#)
- [Pulmonary fibrosis \(having damaged or scarred lung tissues\)](#)
- [Smoking](#)
- [Thalassemia \(a type of blood disorder\)](#)
- [Type 1 diabetes mellitus](#)

[Want to see the evidence behind these lists?](#)

[Children](#) who have medical complexity, who have neurologic, genetic, metabolic conditions, or who have congenital heart disease might be at increased risk for severe illness from COVID-19 compared to other children.

The list of underlying conditions is meant to inform clinicians to help them provide the best care possible for patients, and to inform individuals as to what their level of risk may be so they can make individual decisions about illness prevention. We are learning more about COVID-19 every day. This list is a living document that may be updated at any time, subject to potentially rapid change as the science evolves.

## Reduce your risk of getting COVID-19

It is especially important for people at increased risk of severe illness from COVID-19, and those who live with them, to protect themselves from getting COVID-19.

The best way to protect yourself and to help reduce the spread of the virus that causes COVID-19 is to:

- Limit your interactions with other people as much as possible.
- Take [precautions to prevent getting COVID-19](#) when you do interact with others.

If you start feeling sick and think you may have COVID-19, get in touch with your healthcare provider within 24 hours.

## Venturing out into a public setting? What to consider before you go.



As communities and businesses across the United States are opening, you may be thinking about [resuming some activities](#), [running errands](#), and attending [events and gatherings](#). There is no way to ensure you have zero risk of infection, so it is important to understand the risks and know how to be as safe as possible.

People at increased risk of severe illness from COVID-19, and those who live with them, should consider their level of risk before [deciding to go out](#) and ensure they are taking steps to [protect themselves](#). Consider avoiding activities where taking protective measures may be difficult, such as activities where social distancing can't be maintained. Everyone should take steps to prevent getting and spreading COVID-19 to protect themselves, their communities, and people who are at increased risk of severe illness.

In general, the more people you interact with, the more closely you interact with them, and the longer that interaction, the higher your risk of getting and spreading COVID-19.

- If you decide to engage in public activities, continue to protect yourself by [practicing everyday preventive actions](#).
- Keep these items on hand and use them when venturing out: a mask, tissues, and a hand sanitizer with at least 60% alcohol, if possible.
- If possible, avoid others who are not wearing [masks](#) or ask others around you to wear masks.

## Are you considering in-person visits with family and friends? Here are some things to consider to help make your visit as safe as possible:

### When to delay or cancel a visit

- Delay or cancel a visit if you or your visitors have [symptoms](#) of COVID-19 or have been exposed to someone with COVID-19 in the last 14 days.
- Anyone who has had [close contact](#) with a person with COVID-19 should [stay home and monitor for symptoms](#).

In general, the more people you interact with, the more closely you interact with them, and the longer that interaction, the higher the risk of COVID-19 spread. So, [think about](#):

- How many people will you interact with?
- Can you keep 6 feet of space between you and others?
- Will you be outdoors or indoors?
- What's the length of time that you will be interacting with people?

### Encourage social distancing during your visit

- Visit with your friends and family [outdoors](#), when possible. If this is not feasible, make sure the room or space is well-ventilated (for example, open windows or doors) and large enough to accommodate [social distancing](#).
- Arrange tables and chairs to allow for social distancing. People from the same household can be in groups together and don't need to be 6 feet apart from each other.
- Consider activities where social distancing can be maintained, like sidewalk chalk art or yard games.
- Try to avoid close contact with your visitors. For example, don't shake hands, elbow bump, or hug. Instead wave and verbally greet them.
- If possible, avoid others who are not wearing masks or ask others around you to wear masks.

- Consider keeping a list of people you visited or who visited you and when the visit occurred. This will help with [contact tracing](#) if someone becomes sick.

### Wear masks

- [Masks](#) should be worn over the nose and mouth. Masks are especially important when it is difficult to stay at least 6 feet apart from others or when people are indoors to help protect each other.
- Masks may slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others
  - Wearing a mask helps protect others in case you're infected, while others wear one to protect you should they be infected.
- **Who should NOT use masks:** Children under age 2 or anyone who has trouble breathing, is unconscious, or is incapacitated or otherwise unable to remove the mask without assistance.

### Wash hands often

- Everyone should [wash their hands](#) for at least 20 seconds at the beginning and end of the visit and whenever you think your hands may have become contaminated.
- If soap and water are not readily available, such as with outdoor visits or activities, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
- Remind guests to wash or sanitize their hands before serving or eating food.
- Use single-use hand towels or paper towels for drying hands so visitors do not share towels. Have a no-touch trash can available for guests to use.

### Limit contact with commonly touched surfaces or shared items

- Encourage your visitors to bring their own food and drinks.
- [Clean and disinfect](#) commonly touched surfaces and any shared items between use.
- If you choose to use any shared items that are reusable (e.g., seating covers, tablecloths, linen napkins), wash, clean, and sanitize them after the event.

## If you are thinking about participating in an event or gathering:

If you are at increased risk for severe illness, consider avoiding high-risk gatherings. The risk of COVID-19 spreading at events and gatherings increases as follows:

**Lowest risk:** Virtual-only activities, events, and gatherings.

**More risk:** Smaller outdoor and in-person gatherings in which individuals from different households remain spaced at least 6 feet apart, wear masks, do not share objects, and come from the same local area (e.g., community, town, city, or county).

**Higher risk:** Medium-sized in-person gatherings that are adapted to allow individuals to remain spaced at least 6 feet apart and with attendees coming from outside the local area.

**Highest risk:** Large in-person gatherings where it is difficult for individuals to remain spaced at least 6 feet apart and attendees travel from outside the local area.

## Stay healthy during the COVID-19 pandemic

Staying healthy during the pandemic is important. Talk to your healthcare provider about whether your vaccinations and other preventive services are up to date to help prevent you from becoming ill with other diseases.

- It is particularly important for those at increased risk of severe illness, including older adults, to receive recommended vaccinations against influenza and pneumococcal disease.
- Talk with your healthcare provider about maintaining preventive services like [cancer screenings](#) during the pandemic.
- Remember the importance of staying [physically active](#) and practicing healthy habits to [cope with stress](#).
- If you have a medical emergency, do not delay seeking emergency care.

## If you have an underlying medical condition, you should continue to follow your treatment plan:

- Continue your medicines and do not change your treatment plan without talking to your healthcare provider.
- Have at least a 30-day supply of prescription and non-prescription medicines. [Talk to a healthcare provider](#), insurer, and pharmacist about getting an extra supply (i.e., more than 30 days) of prescription medicines, if possible, to reduce your trips to the pharmacy.
- Do not delay [getting emergency care](#) for your underlying medical condition because of COVID-19. Emergency departments have contingency infection prevention plans to protect you from getting COVID-19 if you need care.
- Call your [healthcare provider](#) if you have any concerns about your underlying medical conditions or if you get sick and think that you may have COVID-19. If you need emergency help, call 911 right away.
- If you don't have a healthcare provider, contact your nearest [community health center](#) [or health department](#).



COVID-19 Associated Hospitalization Related to Underlying Medical Conditions



COVID-19 Hospitalization and Death by Age



COVID-19 Hospitalization and Death by Race/Ethnicity

1/3

## Actions you can take based on your medical conditions and other risk factors

### Asthma (moderate-to-severe)

Having moderate-to-severe asthma may increase your risk for severe illness from COVID-19.

### Actions to take

- Keep your asthma under control by following your [Asthma Action Plan](#).
- Continue your current medicines, including any inhalers with steroids in them ("steroids" is another word for corticosteroids). Know [how to use your inhaler](#). Avoid your [asthma triggers](#).
- Make sure that you have at least a 30-day supply of your medicines.
- Call your healthcare provider if you have concerns about your condition or feel sick. If you don't have a healthcare provider, contact your nearest [community health center](#) [📍](#) or [health department](#).
- Have another member of your household who doesn't have asthma clean and disinfect your house for you. When they use cleaning and disinfecting products, have them:
  - Make sure that people with asthma are not in the room.
  - Avoid using [disinfectants known to trigger asthma attacks](#).
  - Open windows or doors and use a fan that blows air outdoors.
  - Always follow the instructions on the product label.
  - Spray or pour spray products onto a cleaning cloth or paper towel instead of spraying the product directly onto the cleaning surface (if the product label allows).

[Learn more about asthma.](#)

## Cancer

Having cancer currently increases your risk of severe illness from COVID-19. At this time, it is not known whether having a history of cancer increases your risk.

### Actions to take:

- Have a conversation with your healthcare provider or care team to discuss your individual level of risk based on your condition, your treatment, and the level of transmission in your community.
- Do not stop taking your medicines or alter your treatment plan without talking to your healthcare provider.
- Make sure that you have at least a 30-day supply of your medicines.
- Do not delay life-saving treatment or emergency care.
- Call your healthcare provider or care team if you have concerns about your condition, your treatment, think you may have been exposed to COVID-19, or any other questions.
- For more information on [preventing infections for people with cancer](#).

## Chronic kidney disease

Having chronic kidney disease of any stage increases your risk for severe illness from COVID-19.

### Actions to take

- Continue your medicines and your diet as directed by your healthcare provider.
- Make sure that you have at least a 30-day supply of your medicines.

- Stay in contact with your healthcare team as often as possible, especially if you have any new signs or symptoms of illness. Also reach out to them if you can't get the medicines or foods you need.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).
- Have shelf-stable food choices to help you follow your kidney diet.
- If you are on dialysis:
  - Contact your dialysis clinic and your healthcare provider if you feel sick or have concerns.
  - Do NOT miss your treatments.
  - Plan to have enough food on hand to follow the [KCER 3-Day Emergency Diet Plan](#) for dialysis patients in case you are unable to maintain your normal treatment schedule.

[Learn more about kidney disease.](#)

[Learn how to take care of your kidneys.](#)

## COPD, cystic fibrosis, pulmonary fibrosis, and other chronic lung diseases

Having COPD (including emphysema and chronic bronchitis) is known to increase your risk of severe illness from COVID-19. Other chronic lung diseases, such as idiopathic pulmonary fibrosis and [cystic fibrosis](#), may increase your risk of severe illness from COVID-19.

### Actions to take

- Keep taking your current medicines, including those with steroids in them ("steroids" is another word for corticosteroids).
- Make sure that you have at least a 30-day supply of your medicines.
- Avoid triggers that make your symptoms worse.
- Call your healthcare provider if you have concerns about your condition or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Learn more about COPD.](#)

## Diabetes

Having type 2 diabetes increases your risk of severe illness from COVID-19. Based on what we know at this time, having type 1 or gestational diabetes may increase your risk of severe illness from COVID-19.

### Actions to take

- Continue taking your diabetes pills and insulin as usual.
- Test your blood sugar and keep track of the results, as directed by your healthcare provider.
- Make sure that you have at least a 30-day supply of your diabetes medicines, including insulin.

- Follow your healthcare provider's instructions if you are feeling ill as well as the [sick day tips for people with diabetes](#).
- Call your healthcare provider if you have concerns about your condition or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Learn more about diabetes.](#)

## Hemoglobin disorders such as sickle cell disease and thalassemia

Having sickle cell disease (SCD) increases your risk for severe illness from COVID-19. Having other hemoglobin disorders, like thalassemia, may increase your risk for severe illness from COVID-19.

### Actions to take

- Ask your healthcare provider about telemedicine or remote healthcare visits, and know [when to go to the emergency department](#).
- Work with your healthcare provider to manage [medicines and therapies](#) for your disorder (including hydroxyurea, chelation therapy, blood transfusions, and prescriptions for pain management) and any other health condition you may have (such as diabetes, high blood pressure, and arthritis).
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).
- Try to prevent vaso-occlusive episodes or pain crises by [avoiding possible triggers](#).
- Review CDC's [healthy living with SCD guide](#) or our [healthy living with thalassemia guide](#) for tips to help you stay healthy.
- Find [SCD resources](#) and [thalassemia resources](#) to help navigate care and increase knowledge and awareness of SCD and thalassemia.
- Let friends and family know about the need for [healthy blood donors](#).

## Immunocompromised state (weakened immune system) from blood, bone marrow, or organ transplant; HIV; use of corticosteroids; or use of other immune weakening medicines

Many conditions and treatments can cause a person to be immunocompromised or have a weakened immune system. These include: having a solid organ transplant, blood, or bone marrow transplant; [immune deficiencies](#); HIV with a low CD4 cell count or not on HIV treatment; prolonged use of corticosteroids; or use of other immune weakening medicines. Having a weakened immune system may increase your risk of severe illness from COVID-19.

### Actions to take

- Continue any recommended medicines or treatments and follow the advice of your healthcare provider.
- Do not stop taking your medicines without talking to your healthcare provider.
- Make sure that you have at least a 30-day supply of your medicines.
- Do not delay life-saving treatment or emergency care.
- Call your healthcare provider if you have concerns about your condition or feel sick.

- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Information for people living with HIV.](#)

## Liver disease

Having chronic liver disease, especially cirrhosis (scarring of the liver), may increase your risk for severe illness from COVID-19.

### Actions to take

- Take your medicines exactly as prescribed.
- Make sure that you have at least a 30-day supply of your medicines.
- Call your healthcare provider if you have concerns about your condition or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Learn more about chronic liver disease.](#)

## Pregnancy

Based on what we know at this time, pregnant people might be at an increased risk for severe illness from COVID-19 compared to non-pregnant people. Additionally, there may be an increased risk of adverse pregnancy outcomes, such as preterm birth, among pregnant people with COVID-19.

### Actions to take

- Do not skip your prenatal care appointments.
- Make sure that you have at least a 30-day supply of your medicines.
- Talk to your healthcare provider about how to stay healthy and take care of yourself during the COVID-19 pandemic.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).
- Call your healthcare provider if you have any questions related to your health.
- Seek care immediately if you have a medical emergency.
- You may feel increased stress during this pandemic. Fear and anxiety can be overwhelming and cause strong emotions. [Learn about stress and coping.](#)

[Learn more about pregnancy and COVID-19.](#)

## Serious Heart Conditions and Other Cardiovascular and Cerebrovascular Diseases

Having any of the following serious heart conditions increases your risk of severe illness from COVID-19:

- Heart failure
- Coronary artery disease
- Cardiomyopathies
- Pulmonary hypertension

Having other cardiovascular or cerebrovascular disease, such as hypertension (high blood pressure) or stroke, may increase your risk of severe illness from COVID-19.

[Learn more about serious heart conditions](#)

#### Actions to take

- Take your medicines exactly as prescribed and follow your healthcare provider's recommendations for diet and exercise while maintaining social distancing precautions.
- Continue angiotensin converting enzyme inhibitors (ACE-I) or angiotensin-II receptor blockers (ARB) as prescribed by your healthcare provider for indications such as heart failure or high blood pressure.
- Make sure that you have at least a 30-day supply of your heart disease medicines, including high cholesterol and high blood pressure medicines.
- Call your healthcare provider if you have concerns about your condition or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).
- Do not delay life-saving treatment or emergency care.

[Learn more about heart disease.](#)

[Learn more about stroke.](#)

[Learn more about high blood pressure.](#)

## Obesity

Having obesity, defined as a [body mass index](#) (BMI) of 30 or above, increases your risk of severe illness from COVID-19.

#### Actions to take

- Take your medicines for any underlying health conditions exactly as prescribed.
- Follow your healthcare provider's recommendations for nutrition and physical activity, while maintaining social distancing precautions.
- Call your healthcare provider if you have concerns or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Learn more about obesity in adults.](#)



[Learn about obesity in children.](#)

## Neurologic conditions such as dementia

Having neurologic conditions such as dementia may increase your risk of severe illness from COVID-19.

### Actions to take

- Take your medicines as prescribed.
- Make sure that you have at least a 30-day supply of your medicines.
- Call your healthcare provider if you have concerns about your condition or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Learn more about dementia.](#)

[Learn about caring for people living with dementia during COVID-19.](#)

[Learn about amyotrophic lateral sclerosis \(ALS\).](#)

## Smoking

Being a current or former cigarette smoker may increase your risk of severe illness from COVID-19.

### Actions to take

- If you currently smoke, quit. If you used to smoke, don't start again. If you've never smoked, don't start.
- [Counseling from a healthcare provider and Food and Drug Administration \(FDA\)-approved medications](#) can double the chances of quitting smoking.
- For help quitting smoking, call 1-800-QUIT-NOW or visit [smokefree.gov](#).
- Call your healthcare provider if you have concerns or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#) or [health department](#).

[Learn about smoking and tobacco use.](#)


[Learn about the health effects of cigarette smoking.](#)

## Children with Certain Underlying Conditions

While children have been less affected by COVID-19 compared to adults, children with certain conditions may be at increased risk for severe illness. Children who are medically complex, who have serious genetic, neurologic, metabolic disorders, and with congenital (since birth) heart disease might be at increased risk for severe illness from

COVID-19. Similar to adults, children with obesity, diabetes, asthma and chronic lung disease, or immunosuppression might be at increased risk for severe illness from COVID-19. CDC is investigating a rare but serious complication associated with COVID-19 in children called Multisystem Inflammatory Syndrome in Children (MIS-C). We do not yet know what causes MIS-C and who is at increased risk for developing it. Learn about [MIS-C](#).

#### Actions to take

- Give medicines as prescribed for your child's underlying conditions.
- Make sure that you have at least a 30-day supply of your child's medicines.
- Call your child's healthcare provider if you have concerns and to discuss your child's specific conditions and risk for severe illness from COVID-19.
- Well-child visits and vaccines are still important during the COVID-19 pandemic. Stay in contact with your child's healthcare provider and make sure your child is up to date with vaccines to prevent other diseases. Learn more about [how to protect yourself and your family](#) during the COVID-19 pandemic.
- If you don't have a healthcare provider, contact your nearest [community health center](#)  or [health department](#).


[Learn about preventing illness in your children.](#)

[Learn more about congenital heart disease and specific genetic and neurologic disorders in children.](#)

## People with Multiple Underlying Conditions

The more underlying medical conditions someone has, the greater their risk is for severe illness from COVID-19.

#### Actions to take

- Continue your medicines and treatment plans as directed by your healthcare provider.
- Make sure that you have at least a 30-day supply of your medicines.
- Call your healthcare provider if you have any concerns or feel sick.
- If you don't have a healthcare provider, contact your nearest [community health center](#)  or [health department](#).
- Do not delay emergency care.

Last Updated Aug. 14, 2020

# Exhibit G



The coronavirus wreaked extensive damage (yellow) on the lungs of a 59-year-old man who died at George Washington University Hospital, as seen in a 3D model based on computerized tomography scans. GEDRGE WASHINGTON HOSPITAL AND SURGICAL THEATER

## How does coronavirus kill? Clinicians trace a ferocious rampage through the body, from brain to toes

By [Meredith Wadman](#), [Jennifer Couzin-Frankel](#), [Jocelyn Kaiser](#), [Catherine Maticic](#) | Apr. 17, 2020, 6:45 PM

**Science's COVID-19 reporting is supported by the Pulitzer Center.**

On rounds in a 20-bed intensive care unit one recent day, physician Joshua Denson assessed two patients with seizures, many with respiratory failure and others whose kidneys were on a dangerous downhill slide. Days earlier, his rounds had been interrupted as his team tried, and failed, to resuscitate a young woman whose heart had stopped. All shared one thing, says Denson, a pulmonary and critical care physician at the Tulane University School of Medicine. "They are all COVID positive."

As the number of confirmed cases of COVID-19 surges past 2.2 million globally and deaths surpass 150,000, clinicians and pathologists are struggling to understand the damage wrought by the coronavirus as it tears through the body. They are realizing that although the lungs are ground zero, its reach can extend to many organs including the heart and blood vessels, kidneys, gut, and brain.

"[The disease] can attack almost anything in the body with devastating consequences," says cardiologist Harlan Krumholz of Yale University and Yale-New Haven Hospital, who is leading multiple efforts to gather clinical data on COVID-19. "Its ferocity is breathtaking and humbling."

Understanding the rampage could help the doctors on the front lines treat the fraction of infected people who become desperately and sometimes mysteriously ill. Does a dangerous, newly observed tendency to blood clotting transform some mild cases into life-threatening emergencies? Is an overzealous immune response behind the worst cases, suggesting treatment with immune-suppressing drugs could help? What explains the startlingly low blood oxygen that some physicians are reporting in patients who nonetheless are not gasping for breath? "Taking a systems approach may be beneficial as we start thinking about therapies," says Nilam Mangalmurti, a pulmonary intensivist at the Hospital of the University of Pennsylvania (HUP).

### Related story

[For survivors of severe COVID-19, beating the virus is just the beginning](#)



What follows is a snapshot of the fast-evolving understanding of how the virus attacks cells around the body, especially in the [roughly 5% of patients who become critically ill](#). Despite the more than 1000 papers now spilling into journals and onto preprint servers every week, a clear picture is elusive, as the virus acts like no pathogen humanity has ever seen. Without larger, prospective controlled studies that are only now being launched, scientists must pull information from small studies and case reports, often published at warp speed and not yet peer reviewed. "We need to keep a very open mind as this phenomenon goes forward," says Nancy Reau, a liver transplant physician who has been treating COVID-19 patients at Rush University Medical Center. "We are still learning."

because the virus requires that receptor to enter a cell. Once inside, the virus hijacks the cell's machinery, making myriad copies of itself and invading new cells.

As the virus multiplies, an infected person may shed copious amounts of it, especially during the first week or so. Symptoms may be absent at this point. Or the virus' new victim may develop a fever, dry cough, sore throat, loss of smell and taste, or head and body aches.

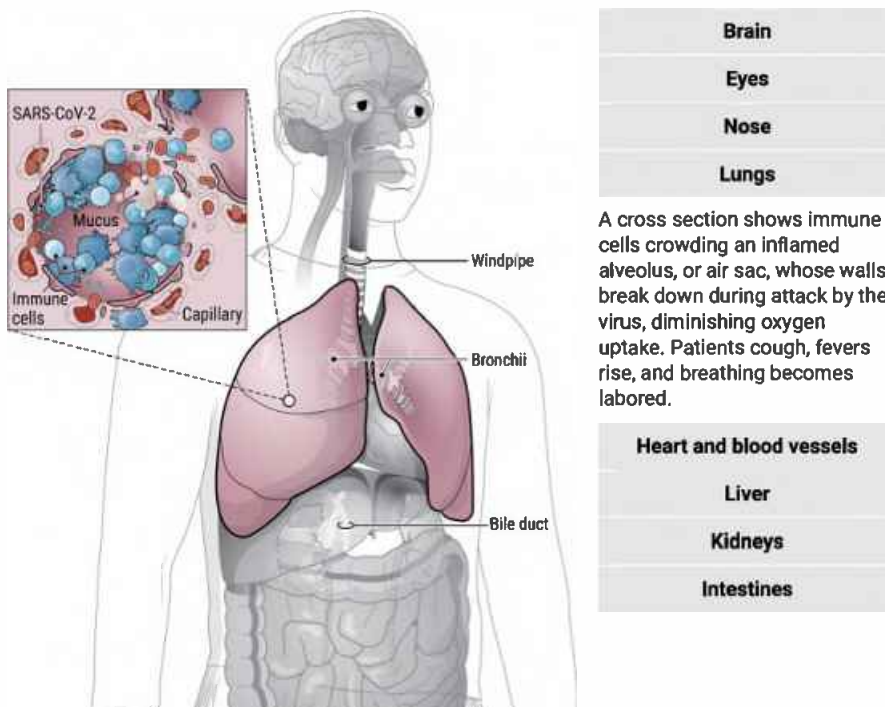
If the immune system doesn't beat back SARS-CoV-2 during this initial phase, the virus then marches down the windpipe to attack the lungs, where it can turn deadly. The thinner, distant branches of the lung's respiratory tree end in tiny air sacs called alveoli, each lined by a single layer of cells that are also [rich in ACE2 receptors](#).

Normally, oxygen crosses the alveoli into the capillaries, tiny blood vessels that lie beside the air sacs; the oxygen is then carried to the rest of the body. But as the immune system wars with the invader, the battle itself disrupts this healthy oxygen transfer. Front-line white blood cells release inflammatory molecules called chemokines, which in turn summon more immune cells that target and kill virus-infected cells, leaving a stew of fluid and dead cells—pus—behind. This is the underlying pathology of pneumonia, with its corresponding symptoms: coughing; fever; and rapid, shallow respiration (see graphic). Some COVID-19 patients recover, sometimes with no more support than oxygen breathed in through nasal prongs.

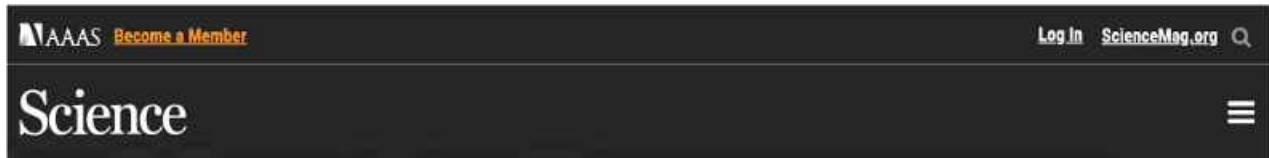
But others deteriorate, often quite suddenly, developing a condition called acute respiratory distress syndrome (ARDS). Oxygen levels in their blood plummet and they struggle ever harder to breathe. On x-rays and computed tomography scans, their lungs are riddled with white opacities where black space—air—should be. Commonly, these patients end up on ventilators. Many die. Autopsies show their alveoli became stuffed with fluid, white blood cells, mucus, and the detritus of destroyed lung cells.

## An invader's impact

In serious cases, SARS-CoV-2 lands in the lungs and can do deep damage there. But the virus, or the body's response to it, can injure many other organs. Scientists are just beginning to probe the scope and nature of that harm. Click on organ name for more.



A cross section shows immune cells crowding an inflamed alveolus, or air sac, whose walls break down during attack by the virus, diminishing oxygen uptake. Patients cough, fevers rise, and breathing becomes labored.



(GRAPHIC) V. ALTOUNIAN/SCIENCE; (INTERACTIVE) X. LIU/SCIENCE

Some clinicians suspect the driving force in many gravely ill patients' downhill trajectories is a disastrous overreaction of the immune system known as a "cytokine storm," which other viral infections are known to trigger. Cytokines are chemical signaling molecules that guide a healthy immune response; but in a cytokine storm, levels of certain cytokines soar far beyond what's needed, and immune cells start to attack healthy tissues. Blood vessels leak, blood pressure drops, clots form, and catastrophic organ failure can ensue.

[Some studies](#) have shown [elevated levels](#) of these inflammation-inducing cytokines in the blood of hospitalized COVID-19 patients. "The real morbidity and mortality of this disease is probably driven by this out of proportion inflammatory response to the virus," says Jamie Garfield, a pulmonologist who cares for COVID-19 patients at Temple University Hospital.

But others aren't convinced. "There seems to have been a quick move to associate COVID-19 with these hyperinflammatory states. I haven't really seen convincing data that that is the case," says Joseph Levitt, a pulmonary critical care physician at the Stanford University School of Medicine.

He's also worried that efforts to dampen a cytokine response could backfire. Several drugs targeting specific cytokines are in clinical trials in COVID-19 patients. But Levitt fears those drugs may suppress the immune response that the body needs to fight off the virus. "There's a real risk that we allow more viral replication," Levitt says.

Meanwhile, other scientists are zeroing in on an entirely different organ system that they say is driving some patients' rapid deterioration: the heart and blood vessels.

## Striking the heart

In Brescia, Italy, a 53-year-old woman walked into the emergency room of her local hospital with all the classic symptoms of a heart attack, including telltale signs in her electrocardiogram and high levels of a blood marker suggesting damaged cardiac muscles. Further tests showed cardiac swelling and scarring, and a left ventricle—normally the powerhouse chamber of the heart—so weak that it could

Wuhan, China. In another Wuhan study, 44% of 36 patients admitted to the ICU [had arrhythmias](#).

The disruption seems to extend to the blood itself. Among 184 COVID-19 patients in a Dutch ICU, 38% had blood that clotted abnormally, and almost [one-third already had clots](#), according to a 10 April paper in *Thrombosis Research*. Blood clots can break apart and land in the lungs, blocking vital arteries—a condition known as pulmonary embolism, which has reportedly killed COVID-19 patients. Clots from arteries can also lodge in the brain, causing stroke. Many patients have “dramatically” high levels of D-dimer, a byproduct of blood clots, says Behnood Bikdeli, a cardiovascular medicine fellow at Columbia University Medical Center.

“The more we look, the more likely it becomes that blood clots are a major player in the disease severity and mortality from COVID-19,” Bikdeli says.

Infection may also lead to blood vessel constriction. Reports are emerging of ischemia in the fingers and toes—a reduction in blood flow that can lead to swollen, painful digits and tissue death.

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“ **The more we look, the more likely it becomes that blood clots are a major player in the disease severity and mortality from COVID-19.** ”

*Behnood Bikdeli, Columbia University Irving Medical Center*

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In the lungs, blood vessel constriction might help explain anecdotal reports of a perplexing phenomenon seen in pneumonia caused by COVID-19: Some patients have extremely low blood-oxygen levels and yet are not gasping for breath. It’s possible that at some stages of disease, the virus alters the delicate balance of hormones that help regulate blood pressure and constricts blood vessels going to the lungs. So oxygen uptake is impeded by constricted blood vessels, rather than by clogged alveoli. “One theory is that the virus affects the vascular biology and that’s why we see these really low oxygen levels,” Levitt says.

If COVID-19 targets blood vessels, that could also help explain why patients with pre-existing damage to those vessels, for example from diabetes and high blood pressure, face higher risk of serious disease. Recent Centers for Disease Control and Prevention (CDC) data on hospitalized patients in 14 U.S. states found that about one-third had chronic lung disease—but nearly as many had diabetes, and [fully half had pre-existing high blood pressure](#).

Mangalmurti says she has been “shocked by the fact that we don’t have a huge number of asthmatics” or patients with other respiratory diseases in HUP’s ICU. “It’s very striking to us that risk factors seem to be vascular: diabetes, obesity, age, hypertension.”

Scientists are struggling to understand exactly what causes the cardiovascular damage. The virus may directly attack the lining of the heart and blood vessels, which, like the nose and alveoli, are rich in ACE2 receptors. Or perhaps lack of oxygen, due to the chaos in the lungs, damages blood vessels. Or a cytokine storm could ravage the heart as it does other organs.

“We’re still at the beginning,” Krumholz says. “We really don’t understand who is vulnerable, why some people are affected so severely, why it comes on so rapidly ... and why it is so hard [for some] to recover.”

## Multiple battlefields

The worldwide fears of ventilator shortages for failing lungs have received plenty of attention. Not so a scramble for another type of equipment: dialysis machines. “If these folks are not dying of lung failure, they’re dying of renal failure,” says neurologist Jennifer Frontera of New York University’s Langone Medical Center, which has treated thousands of COVID-19 patients. Her hospital is developing a dialysis protocol with different machines to support additional patients. The need for dialysis may be because the kidneys, abundantly endowed with ACE2 receptors, present another viral target.

According to one preprint, 27% of 85 hospitalized patients in Wuhan [had kidney failure](#). Another reported that 59% of nearly 200 hospitalized COVID-19 patients in China’s Hubei and Sichuan provinces had [protein in their urine](#), and 44% had blood; both suggest kidney damage. Those with acute kidney injury (AKI), were more than five times as likely to die as COVID-19 patients without it, the same Chinese preprint reported.



Medical staff work to help a COVID-19 patient in an intensive care unit in Italy. ANTONIO MASIELLO/GETTY IMAGES

"The lung is the primary battle zone. But a fraction of the virus possibly attacks the kidney. And as on the real battlefield, if two places are being attacked at the same time, each place gets worse," says Hongbo Jia, a neuroscientist at the Chinese Academy of Sciences's Suzhou Institute of Biomedical Engineering and Technology and a co-author of that study.

[Viral particles were identified](#) in electron micrographs of kidneys from autopsies in one study, suggesting a direct viral attack. But kidney injury may also be collateral damage. Ventilators boost the risk of kidney damage, as do antiviral compounds including remdesivir, which is being deployed experimentally in COVID-19 patients. Cytokine storms also can dramatically reduce blood flow to the kidney, causing often-fatal damage. And pre-existing diseases like diabetes can increase the chances of kidney injury. "There is a whole bucket of people who already have some chronic kidney disease who are at higher risk for acute kidney injury," says Suzanne Watnick, chief medical officer at Northwest Kidney Centers.

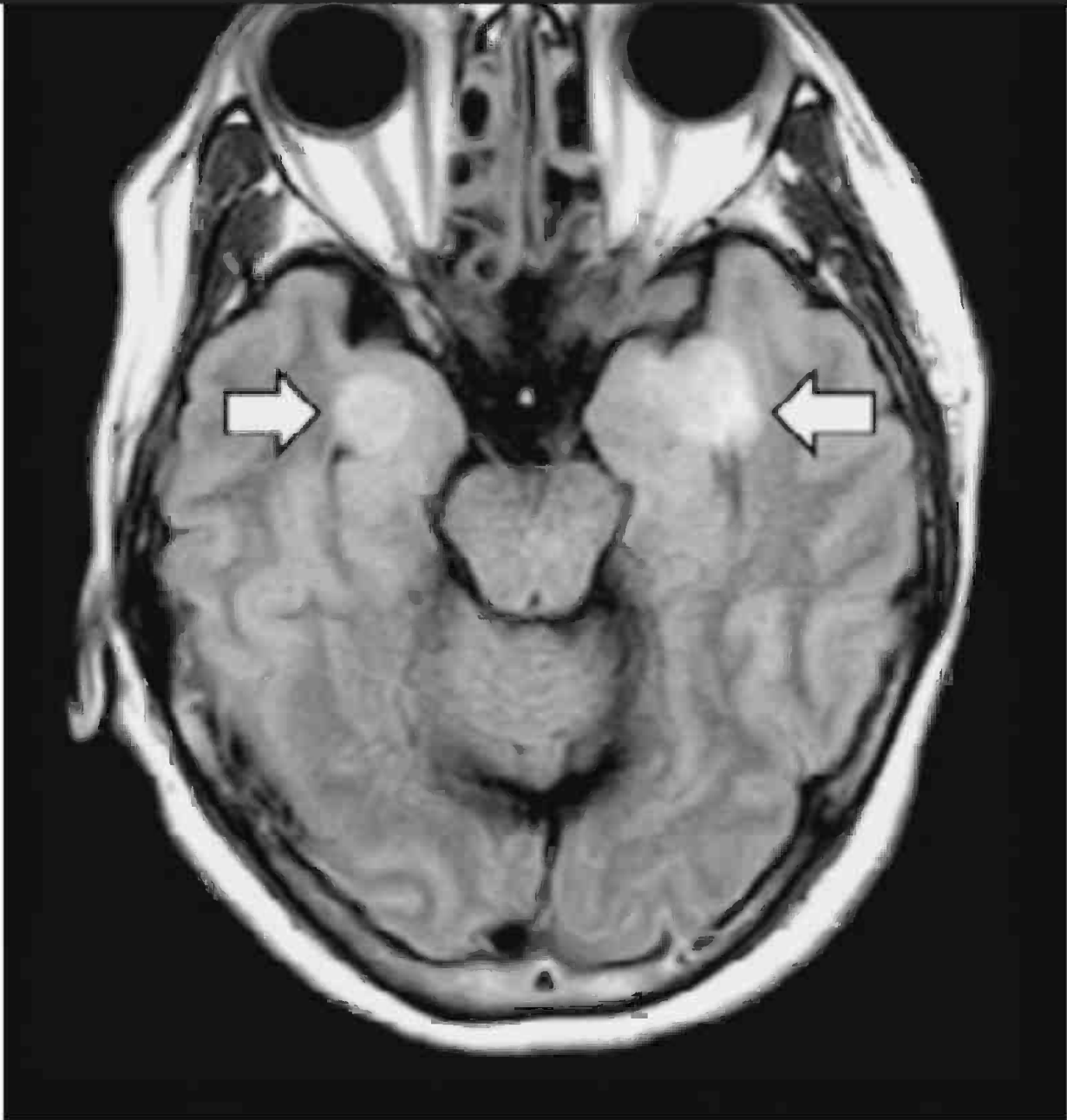
## Buffeting the brain

Another striking set of symptoms in COVID-19 patients [centers on the brain and central nervous system](#). Frontera says neurologists are needed to assess 5% to 10% of coronavirus patients at her hospital. But she says that "is probably a gross underestimate" of the number whose brains are struggling, especially because many are sedated and on ventilators.

Frontera has seen patients with the brain inflammation encephalitis, with seizures, and with a "sympathetic storm," a hyperreaction of the sympathetic nervous system that causes seizurelike symptoms and is most common after a traumatic brain injury. Some people with COVID-19 briefly lose consciousness. Others have strokes. Many report losing their sense of smell. And Frontera and others wonder whether in some cases, infection depresses the brain stem reflex that senses oxygen starvation. This is another explanation for anecdotal observations that some patients aren't gasping for air, despite dangerously low blood oxygen levels.

ACE2 receptors are present in the neural cortex and brain stem, says Robert Stevens, an intensive care physician at Johns Hopkins Medicine. But it's not known under what circumstances the virus penetrates the brain and interacts with these receptors. That said, the coronavirus behind the 2003 severe acute respiratory syndrome (SARS) epidemic—a close cousin of today's culprit—could infiltrate neurons and sometimes caused encephalitis. On 3 April, [a case study](#) in the *International Journal of Infectious Diseases*, from a team in Japan, reported traces of new coronavirus in the cerebrospinal fluid of a COVID-19 patient who developed meningitis and encephalitis, suggesting it, too, can penetrate the central nervous system.





A 58-year-old woman with COVID-19 developed encephalitis, resulting in tissue damage in the brain (arrows). N. POYIAOJI ET AL., *RADIOLOGY*, (2020) [DOI.ORG/10.1148/RADIOLOGY.2020201187](https://doi.org/10.1148/RADIOLOGY.2020201187)

But other factors could be damaging the brain. For example, a cytokine storm could cause brain swelling, and the blood's exaggerated tendency to clot could trigger strokes. The challenge now is to shift from conjecture to confidence, at a time when staff are focused on saving lives, and even neurologic assessments like inducing the gag reflex or transporting patients for brain scans risk spreading the virus.

Last month, Sherry Chou, a neurologist at the University of Pittsburgh Medical Center, began to organize a [worldwide consortium that now includes 50 centers](#) to draw neurological data from care patients already receive. The early goals are simple: Identify the



Most neurological symptoms “are reported from colleague to colleague by word of mouth,” Chou adds. “I don’t think anybody, and certainly not me, can say we’re experts.”

## Reaching the gut

In early March, a 71-year-old Michigan woman returned from a Nile River cruise with bloody diarrhea, vomiting, and abdominal pain. Initially doctors suspected she had a common stomach bug, such as *Salmonella*. But after she developed a cough, doctors took a nasal swab and found her positive for the novel coronavirus. A stool sample positive for viral RNA, as well as signs of colon injury seen in an endoscopy, [pointed to a gastrointestinal \(GI\) infection](#) with the coronavirus, according to a paper posted online in *The American Journal of Gastroenterology* (AJG).

Her case adds to a growing body of evidence suggesting the new coronavirus, like its cousin SARS, can infect the lining of the lower digestive tract, where the crucial ACE2 receptors are abundant. Viral RNA has been found in as many as 53% of sampled patients’ stool samples. And in a paper in press at *Gastroenterology*, a Chinese team reported [finding the virus’ protein shell in gastric, duodenal, and rectal cells](#) in biopsies from a COVID-19 patient. “I think it probably does replicate in the gastrointestinal tract,” says Mary Estes, a virologist at Baylor College of Medicine.

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Recent reports suggest up to half of patients, averaging about 20% across studies, experience diarrhea, says Brennan Spiegel of Cedars-Sinai Medical Center in Los Angeles, co-editor-in-chief of AJG. GI symptoms aren’t on CDC’s list of COVID-19 symptoms, which could cause some COVID-19 cases to go undetected, Spiegel and others say. “If you mainly have fever and diarrhea, you won’t be tested for COVID,” says Douglas Corley of Kaiser Permanente, Northern California, co-editor of *Gastroenterology*.

The presence of virus in the GI tract raises the unsettling possibility that it could be passed on through feces. But it’s not yet clear whether stool contains intact, infectious virus, or only RNA and proteins. To date, “We have no evidence” that fecal transmission is important, says coronavirus expert Stanley Perlman of the University of Iowa. CDC says that based on experiences with SARS and with the virus that causes Middle East respiratory syndrome, another dangerous cousin of the new coronavirus, the risk from fecal transmission is probably low.

The intestines are not the end of the disease’s march through the body. For example, up to [one-third of hospitalized patients](#) develop conjunctivitis—pink, watery eyes—although it’s not clear that the virus directly invades the eye. Other reports suggest liver damage: [More than half](#) of COVID-19 patients hospitalized in two Chinese centers had [elevated levels](#) of enzymes indicating injury to the liver or bile ducts. But several experts told *Science* that direct viral invasion isn’t likely the culprit. They say other events in a failing body, like drugs or an immune system in overdrive, are more likely driving the liver damage.

This map of the devastation that COVID-19 can inflict on the body is still just a sketch. It will take years of painstaking research to sharpen the picture of its reach, and the cascade of cardiovascular and immune effects it might set in motion. As science races ahead, from probing tissues under microscopes to testing drugs on patients, the hope is for treatments more wily than the virus that has stopped the world in its tracks.

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# Exhibit H

2020-04-29

Robert Glatter, MD

## Why Is COVID-19 Coronavirus Causing Strokes In Young And Middle-Aged People?



Medical illustration of a brain with stroke symptoms

Getty

We know that COVID-19 coronavirus attacks the lungs resulting in severe inflammation as they fill with fluid, ultimately reducing their ability to fulfill their intended purpose: transferring oxygen from the lungs to the blood stream via red blood cells.

We are also learning more and more about the devastating effects of this virus as it attacks other organs including the kidney, heart and the brain. However, the virus's ultimate target that may inflict the most damage—via either a direct effect of the virus, hypoxia, (low oxygen), secondary inflammation or disseminated intravascular coagulation (DIC)—are blood vessels, leading to formation of blood clots, or excessive bleeding (DIC) in some cases, a consequence of consumption of clotting factors.

But the virus does not seem to be attacking just any size blood vessel in young adults, but larger blood vessels that feed important parts the brain that are critical to movement, thinking, and breathing. (These include large blood vessels such as the middle cerebral artery [MCA] or anterior cerebral artery [ACA] that supply large and critical areas the brain). When blockages in larger blood vessels known as “large vessel occlusions” or LVOs as they are referred to develop, the effects can be permanent or life changing, if not diagnosed and treated immediately.

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In a [letter](#) to be published online April 29 in the *New England Journal of Medicine*, researchers from Mount Sinai in New York City describe five COVID-19 patients who suffered large vessel strokes over a 2-week period, all under the age of 50, according to [reporting](#) by *Medscape Medical News*. Of the five patients the series, one patient died, one is still hospitalized, one was discharged home, while two are still in rehabilitation. What's also striking is that the five patients either had mild or no symptoms of COVID-19. The study was led by Dr. Thomas

Oxley, from the Department of Neurosurgery at Mount Sinai Health System.

Oxley explained that “we’re learning that this can disproportionately affect large vessels more than small vessels in terms of presentation of stroke.” He also offered that inflammation in the walls of the blood vessels may be triggering the process of thrombosis, or formation of blood clots.

This is not the only report of increased risk of clotting seen in young COVID-19 patients. Other recent [research](#) out of the Netherlands also noted an elevated rate of thrombotic complications seen in 184 critically ill COVID-19 patients with pneumonia. The 31% rate of thrombotic complications observed in the study included both venous and arterial clots, arguing for the need for prophylaxis in such high risk patients. Their series included patients with pulmonary embolism (PE), deep venous thrombosis (DVT), ischemic stroke, heart attack (myocardial infarction), or systemic arterial embolism.

“It appears that the underlying cause of stroke in young patients with coronavirus are cerebral emboli,” said [Andrew Rogove M.D., PhD](#), Medical Director, Stroke Services at Northwell Health’s Southside Hospital in Bay Shore, New York. “Many of the patients infected with coronavirus are hypercoaguable and this extra propensity for forming blood clots is leading to a higher incidence of strokes in coronavirus patients including younger patients.”

“The strokes that these younger patients are having affect some of the larger blood vessels in the brain and therefore damage a larger territory causing an increased amount of symptoms,” offered Rogove. “Often in these patients we are seeing motor and sensory deficits combined with language difficulties. We are also seeing partial loss of vision and balance issues in these patients.”

Meanwhile, an international group of researchers led by cardiologists from New York-Presbyterian/Columbia University, and the Center for Outcomes Research and Evaluation, Yale School of Medicine recently published [guidelines](#) in the *Journal of the American College of Cardiology* regarding the diagnosis and management of thrombotic



complications seen in patients with COVID-19. These guidelines were also endorsed by the *International Society on Thrombosis and Hemostasis*.

The pathology underlying the increase in cases of clots, strokes as well as bleeding requires in-depth study at the molecular level as we learn more about the exact effects of the virus on the cells lining the walls of blood vessels (endothelium) as well as the clotting cascade. That said, the use of prophylactic anticoagulation using low molecular weight heparin (LMWH) over direct oral anticoagulant (DOAC) may be advisable for now, as a result of the much longer half-life (in DOACs) that may increase the risk of bleeding, specifically in cases when interventional procedures may be necessary.

Interestingly, a [letter](#) recently published in the *New England Journal of Medicine* from investigators at Weill Cornell Medicine evaluating the first 393 COVID-19 patients seen at two hospitals noted that clotting complications were seen in just over 7% of patients, a number typical for ICU patients in the pre-COVID-19 era. What's unclear is whether this low figure will be reflective of the remainder of their patient experience related to clotting at their institution as the pandemic continues.

Recently, Broadway star Nick Cordera suffered a thrombotic complication related to COVID-19, requiring the amputation of one of his legs, highlighting the significant clotting risks associated with the virus.



A clot-busting drug known as tissue plasminogen activator (TPA,) the first line treatment, as well as endovascular or catheter-based approaches (in delayed presentations) could be lifesaving.

Data indicates that removing a blood clot in a vessel via clot retrieval (using endovascular techniques or catheters) is the most effective approach for large vessel strokes. However, this should ideally be performed within 6 hours of onset of symptoms, but up to 24 hours in other cases based on the neurologic exam and degree of symptoms.

As a result, it's important to call 911 not only for difficulty breathing or chest pain, but also for stroke-like symptoms in the era of COVID-19.

*Time is brain* is the take-home message.

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While the risks of clotting related to COVID-19 are now apparent, many patients who experience stroke-like symptoms including weakness, difficulty speaking, dizziness or numbness have been reluctant to seek care in the emergency department—for fear of exposure to the virus itself. Yet this delay to seek care could be disastrous, with life-altering consequences (paralysis, loss ability to think or speak) including death. In Oxley’s series, two of the five patients delayed calling 911 for assistance.



As a result, the message to everyone, especially young adults, is not to delay care in the setting of stroke-like symptoms during the pandemic. The symptoms could very well signal a stroke—regardless of your age.

# Exhibit I

## *New Inflammatory Condition in Children Probably Linked to Coronavirus, Study Finds*

Researchers compared 10 cases in Italy with previous cases of a similar childhood illness, Kawasaki disease. The rate of the new cases was much higher, and the conditions were more serious.



By **Pam Belluck**

Published May 13, 2020 Updated May 21, 2020

As concerns mount over children with a serious and potentially deadly inflammatory condition, a new study sheds light on the illness's distinctive characteristics and provides the strongest evidence yet that the syndrome is linked to the coronavirus.

The condition, called pediatric multisystem inflammatory syndrome, has been reported in about 100 children in New York State, including three who died, Gov. Andrew M. Cuomo said this week. Cases have been reported in other states, including Louisiana, Mississippi and California, and the Centers for Disease Control and Prevention has said it will soon issue an alert asking doctors to report cases of children with symptoms of the syndrome.

There have also been at least 50 cases reported in European countries, including in France, Switzerland, Spain and Britain, where at least one death has been attributed to the syndrome.

In the new study, published on Wednesday in the journal *Lancet*, doctors in Italy compared a series of 10 cases of the illness with cases of a similar rare condition in children called Kawasaki disease.

The authors found that over the five years before the coronavirus pandemic — January 2015 to mid-February 2020 — 19 children with Kawasaki disease were treated at the Papa Giovanni XXIII Hospital, which has an advanced pediatric department, in the Bergamo province.

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But during the two months from February 18 to April 20 alone, the hospital, which is at the epicenter of Italy's coronavirus outbreak, treated 10 children with similar hyper-inflammatory symptoms.

Ten cases in two months — about 30 times the rate of the Kawasaki disease cases, which occurred at a pace of about one every three months — suggests a cluster that is driven by the coronavirus pandemic, especially since overall hospital admissions during this time were much lower than usual, the authors said.

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Nevertheless, the authors noted that the number of cases was small, suggesting that the new syndrome was unlikely to be widespread among children, who have generally been less hard hit by the virus than adults.

None of the 10 children died, but their symptoms were more severe than those experienced by the children with Kawasaki disease. They were much more likely to have heart complications, and five of them exhibited shock, which did not occur in any of the Kawasaki disease cases. They had lower counts of platelets and a type of white blood cell, typical of Covid-19 patients defending against the infection. And more of the children with the new syndrome needed treatment with steroids in addition to the immunoglobulin treatment that both they and the Kawasaki patients received.

Like the cases in the United States and elsewhere, the 10 children were generally significantly older than the patients with Kawasaki disease, which tends to strike infants and preschoolers. The average age of the Kawasaki patients was 3. All but one of the children with the new syndrome were older than 5 and their average age was 7 ½.

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The Coronavirus Outbreak ›

## Frequently Asked Questions

Updated September 1, 2020

### Why is it safer to spend time together outside?

Outdoor gatherings lower risk because wind disperses viral droplets, and sunlight can kill some of the virus. Open spaces prevent the virus from building up in concentrated amounts and being inhaled, which can happen when infected people exhale in a confined space for long stretches of time, said Dr. Julian W. Tang, a virologist at the University of Leicester.

### What are the symptoms of coronavirus?

In the beginning, the coronavirus seemed like it was primarily a respiratory illness — many patients had fever and chills, were weak and tired, and coughed

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Eight of the 10 children tested positive for coronavirus antibodies. The researchers suggested that negative test results for the other two children might reflect the fact that the tests were not perfectly accurate and that one of the children had just been treated with a large dose of immunoglobulin, which could have interfered with the test's ability to detect antibodies.

The presence of antibodies suggests that the Italian children, like many of the cases in the United States, were infected with the virus weeks earlier. Experts say the new inflammatory syndrome appears to be a delayed reaction driven by a child's immune system response to the infection, in contrast to the primary way that the virus affects patients by attacking the cells in their lungs.

# Exhibit J



## How to Make Masks

### Making Masks

Updated July 6, 2020

[Print](#)

## CDC on Homemade Masks

- CDC recommends that people wear masks in public and when around people who don't live in your household.
- Masks should NOT be worn by children under age 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
- Do NOT use a mask meant for a healthcare worker. Currently, surgical masks and N95 respirators are critical supplies that should be reserved for healthcare workers and other first responders.

CDC recommends that you wear masks in public settings when around people who don't live in your household, especially when other [social distancing](#) measures are difficult to maintain.

Masks with at least 2 layers of fabric are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.

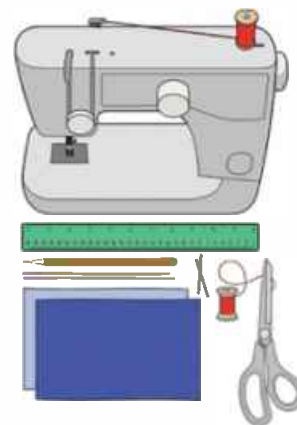
Simple masks can be made at home using washable, breathable fabric and may help prevent the spread of COVID-19.

## Sew and No Sew Instructions

### Sewn Mask

#### Materials

- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hair ties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

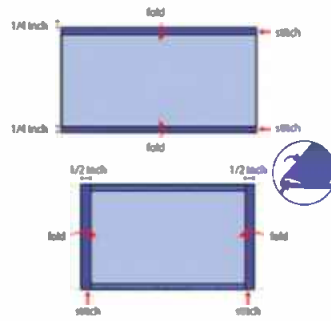
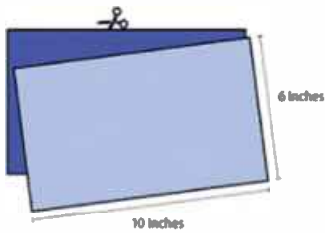


#### Tutorial

1. Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the mask as if it was a single piece of fabric.

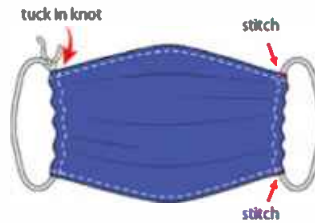
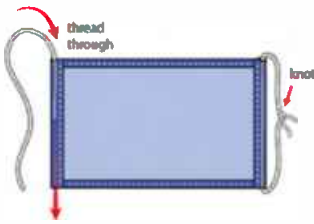
2. Fold over the long sides  $\frac{1}{4}$  inch and hem. Then fold the double layer of fabric over  $\frac{1}{2}$  inch along the short sides and stitch down.





3. Run a 6-inch length of 1/8-inch wide elastic through the wider hem on each side of the mask. These will be the ear loops. Use a large needle or a bobby pin to thread it through. Tie the ends tight. Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the mask behind your head.

4. Gently pull on the elastic so that the knots are tucked inside the hem. Gather the sides of the mask on the elastic and adjust so the mask fits your face. Then securely stitch the elastic in place to keep it from slipping.

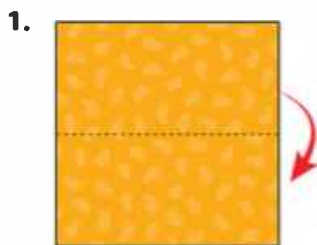


## Non-sewn Mask

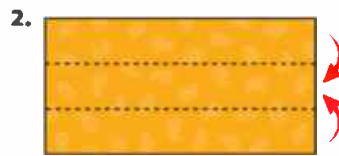
### Materials

- Washable, breathable fabric (cut approximately 20"x20")
- Rubber bands (or hair ties)
- Scissors (if you are cutting your own cloth)

### Tutorial



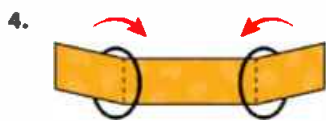
1. Fold washable, breathable fabric in half.



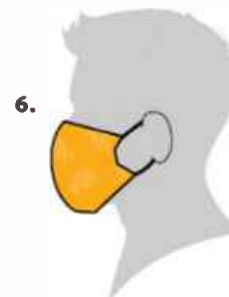
2. Fold top down. Fold bottom up.



3. Place rubber bands or hair ties about 6 inches apart.



4. Fold side to the middle and tuck.



Make sure your mask:

- fits snugly but comfortably against the side of the face
- completely covers the nose and mouth
- is secured with ties or ear loops

- includes multiple layers of fabric
- allows for breathing without restriction
- can be laundered and machine dried without damage or change to shape

See more about how to [wear](#) and [wash](#) your mask.

## How to Make Your Own Mask

### More Information

[Considerations for Wearing Masks](#)

[How to Wear Your Mask](#)

[How to Wash Your Mask](#)

[How to Make Your Own Mask Video](#)

[ASL Video Series: Easy DIY Mask](#)

[How to Make Your Own Mask Video \(Spanish\)](#)

Last Updated July 6, 2020

# Exhibit K

# Coronavirus Disease 2019 (COVID-19)

MENU >



## How to Wear Masks

Updated Aug. 7, 2020

[Print](#)

Masks are an additional step to help slow the spread of COVID-19 when combined with [every day preventive actions](#) and [social distancing](#) in public settings.

- CDC recommends that people wear masks in public and when around people who don't live in your household.
- Masks should NOT be worn by children under age 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
- Do NOT use a mask meant for a healthcare worker. Currently, surgical masks and N95 respirators are critical supplies that should be reserved for healthcare workers and other first responders.

### Wear your Mask Correctly

- Wash your hands before putting on your mask
- Put it over your nose and mouth and secure it under your chin
- Try to fit it snugly against the sides of your face
- Make sure you can breathe easily
- CDC does not recommend use of masks or cloth masks for source control if they have an exhalation valve or vent

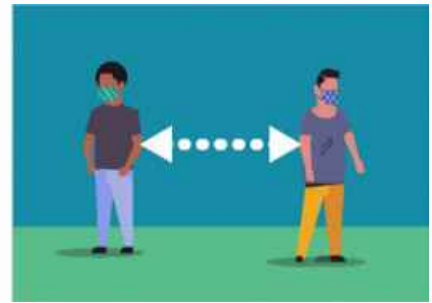


### Wear a Mask to Protect Others

- Wear a mask that covers your nose and mouth to help protect others in case you're infected with COVID-19 but don't have symptoms
- Wear a mask in public settings when around people who don't live in your household, especially when it may be difficult for you to stay six feet apart
- Wear a mask correctly for maximum protection
- Don't put the mask around your neck or up on your forehead
- Don't touch the mask, and, if you do, wash your hands or use hand sanitizer to disinfect

## Follow Everyday Health Habits

- Stay at least 6 feet away from others
- Avoid contact with people who are sick
- Wash your hands often, with soap and water, for at least 20 seconds each time
- Use hand sanitizer if soap and water are not available



## Take Off Your Mask Carefully, When You're Home

- Untie the strings behind your head or stretch the ear loops
- Handle only by the ear loops or ties
- Fold outside corners together
- Place mask in the washing machine ([learn more about how to wash masks](#))
- Be careful not to touch your eyes, nose, and mouth when removing and wash hands immediately after removing.

### More Information

[Considerations for Wearing Masks](#)

[How to Wear Your Mask](#)

[How to Wash Your Mask](#)

[How to Make Your Own Mask](#)

[ASL Video Series: Easy DIY Mask](#)

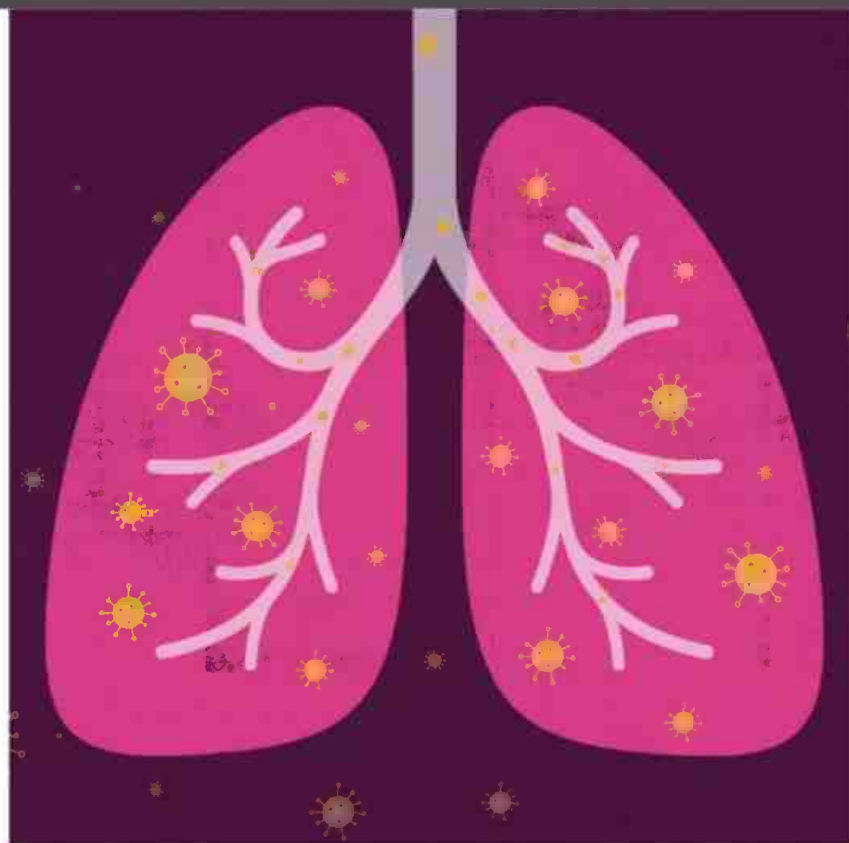
[How to Make Your Own Mask Video \(Spanish\)](#)

# Exhibit M

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# The emerging long-term complications of Covid-19, explained

“It is a true roller coaster of symptoms and severities, with each new day offering many unknowns.”

By Lois Parshley | Updated Jun 12, 2020, 3:31pm EDT

Part of **The Vox guide to navigating the coronavirus crisis**

At first, Lauren Nichols tried to explain away her symptoms. In early March, the healthy 32-year-old felt an intense burning sensation, like acid reflux, when she breathed. Embarrassed, she didn't initially seek medical care. When her shortness of breath kept getting worse, her doctor tested her for **Covid-19**.

Her results came back positive. But for Nichols, that was just the beginning. Over the next eight weeks, she developed wide and varied symptoms, including extreme and chronic fatigue, diarrhea, nausea, tremors, headaches, difficulty concentrating, and short-term memory loss.

“The guidelines that were provided by the CDC [Centers for Disease Control and Prevention] were not appropriately capturing the symptoms that I was experiencing, which in turn meant that the medical community was unable to ‘validate’ my symptoms,” she says. “This became a vicious cycle of doubt, confusion, and loneliness.”

An estimated **40 to 45 percent** of people with Covid-19 may be asymptomatic, and others will have a mild illness with no lasting symptoms. But Nichols is one of many Covid-19 patients who are finding their recovery takes far longer than the **two weeks** the World Health Organization says people with mild cases can expect. (The WHO says those with severe or critical cases can expect three to six weeks of recovery.)

Because Covid-19 is a new disease, there are no studies about its long-term trajectory for those with more severe symptoms; even the earliest patients to recover in China were only infected a few months ago. But doctors say the novel coronavirus can attach to human cells in many parts of the body and penetrate many major organs, including the heart, kidneys, brain, and even blood vessels.

“The difficulty is sorting out long-term consequences,” says Joseph Brennan, a cardiologist at the Yale School of Medicine. While some patients may fully recover, he and other experts worry others will suffer long-term damage, including lung scarring, heart damage, and neurological and mental health effects.

The UK National Health Service assumes that of Covid-19 patients who have required hospitalization, **45 percent** will need ongoing medical care, 4 percent will require inpatient rehabilitation, and 1 percent will permanently require acute care. Other preliminary evidence, as well as historical research on other coronaviruses like **severe acute respiratory syndrome (SARS)** and **Middle East respiratory syndrome (MERS)**, suggests that for some people, a full recovery might still be years off. For others, there may be no returning to normal.

There’s a lot we still don’t know, but here are a few of the most notable potential long-term impacts that are already showing up in some Covid-19 patients.

## **Lung scarring**

Melanie Montano, 32, who tested positive for Covid-19 in March, says that more than seven weeks after she first got sick, she still experiences symptoms on and off, including burning in her lungs and a dry cough.

Brennan says symptoms like that occur because “this virus creates an incredibly aggressive immune response, so spaces [in the lungs] are filled with debris and pus, making your lungs



less pliable.”

On CT scans, while normal lungs appear black, Covid-19 patients’ lungs frequently have lighter gray patches, called “ground-glass opacities” — which may not heal.

One study from China found that this ground-glass appearance showed up in scans of 77 percent of Covid-19 patients. In another study out of China, **published** in *Radiology*, 66 of 70 hospitalized patients had some amount of lung damage in CT scans, and more than half had the kind of lesions that are likely to develop into scars. (A third **study** from China suggests this is not just for critically ill patients; its authors found that of 58 asymptomatic patients, 95 percent also had evidence of these ground-glass opacities in their lungs. More than a quarter of these individuals went on to develop symptoms within a few days.)

“These kinds of tissue changes can cause permanent damage,” says Ali Gholamrezanezhad, a radiologist at the Keck School of Medicine at the University of Southern California.

Although it’s still too early to know if patients with ongoing lung symptoms like Montano will have permanent lung damage, doctors can learn more about what to expect from looking back to people who have recovered from SARS and MERS, other coronaviruses that resulted in similar lung tissue changes.

One small **longitudinal study** published in *Nature* followed 71 SARS patients from 2003 until 2018 and found that more than a third had reduced lung capacity. MERS is a little harder to extrapolate from, since fewer than **2,500** people were infected, and somewhere between **30 and 40 percent** died. But one study found that **about a third** of 36 MERS survivors also had long-term lung damage.

Gholamrezanezhad has recently done a literature review of SARS and MERS and says that for this subset of people, “The pulmonary function never comes back; their ability to do normal activities never goes back to baseline.”

Additionally, Covid-19 scarring rates may end up being higher than SARS and MERS patients because those illnesses often attacked only one lung. But Covid-19 appears to often **affect both** lungs, which Gholamrezanezhad says escalates the risks of lung scarring.

He has already seen residual scarring in Covid-19 patients and is now designing a study to identify what factors might make some people at higher risk of permanent damage. He suspects having any type of underlying lung disease, like asthma, or other health conditions, like hypertension, might increase the risk of having longer-term lung issues. Additionally, “the older you are, probably the higher your chance of scarring,” he says.

For people with this kind of lung scarring, normal activities may become more challenging. “Routine things, like running up a flight of stairs, would leave these individuals gasping for air,” Brennan says.

## Stroke, embolisms, and blood clotting

Many patients hospitalized for Covid-19 are experiencing unexpectedly high rates of blood clots, likely due to inflammatory responses to the infection. These can cause lung blockages, strokes, heart attacks, and other complications with serious, lasting effects.

Blood clots that form in or reach the brain can cause a stroke. Although strokes are more **typically** seen in older people, strokes are now being reported even in **young Covid-19** patients. In Wuhan, China, about **5 percent** of hospitalized Covid-19 patients had strokes, and a similar pattern **was reported** with SARS.

In younger people who have strokes, **mortality rates** are relatively low compared to those who are older, and many people recover. But studies show only between **42 and 53 percent** are able to return to work.

Blood clots can also cut off circulation to part of the lungs, a condition known as a pulmonary embolism, which can be deadly. In France, two studies suggest that between **23 and 30 percent** of people with severe Covid-19 are also having pulmonary embolisms.

**One analysis found** that after a pulmonary embolism, “symptoms and functional limitations are frequently reported by survivors.” These include fatigue, heart palpitations, shortness of breath, marked limitation of physical activity, and inability to do physical activity without discomfort.

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RELATED

### Coronavirus's new mystery: It's causing strokes in healthy people

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Blood clots in other major organs can also cause serious problems. Renal failure has been a **common challenge** in many severe Covid-19 patients, and patients' clotted blood has been **clogging dialysis machines**. Some of these acute kidney injuries may be permanent, requiring ongoing dialysis.

Clots outside organs can be serious, too. **Deep vein thrombosis**, for example, occurs when a blood clot forms in a vein, often the legs. Nick Cordero, a Tony-nominated Broadway and television actor, recently had to have his **right leg amputated** after Covid-related blood clots.

**Abnormal blood clotting** even seems to be happening in people after they've appeared to recover. One 32-year-old woman in Chicago, for example, had been discharged from the hospital for a week when she **died suddenly** with a severely swollen leg, a sign of deep vein thrombosis, according to local broadcaster WGN9. Or take Troy Randle, a 49-year-old cardiologist in New Jersey, who was declared safe to go back to work **after recovering** from Covid-19 when he developed a vicious headache. A CT scan confirmed he'd had a stroke.

Although there's still a shortage of data, one study found that as many as **31 percent** of ICU patients with Covid-19 infections had these kinds of clotting problems. In the meantime, the International Society on Thrombosis and Haemostasis has **issued guidelines** that recovered Covid-19 patients should continue taking anticoagulants even after being discharged from the hospital.

## **Heart damage**

Being critically ill, especially with low oxygen levels, puts additional stress on the heart. But doctors now think that in Covid-19 patients, viral particles might also be specifically **inflaming the heart muscle**. (The heart has many ACE2 receptors, which **scientists have identified** as an entry point for the SARS-CoV-2 virus.)

"In China, doctors noted some people coming [in] with chest pain," says Mitchell Elkind, president-elect of the American Heart Association and professor of neurology and epidemiology at Columbia University. "They had a heart attack, and then developed Covid symptoms or tested positive after."

One study from Wuhan in January found **12 percent** of Covid-19 patients had signs of cardiovascular damage. These patients had higher levels of troponin, a protein released in the blood by an injured heart muscle. Since then, other **reports** suggest the virus may directly cause acute myocarditis and heart failure. (Heart failure was also seen **with MERS** and is known to be correlated with even the **seasonal flu**.)

In March, another study looked at **416 hospitalized** Covid-19 patients and found 19 percent showed signs of heart damage. University of Texas Health Science Center **researchers warn** that in survivors, Covid-19 may cause lingering cardiac damage, as well as making existing cardiovascular problems worse, further increasing the risk for heart attack and stroke.

A pulmonary critical care doctor at Mount Sinai Hospital in New York City, for example, recovered from Covid-19, only to learn she **had developed cardiomyopathy**, a condition in which your heart has trouble delivering blood around your body. Although previously healthy, when she returned to work, she told NBC, "I couldn't run around like I always do."

The specific consequences may vary depending on how the heart is affected. For example, Covid-19 has been linked to myocarditis, a condition where inflammation weakens the heart, creates scar tissue, and makes it work harder to circulate the body's oxygen. The Myocarditis Foundation recommends these patients avoid cigarettes and alcohol, and stay away from rigorous exercise until approved by their doctor.

## **Neurocognitive and mental health impacts**

Covid-19 also seems to affect the central nervous system, with potentially long-lasting consequences. In one study from China, **more than a third of 214** people hospitalized with confirmed Covid-19 had neurological symptoms, including dizziness, headaches, impaired

consciousness, vision, taste/smell impairment, and nerve pain while they were ill. These symptoms were more common in patients with severe cases, where the incidence increased to 46.5 percent. Another **study** in France found neurologic features in 58 of 64 critically ill Covid-19 patients.

As the pandemic goes on, Elkind says, “We need to be on the lookout for long-term neurocognitive problems.”

Looking back to SARS and MERS suggests that Covid-19 patients may have slightly delayed onset of neurological impacts. Andrew Josephson, a doctor at the University of California San Francisco, **wrote** in *JAMA*, “Although the SARS epidemic was limited to about 8,000 patients worldwide, there were some limited reports of **neurologic complications of SARS** that appeared in patients 2 to 3 weeks into the course of the illness.” These included muscular **weakness**, burning or prickling, and numbness, and the **breakdown of muscle** tissue into the blood. Neurological injuries, including impaired balance and coordination, confusion, and coma, were also found with MERS.

Long-term complications of Covid-19 — whether caused by the virus itself or the inflammation it triggers — could include decreased attention, concentration, and memory, as well as dysfunction in peripheral nerves, “the ones that go to your arms, legs, fingers, and toes,” Elkind says.

There are other cognitive implications for people who receive intensive treatment in hospitals. For example, delirium — an acutely disturbed state of mind that can result in confusion and seeing or hearing things that aren’t there — affects a **third** or more of ICU patients, and research suggests the presence of delirium during severe illness **predicts** future long-term cognitive decline.

Previous research on acute respiratory distress syndrome (ARDS) more generally may also provide clues to what neurological issues critically ill Covid-19 patients might see after leaving the hospital.

Research shows **one in five** ARDS survivors experiences long-term cognitive impairment, even five years after being discharged. Continuing impairments can include short-term memory problems and difficulty with learning and executive function. These can lead to challenges like difficulty working, impaired money management, or struggling to perform daily tasks.

ARDS survivors frequently have increased rates of depression and anxiety, and many experience **post-traumatic stress**. Although it’s still too early to have much data on Covid-19, during the SARS outbreak, former patients struggled with **psychological distress and stress** for at least a year after the outbreak.

“I felt imprisoned within my body, imprisoned within my home, and tremendously ignored and misunderstood by the general public, and even those closest to me,” Nichols says about her battle with Covid-19. “I feel incredibly alone.”

Jane, who prefers to use a pseudonym because she fears retribution at the hospital where she works, tested positive for Covid-19 more than a month ago. She’s still struggling with fevers, heart issues, and neurological issues, but the most difficult part, she says, is how tired she is of “being treated like I am a bomb that no one knows how to disarm.” Jane, a nurse who cared for AIDS patients during the '90s, says, “This is exactly what those people went through. There is a terrible stigma.” In addition to the stigma, uncertainty has added to her mental health burden.

“People need to know this disease can linger and wreck your life and health,” she says. “And no one knows what to do for us.”

## **Childhood inflammation, male infertility, and other possible lasting effects**

The novel coronavirus continues to frustrate scientists and patients alike with its mysteries. One of these is a small but growing number of children who recently began showing up at doctors’ offices in **Britain, Italy, and Spain** with strange symptoms, including a rash, a high fever, and heart inflammation.

On May 4, the New York City Health Department noted that at least **15 children** with these symptoms had been hospitalized there, too. These cases present like a severe immune response called Kawasaki disease, where blood vessels can begin to leak, and fluid builds up in the lungs and other major organs. Although only some of these children have tested positive for Covid-19, Russell Viner, president of the Royal College of Pediatrics and Child Health, **told the** New York Times, “the working hypothesis is that it’s Covid-related.”

Children who survive Kawasaki-like conditions **can suffer** myocardial and vascular complications in adulthood. But it’s too early to know how Covid-related cases will develop. Many of the small number of reported cases appear to be responding well to treatment.

Other researchers are suggesting that Covid-19 may pose particular problems for men beyond their **disproportionate mortality** from the illness. The testicles contain a high number of ACE2 receptors, explained researcher Ali Raba, in a recent **letter** to the *World Journal of Urology*. “There is a theoretical possibility of testicular damage and subsequent infertility following COVID-19 infection,” he wrote.

Another study, looking at **38 patients** in China who had been severely ill with Covid-19, found that during their illness, 15 had virus RNA in their semen samples, as did two of 23 recovering patients. (The presence of viral RNA doesn’t necessarily indicate infectious capacity.)

Another **recent study** also showed that in 81 men with Covid-19, male hormone ratios were off, which could signal trouble for fertility down the line. The authors called for more attention to be paid, particularly on “reproductive-aged men.” An April 20 paper **published in *Nature*** went so far as to suggest, “After recovery from COVID-19, young men who are interested in having children should receive a consultation regarding their fertility.”

And we are just at the beginning of figuring out what this complex infection means for other organ systems and their recovery. For example, a **recent preprint** from Chinese doctors looked at 34 Covid-19 survivors’ blood. While they saw a difference between severe and mild cases, the researchers found that regardless of the severity of the disease, after recovered patients were discharged from the hospital, many biological measures “failed to return to normal.” The most concerning measures suggested ongoing impaired liver function.

## **What all of this means for survivors and researchers**

As all this preliminary research shows, we are still in the early days of understanding what this virus might mean for the growing number of Covid-19 survivors — what symptoms they might expect to have, how long it might take them to get back to feeling normal (if they ever will), and what other precautions they might need to be taking.

Many people aren’t even receiving adequate information about when it might be safe for them to stop self-isolating. Nichols and other survivors report feeling better one day and terrible the next.

But in the chaos Covid-19 has caused in the medical systems, survivors say it’s hard to get attention for their ongoing struggles. “The support and awareness is simply lacking,” Nichols says. “It is a true roller coaster of symptoms and severities, with each new day offering many unknowns: I may feel healthier one day but may feel utterly debilitated and in pain the next.”

*Lois Parshley is a freelance investigative journalist and the 2019-2020 Snedden Chair of Journalism at the University of Alaska Fairbanks. Follow her Covid-19 reporting on Twitter [@loisparshley](#).*

**Correction, June 23:** This story previously misstated the amount of lung scarring in SARS patients.

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## The Vox guide to navigating the coronavirus crisis

### *Understanding the virus*



12 things everyone needs to know about the coronavirus pandemic

Why it can be so hard to tell if you have Covid-19

Covid-19 is not the flu. It's worse.

Asymptomatic coronavirus spread is real

Scientists say the coronavirus is airborne. Here's what that means.

What scientists are learning about how long Covid-19 immunity lasts

The odd, growing list of Covid-19 symptoms, explained

You can get reinfected with Covid-19 but still have immunity. Let's explain.

### *Preparing and protecting yourself*

8

### *Social distancing, the right way*

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### *Your finances*

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### *Self-care*

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### *Parenting*

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# Exhibit N



[Guidance for the Brookings community and the public on our response to the coronavirus \(COVID-19\)»](#)

[Learn more from Brookings scholars about the global response to coronavirus \(COVID-19\)»](#)

## **FIXGOV** **BROOKINGS** **What does high voter turnout tell us about the 2020 elections?**

[William A. Galston](#) Wednesday, November 20, 2019

**W**hile our political system is preoccupied with impeachment and the Democratic primaries, our country is heading toward a massive turnout in the 2020 general election that could transform our politics—and overwhelm our system of election administration. Consider the most recent elections.

In the November 2018 midterm elections, 115.1 million votes were cast for House of Representatives candidates, for a total turnout of 50%—an increase of 45% over the 79.2 million votes cast in the 2014 midterm election. This represented an asymmetrical mobilization in which Democratic turnout rose far more than Republican. Compared to 2014, votes for the Democrats' House candidates surged by 70%, versus 27% for the Republican candidates.

High voter turnout persisted into the four special elections held in 2019 as well. In 2015, 1.36 million votes were cast in the Virginia state Senate elections. This year, the total rose to 2.27 million, an increase of 66%. Four years ago, 973.7 thousand votes were cast in the Kentucky gubernatorial election. On November 5 of this year, the total rose to 1.44 million, an increase of 48%.

On the same day, 862.7 thousand votes were cast in the Mississippi gubernatorial election, an increase of 20% over the 718.2 thousand cast in 2015.

Two weeks later, 1.51 million Louisianans turned out to vote in their state's gubernatorial election, compared to 1.15 million votes cast in 2015, for an increase of 31%.

As Table 1 shows, the same pattern prevailed in the four key 2019 races as prevailed in the 2018 races, with one exception.

**TABLE 1**

	<b>Virginia</b>	<b>Kentucky</b>	<b>Mississippi</b>	<b>Louisiana</b>
Democratic change (%)	103	66	74	20
Republican change (%)	25	38	-6	45

The most likely explanation for the Louisiana anomaly: this was the only contest involving a Democratic incumbent, who had prevailed against a damaged Republican candidate and badly split Republican party four years earlier.

Taken as a whole, the four 2019 elections confirm the surge in voter participation that manifested itself in the 2018 midterm elections. But do these results have any bearing on the likely general election turnout in 2020? The evidence of the past three decades suggests that they do.

Historically, general elections always have higher turnout than midterm elections.

Table 2 shows the relationship between turnout in the midterm and the following general election. For example, turnout in the 1992 general election exceeded turnout in the 1990 midterm by 19 percentage points.

**TABLE 2**

<b>Year</b>	<b>General election versus the preceding midterm (% points)</b>
1992	+19
1996	+11
2000	+16
2004	+20
2008	+19
2012	+16
2016	+23

(Source: [United States Elections Project](#), based on the voting-eligible population)

The turnout gain from a midterm election to the next general election has averaged 18 points, but the difference has varied from a low of 11 points in 1996 to a high of 23 points in 2016. Turnout in 2018 was 50%. So simply the average gain from 2018 to 2020 would put turnout near 70%, a level we haven't seen in more than a century. A lower-end gain would return us to the levels reached during the 1950s and 1960s. And a gain of 23%—along the lines of 2016—would set an all-time record, putting turnout above 70%. While this might be exceptionally high, even a more modest increase will bring 20 million new voters to the polls, generating long lines in many areas and testing the resilience of our election administration.

Now for the big question: which party will benefit more from the increased turnout? The results from the 2019 state elections suggest that the advantage could go to the Democrats. In addition, Democratic turnout for Hillary Clinton was desultory in 2016, while Donald Trump beat Mitt Romney's 2012 total by more than 2 million votes.

Starting from a lower base, then, the Democratic nominee will have more room to gain than will President Trump. But as we saw in 2016, the national popular vote isn't always dispositive. It's entirely possible that Mr. Trump's intense and unrelenting focus on mobilizing his base will produce victories where he needs them, even if he loses the popular vote by a larger margin than he did last time.

While the 2020 outcome may be unclear, what is clear is that turnout in 2020 could break all records and test our election machinery as it has never been tested before.

# Exhibit O

AMERICA 2020

# Preparing for a Voter Surge

Experts predict record voter turnout in 2020, but will it materialize?

By **Susan Milligan** Senior Politics Writer

Sept. 20, 2019, at 6:00 a.m.



Voters wait to vote during the midterm elections in Hillsboro, Virginia on November 6, 2018. Turnout in 2018 was the highest it had been for a midterm election since 1914.  (ANDREW CABALLERO-REYNOLDS/AFP/GETTY IMAGES)

**AMERICAN VOTERS ARE** projected to turn out at the polls next year in numbers not seen in a century or more in U.S. politics, experts predict,

sending both major political parties into overdrive as they seek to win voter support and get them to fill out a ballot.

Turnout in 2018 was the highest it had been for a midterm election since 1914, says University of Florida political science professor Michael McDonald, a nationally recognized elections expert who maintains the voter data site United States Election Project. Next year, he predicts, 65%-66% of eligible voters will turn out, the highest since 1908, when turnout was 65.7%. The GOP polling firm Public Opinion Strategies as well as the progressive voter data group Catalyst are also projecting record or near-record turnout.



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And it's not about policy proposals, lofty speeches or tantalizing promises. As political operatives and activists gear up for another heated election season, the mission is all about getting to the "low-propensity voter" – the person who is eligible to vote but for some reason has never or rarely cast a ballot. A successful effort could not only raise voter participation closer to the levels of other developed democracies but could ensure a broader and more diverse swath of the nation has a say in who will lead the country.



"If you look at the political parties, they [engage in] tactics aimed at the high-propensity voter," since it's cheaper to court the votes of people who have already demonstrated a willingness and ability to participate," says Kamari Guthrie, director of communications for the nonpartisan group Vote.org.


That leads to a "total self-fulfilling prophecy" that disenfranchises parts of the American electorate, Guthrie says. A low-propensity voter, for example, may sit out an election in the belief that politicians don't care anyway. In turn, that politician or candidate won't bother spending much time on those unreliable voters, since the investment of time and money might not produce gains at the ballot box.

But with the last presidential election decided by a relatively paltry 79,646 votes in three states, operatives are widening their nets.

For Republicans, that means convincing disaffected, generally rural residents who eschewed voting because they didn't think politicians listen to them or would address their concerns. For Democrats, it means reaching younger Americans and racial and

ethnic minorities who are either not in the habit of voting or find it difficult from a practical perspective – either because they don't have the required ID or can't get time off from work or school during polling hours.

[ **VIEW:** [America 2020: The Latest News From the Campaign Trail](#) ]

Campaigns tend to go with the "four-of-four" demographic – people who voted in four of the last four elections, says Matt Braynard, executive director of ok Ahead America, a group dedicated to increasing voter participation among what Braynard describes as "disaffected patriotic Americans." The group is not associated with a political party, but Braynard worked for President Donald Trump's 2016 campaign until April 2016 and authored a strategy memo on how to engage low-propensity voters.

Those voters, who are considered key to Trump's unexpected win in 2016, are mostly rural or from post-industrial areas, Braynard says. "Democrats are hoping they'll (older voters) die off, and Republicans pay them lip service but constantly undercut them," Braynard laments. But that voter demographic – such as the worker whose job has gone overseas or is threatened, Braynard says, by an "open border" policy – is necessary to ensure a Trump re-election.

There's little point in trying to persuade people, especially in this politically polarized environment, Braynard says. "It doesn't work." Trump, Braynard says his own research shows, did best among those who initially said they were least likely to vote in the 2016 election – and the GOP will need them again next year.

Democrats, meanwhile, are eyeing another opportunity: votes from the "emerging American electorate," younger and minority voters who comprise an increasing chunk of the electorate but didn't turn out in high enough numbers in 2016 to elect Democrat Hillary Clinton.

Activists are starting early this cycle with voter registration efforts – not only in states Democrats almost certainly need to get back in 2020 for an Electoral College win (Pennsylvania, Michigan and Wisconsin) but in states with substantial Latino or African American populations, such as Arizona, Georgia, Florida and Texas. Texas is not considered a battleground state now but has been moving toward that status, largely because of increased urbanization.



Registration does not always translate into a vote at the ballot box, but it's a critical indicator in the U.S. Less than 56% of voting-age Americans turned out to vote in 2016, putting the nation 26th among 35 industrialized democracies, a 2018 Pew Research Center study reported. But the study also found that nearly 87% of registered voters cast a ballot that year, indicating that getting eligible voters registered is a key hurdle.



Other hurdles to registration and voting remain, however, in some states that have passed laws making it harder to register people to vote or which have reduced polling places. Some of those efforts are being challenged in the courts. A federal judge this week, for example, stayed a Tennessee law that requires, among other things, that people registering 100 or more voters take a state training course. The same statute makes it a crime for those registering voters to fail to turn in completed form within 10 days.

"There was a combination of onerous and unnecessary burden put on third parties who were simply trying to help register people to vote," says Ezra Rosenberg, co-director of the Voting Rights Project at the Lawyers Committee for Civil Rights.

Other states are on a mission to "purge" people officials suspect may be wrongly included on voter rolls. In Texas, for example, the state said it would look at driver's license lists and remove anyone not identified as a citizen. The problem, Rosenberg says, is that driver's licenses are good for six years, and 20,000 Texans become citizens each year – meaning 100,000-120,000 people could be wrongly removed from voter rolls because of outdated information.

Meanwhile, states like Oregon, which has automatic voter registration when people interact with the Department of Motor Vehicles and a vote-by-mail system, make it nearly painless for people to register and vote.

"We're moving toward a situation where it's going to be much easier to register and cast a ballot in Oregon than it is in Alabama," says David Daley, senior fellow at FairVote, a nonpartisan elections reform group. Since states that make it easier to vote tend to be blue and states with onerous rules red, "it perpetuates polarization," Daley says. "It turns part of the country into democracy deserts."

And despite the projected big showing at the polls next year, political operatives aren't counting on anything. A poll of battleground states by the Democratic-leaning group Priorities USA, for example, found Trump losing 48-40 against a generic Democratic presidential nominee, and the still-to-be-selected Democrat capturing 278 Electoral College votes to Trump's 259, with one elector (in Nebraska, which award electors proportionally) a toss-up. But "the margins in the states are very small," Priorities USA Chairman Guy Cecil says. "We are one state away from the reverse being true."

The victory, then, belongs to those who show up.

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**Susan Milligan, Senior Politics Writer**

Susan Milligan is senior political writer at U.S. News & World Report. She has covered ... **READ MORE »**

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# Exhibit P

## *Huge Turnout Is Expected in 2020. So Which Party Would Benefit?*

Democrats typically gain from a broader electorate in presidential races, but that pattern is not assured in the Trump era.



By Nate Cohn

July 15, 2019

The 2020 presidential election is poised to have the highest turnout in a century, with the potential to reshape the composition of the electorate in a decisive way.

But perhaps surprisingly, it is not obvious which party would benefit. There are opportunities and risks for both parties, based on an Upshot analysis of voter registration files, the validated turnout of 50,000 respondents to The New York Times/Siena College pre-election surveys in 2018, census data, and public polls of unregistered voters.

It is commonly assumed that Democrats benefit from higher turnout because young and nonwhite and low-income voters are overrepresented among nonvoters. And for decades, polls have shown that Democrats do better among all adults than among all registered voters, and better among all registered voters than among all actual voters.

But this longstanding pattern has become more complicated in the Trump years. The president is strong among less educated white voters, who are also overrepresented among nonvoters. And Democrats already banked many of the rewards of higher turnout in the midterm elections, when the party out of power typically enjoys a turnout advantage and did so yet again, according to 2018 Times/Siena data.

Nationwide, the longstanding Republican edge in the gap between registered and actual voters all but vanished in 2018, even though young and nonwhite voters continued to vote at lower rates than older and white voters.

At the same time, the president's white working-class supporters from 2016 were relatively likely to stay home. Voters like these are likeliest to return to the electorate in 2020, and it could set back Democrats in crucial battleground states.

Democrats have an opportunity to gain by tapping into another group: the voters on the sidelines of American politics, who haven't voted in recent elections or aren't registered to vote at all.

This group, by definition, does not usually factor into electoral analysis, but a high enough turnout would draw many of them to vote. Analysts have speculated about a 70 percent turnout among eligible voters next year, based on the very large 2018 turnout — the highest in a midterm since 1914 — and on polls showing unusually strong interest in the 2020 election.

These adults on the periphery of American politics are probably more favorable to Democrats than registered voters are, but the story here is complicated as well.

They are not quite as favorable to Democrats as often assumed, in part because polls of adults include noncitizens, who are ineligible to vote. A large increase in voter registration would do much more to hurt the president in the national vote than in the Northern battleground states, where registration is generally high and where people who aren't registered are disproportionately whites without a college degree.

## **The registered voters who stayed home in 2018**

The voters who stayed home in 2018 were not much more or less likely to approve of the president than those who actually turned out, based on data from nearly 100 Times/Siena surveys, linked to records indicating who did or did not vote.

Over all, the president had a 47 percent approval rating among Times/Siena respondents who voted, excluding those who did not offer an opinion about the president. But he had a higher approval rating (48 percent) among all registered voters in the nearly 60 battleground districts and a handful of Senate contests surveyed ahead of the midterms.

The Republicans lost their typical midterm turnout advantage, even though they didn't give up some of their traditional demographic advantages. Young and nonwhite turnout was markedly higher than it had been in 2014, but still lower than that of older and white voters. Registered Republicans were likelier to turn out than registered Democrats, according to data from L2, a nonpartisan political data firm.

These traditional Republican demographic advantages were canceled out, and in some cases reversed, by two new Democratic advantages. The low turnout among whites without a college degree bolstered Democrats in much of the country, allowing college-educated whites to make up a larger share of the electorate.

As a result, the voters who turned out in 2016 but stayed home in 2018 were more likely to approve of the president: He had around a 50 percent approval rating among those nonvoters in Times/Siena data.

The increase in turnout among the young in 2018 came overwhelmingly from anti-Trump voters, giving the Democrats a wide advantage among voters under age 45. The advantage was largest among those 18 to 24: The president's approval rating was 28 percent for voters in that group, and 45 percent among those who stayed home.

It's important to emphasize that the Times/Siena data is not representative of the country. The 2018 battleground districts were disproportionately white, well educated and Republican-leaning. Urban areas were almost entirely unrepresented, and black voters were underrepresented as well.

After accounting for the differences between the battlegrounds and the country, the Republicans held a narrow turnout advantage on a national scale. The fundamental turnout shifts were similar, but the lower turnout among nonwhite voters hurt the Democrats more nationwide than it did in the relatively white battleground districts.

Over all, the president's approval rating was 45.3 percent among registered voters and 45.7 percent among likely voters, according to our estimates, based on national voter file data, the Times/Siena polling and a district-by-district estimate of the president's approval rating based on national election surveys.

The opportunity for Democrats, however small, is fairly clear here: It's reasonable to assume higher turnout would draw from a pool of voters who are relatively likely to disapprove of the president.

The opportunity for Republicans is somewhat more subtle, but clear as well. The voters who turned out in 2016, but stayed home in 2018, were relatively favorable to Mr. Trump, and they're presumably more likely to join the electorate than those who turned out in neither election. In a high-turnout election, these Trump supporters could turn out at a higher rate than the more Democratic group of voters who didn't vote in either election, potentially shifting the electorate toward the president.

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Election 2020 >

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## Those who aren't registered but still might vote

A high-turnout election would draw from another group of voters: those who aren't yet registered.

These voters are hard to measure. They are underrepresented in public opinion surveys, and there's reason to wonder whether those who do take surveys are representative of those who don't. They are also less likely to hold opinions on current events, including on the president. (For ease of comparison, those without an opinion of the president have been excluded from measures of the president's approval rating.)

With those caveats in mind, the president's approval rating among nonregistered voters stood at just 37 percent in an Upshot compilation of 12 surveys, conducted between December 2017 and September 2018, by the Pew Research Center and the Kaiser Family Foundation. Mr. Trump's approval rating was at 43 percent among registered voters in the same collection of surveys.

The data includes over 14,000 registered voters and nearly 3,200 voters who aren't registered, allowing for a fairly detailed analysis and comparison of the groups.

The president's weakness among nonregistered voters is consistent with a long record of polling showing Democrats fare better among all adults than among registered voters, including in today's FiveThirtyEight averages.

The potential for Democrats is obvious. But in general, these figures — and other polls comparing the adult and registered voter populations — exaggerate the opportunity available to Democrats because they include noncitizens, who aren't eligible to vote.

People who aren't citizens represent 22 percent of the nonregistered adult population, according to the Current Population Survey, and they're very different demographically from citizens who aren't registered to vote.

Just 11 percent of noncitizens are white and non-Hispanic, compared with 59 percent of eligible but nonregistered voters. This means that the pool of potential but not-yet-registered voters is more white and non-Hispanic than it might appear.

And because the Pew/Kaiser data indicates that almost all President Trump's weakness among nonvoters is attributed to demographics — that is, nonwhite people tend to like him less — the political difference between registered and nonregistered voters shrinks considerably without noncitizens.

## **The uncertain consequences of higher turnout**

Of course, not all eligible voters, or even all registered ones, will vote in 2020. It's impossible to guess just who will; either side could draw a relatively favorable group of voters to the polls.

Even if every single citizen were to turn out, the effect on the presidential race would not be clear. The president's approval rating would probably sink by around a point, compared with the 2018 electorate. But the effect on individual states could vary widely.

The major Democratic advantage among nonvoters, their ethnic diversity, would do little for Democrats in the Midwest, where the population is more white and where nonvoters are likelier to be working-class whites who appear to view the president relatively favorably. Democrats would gain more in the diverse but often less competitive states.

In the Times/Siena-based estimates, Democrats appeared to be at a turnout advantage in the Rust Belt in the midterms but at a disadvantage in the Sun Belt. The difference between the groups of states might seem small, but it is not. A hypothetical full-turnout election among registered voters would cut this difference in half, and a full-turnout election among all eligible voters might eliminate it entirely.

This is consistent with state-by-state surveys of adults, like a 2019 compilation of Gallup polling data that showed the president's approval ratings in Florida, Texas, Wisconsin, Michigan and Pennsylvania all crowded together between 41 percent and 43 percent, a few points higher than the 40 percent he held nationwide in the poll.

The danger for Democrats is that higher turnout would do little to help them in the Electoral College if it did not improve their position in the crucial Midwestern battlegrounds. Higher turnout could even help the president there, where an outsize number of white working-class voters who back the president stayed home in 2018, potentially creating a larger split between the national vote and the Electoral College in 2020 than in 2016.

There's nothing about the composition of nonvoters that means a higher-turnout election would invariably make it easier for Democrats to win the presidency, or for Republicans to keep it.

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# **Our 2020 Election Guide**

Updated Sept. 1, 2020

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# Exhibit Q

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## POLITICS

# Brace for a Voter-Turnout Tsunami

Even with a surge in overall participation, white working-class voters could still remain decisive in the 2020 election.

RONALD BROWNSTEIN JUNE 13, 2019

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Washington, D.C., voters line up in the rain to cast a ballot in the 2018 midterm elections. (PABLO MARTINEZ MONSIVAIS / AP)

Signs are growing that voter turnout in 2020 could reach the highest levels in decades—if not the highest in the past century—with a surge of new voters potentially producing the most diverse electorate in American history.

But paradoxically, that surge may not dislodge the central role of the predominantly white and heavily working-class voters who tipped the three Rust Belt states that decided 2016: Pennsylvania, Michigan, and Wisconsin. Even amid a tide of new participation, those same voters could remain the tipping point of the 2020 election.

With Donald Trump's tumultuous presidency stirring such strong emotions among both supporters and opponents, strategists in both parties and academic experts are now bracing for what Michael McDonald, a University of Florida political scientist who specializes in voting behavior, recently called "a voter turnout storm of a century in 2020."

In a recent paper, the Democratic voter-targeting firm Catalist projected that about 156 million people could vote in 2020, an enormous increase from the 139 million who cast

ballots in 2016. Likewise, Public Opinion Strategies, a leading Republican polling firm, recently forecast that the 2020 contest could produce a massive turnout that is also unprecedentedly diverse.

“I think we are heading for a record presidential turnout at least in the modern era, and by that I mean since the franchise went to 18-year-olds,” in 1972, says Glen Bolger, a partner at Public Opinion Strategies. “And I mean not only in total numbers [but also] in terms of the percentage of eligible voters [who turn out]. The emotion behind politics ... is sky-high, and I don’t think it’s just on one side. I think it’s on both sides.”

*[ Read: The Democratic debate over winning back Trump’s base ]*

McDonald thinks the turnout surge in 2020 could shatter even older records, estimating that as many as two-thirds of eligible voters may vote next year. If that happens, it would represent the highest presidential-year turnout since 1908, when 65.7 percent of eligible Americans cast a ballot, according to McDonald’s figures. Since 18-year-olds were granted the vote, the highest showing was the 61.6 percent of eligible voters who showed up in 2008, leading to Barack Obama’s victory. And since World War II, the highest turnout level came in 1960, with John F. Kennedy’s win, when 63.8 percent of voters participated.

Experts on both sides point to an array of indicators that signal turnout may reach new heights next year. Signs of political interest, from the number of small-donor contributions made to presidential candidates to the viewership for cable news, are all spiking. In polls, very high shares of Americans already say they are paying a lot of attention to the 2020 presidential race.

But the clearest sign that high turnout may be approaching in 2020 is that it already arrived in 2018. In last year’s midterm, nearly 120 million people voted, about 35 million more than in the previous midterm, in 2014, with 51 percent of eligible voters participating—a huge increase over the previous three midterms. The 2018 level represented the largest share of eligible voters to turn out in a midterm year since 1914, according to McDonald’s figures. Catalist estimated that about 14 million new voters who had not participated in 2016 turned out two years later, and they preferred Democrats by a roughly 20-percentage-point margin.

Yet one of the key questions for 2020 is whether Democrats will benefit as much from the likely expansion of the electorate. With Trump on the ballot directly, Republicans hope that 2020 will produce a surge not only in the younger and nonwhite voters who increased their participation in 2018, but also the non-college-educated whites at the foundation of the president’s support, who lagged last year.

The nature of the population *eligible* to vote is evolving in a way that should indeed help Democrats. McDonald estimates that the number of eligible voters increases by about 5 million each year, or about 20 million from one presidential election to the

next. That increase predominantly flows from two sources: young people who turn 18 and immigrants who become citizens. Since people of color are now approaching a majority of the under-18 population—and also constitute most immigrants—McDonald and other experts believe it's likely that minorities represent a majority of the people who have become eligible to vote since 2016.

The generational contrast in the eligible voting pool is also stark. States of Change, a nonpartisan project studying shifts in the electorate, projects that Millennials (born, according to the organization's definition, from 1981 to 2000) will constitute 34.2 percent of eligible voters next year. Post-Millennials (born after 2000) will make up another 3.4 percent. That means those two groups combined will virtually equal the share of eligible voters composed of Baby Boomers (28.4 percent) and the Silent and Greatest Generations (another 9.4 percent).

These shifts have enormous implications because of the generational gulf in attitudes toward Trump and the parties more broadly. His approval rating has consistently lagged among the more racially diverse, socially tolerant younger generations. Though Trump and the GOP have shown some signs of weakness recently among seniors, he has generally polled much better among voters older than 50, in part because a much larger share of Americans in that cohort are white.

“The group of voters that is going to increase at the fastest rate [in 2020] is Millennials,” says Josh Schwerin, the communications director of Priorities USA, a leading Democratic super PAC that is already organizing in swing states for next year. “Donald Trump is at a horrible standing with them and doing nothing to help himself.”

But the change in the eligible-voter pool is only one factor in determining who actually votes in each election. It represents, in effect, the denominator in the equation; the numerator is how big a share of eligible voters in each group shows up. The effect of the growing number of eligible Millennials and minorities (particularly Latinos) has been blunted because their turnout has lagged behind that of older voters and white people—a dynamic that has especially affected Democrats in the diversifying Sun Belt states, where they have struggled to overturn years of Republican dominance.

In 2016, the Census calculated that almost two-thirds of eligible white voters cast a ballot. By contrast, African American turnout fell to 59 percent—a sharp decline from both of Barack Obama's elections—and Latino turnout remained at typically modest levels, just below 48 percent. Young people stayed home, too: Only about 46 percent of eligible voters under 30 turned out, far below the participation among those 45 and older.

In 2018, though, those patterns altered. Turnout typically falls for all voter groups in midterm elections compared with the previous presidential race, but that falloff was much smaller than usual last year. Moreover, while turnout surged across virtually all

groups, it increased most sharply among the voters who historically have participated at the lowest levels. For instance, the Census Bureau reported that turnout among voters under 30 last year jumped to about 36 percent of eligible voters, compared with just 20 percent in 2014. That still left young people far behind the turnout rate among seniors, about two-thirds of whom voted, but their rate of increase from the previous election was much greater. Similarly, the Census Bureau found that the turnout rate in 2018 increased more for Latinos and Asian Americans than it did for white people.

*[ Read: [Trump is walling off the GOP](#) ]*

The most conspicuous exception to this pattern of greater gains for groups with lower participation was white working-class voters, a constituency that has become the backbone of the GOP coalition, especially under Trump. In recent elections, white working-class voters have turned out at a rate slightly above minorities', but well below that of white voters with at least a four-year college degree. College-educated whites have been moving toward the Democrats in recent decades, a transition that has accelerated under Trump.

In 2018, according to McDonald's calculations from census data, about 45 percent of eligible white people without a college degree voted. But while that was a roughly 12-point increase from their turnout rate in the previous midterm, both minorities and college-educated whites raised their participation by larger amounts—16 percent and 17 percent, respectively—and both groups broke toward the Democrats.

Experts like McDonald broadly expect young people and minorities to again increase their turnout more in 2020 than older people and white people will. "Everyone's turnout tends to go up" in a surge election year, "but the increases predominantly come from the lower-turnout groups because they have more room to increase," he says. If turnout is high in 2020 overall, "you would think ... that these younger people, persons of color, lower-educated, lower-income people ... are the people who are going to see the highest turnout increase of all the groups we observe."

Schwerin, from Priorities USA, says his group also forecasts greater Millennial improvement in 2020 compared with older generations. But he warns that such an increase is hardly guaranteed, even under Trump. "We expect young people will be the group that grows the most," he says. "But Trump does not solve the problem. It is important that Democrats are investing in time and resources in talking to communities we need to turn out. It's not going to happen on its own; Trump alone is not going to do it."

A major wild card for 2020 is how much blue-collar-white turnout might rebound after its disappointing showing in 2018—and whether Democrats can sustain the small but significant recovery they demonstrated with that group last fall. McDonald has calculated that the total number of eligible nonvoters in 2018 divided exactly in half

between those working-class white people on one side, and minorities and white-collar white people on the other.

In relying as heavily on working-class white people as he does, Trump is pushing against a demographic current that has steadily run in the opposite direction for many years.

Data from States of Change show that over the past quarter-century, white voters without a college education have typically declined as a share of actual voters little by little over each four-year presidential cycle: They fell from 61 percent of voters in 1992 to 44 percent in 2016. Minority voters, meanwhile, have increased over those seven election cycles from 15 percent in 1992 to 26 percent in 2016. And college-educated whites have drifted up, from 24 percent in 1992 to 30 percent in 2016.

The 2016 election, however, was something of an anomaly for blue-collar white people. Partly because Trump inspired so many non-college-educated white voters to turn out—and partly because African American turnout skidded so badly—white working-class voters declined less than usual in 2016 as a share of the electorate, States of Change concluded. But in 2018, as turnout surged among minority and younger voters, non-college-educated whites suffered a much sharper decline: Compared with 2014, they fell by 4 to 5 percentage points as a share of the total vote, according to both Catalist's estimates and McDonald's analysis of census figures. That's about double their average decline from one presidential election to the next over the past quarter-century.

Ruy Teixeira, a veteran liberal analyst and a co-founder of States of Change, believes it's likely that in 2020 the decline in blue-collar white people's share of the total vote could again push toward the high end of recent experience, shrinking by as much as 3 percentage points, to just over 40 percent. "I think if we do have a high-turnout election that builds on the trends we saw in 2018, you might see the white non-college share decline significantly more than it did in 2016," Teixeira says.

Those changes pose obvious problems for Trump in winning the national popular vote. But they also present a challenge for Democrats, because these shifts are not evenly distributed among the states. The electorate is not diversifying nearly as fast in the three Rust Belt states that Trump dislodged from the Blue Wall—Michigan, Pennsylvania, and Wisconsin. Those states, for years to come, will remain older and whiter than the nation overall, meaning that to win them, Democrats have to run better with older, whiter voters than they do in most places.

And while the minority population is growing steadily in existing and emerging Sun Belt battlegrounds—such as Arizona, Florida, North Carolina, Georgia, and even Texas—Trump has demonstrated a formidable ability to offset that change by turning out older, rural, evangelical, and blue-collar white people in those places. In stark contrast to the national forecasts, Schwerin says Priorities USA projects that non-college-

educated whites will represent a slightly larger share of the vote in the battleground states next time than they did in 2016.

*[ Read: [Democrats' two roads to beating Trump](#) ]*

Unless and until Democrats can tip some of the potential Sun Belt battlegrounds, particularly Arizona, Florida, and North Carolina, the party can't reach 270 Electoral College votes without recapturing some of the Rust Belt states least affected by demographic change.

Teixeira is one of many Democratic strategists who say the party's top priority must remain regaining those Rust Belt states, because it cannot yet rely enough on the Sun Belt. "How can you possibly count on these states?" he says. "Democrats haven't won Florida for a while. Arizona, they haven't won in a million years. Georgia, Texas—are you kidding me? These are hard states. You cannot build a strategy around having to win those states."

Chipping into Trump's base of non-college-educated and rural white voters isn't the only way for Democrats to win back the Rust Belt states he took in 2016: They could also theoretically recapture them by increasing turnout among young people and minorities, and converting more suburban white people. But in a 2020 election likely to be defined by a historic surge of new voters, many Democrats are resigned to facing the same old challenge of scratching out a few more votes in mostly white union halls and country diners across the Upper Midwest.

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# Exhibit R



# BROOKINGS

## Election 2020: A once-in-a-century, massive turnout?

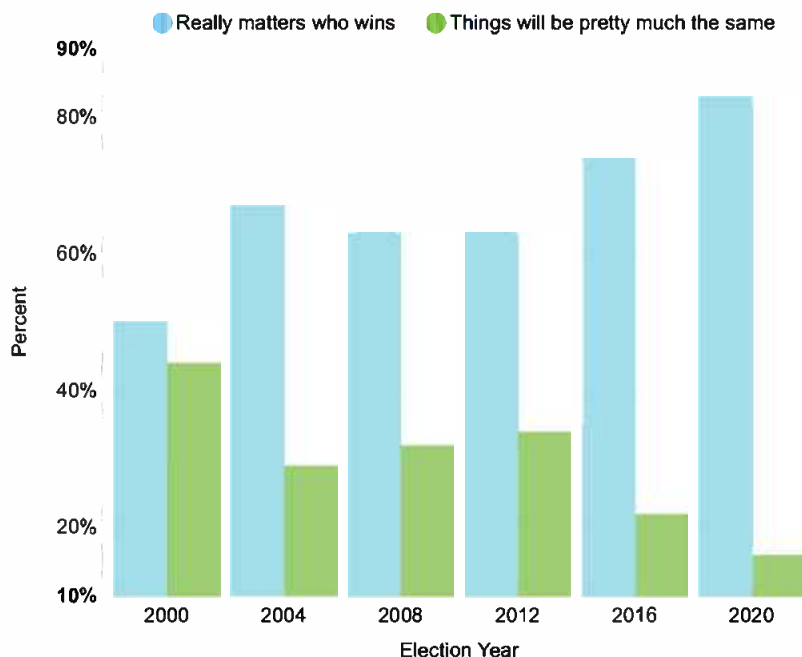
William A. Galston Friday, August 14, 2020

**A** new Pew Research Center [survey released this week](#) provides the most compelling evidence yet that turnout this November will be massive and that states will be challenged to complete timely counts of a record number of mail-in ballots.

During the past two decades, Pew has used multiple indicators to gauge voters' interest and intensity as the presidential election approaches. Here are some key findings:

Prior to the 2000 election between George W. Bush and Al Gore, just 50% of the voters thought that it really mattered who won, versus 44% who thought that things would be pretty much the same, whoever won. This year, a record 83%—including 85% of Democrats, 86% of Republicans—say that it really matters.

### "Does it really matter who wins the presidential election?" Voters, 2000-2020



Question text: "As far as making progress on the important issues facing the country is concerned, does it really matter who wins the presidential election, or will things be pretty much the same regardless of who is elected president?"

Although divergent reactions to President Trump are driving some of this intensity, clashes on the issues are playing a role as well. Prior to the 2000 election, 51% of the voters believed that the major party candidates were articulating differing positions on the issues, compared to 33% who saw them as taking similar positions. This year, 86% perceive the candidates as differing on the issues, while only 9% see similarities.

Not surprisingly, voters are much more likely than two decades ago to report that their interest in politics had risen since the previous presidential election. And rising interest has yielded increased engagement: this year, 78% of Democrats and 77% of Republicans say that they have thought “quite a lot” about the election, compared to just 44% of Democrats and 52% of Republicans in 2000.

What the data from 2020 tells us is that there is every reason to expect a record turnout in 2020. We got a preview in 2018 when the turnout in the midterm elections was the highest since 1914, even though Republicans were less mobilized than Democrats, a difference unlikely to be repeated this year. “I expect voter turnout to be exceptional, perhaps the highest in over a century, since 1908,” said Michael McDonald, who directs the [U.S. Elections Project](#). “I sometimes refer to it as the ‘storm of the century,’” he added. Turnout in 1908 was 65.7%, compared to 54.2% in 2000 and 60.1% in 2016. If McDonald is correct and turnout reaches the 1908 level, votes cast in 2020 could total more than 145 million, up from 133 million in 2016.

In addition to massive turnout, Republicans and Democrats will be voting in very different ways. Overall, about 6 in 10 Americans expect to vote in person, and 4 in 10 by mail. But among Republicans, 8 to 10 say they will vote in person, compared to just 40% for Democrats. Unless mail-in ballots are counted far more quickly than they were during most primary elections this year, the returns on election night will be dominated by Republicans and will then shift toward Democrats over the next day or two.

This matter may not alter the results in deep red and deep blue states. But depending on the extent of the “blue shift” after election night, several swing states could move from President Trump’s column to Joe Biden’s.

Even in 2000, when perceived differences between the candidates were historically low, contested election results in just one state cast a pall over American politics for considerable time. This year, with the stakes in the outcome at a modern high, contested results could mean something much worse.

The Constitution gives states the leading role in administering elections. If they do not make adequate preparations for counting—promptly and accurately—what could turn out to be 60 million mail-in ballots, the ensuing controversy may well rock our democracy to its foundations. If the major news networks rush to judgment on election night, based only on what they know from in-person voters and then have to change their announcements once the mail ballots are counted, the conspiracy theories will abound and a cloud of suspicion will hang over the 2020 election.

With just 80 days to go until the election, the states have no time to waste.

# Exhibit S

## Considerations for Election Polling Locations and Voters Considerations for Election Polling Locations

Interim guidance to prevent spread of coronavirus disease 2019 (COVID-19)

Updated June 22, 2020

[Print](#)

### Summary of changes:

- Expanded guidance on changes to operations, procedures, and facilities for polling locations
- Added reminders to maintain accessibility
- Added recommendations for voters

### Guiding Principles to Keep in Mind

The more an individual interacts with others, and the longer that interaction, the higher the risk of COVID-19 spread. Elections with only in-person voting on a single day are higher risk for COVID-19 spread because there will be larger crowds and longer wait times. Lower risk election polling settings include those with:

- a wide variety of voting options
- longer voting periods (more days and/or more hours)
- any other feasible options for reducing the number of voters who congregate indoors in polling locations at the same time





The virus that causes COVID-19, is mostly spread by respiratory droplets released when people talk, cough, or sneeze. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. Personal prevention practices (such as [handwashing](#), [staying home when sick](#)) and environmental [cleaning and disinfection](#) are important actions election officials, poll workers, and voters can take to help lower the risk of COVID-19 spread.

### Recommendations for Election Officials and Poll Workers

#### Promoting Behaviors that Reduce Spread


- **Stay home when sick or after recent close contact with a person with COVID-19**
  - Educate poll workers about when they should [stay home](#) and when they can return to work.
    - Poll workers who are sick, have tested positive for COVID-19, or have recently had a [close contact](#) with a person with COVID-19 should stay home. Ensure that poll locations are adequately staffed to cover any sick workers who need to stay home.
    - CDC's criteria can help inform when poll workers may return to work:
      - [If they have been sick with COVID-19](#)
      - [If they have recently had a close contact with a person with COVID-19](#)
      - [If they have tested positive for COVID-19](#)
- **Hand Hygiene and Respiratory Etiquette**
  - Provide an alcohol-based hand sanitizer with at least 60% alcohol for use at each step in the voting process where voters interact with poll workers, after using the voting machine, and as the final step in the voting process. Place alcohol-based hand sanitizer in visible, frequently used locations such as registration desks, where

"I Voted" stickers are dispensed, and exits. Alcohol-based hand sanitizers may not be compatible with electronic voting equipment and may damage paper ballots. Poll workers and voters should ensure their hands are completely dry before handling these items.


- Encourage poll workers to [wash their hands](#) frequently (e.g., before entering the polling location, before and after breaks or shifts, after touching or handling masks or PPE, after using the restroom, after touching shared surfaces or objects) with soap and water for at least 20 seconds.
- Encourage workers and voters to [cover coughs and sneezes](#) with a tissue or use the inside of their elbow. Used tissues should be thrown in the trash and hands washed immediately with soap and water for at least 20 seconds.
  - If soap and water are not readily available, use hand sanitizer that contains at least 60% alcohol.
- **Masks**
  - Recommend and reinforce the use of [masks](#) among all workers. Masks are most essential in times when physical distancing is difficult. Information should be provided to workers on [proper use, removal, and washing of masks](#).
  - Encourage voters to use [masks](#) while in the polling location. In jurisdictions where voters' masks may need to be removed to support identification procedures, alcohol-based hand sanitizer containing at least 60% alcohol should be provided at the station so voters can sanitize their hands after removing their masks. A plastic barrier between the voter and the poll worker can provide additional protection. Post signs providing instruction on [proper removal and handling](#)  of masks.
    - Note: [masks](#) should **not** be placed on:
      - Babies and children younger than 2 years old
      - Anyone who has trouble breathing or is unconscious
      - Anyone who is incapacitated or otherwise unable to remove the mask without assistance
  - [Masks](#) are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms. [Masks](#) are not meant to be a substitute for personal protective equipment such as surgical masks, respirators, or other medical personal protective equipment.
  - Masks can make it more difficult for people who are deaf or hard-of-hearing to lip-read, hear, or understand what people are saying. Communication can be supported with written communication, posting information/instructions, and decreasing background noise. Lip reading can be supported with clear masks, face shields, or plexiglass barriers. Consistent with applicable law, election officials should consider having supplies, such as clear face coverings available, to ensure that voting is accessible to people with disabilities.
- **Adequate Supplies**
  - Ensure adequate supplies to support [healthy hygiene](#) behaviors. Supplies include soap, hand sanitizer containing at least 60% alcohol (placed at every station, if supplies allow), paper towels, tissues, disinfectant wipes, and no-touch trash cans.
- **Signs and Messages**
  - Post [signs](#) in highly visible locations (e.g., at entrances, in restrooms) that [promote everyday protective measures](#)  and describe how to [stop the spread](#)  of germs such as by [properly washing hands](#) and [properly wearing a mask](#)  .
  - Include messages about behaviors that prevent the spread of COVID-19 when communicating with voters (such as on websites, in videos, in emails, and on [social media accounts](#)).
  - To the extent consistent with applicable law, ensure that any signage and messages are accessible to voters with disabilities, for example by providing large print or braille versions or having audible messages with the same information.
  - Find free CDC print and digital resources at the [communications resources main page](#).
- **Social Distancing**
  - Remind voters upon arrival to leave space between themselves and others. Encourage voters to stay at least 6 feet apart. Polling places may provide [signs](#), or other visual cues such as floor markings, decals, or chalk marks to help voters and workers remember this.
  - Have plans to manage lines to ensure social distancing can be maintained.
  - Clearly mark points of entry and exit to avoid bottlenecks.
  - Discourage voters and workers from greeting others with physical contact (e.g., handshakes). Include this reminder on [signs](#) about social distancing.

# Maintaining Healthy Environments

- **Disinfect surfaces**

- Surfaces that are frequently touched by multiple people, for example door handles, registration tables, pens, and clipboards, should be disinfected frequently using products with [EPA-approved emerging viral pathogens claims](#) .
- Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, use of personal protective equipment, storage).
- If the surface is dirty, it should be [cleaned](#) before disinfecting.
- If public restrooms are available in the polling location, they should be cleaned and disinfected routinely.
- After the polling location closes, clean and [disinfect](#) all facility areas and items, including all tables, chairs, door handles, and restrooms, used by poll workers or voters. The facility can be returned to normal use immediately with no additional precautions.

- **Clean and disinfect voting-associated equipment**

- Voting machines, laptops, tablets, keyboards, ballot activation cards, and other reusable items should be disinfected routinely.
- Follow the [equipment manufacturer's instructions](#)  for appropriate cleaning and disinfection procedures for voting machines and associated electronics.
  - To prevent damage to the equipment, post signs near voting equipment discouraging voters from disinfecting the equipment with their own wipes or touching the equipment with hands that are still wet with hand sanitizer.
- Consider use of wipeable covers for electronics.
- If no manufacturer guidance is available, consider the use of alcohol-based wipes or spray containing at least 70% alcohol to clean voting machine buttons and touch screens. Dry surfaces thoroughly to avoid pooling of liquids.
- After the polling location closes, all equipment and transport cases should be cleaned and disinfected following the manufacturer's instructions prior to returning it to the election office.

- **Shared objects**

- Where possible, replace shared objects, like pens or ballot activation cards, with single-use objects.
- Shared objects, like pens or ballot activation cards, should be [disinfected](#) between users.
- Headphones for voters with disabilities should be single-use or [disinfected](#) between users.
- Minimize handling of shared objects. For example, reusable ballot activation cards or ballot secrecy sleeves can be deposited into a container instead of handing them to a poll worker.

- **Ventilation**

- Ensure that ventilation systems operate properly and increase circulation of outdoor air as much as possible, for example by opening windows and doors. Do not open windows and doors if doing so poses a safety or health risk to poll workers, voters, or children accompanying voters (e.g., risk of falling or triggering asthma symptoms).

- **Crowd and line management**

- Consider increasing the number of polling locations available for early voting and extending the hours of operation.
- Maintain or increase the total number of polling places available to the public on Election Day to improve the ability to social distance.
- Unless there is no other option, do not increase the number of potential registered voters assigned to each polling place.
- Minimize lines as much as possible, especially tightly spaced queues in small indoor spaces. Use floor markings or decals and signs to remind voters to maintain social distancing while in line.
- Limit the number of voters in the facility by moving lines outdoors if weather permits or using a ticket system for access to the facility.

- **Modified layouts and procedures**


- Increase distance between voting booths to ensure that voters remain 6 feet apart.

- To ensure sufficient space for social distancing and other measures, identify larger facilities for use as future polling places.
  - Modify the polling location layout to ensure voters move in one direction while in voting locations and to avoid bottlenecks, such as single doors for entry and exit.
  - Items to be reviewed, such as poll books or identification, should be placed on a table for examination to minimize handling.
  - Notify voters of changes to polling operations, including the availability of alternative voting options that minimize contact, as allowed in the local jurisdiction.
  - Ensure that any changes to operations do not limit accessibility to voters with disabilities.
- **Physical barriers and guides**
    - Physical barriers, such as plexiglass shields, can be used to protect workers and voters when physical distance cannot be maintained, for example at registration desks or between voting stations.
    - Consider placing markings or decal on the floor to remind voters to maintain at least 6 feet of space from other voters and workers.



## Maintaining Healthy Operations

- **Where available in your jurisdiction, offer alternative voting methods that minimize direct contact and reduce crowd size at polling locations**
  - Consider offering alternatives to in-person voting if allowed in the jurisdiction.
  - Offer early voting or extended hours, where voter crowds may be smaller throughout the day.
  - Consider drive-up voting for eligible voters if allowed in the jurisdiction.
  - Encourage voters planning to vote in-person on election day to arrive at off-peak times. For example, if voter crowds are lighter mid-morning, advertise that in advance to the community.
- **Protect people at increased risk for severe illness**
  - Relocate polling locations from nursing homes, long-term care facilities, and senior living residences, to help protect older adults and those with underlying medical conditions from potential COVID-19 exposure.
  - Polling locations (e.g., libraries, schools) should ensure that voters can be separated from other facility users. For example, poll workers and voters can use designated entrances, exits, and restrooms that are separate from other facility users.
  - Limit nonessential visitors. Poll workers and voters should be discouraged from bringing accompanying persons (e.g., family members, friends) to the polling location.
  - Poll workers at higher risk for severe illness from COVID-19 should be assigned tasks that minimize direct contact with voters and other poll workers. These workers should be encouraged to practice **preventive actions**, such as social distancing and handwashing.
- **Consider alternative voting options for voters with symptoms**
  - Where possible in your jurisdiction, offer alternative voting options for voters with symptoms, those who are sick or known COVID-19 positive. Alternative voting options should minimize exposure between poll workers and voters, such as a designated polling site or curbside voting for sick voters. Poll workers assisting voters with symptoms should be provided with **personal protective equipment (PPE)**, including respiratory protection, face shields, gowns, and gloves, and trained in the appropriate use of this equipment.
  - Post **signs** to discourage anyone with symptoms from entering the polling location buildings and provide voting options for those with symptoms. Ensure that any signage is accessible to voters with disabilities, for example by providing large print or braille versions or having audible messages with the same information.
- **Scheduled or staggered voting**
  - Consider offering scheduled voting or staggered entry to the polling location.
- **Mail-In ballots**
  - Workers handling mail-in ballots should practice hand hygiene frequently.
  - Mail-in ballots submitted directly to polling locations can be held for three hours prior to processing to further reduce risk.



- Machines used to process mail in ballots should be cleaned and disinfected routinely. Follow the [equipment manufacturer's instructions](#)  for appropriate cleaning and disinfection procedures for voting machines and associated electronics.
- Ballots can be stored as usual without additional precautions.
- Mail-in voting can make it more difficult for voters with disabilities to exercise their right to vote. Election officials should ensure that accessible voting options are available and that these options are consistent with the recommendations for slowing the spread of COVID-19.

## Recommendations for Voters

- **Practice healthy behaviors to protect yourself and slow the spread of COVID-19**
  - [Wash your hands](#) before entering and after leaving the polling location.
  - While in the polling location, use alcohol-based hand sanitizer containing at least 60% alcohol frequently, especially after touching surfaces frequently touched by multiple people, such as door handles or voting machines.
  - Cover coughs and sneezes with a tissue or the inside of your elbow. Throw used tissues in lined trash cans. [Wash your hands](#) or use an alcohol-based hand sanitizer containing at least 60% alcohol.
  - Wear a [mask](#). Children under 2 and anyone who has trouble breathing, is incapacitated or otherwise unable to remove the mask without assistance should not wear a mask.
  - Maintain at least 6 feet (about 2 arms' length) of distance from others. It is important to continue [social distancing](#) even when you and others are wearing masks.
- **Consider voting alternatives available in your jurisdiction that minimize contact.** Voting alternatives that limit the number of people you come in contact with or the amount of time you are in contact with others can help reduce the spread of COVID-19. Check your [local election office website](#)  for more information on voting alternatives available in your jurisdiction.
- **Do not disinfect or wipe down the voting equipment yourself.** Electronic voting equipment can be damaged by cleaners and disinfectants. If you use hand sanitizer before touching the voting equipment, ensure your hands are completely dry to avoid damaging the equipment. Wash your hands or use alcohol-based hand sanitizer **after** using the voting equipment.
- **Avoid crowds**
  - Use early voting, if available in your jurisdiction.
  - Vote at off-peak times, such as mid-morning.
  - If driving to the polls and your schedule allows, monitor the voter line from your car and join it when it's shorter.
- **Be prepared**
  - Check your voting location and requirements in advance because they may have changed due to COVID-19.
  - Verify your voter registration information is correct in advance of reporting to the polling location.
  - Contact your [local or state election office](#)  for additional information for voters with disabilities.
  - Make sure you have all necessary documents to avoid delays at the polling location.
  - If possible, complete any registration forms prior to arriving at the polling location.
  - Where possible, review or complete a sample ballot at home to speed the process of casting your ballot at the polling location.
  - Bring your own black ink pen.
  - Bring a stylus or similar object for use with touchscreen voting machines. Check with poll workers before using.



## Resources

[Vendor and Manufacturer Guidance on Cleaning Voting Machines and Other Election Technology](#) 

[Cybersecurity Infrastructure and Security Agency Election Security Resources](#) 

[Finding Voting Locations and Poll Workers](#)  

[Considerations for Modifying the Scale of In-Person Voting](#)  

[Health and Safety at the Polling Place](#)  

[Safeguarding Staff and Working Environment from COVID-19](#)  

Last Updated June 22, 2020

# Exhibit T

## Gov. Wolf Encourages Voters to Apply for a Mail-in Ballot

April 22, 2020

### Press Release, Public Health, Voting & Elections

As Pennsylvania continues mitigation efforts to fight COVID-19, Governor Tom Wolf is encouraging registered voters to apply for a mail-in ballot for the June 2 primary election. The governor also announced the Department of State has launched an awareness campaign to inform the public about the new primary election date and how to apply for a mail-in ballot, including sending 4.2 million postcards to primary voters. In-person voting at polling places will remain available.

"There is no more important civic duty than voting, but we also want to make sure that every primary voter can cast their vote safely," said Governor Wolf. "This election is the first time that voters have the option to vote by mail-in ballot and I encourage every Pennsylvania voter to visit [votesPA.com](https://votespa.com) to conveniently update their registration or apply for a mail-in ballot."

Registered voters can apply online for a mail-in or absentee ballot at [votespa.com](https://votespa.com). The deadline is 5 p.m., May 26. So far, 462,085 voters have applied for a mail-in ballot and 139,572 voters have applied for an absentee ballot.

"The 2020 election season is bringing unprecedented changes for Pennsylvania voters," Secretary of State Kathy Boockvar said. "We are using every tool available to make sure voters know about the changes in voting while also staying safe, including the new option for all voters to vote by mail from the comfort of their home. Nearly 600,000 voters have already applied to vote by mail or absentee – a secure, convenient method for all voters."

The Department of State's voter education outreach includes:

- A public awareness campaign on radio, television and multiple digital platforms including social channels, streaming services and mobile apps.
- Mailing 4.2 million postcards and sending weekly emails to registered voters regarding the new primary date and mail-in ballot option, along with important deadlines.
- Outreach to stakeholders to help spread the word.

The Wolf Administration will provide counties with funding to send informational mailings to voters, purchase equipment and protective supplies, promote and facilitate mail-in voting, increase needed staffing, and take other actions to improve election administration and voting safety and security. The federal CARES Act and state appropriations from election security and technology is providing funding.

The department is also purchasing infection-protection kits for all counties to provide to precincts so poll workers can maintain a safe voting environment at polling locations on June 2. These kits will include masks, gloves, hand sanitizer, floor marking tape and other sanitizing supplies and will be provided to the counties at no cost to them.

Voters and county election officials in Pennsylvania were already preparing for historic change following the passage and signing of Act 77 of 2019. Act 77 was the first major amendment to the state's Election Code in more than 80 years. It brought the option of mail-in ballots with no excuse needed, along with later deadlines for voter registration and for returning mail and absentee ballots.

With the onset of the COVID-19 crisis, the Pennsylvania General Assembly passed, and Governor Wolf signed, Act 12 of 2020, which rescheduled the primary election and made additional changes in the process for voters as well as county election officials.

The new deadline to register to vote or update a voter registration for the primary is May 18. Registered voters have until 5 pm May 26 to sign up to vote by mail ballot and until 8 p.m. on election day to return their voted ballot. Voters who applied for a ballot before the change of election date do not need to apply again, but voters whose address may have changed should contact their county election office.

Act 12 also allows counties to temporarily consolidate polling places more easily as they work to relocate voting sites such as those at senior centers, now closed because of the COVID-19 emergency.

"In coming weeks, voters should pay special attention to their county's announcements regarding relocation of polling places," Secretary Boockvar said. "For the primary election, many voters could be voting at different locations than in the past if they cannot or do not wish to vote by mail."

Once counties have finalized their polling place plans, voters will be able to check their voting location through the Department of State's polling place locator.

For more information on the new mail-in ballots and all things related to voting in Pennsylvania, call the Department of State's toll-free hotline at 1-877-VOTESPA (1-877-868-3772) or visit [votesPA.com](https://votesPA.com).

[View this information in Spanish.](#)

# Exhibit U



COMMONWEALTH OF PENNSYLVANIA

OFFICE OF THE GOVERNOR

## **PROCLAMATION OF DISASTER EMERGENCY**

*March 6, 2020*

*WHEREAS, a novel coronavirus (now known as “COVID-19”) emerged in Wuhan, China, began infecting humans in December 2019, and has since spread to 89 countries, including the United States; and*

*WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared COVID-19 a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and*

*WHEREAS, the Commonwealth of Pennsylvania (“Commonwealth”) has been working in collaboration with the CDC, HHS, and local health agencies since December 2019 to monitor and plan for the containment and subsequent mitigation of COVID-19; and*

*WHEREAS, on February 1, 2020, the Commonwealth’s Department of Health activated its Department Operations Center at the Pennsylvania Emergency Management Agency’s headquarters to conduct public health and medical coordination for COVID-19 throughout the Commonwealth; and*

*WHEREAS, on March 4, 2020, the Director of the Pennsylvania Emergency Management Agency ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health’s Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and*

*WHEREAS, as of March 6, 2020, there are 233 confirmed and/or presumed positive cases of COVID-19 in the United States, including 2 presumed positive cases in the Commonwealth; and*

*WHEREAS, while it is anticipated that a high percentage of those affected by COVID-19 will experience mild influenza-like symptoms, COVID-19 is a disease capable of causing severe symptoms or loss of life, particularly to older populations and those individuals with pre-existing conditions; and*

*WHEREAS, it is critical to prepare for and respond to suspected or confirmed cases in the Commonwealth and to implement measures to mitigate the spread of COVID-19; and*

*WHEREAS, with 2 presumed positive cases in the Commonwealth as of March 6, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth; and*

*WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and*

*WHEREAS, this threat of imminent disaster and emergency has already caused schools to close, and will likely prompt additional local measures, including affected county and municipal governments to declare local disaster emergencies because of COVID-19; and*

*WHEREAS, this threat of imminent disaster and emergency situation throughout the Commonwealth is of such magnitude and severity as to render essential the Commonwealth's supplementation of emergency resources and mutual aid to the county and municipal governments of this Commonwealth and to require the activation of all applicable state, county, and municipal emergency response plans.*

*NOW THEREFORE, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., I do hereby proclaim the existence of a disaster emergency throughout the Commonwealth.*

*FURTHER, I hereby authorize the Pennsylvania Emergency Management Agency Director or his designee, to assume command and control of all statewide emergency operations and authorize and direct that all Commonwealth departments and agencies utilize all available resources and personnel as is deemed necessary to cope with this emergency situation.*

*FURTHER, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be decreased as conditions require, pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7604(a). In addition, I hereby transfer up to \$20,000,000 in unused appropriated funds, to be decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L.343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.*

*FURTHER, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.*

*FURTHER, I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency. Commonwealth agencies may implement emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.*

*FURTHER, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth pursuant to 51 Pa. C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, for missions designated by the Pennsylvania Emergency Management Agency, as are needed to address the consequences of the aforementioned emergency.*

*FURTHER, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency.*

*FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Health, in her sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Health is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.*



*FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Education, in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.*

*FURTHER, if investigations made on my behalf determine that the Commonwealth needs greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers involved in emergency activities during this emergency, I hereby direct the Commonwealth Department of Transportation to waive or suspend any laws or federal or state regulations related to the drivers of commercial vehicles.*

*FURTHER, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.*

*STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.*



*GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this sixth day of March in the year of our Lord two thousand twenty, and of the Commonwealth the two hundred and forty fourth.*

*Tom Wolf*  
**TOM WOLF**  
Governor

# Exhibit V



COMMONWEALTH OF PENNSYLVANIA

OFFICE OF THE GOVERNOR

**ORDER OF**

**THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA REGARDING THE  
CLOSURE OF ALL BUSINESSES THAT ARE NOT LIFE SUSTAINING**

*WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and*

*WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and*

*WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa. C.S. § 7301(a); and*

*WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein; and suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, and combustibles. 35 Pa. C.S. § 7301(f); and*

*WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and*

*WHEREAS, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. 1403(a); and*

*WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5.*

*NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:*

**Section 1: Prohibition on Operation of Businesses that are not Life Sustaining**

*All prior orders and guidance regarding business closures are hereby superseded.*

*No person or entity shall operate a place of business in the Commonwealth that is not a life sustaining business regardless of whether the business is open to members of the public. This prohibition does not apply to virtual or telework operations (e.g., work from home), so long as social distancing and other mitigation measures are followed in such operations.*

*Life sustaining businesses may remain open, but they must follow, at a minimum, the social distancing practices and other mitigation measures defined by the Centers for Disease Control to protect workers and patrons. A list of life sustaining businesses that may remain open is attached to and incorporated into this Order.*

*Enforcement actions will be taken against non-life sustaining businesses that are out of compliance effective March 21, 2020, at 12:01 a.m.*

**Section 2: Prohibition on Dine-In Facilities including Restaurants and Bars**

*All restaurants and bars previously have been ordered to close their dine-in facilities to help stop the spread of COVID-19.*

*Businesses that offer carry-out, delivery, and drive-through food and beverage service may continue, so long as social distancing and other mitigation measures are employed to protect workers and patrons. Enforcement actions will be taken against businesses that are out of compliance effective March 19, 2020, at 8 p.m.*

**Section 3: Effective Date and Duration**

*This order is effective immediately and will remain in effect until further notice.*



*GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this nineteenth day of March two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.*

*Tom Wolf*  
**TOM WOLF**  
Governor

# Exhibit W

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, MARCH 25, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 9

**SENATE**

WEDNESDAY, March 25, 2020

The Senate met at 1:52 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

**ANNOUNCEMENT BY THE  
PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. First, we have Members participating remotely. All those remotely participating, please give us a wave. Thank you very much.

Pursuant to Senate Rule 21(b), the Chair is giving the Senators notice that photographer Doug Gross, from the Republican Caucus, and photographer Dan Gleiter, from *PennLive/Patriot News*, Associated Press, have been granted permission to take still photographs on the floor of the Senate today.

For information of the Members, please remember that your microphones are muted. We will unmute all of you for each roll-call vote. You all will be unmuted for the entirety of each roll-call vote. If you want to be recognized to speak today and you have not already notified your respective Caucus counsel, please email the Secretary at the email address which was provide to you via email, which can also be found in and clicked on in the Virtual Session Desk app.

**PRAYER**

The following prayer was offered by Hon. MEGAN MARTIN, Secretary of the Senate:

Let us pray.

Heavenly Father, You invite all who are weary and burdened to come to You. Today, we come to You seeking Your healing and Your blessing. Allow Your healing hand to heal all those who have been sickened. Bring us health in body and in spirit so that we may serve You with all our strength. Let us continue to work together for the health and well-being of the citizens of our great Commonwealth. Help us to remember that working together, with divine assistance, we can do all things through the Lord, who gives us strength. Amen.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled.)

**GENERAL COMMUNICATION**

**RECALL OF REGULAR SESSION**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

March 24, 2020

TO: President and All Members of the Senate  
FROM: Senator JOE SCARNATI  
President Pro Tempore  
RE: Recall to Session  
Wednesday, March 25, 2020, 11:00 a.m.

Consistent with the recess motion made on March 18, 2020, the Senate is recalled for voting Session on Wednesday, March 25, 2020, at 11:00 a.m.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

March 20, 2020

Senators KILLION, ARGALL, AUMENT, BAKER, BARTOLOTTA, BROOKS, KEARNEY, LANGERHOLC, LEACH, MENSCH, PITTMAN, SCHWANK, J. WARD and YUDICHAK presented to the Chair **SB 1096**, entitled:

An Act providing for fund transfers during the novel coronavirus as identified in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, March 20, 2020.

March 23, 2020

Senators MASTRIANO, BAKER, BOSCOLA, BREWSTER, BROWNE, FONTANA, MENSCH, SCAVELLO, J. WARD, HAYWOOD, PITTMAN, STEFANO, BARTOLOTTA, BROOKS and PHILLIPS-HILL presented to the Chair **SB 1097**, entitled:

An Act amending Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, in revised uniform law on notarial acts, further providing for authority to perform notarial act, providing for notarial act

performed by remotely located individual and further providing for notification regarding performance of notarial act on electronic record and selection of technology.

Which was committed to the Committee on STATE GOVERNMENT, March 23, 2020.

March 25, 2020

Senators A. WILLIAMS, MUTH, L. WILLIAMS, COLLETT, FARNESE and SANTARSIERO presented to the Chair **SB 978**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in selection, retention and removal of judicial officers, further providing for vacancies in office.

Which was committed to the Committee on JUDICIARY, March 25, 2020.

Senators BLAKE, TARTAGLIONE and COSTA presented to the Chair **SB 1086**, entitled:

An Act providing for power plant host community benefit agreements between municipalities and owners of certain electric generating facilities, for power plant host community impact fees paid by affected facilities and fee uses; establishing public participation requirements; and providing for administrative fees and for duties of the Department of Environmental Protection.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 25, 2020.

Senators BLAKE, FARNESE, COSTA, TARTAGLIONE and HAYWOOD presented to the Chair **SB 1087**, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for hearing examiners.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 25, 2020.

Senators TARTAGLIONE, HUGHES, FONTANA, SCHWANK, BREWSTER, COSTA, MUTH and YUDICHAK presented to the Chair **SB 1090**, entitled:

An Act providing for testing for dangerous levels of radon and remediation measures in school buildings, residential buildings, residential homes and commercial buildings; and imposing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 25, 2020.

Senators LAUGHLIN, STREET, TARTAGLIONE, LEACH, STEFANO, BOSCOLA, COLLETT, SABATINA, FARNESE, COSTA, BREWSTER, HAYWOOD, YUDICHAK, BLAKE, PITTMAN and BARTOLOTTA presented to the Chair **SB 1091**, entitled:

An Act providing for pharmaceutical transparency; establishing the Pharmaceutical Transparency Review Board and providing for its powers and duties; and establishing the Pharmaceutical Transparency Review Fund.

Which was committed to the Committee on BANKING AND INSURANCE, March 25, 2020.

Senator TARTAGLIONE presented to the Chair **SB 1092**, entitled:

An Act imposing a duty on the Legislative Budget and Finance Committee to conduct a study relating to effects of certain areas of criminal law enforcement on budget of the Pennsylvania State Police.

Which was committed to the Committee on LAW AND JUSTICE, March 25, 2020.

## ANNOUNCEMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Members, your voices are throughout the Chamber. You will be broadcast over PCN, so it would be helpful if everybody just muted their buttons. Thank you.

## GENERAL COMMUNICATIONS

### 2018 ANNUAL LOW-LEVEL RADIOACTIVE WASTE PROGRAM REPORT

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

February 4, 2020

Ms. Megan Martin  
Secretary - Parliamentarian of the Senate  
Senate Post Office Box 203053  
Harrisburg, PA 17120-3053

Dear Ms. Martin:

The Department of Environmental Protection (DEP) is pleased to present to you its Annual Low-Level Radioactive Waste Program Report to the General Assembly and the Appalachian Compact Commission. This report covers the calendar year 2018.

The report provides a summary of the current activities of the Appalachian States Low-Level Waste Compact (compact), a list of all low-level radioactive waste (LLRW) generators in the compact, and the amounts of LLRW disposed by volume. It also contains a discussion of LLRW generation trends, LLRW in storage, waste minimization and financial statistics relating to all aspects of the compact.

The Pennsylvania Low-Level Radioactive Waste Disposal Act (35 P.S. §§ 7130.101-7130.905) requires that this report be prepared each year. The enclosed report is based on data from the U.S. Department of Energy's Manifest Information Management System (MIMS). MIMS is a national database that contains the actual volume and radioactivity of LLRW disposed of at four existing LLRW disposal facilities in the country. The information on waste in storage was obtained directly from the LLRW generators.

DEP is providing a link for accessing the report online. The report can be accessed at <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4235>. If you have any questions, please contact Gregory Kauffman, Director of Legislative Affairs, by email at [grekauffma@pa.gov](mailto:grekauffma@pa.gov) or by telephone at 717-783-8303.

Thank you for your interest in this report and for continuing to partner with DEP to promote a clean environment and safer communities for all Pennsylvanians.

Respectfully,

PATRICK McDONNELL  
Secretary

The PRESIDENT pro tempore. This report will be filed in the Library.

**ANNUAL REPORT PURSUANT TO ACT 36 OF 2018 EMPLOYMENT FIRST ACT**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Office of the Governor  
Harrisburg

February 14, 2020

To the General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

**Re: Annual Report for the Employment First Act**

Act 36 of 2018, the Employment First Act, required the Office of the Governor to submit an initial three-year plan to the General Assembly, outlining specific policies and strategies Commonwealth State agencies will adopt to implement the Employment First Act and ensure individuals with disabilities have the opportunity to achieve economic independence through competitive integrated employment.

The Office of the Governor, in collaboration with the Governor's Cabinet for People with Disabilities, developed this initial three-year plan, which outlines the Commonwealth's policy recommendations to implement the Employment First Act and identifies the lead State entity charged with implementing each recommendation. In most cases, the recommendations in this initial plan will be implemented through inter-agency partnerships and in collaboration with Employment First stakeholders.

Act 36 of 2018 also requires the Office of the Governor to submit an annual report to the General Assembly every year by January 30. This first annual report, builds on this initial three-year plan to include specific, measurable performance indicators and the implementation status of each policy recommendation. This information is based on the actions taken in the last six months since the publishing of the three-year plan by the various agencies identified as State leads in the original plan. These indicators are informed by the feedback and priorities of the Employment First Oversight Commission, and the measurable goals and objectives the commission published in its first annual report from Oct. 1, 2019.

The Wolf Administration has made substantial progress collaborating with the Employment First Oversight Commission and other stakeholders to further develop this comprehensive plan to advance Employment First across the Commonwealth and improve employment outcomes for Pennsylvanians with disabilities.

The PRESIDENT pro tempore. This report will be filed in the library.

**2018-19 ANNUAL REPORT OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

February 25, 2020

To the General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

**RE: 2018-19 ANNUAL REPORT**

Enclosed herewith is the Annual Report of the Pennsylvania Energy Development Authority for 2018-19.

The PRESIDENT pro tempore. This report will be filed in the Library.

**ANALYSIS OF THE PENNSYLVANIA MINIMUM WAGE 2020 ANNUAL REPORT**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Labor and Industry  
651 Boas Street, Room 1700  
Harrisburg, PA 17121-0750

March 2, 2020

The Honorable Megan Martin  
Secretary of the Senate, Pennsylvania State Senate  
462 Main Capitol Building  
Harrisburg, Pennsylvania 17120

The Honorable Dave Reddecliff  
Chief Clerk, Pennsylvania House of Representatives  
129 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Secretary Martin and Chief Clerk Reddecliff:

The Pennsylvania Minimum Wage Act directs the Department of Labor & Industry to produce an annual report detailing data on the previous calendar year's demographics and any other relevant characteristics of workers paid at or below the minimum wage. The required report is due to the General Assembly by March 1st of each year.

It is my pleasure to provide the *2020 Analysis of the Pennsylvania Minimum Wage* report as approved by the Minimum Wage Advisory Board and required by the Act.

An electronic version of the report, and a direct link to the document on the Department's website, will be provided via email to each member of the General Assembly as well.

Sincerely,

JERRY OLEKSIK  
Secretary

The PRESIDENT pro tempore. This report will be filed in the library.

**2019 ANNUAL REPORT OF THE PENNSYLVANIA WORKFORCE DEVELOPMENT BOARD**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Labor and Industry  
651 Boas Street, Room 1700  
Harrisburg, PA 17121-0750

March 4, 2020

The Honorable Megan Martin  
Secretary of the Senate, Pennsylvania State Senate  
462 Main Capitol Building  
Harrisburg, Pennsylvania 17120



The Honorable Dave Reddecliff  
Chief Clerk, Pennsylvania House of Representatives  
129 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Secretary Martin and Chief Clerk Reddecliff:

On behalf of the Pennsylvania Workforce Development Board (PA WDB), it is my pleasure to present the Board's 2019 Annual Report to the General Assembly.

This report satisfies the board's responsibility under the Pennsylvania Workforce Development Act to provide annual updates by March 1st on the performance of the workforce development system and share the annual reports submitted by local workforce development boards.

An electronic version of the report and a direct link to the document on the Department's website will be provided via email to each member of the General Assembly as well.

Sincerely,

JERRY OLEKSIK  
Secretary

The PRESIDENT pro tempore. This report will be filed in the library.

**ADMINISTRATION AND ENFORCEMENT OF  
THE CONSTRUCTION WORKPLACE  
MISCLASSIFICATION ACT**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Labor and Industry  
651 Boas Street, Room 1700  
Harrisburg, PA 17121-0750

March 4, 2020

The Honorable Megan Martin  
Secretary of the Senate, Pennsylvania State Senate  
462 Main Capitol Building  
Harrisburg, Pennsylvania 17120

The Honorable Dave Reddecliff  
Chief Clerk, Pennsylvania House of Representatives  
129 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Secretary Martin and Chief Clerk Reddecliff:

The Construction Workplace Misclassification Act requires the Department of Labor and Industry to submit annually, by March 1, a report to the Pennsylvania General Assembly detailing data on the previous calendar year's administration and enforcement of the Act.

It is my pleasure to provide the report titled *Administration and Enforcement of the Construction Workplace Misclassification Act* as required by the statute.

An electronic version of the report, and a direct link to the document on the Department's website, will be provided via email to each member of the General Assembly as well.

Sincerely,

JERRY OLEKSIK  
Secretary

The PRESIDENT pro tempore. This report will be filed in the Library.

**NEIGHBORHOOD ASSISTANCE PROGRAM**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225

March 12, 2020

To the General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

**RE: REPORT TO THE GENERAL ASSEMBLY**

Enclosed herewith is the Report to the General Assembly of the Neighborhood Assistance Program.

The PRESIDENT pro tempore. This report will be filed in the Library.

**JOURNAL APPROVED**

The PRESIDENT pro tempore. The Journal of the Session of January 27, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of January 27, 2020.

Senator CORMAN. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

The PRESIDENT pro tempore. For the Members on the video conference, your mics will be unmuted so that you may vote. So keep in mind your mics are unmuted during the roll-call vote.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

**YEA-50**

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

**NAY-0**

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT pro tempore. The Journal is approved.

**ANNOUNCEMENT BY THE PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair would like to make one more recommendation for those on the video conferencing. If you have a TV on or a feed on that is not with the video conference, please shut it off because it is creating an echo within the Chamber. So please shut off any TVs that you have during this process. Thank you.

**RECESS**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Appropriations to be held immediately here on the Senate Chamber floor.

The PRESIDENT pro tempore. For the information of the Members, when we recess for the committee meetings today, all Members are asked to please remain in the Zoom room. Do not log off. All microphones will be muted except for those Members participating in a committee meeting. This will help us with a smoother Session day.

For the purpose of a meeting of the Committee on Appropriations, without objection, the Senate stands in recess.

**AFTER RECESS**

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**HB 64, HB 355, SB 417, SB 462, SB 494, SB 679, SB 693, HB 775, SB 798, HB 1045, HB 1379, HB 1405 and HB 1522** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

**SECOND CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 207, SB 258, SB 284 and HB 342** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

**BILL ON SECOND CONSIDERATION AND REREFERRED**

**SB 368 (Pr. No. 1383)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for notification to department and development of plan of safe care for children under one year of age.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**BILL OVER IN ORDER**

**SB 377** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

**BILL ON SECOND CONSIDERATION AND REREFERRED**

**HB 422 (Pr. No. 1088)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in training and certification of inspectors, further providing for training of inspectors

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**BILLS OVER IN ORDER**

**SB 531, SB 565 and HB 584** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

**BILLS ON SECOND CONSIDERATION AND REREFERRED**

**SB 606 (Pr. No. 791)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for expedited partner therapy and for liability.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**HB 732 (Pr. No. 960)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for excluded transactions.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**HB 752 (Pr. No. 802)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in property and buildings, further providing for price paid for acquisitions and improvements.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 766** and **SB 784** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL LAID ON THE TABLE

**SB 809 (Pr. No. 1387)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in Judicial Conduct Board, further providing for staff and operations and establishing the Pennsylvania Commission on Legislative Conduct.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

#### SB 809 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 809, Printer's No. 1387, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 863 (Pr. No. 1224)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 48 (Lodging and Housing) of the Pennsylvania Consolidated Statutes, in hotels, further providing for definitions, for hotelkeepers, for notice to boarders to lock rooms, for lien, warrant, sale and right of redemption, for liability for property loss or damage, for special arrangements for safe deposit of valuables, for duty of guest, for other liability, for exemption from levy or sale, for baggage, for baggage sale requirements, for sale proceeds, providing for abandoned property and further providing for tourist camp heater safety.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**SB 932 (Pr. No. 1358)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in volunteer firefighters, further providing for definitions.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**SB 934 (Pr. No. 1515)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to licensing, further providing for right to enter and inspect.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**SB 935 (Pr. No. 1516)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for standards for Class VI buildings.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 954** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 958 (Pr. No. 1514)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in manufacture and supply of electricity, further providing for specific powers.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**SB 987 (Pr. No. 1450)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, further providing for definitions and for State Fire Commissioner, providing for curriculum and training, further providing for Pennsylvania State Fire Academy and for Fire Safety Advisory Committee.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**BILL OVER IN ORDER**

**SB 995** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

**BILLS ON SECOND CONSIDERATION AND REREFERRED**

**SB 996 (Pr. No. 1461)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency medical services system, further providing for basic life support ambulances.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**SB 1030 (Pr. No. 1489)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for official plans.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**BILL OVER IN ORDER AND LAID ON THE TABLE**

**HB 1058 (Pr. No. 1675)** -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring that information on the option of perinatal support care programs be given to a woman after diagnosis of a life limiting condition; and imposing penalties.

Without objection, the bill was passed over in its order at the request of Senator CORMAN.

Pursuant to Senate Rule 9, the bill was laid on the table.

**BILL OVER IN ORDER**

**HB 1174** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

**BILL ON SECOND CONSIDERATION AND REREFERRED**

**HB 1751 (Pr. No. 3275)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in associations and organizations relating to boroughs, further providing for authorization and expenses; and, in city officers and employees relating to third class cities, further providing for Pennsylvania Municipal League and other municipal affairs organizations.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**BILL ON SECOND CONSIDERATION**

**HB 1907 (Pr. No. 2674)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying State Route 1025 over U.S. Route 11/15 in East Pennsboro Township, Cumberland County, as the Senator Hal Mowery Memorial Bridge.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

**RESOLUTION LAID ON THE TABLE**

**SR 179 (Pr. No. 1043)**

A Resolution petitioning the Congress of the United States to extend daylight saving time throughout the year across the country.

Pursuant to Senate Rule 9, the requisite time for action having expired, the resolution was laid on the table.

**BILLS REPORTED FROM COMMITTEE**

Senator BROWNE, from the Committee on Appropriations, reported the following bills:

**HB 68 (Pr. No. 3499) (Amended) (Rereported)**

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in administration of act, providing for unemployment compensation benefit notification by employers, in contributions by employers and employees, further providing for relief from charges; and providing for emergency provisions related to COVID-19.

**HB 280 (Pr. No. 881) (Rereported)**

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in determination of compensation, appeals, reviews and procedure, further providing for determination of compensation appeals and for decision of referee and further appeals and reviews.

**HB 1210 (Pr. No. 1490) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, repealing provisions relating to report of racial and ethnic groupings, to study of public schools that provide Internet instruction, to corporate seal, to submission of plans, to disapproval of plans, to Department of Public Instruction to prepare plans, to establishment of reorganized school districts, to advance establishment, to special school watchmen-school districts in townships of the second class, to copies of school laws, to educational broadcasting, to residences for teachers and janitors, to heating stoves to be shielded, to ventilation and thermometer, to fireproof construction, to doors to open outward and fire escapes, etc., to completion of abandoned WPA projects in districts of the third and fourth class, to condition of grounds and shade trees, to summer schools, etc., to possession of telephone pagers prohibited, to nonprofit school food program, to antitruancy programs, to medical care for children under six with defective hearing, to report, to care and treatment of pupils, to local wellness policy, to foreign language academies, to monthly reports to school directors of the districts second, third and fourth class, to Read to Succeed Program, to department duties and powers, to schools or classes, supervisors, principals, instructors, etc., to estimate of expenses and reimbursements and appropriations, to teachers of evening schools, to duties of public institutions of higher education, to medical education loan assistance and to special study on the revenue impact of out-of-State tax credits.

**HB 1232 (Pr. No. 3500) (Amended) (Rereported)**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for emergency finance and tax provision; in additional special funds, providing for COVID-19 response transfers and for the Enhanced Revenue Collection Account; in 2018-2019 budget implementation, further providing for Department of Revenue; and making an editorial change.

**MOTION PURSUANT TO SENATE RULE 12**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 1, House Bill No. 68 and House Bill No. 1232, and move the Senate proceed to consider House Bill No. 68 and House Bill No. 1232, notwithstanding the provisions of Senate Rule 12(m)(2).

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 68 (Pr. No. 3499) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in administration of act, providing for unemployment compensation benefit notification by employers, in contributions by employers and employees, further providing for relief from charges; and providing for emergency provisions related to COVID-19.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair would like to make an announcement, would those participating on the video conference turn off any TVs that are on in the background. Also, we will be taking a slow roll-call vote in which the mics will be unmuted, so as we go through the roll-call vote until we are finished, your mics will be unmuted.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, Senator Tartaglione would like to submit remarks for the record.

The PRESIDENT pro tempore. Without objection, the remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)*

Mr. President, I rise today to speak in support of the amended House Bill No. 68 and urge my colleagues to adopt the legislation.

As all Pennsylvanians grapple with the many challenges presented by the coronavirus pandemic, the plight of workers and their employers requires our utmost attention. Time and resources are essential both medically and financially. Just as the thousands of individuals afflicted by this illness need time and resources to recover, displaced workers and their employers need time and resources to get back on their feet again.

This legislation provides them with the time and resources they need by helping to mitigate the financial setbacks caused by coronavirus. People who suddenly, with little or no warning, find themselves out of work cannot afford to wait a week or more to learn when, or if, they will be collecting another paycheck. They need income now. House Bill No. 68, as amended, meets this need by codifying the Wolf administration's waiver of the one-week waiting period for Unemployment Compensation. It also codifies the administration's waiver of work search and registration requirements, so that - during this emergency - displaced workers can dedicate their time to more pressing needs like ensuring the health and safety of their families, without disqualifying themselves from UC eligibility.

In addition, amid the shock and despair of losing their jobs, displaced workers must know their options right away. They must know where to turn. They must know what compensation is available, where it is available, and how to obtain it. Individual employers are in the best position to provide this information. This amendment ensures that displaced workers get the information they need as quickly and efficiently as possible from their employers upon their release from the job. Likewise, employers are facing many tough decisions about how they will proceed during the coronavirus emergency, and how those decisions will impact their futures beyond the emergency. As they consider all the factors, employers should know that they will not be obligated to pay benefit charges arising from unemployment claims caused by the coronavirus emergency.

This legislative relief will help to sustain employers through the emergency and help them to rebuild for a prosperous future. Therefore, I respectfully urge my colleagues to vote in favor of the amended House Bill No. 68.

Thank you, Mr. President.

And the question recurring, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns of names: Argall, Arnold, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Collett, Corman, Costa, Dinniman, DiSanto, Farnese, Fontana, Gordner, Haywood, Hughes, Hutchinson, Iovino, Kearney, Killion, Langerhole, Leach, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Sabatina, Santarsicro, Scarnati, Scavello, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1232 (Pr. No. 3500) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for emergency finance and tax provisions; in additional special funds, providing for COVID-19 response transfers and for the Enhanced Revenue Collection Account; in 2018-2019 budget implementation, further providing for Department of Revenue; and making an editorial change.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns of names: Argall, Arnold, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Dinniman, DiSanto, Farnese, Fontana, Gordner, Haywood, Hughes, Hutchinson, Leach, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony II.

Table with 4 columns of names: Brooks, Browne, Collett, Corman, Costa, Iovino, Kearney, Killion, Langerhole, Laughlin, Sabatina, Santarsicro, Scarnati, Scavello, Schwank, Williams, Lindsey, Yaw, Yudichak.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 422 and SB 751, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bills will be referred to the Committee on Rules and Executive Nominations.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately here on the Senate Chamber floor.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations which will commence immediately on the floor, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

BILLS REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 422 (Pr. No. 1608) (Rereported) (Concurrence)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, further providing for definitions; in county boards of elections, further providing for powers and duties of county boards; in ballots, further providing for forms of ballots, printing ballots, numbers; in electronic voting systems, further providing for forms, for election day procedures and the process of voting and for post election procedures; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters, challenges and for deadline for receipt of valid voter registration application; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for absentee and mail-in electors files and lists, for

official absentee voters ballots, for envelopes for official absentee ballots, for delivering or mailing ballots, for voting by absentee electors, for canvassing of official absentee ballots and mail-in ballots and for public records and repealing provisions relating to violation of provisions relating to absentee voting; in voting by qualified mail-in electors, further providing for qualified mail-in electors, for applications for official mail-in ballots, for approval of application for mail-in ballot, for official mail-in elector ballots, for envelopes for official mail-in ballots, for voting by mail-in electors and for public records and repealing provisions relating to violation of provisions relating to mail-in voting; providing for Pennsylvania Election Law Advisory Board; in penalties, further providing for violations of provisions relating to absentee electors ballots; providing for emergency provisions for 2020 general primary election; and making a related repeal.

**SB 751 (Pr. No. 1599) (Rereported) (Concurrence)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for rating system and for persons to be suspended and providing for a revised rating system; and, in terms and courses of study, providing for pandemic of 2020.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2**

**SB 751 CALLED UP OUT OF ORDER**

**SB 751 (Pr. No. 1599)** -- Without objection, the bill was called up out of order, from page 2 of Supplemental Calendar No. 2, by Senator CORMAN, as a Special Order of Business.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 751 (Pr. No. 1599)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for rating system and for persons to be suspended and providing for a revised rating system; and, in terms and courses of study, providing for pandemic of 2020.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 751?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 751.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, while all of us unite in support of the School Code bill in this time of crisis, we need to be honest and say while this bill calls for continuity of education, while our schools are closed, that many districts and the Commonwealth as a whole are not prepared to deliver such continuity. This legislature needs to ramp up our efforts in support of school districts in this endeavor. We need to call upon our parents, teachers, and retired educators to assist in this needed continuity. Briefly, understand that over 50 percent of the students in

Philadelphia, if the solution so far has only been online learning, over 50 percent of the students in Philadelphia have no access to online learning. Vast areas of our rural portions of this Commonwealth have no access to broadband.

All I am trying to say, Mr. President, is of course we support this bill, but the legislature, the Department of Education, and each and every one of us as Senators need to assist our local districts so that we can bring about the continuity of education in this crisis. Already, three States have ended their schools for this school year. We do not know what the future holds for us all, but I am simply rising in support of the bill and urging all of us to assist and get involved in this matter of the continuity of education for each and every student of the Commonwealth.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, our Commonwealth faces an unprecedented time in its history. As I speak these words remotely, much uncertainty remains. The COVID-19 pandemic has changed every facet of our lives. We seek a return to normalcy; yet, we have a duty to press forward and deal with the issues at hand. I, as you, do not take these duties lightly. Since this pandemic reared its ugly head and mandated school closures across this Commonwealth, we have been working on addressing many issues. This bill is a result of those efforts. This bill is not partisan. This bill is about the students of this great Commonwealth. This bill will serve as a template as we continue to navigate uncharted waters. We do not know exactly when our students will return to school, but we do know that this bill will help ease that transition back and provide all available resources to insure that our students succeed.

I thank all my colleagues in the Senate and the House, and the multitude of stakeholders who assisted with valuable input in this process, and I ask for an affirmative vote.

Thank you, Mr. President.

And the question recurring,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

**YEA-50**

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

**NAY-0**

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

MOTION PURSUANT TO SENATE RULE 12

The PRESIDENT pro tempore. The Chair recognizes Senator Corman.

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 2, Senate Bill No. 422, and move the Senate proceed to consider Senate Bill No. 422, notwithstanding the provisions of Senate Rule 12(m)(2).

On the question, Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 422 (Pr. No. 1608) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, further providing for definitions; in county boards of elections, further providing for powers and duties of county boards; in ballots, further providing for forms of ballots, printing ballots, numbers; in electronic voting systems, further providing for forms, for election day procedures and the process of voting and for post election procedures; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters, challenges and for deadline for receipt of valid voter registration application; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for absentee and mail-in electors files and lists, for official absentee voters ballots, for envelopes for official absentee ballots, for delivering or mailing ballots, for voting by absentee electors, for canvassing of official absentee ballots and mail-in ballots and for public records and repealing provisions relating to violation of provisions relating to absentee voting; in voting by qualified mail-in electors, further providing for qualified mail-in electors, for applications for official mail-in ballots, for approval of application for mail-in ballot, for official mail-in elector ballots, for envelopes for official mail-in ballots, for voting by mail-in electors and for public records and repealing provisions relating to violation of provisions relating to mail-in voting; providing for Pennsylvania Election Law Advisory Board; in penalties, further providing for violations of provisions relating to absentee electors ballots; providing for emergency provisions for 2020 general primary election; and making a related repeal.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 422?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 422.

On the question, Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, I submit my remarks for the record.

The PRESIDENT pro tempore. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Mercer, Senator BROOKS:)

Mr. President, I want to express my concern that some of the provisions of Senate Bill No. 422 have been extended to the general election. One of these concerns includes pre-canvassing efforts, which I believe would be best launched on a trial basis in the primary election only.

I believe there is value in applying some of these new processes put in place by Senate Bill No. 422 only to the primary election. This would enable Pennsylvania to identify any potential problems with these new processes and correct them if they were then in turn to be added to the general election.

Thank you, Mr. President.

And the question recurring, Will the Senate agree to the motion?

The yeas and nays were required by Senator CORMAN and were as follows, viz:

YEA-50

Table listing names of Senators who voted 'YEA' (50 total): Argall, Arnold, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Collett, Corman, Costa, Dinniman, DiSanto, Farnese, Fontana, Gordner, Haywood, Hughes, Hutchinson, Iovino, Kearney, Killion, Langerholc, Laughlin, Leach, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Sabatina, Santarsiero, Scarnati, Scavello, Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak.

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

HB 716 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 716, Printer's No. 2007, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, MARCH 30, 2020

10:00 A.M. INTERGOVERNMENTAL OPERATIONS (public hearing on Red Tape Reduction) 2906 Copperleaf Dr., Erie CANCELLED



## MONDAY, APRIL 6, 2020

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064 and 1093)	Senate Chamber (LIVE STREAMED)
Off the Floor	FINANCE (to consider House Bills No. 1083 and 1796)	Senate Chamber (LIVE STREAMED)
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 841 and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)
Off the Floor	STATE GOVERNMENT (to consider Senate Bills No. 1027 and 1097)	Senate Chamber LIVE STREAMED)

## PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, Senator Tartaglione would like to submit remarks for the record. Thank you, sir.

The PRESIDENT pro tempore. Without objection, the remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)*

Mr. President, today marks 5,008 days since the Pennsylvania legislature last raised the minimum wage. That is more than 13 1/2 years and it is far too long. With each passing day, the reality becomes clearer and clearer. As States and localities around the nation raise their minimum wages above the woefully inadequate Federal rate of \$7.25 an hour, we in the Pennsylvania General Assembly continue to neglect the needs and the will of our constituents. It is not like this in most States.

Last month, Pew Research Center published a report stating that 61% of all U.S. wage and salaried workers, roughly 91 million people, work in jurisdictions where the minimum wage is greater than \$7.25. That includes 29 States, the District of Columbia, and 46 cities and counties. In Nevada, the minimum wage is \$8.25. That is at the low end of the pay scale. For the largest employers in Seattle, Washington, the minimum wage is \$16.39. That is the highest rate in the country.

Like Pennsylvania, the Commonwealth of Virginia is one of just 21 States where \$7.25 is still the law of the land. Yet, earlier this month, the Virginia House and Senate each adopted a compromise bill that will raise their minimum wage to \$9.50 next January, \$11 in 2022, and \$12 in 2023. I mention Virginia because it demonstrates what lawmakers can accomplish when we work across the political and ideological boundaries that we allow to define us. Minimum wage was not a slam dunk in Virginia. There were opposing views even within the Democratic Party that now controls both chambers. Some lawmakers wanted a \$15 minimum wage. Others argued \$15 would be too great a step for many of the State's smaller employers and those in rural areas. Some legislators proposed regionalizing the minimum wage to account for economic differences between the more affluent areas like northern Virginia and areas where the cost of living is less expensive. Others noted that only about one in four Virginians of color live in the areas that would likely see the largest minimum wage increases under a regional plan, so a regional minimum wage law would not be fair to them. Virginia lawmakers even debated whether to exclude certain groups of workers from the higher minimum wage. The bill, as adopted, excludes agricultural workers and students, among others. On the other hand, domestic workers and people with intellectual disabilities will be pro-

ected under the new law. In the end, what is happening in Virginia and what has already happened in most of the country stands in stark contrast to what has been happening here in Pennsylvania, or shall I say, what has not been happening here.

In the Pennsylvania Senate, we were able to adopt a compromise minimum wage bill last year. But our progress fell on deaf ears among the House Leadership. As a result, we are back to square one. We are not talking about different ways we might address our many legitimate concerns about minimum wage. We are not improving the lives of low-wage Pennsylvanians and their families. And, with each passing day, we are falling further behind the rest of the United States.

Thank you, Mr. President.

## ANNOUNCEMENT BY THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, for the information of the Members, first, I thank all of the Members for their patience in the historic Session we have held here today. I know there were some bumps along the way, but I think we accomplished a great deal for the people of Pennsylvania today in a bipartisan fashion, passing four significant bills unanimously. But for the information of the Members, we are now going to go at ease while we wait for the bills to be returned from the House. There will be no further votes today. Once we receive these bills back from the House, they will be signed, and the Senate will then recess to the call of the President pro tempore.

Thank you, Mr. President.

(The Senate was at ease.)

## HOUSE MESSAGES

## HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 68** and **HB 1232**.

## BILLS SIGNED

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

**SB 422, SB 751, HB 68 and HB 1232.**

## RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do now recess until the call of the President pro tempore.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The Senate stands in recess until the call of the President pro tempore.

## AFTER RECESS

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

## RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do now recess until Monday, April 6, 2020, at 1:15 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 10:59 p.m., Eastern Daylight Saving Time.

# Exhibit X

Updated Mar 25, 2020; Posted Mar 25, 2020 [jmurphy](#)

## Bill delaying Pa. primary to June 2 heads to Gov. Wolf's desk

Pennsylvania is about to join the [nine other states and a territory](#) that have [postponed their primary election](#) in response to the coronavirus outbreak.

Both the House and Senate on Wednesday approved [legislation that would delay the April 28 primary](#) by five weeks to June 2.

The bill now goes to Gov. Tom Wolf who said that he would sign it into law. He offered his support during Wednesday's news conference updating the state's coronavirus outbreak and response.

Other states that have postponed their primaries because of the COVID-19 outbreak include Connecticut, Delaware, Georgia, Indiana, Kentucky, Louisiana, Maryland, Ohio, Rhode Island, and Puerto Rico.

The measure not only changes the primary date but includes other election-related changes, including allowing polling places to be consolidated. It also permits polls to be located in places that serve alcoholic beverages provided voting not take place in the same room where those beverages are served. And it allows county elections officials to begin processing mail-in and absentee ballots at 7 a.m. on Election Day.

"We've done something very good here today," House State Government Committee Chairman Garth Everett said, prior to the House voting 198-0 to approve the bill that not only changes the primary date but includes other election-related changes, including allowing polling places to be consolidated.

Eighty-three of the House members cast their votes remotely.

Rep. Kevin Boyle, D-Philadelphia, said he supports the bill because it was necessary given the current public health crisis. Logistically, though, he said it also was needed because election officials said they were having a difficult time finding poll workers willing to work the polls with this contagious virus hanging around.

Everett agreed that it was necessary for the health and welfare of election officials. While he didn't agree with those who favored making it a mail-in only primary, he did encourage those who in vulnerable condition to "exercise that right to use their mail-in ballot that we've given them."

The Senate approved the bill by a 50-0 vote without any debate or discussion. Only a handful of senators were on the floor to cast their votes in person during the historic session where 40 or so members participated and voted remotely.

Senate Majority Leader Jake Corman, R-Centre County, indicated June 2 was chosen because the state would be coming up against the June 9 deadline set by the Democratic National Committee for states to pick their nominee and there is some post-primary work needs to be completed before that.

"Running it much later would have proven problematic so we picked June 2 and we'll hope that things will clear up and we'll be able to vote in person on that day in-person a little bit easier than we would on April 28," he said in a conference call with reporters after the Senate session ended.

Reggie Shuford, executive director of the ACLU of Pennsylvania, called the decision to delay an "extraordinary step" taken to address the health concerns of voters, poll workers, and election administrators.

"State officials now have time to prepare for an election in which voters will be looking for alternative means to vote," Shuford said. "The recently enacted vote-by-mail option is a great way to vote while also maintaining social distancing. Election officials must educate voters about their right to vote by mail and consider the idea of sending every registered voter a mail-in ballot or at least an application to vote by

mail. No one should have to choose between protecting their health and exercising their right to vote.”

Dauphin County elections director Jerry Feaser said the delay is a help. He was facing a situation if the primary was held on April 28 of having lost half of his poll workers due to concerns about COVID-19. Feaser also anticipated that as many as half of his polling places also would beg off from hosting a poll since many of them are located in houses of worship.

He said he intends to start asking his poll workers and reaching out polling places soon to determine their availability on the new date for the primary.

“This is going to give me a little more of a breather and more time to prep the voting machines, and reach out to poll workers who were not going to work otherwise and get them trained on the new voting system,” which Dauphin County will be using for the first time in the primary, he said.

He voiced frustration with state officials who seem to underestimate the education required to be a poll worker.

“This isn’t an easy job,” Feaser said. “You don’t pull someone off the street two days before and say ‘hey, work this poll.’”

Furthermore, he said the ability to consolidate polling places may prove to be more trouble than it’s worth. Voters will be frustrated when they go to their old polling place only to find out they now have to go somewhere else. On top of that, once voters get to a place where precincts are consolidated, he expects there will be voter angst not knowing which area of the room they can vote.

The irony of the whole measure that Feaser said had to be pointed out is the underlying bill to which the change in the primary’s date and other changes were added creates the Pennsylvania Election Law Advisory Board. That board is intended to provide guidance to the Legislature on the ramification of election-related changes to avoid pitfalls like some of the ones he expects will happen.

*\*This post was updated to correct the number of states that have postponed their primary and include the names of those states and territory.*

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# Exhibit Y





COMMONWEALTH OF PENNSYLVANIA

OFFICE OF THE GOVERNOR

**ORDER OF**

**THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA**

**FOR INDIVIDUALS TO STAY AT HOME**

*WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared a novel coronavirus (“COVID-19”) a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and*

*WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and*

*WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa. C.S. § 7301(a); and*

*WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein. 35 Pa. C.S. § 7301(f); and*

*WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend, and rescind executive orders, proclamations, and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and*

*WHEREAS, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. 1403(a); and*

*WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5; and*

*WHEREAS, I previously issued an Order limited to specified counties directing “Individuals to Stay at Home” on March 23, 2020, and amended March 24, March 25, March 27, March 28, March 30, and March 31, 2020; and*

*WHEREAS, as of April 1, 2020, the Commonwealth of Pennsylvania has 5,805 positive cases of COVID-19 in sixty counties and reports 74 deaths from the virus.*

*NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:*

**Section 1: Order to Stay at Home**

*All individuals residing in the Commonwealth are ordered to stay at home except as needed to access, support, or provide life-sustaining business, emergency, or government services. For employees of life-sustaining businesses that remain open, the following child care services may remain open: group and family child care providers in a residence; child care facilities operating under a waiver granted by the Department of Human Services Office of Child Development and Early Learning; and, part-day school age programs operating under an exemption from the March 19, 2020, business closure Orders.*

*A list of life-sustaining businesses that remain open is attached to and incorporated into this Order. In addition, businesses that are permitted to remain open include those granted exemptions prior to or following the issuance of this Order.*

*Individuals leaving their home or place of residence to access, support, or provide life-sustaining services for themselves, another person, or a pet must employ social distancing practices as defined by the Centers for Disease Control and Prevention. Individuals are permitted to engage in outdoor activities; however, gatherings of individuals outside of the home are generally prohibited except as may be required to access, support, or provide life-sustaining services as outlined above.*

*Enforcement of this Order will commence immediately for all counties covered under my prior Order directing "Individuals to Stay at Home" first issued March 23, 2020, as amended. Enforcement of this Order will commence at 8:00 PM Wednesday, April 1, 2020, for all other counties.*

**Section 2: Effective Date and Duration**

*This order is effective immediately and will remain in effect until April 30, 2020. This Order supersedes all previous Orders directing "Individuals to Stay at Home."*



*GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this first day of April two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.*

*Tom Wolf*  
TOM WOLF  
Governor

# Exhibit Z



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR

**AMENDMENT TO ORDER OF  
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA  
FOR INDIVIDUALS TO STAY AT HOME**

*WHEREAS, as the COVID-19 disaster emergency in the Commonwealth continues, my Administration has developed a measured and strategic approach to allowing Pennsylvanians to return to work safely in a manner designed to prevent a resurgence of the virus; and*

*WHEREAS, this strategic phased reopening of the Commonwealth will be done in the most effective, efficient, and risk-averse method possible to balance our return to economic stability, while at the same time continuing to keep Pennsylvanians safe by controlling the spread of disease; and*

*WHEREAS, it is necessary to extend the requirements in my Stay At Home Order during the phased reopening process, with the recognition that such requirements may be suspended for specific counties as part of the gradual and strategic approach to reopening the Commonwealth; and*

*WHEREAS, as of May 7, 2020, the Commonwealth of Pennsylvania has 52,915 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 3,416 deaths from the virus.*

*NOW THEREFORE, I hereby amend my Order directing "Individuals to Stay at Home" dated April 1, 2020, as amended.*

*The first sentence of Section 2 is amended to read as follows:*

*This Order is effective immediately and will remain in effect through June 4, 2020.*

*The Order remains unchanged in every other respect.*



*GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this seventh day of May two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.*

*Tom Wolf*  
**TOM WOLF**  
Governor

# Exhibit AA

2020-07-30T17:59:26.386Z

Jonathan Lai

## Pennsylvania mail ballot problems kept tens of thousands from voting in primary election

Voting early enough was the key to successfully casting a ballot by mail in Pennsylvania last month. At least three weeks before the June 2 primary election, to be precise.

Voters whose mail ballot requests were processed after that point were less and less likely with each passing day to end up successfully voting, according to an Inquirer analysis of state data.

### Related stories

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- [Inside Pennsylvania's political realignment — and how Republicans are winning it](#)
- [High-stakes lawsuits could shape who votes and how ballots are counted in November](#)
- [Pennsylvania's nightmare 2020 voting scenario — and how to prevent it](#)

Before May 12, almost 90% of voters who requested mail ballots ultimately voted, and the vast majority did so by mail. But many mail ballot applications, almost two out of five, were processed within three weeks of the election. And for those voters, only about 76% ended up voting.

That's a significant difference: Without that drop-off, about 92,000 more Pennsylvanians would have voted in the primary, according to the Inquirer analysis.

This year's primary was the first election in which people were allowed under a new state law to vote by mail without providing a reason.

could not be submitted in time. And still others may have tried to vote in person but ultimately did not do so.

“There is clearly a timeline problem — [but] I don’t think we have enough information to know the solution,” said Suzanne Almeida, the interim head of the good-government group Common Cause Pennsylvania.

Elections officials and voting-rights advocates have urged state lawmakers and the governor to quickly pass a law changing the voting deadlines, though there’s no consensus around a specific fix. Some propose widening the window by moving the application deadline earlier. Others say the deadline for returning ballots should be later, perhaps by allowing ballots to be postmarked by election day but received in the days after. Still others suggest a hybrid of the two or some other option.

There are also [several lawsuits in state and federal courts](#) over how Pennsylvania’s general election will be conducted, and some of those take aim at the ballot deadlines.

Without a policy change, county officials said, they would urge voters to request mail ballots earlier, devote more resources to processing ballots more quickly, install drop boxes and other ways for voters to return ballots, and try to work with the postal service to ensure fast or at least predictable mail delivery times.

Ultimately, though, they said a statewide fix is required.

“The one thing we are all asking for at this point is to move that deadline,” said Allegheny County Executive Rich Fitzgerald. “Then I think some of those problems can be fixed.”

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Coupled with a [coronavirus pandemic](#) that made in-person voting riskier than normal, the new law sent the number of mail ballot requests skyrocketing. Every step of the process took longer than normal, with inundated county elections offices struggling to quickly process applications and print ballots. And mail delivery was uneven and often delayed, voters and elections officials across the state said.

## **Pa. Primary Turnout Dropped Significantly for Voters Requesting Mail Ballots Near Election Day**

In the three weeks before the June 2 primary election, the later a voter's mail

While it's impossible to know exactly why the voting rate dropped as mail ballot requests were made closer to election day, the data suggest elections officials and voting-rights advocates were right when they warned that [the state's mail ballot deadlines are too tight and were likely to disenfranchise voters](#).

“And the data now backs it up,” said Lee Soltysiak, Montgomery County's chief operating officer and clerk of its elections board. “It's not just a bunch of grumpy election officials wringing their hands.”

## **Difference in Voter Turnout Before and After May 12**

About 89% of voters whose mail ballots were requested before May 12 — three weeks before Pennsylvania's June 2

[Montgomery County was one of six for which Gov. Tom Wolf extended the mail ballot deadline](#), and elections officials there ended up counting thousands of mail ballots under that order. Even so, the voting rate fell from 89.5% for voters whose applications were processed before May 12 to 75.9% for voters whose requests were processed later. That's 7,100 votes in Montgomery County.

Voters have until one week before election day to request a ballot, and completed ballots have to be returned by 8 p.m. election day to be



counted.

For many voters, elections officials said, there's no way to receive their ballots with enough time to return them. And because of the pandemic, many of those voters might not choose to instead vote in person.

"It may be with all the good intentions in the world, making it so people can apply as late as possible, but those good intentions are disenfranchising voters," said Al Schmidt, one of the three Philadelphia city commissioners who run elections. "It doesn't matter what the intentions are when voters are disenfranchised."

» [READ MORE: \*Trump floats an Election Day 'delay,' a Congressional power, citing false claims about mail-in voting fraud\*](#)

[Tens of thousands of mail ballots arrived after the deadline](#), with most of them counted under Wolf's order but thousands more rejected.

To get a wider picture of voter behavior, The Inquirer combined a dataset of every approved mail ballot request for the June 2 primary election with the July 13 voter roll, which records the method by which a voter participated in the primary election. (Two counties, Northumberland and Susquehanna, were excluded from the analysis because they did not have data for the primary.)

Of the more than 1.8 million voters in the analysis, 1.09 million had their applications processed before May 12 and almost 976,000 of them ended up voting. More than 713,000 voters had their mail ballot requests processed on or after May 12, and 545,000 of them ultimately voted.

## **Voter Turnout By Week of Mail Ballot Application**

In almost every county, people whose ballot requests were processed in the three weeks before election day had lower voting rates than people whose applications were processed earlier

The analysis cannot show *why* voters did not cast ballots. Some voters mailed their ballots back and they arrived at county elections offices too late to count. Others may have given up after deciding their ballot

# Exhibit AB

AUGUST 21, 2020 | 4:45 PM

## **The postal service has been removing machines from Pennsylvania sorting facilities. How is that affecting the state's election planning?**

[Politics & Policy](#)

## **The postal service has been removing machines from Pennsylvania sorting facilities. How is that affecting the state's election planning?**

**At least 26 mail scanning and sorting machines have been taken offline at eight mail processing sites this summer across the state.**

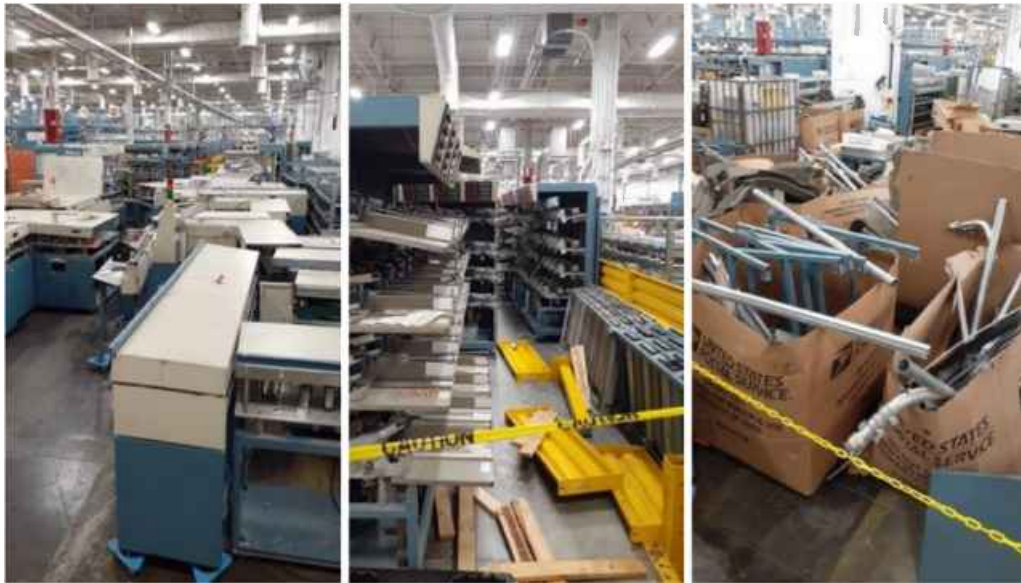
- By Emily Previti, WITF

Pennsylvania hasn't been spared from the mail system cutbacks that — a few months before an anticipated vote-by-mail surge for the presidential election — prompted public outcry, a 20-state lawsuit against the Postal Service and the summoning of Congress back to Washington.

At least 26 mail scanning and sorting machines have been taken offline — and, in most cases, promptly trashed or taken offsite — at eight mail processing sites this summer across the state.

The specifics vary among Pennsylvania's sorting facilities: In Scranton, for example, only machines used to handle mail surges were removed,

while Harrisburg's initial process capacity has been halved with the loss of a postage canceling device.



Nick Casselli / APWU

## Related Stories

- [House holding rare Saturday vote on postal changes, funds](#)

Various pieces of mail sorting equipment at the Philadelphia Processing Plant, disassembled and ready to be sent to a scrap yard, according to a union source with knowledge of the process.

The [lawsuit, filed by 20 state attorneys general](#) against the U.S. Postal Service, cites a 20 to 40 percent capacity reduction nationwide due to a round of operational changes [planned since at least one year ago by USPS in response to declining first-class mail volume](#).

“We acknowledge letter volume is down, but is it a knee-jerk reaction to remove equipment?” said Joe Szocki, president of the American Postal Workers Union Local 269–Erie.

President Donald Trump has acknowledged that withholding USPS funding could hamper mail-in voting — and he said vote-by-mail [would benefit Democrats](#). So, the timing of the [removal has raised alarm about the Postal Service's ability](#) to ensure all mailed ballots are

counted. [Trump's re-election campaign also is suing](#) the Pennsylvania Department of State and all 67 counties' election boards to limit in-person mailed ballot delivery to county election offices.

USPS has gone through [budget and service cuts before](#). Voting rights advocates' push for more generous ballot return deadlines isn't new either. But the pandemic, [lawsuits](#) and [legislative inaction](#) have compounded both issues.

In Pennsylvania, ballots must be received by 8 p.m. on Election Day. However, a ballot postmark deadline and three-day receipt extension are under consideration by the courts and the state legislature.

Overall, processing capability at Pennsylvania's principal sorting facilities doesn't appear to be drastically affected, at least at this juncture.

But other operational changes across the state could have a greater effect on mail-in voting. For example: Carriers are now required to depart for their routes each day at a certain time. That means trucks must leave processing facilities at a certain time, even if mail scheduled to go out that day remains to be processed, union leaders say.



Election mail, however, “goes right to the top of the pile,” says Andy Kubat, who heads the Lehigh Valley postal workers union.

“I can't say that they get special treatment, but because they are pre-printed on envelopes that are labeled as business mail, they do flow through the system a little more quickly than, say, handwritten letters or things like that,” Kubat said.

Nick Casselli, who leads the Philadelphia local of the American Postal Workers Union, said that kind of mail is typically given priority, allowing workers to sort and deliver it faster.

“In the 35 years I worked in the post office, we’ve always treated campaign literature and ballots as priority mail, and that will remain because that’s a hot item right now.”



Nick Casselli / APWU Philadelphia Local 89

To the far left and right, various pieces of mail sorting equipment at the USPS Philadelphia Processing Plant, disassembled and ready to be sent to a scrap yard, according to a union source with knowledge of the process. In the middle, two views inside the Philadelphia Processing Plant.

Lehigh, Philadelphia and Pittsburgh each lost about 20 percent of their sorters in recent weeks, while Erie took a 33 percent hit, according to a removal schedule WITF obtained and confirmed with union leaders at each site.

Kubat, Casselli and Szocki say they can manage the extra election mail because it’s not much extra relative to typical volumes.

But some others worry they can’t pull it off without the extra equipment, overtime and other resources that had been more readily available and didn’t make this year’s budget given the relatively recent pandemic-driven surge in mail-in voting.

“During the primary, there were no major problems — but that wasn’t a major national election [that’s contested] like the one we are looking at,” says Kevin Gallagher, state APWU vice-president.

Kim Miller, president of the Keystone chapter in Harrisburg, expressed similar concerns. The removal of one machine halved postage scanning capacity there, while sorting remains at 92 percent capacity after the elimination of three mail sorters in Harrisburg.

“I’ve seen more people electing to request to have mail-in ballots,” Miller said this week. “And with the increase of mail-in ballots, if we don’t have the machines, there’s going to be a delay.”

Some post office regions could have to make even more adjustments if Pennsylvania implements an Election Day ballot postmark deadline along with the three-day receipt extension currently under consideration by the courts and the state legislature.

Szocki noted that during the primary, Erie postal workers pulled out election mail and delivered it in pallets directly to the main county offices to save the trip to Pittsburgh for postage canceling. [Philadelphia](#) used a similar process, though a judge ruled those ballots didn’t count without a postmark.

“I still would tell people — even though I’m confident we’ll be able to handle it — to request early and mail early,” Kubat said. “Or ... drop it off in person.”

Aside from county election offices, Pennsylvanians’ options for in-person ballot delivery aren’t yet clear.

In response to USPS upheaval and election procedure uncertainty, officials in multiple Pennsylvania jurisdictions — including York and [Lehigh counties](#) and [Philly and its suburban collar counties](#) — are exploring satellite election offices to try to accommodate voters concerned about the mail slowdown without risking running afoul of future court rulings that might ban dropboxes.

Voters will be able to use dropboxes outside county government headquarters in Lebanon and Erie counties, and a secure mail slot in Carbon, according to election officials.

Montour County officials expect to extend courthouse hours during the two weeks leading up to Nov. 3 to facilitate ballot dropoff for voters, according to chief clerk and director of elections Holly Brandon.

*WITF Capitol Bureau Chief Sam Dunklau contributed to this report.*

*Editor’s note: This post was updated to add information about counties’ plans for ballot dropoff.*

# Exhibit AC



2020-08-14T20:44:00Z

[Erin Cox](#), [Elise Viebeck](#), [Jacob Bogage](#), [Christopher Ingraham](#)

## **USPS warns 46 states, DC that delayed mail-in ballots could disenfranchise voters**

The letters sketch a grim possibility for the tens of millions of Americans eligible for a mail-in ballot this fall: Even if people follow all of their state's election rules, the pace of Postal Service delivery may disqualify their votes.

The Postal Service's warnings of potential disenfranchisement came as the agency undergoes a sweeping organizational and policy overhaul amid dire financial conditions. Cost-cutting moves have already delayed mail delivery by as much as a week in some places, and a new decision to decommission 10 percent of the Postal Service's sorting machines sparked widespread concern the slowdowns will only worsen. Rank-and-file postal workers say the move is ill-timed and could sharply diminish the speedy processing of flat mail, including letters and ballots.

The ballot warnings, issued at the end of July from Thomas J. Marshall, general counsel and executive vice president of the Postal Service, and obtained through a records request by The Washington Post, were planned before the appointment of Louis DeJoy, a former logistics executive and ally of

President Trump, as postmaster general in early summer. They go beyond the traditional coordination between the Postal Service and election officials, drafted as fears surrounding the [coronavirus](#) pandemic triggered an unprecedented and sudden shift to mail-in voting.

Some states anticipate 10 times the normal volume of election mail. Six states and D.C. received warnings that ballots could be delayed for a narrow set of voters. But the Postal Service gave 40 others — including the key battleground states of Michigan, Pennsylvania and Florida — more-serious warnings that their long-standing deadlines for requesting, returning or counting ballots were “incongruous” with mail service and that voters who send ballots in close to those deadlines may become disenfranchised.

“The Postal Service is asking election officials and voters to realistically consider how the mail works,” Martha Johnson, a spokeswoman for the USPS, said in a statement.

In response to the Postal Service’s warnings, a few states have quickly moved deadlines — forcing voters to request or cast ballots earlier, or deciding to delay tabulating results while waiting for more ballots to arrive.

Pennsylvania election officials cited its letter [late Thursday](#) in asking the state’s Supreme Court for permission to count ballots delivered three days after Election Day. But deadlines in many other states have not been or [cannot be adjusted](#) with just weeks remaining before the first absentee ballots hit the mail stream. More than 60 lawsuits in at least two

dozen states over the mechanics of mail-in voting are wending their way through the courts.

Trump has repeatedly claimed, without evidence, that mail ballots lead to widespread voter fraud and in the process politicized the USPS. This week, [he said he opposes](#) emergency funding for the agency — which has repeatedly requested more resources — because of Democratic efforts to expand mail voting.

The Postal Service's structural upheaval alone has led experts and lawmakers from both parties to worry about timely delivery of prescription medications and Social Security checks, as well as ballots.

“The slowdown is another tool in the toolbox of voter suppression,” said Celina Stewart, senior director of advocacy and litigation with the nonpartisan League of Women Voters. “That’s no secret. We do think this is a voter-suppression tactic.”

Vanita Gupta, a Justice Department official in the Obama administration and now president and chief executive of the Leadership Conference on Civil Rights, said she viewed the situation as “the weaponization of the U.S. Postal Service for the president’s electoral purposes.”

“It’s completely outrageous that the U.S. Postal Service is in this position,” Gupta said.

DeJoy, in service changes last month, has drastically reduced overtime and banned extra trips to ensure on-time mail delivery. His wholesale reorganizations ousted several agency veterans in key operational roles. And the USPS is

currently decommissioning 10 percent of its costly and bulky mail-sorting machines, which workers say could hinder processing of election mail, according to a grievance filed by the American Postal Workers Union and obtained by The Washington Post. Those 671 machines, scattered across the country but concentrated in high-population areas, have the capacity to sort 21.4 million pieces of paper mail per hour.

The machine reductions, together with existing mail delays and a surge of packages — a boon to the Postal Service’s finances but a headache for an organization designed to handle paper rather than boxes — also risk hamstringing the agency as the election approaches and have led lawmakers to hike pressure on DeJoy to rescind his directives.

DeJoy wrote in a letter to USPS workers Thursday that temporary delivery slowdowns were “unintended consequences” of his efficiency moves but that the “discipline” he was bringing to the agency “will increase our performance for the election and upcoming peak season and maintain the high level of public trust we have earned for dedication and commitment to our customers throughout our history.”

DeJoy declined to be interviewed, but in a statement the USPS described the machine reductions as a matter of “routinely” moving equipment to accommodate the mix of packages and letters in the mail stream. Doing so “will ensure more efficient, cost effective operations and better service for our customers,” the statement said.

Even without the emergency funding Trump vowed to block, postal workers can handle the country's mail-in ballots with proper planning, the head of their union said.

"Piece of cake for postal workers," said Mark Dimondstein, president of the American Postal Workers Union.

Johnson, the USPS spokeswoman, also said the agency "is well prepared and has ample capacity to deliver America's election mail."

The letters to states detailing concerns for November followed ramped-up vote-by-mail primaries marred by serious delivery problems. It "presented a need to ensure the Postal Service's recommendations were reemphasized to elections officials," Johnson said.

In New York City, for example, a 17-fold increase in mail-in ballots left results of [a June congressional primary race](#) in doubt for six weeks. During court wrangling over it, USPS workers said elections officials had dropped off 34,000 blank absentee ballots at a Brooklyn processing center on the day before the election, leaving postal workers scrambling in an attempt to deliver them overnight. Some voters received ballots after the election, and tens of thousands of voted ballots were initially thrown out because of delayed receipt.

The letters warning about November caution many states that their deadlines for voters to request an absentee ballot are too close to Election Day and that "the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law." The letters put the onus

on election officials to adjust deadlines or educate voters to act well before them.

Mail carriers, meanwhile, have warned that new cost-cutting measures at the USPS are slowing the delivery of mail ballots in key states. Recent contests have offered a preview of the potential consequences, with voters — particularly in urban areas such as Detroit and the Bronx — complaining that their absentee ballots did not arrive until the last minute or at all.

The problems predate the cost-cutting measures — a late returned ballot was the chief reason absentee or mail ballots were disqualified during the 2016 election, according to U.S. Election Assistance Commission data submitted to Congress.

But the onslaught of vote-by-mail ballots, driven by directives to stay at home and practice social distancing during the pandemic, has increased the volume of delays this year. In D.C.'s early-June primary, elections officials [drove around town](#) hand-delivering ballots because the mail service was not quick enough. In Florida, 18,500 mailed ballots [arrived too late](#) to be counted during the March primary. Tens of thousands of late ballots in Pennsylvania were counted only after courts intervened.

Eighteen states and D.C. have eased or expanded access to mail ballots during the pandemic, allowing concerned voters to avoid potential exposure to the virus at polling places. These policy shifts have brought the number of Americans who are eligible to cast mail or absentee ballots in the general election to a historic high of nearly 180 million, roughly 97 million of whom will automatically receive an

absentee ballot or an absentee ballot request form in the mail, according to a tally by The Washington Post.

An analysis of the USPS letters to states reveals that the threat of ballot rejection because of missed delivery deadlines may be highest for voters in 40 states that received serious warnings. About 159.5 million registered voters live in those states.

According to the letters, the risk of disenfranchisement is greatest for voters who wait until close to Election Day to request or cast a ballot. The letters advised 31 states that regardless of their deadlines, voters should mail ballots no later than Oct. 27 — a week before Election Day — if they want to guarantee they are counted.

Elections officials across the country are also installing drop boxes for completed ballots and encouraging voters to use them in lieu of the Postal Service.

The USPS did not offer serious warnings to the five states that have long conducted universal vote-by-mail elections — Colorado, Hawaii, Oregon, Utah and Washington.

For Nevada, which Trump accused in May of trying to “cheat” in elections after it announced plans to conduct a statewide primary by mail, the USPS delivered a clean bill of health. The state plans to mail ballots to all active voters for the general election.

“Under our reading of Nevada’s election laws, it appears that your voters should have sufficient time to receive, complete, and return their ballots by the state’s deadlines,” the letter stated.

Trump tweeted Wednesday: “Nevada has ZERO infrastructure for Mail-In Voting. It will be a corrupt disaster if not ended by the Courts. It will take months, or years, to figure out.”

Postal workers, meanwhile, are concerned over the ongoing removal of mail sorting machines in areas that project to be hotly contested in the presidential race.

The machines — Automated Facer-Canceler Systems, Delivery Bar Code Sorters, Automated Flat Sorting Machines and Flat Sequencing Systems — can label and sort tens of thousands of paper mail items, such as letters, bills and ballots, each hour.

Purchased when letters and not packages made up a greater share of postal work, the bulky and aging machines can be expensive to maintain and take up floor space postal leaders say would be better devoted to boxes. Removing underused machines would make the overall system more efficient, postal leaders say. The USPS has cut back on mail-sorting equipment for years since mail volume began to decline in the 2000s.

The machines, however, fundamentally changed the job of some postal workers, allowing them to spend more time on the street delivering mail, rather than in post offices organizing it.

Elections officials in several states contacted by The Washington Post said their deadlines for voting by mail had been in place for years and that the Postal Service has long noted some concerns about meeting them. Some officials



received the warnings with skepticism, others with resignation.

“This is a conversation that has been going on with the Postal Service, to my knowledge, at least five years,” said Alabama Secretary of State John Merrill (R). While the deadlines haven’t changed, “as we all know, the Postal Service has changed,” he said. “It has become much more inefficient and much more ineffective at returning the mail in a timely fashion. That has happened over several years.”

Wisconsin’s deadlines were set years ago, when it was reasonable to expect a letter dropped in the mail to arrive in another part of the state two days later, elections officials said this week. But with increasingly slower delivery times and no recourse for bureaucrats to change the deadlines, elections officials are focusing on what they can do — encouraging voters to take on more responsibility to request and cast mail-in ballots early, as well as installing drop boxes and implementing a bar code tracking system for voters to monitor their ballots.

Teaching voters “requires a more robust campaign,” said Meagan Wolfe, administrator of the Wisconsin Elections Commission. The state also is encouraging local elections officials in charge of mailing out the ballots to coordinate more than ever with local post offices.

In response to the USPS letter, Arizona changed its guidance for when voters should mail back their completed ballots, from at least six to at least seven days before the election, a spokeswoman for Arizona Secretary of State Katie Hobbs (D)

wrote in an email. Maryland shifted its long-standing ballot-request deadline back a full week.

“It was the Postal Service trying to cover themselves,” Patrick J. Hogan, a Democrat and vice chair of the Maryland State Board of Elections, said of the letter. He supported the deadline change anyway, saying the risk of delayed ballots was not worth it.

“This is the way we have to operate,” he said. “We’ve got to get people in the mind-set of getting things done early. There will be no excuse to not vote this year.”

Missouri Secretary of State Jay Ashcroft (R) said the warning to his state appeared to be a “typical CYA exercise” that ignored his state’s policy changes and messaging campaigns aimed at alleviating election-season pressure on USPS.

In 2018, Missouri moved up its deadline for requesting an absentee ballot to provide additional time for ballots to be delivered and returned, he said. Praising local election authorities for running three smooth votes so far this year, Ashcroft said there are special efforts underway to encourage voters to obtain and submit their absentee ballots with time to spare.

“I didn’t see how it was at all helpful,” he said of the USPS letter, adding: “This is not something that is new to us. It’s something we’ve been working on for years, and I think we’ve been ahead of it. For USPS to send something out at the end of July — we’re in the silly season of politics.”

Reading from the letter, Ashcroft disputed a recommendation that Missouri voters who mail their

completed ballots “no later than Tuesday, October 27,” could be assured of arrival by Election Day. He recounted the experience of a voter in St. Louis during the state’s June municipal contests — she dropped her ballot in the mail six days before the election, he said, but it took 14 days to arrive at an address in the same city and was not counted as a result.

“If you mail it on Tuesday, you have no certainty it will get back in time,” he said. “I know that from experience.”

*Correction: A previous version of a map showing sorting machine locations that accompanies this article had several points that were incorrectly located. The map has been corrected.*

Jada Yuan contributed to this report.

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Viewed using [Just Read](#)

# Exhibit AD



# SERVICE PERFORMANCE MEASUREMENT

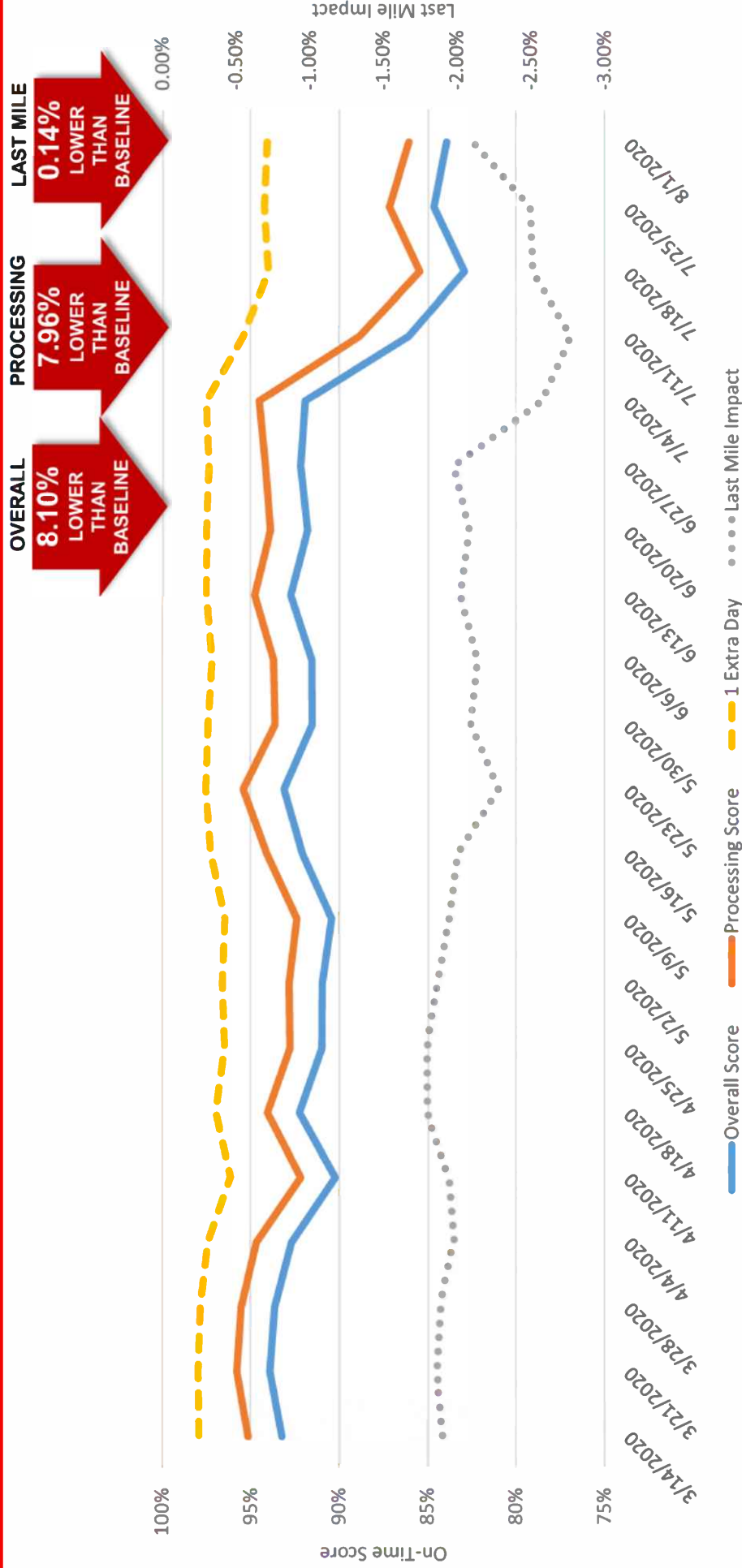
PMG Briefing

August 12, 2020





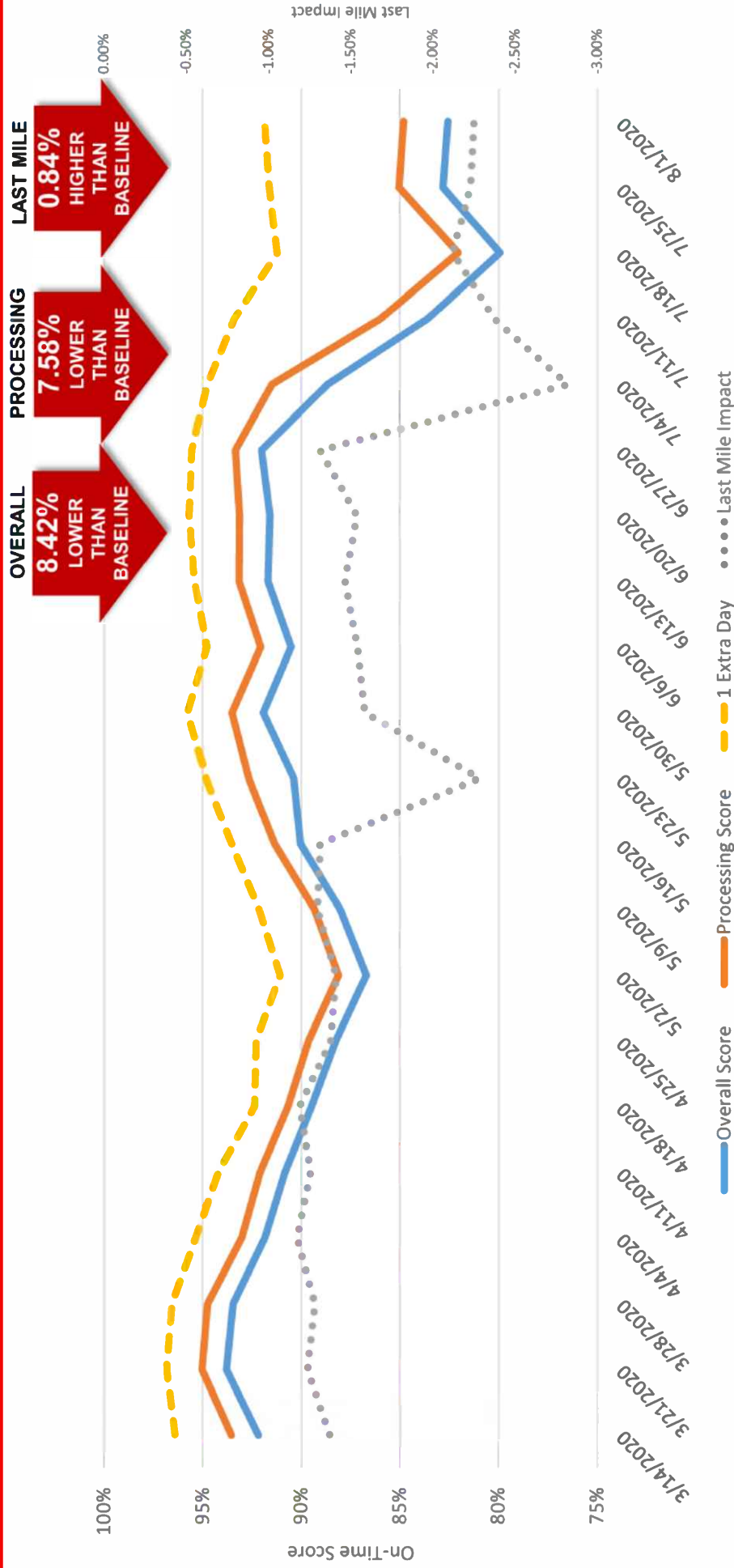
# Presort First-Class Mail Score Breakdown – Processing vs Last Mile



Last Mile Impact represents the score decrease caused by time spent in the last mile (from last processing scan to delivery); Processing score represents service performance from USPS possession to last processing scan at the destination plant measured against the service expectation; Overall score represents service performance from USPS possession to delivery (i.e. it includes the last mile) measured against the service expectation; 1 Extra Day represents the overall score if the mailpiece had 1 extra day to meet service expectations; Scores are NOT weighted and will NOT match the official scores in slide 3 which are weighted.



# USPS Marketing Mail Score Breakdown – Processing vs Last Mile

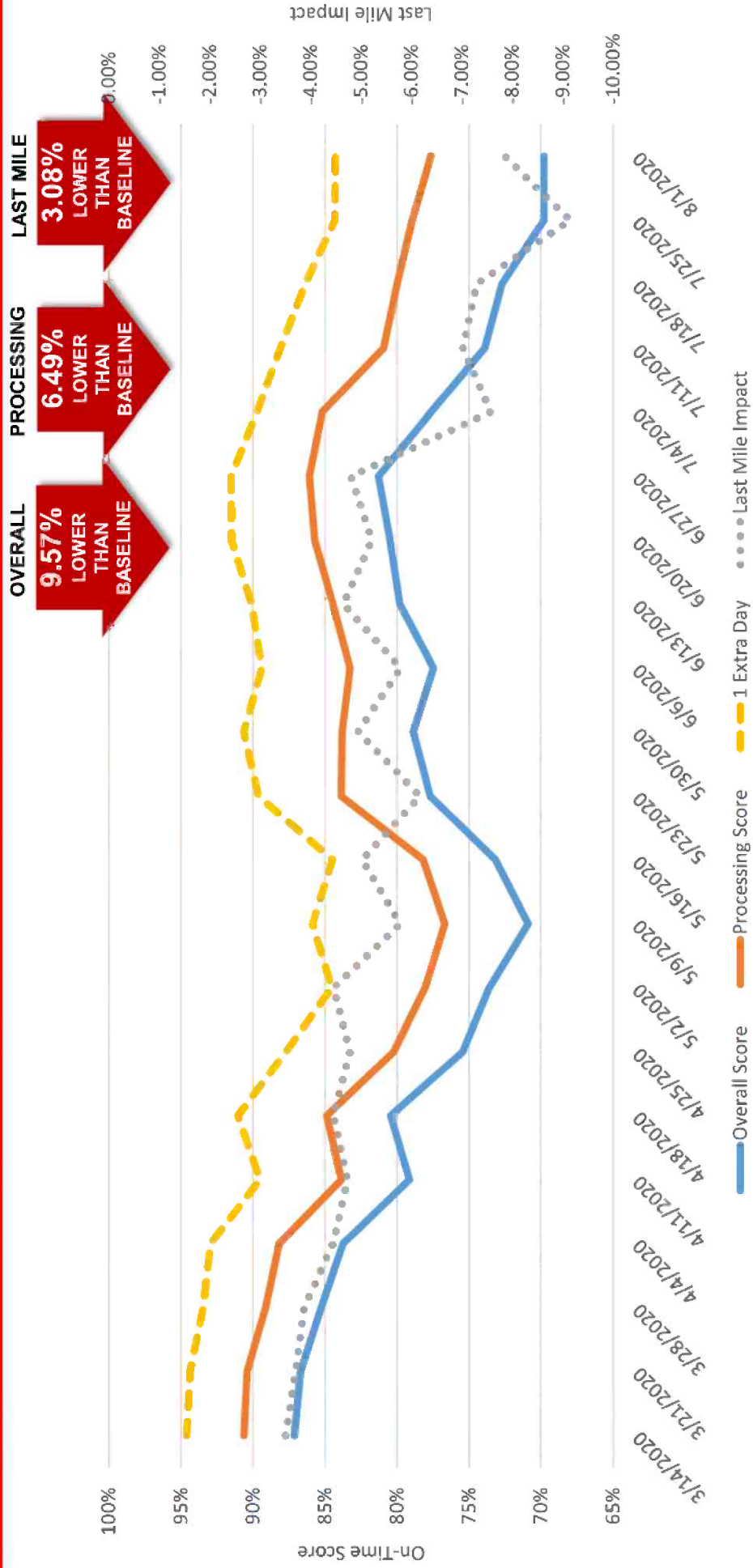


Last Mile Impact represents the score decrease caused by time spent in the last mile (from last processing scan to delivery); Processing score represents service performance from USPS possession to last processing scan at the destination plant measured against the service expectation; Overall score represents service performance from USPS possession to delivery (i.e. it includes the last mile) measured against the service expectation; 1 Extra Day represents the overall score if the mailpiece had 1 extra day to meet service expectations; Scores are NOT weighted and will NOT match the official scores in slide 3 which are weighted.

Does not include Saturation and EDDM.



# Periodicals Score Breakdown – Processing vs Last Mile



Last Mile Impact represents the score decrease caused by time spent in the last mile (from last processing scan to delivery); Processing score represents service performance from USPS possession to last processing scan at the destination plant measured against the service expectation; Overall score represents service performance from USPS possession to delivery (i.e. it includes the last mile) measured against the service expectation; 1 Extra Day represents the overall score if the mailpiece had 1 extra day to meet service expectations; Scores are NOT weighted and will NOT match the official scores in slide 3 which are weighted.



# Exhibit AE

## Mail-in and Absentee Ballot

### Voting by Mail-in or Absentee Ballot

Mail-in and absentee ballot applications for the November 3, 2020, general election must be received by your [county election office](#) by 5 p.m. on Tuesday, October 27, 2020.

#### What are mail ballots?

In Pennsylvania, you now have two options for mail ballots. You may either choose a mail-in ballot or an absentee ballot to request, complete, and return to your [county election office](#).

- **Mail-in ballot** – Any qualified voter may apply for a mail-in ballot. You may simply request this ballot without a reason.
- **Absentee ballot** – If you plan to be out of the municipality on election day or if you have a disability or illness, you should request this ballot type, which still requires you to list a reason for your ballot.

In order to request either ballot type, you must be registered to vote. Please visit [Check Your Registration Status](#) to review your registration information

## Which ballot should I use?

### Mail-in Ballot

#### Who may apply for a mail-in ballot application?

You may apply for a Mail-in Ballot if you are a qualified voter. You must be [registered to vote](#) in order to vote by mail-in ballot.

[More about Mail-in Ballots](#)

### Absentee Ballot

#### Who may apply for an absentee ballot application?

- [College students](#) who are not registered to vote at their school address
- People whose work or vacation take them away from the municipality where they live
- Those with a physical disability or illness that prevents them from going to the polling place
- [Members of the military](#)
- People who may have a conflict due to the celebration of a religious holiday
- Inmates who haven't been convicted of a felony
- To vote by absentee ballot you must be [registered to vote](#).

[More about Absentee Ballots](#)

## Voting by Mail-in Ballot

**Deadlines for the November 3 General Election:**

- **5 pm October 27**- APPLICATIONS must be RECEIVED by your county election office
- **8 pm November 3** - VOTED BALLOTS must be RECEIVED by your county election office - postmarks are not enough

Applications and ballots may be delivered to your [county election office](#) by the deadline. Contact your [county election office](#) for their hours of operation.

## How do I apply for a mail-in ballot?

### Option 1: Apply for a Mail-in Ballot Online



Apply Online at [VotesPA.com/ApplyMailBallot](https://www.votespa.com/ApplyMailBallot)  
[Solicite la papeleta de voto por correo](#)

Registered voters can apply for a mail-in ballot online with a [valid PA driver's license or photo I.D.](#) from the PA Department of Transportation (PennDOT).

#### Be sure to:

- Sign up to be a permanent mail-in ballot voter so you can automatically receive ballots by mail for the rest of the year.
- Provide an email address to receive notifications about your application and ballot status.

Military and overseas voters should visit the [information for military and overseas voters web page](#) for information on how they can obtain an absentee ballot.

[Apply for a mail-in ballot Solicite la papeleta de voto por correo](#)

## Option 2: Apply for a Mail-in Ballot by mail



**Step 1: Complete a paper mail-in ballot application:**

**Download and print a mail-in ballot application:**

- [Mail-in Ballot Application \(English\)](#)
- [Mail-in Ballot Application \(Spanish\)](#)

**Don't have a printer? Have a paper application mailed to you:**

[Complete the online request form to have a paper application mailed to you.](#)

- You can contact your [county election office](#) directly to request a paper application.
- Or you can contact the Department of State to request an application by emailing [ra-voterreg@pa.gov](mailto:ra-voterreg@pa.gov) or calling **1-877-VOTESPA**.



**Step 2: Mail your application:**

Send your mail-in ballot application to the [county election office](#). The deadline to apply for a mail-in ballot is one week before the election.

Military and overseas voters should visit the [information for military and overseas voters web page](#) for information on how they can obtain an absentee ballot.

**Other ways to request a mail-in ballot**

- Apply in person at your [county election office](#). Once your county's ballot is finalized and available, you may request and promptly receive your mail-in ballot.
- [Contact your county election office](#) for more information.

**If your application is accepted, you will get a mail-in ballot with instructions from your [county election office](#).**

**Already applied for a mail-in ballot?**

PA voters can see the status of their mail-in or absentee ballot online. Track your ballot's progress from when your county receives your application, to when they receive your voted ballot.

[Track the Status of Your Mail-in or Absentee Ballot](#)



## What's a permanent mail-in ballot request?



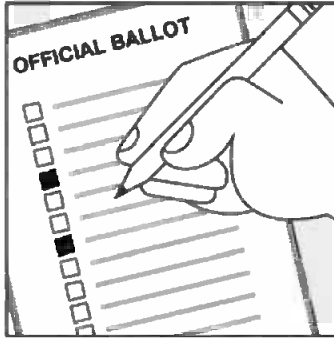
You now have the option to request to be added to the permanent mail-in ballot request list where you'll receive an application to renew your mail-in ballot request each year. Once your application is approved, you will automatically receive ballots for the remainder of the year, and you **do not** need to submit an application for each election.

[Apply online for a mail-in ballot](#)

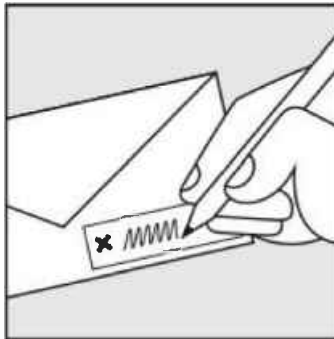
Download and print a mail-in ballot application:

- [Mail-in Ballot Application \(English\) PDF](#)
- [Mail-in Ballot Application \(Spanish\) PDF](#)

## How do I vote with a mail-in ballot?



1. Mark your ballot, following the instructions.



2. Place your ballot in the secrecy envelope and then put the secrecy envelope into the official envelope. Be sure to sign the declaration, or your ballot may not count.



3. Return your ballot so it arrives at the [county election office](#) on time.

## Voting by Absentee Ballot

**Deadlines for the November 3 General Election:**



- **5 pm October 27** - APPLICATIONS must be RECEIVED by your county election office
- **8 pm November 3** - VOTED BALLOTS must be RECEIVED by your county election office - postmarks are not enough

Applications and ballots may be delivered to your [county election office](#) by the deadline. Contact your [county election office](#) for their hours of operation.

If you have an [emergency](#) you may still be able to get an absentee ballot after the deadline, called an [emergency absentee ballot](#). You can find information about how to get an [emergency absentee ballot](#) at the end of this page.

An absentee ballot is a ballot sent to you by mail. You can mark and cast the ballot by returning it to the [county election office](#).

## How do I apply for an absentee ballot?

### Option 1: Apply for an Absentee Ballot Online



Apply Online [VotesPA.com/ApplyAbsentee](https://www.votespa.com/Voting-in-PA/Pages/ApplyAbsentee)  
[Solicite la papeleta de voto por correo](#)

Registered voters can apply for an absentee ballot online [with a valid PA driver's license or photo I.D.](#) from the PA Department of Transportation (PennDOT).

Be sure to:

- Sign up to be a permanent absentee ballot voter so you can automatically receive ballots by mail for the rest of the year.
- Provide an email address to receive notifications about your application and ballot status.

Military and overseas voters should visit the [information for military and overseas voters web page](#) for information on how they can obtain an absentee ballot.

[Apply for an absentee ballot Solicite la papeleta de voto por correo](#)

### Option 2: Apply for an Absentee Ballot by mail



#### Step 1: Complete a paper absentee ballot application:

##### Download and print an absentee ballot application:

- [Absentee Ballot Application \(English\)](#)
- [Absentee Ballot Application \(Spanish\)](#)

##### Don't have a printer? Have a paper application mailed to you:

[Complete the online request form to have a paper application mailed to you.](#)

- You can contact your [county election office](#) directly to request a paper application.
- Or you can contact the Department of State to request an application by emailing [ra-voterreg@pa.gov](mailto:ra-voterreg@pa.gov) or calling 1-877-VOTESPA.

Fill in the paper absentee ballot application. Mark the reason why you cannot get to the polling place on election day. In Pennsylvania, you must meet [one of the listed reasons](#).



### Step 2: Mail your application:

Send your absentee ballot application to the [county election office](#). The deadline to apply for an absentee ballot is one week before the election. [Members of the military](#) can apply at any time.

### Other ways to request an absentee ballot



- Apply in person at your [county election office](#).
- [Contact your county election office](#) for more information.

If your application is accepted, you will get an absentee ballot with instructions from your [county election office](#).

### Already applied for an absentee ballot?

PA voters can see the status of their mail-in or absentee ballot online. Track your ballot's progress from when your county receives your application, to when they receive your voted ballot.

### [Track the Status of Your Mail-in or Absentee Ballot](#)

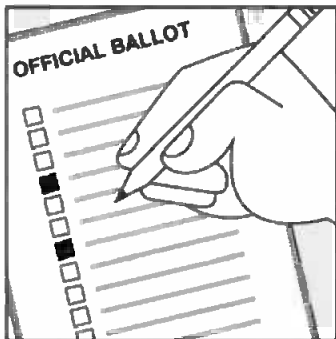


## What's a permanent absentee ballot request?

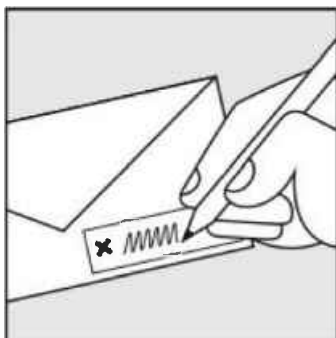


You now have the option to request to be added to the permanent absentee ballot request list where you'll receive an application to renew your absentee ballot request each year. This only applies if you have a permanent disability or illness when applying for this option when submitting an absentee ballot application. Once your application is approved, you will automatically receive ballots for the remainder of the year, and you **do not** need to submit an application for each election.

## How do I vote with an absentee ballot?



1. Mark your ballot, following the instructions.



2. Place your ballot in the secrecy envelope and then put the secrecy envelope into the official envelope. Be sure to sign the declaration, or your ballot may not count.



3. Return your ballot so it arrives at the [county election office](#) on time.

## Emergency Absentee Ballot

### Last Minute Emergencies

In emergency situations (such as an unexpected illness or disability and last-minute absence) following the deadline at 5 p.m. on the Tuesday

before the election, you can [request an Emergency Absentee Ballot](#).

The deadline to submit your Emergency Absentee Ballot Application to the County Election Office is 8:00 pm on election day.

- [Emergency Application for Absentee Ballot \(PDF\)](#)
- [Authorized Representative for Emergency Absentee Ballot Form](#)

## Content Editor

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# Exhibit AF

## Philly will have way fewer polling places for next month's primary because coronavirus. Find yours here.

by Jonathan Lai, Updated: May 12, 2020



Philadelphia voters will have 77% fewer polling places than normal when they go to vote in the primary election June 2 because of the coronavirus.

The Philadelphia Board of City Commissioners released a plan Tuesday night to open 190 polling places, down from the 831 used in last November's municipal election. The commissioners, Philadelphia's election officials will vote on the plan Wednesday morning before sending it to the Pennsylvania Department of State for approval. (State officials were consulted in recent days and the plan is likely, if not certain, to be approved.)

"This June 2, election day, it's not going to look like any election day we have ever seen before," Lisa Deeley, chair of the commissioners, said Tuesday. "We are balancing public health with people's ability to vote. ... We've limited the number of sites for people to vote in person."

Like other parts of the country, elections officials in Philadelphia have faced a number of challenges pulling off primary elections during the coronavirus pandemic, including unprecedented shortages of poll workers. Finding suitable polling places has also been difficult, Deeley said, because they need to be able to accommodate large numbers of voters who are spread out for social distancing.

"Nobody's ever done this before, so there's no playbook," she said. "We hope that it is going to be as successful as it could be in the face of all this."

<https://www.inquirer.com/politics/election/philadelphia-new-polling-places-2020-primary-20200512.html>

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“No one should have to choose between their health and their right to vote, so we’re deeply concerned about this reduction in polling places,” said Scott Seeborg, Pennsylvania state director for All Voting Is Local, a voting-rights initiative that is part of the Leadership Conference on Civil and Human Rights.

To minimize voter confusion and avoid potential disenfranchisement, Seeborg said, the city should circulate polling place information as widely as possible and “really do the type of public communication we know Philadelphia can pull off when something is important.”

Because of the pandemic, the state legislature passed an emergency law in March allowing counties to cut number of polling places by up to 60% without state or court approval. [A handful of counties have sought sign-off to go beyond that.](#)

The suburban counties have taken a range of approaches: Bucks County plans to have the same number of polling places as usual, Chester County will reduce its number by a still-to-be-determined amount, Delaware County will reduce its polling places by 40%, and Montgomery County will cut its number by 60%.

Officials have urged people to vote by mail as a way to avoid the exposure risk of voting in person. [This is Pennsylvania’s first election in which all voters are eligible to use absentee ballots, which can be requested online.](#)

Deeley said Philadelphia’s polling locations were picked in part based on the number of absentee ballot requests received from voters in a neighborhood. The fewer the absentee requests, the more likely voters are to show up in person, she said, so assigning more polling places in those areas could help reduce crowding the polls.

To assign the 190 polling places, the commissioners divided Philadelphia into 190 geographic “zones” made of precincts. So while the city has 1,703 voting precincts, or divisions, grouped into 66 wards, voters won’t know that information this election. Instead, all voters in a zone will vote at the same polling place.

After the polling place plan is approved by the commissioners Wednesday, Deeley said, they’ll increase the outreach to poll workers. She’s concerned that some won’t be willing to work once they learn they have to travel farther to get to their polling place this time. The National Guard could still be needed to fill gaps, she said.

Posted: May 12, 2020 - 8:15 PM



Jonathan Lai | @Elaljuh | jlai@inquirer.com



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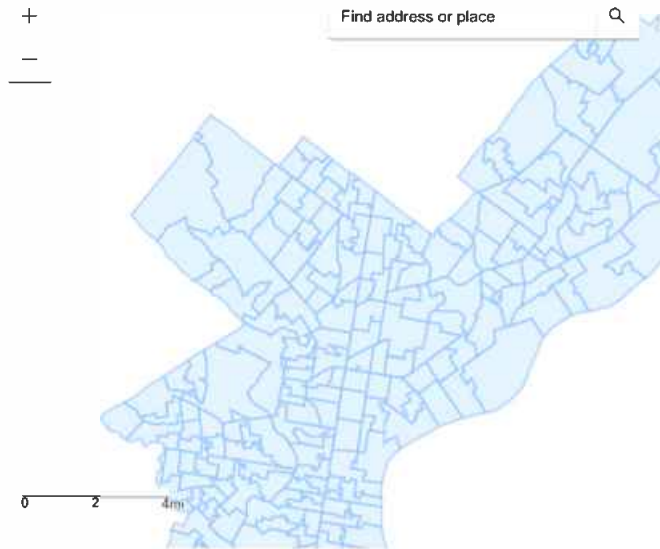
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### Find Your New Polling Place

Philadelphia will have 190 polling places in the June 2 primary election, a 77% reduction from the 831 it had in last November’s municipal election. The reduction was necessary because of the coronavirus pandemic, officials said, citing low numbers of willing poll workers and a shortage of open locations that can safely accommodate voters practicing social distancing.

The map below shows new voting zones that will be in place for the primary. Click on the map for zone and polling-place information.



#### PENNSYLVANIA 2020 NEWSLETTER

Interested in how Pennsylvania is shaping the 2020 election? Sign up to receive our newsletter every Wednesday.

**Sign Up**

The challenges are steep.

A dramatic reduction in the number of polling places means voters will have to travel longer distances to cast ballots. It also means congregating more voters into fewer polling places, potentially increasing their contact with others and the risk of spreading the coronavirus.

Reducing the number of polling places also significantly increases the likelihood of long lines — if for no other reason than because people will be standing apart from each other — and changing polling place locations always risks confusing voters.

<https://www.inquirer.com/politics/election/philadelphia-new-polling-places-2020-primary-20200512.html>

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# Exhibit AG

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## What we're watching for in Tuesday's unprecedented Pennsylvania primary election

by Jonathan Tamari and Jonathan Lai, Updated: June 2, 2020



PATRICK SEMANSKY / AP



Pennsylvanians are voting Tuesday in an atmosphere with few precedents — if any.

On top of a pandemic that had already scrambled elections across the country, the vote will come after day protests over the killing of George Floyd as Minneapolis police knelt on his neck and [violent clashes](#) that h added more tension — and left an already stricken Philadelphia [smoldering in places](#).

### RELATED STORIES

- [Pa. extends mail ballot deadlines for Philadelphia and five other counties](#)
- [Philly has mail ballot drop boxes for voters today. Find yours here.](#)

The Democratic presidential primary is effectively over, so the biggest test may be for election officials. *H* people vote may be as important as *who* they vote for.

<https://www.inquirer.com/news/pa-primary-2020-what-to-watch-20200602.html>

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Pennsylvania will be holding its first statewide election since the onset of [the coronavirus](#), and officials were already [facing huge challenges](#) amid social distancing, short-staffing, and [a flood of requests for mail ballots](#) far beyond anything Pennsylvania has ever seen — before protests and looting.

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And there was even a last-minute twist: Gov. Tom Wolf on Monday [extended the deadline for receiving mail ballots](#) in Philadelphia, Pittsburgh, and a handful of other counties.

Even with that change, could Tuesday [produce another Wisconsin](#), where voters in April were forced to stand in long lines and [thousands of ballots didn't reach voters](#) in time? [How long will it take to get results?](#) And is there anything the outcome can tell us about the state of play in [a swing state critical to the presidential election?](#)

#### PENNSYLVANIA 2020 NEWSLETTER

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» [READ MORE: Live coverage of what's happening Tuesday, Pennsylvania's primary day](#)

Here's what we'll be watching:

### Will it be chaos?

Put simply: Will people be able to safely and efficiently exercise one of their fundamental rights?

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<https://www.inquirer.com/news/pa-primary-2020-what-to-watch-20200602.html>

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Even before the coronavirus and civil unrest, this was likely to be a challenging election for Pennsylvania. [the first since a change in state law](#) allowed anyone to request a mail ballot for any reason.

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So officials were preparing for [a surge in mail-in ballots](#), but the coronavirus put that into overdrive. [About two million people had applied for mail ballots](#) as of late last week, up from 107,000 for the state's 2016 primary.

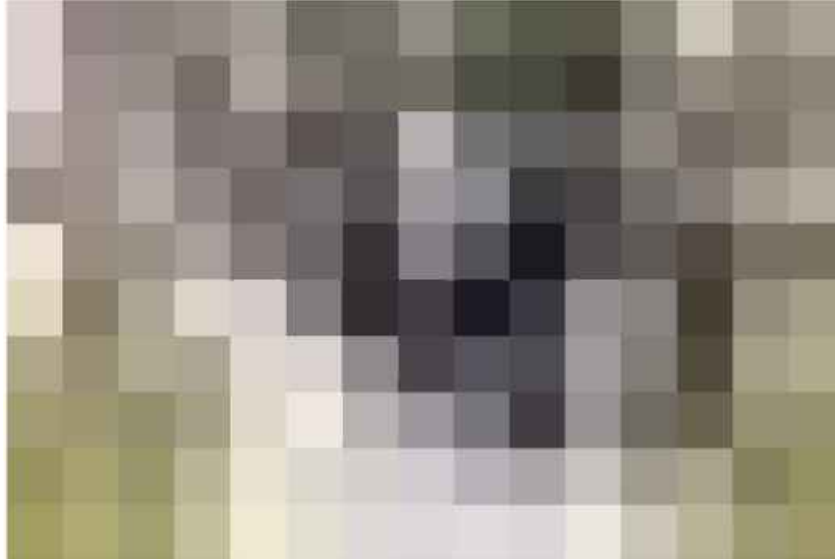
Voting by mail gave voters another option for avoiding crowds, but it also meant a heavy lift for election officials left short-handed by the virus. They've been struggling to process the requests, and to staff polling sites for people who choose to vote in person.

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<https://www.inquirer.com/news/pa-primary-2020-what-to-watch-20200602.html>

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SARA STATHAS / WASHINGTON POST FILE

A line to vote in Wisconsin's April primary election wrapped around blocks.

Some places have dramatically reduced polling places, including by 60% in Montgomery County and 77% in Philadelphia. That could create long lines and confusion.

If it's harder to vote in certain counties, that could also have significant political implications in November since geography and party affiliation are closely linked. Some counties face greater staffing shortages than others. Some sent out mail-in ballot applications to voters, while others required people to request one.

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» **READ MORE: Philly will have mail ballot drop boxes for voters today. Find yours here.**

At least the primary will give officials a chance to see the challenges before November's general election, where the presidency may hinge on how Pennsylvania votes.

## The mail race

With the coronavirus a potential factor again in the fall general election, both parties have emphasized voting by-mail in the primary, hoping to get supporters accustomed to it.

Except for President Donald Trump. Despite using mail-in ballots himself, and the established rarity of voter fraud, the president has falsely attacked them as prone to fraud. That has discouraged some Republican voters from using mail voting, even as the national and state GOP promote it.

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» **READ MORE: Pennsylvania Republicans don't want to vote by mail: 'We're listening to Trump on i**

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As of late last week, almost 1.3 million Democrats had been approved for mail-in ballots, compared with at 529,000 Republicans.

So will Republicans instead turn out in person in big numbers? Or has Trump depressed turnout within his own party?

And which regions and demographics will show up? In Philadelphia, [voters in low-income neighborhoods](#) requested mail ballots at disproportionately low rates. Who will vote by mail, who votes in person, and who, in the face of a public health threat, won't vote at all?



HEATHER KHALIFA / STAFF PHOTOGRAPHER  
Mail ballot applications in both Spanish and English.

Both sides see the primary as a test run for November, so even a small imbalance in who votes could be significant in a state decided by less than one percentage point in 2016.

“In some ways voting is like exercise, if you’re used to doing it you do it more and if you don’t it’s really hard,” said J.J. Balaban, a Democratic strategist in Philadelphia. “People in Pennsylvania are used to voting a certain way and now we’re getting to vote in an entirely different way.”

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## How many people won't get their ballots in on time?

Before Wolf's election-eve order, it looked likely that thousands or even tens of thousands of voters [would receive their mail ballots in time](#) to return them, threatening to disenfranchise them — or forcing them to face the health risks of voting in person.

Now, mail ballots still have to be postmarked by Tuesday, but in Philadelphia, Delaware, Montgomery, Allegheny, Dauphin, and Erie Counties, they will be counted if they are received by election officials by 8 p.m. on June 9, a week from the original deadline. But the pandemic has slowed the process and some counties expected that some voters wouldn't receive their ballots until Monday or even Tuesday. That could still make it difficult for those voters to mail ballots back in time.

Counties have scrambled [to set up drop boxes for voters](#) to hand-deliver ballots, and mail voters can instead use a provisional ballot at polling places. But not everyone is willing or able to do so.

## Will people get sick?

Lines of voters. Shared voting machines. Poll workers interacting with hundreds of people.

All of it adds up to the possibility some people could become sick from voting in person, and officials are scrambling to provide personal protective equipment and cleaning supplies.

[Voters and poll workers in other states](#) have [contracted the coronavirus](#), and [a poll worker in Chicago died of COVID-19](#) 15 days after a primary there in March.

## When will we get results?

[Be prepared to wait for results.](#)

Election officials had already said for months that [counting votes would take much longer](#) with the increase in mail ballots.

Many counties had planned to begin counting mail ballots on election day but didn't expect to finish until at least the next day. Some weren't even planning to start until the day after the election. And after Wolf's order, several counties could still be counting many votes for a week or longer.

» **READ MORE:** [Want to know who won the presidential race on election night? Get ready to wait.](#)

The process will give us the first look at what could be an even more agonizing wait in November, with higher turnout and greater stakes.

## 2020 tea leaves

It's risky to extrapolate from primaries, which draw different electorates than general elections.

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<https://www.inquirer.com/news/pa-primary-2020-what-to-watch-20200602.html>

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Normally, we'd examine Tuesday's results for signs of strength and weakness for Trump and presumptive Democratic nominee Joe Biden. Can Biden draw white Democrats who fled to Trump in 2016? African American voters in Philadelphia? Progressives? Can Trump produce another surge of rural enthusiasm?

But those questions are tough to answer now. Political strategists in both parties said they'll be looking — maybe — for which party does better getting their supporters to vote in difficult circumstances.

After that? Interpret at your own risk.

"Primaries are not usually very good indicators of general election performance," said Mark Harris, a Republican strategist from Pittsburgh. "How willing people are to vote by mail might be an interesting thing

"I would be really skeptical about drawing a conclusion," one Pennsylvania Democratic operative said. "I think the data is going to be so influenced by external events it'll be hard to tell what's real and what's not."

Posted: June 2, 2020 - 5:00 AM

[Jonathan Tamari](#) | [@JonathanTamari](#) | [jtamari@inquirer.com](mailto:jtamari@inquirer.com)



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## 2020 Election: Secure Your Vote

# 'Swing County, USA' Prepares For Unprecedented Influx Of Ballots By Mail

July 21, 2020 · 3:02 PM ET

Heard on All Things Considered



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A sign directs people to vote at the Northampton County Offices in Easton, Pa.

*Fatma Tanis/NPR*

The county government cafeteria in Northampton County, Pa., is a large, airy room with big windows and, for now, lunch tables separated by plexiglass.

But a few months from now, on Election Day, this is where the county plans to have a couple of dozen people processing what it expects could be 100,000 mail-in ballots, nearly triple what they handled in the June 2 primary and 15 times what they handled in November 2016.

The dramatic rise in mail-in ballots prompted the move of the counting operation to the cafeteria, one of many steps this swing county on the eastern edge of a battleground state is taking to prepare for this unprecedented presidential election.



#### 2020 ELECTION: SECURE YOUR VOTE

Signed, Sealed, Undelivered: Thousands Of Mail-In Ballots Rejected For Tardiness

"We're very supportive of it. It's just a little more work," says Northampton County Executive Lamont McClure Jr. "Based on our experience from the primary, we just don't think it's physically possible to count the potential 100,000 mail-in ballots that day."

Pennsylvania is among the handful of states that could decide the outcome of the election if it's close. It voted twice for Barack Obama before pivoting to Donald Trump in 2016.

Like many other places across the U.S., officials are anticipating a tremendous increase in the number of people voting by mail, because of changes in laws

and coronavirus concerns. While there's little evidence that mail-in ballots are insecure, they do introduce logistical and other challenges.

"Every component piece of the process requires more — more dollars, more space, more staffing, more equipment. And earlier timelines," says Secretary of the Commonwealth Kathy Boockvar.



A voter casts a mail-in ballot at a drop box in West Chester, Pa., prior to the June 2 primary election. Statewide, Pennsylvania saw a nearly 18-fold increase in mail-in voting in the primary compared with 2016.

*Matt Rourke/AP*

Historically, only about 5% of Pennsylvanians voted absentee. That was already set to change this year, as Pennsylvania joined more than 30 other states in allowing voting by mail for any reason, also known as no-excuse absentee voting.



Gov. Tom Wolf hailed the new law, passed last fall, as "the biggest change to our elections in generations ... removing barriers to the voting booth and encouraging more people to vote."



#### 2020 ELECTION: SECURE YOUR VOTE

Republicans Signal They're Willing To Pay Up To Avoid An Election Day Disaster

Pennsylvania election officials say they expected a modest increase in mail-in voting in the 2020 primary, the first election under the new rules.

"And then COVID-19 hit," says Boockvar.

Statewide, Pennsylvania saw a nearly 18-fold increase in mail-in voting in the June 2 primary, compared with four years ago. Boockvar anticipates that 50% of the state's voters could opt for mail-in voting this fall.



Northampton County has purchased a new high-speed ballot processor ahead of the Nov. 3 general election.

*Fatma Tanis/NPR*

The sheer numbers, along with the complexities of counting mail-in ballots, have raised questions and lowered expectations about how soon there will be results — not just in Pennsylvania but across the country.



**2020 ELECTION: SECURE YOUR VOTE**

FACT CHECK: Trump Spreads Unfounded Claims About Voting By Mail

For months, President Trump has promoted the false narrative that mail-in voting will lead to fraud and a rigged election. To be clear, though there have been issues as the use of mail-in voting increases — such as ballots rejected for being late or unsigned — election experts say there is no evidence that voting by mail leads to rampant fraud.

But because of how time-consuming the process is, a big question remains: On election night, will voters know who is going to be the next president of the United States?



**2020 ELECTION: SECURE YOUR VOTE**

N.J. Election Fraud Case Draws A Trump Tweet But Suggests Safeguards Are Working

It's the "million-dollar question," says Boockvar. "I think that Nov. 3, we may not."

Boockvar is hoping the Pennsylvania legislature will pass a measure that would allow ballots to be pre-canvassed, starting as early as three weeks before Nov.

3. That process includes opening both a ballot's outer envelope and secondary privacy envelope and confirming the voter's eligibility. Under current law, this work can't start until 7 a.m. on Election Day.

The final step, feeding the ballot into a scanner that counts the vote, would still happen on Election Day under the proposed legislation.

"That last part is the fastest part of the process," Boockvar says. "It's all the other things, including literally the physical extraction of the documents in the envelope, that take a remarkable number of hours and days depending on how many ballots you get back."



Sam Chen, Republican strategist and political science professor who grew up in the steel town of Bethlehem, Pa., says he will vote by mail.

*Fatma Tanis/NPR*

This spring, things actually ran pretty smoothly in Northampton County, where officials proudly point out that they were the first in Pennsylvania to report election results in the June 2 primary, at around 9 p.m.

Still, they say that without the ability to pre-canvass mail-in ballots ahead of Election Day in November, same-day results are unlikely.

"We'll have significant numbers on election night, but we won't be done unless the law changes," McClure, the county executive, says.

There is already a lot of interest in how Northampton County will vote come Nov. 3. The county, about 90 minutes from both Philadelphia and New York City, is looked to as a bellwether in presidential elections.

"If you go and look back historically all the way to the early part of the last century, you'd see that the way Northampton County goes, so does Pennsylvania," says Chris Borick, director of the Muhlenberg College Institute of Public Opinion, who lives in the borough of Nazareth, in the center of the county. "It's really unbelievable as a predictor for the state as a whole."



#### 2020 ELECTION: SECURE YOUR VOTE

Tom Ridge, Ex-DHS Secretary, Laments 'Sad' Trump Fears About Voting By Mail

Northampton County was one of three Pennsylvania counties that voted twice for Barack Obama before pivoting to Donald Trump. Trump won Pennsylvania by a mere 44,000 votes, a margin of less than 1%.

"We like to call ourselves Swing County, USA," says Sam Chen, a Republican strategist and political science professor who grew up in the steel town of Bethlehem, Pa.



Amy Hess, deputy registrar of elections for Northampton County, says extracting, unfolding and flattening out ballots is the most time-consuming part of vote counting. She's shown here with Lamont McClure Jr., the county executive.

*Fatma Tanis/NPR*

Chen, who did not vote for Trump in 2016, says he hasn't decided yet whom he'll support this year, though he's leaning toward former Vice President Joe Biden.

One thing Chen has decided is that he will vote by mail, and he's expecting a lot of other Republicans to do the same, despite Trump's attacks on mail-in voting.

"It's going to come down to convenience," Chen says. "Is it easier for me to vote in person?"

Others are more skeptical. Frank DeVito, an attorney and one of two Republicans on the Northampton County Election Commission, says Trump's rhetoric railing against mail-in voting is resonating with Republican voters. In

recent weeks, for instance, Trump has claimed without evidence that millions of ballots could be printed by foreign countries.

"Is it possible what he's saying? I mean, yeah, in theory," says DeVito, speaking at his home in Bath, Pa., with a "Trump-Pence 2020" sign in his front yard. "Theoretically, when anybody who's a registered voter can mail a ballot in and never show up at a polling place, never sign in, it's more likely that you can commit fraud."



#### 2020 ELECTION: SECURE YOUR VOTE

Chaos In Primary Elections Raises Fears For November

"On how wide of a scale is something like that going to happen?" DeVito continues. "It's likely that there will be a few paper ballots mailed to the wrong addresses and somebody will just use it. But on a systemic, widespread level, I really don't know. I think it's a real possibility."

There were already notable differences in how Republicans and Democrats chose to vote in Northampton County's June primary.

Among Democrats, 26,440 voted by mail, versus 10,051 who voted at the polls. Compare that with Republicans: 10,367 voted by mail, with 15,582 voting at the polls.

Northampton County Executive McClure, a Democrat, wants to get the word out that either form of voting is fine.

"It appears that Republicans prefer to vote in person, and we've got a great system for them, and they know their votes are going to count," McClure says. "And it appears Democrats prefer to vote by mail at this juncture."

As the county election staff members await word on whether they will be able to pre-canvass the mail-in ballots ahead of Election Day, they're already in better shape than they were for the primary. They have purchased a third high-speed envelope-opening machine, known as an enveloper, which can slice open 24,000 envelopes per hour.

McClure says he has great confidence in the technology, in the backup systems and in the people running them.

"I'd die before I let this election be rigged," he says. "There are some things that are greater in importance than a partisan victory: the sanctity and integrity of our elections."

mail voting   absentee ballots   2020 election   early voting   pennsylvania

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### ELECTIONS

**Ignoring FBI And Fellow Republicans, Trump Continues Assault On Mail-In Voting**

# Exhibit AI





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# Some Counting Continues, a Week After Pennsylvania's Primary

The counting from Pennsylvania's first foray into mass voting by mail is wrapping up a week after the primary, with results of some of races still up in the air.

By Associated Press, Wire Service Content June 9, 2020



FILE - In this May 27, 2020 file photo, a processed mail-in ballot is seen at the Bucks County Board of Elections office prior to the primary election in Doylestown, Pa. The counting from Pennsylvania's first foray into mass voting by mail was wrapping up on Tuesday, June 9 a week after the primary, with results of some of races still up in the air. (AP Photo/Matt Slocum, File)

 THE ASSOCIATED PRESS



mass voting by mail was wrapping up on Tuesday, a week after the primary, with the results of some of races still up in the air.

Elections officials in seven counties, which includes Philadelphia and Pittsburgh, were granted extra time to receive and tally the vote because of practical challenges posed by mass protests over police brutality.

The state says turnout was roughly 2.8 million voters, or 35%, with slightly more than half of all votes coming by mail under a new state law that permits mail-in ballots, no matter the reason. The primary was postponed from April 28 to June 2 because of the coronavirus pandemic.

The election, which featured the first use of new paper-record voting machines in 22 of 67 counties, did have some hitches, including ballots that were too large for machines in Bucks County, said Department of State spokeswoman Wanda Murren. The paper was apparently trimmed by hand so it could be tabulated properly, she said.

In Lancaster County, the print on some paper ballots was too light for machine scanners to read, so those ballots were secured and sent to the county elections office for counting, Murren said.

She said Allegheny County, home to Pittsburgh, was able to successfully handle the state's largest number of mail-in ballots in part because it purchased top quality high-capacity scanners and machines to open envelopes. Murren encouraged other counties to use federal grant money to make similar equipment upgrades.

Counties should also consider boosting the number of workers, and the Legislature could help ease the pressure on Election Day by letting workers open and process mail-in ballots earlier, she said.



Lisa Schaefer, executive director of the County Commissioners

Association of Pennsylvania, whose members run the nuts and bolts of voting in the state, said the issues that did arise were not systemic or statewide problems.

“The primary went as smoothly as we could have hoped, given the perfect storm of challenges we faced trying to hold an election in this atmosphere,” Schaefer said.

County election directors have raised concerns, however, that the greatly expanded mail-in system also generated far more provisional ballots than in comparable primaries, she said. Voters who applied for mail-in ballots and did not receive theirs or wanted to vote in person were directed to fill out a provisional ballot, which has to be checked for eligibility and duplication.

That’s a challenge they hope to address before facing the much greater turnout that is expected during the presidential election in November.

Candidates and their supporters have been watching results come in over the past week, including for the Democratic primary for auditor general. Former Philadelphia deputy mayor Nina Ahmad currently leads Pittsburgh city Controller Michael Lamb by about 2 percentage points in that race, according to the Department of State.

In legislative contests, at least four Democratic incumbents from Philadelphia and its suburbs lost in the primary – Sens. Larry Farnese and Daylin Leach, and Reps. Maria Donatucci and Roni Green.

Farnese lost to Nikil Saval, a writer and democratic socialist, while Leach was defeated by Amanda Cappelletti, a lawyer and township supervisor.



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A fifth incumbent state lawmaker, Rep. Adam Ravenstahl, D-Allegheny, also lost.

Other sitting legislators are in close races, according to the state's running tally.

Rep. Peter Schweyer, D-Lehigh, is up by about 50 votes. Rep. Mike Puskaric, a Washington County Republican, is clinging to a lead of fewer than 200 votes. And Rep. James Roebuck, a west Philadelphia Democrat first elected in 1985, is trailing by more than 400 votes.

There are also tight races in the primaries to succeed retiring state Reps. Rosita Youngblood, D-Philadelphia; Rep. Mark Keller, R-Perry; and Rep. Mike Tobash, R-Schuylkill. None of those races had opposite-party candidates in the primary.

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# Pandemic Forces Philadelphia Elections Officials To Consolidate Polling Sites By 75% For Primary

By Alecia Reid May 13, 2020 at 6:29 pm Filed Under: coronavirus, Election, Local, Local TV



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PHILADELPHIA (CBS) – The new primary elections date caused by the pandemic is fast approaching. So far, Pennsylvania officials say nearly 1 million voters have applied for a mail-in ballot.

There's no playbook for elections during a pandemic. Here in Philly, you want to make sure you're paying attention to all the changes.

It takes each voter an average of three minutes, according to the Philadelphia Election Board.

"Every effort was made to keep contested races together," an official said.

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On Wednesday morning, city commissioners announced a massive consolidation of polling sites, down to only 190 – over 75% reduction due to COVID-19.

They're introducing a new concept, called zones, by grouping divisions into consolidated sites. Geography, population concerns and SEPTA availability were also considered.



Police: Alimamy Sesay Arrested For Crash That Killed 2 Children In Juniata Park

"The ability to hold that election must come first. The shortages of polling places and poll workers necessitates that we must take action to stand up an election," said Lisa Marie Deeley, chair of Philadelphia elections.

### President Trump To Announce National Strategic Stockpile 2.0 Initiative During Lehigh County Visit

There's a lot of concern and anxiety surrounding the pandemic. The majority of poll workers are elderly volunteers and many have said due to heightened risk, they are unavailable.

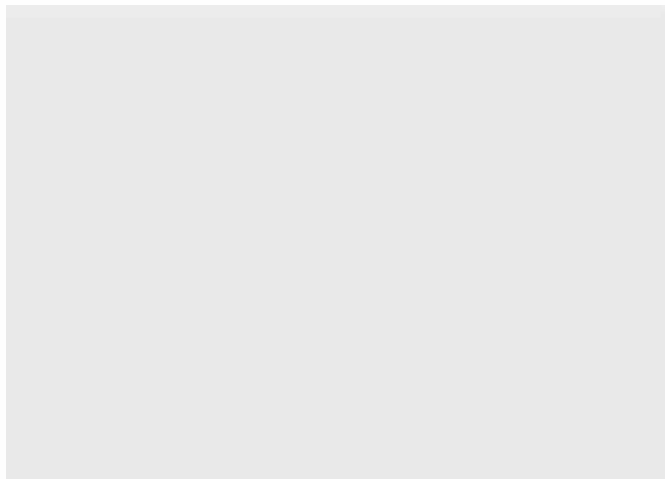
To incentivize people to come out to work, commissioners approved \$200 pay and \$50 for training.

Additionally, they're looking for assistance from the National Guard.

"I think that the trade-off is that you have to respect those men and women in the National Guard for serving their country and serving the community. If it ends up with a smoothly run Election Day, then I think it's well worth it," said David Thornburgh, president and CEO of the Committee of Seventy.

You have until May 26 to request a mail-in or absentee ballot. For a list of polling places by zone, [click here](#).

Pennsylvania's election is scheduled for June 2, while New Jersey and Delaware will hold theirs on July 7.



Taboola Feed



### Man Wanted For Attempting To Sexually Assault Woman With 2 Children In Holmesburg In Custody, Police Say

Police say they have a suspect in custody, wanted for attempting to sexually assault a woman in front of her children.

### Joe Biden's Lead Over President Trump In Pennsylvania Slipping, Monmouth Poll Shows

President Trump was trailing Biden by 13 points in July.



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# Exhibit AK

MIKE TURZAI  
Speaker of the House

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**House of Representatives**  
Commonwealth of Pennsylvania  
Harrisburg

125 Hillvue Lane  
First Floor  
Pittsburgh, PA 15237  
Phone: (412) 369-2230

May 21, 2020

Kathryn Boockvar  
Secretary  
Pennsylvania Department of State  
302 North Office Building  
Harrisburg, Pennsylvania 17120

\*\*\* HAND DELIVERED \*\*\*

Dear Secretary Boockvar:

We are writing as a follow up to our conversation Tuesday concerning the Pennsylvania Department of State's conveniently undated letter of approval to Allegheny County's recent application to the Department to drastically consolidate in-person voting locations for the upcoming Primary Election. Written by Deputy Secretary of Elections and Commissions Jonathan Marks, the undated letter was written to "Allegheny County Officials", not to legislators. The letter does not seem to have been published in a public forum.

It is apparent, based on our conversation, that the Department of State has not done its diligence in discharging its statutory responsibilities as outlined Article XVIII-B, specifically, § 1802-B(A)(3):

(3) Two or more polling places may be consolidated, except that the consolidation of polling places may not result in more than a 60% reduction of polling place locations in the county, except for necessitous circumstances and as approved by the Department of State. Two or more polling places may be located in the same building.

Allegheny County has 1,218,000 citizens who live in 130 municipalities. According to a letter dated April 27, 2020 (on which no legislator is copied), written by Jerry Tyskiewicz, Director, Department of Administrative Services of Allegheny County, to Secretary Boockvar, the County presently has "1,323 polling places." In that letter, Tyskiewicz seeks to reduce the "polling place locations to no fewer than 138 polling place locations" for the June 2, 2020 primary election. On May 15, 2020 Allegheny County's Amie Downs issued a press release setting forth a reduced list which, given our count, included 147 "polling place locations." In the undated letter written by Jonathan Marks, the Deputy Secretary of Elections and Commissions, Allegheny County was authorized to reduce the number to "211 polling places" for the June 2, 2020 primary.

We do not believe that it was necessary to reduce any number of polling places for this primary election on June 2, 2020, for the reasons enumerated later in this letter and would ask that all polling places be restored.

Using Director Tyskiewicz's number of "1,323 polling places," we recognize that the Allegheny County Board of Elections had the statutory authority, for this primary election only, to reduce polling places down to 530 without seeking Department of State approval. Even such a decision, however, would have been unwise and unnecessary. Clearly, the authorization to reduce them to 211 requires Department of State approval because it is beneath the 530 statutory limit, but that can only be done for "necessitous circumstances." This standard was clearly not met and the statute has been violated for the reasons set forth below.

While the necessity to reduce polling places was contemplated in permitting these changes, it was weighed against the value of allowing as much open access to voters as possible and avoiding large-scale gathering of people, which is entirely consistent with the Pennsylvania Department of Health's and the Centers for Disease Control and Prevention's guidelines to assist in reducing the spread of COVID-19. In this instance:

- 1) No material evidence was provided to justify the reduction in polls below 530 polling places. Therefore, not only were "necessitous circumstances" not demonstrated, there were not even any "circumstances" demonstrated.
- 2) There was no notice provided prior to Allegheny County's "here's the plan" press release on the afternoon of May 15. No legislators from Allegheny County were copied on the April 27 Tyskiewicz letter nor was the letter made public. The undated letter of approval to reduce polls to "211 polling places" signed by Deputy Secretary Marks was to Allegheny County Officials. It was not a public document.
- 3) Finally, the Department of State's decision in the undated letter is untimely.

Further, not only is the decision violative of the statute as set forth above, the decision to reduce the number of polling locations on the primary date is an affront to good faith decision making in a democracy and to rational and fair public policy. Secretary Boockvar, your approval of Allegheny County's ill-conceived plan was not just unjustified, it threatens the public health, promotes voter disenfranchisement, and will result in severe voter confusion that undermines the core of our Republic – free and fair elections. This is problematic for the following reasons:

- 1) It effectively disenfranchises voters who will go to their regular polling place, which will not be there, and they will simply go home frustrated.
- 2) It disenfranchises voters who will see longer lines and less social distancing and will leave without voting.
- 3) There was no public notice of these changes until they were announced on Friday, May 15<sup>th</sup> by a press release. This was 18 days before election day.
- 4) There is no evidence that a significant number of poll workers were contacted to determine whether they could adequately staff their polls on election day.
- 5) There was no input sought from legislators with respect to this proposal.
- 6) There is no data that was presented to support reducing polling locations or to suggest that it would be safer. In fact, the data is to the contrary. By way of example, Allegheny County has 1,218,000 citizens. Sadly, as of May 18, 2020, we have suffered the loss of 143 of our county's

fellow citizens attributable to COVID-19. Of those 143 citizens, 112 were residents of nursing homes, personal care homes or assisted living facilities. That means that 78 percent of those whose death was attributable to COVID-19 in Allegheny County lived in a senior setting. The risk to the general population is significantly lower and did not necessitate any change.

- 7) The approved consolidation plan, however, increases that risk as it artificially concentrates voters into consolidated polling places. It is less safe to funnel more voters into fewer locations and is completely at odds with the recommendation of social distancing.

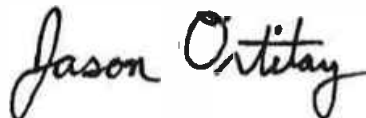
In our conversation, the Department offered no coherent or legal reason why it approved Allegheny County's request to dramatically limit access to in-person voting. The reason is clear – there truly is not and never was a “necessitous circumstance” as required by the law. Instead, the Department merely accepted Allegheny County's deficient application rather than investigate and make independent determinations about the necessity of the proposed changes. That failure, coupled with the approval the Department has issued, raises serious questions regarding the Department's commitment to the statutory obligations under Act 12 of 2020.

Given these facts, we insist that the Department revise its approval of Allegheny County's application and immediately require the County to return to the standard “1,323 polling places.” At a minimum, the County must be required to allow for at least 530 polling locations in 530 separate buildings based on an equitable pro rata basis.

Sincerely,



Mike Turzai  
Speaker, Pennsylvania House of Representatives  
Member, 28th Legislative District



Jason Ortity  
Member, 46<sup>th</sup> Legislative District



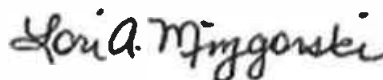
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Member, 40th Legislative District



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30th Legislative District

Cc: Honorable Tom Wolf, Governor of Pennsylvania  
Other Allegheny County State Senators and State Representatives

# Exhibit AL

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## Tens of thousands of Pennsylvania mail ballots were turned in after the deadline. November could be worse.

by Jonathan Lai, Updated: June 10, 2020



PHILADELPHIA CITY COMMISSIONERS



Tens of thousands of Pennsylvania voters were almost disenfranchised last week. Thousands of others actually were.

And things could be even worse in November.

That's the clear takeaway from a review of state data on mail ballots, along with interviews with elections officials in several of Pennsylvania's largest counties: Tens of thousands of ballots arrived in the week after the June 2 primary election, and thousands more voters who applied to vote by mail ended up using provisional ballots at the polls instead.

<https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>

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Most of those votes will be counted after [orders from Gov. Tom Wolf](#) and [judges extending ballot deadlines specific counties](#). But that leaves thousands of votes in the rest of the state uncounted. And those orders applied only to this election, leaving in place what many election officials say are problematic deadlines that will continue to ensnare voters in November and future elections.

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“These deadlines have real consequences,” said Delaware County Council Member Christine Reuther. “An one of them is, people are going to be disenfranchised.”

It’s a problem that Reuther and other [elections officials across the state had warned about](#). A new state law allowing anyone to vote by mail and coronavirus fears of voting in person led to a massive volume of mail ballots. The pandemic also made the mail ballot process slower than normal, they said, in part because of unpredictable delivery times. Officials warned that thousands or even tens of thousands of voters would receive their ballots too late to return them.

**PENNSYLVANIA 2020 NEWSLETTER**

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In Philadelphia alone, officials said, more than 14,600 ballots arrived after the deadline. Allegheny County 9,400. Montgomery County had more than 5,800, Delaware County had 2,500, and Bucks County had more than 1,200. Those were among the counties that received extensions and will have most of those late ballot counted.

Others received no extension, including Chester County, which had 1,600 ballots arrive late. The numbers much lower in the rest of the state's smaller counties, such as Northampton with its 300 late ballots. But the numbers likely add up to thousands of rejected votes.

The number could be as high as 75,700 late ballots statewide, according to data from the Pennsylvania Department of State, which oversees elections. But that data did not align with what some counties report and is based on a system that for technical reasons overstates the numbers. That data showed 8,680 late ballots in counties that did not have extensions.

Donald Trump's 2016 margin of victory in the state was 44,000 votes, or about 0.7%.



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"We've been saying what was going to happen, and nobody was listening to us, and it happened," said Debo Olivieri, elections director for Berks County, which had "a couple hundred" ballots arrive after the deadline. He hopes they'll listen to us now."

The struggle to count the flood of mail ballots has left numerous races without a clear winner a week after election day.

» ***READ MORE: Pennsylvania held an election. We won't know the results for days. Here's what that means for November.***

<https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>

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The counties also saw a significant spike in provisional ballots, which are paper ballots used at polling places when a voter's status has to be confirmed after election day. Elections officials said most of the provisional ballots were used by voters who had applied for mail ballots and were unable to return them in time, as sign deadlines were too tight. Bucks County, for example, had about 2,500 provisional ballots, far surpassing the previous record of 400. Almost 1,600 of them were from people who had requested mail ballots.

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It's also impossible to know how many voters simply didn't cast a ballot, choosing to sit out the election because they could not meet the mail deadline.

There are always some voters who turn in their ballots too late, and not every late arrival means a voter was silenced. Some people who sent mail ballots too late may have also voted using provisional ballots. Wolf [ordered late-arriving ballots to be counted in six counties](#), including Philadelphia, if they were postmarked on election day.

And as always, some voters sent their ballots in after election day itself, which isn't allowed. Out of Allegheny County's 9,400 or so late-arriving mail ballots, about 6,800 were postmarked by election day and will be counted under Wolf's order. But 2,600 were not.

"No matter what the deadline is, there are always going to be late ones; people wait until the last minute," said Tim Benyo, the chief elections clerk for Lehigh County. "It's going to happen every time. I don't know what fix is."

He's not the only one who's unsure of a solution. Some elections officials and lawmakers want an earlier deadline for requesting a ballot. Others suggest a later deadline for returning them, [and multiple lawsuits have sought such an extension](#). Others propose a combination of the two or some other method.

» ***READ MORE: [The Pennsylvania primary wasn't a disaster. But it showed there's work to do before November](#)***

Whatever the fix, elections administrators generally agree on one thing: The current timeline shuts out so many voters.

Voters can apply for mail ballots up to one week before election day, and the ballots must be returned to elections officials by 8 p.m. on election day. For voters who apply at the deadline, that leaves just one week for elections officials to process and approve applications, print and prepare ballots, and mail them to voters - then for voters to fill out the ballot and mail it back.

But some of those steps can take a day or two if not more, and the pandemic exacerbated that.

"It's insufficient and unrealistic that anyone could ever apply for a ballot on or, frankly, near the deadline and have any faith that it would be returned by 8 p.m." one week later, said Lee Soltysiak, Montgomery County's chief operating officer and the clerk of its elections board. "It's not realistic. It's disingenuous to suggest it's even possible."

State lawmakers should change the deadlines, county officials said.

"They should have introduced something the day after the election. It was so obvious," said Diane M. Ellis-Marseglia, chair of the Bucks County commissioners.

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<https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-election-20200610.html>

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Olivieri was hopeful that evidence of the problem will spur a change.


“We’re not just talking [about change] because we don’t want to deal with it, we’re talking because we know what’s going to come down the road,” she said. “I just hope they listen to us now. We’re not crying wolf or ‘t sky is falling’ for no reason.”

Posted: June 10, 2020 - 5:00 AM



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# Exhibit AM

**IN THE SUPREME COURT OF PENNSYLVANIA**

MELINDA DELISLE, *et al.*,  
Petitioners,

v.

KATHY BOOCKVAR, in her capacity  
as Secretary of the Commonwealth of  
Pennsylvania, *et al.*,

Respondents.

No. 95 MM 2020

**RESPONDENTS' RESPONSE IN OPPOSITION TO EMERGENCY  
APPLICATION FOR SPECIAL RELIEF  
IN THE NATURE OF A PRELIMINARY INJUNCTION**

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Respondents, Secretary of the Commonwealth Kathy Boockvar and Jessica Mathis, Director of the Bureau of Election Services and Notaries of the Pennsylvania Department of State, submit the following Memorandum of Law in response to Petitioners' Application for Special Relief in the Nature of a Preliminary Injunction.

## **I. INTRODUCTION**

A month ago, a group of petitioners filed suit against Respondents in this Court, seeking relief substantially similar to what Petitioners seek here. The petitioners alleged that the COVID-19 crisis would shortly cause a statewide breakdown of the counties' ability to process applications for mail in and absentee ballots and to distribute those ballots. This breakdown, they alleged, along with a failing postal system and "exponential" increases in applications, would threaten to disenfranchise tens or hundreds of thousands of Pennsylvania voters. The petitioners contended that in order to protect Pennsylvania voters' rights in the June 2, 2020 primary election and the November 3, 2020 general election, the Court should issue an injunction requiring all of Pennsylvania's counties to accept absentee and mail in ballots after the election day deadline for submitting them.

Respondents countered that Petitioners could only speculate that such a crisis was imminent, and that Petitioners had presented no concrete evidence that could justify overturning a statutory deadline. They presented evidence that the

counties appeared to be meeting the challenge posed by the ballot application process, although there was significant variation among counties. Respondents pointed out that the courts could revisit the issue if a crisis in the absentee and mail in balloting process were to develop, and that any such crisis would likely be limited to a small number of counties, and could likely be remedied on a countywide scale. Respondents also filed Preliminary Objections, one of which argued that the petitioners' claims were too speculative to state a claim. This Court granted this Preliminary Objection. *See Disability Rights Pennsylvania v. Boockvar*, No. 83 MM 2020, (Pa. May 15, 2020) and Concurring Statement of Wecht, J. dated May 15, 2020.

In the current lawsuit, Petitioners assert that “[T]hings have changed.” Memorandum in Support of Petitioners’ Application (“Br.”) at 1. But even according to Petitioners, things have not changed very much, and the current situation is in line with Respondents’ predictions a month ago. Petitioners—residents of three Pennsylvania counties—present evidence that four counties, at most, may face delays in processing of mail-in and absentee ballot applications. While Petitioners’ allegations might, in theory and if true, justify an extension of deadlines in those counties, they provide no basis for a Court to find that Pennsylvania’s statutory ballot return deadline is unconstitutional and enjoin its

application statewide. The relief Petitioners seek goes too far, and the Court should deny their Application.

## II. FACTUAL AND PROCEDURAL BACKGROUND

### A. Background of the Statutory Deadline at Issue

#### 1. Act 77 of 2019 Provides for Mail-In Balloting and an Extended Return Deadline

Until late 2019, the Pennsylvania Election Code provided for two methods of voting: in-person voting on election day, or, for electors who were unable to vote in person for various reasons, voting by absentee ballot. The deadline for applying for absentee ballots was 5:00 p.m. on the Tuesday before an election, and the deadline for returning completed absentee ballots was 72 hours later, 5:00 p.m. on the Friday before the election. On October 31, 2019, Governor Thomas Wolf signed into law Act 77 of 2019,<sup>1</sup> which made significant changes to many aspects of the Election Code. *See* Declaration of Jonathan Marks dated May 11, 2020, attached as Exhibit A (“May 11 Marks Decl.”),<sup>2</sup> ¶ 1. Among other changes, Act 77 provided for mail-in ballots, available to any voter who did not meet the criteria for an absentee ballot. *Id.* ¶ 2. The deadline for applying for absentee ballots remained at 5:00 p.m. on the Tuesday before the election, with mail-in ballot

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<sup>1</sup> Act of Oct. 31, 2019 (P.L. 552, No. 77), 2019 Pa. Legis. Serv. Act. 2019-77 (S.B. 421) (West).

<sup>2</sup> This Declaration was originally submitted in this Court on May 11, 2020, in the matter of *Disability Rights Pennsylvania v. Boockvar*, No. 83 MM 2020.

applications due at the same time. *Id.* ¶ 3. Act 77 extended the deadline for receipt of voted ballots, however, by more than four days, from 5:00 p.m. on the Friday before the election to 8:00 p.m. on the day of the election. *Id.* ¶ 4.

After Act 77 took effect, the Department and Pennsylvania’s county boards of elections (the “counties”) expected that many voters would take advantage of the new mail-in ballot option. Throughout the winter of 2019-20, they accordingly prepared for a large increase in the number of ballots that voters would mail or deliver to the counties. *Id.* ¶ 6. The mail-in and absentee ballot options, however, took on a new importance when the COVID-19 crisis reached Pennsylvania.

## **2. The General Assembly Amends the Election Code a Second Time to Respond to the COVID-19 Crisis**

In March 2020, as Pennsylvania suffered its first COVID-19 deaths and emergency measures took hold, Pennsylvania’s executive and legislative branches considered steps to protect voters in the primary election, then scheduled for April 28, 2020. On March 27, 2020, the Governor signed into law Act 12 of 2020, which amended the Election Code to, among other things, postpone the primary election for five weeks to June 2, 2020. *Id.* ¶¶ 7–9; Act of Mar. 27, 2020 (P.L. 41, No. 12), sec. 16, § 1804-B(a), 2020 Pa. Legis. Serv. Act 2020-12 (S.B. 422) (West). Act 12 also provided that in the 2020 primary election, counties would have greater flexibility than usual in relocating and consolidating polling places and recruiting poll workers. May 11 Marks Decl. ¶ 10. The new statute also

included permanent provisions designed to ease the processing of absentee and mail-in ballots; for example, counties are now permitted to begin pre-canvassing those ballots at 7 a.m. on election day, rather than after the polls close. *Id.* Act 12 did not, however, make any changes to the deadline for returning absentee and mail-in ballots.

**B. The Department and the Counties' Efforts to Protect Voters and the Voting Process in the Face of the Crisis**

**1. The Statewide Efforts to Ease In-Person Voting and Encourage Voting by Mail**

The Department, the counties, and many others have worked nonstop to ensure that voting in the primary election will be as safe and as convenient as possible, despite the challenges posed by the health risks involved. The intensity of these efforts varies by region, because COVID-19 has had different effects in different areas of the Commonwealth. On May 8, 2020, as part of a phased reopening plan, Governor Wolf lifted portions of the COVID-19 restrictions that had been imposed on 24 of the Commonwealth's 67 counties, and announced that restrictions would be lifted in 13 additional counties on May 15, 2020. Decl. of M. Hangle, Exs. 1 and 2.<sup>3</sup> On May 22, Governor Wolf lifted restrictions on an additional eight counties, and 17 of the counties that had already seen relaxed

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<sup>3</sup> <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx>; <https://www.governor.pa.gov/newsroom/gov-wolf-announces-13-counties-will-move-to-yellow-phase-of-reopening-on-may-15/>.



restrictions were transitioned to the final “green” stage of reopening. Decl. of M. Hangle, Ex. 3.<sup>4</sup> Thus, on primary election day, though full stay-at-home restrictions will be in effect in some regions, significant portions of the Commonwealth will have relaxed their stay-at-home rules.

Counties have for some time been planning ways to adapt in-person election day voting to the constraints caused by the pandemic. They have consolidated polling places to allow for reductions in the numbers of available poll workers and have facilitated social distancing and personal protection for poll workers and voters. The Department has assisted with these measures, and has provided counties with \$13 million in sub-grants of federal funds for necessary staff and equipment. May 11 Marks Decl. ¶¶ 11–15.

The Department, the counties, and third parties have also attempted to ease crowding at polling places by encouraging voters to vote by mail-in or absentee ballot. *Id.* ¶ 16. During the application period, which ended on May 26, 2020, the Commonwealth made a range of options available for voters to request these ballots. Voters with drivers’ licenses or other state-issued identification could apply for these ballots electronically on the Department’s website. Other voters could download and print their own applications or request them by mail, email, or

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<sup>4</sup> <https://www.governor.pa.gov/newsroom/gov-wolf-adds-eight-counties-to-yellow-and-17-to-green-on-may-29-remainder-to-yellow-on-june-5/>.

telephone from their county election office or from the Department. *Id.* ¶ 17. In counties where election offices have reopened to the public, voters could also request ballots in person, fill them out, and submit them in one visit. *Id.* Some counties mailed applications to every registered voter. *Id.* ¶ 22. Third parties, such as nonprofits, public officials, and political campaigns, also made applications available. *Id.* ¶¶ 18–19.

The Commonwealth did not simply make mail-in and absentee ballots available; it engaged in an unprecedented campaign to encourage voters to take advantage of these procedures by applying for and returning their ballots promptly. The Commonwealth educated citizens about the availability of and deadlines for mail-in and absentee ballots with, for example, Governor Wolf’s COVID-19 updates; postcards mailed to all registered primary voters (voters registered as Democrats or Republicans); email notifications to voters; bilingual statewide television, radio, and streaming online broadcasts; communications from various Pennsylvania agencies; and Commonwealth websites. *Id.* ¶¶ 19–22. Individual counties also bombarded their registered voters with information by mail and/or social media. *Id.* ¶ 22. Elected officials, political campaigns, parties, and public interest groups likewise participated in these efforts, educating voters and making applications available to them. *Id.* ¶ 23. The Department assisted with these third party efforts with a Ready to Vote Toolkit, which provides a library of templates

for materials that third parties can use to educate the public about the upcoming election and the availability of mail-in voting. *Id.* ¶ 19.

## **2. Voters Responded to These Efforts to Solicit Ballot Applications**

This push to encourage mail-in and absentee voting was highly successful. As of May 18, nearly 1.5 million people had applied for ballots. *See* Declaration of Jonathan Marks dated May 18, 2020, attached as Exhibit B (“May 18 Marks Decl.”), ¶ 29. By Wednesday, May 21, that number had risen to more than 1.7 million. *See* Declaration of Jonathan Marks dated May 22, 2020, attached as Exhibit C. (“May 22 Marks Decl.”), ¶ 5. As of May 22,<sup>5</sup> the overwhelming majority of counties had kept pace with ballot applications. *Id.* ¶ 3. The counties had approved 1,528,212, or approximately 90%, of absentee and mail-in ballot applications. *Id.* ¶ 6. Additionally, counties had mailed 1,459,871 million ballots, resolving 96% of the applications approved so far. *Id.* ¶ 7.

Throughout the application period, all of Pennsylvania’s counties worked diligently to keep up with an unprecedented number of applications. Many counties engaged in heroic efforts, particularly as the election approached. In Philadelphia, for example, Mayor Kenney requested that each city department send

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<sup>5</sup> Respondents are in the process of collecting application data through the May 26 close of the application window. Unless the Court instructs otherwise, Respondents will file updated data shortly.

between three and five employees to work over Memorial Day weekend to process recently received ballots. Decl. of M. Hangle, Ex. 4.<sup>6</sup> As of the day before the deadline for applications, Philadelphia had processed every absentee or mail-in ballot application that it had received. Decl. of M. Hangle, Ex. 5.<sup>7</sup> In Allegheny County, four times the normal number of Allegheny County elections staff worked across three shifts, 24 hours a day, to process ballots. Decl. of M. Hangle, Ex. 7.<sup>8</sup> Other counties, such as Montgomery County, have installed drop-boxes at which voters submit absentee and mail-in ballots to ensure delivery before the June 2 submission deadline. Br., Ex. B.

**C. Petitioners' Allegations Show, at Most, Isolated Challenges in a Handful of Counties**

**1. Petitioners Present No Admissible Evidence to Back Up Their Predictions of a Statewide Balloting Catastrophe**

Like the petitioners in *Disability Rights*, Petitioners here state that the COVID-19 crisis is overwhelming counties across the state in their efforts to keep up with mail-in and absentee ballot applications. But Petitioners rely exclusively on evidence describing Allegheny, Delaware, Montgomery, and Philadelphia

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<sup>6</sup> <https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-20200526.html>.

<sup>7</sup> <https://twitter.com/PhillyVotes/status/1265052824028753920>.

<sup>8</sup> <https://triblive.com/local/valley-news-dispatch/allegheny-county-election-officials-promise-mail-in-ballots-will-arrive-soon/>

counties. They do not offer *any* testimony or other evidence that would allow the Court to conclude that delays are occurring—let alone will occur—elsewhere in the Commonwealth.

First, Petitioners state that “the number of absentee and mail-in ballot applications for the June 2, 2020 primary have surpassed election officials’ expectations by orders of magnitude.” Br. at 10. That so many voters have taken advantage of absentee and mail-in voting, however, simply shows that the Commonwealth and the counties have succeeded in their efforts to publicize the historic changes made by Act 77 and to alleviate potential risks associated with in-person voting and COVID-19. As long as the counties have been able to keep up with their applications, volume, by itself, is not evidence of statewide constitutional violations.

Second, Petitioners allege that “just 11 days before the primary, *241,270* voters had submitted an application for an absentee or mail-in ballot but had not yet been sent a ballot by their county board of elections.” Br. at 2 (emphasis in original) (citing May 22 Marks Decl. ¶ 4). This is correct, but proves nothing; ballots cannot be mailed instantaneously, and for as long as applications are being accepted, there will always be a number of applications that counties have not yet addressed.

Third, Petitioners assert that Pennsylvania’s county boards of elections are losing control of the application process and have developed “extreme backlogs and delays” in approving applications and sending blank ballots to approved voters. Br. at 11. But Petitioners only present evidence of “backlogs” in four counties:

**Allegheny County:** Petitioners cite the May 22 Marks Declaration for the proposition that, “[a]s of May 21, Allegheny County had approved 222,757 applications but mailed out only 205,656, making for a backlog of over 17,000 ballots that had not yet been sent to voters. The backlog will only increase as Allegheny receives more mail ballot applications between May 22 and the May 26 deadline.” Br. at 13. Rather than supporting Petitioners’ assertion of a “backlog” in Allegheny County, the statistics cited show that, as of last week, the County had processed more than 92% of its applications. Over Memorial Day weekend, the County finished processing its outstanding applications. Decl. of M. Hangle, Ex. 7.<sup>9</sup>

**Philadelphia County:** Petitioners cite the May 22 Marks Declaration for the proposition that, “[a]s of May 21, Philadelphia County had received 181,655 applications, rejected 2,114 of them, approved 159,772, and mailed out 142,836

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<sup>9</sup> <https://www.post-gazette.com/news/politics-local/2020/05/27/Primary-2020-Allegheny-County-voters-mail-in-ballots/stories/202005270092>

ballots’ . . . making for a total backlog of 36,705 applications[.]” Br. at 12–13. As described above, this data is now out-of-date, and as of May 25, Philadelphia had cleared its then-existing backlog. Decl. of M. Hangle, Ex. 5.<sup>10</sup>

**Montgomery County:** Petitioners cite the May 22 Marks Declaration for the proposition that, ““for reasons not within Montgomery County’s control, many ballots that the county has mailed have been delayed in arriving at voters’ homes,’ and that ‘[t]hese delays may make it more difficult for voters who requested ballots well in advance of the application deadline to return those ballots on time.’” Br. at 14.

**Delaware County:** Petitioners cite the May 22 Marks Declaration for the proposition that, “as of May 21, ‘Delaware County had received 78,333 applications, rejected 4,290 of them, approved 53,851, and mailed out 42,904 ballots.’ . . . That makes for a total backlog of 31,139 applications, which is an astounding 40% of the total applications received in Delaware County.” Br. at 13.

Taken together, these statistics support that, at most, there are or were issues processing absentee and mail-in ballot applications in four counties. In any event, these statistics do not establish a broader trend. Rather, they are likely attributable

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<sup>10</sup> <https://twitter.com/PhillyVotes/status/1265052824028753920>.

to the fact that some of the most populous counties in the Commonwealth were also among the counties hardest hit by COVID-19.<sup>11</sup>

The fourth prong of Petitioners’ argument that voters will be disenfranchised is that delays in USPS service are unduly delaying application and ballot mailings. *See* Br. at 14, 15. According to Petitioners, “the Department of State now admits that such postal delays do exist and will make it ‘more difficult for voters . . . to return [their] ballots on time.’” Br. at 15 (quoting May 22 Marks Decl. ¶ 12). But a review of the untruncated statement from the May 22 Marks Declaration shows that Petitioners have omitted key details: the referenced delays occurred *only in Montgomery County*. May 22 Marks Decl. ¶ 12. Petitioners have not presented evidence of mail delays anywhere else.

**2. The Problems That Petitioners Have Identified Appear to Be County-Level Issues With County-Level Solutions**

Respondents agree with Petitioners that a breakdown in the absentee and mail-in ballot system anywhere in the Commonwealth is unacceptable; for that reason, Respondents have done as much as they can to prevent such breakdowns. Moreover, Respondents agree that if a breakdown in the system rises to the level of a Constitutional deprivation, there should be a remedy, and an extension of the

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<sup>11</sup> Petitioners’ brief includes a map depicting COVID-19 cases by county. Br. at 9. The map shows that Allegheny County and the counties around and including Philadelphia had the most COVID-19 diagnoses. *Id.*



ballot receipt deadline might be an appropriate remedy. Here, however, although Petitioners have presented evidence of problems in at most four counties, they insist that county-level relief is not appropriate and only a statewide injunction will do. Br. at 5. Petitioners present no reason to believe that these problems will spread from county to county. Each county is different; each processes its own ballot applications, sends out its own ballots, runs its own polling places, and allocates its own resources. Social distancing rules have been lifted to a greater extent in some parts of the Commonwealth than in others. In places where problems have developed, it is possible and appropriate to handle them on a countywide basis, as occurred in Montgomery County in 2016, and with a shorter extension than that proposed here. *See* Br. Ex. V (order of Montgomery County Court of Common Pleas extending ballot return deadline until 8:00 p.m. on election day).

**D. Potential Consequences of a Grant of the Relief Sought**

Petitioners contend that “sent-by-election-day rules are manageable and impose no significant administrative burden.” Br. at 34. Under current circumstances, however, a statewide, seven-day extension of the ballot receipt deadline could have negative consequences, even beyond the separation of powers concerns that are always implicated when a court sets aside a piece of legislation. First, to grant such an extension now could have unintended counterproductive

effects. Counties, which have many pressing responsibilities, might let up on their intense efforts to process applications quickly by reversing staff increases or focusing their efforts on other tasks. Voters might decide to delay returning their ballots. May 11 Marks Decl. ¶ 51.

Second, an extension of the ballot receipt deadline will cause cascading complications and delays in the entire election management process. Counties will have to put in place an entirely new set of processes for making determinations about what postmarks mean and, potentially, allowing for challenges regarding envelopes with illegible or absent postmarks. May 11 Marks Decl. ¶ 54–55. They will also have to hold off on adjudicating provisional ballots until the seventh day after the election, because they cannot count a provisional ballot until they have determined whether the voter also returned an absentee or mail-in ballot.

Accordingly, the seven-day extension requested could turn into a delay of results until more than a week after the primary election. May 11 Marks Decl. ¶¶ 58.

This delay, in turn, will threaten the following statutory deadlines: The deadline by which proof of identification for absentee and mail-in ballots must be received and verified under 25 P.S. § 3146.8(h); the deadline for counties to submit unofficial election returns to the Secretary of the Commonwealth under 25 P.S. § 3154(f); the deadline for a defeated candidate to request that a recount and

recanvass not be made under 25 P.S. § 3154(h); and the deadline for the Secretary of the Commonwealth to order a recount or recanvass under 25 P.S. § 3154(g)(2).

### III. ARGUMENT

To obtain a preliminary injunction, a party must satisfy every one of several “essential prerequisites”: (1) “that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest” – that is, “that it is likely to prevail on the merits”; (2) “that an injunction is necessary to prevent immediate and irreparable harm”; (3) that “greater injury would result from refusing an injunction than from granting it”; (4) that “a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct”; (5) that “the injunction ... is reasonably suited to abate the offending activity”; and (6) that “a preliminary injunction will not adversely affect the public interest.” *Summit Towne Centre, Inc. v. Shoe Show of Rock Mount, Inc.*, 828 A.2d 995, 1001 (Pa. 2003).<sup>12</sup> Petitioners here cannot, at this juncture, establish the necessary elements for the specific relief that they seek from this Court: There is no basis to conclude that enforcement of the received-by deadline will result in a statewide unconstitutional deprivation of the right to vote; Petitioners have not alleged an irreparable statewide injury; the statewide injunction is not reasonably

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<sup>12</sup> To grant any relief, the Court must also of course have jurisdiction. Respondents agree with Petitioners that the Court has jurisdiction over the Petition for Review pursuant to Act 77. *See* Br. at 11, n. 5.

suiting to abate the offending activity because it would be grossly overbroad; and granting statewide relief would neither restore the status quo nor benefit the public interest.<sup>13</sup>

**A. Petitioners Cannot Establish the Requisite Likelihood of Success**

**1. As a General Matter, Petitioners Fail to Make Out a Claim of Statewide Unconstitutional Deprivation**

**(a) The Principles Governing Petitioners’ Constitutional Challenge to the Received-by Deadline**

The standard governing constitutional challenges to a duly enacted statute is well settled.

It is axiomatic that: “[A]ny party challenging the constitutionality of a statute must meet a heavy burden, for [courts] presume legislation to be constitutional absent a demonstration that the statute ‘clearly, palpably, and plainly’ violates the Constitution.” The presumption that legislative enactments are constitutional is strong. All doubts are to be resolved in favor of finding that the legislative enactment passes constitutional muster.

*Working Families Party v. Commonwealth*, 209 A.3d 270, 278-79 (Pa. 2019)

(internal citations omitted) (rejecting challenge to statute which prohibited nomination of single candidate by two or more political parties).

There is also a well-developed jurisprudence specifically addressing challenges to statutory election regulations. There is no question “that the right to

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<sup>13</sup> In addition to the arguments made here, Respondents’ Preliminary Objections provide further bases for denying relief.

vote is fundamental and ‘pervasive of other basic civil and political rights.’” *Banfield v. Cortes*, 110 A.3d 155, 176 (Pa. 2015) (quoting *Bergdoll v. Kane*, 731 A.2d 1261, 1269 (Pa. 1999)). Nonetheless, as explained by the United States Supreme Court in an opinion often cited by Pennsylvania courts, “[c]ommon sense, as well as constitutional law, compels the conclusion that government must play an active role in structuring elections; ‘as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.’” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (quoting *Storer v. Brown*, 415 U.S. 724, 730 (1974)); accord *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997).

These regulations “will invariably impose some burden upon individual voters. Each provision of a code, ‘whether it governs the registration and qualification of voters, the selection and eligibility of candidates, or the voting process itself, inevitably affects—at least to some degree—the individual’s right to vote and his right to associate with others for political ends.’” *Burdick*, 504 U.S. at 433 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983)). Recognizing that these incidental burdens are not typically matters of constitutional dimension, this Court has held that “the state may enact substantial regulation containing reasonable, non-discriminatory restrictions to ensure honest and fair elections that

proceed in an orderly and efficient manner.” *Banfield*, 110 A.3d at 176-77 (citing *In re Nader*, 905 A.2d 450, 459 (Pa. 2006)); accord *Burdick*, 504 U.S. at 434 (“[W]hen a state election law provision imposes only reasonable, nondiscriminatory restrictions upon the First and Fourteenth Amendment rights of voters, the State’s important regulatory interests are generally sufficient to justify the restrictions.” (internal quotation marks omitted)), cited by *Banfield*, 110 A.3d at 177.

Petitioners have not shown the statutory provision challenged here—namely, the requirement that mail-in and absentee ballots be received by county election boards by 8:00 p.m. on election day—to be anything other than such a “reasonable, non-discriminatory” regulation. As courts have repeatedly recognized, electoral deadlines directly promote “the public interest in the maintenance of order in the election process.” *Diaz v. Cobb*, 541 F. Supp. 2d 1319, 1335 (S.D. Fla. 2008) (rejecting challenge to registration deadline); accord, e.g., *Friedman v. Snipes*, 345 F. Supp. 2d 1356, 1373–78 (S.D. Fla. 2004) (rejecting challenge to deadline for receipt of absentee ballots by Supervisors of Election); *Mays v. LaRose*, 951 F.3d 775, 791–93 (6th Cir. 2020) (rejecting challenge to deadline for requesting absentee ballot); *Tex. Indep. Party v. Kirk*, 84 F.3d 178, 184–87 (5th Cir. 1996) (rejecting challenges to deadlines for a candidate to declare intent to run for office, for holding nominating conventions, and for filing petitions by minor-party and

independent candidates); *see also Burdick*, 504 U.S. at 437 (rejecting challenge to Hawaii’s prohibition on write-in candidates, given that state provided easy access to ballot until two months before the primary, so that any burden from the write-in prohibition “is borne only by those who fail to identify their candidate of choice until days before the primary”). The received-by deadline here promotes the recognized, important interest in the “‘orderly administration’ of elections,” *see Mays*, 951 F.3d at 787 (quoting *Crawford*, 553 U.S. at 196 (Stevens, J., announcing the judgment of the Court)), and, in particular, ensures that the tabulation of votes and determination of electoral outcomes can proceed immediately upon the conclusion of election day, and will not be delayed by the need to await the arrival of outstanding mail-in and absentee ballots.

Of course, every deadline, by its very nature, operates to deny the ability to vote to those who are unable or unwilling to comply with the timing requirement. But elections must take place at some definite time, and election-administration deadlines are needed to ensure the elections are orderly. Consistent with the principles discussed above, non-discriminatory, generally applicable deadlines with which most voters can easily comply are typically not deemed to impose a significant burden on the right to vote, notwithstanding that they may require some voters to make decisions or take action earlier than they would otherwise be inclined to do. *See id.* at 792 (“Even though this law may eliminate opportunities

to vote for electors who fail to register before the deadline, a state’s generally applicable registration cutoff imposes only a minimal burden on the right to vote.” (citing *Rosario v. Rockefeller*, 410 U.S. 752, 758 (1973)); see also *Burdick*, 504 U.S. at 437 (noting that the Court’s precedent “gave little weight to the interest ... in making a late rather than an early decision”);<sup>14</sup> *Rosario v. Rockefeller*, 410 U.S. 752 (1973) (rejecting challenge to statute imposing 11-month restriction on voters who wish to switch parties).

Petitioners here do not dispute that the received-by deadline serves important and legitimate regulatory interests. Indeed, they effectively concede that it is facially valid, asserting only an as-applied challenge based on COVID-19.

Respondents do not dispute that extraordinary events occurring close in time to an election may render a facially valid election deadline unconstitutional as applied, thus warranting judicial intervention. See, e.g., *Bostelmann*, 2020 WL

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<sup>14</sup> The restriction at issue in *Burdick* was Hawaii’s prohibition of write-in voting in its primary or general elections. The Supreme Court observed that, notwithstanding this prohibition, Hawaii’s electoral system “provides for easy access to the ballot until the cutoff date for the filing of nominating petitions, two months before the primary,” so that, as a practical matter, “any burden on voters’ freedom of choice and association” imposed by the write-in prohibition “is borne only by those who fail to identify their candidate of choice until days before the primary.” *Id.* at 436–37. Citing its statement in *Storer v. Brown*, 415 U.S. 724, 736 (1974), that “the interest [a] candidate and his supporters may have in making a later rather than an early decision to seek independent ballot status” is entitled to “little weight,” the Court concluded that “the same reasoning applies” to the write-in prohibition in *Burdick*. 504 U.S. at 437.



1638374 (extending deadline for receipt of absentee ballots), *stay granted in part*, *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 140 S. Ct. 1205 (2020) (leaving in place injunction that required election officials to count absentee ballots that were postmarked by statutory deadline, even if they were not received until later); *Fla. Democratic Party v. Scott*, 215 F. Supp. 3d 1250 (N.D. Fla. 2016) (extending voter registration deadline based on hurricane that hit Florida five days before deadline). Such circumstances may impose severe burdens on voters' ability to comply with the deadline at issue, if not effectively preclude them from doing so. At the same time, the last-minute nature of the crisis may effectively preclude any legislative response, leaving courts as the only institution realistically able to assess the situation and fashion any appropriate relief.

But in evaluating an as-applied constitutional challenge to an election regulation that, like the one at issue here, is plainly valid on its face, courts must scrupulously observe the distinction between a revision of the regulation that might be desirable as a policy matter and one *required as a matter of constitutional law*. *See Pantuso Motors, Inc. v. Corestates Bank, N.A.*, 798 A.2d 1277, 1283 (Pa. 2002) (“Manifestly, absent constitutional infirmity the courts of this Commonwealth may not refuse to enforce on grounds of public policy that which the Legislature has prescribed.”); *Finucane v. Pa. Milk Mktg. Bd.*, 582 A.2d 1152, 1154 (Pa. Commw. Ct. 1990) (“[T]he power of judicial review must not be used

as a means by which the court might substitute its judgment as to public policy for that of the legislature.’ The role of the judiciary is not to question the wisdom of the action of a legislative body, but only to see that it passes constitutional muster.” (quoting and citing *Parker v. Children’s Hosp. of Phila.*, 394 A.2d 932, 937 (Pa. 1978))).

Based on the facts alleged in the Petition, some counties or voters may be able to establish that, in a handful of counties, judicial intervention is required to avoid the likely deprivation of voters’ constitutional rights. Where, with respect to a particular election, specific counties are experiencing delays or issues that threaten to violate the constitutionally protected voting rights of their citizens, the Courts of Common Pleas are able to fashion appropriate relief. *See In re Gen. Election-1985*, 531 A.2d 836, 839 (Pa. Cmwlth. Ct. 1987) (affirming decision by Court of Common Pleas to suspend election in 11 election districts for two weeks, and rejecting request to hold new countywide election, after 11 election districts suffered flooding, loss of electricity, heat and water because of extreme weather). In appropriate circumstances, this Court could also narrowly tailor relief to address the issues in those counties. But the Petition for Review and requested statewide preliminary injunction are not limited to these specific counties. Given Petitioners’ claims and the relief they seek, Petitioners must establish a likelihood that, in the absence of such an extension, the deadline would result in a statewide burden on

the right to vote that “clearly, palpably, and plainly” violates the Constitution. As shown below, Petitioners have not made this showing.

**(b) Petitioners Have Not Shown a Likelihood That Applying the Facially Valid Received-by Deadline Will Effect a Statewide Constitutional Deprivation**

Petitioners rely exclusively on statistics taken from a declaration filed by Respondents in response to another, similar lawsuit and suggest that issues in four counties—some of which have since been overcome—are a bellwether for what they suggest is occurring throughout the Commonwealth. *See* Br. at 13–16 (“Given the now-admitted, extreme backlogs in processing absentee and mail-in ballot applications in certain counties, and the now-admitted delays in mail delivery in at least one heavily populated county, enforcing the received-by-election-day deadline for absentee and mail-in ballots in the June 2, 2020 primary will disenfranchise tens or hundreds of thousands of Pennsylvanians whose ballots will arrive after the deadline through no fault of the voter.”). But Petitioners fail to demonstrate any reason why the Court should assume that a showing of problems in four of the 67 counties in Pennsylvania make out a statewide constitutional violation warranting suspension of the statutory received-by deadline across the Commonwealth.

First, based on Petitioners’ allegations, it does not appear that the situation in Allegheny County—where, as of May 21, 92% of ballot applications had been

processed, *see* Br. at 13; May 22 Marks Decl. ¶ 16—rises to the level of a constitutional violation. The Petition does not identify any facts, other than the existence of a small “backlog” of applications, to support that voters in Allegheny County will be disenfranchised. Absent something more, the Court should not assume that Allegheny County will be unable to process outstanding applications—and, in fact, Allegheny County itself has reported that it is mailing out its final ballots today. *See* Decl. of M. Hangle, Ex. 7. Second, as Petitioners recognize, the rest of their evidence of backlogs all comes from southeastern Pennsylvania. *See* Br. at 12, 14. Petitioners provide no evidence suggesting that the situation in three counties in southeastern Pennsylvania is representative of the rest of the state. Petitioners’ own evidence shows the apparent correlation between, on the one hand, high incidences of COVID-19 in southeastern Pennsylvania and, on the other hand, delays in processing absentee and mail-in ballot applications. *Compare* Br. at 9 (map showing that counties with highest number of COVID-19 cases are all concentrated around Philadelphia) *with* Br. at 12–15 (describing issues with processing ballot applications in Philadelphia, Delaware, and Montgomery counties); *see also* Br. at 12 (“Deputy Secretary Marks explained that the ‘backlogs,’ ‘delays,’ and various other ‘difficulties’ are particularly extreme in the counties in southeastern Pennsylvania that have been ravaged by COVID-19.”). This evidence could, Respondents agree, support

applications for relief from or in those particular southeastern Pennsylvania counties that appear to be experiencing inordinate delays in processing applications or sending out ballots. But when comparing Philadelphia, Delaware, and Montgomery counties to other counties that have already reopened and had far fewer COVID-19 cases and show all signs of timely delivering absentee and mail-in ballots, there is no basis—in the Petition for Review or otherwise—to extrapolate that there are similar statewide issues.

And third, it is important to note that Petitioners' claims arise from the fact that the deadline for applying for an absentee or mail-in ballot is only a week before the deadline for receipt of the completed ballot by the county board of elections. The General Assembly's decision, in Act 77, to make the application deadline only a week before election day allows voters who would otherwise have missed the opportunity to vote by mail (because they would have failed to meet an earlier application deadline) to do so. But this benefit, like all election regulations, involves a tradeoff: a voter who applies at the last minute will have little time to complete and return her ballot—if she does not complete her ballot quickly, she will have to deliver it in person rather than by mail, and if she does not return her ballot by election day, it will not count at all.

At most, Petitioners' evidence shows that a small number of geographically concentrated counties are having issues with processing absentee and mail-in ballot

applications. To the extent that those delays seem likely to prevent voters from submitting otherwise timely absentee or mail-in votes, there may well be grounds for counties or voters in those counties—or in other counties for which evidence of problems develop—to seek relief in the Courts of Common Pleas.<sup>15</sup> There could even be grounds for this Court to issue a far narrower injunction in this case than the one sought by Petitioners. But nothing in the Petition for Review or application stands for the much broader proposition that the constitutional rights of voters across the Commonwealth are clearly, palpably, and plainly in danger.

**B. Petitioners Cannot, at this Juncture, Establish the Requisite Irreparable Injury**

Just as Petitioners cannot currently establish a likelihood of success on the merits, they cannot satisfy the separate requirement of showing that the statewide preliminary injunction they seek is necessary to avoid immediate, irreparable injury. “Actual proof of irreparable harm” is a “threshold evidentiary requirement to be met before a preliminary injunction may issue.” *Reed v. Harrisburg City Council*, 927 A.2d 698, 704 (Pa. Commw. Ct. 2007) (citing *New Castle Orthopedic Assocs. v. Burns*, 393 A.2d 1383 (Pa. 1978)). “In order to meet this burden, a plaintiff must present ‘concrete evidence’ demonstrating ‘actual proof of

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<sup>15</sup> Montgomery County has sought such relief, but the Court of Common Pleas dismissed its Petition without explanation. *See* C.A. No. 2020-06413 (C.C.P. Montgomery County).

irreparable harm.’ The plaintiff’s claimed ‘irreparable harm’ cannot be based solely on speculation and hypothesis.” *City of Allentown v. Lehigh Cnty. Auth.*, 222 A.3d 1152, 1160 (Pa. Super. Ct. 2019); *accord Summit Towne Ctr.*, 828 A.2d at 1002 (holding that trial court properly denied preliminary injunction where evidence supporting claim of irreparable harm was “no[t] concrete” and “rested almost entirely on speculation and hypothesis”). Indeed, “[i]t is established that ... ‘speculative considerations ... cannot form the basis for issuing [a preliminary injunction].’” *Novak v. Commonwealth*, 523 A.2d 318, 320 (Pa. 1987) (quoting *Berkowitz v. Wilbar*, 206 A.2d 280, 282 (Pa. 1965)) (second omission and alteration in *Novak*); *accord Reed*, 927 A.2d at 704 (“proof of injury” that is “speculative and conjectural” does not support an injunction (citing *Samerica Corp. of Market Street v. Goss*, 295 A.2d 277 (Pa. 1972))).

As shown above, *see supra* Section II.C, Petitioners’ claim that statewide irreparable constitutional injury will occur unless the received-by deadline is extended is primarily based on evidence from only three counties in southeastern Pennsylvania. Petitioners have not provided “concrete evidence” that the situation in those three counties is representative of the rest of the state, and so Petitioners have not carried their burden of “demonstrating ‘actual proof of irreparable harm’” on anything approaching a statewide basis. *City of Allentown*, 222 A.3d at 1160.

**C. Petitioners Cannot Establish That the Injunction They Seek Is Reasonably Suited to Abate the Offending Activity**

Because Petitioners’ requested injunction would extend the received-by deadline throughout Pennsylvania, even though there is no evidence of constitutional harm in the overwhelming majority of counties, the requested relief is not reasonably suited to abate the offending activity. For an injunction to be proper, the movant “must show that the injunction it seeks is reasonably suited to abate the offending activity.” *Summit Towne Ctr.*, 828 A.2d at 1001 (citations omitted). In *Albee Homes, Inc. v. Caddie Homes, Inc.*, 207 A.2d 768 (1965), for example, this Court rejected an injunction—in the form of a restrictive covenant—that would have extended beyond a geographic region in which the employee had “a direct and reasonable connection,” because “to allow the covenant to extend its tentacles throughout an area so vast as here envisioned” would be unreasonable. *Id.* at 773.

Here, the Court should likewise refuse the statewide injunction sought by Petitioners. As shown above, Petitioners have demonstrated, at most, that several counties are experiencing delays in processing absentee and mail-in ballot applications because of exceptional circumstances that are not present elsewhere in the Commonwealth. Petitioners have submitted no evidence regarding similarities between those counties and the rest of Pennsylvania, and Petitioners have not identified any instances of mail delays outside of Montgomery County. Simply



put, Petitioners have not identified any evidence supporting the need for their requested relief outside of the counties they identify. Granting statewide relief would be vastly over-inclusive and overbroad, and so Petitioners' requested preliminary injunction is not reasonably suited to abate the offending activity.

**D. Granting the Injunction Would Upset the Status Quo and Would Not Serve the Public Interest**

Because Petitioners seek a statewide injunction without establishing that there is any need for relief in the vast majority of the Commonwealth, Petitioners' requested injunction would alter—not protect—the status quo and would threaten the public interest. As described above, the Commonwealth has an interest in the uniform administration of elections. *See supra* Section II.D. The Election Code—amended by the General Assembly as recently as the end of March—is a reflection of the legislature's reasoned efforts to protect that interest. Here, granting statewide relief where, at most, local relief is appropriate, would introduce unpredictable variables to a system that is, by-and-large, working. The statewide relief sought by Petitioners could, for example, disincentivize voters from promptly returning absentee and mail-in ballots, including voters in counties that are not having issues with processing ballot applications. Pushing back the received-by deadline would also necessarily stall counties' abilities to tabulate

election results.<sup>16</sup> While these consequences might be justifiable in those few counties that are having issues processing absentee and mail-in ballot applications, there is no reason to subject the entire Commonwealth to them when there is no evidence that a need exists outside of southeastern Pennsylvania. Finally, granting an injunction that is broader than what is necessary to abate a constitutional injury harms the public interest by interfering in the operation of facially valid election regulations duly enacted by the Legislature. In sum, the Court should not grant statewide relief where Petitioners have not established the existence of statewide issues.<sup>17</sup>

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<sup>16</sup> If the Court grants a preliminary injunction, it should narrow Petitioners' requested relief so as only to restore the status quo, by extending the received-by deadline in counties where Petitioner can show delays in the ballot application process. To restore the status quo, the Court should ensure that voters in those counties are able to vote. But the Court need not go any further. *See Eagleview Corp. Ctr. Ass'n v. Citadel Fed. Credit Union*, 150 A.3d 1024, 1030 n. 6 (Pa. Commw. Ct. 2016) (A court can "issue[] an injunction narrower than the one requested by the Association; indeed, injunctions should be drawn narrowly." (citing *Big Bass Lake Community Association v. Warren*, 23 A.3d 619, 626 (Pa. Cmwlth. Ct. 2011)); *see also Weeks v. Dep't of Human Servs.*, 222 A.3d 722, 740 (Pa. 2019) (Wecht, J., dissenting) ("[A] preliminary injunction *must* be narrowly tailored in order to achieve that objective." (emphasis in original))).

<sup>17</sup> The proposed order submitted by Petitioners appears to contemplate statewide relief for *both* the June 2 primary election *and* the November 2 general election. Because the application for preliminary injunction only requests relief for the June 2 primary election, Respondents believe the inclusion of the general election in the proposed order was likely an error. Nonetheless, for all of the reasons stated above—and the reasons articulated in *Disability Rights*—there is currently no basis—other than sheer speculation—for granting a preliminary

**E. If the Court Were to Grant a Preliminary Injunction, the Non-Severability Clause Would Be Inapplicable, or, in the Alternative, Unenforceable**

Act 77’s non-severability provision states “Sections 1, 2, 3, 3.2, 4, 5, 5.1, 6, 7, 8, 9 and 12 of this act are nonseverable. If any provision of this act or its application to any person or circumstances is held invalid, the remaining provisions or applications of this act are void.” Act of Oct. 31, 2019 (P.L. 552, No. 77), § 11, 2019 Pa. Legis. Serv. Act 2019-77 (S.B. 421) (West).

If the Court denies the injunction—as it should—then there is no need to reach the issue of severability at all. But if the Court concludes that some degree of injunctive relief is warranted, there are at least two reasons that the Court should not apply the non-severability provision to invalidate Act 77.<sup>18</sup> First, the non-severability provision should not apply in this case because Petitioners’ challenge to Act 77 is a narrow as-applied, rather than facial, challenge. As described in Respondents’ Preliminary Objections, Act 77 resulted from complex negotiations between the executive and legislative branches. It is nearly inconceivable, therefore, that the legislature intended to nullify the entirety of its historic

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injunction of the received-by deadline for the November 3 general election, and any such injunction would thus be improper.

<sup>18</sup> Respondents take no position on the effect of paragraph 63 of the Petition for Review, in which Petitioners represent that they “would withdraw their claims without seeking any relief if the non-severability provision were going to apply.” (Pet. ¶ 63.)

compromise in the event of a one-time determination that, only because of an unprecedented and unforeseen global health crisis, a single, discrete administrative provision of Act 77, the received-by deadline, was unconstitutional in the context of a single primary election in which both the Republican and Democratic presidential nomination races are uncontested – and unconstitutional only in the sense that it must be extended by a few days (particularly if the injunction applies only to a small number of specific counties). *See Commonwealth v. Maguigan*, 511 A.2d 1327, 1337 (Pa. 1986) (“We are bound under the rules of our Statutory Construction Act to avoid such absurd results and to promote public policy.”). Indeed, this Court has previously refused to apply a statutory non-severability clause to void a statute, despite determining that a portion of the statute was unconstitutional on an as-applied basis, because the law was “still valid as applied to” others prospectively. *Pa. Fed’n of Teachers v. Sch. Dist. of Phila.*, 484 A.2d 751, 754 (Pa. 1984). The same is true here: although a final determination would render the received-by deadline invalid for purposes of this single primary election, it would still be “valid as applied to” all future, non-pandemic afflicted, elections. *Id.*

Second, should the Court hold that applying the received-by deadline during the COVID-19 pandemic would disenfranchise voters and be unconstitutional, applying the non-severability provision to void *all of Act 77* would similarly be

unconstitutional. Invalidating Act 77 would also undercut the entire purpose of the Petition, which is to *extend* the receipt deadline for mailed votes. Without Act 77, the Court would have to rescind the entire “no-excuse” mail-in voting regime. Doing so would be contrary to constitutional rights sought to be vindicated by Petitioners’ case and would be catastrophic; it would force millions of voters to vote in-person (despite COVID-19) or not at all, and it would call into question the validity of votes already sent in by mail-in voters. In the event the Court rules in favor of Petitioners’ constitutional challenge, applying the non-severability provision would lead to an undeniably absurd result—one that would itself be, by the very logic sustaining Petitioners’ challenge, unconstitutional.

In the event the Court grants an injunction, it should refuse to apply the non-severability provision here.

#### IV. CONCLUSION

For the foregoing reasons, Petitioners’ Application should be denied or, in the alternative, deferred.

HANGLEY ARONCHICK SEGAL  
PUDLIN & SCHILLER

Dated: May 27, 2020

By: /s/ Michele D. Hangley

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**CERTIFICATION REGARDING PUBLIC ACCESS POLICY**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: May 27, 2020

/s/ Michele D. Hangle  
Michele D. Hangle

# **EXHIBIT A**



**IN THE SUPREME COURT OF PENNSYLVANIA**

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DISABILITY RIGHTS  
PENNSYLVANIA, *et al.*,

Petitioners,

v.

KATHY BOOCKVAR, in her capacity  
as Secretary of the Commonwealth of  
Pennsylvania, *et al.*,

Respondents.

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No. 83 MM 2020

**DECLARATION OF JONATHAN MARKS IN SUPPORT OF  
RESPONDENTS’ RESPONSE IN OPPOSITION TO APPLICATION FOR  
SPECIAL RELIEF IN THE NATURE OF A PRELIMINARY INJUNCTION**

I, Jonathan Marks, declare under the penalty of perjury pursuant to 18 Pa.C.S. § 4902 that:

I am the Deputy Secretary for Elections and Commissions for the Department of State (the “Department”) of the Commonwealth of Pennsylvania. I make this declaration in support of Respondents’ Response in Opposition to Petitioners’ Application for Special Relief in the Nature of a Preliminary Injunction.

**Act 77’s Amendments to the Pennsylvania Election Code**

1. On October 31, 2019, Governor Wolf signed Act 77 of 2019 into law.

This Act made significant changes to Pennsylvania's Election Code.

2. Among other reforms, Act 77 provided that electors who were not eligible for absentee ballots would be permitted to vote with mail-in ballots.

Before Act 77 was passed, voters who did not qualify for absentee ballots were required to vote in person at their polling places on election day.

3. Act 77 did not change the deadline for applying for non-emergency absentee ballots; this deadline is still 5:00 p.m. on the Tuesday before the election.

The same deadline now applies for mail-in ballot applications.

4. Act 77 extended the deadline for receipt of voted ballots, however, from 5:00 p.m. on the Friday before the election to 8:00 p.m. on the day of the election.

5. Act 77 also included provisions to ensure that counties will begin sending absentee and mail-in ballots to eligible voters as soon as the ballot is certified and official ballots are available.

6. As a result of Act 77, the Department and Pennsylvania's county boards of elections (the "counties") anticipated that counties would have to deal with a large increase in the number of ballots they would receive by mail. Even before the current COVID-19 emergency, the Department and the counties were preparing for this increase.

## **The Ongoing Efforts to Mitigate the Impact of the COVID-19 Emergency on the Primary Election**

7. As the Court is undoubtedly aware, the COVID-19 pandemic is causing real and constantly evolving challenges to every aspect of Pennsylvania personal, commercial, and civic life, and presents special challenges to those administering the primary election.

8. In March 2020, as the severity of the crisis became clear, the Department, together with the counties and the General Assembly, began taking steps to mitigate these challenges.

9. The General Assembly took a critical step toward mitigation on March 27, 2020, when it passed Act 12 of 2020, which postponed the primary election from April 28 to June 2, 2020.

10. Act 12 also included provisions to give counties flexibility in recruiting poll workers and relocating polling places, for the primary election, and allowed counties to begin pre-canvassing absentee and mail-in ballots at 7:00 a.m. on election day.

11. The Department and the counties are using the five extra weeks Act 12 provided to minimize the effect of the COVID-19 pandemic on mail-in, absentee, and in-person voting.

12. First, the Department has taken steps aimed at smoothing the process of in-person voting on election day.

13. The Department is assisting counties with planning for reductions in numbers of poll workers and available polling places, and advising counties about how they can set up their polling places to facilitate social distancing.

14. The Department has provided counties with \$13 million in sub-grants—which the Commonwealth received from the federal government—for the counties to use towards additional staff, purchasing equipment, and otherwise ensuring the primary is administered as seamlessly as possible.

15. The Department has also procured 6,000 safety kits to provide to counties, which include masks, gloves, and other supplies for safely administering in-person voting.

16. Second, in order to alleviate crowding at polling places, the Department, the counties, and third parties are making efforts to encourage as many Pennsylvania voters as possible to vote by mail-in or absentee ballot.

17. The Department and counties have put many mechanisms in place to allow voters to request absentee or mail-in ballots. Most registered voters may sign up online on the Department's website, and any registered voter may get an application by downloading and printing one; requesting one in person at the voter's county election office; or calling, emailing, or writing to the Department or the voter's county election office. In counties where election offices have reopened to the public, voters can also request ballots in person, fill them out, and

submit them in one visit.

18. Many third parties, including nonprofits, government officials, and political candidates, are also delivering applications to potential voters.

19. The Department has created and posted on its website a toolkit that third parties can use to educate their constituents. The Ready to Vote toolkit includes templates for posters, flyers, palm cards, and other educational materials.

20. The Department and the Governor's office have devoted significant resources to educating members of the public about the availability of absentee and mail-in ballot options. For example,

- Governor Wolf has encouraged voters to apply for ballots during his frequent COVID-19 updates;
- The Department has mailed postcards to all households with registered primary voters (voters registered to either major political party), informing voters about the changed primary date and the availability of absentee and mail-in voting options;
- The Department has provided email updates to registered voters;
- The Department is also conveying this information to voters using bilingual statewide TV, radio, and streaming online broadcasts; and
- Other Pennsylvania departments have emailed updates from the Department to their own email lists.

21. In these communications, the Department has emphasized the need to apply for and return absentee and mail-in ballots promptly and has communicated the deadlines for requesting ballots and returning them.

22. Many county boards of elections have also made significant efforts to educate the public about these options for voting and encourage voters to promptly apply for ballots. For example, as Petitioners note in their Application, Allegheny County sent pre-stamped mail-in ballot applications to all registered voters at the end of April; Luzerne County has also mailed applications to voters. Other counties have communicated with their registered voters through social media and mail.

23. Elected officials, political parties, candidates, and public interest groups, including Common Cause and the League of Women Voters, have joined the effort, alerting their constituents and contacts to the new mail-in voting option and the application process.

### **The Current Status of the Ballot Application Process**

24. It appears that the efforts to encourage the public to apply for mail-in and absentee ballots have, so far, been successful.

25. The Commonwealth has 7,477,057 registered primary voters. Only a certain percentage of these, however, can be expected to vote in any particular primary election.

26. Primary turnout is typically lowest in elections with no contested major party presidential race and no high-profile statewide races.

27. The June 2, 2020 primary will be such an election; neither presidential

primary is contested, and the statewide races have not captured a great deal of the public's attention.

28. Statewide turnout in the last several primary elections in which federal offices were on the ballot was as follows:

- 2018: 1,563,373
- 2016 (contested races for both major party presidential nominations): 3,416,283
- 2014: 1,370,815
- 2012 (contested race for one major party presidential nomination): 1,608,341
- 2010: 1,885,648

29. As of Sunday, May 10, 2020, the counties have received more than one million applications for absentee and mail-in ballots – 1,209,289, to be exact.

30. The counties have approved 1,041,078, or approximately 86%, of the applications.

31. The counties have mailed 894,811 ballots, or approximately 86% of the applications approved so far, to voters.

32. The counties have received 139,901 voted ballots, which accounts for approximately 13% of applications approved so far. Because several counties, including Philadelphia, began mailing out their ballots very recently, I expect this number to increase rapidly.

33. The Department receives real-time updates of ballot application

statistics, and, if the Court would find it useful, can provide updated figures as the primary election approaches.

34. Because this is the first election in which the Commonwealth offers the option of mail-in voting, and because the effect on turnout of the COVID-19 pandemic is uncertain, it is difficult to predict exactly how many voters will seek mail-in or absentee ballots. It is unlikely, however, that this number will exceed 2 million. Therefore, it is reasonable to assume that more than 60% of the mail-in and absentee ballots that will be requested for the primary election have already been requested.

35. Based on the Department's experience to date, I do not currently expect an overwhelming surge of last-minute applications.

36. While managing the application process during the COVID-19 crisis has certainly presented challenges for individual counties, so far, the counties appear to be rising to the challenge.

37. Over recent weeks, the counties have been adding extra personnel to help process applications and other election tasks more quickly. Many counties have also procured additional print and mailing services to streamline preparation and delivery of balloting materials.

38. There is, of course, significant variation among counties. As of May 10, 2020, some counties had mailed ballots in response to more than 99% of their



approved applications.

39. Of the counties identified in Petitioner's Application, as of May 10,
- Allegheny County had received 168,983 applications, rejected 13,203 of them, approved 151,981, and mailed out 132,602 ballots;
  - Lawrence County had received 6,740 applications, rejected 412 of them, approved 6,252, and mailed out 6,243 ballots;
  - Lehigh County had received 33,534 applications, rejected 2,206 of them, approved 25,191, and mailed out 23,082 ballots;
  - Mercer County had received 8,033 applications, rejected 486 of them, approved 5,892, and mailed out 5,194 ballots; and
  - Philadelphia County had received 109,602 applications, rejected 1,766 of them, approved 99,662 of them, and mailed out 46,902 ballots.

40. The Department is paying close attention to each county's efforts, and will reach out to any county that appears to be falling behind to offer assistance and advice.

41. Based on the counties' progress, and assuming there are no dramatic surges in infections, weather events, or other unexpected events, I expect that the counties will be able to timely process any current backlogs and handle additional applications that arrive.

### **The United States Post Office**

42. Petitioners speculate that the United States Post Office ("USPS") is experiencing delays in processing of first-class mail that will extend mail times

beyond the typical one to three business days.

43. As part of preparations for the June 2 primary election, the Department has been in close contact with representatives of the USPS for several months.

44. The Department and the counties have worked with the USPS to ensure that the envelopes used for mailing blank and returned ballots are formatted to work with the USPS's automated equipment, thereby ensuring that ballots reach their destinations as quickly as possible.

45. Envelopes containing ballots are clearly marked as such and are segregated from other mail using "green tags," which allows the USPS to prioritize them as official election mail and expedite them to the extent possible.

46. The USPS has not informed the Department that it expects any unusual delays in first class mail delivery times in Pennsylvania before the primary election.

### **The Relief Petitioners Request**

47. From a purely policy perspective, I agree with Petitioners that extending the deadline for receipt of ballots may be good policy under the circumstances, and, as with any extension, would increase the number of votes that are timely returned. This might well increase voters' confidence in the midst of a crisis.

48. I also agree that in the event of significant backlogs in application processing, a breakdown in the postal service, or other developments, an extension of the ballot receipt deadline might be necessary to avoid an undue burden on the right to vote.

49. Based on the information available at this time, the Department does not predict significant impediments to voters' ability to timely return mail-in ballots.

50. Given the unpredictable nature of the pandemic, of course, this situation could change, and the relief Petitioners seek could become more appropriate. If problems develop, however, it is more likely than not that they will not affect the entire Commonwealth, or that they will not require a full seven-day extension.

51. Granting a full seven-day, statewide extension at this point could have the undesired consequence of encouraging counties to turn their attention away from ballot application processing, or encouraging voters to delay requesting or mailing their ballots.

52. If significant problems develop shortly before or on the day of the election, a court could consider an extension of the ballot receipt deadline that is tailored to those problems.

53. Pennsylvania statute requires counties to retain all absentee and mail-

in ballots they receive – even those received after the deadline – for a period of two years. Therefore, late-received ballots will not be discarded before a court has the opportunity to consider whether the deadline should be extended.

54. If the Court extends the deadline for receipt of ballots, it will cause complications and delays in counties' canvassing processes.

55. First, for ballots received after election day, counties will have to put in place a new procedure for examining postmarks and, potentially, allowing for challenges regarding envelopes with illegible or absent postmarks.

56. Second, during the canvassing process, counties examine each provisional ballot envelope to determine whether the elector was eligible to vote. If the county determines that the elector who submitted the provisional ballot was duly registered to cast a primary vote in that district and that the elector did not also submit an absentee or mail-in ballot, the provisional ballot will be counted. If the county determines that the elector submitted an absentee or mail-in ballot, the provisional ballot will not be counted.

57. Thus, a county cannot count a voter's provisional ballot until it has confirmed that the voter did not also return an absentee or mail-in ballot. Therefore, counties will not be able to process provisional ballots until after the last day for receipt of absentee ballots.

58. Accordingly, a seven-day extension of the ballot receipt deadline

could delay counting of all ballots until eight days or more after the election.

59. This delay, in turn, would interfere with the following deadlines, which the Court should consider extending if it extends the ballot return date: The deadline by which proof of identification for absentee and mail-in ballots must be received and verified under 25 P.S. § 3146.8(h); the deadline for counties to submit unofficial election returns to the Secretary of the Commonwealth under 25 P.S. § 3154(f); the deadline for a defeated candidate to request that a recount and recanvass not be made under 25 P.S. § 3154(h); and the deadline for the Secretary of the Commonwealth to order a recount or recanvass under 25 P.S. § 3154(g)(2).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2020.



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Jonathan Marks

# **EXHIBIT B**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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MICHAEL CROSSEY, *et al.*,

Petitioners,

v.

KATHY BOOCKVAR, SECRETARY  
OF THE COMMONWEALTH, *et al.*,

Respondents.

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No. 266 MD 2020  
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DECLARATION OF JONATHAN MARKS

I, Jonathan Marks, declare under the penalty of perjury pursuant to 18 Pa.C.S. § 4902 that:

I am the Deputy Secretary for Elections and Commissions for the Department of State (the “Department”) of the Commonwealth of Pennsylvania. I make this declaration in support of Respondents’ Emergency Application for Special Relief in the Nature of a Preliminary Injunction and for Expedited Review.

**Act 77’s Amendments to the Pennsylvania Election Code**

1. On October 31, 2019, Governor Wolf signed Act 77 of 2019 into law. This Act made significant changes to Pennsylvania’s Election Code.

2. Among other reforms, Act 77 provided that electors who were not eligible for absentee ballots would be permitted to vote with mail-in ballots.

Before Act 77 was passed, voters who did not qualify for absentee ballots were required to vote in person at their polling places on election day.

3. Act 77 did not change the deadline for applying for non-emergency absentee ballots; this deadline is still 5:00 p.m. on the Tuesday before the election. The same deadline now applies for mail-in ballot applications.

4. Act 77 extended the deadline for receipt of voted ballots, however, from 5:00 p.m. on the Friday before the election to 8:00 p.m. on the day of the election.

5. Act 77 also included provisions to ensure that counties will begin sending absentee and mail-in ballots to eligible voters as soon as the ballot is certified and official ballots are available.

6. As a result of Act 77, the Department and Pennsylvania's county boards of elections (the "counties") anticipated that counties would have to deal with a large increase in the number of ballots they would receive by mail. Even before the current COVID-19 emergency, the Department and the counties were preparing for this increase.

### **The Ongoing Efforts to Mitigate the Impact of the COVID-19 Emergency on the Primary Election**

7. As the Court is undoubtedly aware, the COVID-19 pandemic is causing real and constantly evolving challenges to every aspect of Pennsylvania personal, commercial, and civic life, and presents special challenges to those



administering the primary election.

8. In March 2020, as the severity of the crisis became clear, the Department, together with the counties and the General Assembly, began taking steps to mitigate these challenges.

9. The General Assembly took a critical step toward mitigation on March 27, 2020, when it passed Act 12 of 2020, which postponed the primary election from April 28 to June 2, 2020.

10. Act 12 also included provisions to give counties flexibility in recruiting poll workers and relocating polling places, for the primary election, and allowed counties to begin pre-canvassing absentee and mail-in ballots at 7:00 a.m. on election day.

11. The Department and the counties are using the five extra weeks Act 12 provided to minimize the effect of the COVID-19 pandemic on mail-in, absentee, and in-person voting.

12. First, the Department has taken steps aimed at smoothing the process of in-person voting on election day.

13. The Department is assisting counties with planning for reductions in numbers of poll workers and available polling places, and advising counties about how they can set up their polling places to facilitate social distancing.

14. The Department has provided counties with \$13 million in sub-

grants—which the Commonwealth received from the federal government—for the counties to use towards additional staff, purchasing equipment, and otherwise ensuring the primary is administered as seamlessly as possible.

15. The Department has also procured 6,000 safety kits to provide to counties, which include masks, gloves, hand sanitizer, and other supplies for safely administering in-person voting.

16. Second, in order to alleviate crowding at polling places, the Department, the counties, and third parties are making efforts to encourage as many Pennsylvania voters as possible to vote by mail-in or absentee ballot.

17. The Department and counties have put many mechanisms in place to allow voters to request absentee or mail-in ballots. Most registered voters may sign up online on the Department’s website, and any registered voter may get an application by downloading and printing one; requesting one in person at the voter’s county election office; or calling, emailing, or writing to the Department or the voter’s county election office. In counties where election offices have reopened to the public, voters can also request ballots in person, fill them out, and submit them in one visit.

18. Many third parties, including nonprofits, government officials, and political candidates, are also delivering applications to potential voters.

19. The Department has created and posted on its website a toolkit that third parties can use to educate their constituents. The Ready to Vote toolkit includes templates for posters, flyers, palm cards, and other educational materials.

20. The Department and the Governor's office have devoted significant resources to educating members of the public about the availability of absentee and mail-in ballot options. For example,

- Governor Wolf has encouraged voters to apply for ballots during his frequent COVID-19 updates;
- The Department has mailed postcards to all households with registered primary voters (voters registered to either major political party), informing voters about the changed primary date and the availability of absentee and mail-in voting options;
- The Department has provided email updates to registered voters;
- The Department is also conveying this information to voters using bilingual statewide TV, radio, and streaming online broadcasts; and
- Other Pennsylvania departments have emailed updates from the Department to their own email lists.

21. In these communications, the Department has emphasized the need to apply for and return absentee and mail-in ballots promptly and has communicated the deadlines for requesting ballots and returning them.

22. Many county boards of elections have also made significant efforts to educate the public about these options for voting and encourage voters to promptly apply for ballots. For example, some counties have sent pre-stamped mail-in ballot

applications to registered voters. Other counties have communicated with their registered voters through social media, text and mail.

23. Elected officials, political parties, candidates, and public interest groups, including Common Cause and the League of Women Voters, have joined the effort, alerting their constituents and contacts to the new mail-in voting option and the application process.

### **The Current Status of the Ballot Application Process**

24. It appears that the efforts to encourage the public to apply for mail-in and absentee ballots have, so far, been successful.

25. The Commonwealth has 7,477,057 registered primary voters. Only a certain percentage of these, however, can be expected to vote in any particular primary election.

26. Primary turnout is typically lowest in elections with no contested major party presidential race and no high-profile statewide races.

27. The June 2, 2020 primary will be such an election; neither presidential primary is contested, and the statewide races have not captured a great deal of the public's attention.

28. Statewide turnout in the last several primary elections in which federal offices were on the ballot was as follows:

- 2018: 1,563,373

- 2016 (contested races for both major party presidential nominations): 3,416,283
- 2014: 1,370,815
- 2012 (contested race for one major party presidential nomination): 1,608,341
- 2010: 1,885,648

29. Preliminary data indicates that, as of Sunday, May 17, 2020, the counties have received nearly 1.5 million applications for absentee and mail-in ballots – 1,487,047, to be exact.

30. The counties have approved 1,310,516, or approximately 88%, of the applications.

31. Preliminary data indicates that the counties have mailed 1.2 million ballots, or approximately 90% of the applications approved so far, to voters.

32. The counties have received 280,105 voted ballots, which accounts for approximately 21% of applications approved so far. Because several counties, including Philadelphia, began mailing out their ballots very recently, I expect this number to increase rapidly.

33. The Department receives real-time updates of ballot application statistics, and, if the Court would find it useful, can provide updated figures as the primary election approaches.

34. Because this is the first election in which the Commonwealth offers the option of mail-in voting, and because the effect on turnout of the COVID-19

pandemic is uncertain, it is difficult to predict exactly how many voters will seek mail-in or absentee ballots. It is unlikely, however, that this number will exceed 2 million. Therefore, it is reasonable to assume that more than 60% of the mail-in and absentee ballots that will be requested for the primary election have already been requested.

35. Over recent weeks, the counties have been adding extra personnel to help process applications and other election tasks more quickly. Many counties have also procured additional print and mailing services to streamline preparation and delivery of balloting materials.

36. While managing the application process during the COVID-19 crisis has certainly presented challenges for individual counties, so far, most counties have been able to process applications as they are made and avoid backlogs.

37. There is, of course, significant variation among counties. As of May 17, 2020, many counties had mailed ballots in response to more than 99% of their approved applications.

38. For the counties identified on pages 11-12 of Petitioner's Application and the corresponding exhibits, as of May 17, preliminary data shows the following approximate figures:

- Allegheny County had received 205,454 applications, rejected 16,809 of them, approved 183,345, and mailed out 171,343 ballots;

- Delaware County had received 68,418 applications, rejected 3,365 of them, approved 46,332, and mailed out 18,756 ballots;
- Lawrence County had received 8,340 applications, rejected 523 of them, approved 7,712 , and mailed out 7,701 ballots;
- Lehigh County had received 41,596 applications, rejected 3,240 of them, approved 35,714, and mailed out 34,480 ballots;
- Mercer County had received 9,411 applications, rejected 666 of them, approved 7,649, and mailed out 6,677 ballots;
- Montgomery County had received 140,150 applications, rejected 6,234 of them, approved 125,043 and mailed out 113,512 ballots; and
- Philadelphia County had received 150,366 applications, rejected 1,887 of them, approved 131,962 of them, and mailed out 98,435 ballots.

39. Based on the counties' progress, and assuming there are no dramatic surges in infections, weather events, or other unexpected events, I expect that the great majority of the Commonwealth's 67 counties will be able to timely process any current backlogs and handle additional applications that arrive.

40. Primarily due to the impact of COVID-19, a handful of counties have recently processed ballot applications and ballot mailings at a slower pace than others. The Department does not yet have enough information to determine whether these counties will be in a position to catch up with their pending applications and process new applications as they are received.

41. The Election Code requires counties to mail absentee and mail-in primary election ballots for all approved applications by Tuesday, May 19, 2020.

*See* 25 P.S. §§ 3146.5(b), 3150.15.

42. After this date, the Department will in a better position to determine which counties, if any, are likely to experience significant delays in processing and responding to timely submitted ballot requests.

43. By Friday, May 22, 2020, unless the Court directs otherwise, I will supplement this Declaration with additional information about the counties' progress.

#### **The United States Post Office**

44. Petitioners speculate that the United States Post Office ("USPS") is experiencing delays in processing of first-class mail that will extend mail times beyond the typical one to three business days.

45. As part of preparations for the June 2 primary election, the Department has been in close contact with representatives of the USPS for several months, including conversations with staff from certain of the five regional processing plants that serve Pennsylvania,

46. The Department and the counties have worked with the USPS to ensure that the envelopes used for mailing blank and returned ballots are formatted to work with the USPS's automated equipment, thereby ensuring that ballots reach their destinations as quickly as possible.

47. Envelopes containing ballots are clearly marked as such and are



segregated from other mail using “green tags,” which allows the USPS to prioritize them as official election mail and expedite them to the extent possible.

### **The Relief Petitioners Request**

48. From a purely policy perspective, I agree with Petitioners that extending the deadline for receipt of ballots may be good policy under the circumstances, and, as with any extension, would increase the number of votes that are timely returned. This might well increase voters’ confidence in the midst of a crisis.

49. I also agree that in the event of significant backlogs in application processing due to COVID-19, a breakdown in the postal service, or other developments, an extension of the ballot receipt deadline (targeted, if necessary, to counties that are experiencing delays) might be necessary to avoid an undue burden on the right to vote.

50. The other form of relief that Petitioners request – allowing third parties to deliver voters’ mail in or absentee ballots to county election offices – would likely have negative consequences. Procedures would need to be put in place to require written authorizations for such deliveries, as are required for emergency absentee ballots. Confirming these written authorizations would likely increase the administrative burden on county election officials. Doing so would also impose a burden on individual voters to identify and authorize designated

representatives to deliver ballots on their behalf. Allowing third-party delivery of ballots might also reduce the level of assurance that an individual voter has regarding the security of her ballot.

51. Based on the information available at this time, the Department does not predict significant impediments to the ability of voters in most of the Commonwealth's counties to timely return mail-in ballots.

52. At this point, the Department cannot rule out the possibility that one or more individual counties will develop significant delays in processing applications, but do not predict that such delays will occur across the Commonwealth.

53. Given the unpredictable nature of the pandemic, the deadline extension Petitioners seek could become appropriate. If problems develop, however, it is more likely than not that they will not affect the entire Commonwealth, or that they will not require a full seven-day extension.

54. Granting a full seven-day, statewide extension at this point could have the undesired consequence of encouraging counties to turn their attention away from ballot application processing, or encouraging voters to delay requesting or mailing their ballots.

55. If significant problems develop shortly before or on the day of the election, a court could consider an extension of the ballot receipt deadline that is

tailored to those problems.

56. Pennsylvania statutes require counties to retain all absentee and mail-in ballots they receive – even those received after the deadline – for a period of two years. Therefore, late-received ballots will not be discarded before a court has the opportunity to consider whether the deadline should be extended.

57. If the Court grants the relief Petitioners seek to extend the deadline for receipt of ballots, it will cause complications and delays in counties' canvassing processes.

58. First, for ballots received after election day, counties will have to put in place a new procedure for examining postmarks; determining whether “a preponderance of the evidence” indicates whether a ballot was mailed after election day; and, potentially, allowing for challenges regarding envelopes with illegible or absent postmarks.

59. Second, during the canvassing process, counties examine each provisional ballot envelope to determine whether the elector was eligible to vote. If the county determines that the elector who submitted the provisional ballot was duly registered to cast a primary vote in that district and that the elector did not also submit an absentee or mail-in ballot, the provisional ballot will be counted. If the county determines that the elector submitted an absentee or mail-in ballot, the provisional ballot will not be counted.

60. Thus, a county cannot count a voter's provisional ballot until it has confirmed that the voter did not also return an absentee or mail-in ballot.

Therefore, counties will not be able to process provisional ballots until after the last day for receipt of absentee ballots.

61. Accordingly, a seven-day extension of the ballot receipt deadline could delay counting of all ballots until eight days or more after the election.

62. This delay, in turn, would interfere with the following deadlines, which the Court should consider extending if it extends the ballot return date: The deadline by which proof of identification for absentee and mail-in ballots must be received and verified under 25 P.S. § 3146.8(h); the deadline for counties to submit unofficial election returns to the Secretary of the Commonwealth under 25 P.S. § 3154(f); the deadline for a defeated candidate to request that a recount and recanvass not be made under 25 P.S. § 3154(h); and the deadline for the Secretary of the Commonwealth to order a recount or recanvass under 25 P.S. § 3154(g)(2).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 18, 2020.



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Jonathan Marks

# **EXHIBIT C**

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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MICHAEL CROSSEY, <i>et al.</i> ,		:	
		:	
Petitioners,		:	
		:	
v.		:	No. 266 MD 2020
		:	
KATHY BOOCKVAR, SECRETARY		:	
OF THE COMMONWEALTH, <i>et al.</i> ,		:	
		:	
Respondents.		:	
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**SUPPLEMENTAL DECLARATION OF JONATHAN MARKS**

I, Jonathan Marks, declare under the penalty of perjury pursuant to 18 Pa.C.S. § 4902 that:

I am the Deputy Secretary for Elections and Commissions for the Department of State (the “Department”) of the Commonwealth of Pennsylvania.

This Declaration supplements the Declaration I submitted to the Court on May 18, 2020.

1. In my May 18, 2020 Declaration, I gave statistics on the Pennsylvania counties’ progress in processing applications for mail in and absentee ballots and mailing out ballots.

2. I stated that the Election Code requires counties to mail absentee and mail-in primary election ballots for all approved applications by Tuesday, May 19,

2020, and that I would update the Court after that date. *See* May 18 Declaration ¶¶ 14-43.

3. Statewide, a large majority of counties are keeping up with mail-in and absentee voting applications, with ballots being mailed out as applications are processed.

4. Some counties, however, are facing obstacles, especially those in areas where the prevalence of COVID-19 is highest. If these obstacles persist into next week, there is a possibility that they could result in significant delays in voters' receipt of ballots.

5. As of Thursday, May 21, 2020, the counties had reported receipt of approximately 1,701,141 applications for absentee and mail-in ballots.

6. The counties had approved 1,528,212, or approximately 90%, of the applications.

7. Preliminary data indicates that the counties have mailed 1,459,871 million ballots, or approximately 96% of the applications approved so far, to voters.

8. The counties have received 441,012 voted ballots, which accounts for approximately 29% of applications approved so far.

9. Counties have continued to take steps to deal with the high volume of applications by, for example, reassigning staff to assist with ballot processing and,

in some cases, adding extra shifts at their election offices.

10. The vast majority of counties do not appear to be having difficulty managing the application process. As of May 21, 2020, more than half of the counties in the Commonwealth had mailed ballots in response to more than 90% of their approved applications.

11. Certain counties, however, are experiencing delays or backlogs.

12. For example, preliminary data shows that Montgomery County has mailed out 131,932 ballots out of the 138,363 applications it has approved. However, for reasons not within Montgomery County's control, many ballots that the county has mailed have been delayed in arriving at voters' homes. These delays may make it more difficult for voters who requested ballots well in advance of the application deadline to return those ballots on time.

13. Philadelphia County recently began receiving a surge of paper ballot applications. Because these applications take longer to process than online applications, and because of COVID-19 related staffing shortages and social distancing rules, Philadelphia's staff will face difficulties in promptly processing all of the outstanding applications.

14. A recent outage in Philadelphia's Verizon connection, which covered the network connection with the election database, further impeded Philadelphia's progress.



15. Preliminary data shows that as of May 21, Philadelphia County had received 181,655 applications, rejected 2,114 of them, approved 159,772, and mailed out 142,836 ballots.

16. Of the counties identified in my May 18 declaration, other than Philadelphia and Montgomery, preliminary data reported by the counties shows that:

- Allegheny County had received 242,349 applications, rejected 20,120 of them, approved 222,757, and mailed out 205,646 ballots;
- Delaware County had received 78,333 applications, rejected 4,290 of them, approved 53,851, and mailed out 42,904 ballots;
- Lawrence County had received 9,400 applications, rejected 623 of them, approved 8,813, and mailed out 8,654 ballots;
- Lehigh County had received 47,057 applications, rejected 3,991 of them, approved 43,220, and mailed out 43,011 ballots; and
- Mercer County had received 11,067 applications, rejected 807 of them, approved 9,746, and mailed out 9,569 ballots.

17. The last day for applying for a mail in or absentee ballot is Tuesday, May 26.

18. I understand that because of COVID-19 related staffing shortages or technical difficulties, a small number of other counties may face challenges in keeping up with their outstanding applications as the application deadline approaches.

19. After May 26, unless the Court instructs otherwise, I will give the

Court further information about the counties' application numbers and the existence of any backlogs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 22, 2020.

A handwritten signature in black ink, appearing to read "Jonathan Marks", written in a cursive style.

---

Jonathan Marks

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Michael Crossey, Dwayne Thomas, : 266 MD 2020  
Irvin Weinreich, Brenda Weinreich, :  
and the Pennsylvania Alliance :  
for Retired Americans, :  
Petitioners

v.

Kathy Boockvar, Secretary of the  
Commonwealth, and Jessica Mathis,  
Director of the Bureau of Election Services  
and Notaries,  
Respondents

**PROOF OF SERVICE**

I hereby certify that this 22nd day of May, 2020, I have served the attached document(s) to the persons on the date(s)

and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

**Service**

Served: Adam Craig Bonin  
Service Method: eService  
Email: adam@boninlaw.com  
Service Date: 5/22/2020  
Address: 121 S Broad St, Suite 400  
Phila, PA 19107  
Phone: 267-242-5014  
Representing: Petitioner Brenda Weinreich  
Petitioner Dwayne Thomas  
Petitioner Irvin Weinreich  
Petitioner Michael Crossey  
Petitioner Pennsylvania Alliance for Retired Americans

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**PROOF OF SERVICE**

(Continued)

**Courtesy Copy**

Served: Devin Arlie Winklosky  
Service Method: eService  
Email: dwinklosky@porterwright.com  
Service Date: 5/22/2020  
Address: 2783 Blackstone Drive  
Gibsonia, PA 15044  
Phone: 434-989-9645  
Representing: Possible Intervenor National Republican Congressional Committee  
Possible Intervenor Republican National Committee  
Possible Intervenor Republican Party of Pennsylvania

Served: James Edmond DelBello Jr.  
Service Method: eService  
Email: jdelbello@reedsmith.com  
Service Date: 5/22/2020  
Address: Holland & Knight LLP  
Cira Centre, 2929 Arch Street, Suite 800  
Philadelphia, PA 10104  
Phone: (21-5) -252-9524  
Representing: Possible Intervenor Bryan Cutler  
Possible Intervenor Mike Turzai

Served: Kathleen A. Gallagher  
Service Method: eService  
Email: KGallagher@porterwright.com  
Service Date: 5/22/2020  
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Third Floor  
Pittsburgh, PA 15222  
Phone: 412-235-1466  
Representing: Possible Intervenor National Republican Congressional Committee  
Possible Intervenor Republican National Committee  
Possible Intervenor Republican Party of Pennsylvania

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**PROOF OF SERVICE**

*(Continued)*

Served: Lawrence J. Tabas  
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Email: lawrence.tabas@obermayer.com  
Service Date: 5/22/2020  
Address: 1617 John F. Kennedy Blvd  
One Penn Center  
Philadelphia, PA 19103  
Phone: 215--66-5-3158  
Representing: Possible Intervenor Jake Corman  
Possible Intervenor Joseph B. Scarnati, III

Served: Mathieu Jode Shapiro  
Service Method: eService  
Email: mathieu.shapiro@obermayer.com  
Service Date: 5/22/2020  
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19th Floor  
Philadelphia, PA 19103  
Phone: 215--66-5-3014  
Representing: Possible Intervenor Jake Corman  
Possible Intervenor Joseph B. Scarnati, III

Served: Richard P. Limburg  
Service Method: eService  
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Service Date: 5/22/2020  
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1500 Market Street, Suite 3400  
Philadelphia, PA 19102  
Phone: 215--66-5-3000  
Representing: Possible Intervenor Jake Corman  
Possible Intervenor Joseph B. Scarnati, III

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**PROOF OF SERVICE**

*(Continued)*

Served: Russell David Giancola  
Service Method: eService  
Email: rgiancola@porterwright.com  
Service Date: 5/22/2020  
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6 PPG Place, Third Floor  
Pittsburgh, PA 15222  
Phone: 412-23-5-4500  
Representing: Possible Intervenor National Republican Congressional Committee  
Possible Intervenor Republican National Committee  
Possible Intervenor Republican Party of Pennsylvania

Served: Zachary Michael Wallen  
Service Method: eService  
Email: zwallen@cpblawgroup.com  
Service Date: 5/22/2020  
Address: 301 South Hills Village Drive  
Suite LL200-420  
Pittsburgh, PA 15241  
Phone: 412-200-0842  
Representing: Possible Intervenor Bryan Cutler  
Possible Intervenor Mike Turzai

/s/ Michele D. Hangle

*(Signature of Person Serving)*

Person Serving: Hangle, Michele D.  
Attorney Registration No: 082779  
Law Firm: Hangle, Aronchick, Segal, Pudlin & Schiller  
Address: Hangle Aronchick Et Al  
1 Logan Sq Fl 27  
Philadelphia, PA 191036995  
Representing: Respondent Boockvar, Kathy  
Respondent Mathis, Jessica

IN THE SUPREME COURT OF PENNSYLVANIA

MELINDA DELISLE, *et al.*,  
Petitioners,

v.

KATHY BOOCKVAR, in her capacity  
as Secretary of the Commonwealth of  
Pennsylvania, *et al.*,

Respondents.

No. 95 MM 2020

**DECLARATION OF MICHELE D. HANGLEY IN SUPPORT OF  
RESPONDENTS’ RESPONSE IN OPPOSITION TO EMERGENCY  
APPLICATION FOR SPECIAL RELIEF IN THE NATURE OF A  
PRELIMINARY INJUNCTION**

I, Michele D. Hanglely, declare under the penalty of perjury pursuant to 18

Pa.C.S. § 4902 that:

1. I am a shareholder of the law firm of Hanglely Aronchick Segal Pudlin & Schiller, counsel for Respondent, Secretary of the Commonwealth Kathy Boockvar and Respondent, Jessica Mathis, Director of the Bureau of Election Services and Notaries of the Pennsylvania Department of State. I make this declaration in support of Respondents’ Response in Opposition to Petitioners’ Emergency Application for Special Relief in the Nature of a Preliminary Injunction.

2. Attached as Exhibit 1 is a true and correct copy of the Pennsylvania Department of Health’s webpage regarding COVID-19, including “The Latest

Guidance,” which includes an overview of and a link to Governor Wolf’s phased reopening plan. *See*

<https://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx>.

(last visited on May 27, 2020).

3. Attached as Exhibit 2 is a true and correct copy of a Press Release, “Gov. Wolf Announces 13 Counties will Move to Yellow Phase of Reopening on May 15,” <https://www.governor.pa.gov/newsroom/gov-wolf-announces-13-counties-will-move-to-yellow-phase-of-reopening-on-may-15> (last visited on May 27, 2020).

4. Attached as Exhibit 3 is a true and correct copy of Governor Wolf’s Press Release entitled “Gov. Wolf Adds Eight Counties to Yellow and 17 Green on May 29, Remainder to Yellow on June 5,” <https://www.governor.pa.gov/newsroom/gov-wolf-adds-eight-counties-to-yellow-and-17-to-green-on-may-29-remainder-to-yellow-on-june-5/> (last visited on May 27, 2020).

5. Attached as Exhibit 4 is a true and correct copy of the Philadelphia Inquirer’s Article entitled “Thousands of Pennsylvania voters might not get their mail ballots in time to actually vote,” <https://www.inquirer.com/politics/election/pa-mail-ballots-deadline-2020-primary-20200526.html>. (last visited on May 27, 2020).

6. Attached as Exhibit 5 is a true and correct copy of the The Trib Live’s



article entitled “Allegheny County election officials promise mail-in ballots will arrive soon” dated May 24, 2020, <https://triblive.com/local/valley-news-dispatch/allegheny-county-election-officials-promise-mail-in-ballots-will-arrive-soon/> (last visited on May 27, 2020).

7. Attached as Exhibit 6 is a true and correct copy of the Philadelphia City Commissioner’s Twitter post dated May 27, 2020, <https://twitter.com/PhillyVotes/status/1265052824028753920> (last visited on May 27, 2020).

8. Attached as Exhibit 7 is a true and correct copy of the Post Gazzett’s article entitled “Primary 2020 Update: Allegheny County voters can expect mail-in ballots by Friday” dated May 27, 2020, <https://www.post-gazette.com/news/politics-local/2020/05/27/Primary-2020-Allegheny-County-voters-mail-in-ballots/stories/202005270092> (last visited on May 27, 2020).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 27, 2020.



---

Michele D. Hangley

# **EXHIBIT 1**

# Coronavirus(COVID-19)

Page last updated May 27, 2020 - 12:00 p.m.

## 69,417 total COVID-19 cases in Pennsylvania

[county and zip code maps of cases](#)

View the [county data in table form](#) or view

[county data in table form](#)

[\(/topics/disease/coronavirus/Pages/Cases.aspx\)](https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx)

### [Pre-register for COVID-19 testing](#)

[\(/topics/disease/coronavirus/Pages/Public%20Testing.aspx\)](https://www.health.pa.gov/topics/disease/coronavirus/Pages/Public%20Testing.aspx)

at Mohegan Sun

Pocono Arena at Casey Plaza.

#### Symptoms & Testing

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Symptoms-and-Testing.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Symptoms-and-Testing.aspx)

#### Stop the Spread

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Stop-the-Spread.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Stop-the-Spread.aspx)

#### FAQs & Resources

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/FAQs-and-Resources.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/FAQs-and-Resources.aspx)

#### Pennsylvania Data

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Pennsylvania-Data.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Pennsylvania-Data.aspx)

#### Hospital Data

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Hospital-Data.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Hospital-Data.aspx)

#### Press Releases

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Press-Releases.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Press-Releases.aspx)

#### Translated Materials

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Translated-Materials.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/Translated-Materials.aspx)

#### American Sign Language

[\(/https://www.health.pa.gov/topics/diseases/coronavirus/Pages/American-Sign-Language.aspx\)](https://www.health.pa.gov/topics/diseases/coronavirus/Pages/American-Sign-Language.aspx)

## The Latest Guidance

**Pennsylvania counties in the red phase are under a**

[\(/https://www.pa.gov/guides/responding-to-covid-19/#StayatHomeOrder\)](https://www.pa.gov/guides/responding-to-covid-19/#StayatHomeOrder)

**Stay at Home Order**

in the red phase are

**through June 4.** Counties

expected to move to yellow by June 5 at 12:01 a.m

(<https://www.governor.pa.gov/newsroom/gov-wolf-adds-eight-counties-to-yellow-and-17-to-green-on-may-29-remainder-to-yellow-on-june-5/>)

The following counties will move to the **yellow** phase on May 29: Dauphin, Franklin, Huntingdon, Lebanon, Luzerne, Monroe, Pike, and Schuylkill. 17 counties will move to **green** on May 29: Bradford, Cameron, Clarion, Clearfield, Crawford, Elk, Forest, Jefferson, Lawrence, McKean, Montour, Potter, Snyder, Sullivan, Tioga, Venango and Warren.

**Counties currently in yellow include:** Adams, Allegheny, Armstrong, Beaver Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Elk, Erie, Fayette, Forest, Fulton, Greene, Indiana, Jefferson, Juniata, Lawrence, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Perry, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Westmoreland, Wyoming, Wayne, and York.

Pennsylvania is utilizing a three-phase matrix to determine when counties and/or regions are ready to begin easing some restrictions on work, congregate settings, and social interactions. View

(<https://www.pa.gov/guides/responding-to-covid-19/#PhasedReopening>)

Governor's Wolf's phased reopening plan for

(</topics/disease/coronavirus/Pages/Testing-Strategy.aspx>)

Pennsylvania. View the testing and

(</topics/disease/coronavirus/Pages/Contact-Tracing.aspx>)


contact tracing plans.

Stay home as much as possible. Try to get groceries once per week instead of daily. Freedom of travel remains, but please refrain from non-essential travel. Essential travel includes things like commuting to an essential job, picking up supplies like groceries and medicine, and checking on family and pets in other households. Do not host or attend gatherings.

Schools are closed until further notice.

### **Life-sustaining businesses**

(<https://www.scribd.com/document/452553026/UPDATED-2-30pm-March-24-2020-Industry-Operation-Guidance>)

 [rch-24-2020-Industry-Operation-Guidance](#)

and services

may continue to maintain in-person operations. View

frequently asked questions about Governor Wolf's order for businesses 

(<https://www.scribd.com/document/452553495/UPDATED-2-00pm-March-24-2020-Life-Sustaining-Business-FAQs>)

It is important that as many people as possible wear a nonmedical or homemade mask when leaving their homes. View

instructions for how to make a homemade mask

(</topics/disease/coronavirus/Pages/Stop-the-Spread.aspx>)

# Get Help

[Pennsylvania COVID-19 guide](#)

The [\(https://www.pa.gov/guides/responding-to-covid-19/\)](https://www.pa.gov/guides/responding-to-covid-19/)

was created as a place for

Pennsylvanians to quickly find the resources they need during the COVID-19 pandemic.

## County and Zip Code Maps

Use the maps below to see the number of COVID-19 cases in each county and by zip code. These numbers are updated daily at noon after being verified by the Department of Health. **To view the zip code-level data, please click the Zip Code Data tab below the map.** Having difficulty viewing the map below on mobile?

[View as a clickable county or zip code level map on mobile](#) 

[\(https://experience.arcgis.com/experience/bc92e33cfd5d417795f7a7a1a5cb3b1d/\)](https://experience.arcgis.com/experience/bc92e33cfd5d417795f7a7a1a5cb3b1d/)

[number of cases by county](#)

You also can view the [\(/topics/disease/coronavirus/Pages/Cases.aspx\)](/topics/disease/coronavirus/Pages/Cases.aspx)

in table format.

*Zip codes with case counts smaller than 5 have been redacted for patient privacy.*

[View the COVID-19 daily report](#)orts/20200526nCoVSituationReportExt.pdf)

## Why flatten the curve?



The more people who get sick at the same time, the more resources we will need quickly. Our health care system can only handle so many cases at a time. If medical professionals become overwhelmed, lives that otherwise could have been saved will be lost.

[Learn about what you can do to save lives.](#)

([/topics/disease/coronavirus/Pages/Stop-the-Spread.aspx](#))

[Help spread the word on social media.](#)


([/topics/disease/coronavirus/Pages/Social-Media.aspx](#))

## Questions About COVID-19?

[list of frequently asked questions](#)

First, check out our ([/topics/disease/coronavirus/Pages/FAQs.aspx](#))

. If you still

[1-877-724-3258](#) 

have a question that needs answered, call us at 1-877-PA-HEALTH ( [tel:1-877-724-3258](#))

).


**LIVE** daily briefings from the PA Department of Health:

[pacast.com/live/doh](#) 

[www.governor.pa.gov/live/](#)

([https://pacast.com/live/doh](#))

OR ([https://www.governor.pa.gov/live/](#))

or [watch on Facebook](#)  ([https://www.facebook.com/pennsylvaniadepartmentofhealth/](#))

or Español:

[pacast.com/live/es](#) 

([https://pacast.com/live/es](#))

[View the PA Dept. of Health coronavirus archives](#)

([/topics/disease/coronavirus/Pages/Archives.aspx](#))

## **It Takes All of Us to Fight COVID-19**

We're sure you've been hearing health care experts say that we need to "flatten the curve." What does that mean? It means we all need to act now and take precautions to keep the number of COVID-19 cases at a manageable level.



## **EXHIBIT 2**

# Gov. Wolf Announces 13 Counties will Move to Yellow Phase of Reopening on May 15

May 08, 2020

## Press Release, Public Health

Today Governor Tom Wolf announced 13 Pennsylvania counties will move to the yellow phase of reopening at 12:01 a.m. on Friday, May 15. Those counties include Allegheny, Armstrong, Bedford, Blair, Butler, Cambria, Fayette, Fulton, Greene, Indiana, Somerset, Washington and Westmoreland.

On May 1, the governor announced the 24 counties moving into the yellow phase of reopening beginning today. And, last evening, he and Secretary of Health Dr. Rachel Levine signed new orders – one for yellow phase reopening and one to extend the red phase counties' stay-at-home order, which was set to expire last night, to June 4. The red phase stay-at-home order extension does not mean that other counties won't move to the yellow phase in advance of June 4.

"The reopening plan prioritizes the health and welfare of Pennsylvanians by using a combination of factors to gauge how much movement a location can tolerate before the 2019 novel coronavirus becomes a threat," Gov. Wolf said. "I'd like to emphasize that this plan is not a one-way route. We are closely monitoring the 24 counties in the yellow phase and will re-impose restrictions if danger arises."

Gov. Wolf reminded residents and business owners that yellow means caution and that everyone needs to continue to be mindful of their actions and how they affect not only themselves, but their families, friends and community.

"Every contact between two people is a new link in the chain of potential transmission," Wolf said. "And if the new case count begins to climb in one area, restrictions will need to be imposed to prevent local medical facilities from becoming overwhelmed. So, Pennsylvanians should continue to make good choices."

Law enforcement remains focused on achieving voluntary compliance through education, but citations are possible for violators depending on the specific circumstances of an investigation.

In addition to the possible criminal penalties levied by law enforcement, there may be additional licensing consequences for violators, in part, through complaints filed by employees on the Department of Health portal that allows any employee who feels their employer is not providing a safe work environment to fill out an online form.

The Department of Health vets the complaints and investigates internally or sends the complaint to the appropriate state agency for investigation. For example, restaurant complaints are handled by the Department of Agriculture, which inspects those facilities; complaints about nursing homes are handled by the Department of Health, which inspects and licenses those facilities. Other involved agencies are the departments of State and Labor & Industry.

Concerns about a business reopening that may be in violation of stay-at-home or yellow phase orders should be made to local law enforcement non-emergency numbers or a local elected official.

Read Gov. Wolf's Plan for PA [here](#).

Read business guidance [here](#).

Read CDC guidance for child care centers [here](#).

Read FAQs [here](#).

View the Carnegie Mellon University Risk-Based Decision Support Tool [here](#).

View this information in Spanish.



## **EXHIBIT 3**

# Gov. Wolf Adds Eight Counties to Yellow and 17 to Green on May 29, Remainder to Yellow on June 5

May 22, 2020

## Press Release, Public Health

Furthering his plan for reopening Pennsylvania, Governor Tom Wolf today announced eight additional counties will move to yellow and 17 to green, effective at 12:01 a.m., May 29. All remaining counties in red are expected to move to yellow by June 5 at 12:01 a.m.

The counties moving to yellow on May 29 include Dauphin, Franklin, Huntingdon, Lebanon, Luzerne, Monroe, Pike, and Schuylkill.

The 17 counties moving to green, also on May 29, include Bradford, Cameron, Clarion, Clearfield, Crawford, Elk, Forest, Jefferson, Lawrence, McKean, Montour, Potter, Snyder, Sullivan, Tioga, Venango and Warren.

Counties that remain in red on May 29 and are expected to move to yellow by June 5 include Berks, Bucks, Chester, Delaware, Lackawanna, Lancaster, Lehigh, Northampton, Montgomery, and Philadelphia.

"We know not only that we succeeded in slowing case growth, but that our actions, our collective decisions to stay at home and avoid social contact – we know that saved lives," Gov. Wolf said. "My stay-at-home order did exactly what it was intended to do: It saved lives and it bought us valuable time."

Gov. Wolf referred to a study by Drexel University that indicates that in Philadelphia alone, 60 days of staying at home resulted in more than 7,000 lives saved and prevented more than 68,000 people from needing hospitalization.

## Yellow Metrics

In deciding which counties to move to yellow, the state used risk-based metrics from Carnegie Mellon University combined with contact tracing and testing capability and a sustained reduction in COVID-19 hospitalizations. While the 50 new cases per 100,000 population was considered, it did not weigh any more heavily than other factors.

Over the past two weeks:

- The state has seen sustained reductions in hospitalizations. From May 8 when the first counties moved to yellow to yesterday, the number of COVID-19 patients hospitalized dropped by nearly one thousand – from 2,618 to 1,667.
- The number of COVID patients on ventilators shrank by about a third, from 505 to 347.
- New cases continue to decline: From May 8 to May 15, the state added 6,384 cases and from May 15 to 21, added 4,770.
- The current COVID-19 incidence rate in the state is 83.4 cases per 100,000 people. Two weeks ago, it was 113.6 per 100,000. Most other states are seeing their new case rate continue to increase or remain flat. Pennsylvania is one of just 19 states with new case-rate declines.

## Green Metrics

Counties that have been in the yellow phase for the requisite 14 days have been closely monitored for the risk associated with transitioning to the green phase.

In the green phase, we will continue to take precautions, including reducing building capacity, encouraging teleworking, limiting visitation in certain high-risk environments, and preventing large entertainment gatherings.

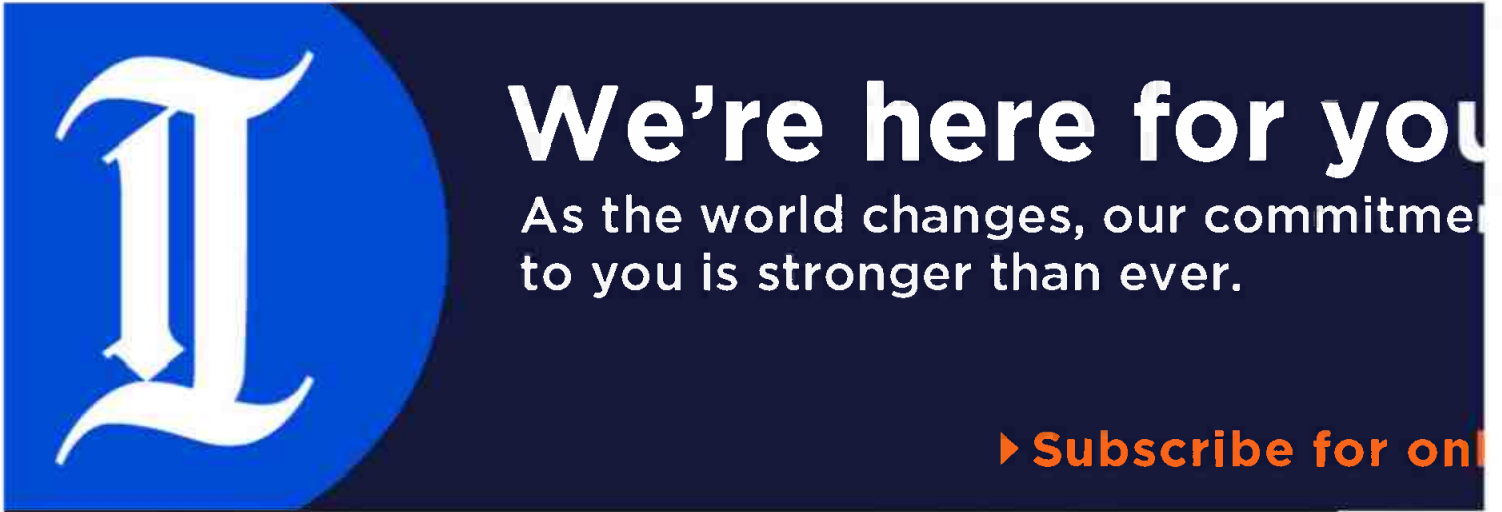
The guidelines for moving to green are available [here](#), and include specifics for employers, large events, and social gatherings.

## Moving Forward

"We continue to increase testing every day and are continuing to build our contact tracing capacity, as well," Gov. Wolf said. "We are able to do these things, to be successful, to reopen in this manner because of the Pennsylvanians who have made tremendous sacrifices since the virus emerged in our state," Gov Wolf said. "Thank you."

"I want to remember and honor all of those who we lost and give solace to their family and loved ones. The last two months have been trying and they have tested each of us, and I want to thank and acknowledge all the people of our commonwealth who have been called upon to upend their lives to keep their neighbors, friends and family safe."

# **EXHIBIT 4**



The Inquirer

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# Thousands of Pennsylvania voters might not get their mail ballots in time to actually vote

by Jonathan Lai, Updated: May 26, 2020- 3:42 PM



HEATHER KHALIFA / STAFF PHOTOGRAPHER





Tens of thousands of Pennsylvania voters have been applying for mail ballots every day leading up to Tuesday's deadline.

It's unclear how many will receive them in time to actually vote in next week's primary.

"There are going to be many people who are still going to be receiving their ballots very close to election day or on election day," Delaware County Councilwoman Christine Reuther said. "I'm very worried that people are going to be disenfranchised."

Reuther and other county elections officials across the state are warning that an unexpected [surge of mail ballots](#) this year, combined with uncertain mail delivery times and [coronavirus-related staffing changes](#), could lead thousands or even tens of thousands of voters to receive their ballots without enough time to mail them back. Some will likely not even receive them until after the election. Others will put their ballots in the mail and expect them to be counted, never knowing their votes arrived after the June 2 election day deadline.

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The [coronavirus pandemic](#) is making every step of the vote-by-mail process take longer than usual. After a voter requests a ballot, it can take a few days to process that application, a day or two to print and prepare the ballot, and a few days for it to be delivered. All told, it can take a week or more for ballots to arrive in a voter's mailbox.

"It becomes a series of falling dominoes, with things backing up," said Randall O. Wenger, chief clerk of Lancaster County's board of elections.

#### PENNSYLVANIA 2020 NEWSLETTER

Interested in how Pennsylvania is shaping the 2020 election? Sign up to receive our newsletter every Wednesday.

Sign Up

And Pennsylvania law sets a strict deadline: Absentee ballots must be received by county elections officials by 8 p.m. on election day to be counted, regardless of when they were mailed. Postmarks don't count. That deadline actually [gives voters more time than they used to have](#), after lawmakers expanded what was [one of the country's tightest absentee-ballot deadline windows](#).

But a one-week turnaround that might work under normal circumstances doesn't work in a pandemic, county officials said. And they worry the problem will be even worse in November, when turnout is higher.

ADVERTISEMENT

» [READ MORE: Pennsylvania's 2020 election results were already going to be delayed. Coronavirus will make it even worse.](#)

Some officials, including in Philadelphia and its suburbs, are calling on state lawmakers to pass legislation to allow ballots to be counted if they're postmarked by election day. Others hope courts will step in to intervene and are [closely watching a case pending in state court](#).

Montgomery County filed an emergency petition in Common Pleas Court on Tuesday seeking to [extend the deadline by one week](#). That would allow ballots to still be counted if they arrive within a week of the election. Voters could be disenfranchised without the change, the county said.

“Without a doubt, the deadlines for applying for an absentee ballot and also the date by which it can be returned, [lawmakers] should deal with that today,” said Lee Soltysiak, Montgomery County’s chief operating officer and clerk of its elections board. “But if they don’t, that should really be the first order of business for November. And I think we’ll have the proof ... after this primary that thousands of voters will very likely not have their votes counted.”

ADVERTISEMENT

A new election law allows any Pennsylvania voter to vote by mail. The pandemic-driven surge in requests for mail ballots has come at a faster and faster clip in the days leading up to the deadline.

“It’s hard because they come in so fast ... it’s unrelenting,” said Gail Humphrey, chief clerk for Bucks County. Her elections staff now processes ballots for 16 hours a day to try to keep up. She’s had to seek help from other departments.

“They arrived like the cavalry,” Humphrey said.

Similarly, Philadelphia elections staff have been supplemented in recent weeks by city employees from other departments, with dozens helping stuff envelopes and get ballots out in time.

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“As you might imagine, the City Commissioners Office has received a significant influx of mail-in ballot applications and completed ballots,” James R. Engler, chief of staff to Mayor Jim Kenney, wrote in an email Friday calling for city departments to send three to five people each to work over the weekend or Tuesday. “Unfortunately, due to the current backlog, the City is in jeopardy of not getting ballots out to voters in time for the June 2nd primary and we need your support.”

The call to arms appears to have worked, with the city [clearing out the backlog Monday afternoon](#) before the last-day crush of applications.

Delivery of election mail isn’t taking any longer than normal, a spokesperson for the United States Postal Service said, though voters and officials have complained of longer delivery times than they’re used to.

To account for any possible delays, elections officials should “allow one week for delivery” of a ballot to voters, said Ray V. Daiutolo Sr., the regional USPS spokesperson. Similarly, voters returning ballots should “mail their completed ballots at least one week before the due date.”

That's a two-week round-trip, meaning a voter who requested a ballot Tuesday, and has it put in the mail Friday or Saturday, might not even receive it until after election day.

"I think that's the scariest part for every county right now," Humphrey said. "People have until May 26 [to apply], but we have no control over the U.S. mail."

Elections officials also worry that voters who do receive their ballots by election day will either recognize they can't get them back in time and give up — or mail them back without realizing they won't be received in time. Would-be voters aren't notified if their ballots arrive after election day, leaving them with no idea their votes never counted.

Voters should turn in their mail ballots as soon as possible, Pennsylvania Secretary of State Kathy Boockvar said in a conference call with reporters last week.

"Do not wait to send in your ballot. ... As soon as you get it, please send it in," she said, urging voters to "mail it super fast" or drop it off at their county board of elections.

For voters who don't have time to mail their ballots back, counties are rushing to set up drop boxes. Ballots put in them by 8 p.m. on election day will count.

Voters who request mail ballots and then show up at the polls are not allowed to cast a normal vote, but must instead use a provisional ballot, which is only counted after county officials confirm they did not also vote by mail.

## County drop boxes

County elections officials in Philadelphia and the suburbs are setting up drop boxes for voters who receive their ballots without enough time to return them by mail. [Contact county elections officials for more information.](#)

### Bucks County

The county has installed a metal box outside the administration building at 55 East Court Street in Doylestown.

### Chester County

The county has placed a drop box in the lobby of the Government Services Center at 601 Westtown Road in West Chester.

### Delaware County

The county is planning to place drop boxes inside each polling place, under the supervision of poll workers. Voters will be able to enter a polling place without waiting in the in-person voting line and submit their mail ballots.

### Montgomery County

The county has installed drop boxes [at the following five locations:](#)

- One Montgomery Plaza at 425 Swede Street in Norristown
- Green Lane Park at 2144 Snyder Road in Green Lane
- Montgomery County Community Connections Office at 421 West Main Street in Lansdale
- South Hall of Montgomery County Community College at 101 College Drive in Pottstown
- Eastern Court House Annex at 102 North York Road in Willow Grove

### Philadelphia

The city [has installed a drop box](#) by the south portal of City Hall. Elections officials are also working with City Council [to set up election day drop-off sites](#) in each of the city's 10 Council districts.

*Mail ballot applications are due by 5 p.m. Tuesday and can be submitted online. To check on the status of a ballot, use the state's online tool or contact your county elections office. Completed ballots must be received by county elections officials by 8 p.m. on election day, June 2.*

*Staff writer Jonathan Tamari contributed to this article.*



Posted: May 26, 2020 - 12:48 PM

[Jonathan Lal](#) | [@Elaljuh](#) | [jlal@inquirer.com](#)

# **EXHIBIT 5**



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## VALLEY NEWS DISPATCH

<https://triblive.com/local/valley-news-dispatch/allegheny-county-election-officials-promise-mail-in-ballots-will-arrive-soon/?printerfriendly=true>

# Allegheny County election officials promise mail-in ballots will arrive soon



JAMIE MARTINES (<https://triblive.com/author/jamie-martines/>) [✉ \(mailto:jmartines@triblive.com\)](mailto:jmartines@triblive.com) [🐦 \(https://twitter.com/Jamie\\_Martines\)](https://twitter.com/Jamie_Martines)

Sun., May 24, 2020 12:01 a.m.

<https://triblive.com/author/jamie-martines/>



TRIBUNE-REVIEW FILE

Allegheny County election officials are stressing to voters that mail-in ballots are on the way as the elections division works around the clock to process applications.

"We're getting caught up this week," elections division manager David Voye said Wednesday. "If you haven't received your ballot yet, I understand your concern. But please be patient. We are trying to get them out."

Anyone who has not received a ballot shouldn't panic, even if their online tracking status says their ballot has been mailed, Voye said.

That status represents when a mailing label was printed for their ballot, but other steps in the process need to be carried out.

Four times the normal number of Allegheny County elections staff are working across three shifts, 24 hours a day to process applications for mail-in ballots, as well as completed mail-in and absentee ballots, ahead of the primary.

Staffers had processed more than 215,000 applications for mail-in ballots by Friday afternoon. That equates to about 25% voter turnout, compared with the 22% turnout expected for this election.

Applications for mail-in or absentee ballots must be returned to the elections division office by 5 p.m. Tuesday, May 26.

Completed ballots must be returned to the elections division office by 8 p.m. the day of the primary, June 2.

If voters are worried their ballot will not arrive in time by mail, they can be dropped off in person at the elections division office in Downtown Pittsburgh at 542 Forbes Ave.

Anyone who does not receive a mail-in ballot in time or who has concerns about its status can vote at their polling place on Election Day using a provisional ballot.



A provisional ballot will not be counted until it is verified that a mail-in or absentee ballot was not received.

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Voters who choose to vote in person on Election Day are encouraged to wear a mask and bring a pen — blue or black ink — to polling places. Masks will be available at polling places for those who show up without one. [Accept Cookies](#)

Those who refuse to wear a mask won't be turned away, Voye said.

"We can't take away their right to vote because they won't wear a mask," Voye said. "But we think everyone will be respectful and wear a mask."

There will also be an ample supply of pens for anyone who doesn't bring their own.

"We are asking voters to bring their own. That way they can take it with them or throw it away," Voye said. "It's just for safety."

Ballot-marking devices for anyone unable to hand-mark a paper ballot will be available at all polling places. Those devices can be operated by touch screen, stylus or Braille adapter.

There will also be large containers of wipes to clean surfaces and marks on the floor to remind voters to stay at least six feet apart.

The Allegheny County Board of Elections voted in April (<https://triblive.com/local/pittsburgh-allegheny/allegheny-county-votes-to-consolidate-primary-polling-locations/>) to consolidate polling places in order to cut down on the number of poll workers needed on Election Day.

That consolidation was approved by the Pennsylvania Department of State this week and reduces the number of voting districts from 1,323 to 416.

Voters will receive a postcard prior to Election Day advising them of their polling place location.

Polling places will open at 7 a.m., and voters will be directed to the right area when they arrive by the first letter of their last name.

*Jamie Martines is a Tribune-Review staff writer. You can contact Jamie at 724-850-2867, [jmartines@triblive.com](mailto:jmartines@triblive.com) (mailto:jmartines@triblive.com) or via Twitter [https://twitter.com/Jamie\\_Martines](https://twitter.com/Jamie_Martines).*

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# **EXHIBIT 6**



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UPDATE: Every absentee or mail-in application that we received before 5pm tonight has been processed. Every application that was approved up to last night is stuffed and in the mail room to be delivered to the @USPS tomorrow. Applications that were processed today are printing.



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**Michael D. Dwyer** @michaeldwyer · May 26

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# **EXHIBIT 7**

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## Primary 2020 update: Allegheny County voters can expect mail-in ballots by Friday



**JULIAN ROUTH** ✓

Pittsburgh Post-Gazette

[jrouth@post-gazette.com](mailto:jrouth@post-gazette.com)

MAY 27, 2020

10:50 AM

Voters who applied for a mail-in ballot in Allegheny County right before Tuesday's deadline should expect to receive theirs by Friday, Elections Division Manager David Voye said Wednesday.

The county is mailing the last batch of ballots today, and kept the mail room open late on Tuesday to handle most of the 5,000 or so applications they received in the hours before the application deadline.

about 86,000 voted ballots.

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For voters who want to ensure their voted ballot makes it to the office before the time polls close on Election Day, the county is opening the lobby of its office building -- 542 Forbes Ave. in Downtown Pittsburgh -- as a ballot drop-off spot after normal business hours from 10 a.m. to 5 p.m. on Saturday and Sunday, 5 p.m. to 8 p.m. on Monday and 7 a.m. to 8 p.m. on Election Day.



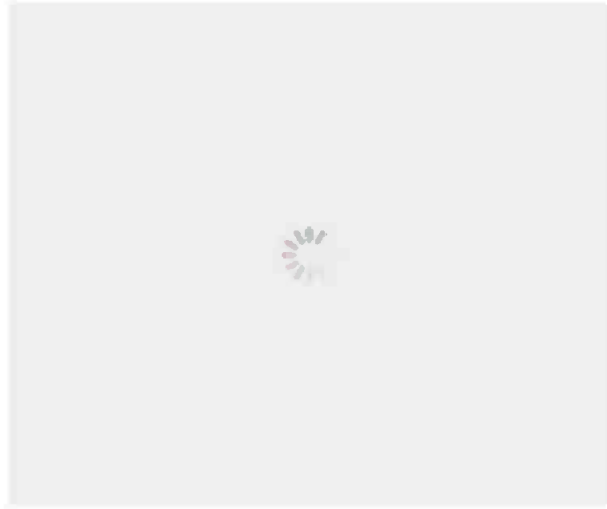
**Julian Routh**

**Suburban Pittsburgh counties say they are ready for June 2 primary**

Voters can also drop their ballots off daily in the elections office between 8:30 a.m. and 4:30 p.m. this week, as well as 8 a.m. to 5 p.m. on Monday and 7 a.m. to 8 p.m. on Election Day.

Mr. Voye said turnout from mail-in and absentee ballots alone could be more than 36 percent or 38 percent, which would near the total turnout for contested presidential primaries in 2016 and 2008. The uncontested presidential primary in 2012 garnered about 22 percent turnout, Mr. Voye said.

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*First Published May 27, 2020, 10:50am*

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## Suburban Pittsburgh counties say they are ready for June 2 primary



**JULIAN ROUTH** ✓

Pittsburgh Post-Gazette

[jrouth@post-gazette.com](mailto:jrouth@post-gazette.com) 

MAY 26, 2020

6:58 PM

Officials in the counties on Pittsburgh's outskirts say they've recruited enough poll workers, gathered enough sanitary equipment and mostly conquered the bins and bins of mail-in and absentee ballot applications that had streamed into their offices ahead of the June 2 primary election.

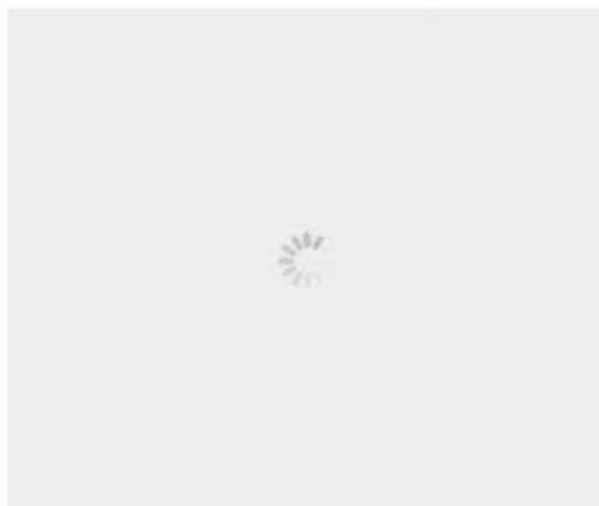
Now, only six days remain until the elections offices in Beaver, Butler, Washington, Westmoreland and Fayette counties can see the results of their monthslong effort to disease-proof the contests in the face of COVID-19.

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The offices were still busy Tuesday as staffers worked to finish the final batches of applications that came in before the state's deadline, eager to put an end to processing an influx of requests that Pennsylvania's top election official deemed "off the charts" last week.

It was so hectic Tuesday that election officials in Beaver and Westmoreland, both reached by phone, could only spare five minutes — and not a minute more — to talk about the state of their election preparations. Trays of mail and conference calls awaited them, they said.

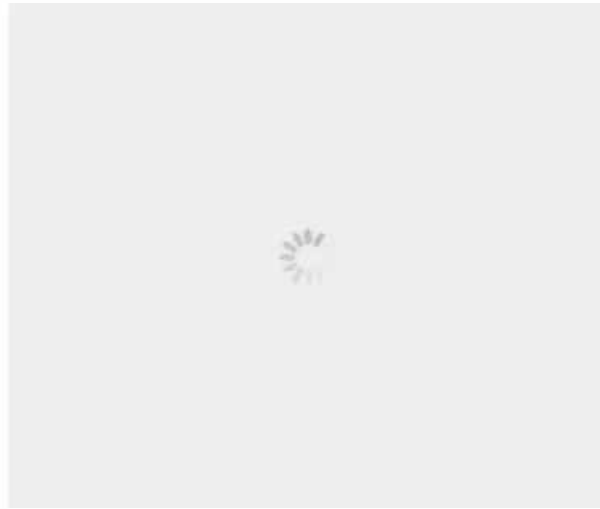
What they did describe — like others — was confidence in their efforts. They've recruited the workers, corralled the hand sanitizer and processed most of the paperwork — facets of mid-pandemic election administration that have levied a greater burden on more populous counties with bigger voter registration rolls.

Continuing coverage  
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Though the applications kept streaming into her office on Tuesday, Dorene Mandity, director of Beaver County's elections bureau, said they had processed more than 20,000 so far, a task that has required 12-hour days, five days a week, with an additional Saturday shift and help from two part-time workers.

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Washington County, too, had to hire eight temporary employees and recruit help from other county departments to process and mail ballots, while in Butler, the office employed nine seasonal workers and used a lot of overtime.

"It's difficult because of the sheer volume of applications coming in, but we're trying to stick to a 48-hour turnaround for each one," said Larry Blosser, Fayette's elections director.

Meanwhile, officials have had to ensure that voters who do want to cast their ballots in-person on Election Day are safe to do so, and know exactly where to go and how to prepare.

Like others, Westmoreland County is going to maintain social distancing at its polling locations, and poll workers will be instructed to allow no more than 25 people in one precinct at one time — including themselves, said Scott Sistek, a county elections

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Four Quick Questions

**Do you consider nail polish to be makeup?**

- Yes
- Somewhat
- No
- Other / No opinion

NEXT





Mr. Sistek added.

Mr. Sistek said voters will also be given Q-tips to use on screens so they don't have to touch the machines, a precaution officials were pointed to during the special election they held March 17.

In Fayette County, equipment will be sanitized between uses, and signs will be placed indoors and outdoors with instructions. Though the state issued them 50 poll kits with protective supplies, county officials purchased 40 more.

Community members, too, donated extra masks, and the county's emergency management agency supplied extra hand sanitizer and face shields.

"We can't force people to wear a mask, which is what a lot of our election judges are having issues with," Mr. Blosser said. "It's not a state requirement."

Information provided by the county said if anyone is showing signs of illness or coughing heavily at the polls, they may be asked to put on a mask as a precaution, though it won't be required.

The five counties mostly will be able to field a full slate of poll workers, officials said. Butler has a sufficient number. Fayette is at 95 percent capacity. Washington is "making every attempt" to do so, elections director Melanie Ostrander said late last week.

In Westmoreland, the situation has improved. The county put out a call on social media last week saying it had a "critical" need for poll workers, urging residents to apply online. That call was "very, very well received," Mr. Sistek said Tuesday, and now, it's a matter of contacting all of the people who volunteered.

Some polling places in Beaver may have four staffers instead of five.

"Right now I'm okay, but every day, you wait for the phone to ring and somebody can't work or [changes their] mind," Ms. Mandity said.



Commonwealth warned could be tough on the night of the election given the volume of mail-in ballots. For this election, they can begin counting the mail-in and absentee ballots at 8 a.m. instead of having to wait until polls close at 8 p.m.

“We’ll hopefully have our results right on schedule, as usual, but it’s definitely going to be a late night,” Mr. Blosser said.

Mr. Sistek, in Westmoreland, said he thinks he has enough staff to handle it, and that since absentee ballots won’t be opened at the polls, workers will be able to deliver the results to the county headquarters more quickly. Then, it will just be a matter of accumulating the data.

Beaver County will not be counting absentee or mail-in ballots until the Wednesday after the election, Ms. Mandity said. The room the county uses is where officials receive returns, unused ballots and voted ballots, she said, which will be “chaotic all night long.”

“I also can’t be in that room opening ballots and trying to count them,” Ms. Mandity said. “It wouldn’t be secure. It’s the best thing for us to wait until the next day when deliveries are all done and the only thing in that room is me and the ballots.”

*Julian Routh: jrouth@post-gazette.com, 412-263-1952, Twitter @julianrouth.*



*First Published May 26, 2020, 6:58pm*

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# Exhibit AN



# Pennsylvania 2020 Primary Election Act 35 of 2020 Report

Date: August 1, 2020

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## Introduction

On June 2, 2020, Pennsylvania held a primary election under unprecedented conditions. Prior to the primary, significant changes were implemented to the voting processes in Pennsylvania.

First, all Pennsylvanians voted on new, more accessible, auditable, and secure voting systems providing a voter-verifiable paper ballot. All 67 counties debuted their new voting systems in 2019 or the 2020 primary, completing a two-year initiative to bring these new systems with augmented election security and integrity to all Pennsylvanians.

Second, the Commonwealth for the first time in over 80 years significantly increased voting options, thanks to bipartisan support of Act 77 of 2019, which granted Pennsylvania voters enhanced options to participate in our democracy. One of those options provided that all eligible voters could now choose to vote by mail-in ballot.

Though unknown at the time, the timing of passage of Act 77 and mail-in voting was essential due to a third change: the spread of COVID-19. Due to the pandemic and stay-at-home orders implemented to stop the spread of the virus, Pennsylvanians embraced mail-in voting in impressive numbers. Nearly 1.5 million voters cast their vote by mail-in or absentee ballot, 17 times the number that voted absentee in the 2016 primary, when approximately 84,000 absentee ballots were cast.

And fourth, circumstances changed even further just days before our primary election, when we experienced civil unrest nationally and in regions throughout the Commonwealth in response to the tragic death of George Floyd, leading to curfews, travel restrictions, and office closures.

Yet, despite the changes and challenges, Pennsylvanians voted safely and peacefully in the primary, embracing the new mail-in voting option, and the new voting systems performed well. Reports of significant incidents were fewer than reported in many comparable prior elections, and our overall turnout was far higher than in 2012, the last time a presidential primary was not contested on both sides of the aisle. In addition to the nearly 1.5 million people who voted by mail, over 1.3 million Pennsylvanians voted in person on June 2.

We also learned some valuable lessons from the primary that we can use to ensure an even smoother voting experience in the general election in November.

In March 2020, Act 12 of 2020 was enacted, changing the date of the Primary from April 28 to June 2. Temporary changes, including allowing counties the ability to more quickly and easily appoint and staff polling places, were part of what allowed the 2020 Primary to be conducted safely and efficiently in the middle of a pandemic. While some of these Act 12 changes were temporary and expired after the primary, the Department of State and the county election offices agree that several of these temporary provisions relating to poll workers would be valuable and should be made permanent.



Other principal goals are to make it easier for counties to distribute and count mail-in ballots. The sheer volume of these ballots delayed some primary results in several counties. Our top priority is and has always been the accurate count of the ballots, and we know every voter shares this commitment. In addition, we also want to help the counties canvass these ballots as quickly and efficiently as possible.

The single most important change to accomplish this is a legislative change: We hope to work with the General Assembly to allow counties to begin pre-canvassing ballots in the weeks before Election Day. The counties overwhelmingly support this reform, and we hope the legislature shares this priority and will pass this amendment before counties finalize and begin sending ballots in early September.

Additionally, the Department is working with the counties to develop timelines and best practices, to map out the most effective processes before November, including recommendations on additional equipment, staffing, and schedules necessary to effectively process the high volume of mail-in ballots expected in November.

This report represents the fullest collection of data relating to the 2020 Primary Election, which may be helpful in mapping additional changes to Pennsylvania's Election Code that would be useful prior to the November Election. It includes some data not requested pursuant to Act 35, in order to provide more context for and a more complete presentation of the data.

The data referenced and presented in this report was obtained from two sources: The Statewide Uniform Registry of Electors (SURE), which is the statewide database used by county election officials to maintain elections and voter data, and the responses to uniform surveys that the Department sent to each county election director. Each county board of elections is responsible for ensuring the accuracy of the data that it enters into SURE and for its own responses to the Department's surveys. The Department has no ability to independently verify or guarantee the accuracy of the data received solely from the county boards of elections.

## Voter Registration Statistics

Registered Voters as of June 2, 2020<sup>1</sup>

County	Registered Voters
ADAMS	67,695
ALLEGHENY	898,944
ARMSTRONG	42,128
BEAVER	110,663
BEDFORD	32,237
BERKS	256,863
BLAIR	75,535
BRADFORD	36,324
BUCKS	461,310
BUTLER	129,783
CAMBRIA	83,182
CAMERON	2,987
CARBON	44,339
CENTRE	109,015
CHESTER	359,265
CLARION	23,239
CLEARFIELD	46,523
CLINTON	20,811
COLUMBIA	38,035
CRAWFORD	53,613
CUMBERLAND	178,406
DAUPHIN	187,621
DELAWARE	404,732
ELK	19,223
ERIE	195,467
FAYETTE	77,316
FOREST	3,385
FRANKLIN	94,623
FULTON	9,124
GREENE	21,704
HUNTINGDON	26,687
INDIANA	49,874
JEFFERSON	30,256
JUNIATA	13,633
LACKAWANNA	142,575

County	Registered Voters
LANCASTER	331,820
LAWRENCE	54,204
LEBANON	86,963
LEHIGH	234,842
LUZERNE	211,276
LYCOMING	69,008
McKEAN	24,098
MERCER	70,706
MIFFLIN	25,283
MONROE	109,981
MONTGOMERY	574,403
MONTOUR	13,299
NORTHAMPTON	212,972
NORTHUMBERLAND	53,985
PERRY	28,054
PHILADELPHIA	1,076,764
PIKE	40,955
POTTER	10,687
SCHUYLKILL	85,526
SNYDER	22,180
SOMERSET	46,659
SULLIVAN	4,416
SUSQUEHANNA	25,516
TIOGA	25,221
UNION	24,050
VENANGO	31,048
WARREN	30,486
WASHINGTON	145,882
WAYNE	33,353
WESTMORELAND	239,997
WYOMING	17,209
YORK	291,334
<b>Total</b>	<b>8,599,294</b>

Table 1: Data obtained from the SURE system.

<sup>1</sup> Data not requested by Act 35 but included for informational purposes.

## Voter Registration Statistics

Voter Registration Applications Received by County Election Offices Fewer than 30 Days Before the 2020 Primary Election.

In other words, this represents voter registration applications received between May 4, 2020 and June 2, 2020.

County	Applications Received 5/4/20 – 6/2/20
ADAMS	1,522
ALLEGHENY	23,248
ARMSTRONG	951
BEAVER	2,676
BEDFORD	655
BERKS	6,589
BLAIR	1,998
BRADFORD	768
BUCKS	10,976
BUTLER	3,254
CAMBRIA	1,891
CAMERON	62
CARBON	1,061
CENTRE	2,882
CHESTER	9,515
CLARION	568
CLEARFIELD	1,430
CLINTON	614
COLUMBIA	1,057
CRAWFORD	1,259
CUMBERLAND	4,383
DAUPHIN	4,892
DELAWARE	10,611
ELK	444
ERIE	4,454
FAYETTE	1,891
FOREST	65
FRANKLIN	2,310
FULTON	205
GREENE	434
HUNTINGDON	615

County	Applications Received 5/4/20 – 6/2/20
INDIANA	1,042
JEFFERSON	779
JUNIATA	294
LACKAWANNA	3,561
LANCASTER	8,666
LAWRENCE	1,226
LEBANON	2,185
LEHIGH	6,780
LUZERNE	4,945
LYCOMING	1,698
McKEAN	636
MERCER	1,665
MIFFLIN	692
MONROE	2,629
MONTGOMERY	16,778
MONTOUR	348
NORTHAMPTON	5,222
NORTHUMBERLAND	1,362
PERRY	696
PHILADELPHIA	31,678
PIKE	941
POTTER	225
SCHUYLKILL	2,036
SNYDER	538
SOMERSET	1,067
SULLIVAN	83
SUSQUEHANNA	474
TIOGA	513
UNION	596
VENANGO	788
WARREN	417
WASHINGTON	3,463
WAYNE	659
WESTMORELAND	5,514
WYOMING	382
YORK	7,131
<b>Total</b>	<b>220,989</b>

Table 2: Data obtained from the SURE system.

## Voter Registration Statistics

### Voter Registration Applications Fewer than 15 Days before Primary Election

Voter Registration Applications Received by County Election Offices Fewer than 15 Days Before the 2020 Primary Election. In other words, this represents voter registration applications received between May 19, 2020 and June 2, 2020.

County	Applications Received 5/19/20 – 6/2/20
ADAMS	553
ALLEGHENY	9,063
ARMSTRONG	355
BEAVER	961
BEDFORD	222
BERKS	2,339
BLAIR	773
BRADFORD	269
BUCKS	4,257
BUTLER	1,213
CAMBRIA	725
CAMERON	18
CARBON	368
CENTRE	1,058
CHESTER	3,330
CLARION	169
CLEARFIELD	513
CLINTON	225
COLUMBIA	382
CRAWFORD	423
CUMBERLAND	1,613
DAUPHIN	1,775
DELAWARE	4,316
ELK	161
ERIE	1,535
FAYETTE	659
FOREST	23
FRANKLIN	917
FULTON	64
GREENE	173
HUNTINGDON	213

County	Applications Received 5/19/20 – 6/2/20
INDIANA	361
JEFFERSON	278
JUNIATA	102
LACKAWANNA	1,077
LANCASTER	3,023
LAWRENCE	487
LEBANON	735
LEHIGH	2,451
LUZERNE	1,753
LYCOMING	616
McKEAN	247
MERCER	611
MIFFLIN	248
MONROE	1,072
MONTGOMERY	6,570
MONTOUR	109
NORTHAMPTON	2,054
NORTHUMBERLAND	455
PERRY	228
PHILADELPHIA	12,892
PIKE	346
POTTER	77
SCHUYLKILL	704
SNYDER	177
SOMERSET	396
SULLIVAN	30
SUSQUEHANNA	122
TIOGA	177
UNION	195
VENANGO	241
WARREN	137
WASHINGTON	1,303
WAYNE	214
WESTMORELAND	2,037
WYOMING	123
YORK	2,611
<b>Total</b>	<b>82,924</b>

Table 3: Data obtained from the SURE system.

## Total Number of Voters in 2020 Primary Election<sup>2</sup>

County	Votes
ADAMS	21,656
ALLEGHENY	316,376
ARMSTRONG	15,513
BEAVER	38,330
BEDFORD	11,342
BERKS	78,851
BLAIR	25,741
BRADFORD	11,827
BUCKS	157,090
BUTLER	47,129
CAMBRIA	30,151
CAMERON	1,114
CARBON	12,835
CENTRE	32,986
CHESTER	121,902
CLARION	9,351
CLEARFIELD	17,811
CLINTON	7,781
COLUMBIA	12,028
CRAWFORD	15,602
CUMBERLAND	60,260
DAUPHIN	67,118
DELAWARE	138,838
ELK	7,932
ERIE	59,698
FAYETTE	23,093
FOREST	1,274
FRANKLIN	33,806
FULTON	3,060
GREENE	7,878
HUNTINGDON	9,551
INDIANA	17,355
JEFFERSON	11,912
JUNIATA	5,256
LACKAWANNA	53,141
LANCASTER	104,382

County	Votes
LAWRENCE	17,862
LEBANON	28,292
LEHIGH	70,409
LUZERNE	65,634
LYCOMING	24,709
McKEAN	8,101
MERCER	21,564
MIFFLIN	8,320
MONROE	28,454
MONTGOMERY	218,034
MONTOUR	3,517
NORTHAMPTON	63,310
NORTHUMBERLAND	15,871
PERRY	11,277
PHILADELPHIA	345,591
PIKE	10,331
POTTER	4,384
SCHUYLKILL	31,118
SNYDER	8,108
SOMERSET	17,877
SULLIVAN	1,724
SUSQUEHANNA	9,131
TIOGA	9,835
UNION	8,577
VENANGO	11,061
WARREN	7,934
WASHINGTON	48,440
WAYNE	12,025
WESTMORELAND	85,164
WYOMING	6,598
YORK	87,277
<b>Total</b>	<b>2,880,499</b>

Table 4: Data obtained from the SURE system.

<sup>2</sup> Data not requested by Act 35 but included for informational purposes.

## Total Mail-in and Absentee Ballots Cast in 2020 Primary Election<sup>3</sup>

County	Votes
ADAMS	10,492
ALLEGHENY	213,873
ARMSTRONG	4,985
BEAVER	18,603
BEDFORD	3,840
BERKS	39,339
BLAIR	10,241
BRADFORD	3,443
BUCKS	78,798
BUTLER	19,779
CAMBRIA	11,873
CAMERON	538
CARBON	5,603
CENTRE	19,112
CHESTER	74,469
CLARION	2,987
CLEARFIELD	5,401
CLINTON	2,898
COLUMBIA	4,964
CRAWFORD	5,653
CUMBERLAND	31,745
DAUPHIN	34,109
DELAWARE	59,405
ELK	2,778
ERIE	29,651
FAYETTE	9,952
FOREST	604
FRANKLIN	12,505
FULTON	740
GREENE	3,241
HUNTINGDON	3,143
INDIANA	7,301
JEFFERSON	3,584
JUNIATA	1,639
LACKAWANNA	29,453

County	Votes
LANCASTER	52,273
LAWRENCE	8,003
LEBANON	13,031
LEHIGH	39,769
LUZERNE	40,038
LYCOMING	7,543
McKEAN	2,575
MERCER	8,312
MIFFLIN	3,012
MONROE	14,813
MONTGOMERY	126,843
MONTOUR	1,710
NORTHAMPTON	36,867
NORTHUMBERLAND	4,708
PERRY	3,792
PHILADELPHIA	174,472
PIKE	5,572
POTTER	1,108
SCHUYLKILL	11,044
SNYDER	2,695
SOMERSET	5,818
SULLIVAN	625
SUSQUEHANNA	3,605
TIOGA	3,271
UNION	3,687
VENANGO	3,963
WARREN	3,094
WASHINGTON	22,220
WAYNE	5,050
WESTMORELAND	40,437
WYOMING	2,824
YORK	40,040
<b>Total</b>	<b>1,459,555</b>

Table 5: Data obtained from the SURE system.

<sup>3</sup> Data not requested by Act 35 but included for informational purposes.

## Absentee Ballot Statistics

Absentee Ballot Applications Received for the 2020 Primary Election regardless of how the application was processed.

County	Applications Received
ADAMS	2,071
ALLEGHENY	46,229
ARMSTRONG	989
BEAVER	4,166
BEDFORD	695
BERKS	7,138
BLAIR	2,000
BRADFORD	767
BUCKS	21,979
BUTLER	4,740
CAMBRIA	2,255
CAMERON	82
CARBON	1,306
CENTRE	4,386
CHESTER	19,163
CLARION	689
CLEARFIELD	1,252
CLINTON	468
COLUMBIA	1,169
CRAWFORD	1,429
CUMBERLAND	6,746
DAUPHIN	7,362
DELAWARE	18,691
ELK	494
ERIE	5,895
FAYETTE	2,536
FOREST	102
FRANKLIN	2,440
FULTON	161
GREENE	874
HUNTINGDON	633
INDIANA	1,238
JEFFERSON	558
JUNIATA	319
LACKAWANNA	6,072
LANCASTER	10,915

County	Applications Received
LAWRENCE	1,961
LEBANON	2,620
LEHIGH	8,944
LUZERNE	5,513
LYCOMING	1,667
McKEAN	459
MERCER	2,170
MIFFLIN	549
MONROE	4,709
MONTGOMERY	34,317
MONTOUR	402
NORTHAMPTON	8,227
NORTHUMBERLAND	1,411
PERRY	685
PHILADELPHIA	52,258
PIKE	1,788
POTTER	226
SCHUYLKILL	2,626
SNYDER	505
SOMERSET	1,258
SULLIVAN	134
SUSQUEHANNA	829
TIOGA	529
UNION	563
VENANGO	878
WARREN	780
WASHINGTON	5,386
WAYNE	1,238
WESTMORELAND	8,600
WYOMING	562
YORK	9,906
<b>Total</b>	<b>349,709</b>

Table 6: Data obtained from the SURE system.

## Absentee Ballot Statistics

Absentee Ballot Applications Approved for the 2020 Primary Election.

County	Applications Approved
ADAMS	1,837
ALLEGHENY	41,269
ARMSTRONG	945
BEAVER	3,862
BEDFORD	661
BERKS	6,182
BLAIR	1,790
BRADFORD	704
BUCKS	19,396
BUTLER	4,273
CAMBRIA	2,108
CAMERON	53
CARBON	1,175
CENTRE	4,019
CHESTER	17,251
CLARION	640
CLEARFIELD	1,181
CLINTON	420
COLUMBIA	1,049
CRAWFORD	1,339
CUMBERLAND	6,094
DAUPHIN	6,745
DELAWARE	16,197
ELK	454
ERIE	5,512
FAYETTE	2,385
FOREST	92
FRANKLIN	2,259
FULTON	146
GREENE	839
HUNTINGDON	565
INDIANA	1,228
JEFFERSON	499
JUNIATA	273
LACKAWANNA	5,695
LANCASTER	9,809

County	Applications Approved
LAWRENCE	1,790
LEBANON	2,388
LEHIGH	7,972
LUZERNE	4,886
LYCOMING	1,476
McKEAN	427
MERCER	1,908
MIFFLIN	487
MONROE	4,067
MONTGOMERY	29,704
MONTOUR	364
NORTHAMPTON	7,418
NORTHUMBERLAND	1,298
PERRY	634
PHILADELPHIA	48,938
PIKE	1,556
POTTER	210
SCHUYLKILL	2,427
SNYDER	471
SOMERSET	1,172
SULLIVAN	123
SUSQUEHANNA	749
TIOGA	464
UNION	515
VENANGO	815
WARREN	734
WASHINGTON	5,034
WAYNE	1,121
WESTMORELAND	7,940
WYOMING	525
YORK	8,629
<b>Total</b>	<b>315,188</b>

Table 7: Data obtained from the SURE system.



## Absentee Ballot Statistics

Absentee Ballots Voted in the 2020 Primary Election.

County	Ballots Voted
ADAMS	1,338
ALLEGHENY	28,494
ARMSTRONG	781
BEAVER	3,197
BEDFORD	540
BERKS	4,841
BLAIR	1,451
BRADFORD	535
BUCKS	13,642
BUTLER	3,310
CAMBRIA	1,732
CAMERON	43
CARBON	965
CENTRE	3,366
CHESTER	13,400
CLARION	525
CLEARFIELD	956
CLINTON	323
COLUMBIA	807
CRAWFORD	965
CUMBERLAND	4,878
DAUPHIN	5,546
DELAWARE	11,215
ELK	380
ERIE	4,579
FAYETTE	1,936
FOREST	80
FRANKLIN	1,706
FULTON	112
GREENE	712
HUNTINGDON	449
INDIANA	1,060
JEFFERSON	329
JUNIATA	230
LACKAWANNA	4,776
LANCASTER	7,631
LAWRENCE	1,470

County	Ballots Voted
LEBANON	1,935
LEHIGH	6,162
LUZERNE	3,630
LYCOMING	1,071
McKEAN	328
MERCER	1,323
MIFFLIN	401
MONROE	3,109
MONTGOMERY	22,027
MONTOUR	306
NORTHAMPTON	5,813
NORTHUMBERLAND	898
PERRY	516
PHILADELPHIA	35,009
PIKE	1,262
POTTER	173
SCHUYLKILL	1,885
SNYDER	383
SOMERSET	872
SULLIVAN	108
SUSQUEHANNA	595
TIOGA	370
UNION	440
VENANGO	643
WARREN	555
WASHINGTON	3,935
WAYNE	959
WESTMORELAND	6,632
WYOMING	423
YORK	5,977
<b>Total</b>	<b>236,040</b>

Table 8: Data obtained from the SURE system.

## Absentee Ballot Statistics

Absentee Ballot Applicants Who Voted a Provisional Ballot in the 2020 Primary Election.

County	Provisional Ballots Voted
ADAMS	40
ALLEGHENY	1,079
ARMSTRONG	25
BEAVER	74
BEDFORD	10
BERKS	176
BLAIR	47
BRADFORD	33
BUCKS	938
BUTLER	219
CAMBRIA	37
CAMERON	0
CARBON	22
CENTRE	62
CHESTER	448
CLARION	12
CLEARFIELD	36
CLINTON	11
COLUMBIA	16
CRAWFORD	28
CUMBERLAND	159
DAUPHIN	221
DELAWARE	966
ELK	5
ERIE	125
FAYETTE	49
FOREST	1
FRANKLIN	61
FULTON	9
GREENE	16
HUNTINGDON	17
INDIANA	11
JEFFERSON	35
JUNIATA	3
LACKAWANNA	138

County	Provisional Ballots Voted
LANCASTER	301
LAWRENCE	21
LEBANON	42
LEHIGH	243
LUZERNE	155
LYCOMING	82
McKEAN	12
MERCER	107
MIFFLIN	11
MONROE	142
MONTGOMERY	1,092
MONTOUR	1
NORTHAMPTON	152
NORTHUMBERLAND	38
PERRY	1
PHILADELPHIA	657
PIKE	37
POTTER	10
SCHUYLKILL	42
SNYDER	9
SOMERSET	56
SULLIVAN	2
SUSQUEHANNA	17
TIOGA	21
UNION	11
VENANGO	23
WARREN	19
WASHINGTON	88
WAYNE	16
WESTMORELAND	161
WYOMING	14
YORK	435
<b>Total</b>	<b>9,147</b>

Table 9: Data obtained from the SURE system.

## Absentee Ballot Statistics

Absentee Ballot Applications Filed Prior to Receipt of Voter Registration in the 2020 Primary Election.

County	Applications Filed
ADAMS	0
ALLEGHENY	4
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	1
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	3
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	1
DAUPHIN	1
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	1
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0

County	Applications Filed
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	2
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	2
MONTOUR	0
NORTHAMPTON	1
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	3
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>19</b>

Table 10: Data obtained from the SURE system.

## Absentee Ballot Statistics

Total Absentee Ballots Reported by Counties as Challenged in the 2020 Primary Election.

County	Ballots Challenged
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0
LAWRENCE	0

County	Ballots Challenged
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>0</b>

Table 11: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Absentee Ballot Statistics

Absentee Ballots Successfully Challenged in the 2020 Primary Election.

County	Ballots Challenged
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0
LAWRENCE	0

County	Ballots Challenged
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>0</b>

Table 12: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Absentee Ballot Statistics

Challenged Absentee Ballots Not Canvassed in the 2020 Primary Election.

County	Ballots Not Canvassed
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0

County	Ballots Not Canvassed
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>0</b>

Table 13: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Mail-in Ballot Statistics

Mail-in Ballot Applications Received for the 2020 Primary Election regardless of how the application was processed.

County	Applications Received
ADAMS	11,846
ALLEGHENY	255,281
ARMSTRONG	5,077
BEAVER	18,817
BEDFORD	4,079
BERKS	43,844
BLAIR	11,293
BRADFORD	4,094
BUCKS	88,393
BUTLER	21,946
CAMBRIA	12,265
CAMERON	586
CARBON	5,906
CENTRE	19,097
CHESTER	79,624
CLARION	2,943
CLEARFIELD	5,564
CLINTON	3,335
COLUMBIA	5,318
CRAWFORD	6,768
CUMBERLAND	32,854
DAUPHIN	34,857
DELAWARE	75,180
ELK	2,945
ERIE	30,414
FAYETTE	10,036
FOREST	602
FRANKLIN	13,364
FULTON	824
GREENE	3,037
HUNTINGDON	3,328
INDIANA	6,984
JEFFERSON	4,431
JUNIATA	1,740
LACKAWANNA	29,414
LANCASTER	57,550

County	Applications Received
LAWRENCE	8,202
LEBANON	13,676
LEHIGH	43,579
LUZERNE	51,135
LYCOMING	9,151
McKEAN	2,974
MERCER	10,140
MIFFLIN	3,235
MONROE	15,143
MONTGOMERY	142,881
MONTOUR	1,780
NORTHAMPTON	39,744
NORTHUMBERLAND	5,794
PERRY	3,957
PHILADELPHIA	182,074
PIKE	5,687
POTTER	1,209
SCHUYLKILL	11,446
SNYDER	2,773
SOMERSET	6,069
SULLIVAN	584
SUSQUEHANNA	3,682
TIOGA	3,653
UNION	3,823
VENANGO	4,231
WARREN	3,208
WASHINGTON	23,532
WAYNE	4,856
WESTMORELAND	41,716
WYOMING	2,914
YORK	49,257
<b>Total</b>	<b>1,615,741</b>

Table 14: Data obtained from the SURE system.

## Mail-in Ballot Statistics

Mail-in Ballot Applications Approved for the 2020 Primary Election.

County	Applications Approved
ADAMS	11,142
ALLEGHENY	238,504
ARMSTRONG	4,863
BEAVER	17,835
BEDFORD	3,910
BERKS	41,120
BLAIR	10,488
BRADFORD	3,913
BUCKS	81,907
BUTLER	20,281
CAMBRIA	11,820
CAMERON	562
CARBON	5,475
CENTRE	17,816
CHESTER	72,525
CLARION	2,831
CLEARFIELD	5,277
CLINTON	3,153
COLUMBIA	4,932
CRAWFORD	6,369
CUMBERLAND	30,987
DAUPHIN	33,096
DELAWARE	69,247
ELK	2,781
ERIE	28,984
FAYETTE	9,628
FOREST	583
FRANKLIN	12,780
FULTON	772
GREENE	2,930
HUNTINGDON	3,155
INDIANA	6,964
JEFFERSON	4,226
JUNIATA	1,614
LACKAWANNA	28,087
LANCASTER	53,426

County	Applications Approved
LAWRENCE	7,719
LEBANON	13,031
LEHIGH	39,601
LUZERNE	48,105
LYCOMING	8,632
McKEAN	2,833
MERCER	9,378
MIFFLIN	3,069
MONROE	13,840
MONTGOMERY	129,168
MONTOUR	1,627
NORTHAMPTON	36,497
NORTHUMBERLAND	5,351
PERRY	3,791
PHILADELPHIA	176,003
PIKE	5,155
POTTER	1,174
SCHUYLKILL	11,022
SNYDER	2,632
SOMERSET	5,855
SULLIVAN	561
SUSQUEHANNA	3,466
TIOGA	3,427
UNION	3,639
VENANGO	3,998
WARREN	3,061
WASHINGTON	22,250
WAYNE	4,598
WESTMORELAND	39,290
WYOMING	2,769
YORK	45,426
<b>Total</b>	<b>1,510,951</b>

Table 15: Data obtained from the SURE system.



## Mail-in Ballot Statistics

Mail-in Ballots Voted in the 2020 Primary Election.

County	Ballots Voted
ADAMS	9,154
ALLEGHENY	185,379
ARMSTRONG	4,204
BEAVER	15,406
BEDFORD	3,300
BERKS	34,498
BLAIR	8,790
BRADFORD	2,908
BUCKS	65,156
BUTLER	16,469
CAMBRIA	10,141
CAMERON	495
CARBON	4,638
CENTRE	15,746
CHESTER	61,069
CLARION	2,462
CLEARFIELD	4,445
CLINTON	2,575
COLUMBIA	4,157
CRAWFORD	4,688
CUMBERLAND	26,867
DAUPHIN	28,563
DELAWARE	48,190
ELK	2,398
ERIE	25,072
FAYETTE	8,016
FOREST	524
FRANKLIN	10,799
FULTON	628
GREENE	2,529
HUNTINGDON	2,694
INDIANA	6,241
JEFFERSON	3,255
JUNIATA	1,409
LACKAWANNA	24,677
LANCASTER	44,642
LAWRENCE	6,533

County	Ballots Voted
LEBANON	11,096
LEHIGH	33,607
LUZERNE	36,408
LYCOMING	6,472
McKEAN	2,247
MERCER	6,989
MIFFLIN	2,611
MONROE	11,704
MONTGOMERY	104,816
MONTOUR	1,404
NORTHAMPTON	31,054
NORTHUMBERLAND	3,810
PERRY	3,276
PHILADELPHIA	139,463
PIKE	4,310
POTTER	935
SCHUYLKILL	9,159
SNYDER	2,312
SOMERSET	4,946
SULLIVAN	517
SUSQUEHANNA	3,010
TIOGA	2,901
UNION	3,247
VENANGO	3,320
WARREN	2,539
WASHINGTON	18,285
WAYNE	4,091
WESTMORELAND	33,805
WYOMING	2,401
YORK	34,063
<b>Total</b>	<b>1,223,515</b>

Table 16: Data obtained from the SURE system.

## Mail-in Ballot Statistics

Mail-in Ballot Applicants Who Voted a Provisional Ballot in the 2020 Primary Election.

County	Provisional Ballots Voted
ADAMS	248
ALLEGHENY	4,337
ARMSTRONG	146
BEAVER	459
BEDFORD	129
BERKS	1,146
BLAIR	316
BRADFORD	263
BUCKS	3,335
BUTLER	1,001
CAMBRIA	298
CAMERON	12
CARBON	131
CENTRE	304
CHESTER	1,468
CLARION	71
CLEARFIELD	195
CLINTON	139
COLUMBIA	90
CRAWFORD	227
CUMBERLAND	676
DAUPHIN	1,058
DELAWARE	5,916
ELK	53
ERIE	710
FAYETTE	289
FOREST	14
FRANKLIN	364
FULTON	34
GREENE	92
HUNTINGDON	92
INDIANA	83
JEFFERSON	355
JUNIATA	41
LACKAWANNA	544

County	Provisional Ballots Voted
LANCASTER	1,689
LAWRENCE	87
LEBANON	233
LEHIGH	1,132
LUZERNE	1,513
LYCOMING	649
McKEAN	163
MERCER	567
MIFFLIN	56
MONROE	397
MONTGOMERY	4,170
MONTOUR	22
NORTHAMPTON	566
NORTHUMBERLAND	165
PERRY	10
PHILADELPHIA	1,874
PIKE	132
POTTER	72
SCHUYLKILL	255
SNYDER	83
SOMERSET	165
SULLIVAN	13
SUSQUEHANNA	88
TIOGA	125
UNION	68
VENANGO	139
WARREN	65
WASHINGTON	254
WAYNE	43
WESTMORELAND	1,029
WYOMING	58
YORK	2,156
<b>Total</b>	<b>42,674</b>

Table 17: Data obtained from the SURE system.

## Mail-in Ballot Statistics

Mail-in Ballot Applications Filed Prior to Receipt of Voter Registration in the 2020 Primary Election.

County	Applications Filed
ADAMS	0
ALLEGHENY	16
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	2
BLAIR	0
BRADFORD	0
BUCKS	2
BUTLER	1
CAMBRIA	0
CAMERON	0
CARBON	1
CENTRE	1
CHESTER	2
CLARION	0
CLEARFIELD	1
CLINTON	1
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	2
DAUPHIN	0
DELAWARE	4
ELK	0
ERIE	3
FAYETTE	0
FOREST	0
FRANKLIN	2
FULTON	1
GREENE	0
HUNTINGDON	2
INDIANA	4
JEFFERSON	2
JUNIATA	0
LACKAWANNA	1
LANCASTER	3

County	Applications Filed
LAWRENCE	0
LEBANON	0
LEHIGH	1
LUZERNE	1
LYCOMING	1
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	2
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	1
PERRY	0
PHILADELPHIA	21
PIKE	2
POTTER	0
SCHUYLKILL	0
SNYDER	1
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	1
UNION	0
VENANGO	2
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	2
WYOMING	0
YORK	5
<b>Total</b>	<b>91</b>

Table 18: Data obtained from the SURE system.

## Mail-in Ballot Statistics

Total Mail-in Ballots Reported by Counties as Challenged in the 2020 Primary Election.

County	Ballots Challenged
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0
LAWRENCE	0

County	Ballots Challenged
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>0</b>

Table 19: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Mail-in Ballot Statistics

Mail-in Ballots Reported by Counties as Successfully Challenged in the 2020 Primary Election.

County	Ballots Challenged
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0

County	Ballots Challenged
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>0</b>

Table 20: Data obtained from the SURE system.

## Mail-in Ballot Statistics

Challenged Mail-in Ballots Not Canvassed in the 2020 Primary Election.

County	Ballots Not Canvassed
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0
LAWRENCE	0

County	Ballots Not Canvassed
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>0</b>

Table 21: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Absentee Ballot and Mail-in Ballot Statistics

Ballots Sent to Wrong Individual or Wrong Address in the 2020 Primary Election.<sup>4</sup>

County	Ballots Sent
ADAMS	0
ALLEGHENY	3,000
ARMSTRONG	0
BEAVER	0
BEDFORD	2
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	19
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	2
JEFFERSON	0
JUNIATA	0

<sup>4</sup> Counties responding to this question noted that ballots were sent to the wrong address because the

County	Ballots Sent
LACKAWANNA	1
LANCASTER	0
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	1
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	8
PERRY	11
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	3
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	235
<b>Total</b>	<b>3,282</b>

Table 22: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

voters' address was incomplete or needed to be updated.

## Absentee Ballot and Mail-in Ballot Statistics

Ballots Voted by Individual Other than Voter in the 2020 Primary Election.<sup>5</sup>

County	Ballots Voted
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	1
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0

County	Ballots Voted
JEFFERSON	0
JUNIATA	0
LACKAWANNA	1
LANCASTER	0
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	0
PIKE	0
POTTER	0
SCHUYLKILL	1
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>3</b>

Table 23: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

<sup>5</sup> In every instance where a voter received a wrong ballot as indicated above, the county reported they were able to correct the matter and reissue a ballot

to the appropriate voter while ensuring the incorrect ballot was cancelled and not counted.



## Absentee Ballot and Mail-in Ballot Statistics

Ballots Returned Not by Mail or In Person in the 2020 Primary Election.<sup>6</sup>

County	Ballots Returned
ADAMS	0
ALLEGHENY	0
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	1
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	4
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0

County	Ballots Returned
JUNIATA	0
LACKAWANNA	1
LANCASTER	2
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	20
McKEAN	0
MERCER	9
MIFFLIN	0
MONROE	0
MONTGOMERY	112
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	2
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	2
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0
<b>Total</b>	<b>153</b>

Table 24: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

<sup>6</sup> In the above reports, figures include emergency ballots, ballots returned through a voter-designated

agent, or other persons that were not the voter. For more information, see pp. 38 -39.

## Act 12 of 2020 Statistics

Election Officers Appointed in Districts  
Outside District of Residence for the 2020  
Primary Election.<sup>7</sup>

County	Election Officers Appointed
ADAMS	23
ALLEGHENY	296
ARMSTRONG	58
BEAVER	No data provided
BEDFORD	5
BERKS	413
BLAIR	86
BRADFORD	34
BUCKS	372
BUTLER	52
CAMBRIA	35
CAMERON	8
CARBON	25
CENTRE	203
CHESTER	139
CLARION	0
CLEARFIELD	5
CLINTON	14
COLUMBIA	Data not available at this time
CRAWFORD	15
CUMBERLAND	167
DAUPHIN	0
DELAWARE	Data not available at this time
ELK	0
ERIE	138
FAYETTE	32
FOREST	2
FRANKLIN	40
FULTON	1
GREENE	44
HUNTINGDON	40
INDIANA	18

County	Election Officers Appointed
JEFFERSON	5
JUNIATA	0
LACKAWANNA	186
LANCASTER	341
LAWRENCE	3
LEBANON	No data provided
LEHIGH	0
LUZERNE	168
LYCOMING	0
McKEAN	14
MERCER	56
MIFFLIN	8
MONROE	88
MONTGOMERY	0
MONTOUR	1
NORTHAMPTON	169
NORTHUMBERLAND	11
PERRY	1
PHILADELPHIA	Data not available at this time
PIKE	0
POTTER	2
SCHUYLKILL	36
SNYDER	1
SOMERSET	13
SULLIVAN	0
SUSQUEHANNA	5
TIOGA	0
UNION	10
VENANGO	31
WARREN	25
WASHINGTON	238
WAYNE	25
WESTMORELAND	350
WYOMING	0
YORK	167
Total	<b>4,217</b>

Table 25: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

<sup>7</sup> Several counties did not have this data readily available at this time.

## Act 12 of 2020 Statistics

Number of Polling Places Consolidated that did Not Require DOS Approval for the 2020 Primary Election.

County	Polling Places Consolidated
ADAMS	0
ALLEGHENY	N/A
ARMSTRONG	3
BEAVER	1
BEDFORD	2
BERKS	0
BLAIR	9
BRADFORD	0
BUCKS	9
BUTLER	0
CAMBRIA	6
CAMERON	N/A
CARBON	13
CENTRE	4
CHESTER	73
CLARION	2
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	11
CUMBERLAND	8
DAUPHIN	6
DELAWARE	151
ELK	0
ERIE	0
FAYETTE	0
FOREST	N/A
FRANKLIN	0
FULTON	0
GREENE	5
HUNTINGDON	42
INDIANA	2
JEFFERSON	1
JUNIATA	0
LACKAWANNA	14

County	Polling Places Consolidated
LANCASTER	6
LAWRENCE	8
LEBANON	0
LEHIGH	0
LUZERNE	86
LYCOMING	0
McKEAN	0
MERCER	1
MIFFLIN	12
MONROE	0
MONTGOMERY	212
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	8
PERRY	0
PHILADELPHIA	N/A
PIKE	0
POTTER	0
SCHUYLKILL	9
SNYDER	2
SOMERSET	5
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	11
WAYNE	2
WESTMORELAND	0
WYOMING	0
YORK	0
Total	724

Table 26: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Act 12 of 2020 Statistics

Polling Place Consolidation Requiring DOS Approval for the 2020 Primary Election.

County	Polling Places Consolidated
ADAMS	0
ALLEGHENY	830 into 211
ARMSTRONG	0
BEAVER	0
BEDFORD	0
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	10 into 3
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	0
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	9 into 2
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0

County	Polling Places Consolidated
LAWRENCE	0
LEBANON	0
LEHIGH	0
LUZERNE	0
LYCOMING	0
McKEAN	0
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	0
PERRY	0
PHILADELPHIA	850 into 190
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	0
WAYNE	0
WESTMORELAND	0
WYOMING	0
YORK	0

Table 27: Data in this table is based on the request for approval the referenced counties submitted to the Department of State.

## Act 12 of 2020 Statistics

Polling Places Located Subject to Section 1803-B during the 2020 Primary Election.

County	Polling Places
ADAMS	0
ALLEGHENY	1
ARMSTRONG	0
BEAVER	0
BEDFORD	2
BERKS	0
BLAIR	0
BRADFORD	0
BUCKS	0
BUTLER	0
CAMBRIA	0
CAMERON	0
CARBON	0
CENTRE	0
CHESTER	0
CLARION	0
CLEARFIELD	0
CLINTON	0
COLUMBIA	0
CRAWFORD	0
CUMBERLAND	0
DAUPHIN	1
DELAWARE	0
ELK	0
ERIE	0
FAYETTE	0
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	0
HUNTINGDON	0
INDIANA	0
JEFFERSON	0
JUNIATA	0
LACKAWANNA	0
LANCASTER	0
LAWRENCE	0

County	Polling Places
LEBANON	0
LEHIGH	5
LUZERNE	0
LYCOMING	0
McKEAN	3
MERCER	0
MIFFLIN	0
MONROE	0
MONTGOMERY	0
MONTOUR	0
NORTHAMPTON	0
NORTHUMBERLAND	10
PERRY	0
PHILADELPHIA	10
PIKE	0
POTTER	0
SCHUYLKILL	0
SNYDER	0
SOMERSET	0
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	0
VENANGO	0
WARREN	0
WASHINGTON	11
WAYNE	0
WESTMORELAND	74
WYOMING	0
YORK	0
<b>Total</b>	<b>117</b>

Table 28: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Polling Places Located in a School

Polling places located in schools for the 2020 Primary Election.

County	Polling Places
ADAMS	1
ALLEGHENY	30
ARMSTRONG	0
BEAVER	4
BEDFORD	0
BERKS	28
BLAIR	6
BRADFORD	0
BUCKS	65
BUTLER	0
CAMBRIA	5
CAMERON	8
CARBON	0
CENTRE	8
CHESTER	93
CLARION	2
CLEARFIELD	1
CLINTON	0
COLUMBIA	0
CRAWFORD	4
CUMBERLAND	8
DAUPHIN	28
DELAWARE	73
ELK	0
ERIE	15
FAYETTE	12
FOREST	0
FRANKLIN	0
FULTON	0
GREENE	3
HUNTINGDON	19
INDIANA	1
JEFFERSON	0
JUNIATA	0
LACKAWANNA	20
LANCASTER	8
LAWRENCE	3

County	Polling Places
LEBANON	2
LEHIGH	17
LUZERNE	26
LYCOMING	1
McKEAN	1
MERCER	8
MIFFLIN	10
MONROE	2
MONTGOMERY	140
MONTOUR	0
NORTHAMPTON	29
NORTHUMBERLAND	6
PERRY	0
PHILADELPHIA	99
PIKE	0
POTTER	0
SCHUYLKILL	1
SNYDER	0
SOMERSET	3
SULLIVAN	0
SUSQUEHANNA	0
TIOGA	0
UNION	2
VENANGO	0
WARREN	2
WASHINGTON	8
WAYNE	0
WESTMORELAND	29
WYOMING	0
YORK	10
Total	841

Table 29: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

## Pre-Canvassing and Canvassing Statistics

### Date and Time of Pre-Canvass Meeting<sup>8</sup>

County	Date/Time of Meeting
ADAMS	6/2/2020 9:00am
ALLEGHENY	6/2/2020 7:00am
ARMSTRONG	6/2/2020 9:00am
BEAVER	N/A
BEDFORD	6/2/2020 7:30am
BERKS	N/A
BLAIR	6/2/2020 9:00am
BRADFORD	N/A
BUCKS	6/2/2020 10:00am
BUTLER	6/2/2020 7:00am
CAMBRIA	6/2/2020 8:00am
CAMERON	6/2/2020 10:00am
CARBON	N/A
CENTRE	6/2/2020 9:00am
CHESTER	6/2/2020 7:00am
CLARION	6/2/2020 4:30pm
CLEARFIELD	6/2/2020 10:00am
CLINTON	N/A
COLUMBIA	6/2/2020 7:00am
CRAWFORD	6/2/2020 10:00am
CUMBERLAND	N/A
DAUPHIN	N/A
DELAWARE	6/2/2020 9:00 am
ELK	6/2/2020 1:00pm
ERIE	6/2/2020 10:00 am
FAYETTE	6/2/2020 8:00am
FOREST	6/2/2020 3:00pm
FRANKLIN	6/2/2020 8:30am
FULTON	6/2/2020 1:00pm
GREENE	N/A
HUNTINGDON	6/2/2020 10:00am
INDIANA	6/2/2020 9:00am
JEFFERSON	6/2/2020 7:00am

County	Date/Time of Meeting
JUNIATA	N/A
LACKAWANNA	6/2/2020 9:00am
LANCASTER	6/2/2020 8:00am
LAWRENCE	6/2/2020 8:10am
LEBANON	N/A
LEHIGH	6/2/2020 7:00am
LUZERNE	6/2/2020 7:00am
LYCOMING	6/2/2020 7:00am
McKEAN	6/2/2020 9:00am
MERCER	N/A
MIFFLIN	6/2/2020 9:30am
MONROE	N/A
MONTGOMERY	6/2/2020 8:00am
MONTOUR <sup>9</sup>	6/1/2020 9:00am
NORTHAMPTON	6/2/2020 7:00am
NORTHUMBERLAND	6/2/2020 8:00am
PERRY	6/2/2020 9:30am
PHILADELPHIA	N/A
PIKE	N/A
POTTER	6/2/2020 10:00am
SCHUYLKILL	6/2/2020 1:00am
SNYDER	6/2/2020 8:00am
SOMERSET	N/A
SULLIVAN	6/2/2020 11:00am
SUSQUEHANNA	6/2/2020 7:00pm
TIOGA	6/2/2020 1:00pm
UNION	6/2/2020 9:00am
VENANGO	6/2/2020 7:00am
WARREN	6/2/2020 9:00am
WASHINGTON	6/2/2020 7:00am
WAYNE	6/2/2020 8:00am
WESTMORELAND	6/2/2020 9:00am
WYOMING	6/2/2020 7:00am
YORK	6/2/2020 7:00am

Table 30: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.

<sup>8</sup> If N/A is listed, it means that the county did not participate in pre-canvassing events.

<sup>9</sup> In the survey responses, Montour County reported they began on 6/1/2020 when they started

preliminary sorting and slicing envelopes opening without removing ballots nor counting ballots.

## Pre-Canvassing and Canvassing Statistics

Date and Time of Canvass Meeting for the 2020 Primary Election.

County	Date and Time of Meeting
ADAMS	6/2/2020 9:00am
ALLEGHENY	6/2/2020 8:00pm
ARMSTRONG	6/5/2020 9:00am
BEAVER	6/3/2020 9:00am
BEDFORD	6/2/2020 7:30am
BERKS	6/2/2020 9:00am
BLAIR	6/3/2020 8:00am
BRADFORD	6/2/2020 1:00pm
BUCKS	6/3/2020 9:00am
BUTLER	6/5/2020 9:00am
CAMBRIA	6/2/2020 8:30am
CAMERON	6/5/2020 9:00am
CARBON	6/3/2020 9:00am
CENTRE	6/2/2020 9:00am
CHESTER	6/3/2020 7:00am
CLARION	6/3/2020 9:00am
CLEARFIELD	6/2/2020 8:00pm
CLINTON	6/5/2020 9:00am
COLUMBIA	6/2/2020 8:00pm
CRAWFORD	6/2/2020 8:30pm
CUMBERLAND	6/3/2020 9:00am
DAUPHIN	6/4/2020 9:00am
DELAWARE	6/2/2020 8:30am
ELK	6/3/2020 9:00am
ERIE	6/5/2020 9:00am
FAYETTE	6/5/2020 9:00am
FOREST	6/2/2020 3:00pm
FRANKLIN	6/3/2020 9:00am
FULTON	6/5/2020 9:00am
GREENE	6/3/2020 9:00am
HUNTINGDON	6/2/2020 8:00pm
INDIANA	6/3/2020 8:30am
JEFFERSON	6/2/2020 9:00am
JUNIATA	6/3/2020 9:00am
LACKAWANNA	6/2/2020 5:30pm

County	Date and Time of Meeting
LANCASTER	6/3/2020 9:00am
LAWRENCE	6/2/2020 8:00pm
LEBANON	6/3/2020 9:00am
LEHIGH	6/3/2020 10:00am
LUZERNE	6/2/2020 8:00pm
LYCOMING	6/2/2020 8:00pm
McKEAN	6/5/2020 9:00am
MERCER	6/3/2020 9:00am
MIFFLIN	6/5/2020 9:00am
MONROE	6/3/2020 at 9:30am
MONTGOMERY	6/2/2020 8:00am
MONTOUR	6/3/2020 9:00am
NORTHAMPTON	6/5/2020 9:00am
NORTHUMBERLAND	6/2/2020 3:45pm
PERRY	6/2/2020 10:00am
PHILADELPHIA	6/5/2020 9:00am
PIKE	6/3/2020 7:00am
POTTER	6/3/2020 9:00am
SCHUYLKILL	6/2/2020 1:00pm
SNYDER	6/2/2020 9:00pm
SOMERSET	6/2/2020 9:00am
SULLIVAN	6/5/2020 9:00am
SUSQUEHANNA	6/2/2020 8:00pm
TIOGA	6/3/2020 8:30am
UNION	6/5/2020 9:00am
VENANGO	6/5/2020 8:00am
WARREN	6/5/2020 9:00am
WASHINGTON	6/3/2020 9:00am
WAYNE	6/2/2020 8:00pm
WESTMORELAND	6/5/2020 5:00pm
WYOMING	6/2/2020
YORK	6/2/2020 8:00pm

Table 31: Data obtained from each county via a uniform survey requesting the data required pursuant to Act 35.



## Pre-Canvassing and Canvassing Statistics

Last Date County Reported Counting all Domestic Ballots for the 2020 Primary Election.<sup>10</sup>

County	Date and Time of Meeting
ADAMS	6/4/2020
ALLEGHENY	6/17/2020
ARMSTRONG	6/11/2020
BEAVER	6/11/2020
BEDFORD	6/3/2020
BERKS	6/9/2020
BLAIR	6/8/2020
BRADFORD	6/17/2020
BUCKS	6/17/2020
BUTLER	6/8/2020
CAMBRIA	6/5/2020
CAMERON	6/5/2020
CARBON	6/18/2020
CENTRE	6/5/2020
CHESTER	6/15/2020
CLARION	6/17/2020
CLEARFIELD	6/5/2020
CLINTON	6/9/2020
COLUMBIA	6/9/2020
CRAWFORD	6/18/2020
CUMBERLAND	6/16/2020
DAUPHIN	Not provided
DELAWARE	6/18/2020
ELK	6/3/2020
ERIE	6/12/2020
FAYETTE	6/22/2020
FOREST	6/5/2020
FRANKLIN	6/9/2020
FULTON	6/5/2020
GREENE	6/17/2020
HUNTINGDON	6/5/2020

County	Date and Time of Meeting
INDIANA	6/16/2020
JEFFERSON	6/5/2020
JUNIATA	6/5/2020
LACKAWANNA	6/8/2020
LANCASTER	6/16/2020
LAWRENCE	6/9/2020
LEBANON	week of 6/8/20
LEHIGH	6/12/2020
LUZERNE	6/18/2020
LYCOMING	6/15/2020
McKEAN	6/5/2020
MERCER	6/9/2020
MIFFLIN	6/10/2020
MONROE	6/5/2020
MONTGOMERY	6/17/2020
MONTOUR	6/4/2020
NORTHAMPTON	6/5/2020
NORTHUMBERLAND	6/3/2020
PERRY	6/5/2020
PHILADELPHIA	6/17/2020
PIKE	6/5/2020
POTTER	6/4/2020
SCHUYLKILL	6/11/2020
SNYDER	6/4/2020
SOMERSET	6/10/2020
SULLIVAN	6/5/2020
SUSQUEHANNA	6/5/2020
TIOGA	6/5/2020
UNION	6/11/2020
VENANGO	6/5/2020
WARREN	6/5/2020
WASHINGTON	6/12/2020
WAYNE	6/8/2020
WESTMORELAND	6/9/2020
WYOMING	6/5/2020
YORK	6/12/2020

Table 32: Data obtained from each county via a uniform survey as well as other county post-election reporting regarding ballot counting status.

<sup>10</sup> Data not requested by Act 35 but included for informational purposes.

## Review of Actions Taken

The General Assembly's enactment of the election reforms contained in Act 2019-77 and Act 2020-12 and election officials' subsequent implementation of those legislative reforms enabled Pennsylvania to respond effectively to the unique challenges posed by the COVID-19 pandemic. The mail-in voting option in Act 77 and the emergency polling place and poll worker provisions in Act 12 gave voters expanded access to voting by mail and helped county election officials protect public health for in-person voting.

As mentioned in the introduction to this report, the confluence of circumstances leading up to the June 2 Primary, including the closures and restrictions caused by COVID-19 and the unprecedented volume of voters voting by mail, resulted in some unavoidable challenges. Delays and errors in fulfilling some ballot requests in several counties required those counties not only to take quick actions to correct errors, but also to provide individualized outreach to correct any confusion among voters experiencing these issues.

Counties collectively reported that 3,288 ballots were sent to the wrong voter or to the wrong address. Of this total, 3,000 were reported by a single county (Allegheny). That county reported that 3,000 ballots were returned as undeliverable because the voters provided an incorrect or no longer valid address. In about half of these cases, the county was able to reissue ballots, but in some cases the undeliverable ballots arrived too late for the county to reissue ballots.

The causes of the remaining errors and irregularities include the following:

- mail house vendor errors;
- mailing addresses on some address labels without an apartment number due to an anomaly in the Online Absentee Ballot application that did not require applicants to enter apartment information in the correct field;
- human error when inserting balloting materials into envelopes;
- mail delivery errors that resulted in individuals receiving another voter's balloting materials; and
- timing issues that resulted in voters receiving ballots at an address after they moved or returned to a previous address.

Counties reported that three (3) ballots (of the nearly 2.9 million ballots voted in the Primary Election) were voted by someone other than the voter. In each of these three cases, the person who voted the ballot received it in error, and in each case county election officials voided the ballots and re-issued them to the appropriate voter. Based on the information reported by the counties, these situations were reviewed by the counties, who reported that the facts did not appear to be willful nor attempted fraud, and thus they were dealt with administratively.

Counties reported that a total of 153 ballots were returned by means other than the voter sending it by mail or delivering it in person to a site designated by the county board of elections. Of those 153 ballots, 117 ballots were delivered on behalf of voters with disabilities by duly

designated agents. The remaining 36 instances appear to be the result of confusion regarding the requirements for delivering balloting materials. For example, Mercer County reported that a care home administrator delivered the ballots of nine (9) residents on Election Day because they had failed to timely mail the ballots. The county reported that it informed the care home administrator that the ballots could not be counted. Lycoming County reported that it allowed approximately 20 ballots to be delivered by the voters' spouses. That county has taken steps to ensure that its staff does not accept this type of delivery in the future.

In addition to the issues reported in response to the Act 35 inquiries, in Montgomery County approximately 1,900 voters were sent ballots for the incorrect political party. The county cancelled the ballots and issued new ballots to each affected voter. Also, in Montgomery County, about 4,000 additional voters received the wrong ballot style. Unfortunately, the county became aware of this issue late in the process, at which point there was no longer time to issue new ballots and send them by mail. The county cancelled all the incorrect ballots and contacted the affected voters to inform them that they could vote provisionally at the polls or come to the county in person to request a replacement ballot. In both these circumstances, the county's mail house vendor did not employ adequate quality control measures to prevent such errors from occurring. The county is no longer using this vendor and will ensure stricter quality control measures going forward.

In the lead up to the June 2, 2020 Primary, the Department worked with the counties that experienced delays and/or errors in the fulfillment of ballot requests to aid them in assessing the causes and identifying appropriate solutions for any problems that occurred. Immediately following the conclusion of the Primary, the Department reached out to the counties to follow up on all issues and begin working with them on ways to prevent future occurrences, and expanded our work with them on process improvement and implementation of best practices. The Department also engaged experts to work directly with counties to break down and evaluate their internal processes and external dependencies to identify specific actions that the counties must take to avoid similar delays and errors for the November general election.

The data provided by the counties reinforces numerous independent studies that conclude that mail ballot fraud is exceedingly rare, and it demonstrates that the errors that occurred accounted for a very small fraction of the nearly 1.5 million absentee and mail-in ballots requested and cast by voters. Nonetheless, it also demonstrates the need for additional education and outreach to ensure that the issues experienced during the primary do not recur.

## Issues or Incidents Involving Voting Machines

The counties reported relatively few voting system errors or issues in the 2020 Primary Election. Of the 27 counties that reported experiencing any voting system issue, all but three (3) counties reported only isolated issues with scanners or ballot-marking devices that were quickly resolved through maintenance or replacement. For example, nine (9) counties had to replace or take offline approximately 30 scanners on Election Day and one (1) county had to replace a defective power cord on a scanner. The remaining counties experienced isolated errors related to needing to replace the paper roll or ink cartridge for the printers, cleaning and calibration adjustments, paper jams, battery failures and errors in opening the polls and other minor poll worker errors. In the overwhelming majority of counties these routine issues were reported in fewer numbers in the 2020 primary than voting system issues reported in comparable prior years with older voting systems.

In the three (3) counties that experienced more significant issues, voters were able to continue voting with little to no interruption throughout the day. In each instance, the issues were not actually voting system issues; rather, they concerned printing vendor errors resulting in some ballots that did not fit through the scanners or were too lightly printed to be successfully scanned, or the use of incorrect markers resulting in write-in votes unable to be scanned.

Each of these issues was addressed at the time and additional corrective action is being taken, as described below:

Bucks County, whose printing vendor cut some ballots too large to be scanned by the precinct scanners, addressed the issue immediately by instructing voters to cast their ballots in the emergency ballot box on the scanner so they could be secured and returned to the county to be tabulated centrally. The county is implementing changes to ensure this does not recur in the future, including evaluating a change in print vendor and augmenting quality control and testing measures.

Similarly, in Lancaster County, where some ballots were too lightly printed to be read by the scanner, the county addressed the immediate issue by instructing voters to insert the improperly printed ballots into the emergency ballot box on the scanner so they could be secured and returned to the county to be tabulated centrally. The county has cancelled its contract with the print vendor and is in the process of rebidding the contract and will implement changes to ensure this does not recur.

Clarion County experienced issues with the scanners' reading of write-in votes on election day ballots and determined that the issue was caused by the pens used to mark the ballots, not the voting system itself. Though the issue did not impede voting, it did significantly slow the canvassing of write-in votes after election day. Because they could not be effectively scanned and captured at the precinct on election day, all ballots with write-in votes had to be rescanned at the county and reconciled manually. The county will be implementing improved training to address this prior to the November election.

The Department will continue working with all counties to ensure that their pre-election logic and accuracy testing is completed as broadly and effectively as possible. Additionally, the Department will work with counties to conduct additional education for poll workers and voters alike. COVID-19 significantly affected both poll worker recruitment and training, and also prevented many counties from holding in-person voting system demonstrations to give poll workers, voters, and other stakeholders an opportunity to gain hands-on experience with new voting systems.

The Department's Ready to Vote 2020 campaign will continue to serve as an important resource for information about each county's voting system. This resource includes online step-by-step instructions for each county's voting system, as well as video demonstrations of voting on each voting system. These resources are supplemented by poll worker training resources provided by both the Department and voting system vendors to ensure that poll workers have access to training materials that they can review in their own homes. The Ready to Vote 2020 campaign also includes a toolkit that candidates, legislators, parties, and other stakeholders can use to generate awareness about these resources. It is essential that all stakeholders work to expand knowledge of these resources, to increase voter education, poll worker recruitment, and poll worker training, to ensure the most accessible and secure participation by eligible voters in this November's election.

## Conclusions

The 2020 Primary Election provided some clarity on additional changes that the General Assembly should consider regarding the administration of elections.

### **Delivery of Ballots to Voters**

Section 1305 of the Election Code requires a county board of elections to begin delivering or mailing ballots to voters no later than 14 days before a primary or election. Based on the experiences of the primary election, we believe this is not nearly enough.

Therefore, the Department recommends that the deadline for counties to begin delivering or mailing ballots to voters be increased to at least 28 days before the election, and if a third-party vendor is used, counties should be required to submit the initial list of approved applicants to its third-party vendor(s) no fewer than 35 days prior to an election. These changes would help ensure that voters receive their ballot earlier and have an appropriate amount of time to complete and return their ballot.

### **Return of Ballots to Counties**

Requiring ballots to be sent to voters earlier will only solve part of this problem, however. Some voters will not receive their ballots until only a day or two before an election; others will receive their ballot earlier but may not return it until closer to the election. To allow for all of these votes to be counted, the Department recommends that counties be required to count votes that are received by the county board of elections no later than the Friday following an election, provided that the envelopes have been postmarked by Election Day. Allowing ballots to be returned by the Friday after Election Day will allow ample time for all votes to be counted prior to the statutory deadline to order a statewide recount of any race that is decided by less than a 0.5% margin. Coupled with a change of date for counties to begin delivering or mailing ballots to voters, this change would provide eligible voters the greatest ability to cast their vote.

### **Pre-Canvass Timeline**

As mentioned earlier in this report, the Department also supports counties beginning the pre-canvassing process as early as three weeks before Election Day. To illustrate why this is important, we can look to the Democratic Primary on June 2: At midnight on June 3, 2020, the Democratic race for Auditor General was led by one candidate. Due to delays in canvassing of ballots, it was not until days later that a different candidate, Nina Ahmad, took the lead as ballots continued to be counted. This same process occurred in nine (9) House and Senate races. Even with Act 12 of 2020 moving back the pre-canvassing period from 8pm on Election Day to 7am, it was still not enough time, and in approximately half the counties, ballots were still being counted over a week later. Allowing counties to begin taking these steps earlier would allow them to report accurate and nearly complete results in a timely manner.

The Department recommends that this period be extended to three weeks prior to the primary or election. The Department further recommends that counties be required to conduct at least one pre-canvass meeting, and as many meetings as necessary to pre-canvass all ballots received

prior to the Friday before a primary or election. Counties would be required to follow procedures already in place to notify the public, political parties, and campaigns about these pre-canvass meetings. Furthermore, the law already prohibits any person attending or participating in a pre-canvass meeting from disclosing the results of a pre-canvass meeting prior to the close of the polls. The penalty for doing so is enumerated in Section 1853 of the Election Code, which provides for a fine of up to \$2,500 and/or up to two years in jail. Thus, the Department believes that changes can be implemented that would ensure that counties would be able to report accurate and more complete results on election night without risking the release of results beforehand.

### **Poll Worker Flexibility**

Act 12 of 2020 authorized counties to appoint poll workers for the 2020 Primary Election who were not specifically registered electors of the election district they were serving in on the day of the primary. This flexibility allowed for the counties to appoint thousands of poll workers in order to fill vacancies in advance of the primary. The Department believes that making this provision of Act 12 permanent would enhance poll worker recruitment and is of urgent need given the continuance of COVID 19 precautions.

Additionally, the Department would recommend that Section 405 of the Election Code be modified to provide a county Board of Elections with a greater amount of time prior to an election in which they may appoint poll workers to fill vacancies. Currently, a county must wait until five days before an election to appoint poll workers to fill vacancies. Prior to those five days the county must seek Court approval to appoint them. The Department believes that this should be changed to allow counties the authority to fill vacancies beginning at least 60 days before Election Day. Like the other recommendation described above, this would provide counties with greater flexibility in ensuring that all polling places are properly staffed on election day.

The Pennsylvania Department of State and all 67 counties have demonstrated the strength of our election officials' commitment to ensuring the integrity, accessibility, and security of our elections. On June 2, 2020, Pennsylvanians reaffirmed the durability of our democracy when we exercised our right to vote amid a worldwide pandemic and nationwide social unrest, and overwhelmingly embraced new, more secure voting systems and expanded options for voting safely by mail. We have our dedicated county election officials and poll workers, as well as our resilient voters, to thank for the success of the primary election. With their continued commitment and collaboration, we look forward to holding another successful election on November 3<sup>rd</sup>.

# Exhibit AO



**County Election Official Notes for Senate Hearing  
April 30, 2020**

**Jeff Greenburg, Mercer County  
Tim Benyo, Lehigh County  
Ed Allison, Lawrence County**

- It appears 1000s of Wisconsin and Ohio voters in their recent primaries never got a ballot. If Pennsylvania is okay with that, then we should do nothing. If we're not okay with it, then let's fix it now for the primary and November.
- To be clear there is no fault here. We are all trying our best under unprecedented circumstances to figure out the best way to deliver elections while keeping voters and poll workers safe. We hear and see "disenfranchisement" needing to be the nation's No. 1 priority in discussions about options for voters. We would argue Covid-19 has disenfranchised the world at the moment and our number one priority must be safety.
- The best option to avoid what's happening in other states might have been to simply mail all registered voters a ballot. That's the only way to avoid a situation where counties will not be able to process all applications.
- Because we are required to provide accommodations for voters with accessibility needs and we recognize some voters do not update their records, we would also suggest some form of in-person voting locations, perhaps, at local public high school gyms, which are accessible and provide plenty of parking and space to ensure social distancing.
- Pennsylvania and many other states might have miscalculated the fallout from massive scaling up of mail voting because there was one bottle neck we couldn't avoid – processing applications. Counties were not built for this either administratively or through human capital. There aren't enough people and hours in the day in many places to overcome that bottleneck because PA has been built to handle a minimal number of mail applications over decades.

- While we expected difficulties and some hiccups related to the roll out of Act 77, we went from expecting perhaps a 15 to 20 percent uptick in applications to seeing currently a 400 to 500 percent increase and growing. Put another way, counties were expecting about 30 inches of snow. What we're getting is the equivalent of 10 feet and it's going to get worse.
- We're at 800,000 applications now and are falling behind daily. Other states have seen exponential explosions of applications in the weeks leading up to their primaries so "we ain't seen nothing yet." Wisconsin's numbers multiplied 10 times during the three weeks prior to their primary. I don't think we'll get that high, but even if we triple or quadruple what we've done, many counties will be in trouble.
- If no changes are coming for the primary, one request: We are asking the Governor to issue a public directive immediately asking all polling locations to be open for voters on June 2. There seems to be plenty of confusion from locations as to what they're permitted and not permitted to do when it comes to opening and a message from the Governor would go a long way to helping counties secure at least public buildings. We understand private facilities might not be covered.
- Last note: With the overwhelming majority of ballots cast coming by mail, PA should full expect that it will be several days before complete results are reported. Any in-person results will be reported under normal timelines on June 2, but mail ballots will likely take days to process. Should address pre-canvass options for November.

# Exhibit AP

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Michael Crossey, Dwayne Thomas, Irvin  
Weinreich, Brenda Weinreich, and the  
Pennsylvania Alliance for Retired Americans,

Petitioners,

v.

Kathy Boockvar, Secretary of the  
Commonwealth, and Jessica Mathis, Director  
of the Bureau of Election Services and  
Notaries,

Respondents.

Civil Action No. 266 MD 2020

**DECLARATION OF KARLEY SISLER IN SUPPORT OF PETITIONERS'**  
**APPLICATION FOR PRELIMINARY INJUNCTION**

I, Karley Sisler, declare as follows:

1. I am over the age of 18 and competent to testify as to the matters set forth herein.
2. I am the Director of The Office of Voter Services for Montgomery County. As Director, my responsibilities include overseeing the process of issuing absentee and mail-in ballots and tabulating and certifying election returns. I have served in this position for three years.
3. For the upcoming June 2 primary election, we have received approximately 83,000 requests for absentee and mail-in ballots as of Tuesday, May 5, 2020. At the current rate, we expect to receive approximately 120,000 ballot requests by the ballot application deadline of May 26. We have been working around the clock—on the weekends and in the evenings—to keep up with the number of applications we are receiving every day.
4. Even though we are working diligently, we are experiencing staffing challenges because of the coronavirus. For example, we are working on a staggered basis to limit group exposure and to ensure appropriate social distancing. We were also in the process of

hiring additional staff to double the size of our office in anticipation of the June 2 primary election, but were unable to fully up-staff following the statewide shutdown. Instead, we have pulled staff from other departments to assist with processing applications and ballots and work evenings and weekends to keep up with the volume of applications. In addition, we have had to contract with a third-party vendor to handle mailing out ballots due to our resource limitations.

5. In the 2016 and 2018 general elections, when the ballot-receipt deadline was 5:00 p.m. on the Friday before Election Day, we received, respectively, 288 and 1,326 absentee ballots from non-military and non-overseas voters after that deadline. Because these ballots arrived after the deadline, they were not counted.

6. Our office is also experiencing delays with the U.S. Postal Service. We have been working with the post office in recent weeks to process paperwork to obtain permits and other documents to allow for our ballots to be mailed with a prepaid business reply mail return envelope. This process, which we understood would take no more than a day, has stretched to more than a week and has hindered our ability to distribute ballots. Additionally, as we begin to see more ballots return, we anticipate delivery times to become longer than they currently are.

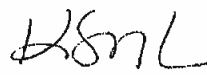
7. If the county board is fully capable of counting absentee and mail-in ballots that are postmarked by Election Day but arrive up to seven days after the Election Day deadline, depending on the volume, we may have to maintain our temporary increase in staff numbers to process these ballots and transport them to our canvassing location in order to meet the canvassing and tabulation deadlines. Furthermore, having third parties deliver ballots for voters would not create any burden other than the fact that we would potentially have more ballots to count, and may need to devote more staff to handle the increase in voting. In prior elections, people have tried to return ballots for their family members and we have had to turn them away. If voters were permitted to have a

family member or someone else return their ballots, we would accept and count their ballots as we have done for all other absentee voters.

I declare under penalty of perjury that the foregoing is true and correct. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Executed on May 6, 2020

Respectfully submitted,



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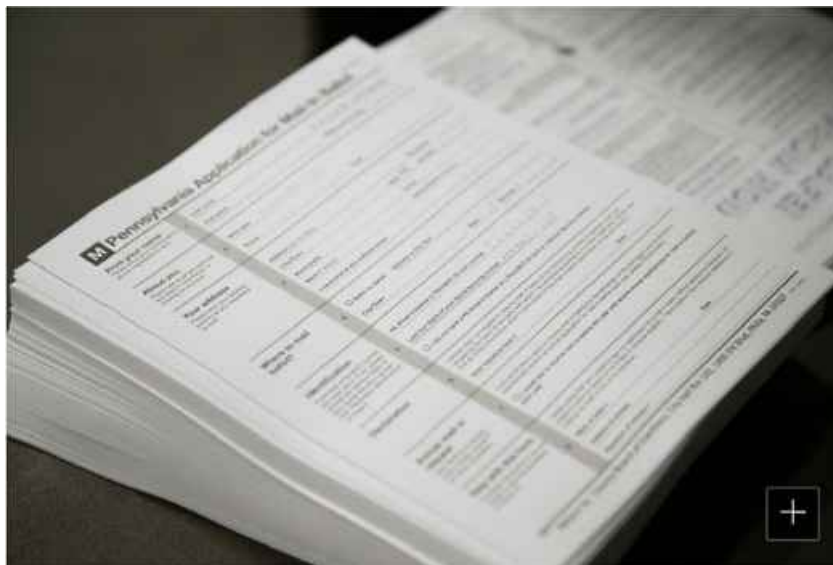
Karley Sisler

# Exhibit AQ

ADVERTISEMENT

## Montgomery County sent 2,000 Pennsylvania voters the wrong ballots for next week's primary

by Jonathan Lai, Updated: May 26, 2020



HEATHER KHALIFA / STAFF PHOTOGRAPHER



Edith Guay was so excited to vote in her first presidential election since becoming a citizen that it didn't make sense at first. But when she realized the mistake, she threw her mail-in ballot to the floor.

Montgomery County had mistakenly sent a Republican ballot to Guay, a registered Democrat, leaving her feeling frustrated and disenfranchised. County officials discovered this weekend that they sent 1,984 voters the wrong ballots for the June 2 primary, with Democrats receiving Republican ballots and vice versa.

"I was thrown off completely," said Guay, 61, a French teacher who lives in Collegeville. "It was very emotional."

<https://www.inquirer.com/politics/election/montgomery-county-pa-wrong-primary-ballots-20200526.html>

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It was apparently a computer error, said Lee Soltysiak, the county's chief operating officer and clerk of its elections board. Pennsylvania is a "closed primary" state, meaning only registered Democrats can vote in Democratic primaries and only Republicans can participate in Republican ones.

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When bewildered voters first started reaching out last week, Soltysiak said, county officials believed the error was relegated to just a few ballots. They started individually responding to voters, voiding their previous ballots and sending out correct ones. This weekend, the company that prints and mails Montgomery County's ballots discovered that the issue was more widespread.

"We learned this weekend of the size of the [problem]," Soltysiak said, "which was both sobering but also good to know exactly what the issue was, know who exactly was affected, and then we had a plan to get these ballots out."

#### PENNSYLVANIA 2020 NEWSLETTER

Interested in how Pennsylvania is shaping the 2020 election? Sign up to receive our newsletter every Wednesday.

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In short, the printer removed independent and third-party voters who can't vote in this primary, but accidentally rearranged the remaining voters and parties in its system, mixing them up.

---

<https://www.inquirer.com/politics/election/montgomery-county-pa-wrong-primary-ballots-20200526.html>  
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By retracing how it happened, the printer was able to identify the voters who received the wrong ballots. County officials on Tuesday were mailing them new ballots and a letter explaining what happened. The county has been working directly with the United States Postal Service, Soltysiak said, in an effort to get the new ballots delivered quickly. (Mail ballots must be received by county elections officials by 8 p.m. on election day next Tuesday.)

ADVERTISEMENT

It's another black eye for Montgomery County, which [sent tens of thousands of voters flawed instructions](#) has in some cases experienced long mail delivery times.

Pennsylvania counties have been [struggling to run a smooth election this year](#), implementing a new election law and processing massive numbers of mail ballots [while also preparing an in-person election in a pandemic](#).

This is the first election in which any Pennsylvania voter can vote by mail, and Philadelphia alone is [handling more mail ballot requests this election](#) than the entire state did in 2016. At the same time, counties are trying to figure out polling places and poll-worker staffing, and Montgomery County has reduced its number of polling places by 60%. It's been a logistical nightmare, and county elections officials from across the state have warned that changes must be made to prevent much bigger problems in November.

» ***[READ MORE: Pennsylvania's 2020 election results were already going to be delayed. Coronavirus make it even worse.](#)***

ADVERTISEMENT

Guay understands it was just an error — “a mistake can happen,” she said — and doesn't necessarily blame anyone. But it's shaken her confidence.

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<https://www.inquirer.com/politics/election/montgomery-county-pa-wrong-primary-ballots-20200526.html>

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Guay became a U.S. citizen in 2018 after moving to the country in 1995 and was looking forward to casting her first presidential vote ever. Instead, she said, she felt robbed.

“When I gained the right, and I was sworn in, I was very proud of that,” she said. “And then how could you do that to me? It’s more than just voting. ... This is a democracy, for hopefully ever, and this is my right. And now I don’t have it. I don’t want to give it up.”

She’s prepared to go to her polling place on Tuesday despite coronavirus fears. Otherwise she’s worried she won’t receive the wrong mail ballot again, or won’t get one at all.

ADVERTISEMENT

Voters who request mail ballots can still vote in person using provisional ballots, which are counted only if county elections officials determine no mail ballots from them were received.

“I’m a bit suspicious that everything will be fine,” Guay said.

Voter confidence is crucial to elections, and experts warn public trust can be fragile.

But there’s good news here, said Joshua A. Douglas, a University of Kentucky law professor who specializes in election law and voting rights: “The county caught its mistake and is doing something about it, so that should provide some assurance.”

SPONSORED CONTENT

5 key ways to engage and win over physicians 

by Doximity



Don’t let a mistake made during a pandemic stop you from exercising your rights, Douglas said.


“When we’re changing the election system so soon to an election, so drastically, things like this are just inevitable,” he said. “The fact they were transparent and they can identify every voter this happened to, that’s actually a good sign that they’re trying to do the right thing.”

Posted: May 26, 2020 - 11:10 AM



**Jonathan Lai** | @Elaijuh | [jlai@inquirer.com](mailto:jlai@inquirer.com)



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# Exhibit AR



# 2020 Primary Election Mail Ballot Requests

## Department of State

Government Efficiency & Citizen Engagement


[View Data](#)
[Visualize](#)
[Export](#)
[API](#)
[...](#)

This dataset describes a current state of mail ballot requests for the 2020 primary election. It's a snapshot in time of the current volume of ballot requests across the Commonwealth.


Updated August 3, 2020

Data Provided by Pennsylvania  
Department of State


### Featured Content Using this Data



**Voting in PA**

Public 

May 15, 2020 5,206 Views



This story describes a current state of

## About this Dataset

Mute Dataset

Updated

**August 3, 2020**

Data Last Updated August 3, 2020

Metadata Last Updated June 1, 2020

Date Created April 10, 2020

Views

**1,987**

Downloads

**921**

Data Provided by Pennsylvania Department of State

Dataset Owner John Long

Contact Dataset Owner

### Data Management

Update Frequency	Daily
Business Owner	Department of State (DOS)

### Topics

Category	Government Efficiency & Citizen Engagement
Tags	voter, ballot, application, election, voting, vote, dos, state, primary

### Licensing and Attribution

License	Public Domain
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## What's in this Dataset?

Rows **1.82M** Columns **11**

Each row is a

## Mail Ballot Request for 2020 Primary Election

### Columns in this Dataset

Column Name	Description	Type
<b>County Name</b>	This identifies the county of the voter ...	T
<b>Applicant Party Designation</b>	This identifies the voter's party when s...	T
<b>Date of Birth</b>	This is the voter's date of birth.	📅
<b>Mail Application Type</b>	This identifies the type of mail ballot r...	T
<b>Application Request Date</b>	This is the date the application was su...	📅
<b>Application Approved Date</b>	This is the date the application was pr...	📅
<b>Ballot Mailed Date</b>	This is the date the county confirmed ...	📅

[Show All \(11\)](#)

### Table Preview

[View Data](#) [Create Visualization](#)

Coun...	Appli..	Date ..	Mail ...	Appli..	Appli..	Ballo...	Ballo...
ADAMS	D	04/06/1981	OLMAILV	04/29/2020	04/29/2020	04/30/2020	
ADAMS	R	03/25/1969	OLREGV	05/05/2020	05/05/2020	05/07/2020	05/21/20
ADAMS	R	05/15/1968	OLREGV	05/06/2020	05/06/2020	05/07/2020	05/21/20
ADAMS	D	05/27/1952	OLMAILV	03/23/2020	03/23/2020	04/07/2020	04/23/20

Coun...	Appli..	Date ..	Mail ...	Appli..	Appli..	Ballo...	Ballo...
ADAMS	D	10/06/1947	OLMAILV	03/23/2020	03/23/2020	04/07/2020	05/13/20
ADAMS	R	11/08/1958	OLMAILV	03/24/2020	03/24/2020	04/07/2020	05/21/20
ADAMS	D	10/01/1953	OLMAILV	05/05/2020	05/05/2020	05/07/2020	05/20/20
ADAMS	D	06/05/1953	OLMAILV	05/05/2020	05/05/2020	05/07/2020	05/20/20
ADAMS	R	11/24/1959	CVO	03/17/2020	03/17/2020	03/17/2020	
ADAMS	R	10/28/1937	MAILIN	04/02/2020	04/02/2020	04/07/2020	04/30/20
ADAMS	D	03/31/1951	OLMAILV	04/29/2020	04/29/2020	04/30/2020	05/13/20
ADAMS	D	07/09/1942	OLMAILV	05/06/2020	05/06/2020	05/07/2020	05/20/20

< Previous    Next >


### Related Content Using this Data

 **2020 Primary Mail Ballot Counts by County**


August 3, 2020      219 Views



This dataset describes a current state mail ballot requests for the 2020 prim

 **2020 Primary Mail Ballots by Birth Year**

August 3, 2020      66 Views



This dataset describes a current state mail ballot requests for the 2020 prim

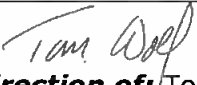




# Exhibit AS

# Executive Order

## Commonwealth of Pennsylvania Governor's Office

<b>Subject: Extension of Deadline for Receipt of Absentee and Mail-In Ballots in Certain Counties</b>	<b>Number: 2020-02</b>
 <b>By Direction of:</b> Tom Wolf, Governor	<b>Date: June 1, 2020</b>

- WHEREAS, the General Primary Election is scheduled by law to occur throughout the Commonwealth on June 2, 2020;
- WHEREAS, to date, due in large part to COVID-19, an unprecedented number of Pennsylvanians have taken advantage of absentee voting and the Commonwealth's newly implemented mail-in balloting procedure;
- WHEREAS, civil unrest over the weekend in the counties of Allegheny, Dauphin, Delaware, Erie, Montgomery and Philadelphia led to curfews, travel restrictions, and the evacuation of election offices in at least two counties, which affected the counties' efforts and impeded many voters' attempts to return their ballots;
- WHEREAS, these civil disturbances, curfews, and travel restrictions have been continuing and expanding in these counties, thereby impeding county election activities and opportunities for voters to submit their absentee and mail-in ballots, and are expected to continue into tonight and tomorrow;
- WHEREAS, on Saturday, May 30, 2020, and as amended on Monday, June 1, 2020, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of *Section 7301(c) of the Emergency Management Services Code, (35 Pa. C.S. §§ 7101 et seq., as amended)* proclaimed the existence of a disaster emergency in the counties of Allegheny, Dauphin, Delaware, Erie, Montgomery and Philadelphia due to the civil disturbance affecting these counties;
- WHEREAS, the civil disturbances in these affected counties have created one or more barriers to voters returning their ballots, including travel and public transportation disruptions, road closures and blockages, lack of access to ballot drop boxes, alteration of mobile ballot collection schedules, evacuations of buildings, and curfews;

WHEREAS, *Sections 1306(c), 1308(g)(1)(ii) and 1306-D(c) of the Pennsylvania Election Code (25 P.S. §§ 3146.6(c), 3146.8(g)(1)(ii) and 3150.16(c))* provide that no civilian absentee or mail-in ballot shall be counted if it is received by the county board of elections after eight o'clock P.M., prevailing time, on the day of the primary election;

WHEREAS, in these affected counties, it appears very likely that a large number of voters who applied for absentee or mail-in ballots by the May 26 deadline will not be able to return their ballots by the statutory deadline; and

WHEREAS, these recent civil disturbances make it necessary and proper to extend the statutory deadline in those affected counties for receipt of voted civilian absentee and mail-in ballots to ensure that voters in those counties are not disenfranchised through no fault of their own.

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the *Emergency Management Services Code*, and other laws of the Commonwealth, do hereby issue this Executive Order as follows:

- 1. Deadline for Receipt of Absentee and Mail-In Ballots.** Notwithstanding the provisions of *Sections 1306(c), 1308(g)(1)(ii), and 1306-D(c) of the Pennsylvania Election Code (25 P.S. §§ 3146.6(c), 3146.8(g)(1)(ii), and 3150.16(c))* or any other provision in the laws of the Commonwealth to the contrary, for the counties of Allegheny, Dauphin, Delaware, Erie, Montgomery and Philadelphia, an otherwise valid civilian absentee or mail-in ballot shall be counted if it bears a postmark, cancellation mark, or other official indicia of the date of mailing ("postmark") of no later than Tuesday, June 2, 2020, and is received by postal mail in the office of the county board of elections no later than five o'clock P.M., prevailing time, on Tuesday, June 9, 2020.

Further provided, however, that no civilian absentee or mail-in ballot shall be counted if it is received by any means other than postal mail after eight o'clock P.M., prevailing time, on Tuesday, June 2, 2020.

- 2. Segregation of Ballots.** Absentee and mail-in ballots that are received by a county board of elections later than eight o'clock P.M., prevailing time, on Tuesday, June 2, 2020, under the authority of Paragraph 1 of this Executive Order shall be segregated from all other absentee and mail-in ballots. The segregated ballots shall be canvassed in accordance with the *Pennsylvania Election Code*.
- 3. Notice.** The Office of the Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Elections and Notaries, and in all other appropriate places, and shall communicate its contents to the county boards of elections, and shall take all necessary action to provide notice of this Executive Order to the general public.
- 4. Effective Date.** This Executive Order shall take effect immediately and remain in effect only until 5:00 P.M., prevailing time, Thursday, July 2, 2020.

# Exhibit AT

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. #39762  
201 West Front Street  
Media, PA 19063  
(610) 891-4074  
martinw@co.delaware.pa.us

---

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR : No. *CV-2020-003416*  
ABSENTEE AND MAIL-IN BALLOTS :  
TO BE RECEIVED BY MAIL AND :  
COUNTED IN THE 2020 PRIMARY :  
ELECTION :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_,

2020, upon consideration of the Emergency Petition of the Delaware County Board of Elections for an Extension of Time for the Voted Absentee and Mail-in Ballots of the Qualified Registered Electors of Delaware County to be Counted for the 2020 Primary Election, and any opposition thereto, it is hereby **ORDERED** and **DECREED**, that said Petition is **GRANTED** as follows:

The Delaware County Board of Elections shall accept for tabulation all absentee and mail-in ballots postmarked on or before June 2, 2020 and

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. #39762  
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---

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR : No.  
ABSENTEE AND MAIL-IN BALLOTS :  
TO BE RECEIVED BY MAIL AND :  
COUNTED IN THE 2020 PRIMARY :  
ELECTION :

**RULE RETURNABLE**

And now, this \_\_\_\_\_ day of June, 2020, a hearing in this matter is  
hereby scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 2020, in Courtroom  
\_\_\_\_\_ at \_\_\_\_\_ am/pm.

BY THE COURT:

---

J.

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. #39762  
201 West Front Street  
Media, PA 19063  
(610) 891-4074  
martinw@co.delaware.pa.us

FILED  
2020 JUN -2 AM 10:02

DELAWARE COUNTY

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR :  
ABSENTEE AND MAIL-IN BALLOTS :  
TO BE RECEIVED BY MAIL AND :  
COUNTED IN THE 2020 PRIMARY :  
ELECTION :

No. CV-2020-003416

**EMERGENCY PETITION OF THE DELAWARE COUNTY BOARD  
OF ELECTIONS REQUESTING AN EXTENSION OF TIME TO  
ACCEPT AND TABULATE ABSENTEE AND MAIL-IN BALLOTS  
FROM THE QUALIFIED REGISTERED ELECTORS OF DELAWARE  
COUNTY POSTMARKED AND MAILED BY JUNE 2, 2020 AND  
RECEIVED BY THE DELAWARE COUNTY BOARD OF ELECTIONS  
BY TUESDAY, JUNE 9, 2020 AT 5:00 P.M.**

TO THE HONORABLE JUDGES OF THE SAID COURT:

Petitioner, Delaware County Board of Elections, by its undersigned  
counsel, respectfully submits as follows:

Petitioner, the Delaware County Board of Elections (hereafter "Board  
of Elections" or "BOE"), petitions this Court for permission to extend the deadline  
for receipt of the ballots of absentee and mail-in voters of Delaware County that

are mailed and postmarked by June 2, 2020. Petitioner asks the Court to set a deadline for receipt of June 9, 2020 at 5:00 pm. In support of this Petition, the Board of Elections avers as follows:

1. Pursuant to 25 P.S. §2641, et seq., the Delaware County Board of Elections has jurisdiction over the conduct of elections, including the 2020 Primary Election scheduled for Tuesday June 2, 2020 (hereinafter the “2020 Primary”). The Board consists of Delaware County Board of Elections Chair Gerald Lawrence and members James J. Byrne, Jr. and Ashley Lunkenheimer. On today’s date, June 2, 2020, the Board of Elections authorized the filing of this petition.

2. The Delaware County Court of Common Pleas has jurisdiction over this matter pursuant to Article V, §2(b) (Courts of Common Pleas have “unlimited original jurisdiction in all cases except as may otherwise be provided by law.”) *See e.g. In re: General Election - 1985*, 531 A.2d 836, 839 (Pa. Cmwlth. 1987) (Court postponed the date of the Primary Election for 11 precincts that suffered extensive flooding, loss of electricity, heat, and water during extreme weather conditions).

3. This petition seeks relief arising from a nationwide emergency that evolves from day to day, requiring government and the Courts to adapt their procedures to enable them to carry out their functions the best way possible while minimizing the threat to public health and safety, even if it has meant temporary limitations on other rights normally guaranteed by law.



4. In early March of 2020, the highly infectious coronavirus (COVID-19) spread through the United States causing a public health emergency to be declared in the Commonwealth of Pennsylvania.

5. On March 10, 2020, Delaware County declared the existence of a disaster emergency in Delaware County due to the widespread outbreak of COVID-19 affecting the residents of Delaware County. Since then, this declaration and various COVID-related orders, including orders issued by Pennsylvania Governor Tom Wolf, have been extended and will remain in effect for the 2020 primary. Delaware County and other counties, as well as several Commonwealth departments and agencies, have worked nonstop to ensure that voting in the primary election will be as safe and as convenient as possible, despite the challenges posed by the health risks involved. The intensity of these efforts varies by region, because COVID-19 has had different effects in different areas of the Commonwealth. Notably, Delaware County was among the first counties to be subject to the Governor's stay-at-home order and, as of the filing of this petition, is among the relatively few counties still subject to aggressive mitigation efforts, restrictions for social distancing and closures.

6. The Legislature and Governor, recognizing that existing law would not accommodate a primary election at which persons subject to social distancing, stay-at-home-orders, and justifiable fear of unnecessary spread of disease would

feel free or be able to exercise their right to vote, postponed the date of the 2020 primary from April 28 to June 2, 2020. In recognition that many more voters than previously expected would want to vote by never before used mail-in ballot procedure, the Legislature and Governor— for the June 2 primary only— also extended the times to apply for and vote mail-in ballots and allowed counties to begin to count those ballots from the times the polls open, rather than waiting for the polls to close before counting. *See* Senate Bill 422, March 27, 2020.

7. The Board of Elections has made every effort to process the huge influx of applications for mail-in votes, while being hampered by, *inter alia*, temporary courthouse closures, subsequent staggered staffing requirements, the need for social distancing and hardware/printing limitations.

8. In the face of the COVID-19 challenges, the Board of Elections has made extraordinary efforts to process over 85,000 mail-in applications. For example, since at least February of 2020, there have been extensive planning efforts and weekly logistics meetings involving the Board of Elections, the Executive Director and various other departments to coordinate and plan for the election. The County added staff and volunteers from other departments, employed temporary workers and received assistance from the Delaware County Citizen Volunteer Corps. Staff from the Election Bureau and Voter Registration has worked weekends and evenings since March. Last week alone, there were 30-

40 people, including volunteers, processing applications. This past weekend, over 50 people worked on processing applications, some staying as late as 1 am. In addition, the Board of Elections has been express mailing the ballots at considerable expense, while working cooperatively with the post office to deliver thousands of ballots over the last few days.

9. Despite these best efforts, the Board of Elections has not been able to process the unprecedented number of mail-in ballot requests within the forty-eight (48) hours required by the Pennsylvania Election Code. The number of mail-in applications was far more than could have reasonably been anticipated, and has also been fueled by an influx of votes and requests from senior citizens, particularly those living in Delaware County's numerous senior citizen facilities, whose residents are generally more vulnerable to the COVID-19 virus than others. The 85,000 mail-in vote applications is drastically more than Delaware County has ever seen before, and more than could realistically be processed within the established timelines. In fact, Delaware County has received more mail-in vote applications than the entire State of Pennsylvania had in the 2016 primary election. See Mark Scolforo & Michael Rubinkam, *Mail-in, absentee ballot applications surge for June primary*, Pittsburgh Post-Gazette (Apr. 15, 2020).

10. The COVID-19 crisis has resulted in the relaxation, disruption, and suspension of innumerable normal government operations, such as:

(a) Orders from Governor Wolf, the Pennsylvania Supreme Court, and this Court allowing relaxation and suspension of normal operations and rules due to the emergency;

(b) unprecedented outreach by the Pennsylvania Department of State and major political parties to promote mail-in voting;

(c) social distancing rules in effect for both the public and government workers in government buildings; and

(d) ongoing unanticipated exigencies that require additional solutions that slow government operations in order to protect the health of employees and the public.

11. The above-described consequences of the COVID-19 pandemic have converged into a perfect storm in which requests for mail-in and absentee ballots have far exceeded the Bureau of Elections' expectations and capacity to process. Notwithstanding the heroic efforts of the Bureau and its staff to preserve the constitutional rights of all Delaware County citizens, it simply was unable to process all mail-in requests by the statutory deadline.

12. The statutory absentee and mail-in ballot deadline was 5:00 p.m. on Tuesday, May 26, 2020. *See*, 25 P.S. §§3146.2a, 3150.12a(a). But for the excess

demand created by the COVID-19 crisis, the Bureau of Elections would have been able to process all applications and mail ballots by Thursday, May 28, 2020.<sup>1</sup>

13. However, because of the significant and unavoidable backlog, the Bureau of Elections has continued to process thousands of applications and mail ballots to qualified electors in accordance with 25 P.S. §§3146.5 and 3150.15 on each day between Friday, May 29, 2020 and June 1, 2020. More specifically, on Friday, May 29, 2020, the Bureau mailed approximately 6,720-7000 ballots; Saturday, May 30, 2020, it mailed approximately 8,640-9000 ballots; Sunday, May 31, 2020, it mailed approximately 3,120-3250 ballots; and on Monday, June 1, 2020, the Bureau mailed approximately 5,760-6000 ballots. In total, in the four days following the statutory deadline to mail ballots to qualified voters, the Bureau mailed approximately 24,240-25,250 absentee and mail-in ballots, most of which will not be received in time for voters to return them by the deadline. See Exhibit A, Affidavit of Chief Clerk Lauren Hagan, attached hereto.

14. As of the Primary Election on June 2, 2020, the Bureau still has between four hundred and five hundred (400-500) mail-in and absentee ballots to

---

<sup>1</sup> Pursuant to 25 P.S. §3146.2a(a) "except as provided in subsections (a. 1) and (a.2), applications for absentee ballots shall be received in the office of the county board of elections... not later than five o'clock p.m. of the first Tuesday prior to the day of any primary or election." Pursuant to 25 P.S. §3150.12a(a), the Board of Elections shall process any applications for mail-in ballots received by this same deadline.

mail out to qualified voters. The Bureau will endeavor to get these ballots to the qualified voters by Thursday, June 4, 2020.

15. The Bureau of Elections, using additional help from other county departments, temporary workers and volunteers, while working more than twelve hours daily, including weekends, has processed the absentee and mail-in ballot applications as rapidly as possible.

16. All qualified electors who appropriately applied for civilian absentee and mail-in ballots before the statutory deadline are required to return their voted absentee and mail-in ballots to the County by 8:00 p.m. on Tuesday, June 2, 2020 for the voted ballot to be considered for tabulation. See 25 P.S. §§ 3146.6, 3150.16.

17. Unfortunately, due to the unavoidable backlog, the last of the mail-in and absentee ballots have still not been mailed out as of June 1, 2020. As a result, thousands of qualified voters who made timely application for mail-in and absentee ballots will not receive their ballots in time to return them by June 2, 2020 at 8:00 pm.

18. Notably, of the civilian absentee and mail-in ballot applications that have been processed, at least through the end of last week, fewer than 25% of ballots sent have been returned.

19. In an effort to ameliorate the effect of last-minute mailing of the ballots, the Bureau of Elections has established ballot drop boxes for mail-in voters

at each polling place. Additionally, voters can drop their mail-in ballots at the Delaware County Government Center at 201 W. Front Street Media, PA on election day between the hours of 8:30 am and 8:00 pm. Voters who have not yet received a mail-in or absentee ballot that was requested can also vote by provisional ballot at their polling place on election day.

20. However, the above measures still will not afford access to many voters who receive ballots at the last minute due to their inability to travel. Many voters who requested mail-in and absentee ballots may not have transportation. They may be residing out-of-state or suffering from a medical condition. They may be quarantined or unable to leave their residence because they are in a vulnerable class and at high risk. For a variety of reasons beyond their control, voters may not be able to cast a provisional ballot or use a drop box. Additionally, many voters who receive their mail-in ballots at the last minute might not even learn of the ballot box option before utilizing the U.S. mail system.

21. Because thousands of qualified applicants for mail-in and absentee ballots will not receive their ballots in time to return them by the June 2, 2020 deadline, the Board of Elections now petitions this Honorable Court to extend the deadline for receipt of mail-in and absentee ballots that are post-marked and mailed on or before June 2, 2020 and received by the Board of Elections by a June

9, 2020 at 5:00 p.m., and allow the tabulation of such ballots for the June 2, 2020 primary election.

22. Such an extended deadline for receiving ballots – provided that it is not later than June 9, 2020 – would not exceed the existing deadline for military and overseas ballots which must be counted if received by the Board of Elections by 5:00 p.m. on the seventh day following the election. See, 25 Pa.C.S. § 3511(a). Moreover, the requirement of a postmark on or before June 2, 2020 would ensure that only ballots cast and mailed by Election Day would be counted.

23. For the list of 400-500 voters who have not even had a ballot mailed to them as of Election Day, the Board of Elections requests that the Court extend the deadline for receipt of these mail-in and absentee ballots to Friday, June 12, 2020.

24. No person, political party and/or candidate would be negatively affected by this relief, as it merely allows qualified voters who have abided by all statutory deadlines to cast their votes.

25. Although Pennsylvania has an interest in the finality of elections, Pennsylvania currently counts military-overseas ballots as long as they are received by 5 p.m. on the seventh day following the election. 25 P.S. § 3511(a). The County boards of elections have seven days following Election Day to examine provisional ballots. *Id.* at § 3050(a.4)(4). Challenges and appeals to



provisional ballots can last another nine days thereafter. *Id.* at § 3050(a.4)(4)(ii), (v). Finally, Pennsylvania officials need not certify election results to the Secretary until twenty (20) days after the election. 25 P.S. § 2642(k).

26. Ballot receipt deadlines have been extended in the past when circumstances have warranted it. For example, in 2016, Judge Bernard A. Moore of the Montgomery County Court of Common Pleas extended the deadline for receipt of absentee ballots by four (4) days when election officials received what they described as unprecedented demand for absentee ballots and voters complained that they had not yet received their ballots. *See* Laura McCrystal, *Montco judge extends deadline for absentee ballots*, PHILA. INQUIRER (Nov. 3, 2016). Likewise, shortly after Hurricane Sandy struck parts of Pennsylvania in 2012, the Governor extended the deadline for receipt of absentee ballots for several days in affected counties.

27. It is well-settled that the purpose of the Election Code is to ensure fair elections, including an equal opportunity for all eligible electors to participate in the election process. *In re: General Election - 1985*, 531 A.2d 836, 839 (Pa. Cmwlth. 1987) (Court postponed the date of the Primary Election for 11 precincts that suffered extensive flooding, loss of electricity, heat, and water during extreme weather conditions). *Cf., In re: Mayor, City of Altoona, Blair County*, 196 A.2d 371, 374 (1964) (the purpose of election laws is to secure freedom of choice and to

prevent fraud and corruption; to obtain a fair election and an honest election return; to insure fair elections, or an equal chance and opportunity for everyone to express his choice at the polls; and to secure the rights of duly qualified electors and not to defeat them). An election that involves members of the electorate who could be deprived of their opportunity to participate due to no fault of their own and because of circumstances beyond their control would be inconsistent with the purpose of the Election Code. *Id.*

28. The Pennsylvania Department of State, in litigation now pending in the Pennsylvania Supreme Court in *Delisle v. Boockvar*, Dkt. 95 MM 2020 (Pa. Supreme Court), has publicly stated that while it opposes a statewide solution to the problems counties are encountering in processing, mailing, and receiving absentee ballots, it does not oppose solutions adopted by individual counties and their Courts of Common Pleas to address specific problems – such as those described above – that those counties face individually.

29. Disenfranchising voters who complied with all applicable deadlines in order to cast their mail-in or absentee ballot by failing to grant a reasonable and narrowly tailored extension of time to receive ballots would be an unnecessary and arbitrary violation of the affected voters' rights to equal protection and due process under the Pennsylvania Constitution, Pa. Const. art. I, §§ 1, 26, and the Fourteenth Amendment to the United States Constitution.

30. The County Board of Elections seeks this extension so that all duly qualified electors of Delaware County who did not timely receive their ballots due the COVID-19 crisis are able to participate in the election process.

**WHEREFORE**, the Delaware County Board of Elections respectfully requests this Honorable Court to **GRANT** its Emergency Petition to allow the Delaware County Board of Elections to accept and tabulate all absentee and mail-in ballots postmarked on or before June 2, 2020 and delivered by the United States Post Office to the Delaware County Board of Elections by June 9, 2020 at 5:00pm. For those 400-500 individuals whose ballots have still not been mailed out as of the morning on June 2, 2020, the Delaware County Board of Elections respectfully requests this Honorable Court to **GRANT** its Emergency Petition to allow the Delaware County Board of Elections to accept and tabulate any of these absentee and mail-in ballots that are returned by Friday, June 12, 2020.

Respectfully submitted,

**WILLIAM F. MARTIN,**  
Solicitor, Delaware County

BY:   
Sherri L. Eyer  
Assistant County Solicitor

**VERIFICATION**

I, Laureen T. Hagan, Chief Clerk of the Delaware County Elections Bureau, hereby certify that the facts set forth in the foregoing are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

June 2 2020  
DATE

  
LAUREEN T. HAGAN

**EXHIBIT "A"**

## AFFIDAVIT OF LAUREEN HAGAN


I, Lauren T. Hagan, Chief Clerk for the Delaware County Elections Bureau, do hereby swear and affirm as follows:

1. I am employed by the Delaware County Elections Bureau as Chief Clerk.
2. As Chief Clerk, I am responsible for receiving, processing and mailing absentee and mail-in ballot requests to qualified voters.
3. Delaware County received over 85,000 applications for absentee and mail-in ballots for the primary elections by the deadline of May 26, 2020.
4. Because the number of absentee and mail-in ballot requests was drastically more than anything Delaware County has ever received before, and because of the circumstances surrounding the COVID-19 public health emergency, the elections bureau was simply unable to process all requests and mail ballots by the statutory deadline of Thursday, May 28, 2020. As a result, we have continued each subsequent day to process and mail out ballots.
5. On Friday, May 29, 2020, we released twenty-eight (28) mail sleeve counts. Each sleeve has an average of 240-250 ballots, so we mailed approximately 6,720-7000 ballots.
6. On Saturday, May 30, 2020, we released thirty-six (36) sleeves, or approximately 8,640-9000 ballots.
7. On Sunday, May 31, 2020, we released thirteen (13) sleeves, or approximately 3,120-3250 ballots.
8. On Monday, June 1, 2020, we released twenty-four (24) sleeves, or approximately 5,760-6000 ballots.

9. In total, in the four days following the statutory deadline to mail ballots to qualified voters, we have mailed approximately 24,240-25,250 absentee and mail-in ballots.

10. As of the end of the day, Monday June 1, 2020, the election bureau still had between four and five hundred (400-500) mail-in and absentee ballots to mail out to qualified voters. The elections bureau will be able to mail ballots to these voters by Thursday, June 4, 2020. A list of those voters is currently being compiled and will be made available and introduced at any hearing related to this matter.

The foregoing facts and averments in this Affidavit are true and correct to the best of my knowledge, information and belief. The statements made herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

  
LAUREEN T. HAGAN,  
CHIEF CLERK, DELAWARE COUNTY  
ELECTIONS BUREAU

DATED: June 2, 2020

William F. Martin  
Solicitor, Delaware County, Pennsylvania  
Attorney I.D. ##39762  
201 West Front Street  
Media, PA 19063  
(610) 891-4074  
[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)

---

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY  
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR : No.  
ABSENTEE AND MAIL-IN BALLOTS :  
TO BE RECEIVED BY MAIL AND :  
COUNTED IN THE 2020 PRIMARY :  
ELECTION :

**CERTIFICATION OF SERVICE**

I hereby certify that on today's date, June 2, 2020, the foregoing has been served in person and/or by fax/email upon the following interested parties. I further certify that a copy of the foregoing has been posted on the Delaware County Election Bureau's website.

Delaware County Democratic Committee  
ATTN: COLLEEN GUINEY  
104 Gayley Street  
Media, PA 19063

Delaware County Republican Committee  
ATTN: TOM MCGARRIGLE  
321 W. Front Street  
Media, PA 19063  
(610) 566-9375



Respectfully submitted,

WILLIAM F. MARTIN,  
Solicitor, Delaware County

BY:   
Assistant County Solicitor

# Exhibit AU

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## Courts extend Pa. mail ballot deadlines in Bucks and Delaware Counties

by Jonathan Lai, Updated: June 2, 2020



MATT SLOCUM / AP



The mail ballot deadline is being loosened for voters in Bucks and Delaware Counties, judges ordered Tuesday.

Bucks County voters whose ballots were postmarked by Monday, June 1, will have their votes counted as long as county elections officials receive them by next Tuesday, June 9, county spokesperson Larry King said.

He quoted Common Pleas Court Judge James McMaster as saying it is within his power to enforce the intent of the law and that “the clear intent of the election code is to allow people to vote.” An order was still being written late Tuesday afternoon and was expected to be available Wednesday.

<https://www.inquirer.com/politics/election/bucks-delaware-county-mail-ballot-deadlines-extended-20200602.html>

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Delaware County voters will have their ballots counted if they are postmarked by Tuesday, June 2, and arrive by 5 p.m. next Tuesday.

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In addition, Delaware County elections officials will send out ballots to the final 400 to 500 voters whose ballots they never mailed. Officials had previously said those ballots couldn't arrive in time, so they would be sent. Those ballots will be counted if they are returned to the county by 5 p.m. on June 12 — regardless of when they are mailed and postmarked.

"Our election bureau is printing them, and we called in people to assemble them, and they'll be driven down the post office tonight," said Delaware County Councilwoman Christine Reuther.

#### PENNSYLVANIA 2020 NEWSLETTER

Interested in how Pennsylvania is shaping the 2020 election? Sign up to receive our newsletter every Wednesday.

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In both counties, the ballots affected by the order will be kept separate from ballots that arrive before the normal deadline. That will allow for any legal challenges to the order. (If the orders are later overturned, the ballots will be able to be removed from the rest of the county's results.)

Elections officials in both counties had petitioned their respective Courts of Common Pleas to [extend mail ballot deadlines that they said would disenfranchise voters](#) who received ballots too late to return them by p.m. election day, as state law requires. Elections officials have warned that thousands of voters could be disenfranchised, despite their efforts to set up drop boxes at the last minute.

Like other counties in the state, they have faced an unexpected surge in mail ballots due to both [the coronavirus pandemic](#) and a change to state law that for the first time allows any voter to vote by mail.

Citing the civil unrest that broke out over the weekend, [Gov. Tom Wolf on Monday signed an 11th-hour order](#) allowing ballots in Philadelphia and five other counties, including Delaware County, to be counted if they are postmarked by Tuesday and arrive by June 9. Bucks County was not included in that order.

<https://www.inquirer.com/politics/election/bucks-delaware-county-mail-ballot-deadlines-extended-20200602.html>

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Despite that order, Delaware County filed its request in court Tuesday because, Reuther said, they needed specific solution for the 400 to 500 voters whose ballots were never mailed out. In addition, if the governor's order is successfully challenged in court, the county-specific order would remain intact.

Now, county officials said, voters who risked disenfranchisement will now have their votes counted.

"It gives you faith in the system," said Diane M. Ellis-Marseglia, chair of the Bucks County commissioners. "There may not have been a legislative fix for this, but there was a judicial fix for this. And that's why our constitutional system works."

Posted: June 2, 2020 - 5:48 PM



Jonathan Lai | @ElaiJuh | jlai@inquirer.com



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# Exhibit AV

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---

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

IN RE: EXTENSION OF TIME FOR : No. 2020-003416  
ABSENTEE AND MAIL-IN BALLOTS :  
TO BE RECEIVED BY MAIL AND :  
COUNTED IN THE 2020 PRIMARY :  
ELECTION :

**ORDER**

AND NOW, this 2nd day of June,

2020, upon consideration of the Emergency Petition of the Delaware County Board of Elections for an Extension of Time for the Voted Absentee and Mail-in Ballots of the Qualified Registered Electors of Delaware County to be Counted for the 2020 Primary Election, and the response received thereto from the Delaware County Republican Party, this Court finds as follows:

With respect to the Court's power, neither the Pennsylvania Constitution nor the Election Code Act of June 3, 1937, P.L. 1333, as amended, 25 P.S. § 2601, 405,1 expressly provides any procedure to follow when a natural

disaster creates an emergency situation that interferes with an election. However, Section 1206 of the Code, 25 P.S. § 3046 states that the Court of Common Pleas of each County or a Judge thereof, shall on Election Day decide matters pertaining to the election as may be necessary to carry out the intent of this Act. The purpose of the election laws of this Commonwealth is to ensure fair elections, including an equal opportunity for all eligible Electors to participate in the election process.

Thus, the language of 25 P.S. § 3046 implicitly grants this Court authority to provide relief when there is a natural disaster or emergency such as that which presently confronts the Voters of Delaware County. To permit an election to be conducted whereby members of the Electorate could be deprived of their opportunity to participate because of circumstances beyond their control would be inconsistent with the Election Laws of this Commonwealth. Therefore, I am **GRANTING** the Emergency Petition of the Delaware County Board of Elections as follows:

The Delaware County Board of Elections shall accept for tabulation all absentee and mail-in ballots postmarked on or before June 2, 2020 and delivered by the United States Post Office to the Delaware County Board of Elections any time before June 9, 2020, at 5:00 p.m.

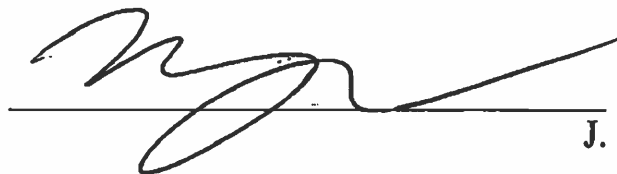
It is further **ORDERED** and **DECREED** that for the 400-500 voters who still did not have mail-in or absentee ballots mailed to them as of the morning



of June 2, 2020 (the list of which is incorporated within the Petition), the Delaware County Board of Elections shall accept for tabulation their absentee or mail-in ballots received by June 12, 2020, at 5:00 p.m. In the event that any such voter has voted a provisional ballot, the mail-in ballot shall be disregarded.

Absentee and mail-in ballots that are received by the Board of Elections either by June 9, 2020, or June 12, 2020, shall be segregated from all other absentee and mail-in ballots. The Board of Elections shall clearly indicate and mark on all ballots received subsequent to June 2, 2020, and according to the previously aforementioned deadlines of June 9, 2020 and June 12, 2020, in a manner which clearly represents the receipt date of those ballots and that those ballots are the result of absentee and/or mail-in status.

BY THE COURT:



J.

# Exhibit AW

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**The Coronavirus Crisis**

# As More Americans Prepare To Vote By Mail, Postal Service Faces Big Challenges

May 30, 2020 · 7:01 AM ET  
 Heard on Weekend Edition Saturday



BRIAN NAYLOR

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The U.S. Postal Service faces challenges as more voters turn to mail in ballots during the coronavirus pandemic.

*Mark Lennihan/AP*

**Eight states and the District of Columbia are holding primary elections next week amid the coronavirus pandemic, and voters are expected to cast their ballots by mail in**

record numbers.

It is likely to be a preview of what's to come in the fall, and some worry whether the U.S. Postal Service is up to the challenge.

A lot of people like the Postal Service; according to a recent Pew poll, 91% of Americans had a positive view, higher than any other branch of government. But it's an agency with some big problems.

To start, President Trump has called it a joke, demanded it raise its rates, and made unfounded claims that mailed ballots will be "substantially fraudulent" and that mail boxes will be robbed.

#### ELECTIONS

### The Legal Fight Over Mail-In And Absentee Voting Intensifies During The Pandemic

LISTEN · 4:16

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That's a false assertion, says Tammy Patrick, a senior adviser to the Democracy Fund. She tells NPR that voters need options like voting by mail during this pandemic.

"For many, many people this year, it's going to be to get their ballot delivered to them by the United States Postal Service," she says. "Now, calling that into question, saying that people will be taking mail out of mailboxes — that's just not going to happen."

#### Uncounted ballots

The Postal Service has had some issues with mail-in voting lately.

In Wisconsin last month, three tubs of ballots were discovered, never having reached voters. Earlier this month in Ohio, hundreds of ballots that were postmarked on time were delivered too late to be counted.

But Patrick says not all the blame should fall on the Postal Service.

She notes that in Ohio, "you could request a ballot to be mailed to you on Saturday, up until noon, for Tuesday's election. Now, the mail delivery is two to five business days. So the some of the policies, some of the practices that we have in place," she says, "are really not voter-centric. They're not setting up the voters to succeed, but rather to fail."



#### THE CORONAVIRUS CRISIS

Trump Repeats Unfounded Claims About Mail-In Voting, Threatens Funding To 2 States

Amber McReynolds, CEO of the National Vote At Home Institute, says election officials should follow best practices that have been developed in some Western states, where voting by mail is a common if not the standard practice.

"There are models that exist and there's things that have been really successful," she says.

McReynolds says she's not concerned about the prospect for an increased volume of mail if more people send in their ballots.

"When you look at the overall numbers in what the post office processes on a yearly basis," she says, "adding vote by mail is just a very small fraction of the volume that they normally deal with."

The Postal Service released a letter on Friday it sent to state and local election officials, reminding them of the need to account for delivery times and suggesting they use bar codes to identify their mail-in ballots.

### **Red ink**

The Postal Service's financial woes pose another concern. The agency ran an \$8.8 billion deficit last fiscal year.

Mark Dimondstein, president of the American Postal Workers Union, says the Postal Service may run out of cash by early fall without an infusion of funding from Congress — which the Trump administration opposes.

**2020 ELECTION: SECURE YOUR VOTE**

'It's Partly On Me': GOP Official Says Fraud Warnings Hamper Vote-By-Mail Push

"If the post office is allowed to run out of money without relief then all postal operations become in jeopardy — and that would include the tremendous access to the ballot box and not just the ballot box, but voter information," Dimondstein says.

**New faces at the top**

Against this backdrop, the Postal Service is coming under new management.

Louis DeJoy, a businessman and high-dollar donor to Republicans — including the president — was named the new postmaster general. He takes office next month.

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**ELECTIONS**

Ballot Printers Increase Capacity To Prepare For Mail Voting Surge

The deputy postmaster, Ronald Stroman, the agency's highest ranking African American, is also leaving next month.

Kristen Clarke, president of the Lawyers Committee on Civil Rights Under Law, says she is concerned about the leadership turnover at a time when she says the Postal Service is playing such an important role for the nation.

"We're in a crisis moment in the country right now that really demands that we respond," she says, "and that we do all that we can to ensure that no voter is locked out of the ballot box because of the pandemic."

Trump's opposition to voting by mail, and the possibility of disruptions in the Postal Service raise questions about how well voting by mail will function this year.

Clarke says she believes the nation needs a functional Postal Service to ensure all Americans have access to ballots.

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# Exhibit AX

PublicSource | News for a better Pittsburgh | (<https://www.publicsource.org/reports-emerge-of-completed-mail-in-ballots-being-returned-to-voters-instead-of-delivered-to-allegheny-county-elections-office/>)

**MONEY & POLITICS**

# Reports emerge of completed mail-in ballots being returned to voters instead of delivered to Allegheny County elections office



Juliette Rihl | June 1, 2020



*(Courtesy photo)*

In recent days, some Allegheny County voters have experienced a perplexing problem: their completed mail-in ballots have been returned back to their homes by the postal service instead of being delivered to the county elections division.

One voter, Jane Downing, said she dropped off her ballot in a public mailbox in East Liberty last week. Several days later, it was delivered back to her. "I thought, 'This isn't right. There's something wrong with this,'" she said.

According to Downing, she went to the East Liberty post office to inquire about the matter and was told that several other voters had brought up the same issue. "It was clear that mine wasn't the only one," she said.

PublicSource spoke to one post office supervisor and two postal carriers who confirmed the issue. According to them, at least several dozen pieces of election mail have been mislabeled and rerouted back to the sender. "It's definitely happening all over Pittsburgh," the supervisor said.

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### **Allegheny County voters identify 5 issues to address before November presidential election**

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It's unclear how widespread the problem is. A supervisor from the Oakland post office said none of her carriers has reported the problem, though she had heard of it happening at other branches. A supervisor from the Penn Hills branch said he had not heard of the problem occurring there or elsewhere.

The three postal workers who confirmed the issue— who asked to remain anonymous to avoid consequences at work — said they believe the issue stems from voters' return addresses being both printed and handwritten on the back of the election envelopes. According to them, because of the placement and prominence of the return address on the back of the envelope, the mail sorter machine picks up the return address and misinterprets it to be the delivery address. "You cannot have a system where you have the person's address with the barcode on it, because it's a machine," said the supervisor. "Once it reads the address, it comes right back to them."

**Voter's declaration**  
 I hereby declare that I am qualified to vote from the below stated address at this election; that I have not already voted in this election; and I further declare that I marked my ballot in secret. I am qualified to vote the enclosed ballot. I understand I am no longer eligible to vote at my polling place after I return my voted ballot. However, if my ballot is not received by the county, I understand I may only vote by provisional ballot at my polling place.


**Voter, sign or mark here**

**Date (MM/DD/YYYY)** \_\_\_\_\_

**Voter, print name** \_\_\_\_\_

**Voter, address (street)** \_\_\_\_\_

**Voter, address (city, zip code)** \_\_\_\_\_

  
 1881404-1 D  
 PITTSBURGH, PA \_\_\_\_\_

**To be Completed by Voter Unable to Sign their Declaration Because of Illness or Physical Disability:**  
 I hereby declare that I am unable to sign my declaration for voting my ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

**Voter, mark here**

**Date (MM/DD/YYYY)** \_\_\_\_\_

**Witness, address (street)** \_\_\_\_\_

**Witness, address (city, zip code)** \_\_\_\_\_

**Witness, sign here** \_\_\_\_\_

The back of the Allegheny County mail-in ballot envelope includes a sticker with the voter's address, as well as a place for the voter to handwrite their address. PublicSource has redacted the voter's name and address on this envelope. (Courtesy)

It's likely that most of the misprocessed ballots never make it back to the voters because, the mail carriers said, they can often intercept. After reading the address, the mail sorting machines stamp the mail with an associated barcode for sorting. The two mail carriers that PublicSource spoke to said when they receive a mismarked piece of mail, they cross out the

erroneous barcode and send it back to the mail sorter without delivering it back to the sender. "You resend it on its way, and 99 out of 100 times, that solves the issue," one carrier said.

One carrier, who has worked for the post office for more than two decades, said he occasionally sees the problem occur with other pieces of pre-printed mail but has never seen it occur at this scale. According to him, one day last week was particularly bad. "I probably got 15 or 20 of them back that day," he said, though he noted he hasn't received any mismarked envelopes since.

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The supervisor said he reported the problem over a month ago. "I told my boss, you better go down there to the plant" where the mail sorters are, he said. While the problem may only be occurring with a small percentage of election mail, the supervisor believes the issue to be important. "A few of the votes, somebody could lose the election. 'Cause a few votes count in some states," he said.



**Have you experienced a problem with your mail-in ballot? Tell us about it. Email [juliette@publicsource.org](mailto:juliette@publicsource.org)**

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According to United States Postal Service [USPS] spokesperson Jill Walters, the agency is looking into the issue. "At this time, we have no information to suggest any ballots were not properly handled and provided to local election officials, per our established process," she wrote in an email to PublicSource on Saturday evening. When asked several follow-up questions regarding the USPS workers' statements on Monday, she declined to provide further comment and said USPS's earlier response still stands.

Allegheny County spokesperson Amie Downs told PublicSource that two voters have reported the problem to the county. Voters whose ballots have been returned to them should either drop their ballot off at the county elections division offices or put their ballot in a

separate envelope and send it to the elections division, Downs said. Voters can also vote a provisional ballot in-person at their polling place.

The county has contacted the post office to meet after the election and address any issues that occur, Downs said. Because only two voters have reported the issue, Downs said, the county is not planning on notifying voters of the problem.

### Voting by mail

The issue of returned ballots reported by a few voters has become known just days before the June 2 primary election, which will mark the first time Pennsylvania has allowed no-excuse mail-in voting.

Due to the pandemic, the county's election division has been working overtime to prepare for the election and meet the newfound vote-by-mail demand. More than 260,000 voters applied for mail-in ballots. As of Saturday, May 30, the county had received 170,000 completed ballots.

Ballots must be returned to the county elections division by 8 p.m. Tuesday, June 2.

Maryn Formley, executive chair and founder of the Pittsburgh-based nonprofit organization Voter Empowerment Education and Enrichment Movement, was not aware of the issue of some mail-in ballots bouncing back to voters before being contacted by PublicSource. She found it worrisome.

"This is definitely distressing news," she said. She praised the county's overall efforts in mobilizing for the election and mail-in voting amid the pandemic, but expressed concerns about the potential that many more ballots may not be handled correctly.

Ron Bandes, president of the nonprofit organization Vote Allegheny, was not aware of the issue before being contacted by PublicSource either and found it baffling.

"That is exceedingly strange," he said. While he doesn't believe the problem is widespread, he brought up what he believes is a larger issue: voters not yet receiving their mail-in ballots.

"I've heard many, many stories of people not receiving their ballots," he said. "And honestly, that's something that's happened in past years as well. So I'm not even sure that can be blamed on the tenfold increase in mail-in voting this time."

As for the returned ballots, one mail carrier said he hopes the problem will be resolved for future elections. "I hope that they fix it for November," he said.

Downing agreed. "It could be that this only affects .0001% of the ballots," she said, "but any ballot that's missed is a problem."

### How to drop off your mail-in ballot in Allegheny County

Voters may drop off their ballot at the elections division offices in the county office building at 542 Forbes Ave. on the 6th floor between 8:30 a.m. and 5 p.m. on Monday, June 1, or in the lobby of the County Office Building during the following times:

- Monday, June 1 from 5 p.m. to 8 p.m.
- Tuesday, June 2 from 7 a.m. to 8 p.m.

To vote in person, check your polling location [here](https://www.alleghenycounty.us/uploadedFiles/Allegheny_Home/Dept-Content/Elections/Docs/2020%20Primary%20Election%20Polling%20Places.pdf) ([https://www.alleghenycounty.us/uploadedFiles/Allegheny\\_Home/Dept-Content/Elections/Docs/2020%20Primary%20Election%20Polling%20Places.pdf](https://www.alleghenycounty.us/uploadedFiles/Allegheny_Home/Dept-Content/Elections/Docs/2020%20Primary%20Election%20Polling%20Places.pdf)). Mail-in ballots may not be

dropped off at polling places.

Wondering about the status of your ballot? Track it [here](#)

(<https://www.pavoterservices.pa.gov/Pages/BallotTracking.aspx>).

*Juliette Rihl is a reporter for PublicSource. She can be reached at [juliette@publicsource.org](mailto:juliette@publicsource.org).*

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# Exhibit AY

AS IT HAPPENED Ended 10:33 PM - June 2, 2020

## Lots of mail ballots and voter enthusiasm for Pa. primary. But results could take days: Live updates



### WHAT YOU NEED TO KNOW

- Polls have closed [in the 2020 Pennsylvania primary election](#).
- But only a fraction of the votes had been tallied Tuesday night. It will take days to count them all. That reality could have [serious implications for the general election in November](#).
- Pennsylvanians came out to cast their votes in amidst of a [deadly pandemic](#) and the [greatest urban unrest in a generation](#). Many said [they voted as their own form of democratic expression](#), the importance of which felt heightened this week.
- [Joe Biden made an appearance at Philadelphia City Hall](#), condemning President Donald Trump for spreading hatred and vowing to put racial equality and healing at the forefront of his presidency.
- The election took place against the backdrop of two overlapping crises: [the coronavirus pandemic](#) and [ongoing protests and civil unrest](#) over the killing of George Floyd as Minneapolis police knelt on his neck.

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10:33 PM - JUNE 2, 2020

## Pa. held an election. We won't know the results for days. Here's what that means for November.

Get ready for a long wait.

[Pennsylvania held its primary election Tuesday](#), but only a fraction of the votes had been tallied Tuesday night. It will take days to count them all. So it could be a while before you know if your candidate won.

That's not because of fraud, or election [rigging](#), or anything of the sort. It's the direct result of legal changes designed to make voting more flexible and accessible, along with a [coronavirus pandemic](#) that greatly [accelerated the adoption of voting by mail](#).

It's also a huge change for voters who have grown accustomed to winners being "called" by news outlets on election night, with displays of concession speeches and victory parties from candidates. And while a lack of actual election results won't bother

many voters with [so few competitive races on the ballot attracting wide interest](#), imagine the same lack of certainty the night of Nov. 3: If changes aren't made between now and then, elections officials across the state say, [the world could be left watching Pennsylvania, a critical swing state](#), count ballot after ballot long after polls have closed.

"It's pretty wild, isn't it?" said Delaware County Councilmember Christine Reuther, who works on elections issues for the county. "People are going to have to wait for results. ... It's not going to be as satisfying for a lot of people, let's just leave it at that."

» [READ MORE: Pennsylvania held an election. We won't know the results for days. Here's what that means for November.](#)

— Jonathan Lai

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10:05 PM - JUNE 2, 2020

## Voters undeterred by coronavirus and inspired by protests turn out for the primary

In long and short lines, near boarded up stores, and in polling places within earshot of chanting protesters, Pennsylvanians came out Tuesday to cast their votes in [the unprecedented midst of a deadly pandemic](#) and [the greatest urban unrest in a generation](#).

Many said they voted as their own form of democratic expression, the importance of which felt heightened this week. Others said they were in line because [their requested mail ballot never showed](#).

On the whole, a primary day flipped on its head — and rescheduled from April — ran largely smoothly for election officials operating with a skeletal staff and [a fraction of the polling places typically open](#). But the success of the operations of this election — [and its results](#) — may lie in the days ahead, as officials process stacks of mail ballots, [which almost 1.9 million Pennsylvanians requested](#).

"There was nothing that was gonna keep me from voting today, even during a pandemic and with a curfew," said Paul Griffing, who put his ballot in a drop box near City Hall.

» [READ MORE: Voters undeterred by coronavirus and inspired by protests turn out for an unprecedented Pennsylvania primary](#)

—Julia Terruso, Andrew Seidman, Michaelle Bond

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9:40 PM - JUNE 2, 2020

## Larry Krasner to progressives: Support Joe Biden 'even if he's not our favorite guy.'

Philadelphia District Attorney Larry Krasner urged progressives Tuesday to support Joe Biden even if he was not their preferred Democratic presidential candidate.

Speaking on a Zoom conference call with the progressive group Pennsylvania Stands Up, Krasner also seemed to allude to the days of protests: "A lot of you got me elected, so thanks again ... and frankly, given what's going on Philly — well, let's just say it

might've been the right time, because we got some trouble," he said.

"We cannot allow progressive to walk away from the polls, to walk away from politics in disgust," Krasner said.

"This primary I think was tough for a lot of people because as progressives a lot of us felt very strongly about who we wanted to be the candidate, and Joe Biden's not that guy. But that does not change the fact that we have a nightmare in the White House. It does not change the fact that Joe Biden will have a vice president who may play a very, very important role in the administration and also possibly in the next election," Krasner said. "It is of paramount importance for the things that we believe in that this guy get elected — even if he's not our favorite guy."

On the same Zoom call, City Councilmember Helen Gym told the group that people must come together not just by marching, but through other work for political change.

"It is powerful for election night to be on a night in which so many people are out speaking truth to power saying that black lives matter and that we're going to see a real transformative change in this country," Gym said on an election night Zoom call hosted by the group. "It's impossible not to talk about this moment and the need to fundamentally see some serious disinvestment in our policing and in institutional type of oppressive power and forces that have brought down so many communities."

— *Justine McDaniel*

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9:24 PM - JUNE 2, 2020

## Philly-area voters on why they came out to vote in person



RAISHAD HARDNETT, ASTRID RODRIGUES, LAUREN SCHNEIDERMAN  
Philadelphia-area residents tells us what drove them to vote today and why it matters.

Voters in Philadelphia went to the polls today with current events at the forefront of their decision.

"Today I think with everything that we've been watching on the news, I think it's even way more important to rock our vote and at least try and be heard," said Maarten Olaya of Kensington.

Expressing uncertainty about whether his vote would make an impact, Matthew Coulter decided to show up anyway. "There is absolutely no room for complacency anymore," said Coulter, who voted at the Lucien E. Blackwell Library on 52nd Street in

West Philadelphia, near the site of vandalism and looting that seized the neighborhood on Sunday.

On the border of the city in Cheltenham, Jessica Martz said voting is one way to elect people who represent the what she cares about. "It always feels important to me to vote, but now more than ever," said Martz.

-Astrid Rodrigues

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7:10 PM - JUNE 2, 2020

## President Donald Trump and Joe Biden (unsurprisingly) win Pa. primaries

President Donald Trump and Joe Biden were both declared winners of their respective party primaries in Pennsylvania, unsurprising results called by the Associated Press shortly after polls closed.

Trump has faced no serious opposition from Republican challengers.

Biden, the former vice president, is the only Democrat still actively campaigning and has been the party's presumptive nominee for months.

**AP Politics** @AP\_Politics

BREAKING: Joe Biden wins the Democratic presidential primary in Pennsylvania. #APracecall at 8:21 p.m. EDT. #Election2020 #PAprimary

Election 2020  
News from The Associated Press, the definitive source for independent journalism from every corner of the globe.  
apnews.com

8:22 PM · Jun 2, 2020

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Still, victories in Pennsylvania and elsewhere on the busiest day of voting since the onset of the coronavirus moved Biden closer to officially clinching the nomination.

He visited Philadelphia earlier in the day to deliver a major speech challenging Trump's leadership during the mounting crises facing the country, and pledging racial reconciliation, in contrast to the president's law and order approach.

» **READ MORE: Joe Biden accuses Trump of 'accelerating' divisions and vows racial reconciliation in Philadelphia speech**

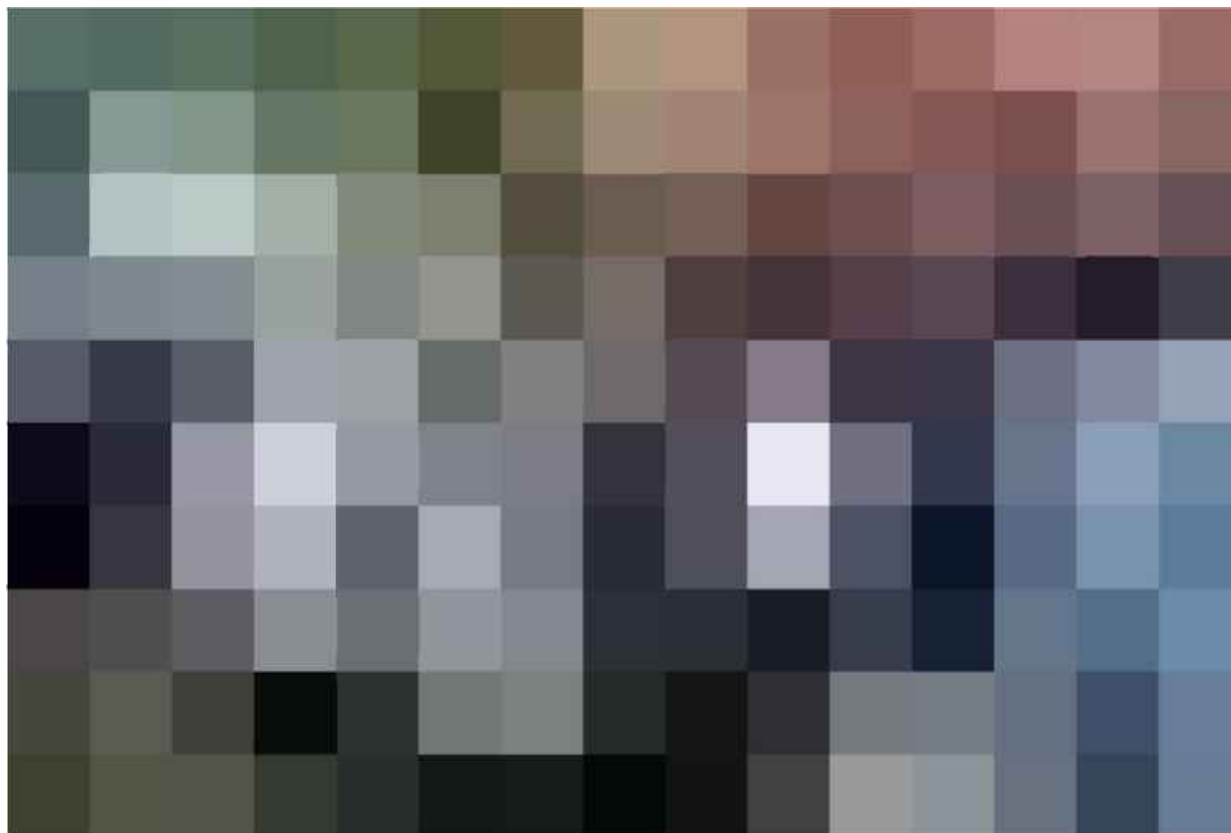
» **READ MORE: Biden fans and the Pa. Democratic establishment are taking a quiet primary victory lap: 'He's the guy to beat Trump'**

— Jonathan Tamari

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7:10 PM - JUNE 2, 2020

## Philly polling locations got the wrong voting machines, causing confusion and long lines: 'It was a mess'



TIM TAI / STAFF PHOTOGRAPHER

Dozens of voters line up outside Masjidullah in Philadelphia's East Mount Airy section Tuesday. There were fewer polling locations across the city due to the coronavirus pandemic.

Voting in Philadelphia's busy 50th Ward started off messy Tuesday when polling locations were delivered machines meant for neighboring poll places.

The problem was corrected by late morning, city officials said, though the wait to vote in parts of the busy ward was still about 90 minutes by early evening.

The ward in Northwest Philadelphia is one of the highest turnout locations in the city, and lines started forming around the block at polling places like the Masjidullah Temple early in the morning. Several divisions had already been consolidated into polling locations, making the crowds larger.

Councilmember Cherelle Parker, who is also ward leader in the area, said multiple polling locations were delivered the wrong machines.

“They were all at the wrong locations. It was a mess,” Parker said.

The office of the Philadelphia City Commissioners, who oversee elections, confirmed a mix-up had occurred with polling places receiving the wrong voting machines, including at the mosque. Voters used paper emergency ballots before the correct machines were set up.

» **READ MORE: *Polling locations in Northwest Philly got the wrong voting machines, causing confusion and long lines: ‘It was a mess’***

— *Michaelle Bond, Julia Terruso and Justine McDaniel*

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5:54 PM - JUNE 2, 2020

## Courts extend Pa. mail ballot deadlines in Bucks and Delaware Counties



HEATHER KHALIFA / STAFF PHOTOGRAPHER

Absentee ballot applications in both Spanish and English, along with fliers, sit next to food boxes distributed by the city, school district, and non-profit groups at 401 Domino Lane in Roxborough May 16.

The mail ballot deadline is being loosened for voters in Bucks and Delaware Counties, judges ordered Tuesday.

Bucks County voters whose ballots were postmarked by Monday, June 1 will have their votes counted as long as county elections officials receive them by next Tuesday, June 9, county spokesperson Larry King said.

He quoted Common Pleas Court Judge James McMaster as saying it is within his power to enforce the intent of the law and that “the clear intent of the election code is to allow people to vote.”

An order was still being written late Tuesday afternoon and was expected to be available Wednesday.

Delaware County voters will have their ballots counted if they are postmarked by Tuesday, June 2, and arrive by 5 p.m. next Tuesday.

In addition, Delaware County elections officials will send out ballots to the final 400 to 500 voters whose ballots they never mailed. Officials had previously said those ballots couldn’t arrive in time, so they wouldn’t be sent.

Those ballots will be counted if they are returned to the county by 5 p.m. on June 12 – regardless of when they are mailed and postmarked.

Elections officials in both counties had petitioned their respective Courts of Common Pleas to [extend mail ballot deadlines that they said would disenfranchise voters](#) who received ballots too late to return them by 8 p.m. election day, as state law requires. Elections officials have warned that thousands of voters could be disenfranchised, despite their efforts to set up drop boxes at the last minute.

» **READ MORE: [Courts extend Pa. mail ballot deadlines in Bucks and Delaware Counties](#)**

— Jonathan Lai

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5:07 PM - JUNE 2, 2020

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## Biden fans and the Pa. Democratic establishment are taking a quiet victory lap: ‘He’s the guy to beat Trump’





AP  
Democratic presidential candidate Joe Biden speaks in Philadelphia Tuesday.

When David Bradford hosted a [Joe Biden debate watch party](#) in his Philadelphia apartment in October, only one person showed up. [Biden's early lead in the polls was slipping](#), and pundits were pointing to the lack of enthusiasm for his campaign as a sign it was doomed.

Eight months later, Biden is all but assured to win [the Pennsylvania primary](#) Tuesday, along with primaries in six other states and the District of Columbia. (Bernie Sanders suspended his campaign in April but remains on the ballot.) That will put Biden close to formally clinching the nomination.

In Pennsylvania, where Biden is something of a favorite son, with [roots in Scranton](#) and a home nearby in Wilmington, the army of establishment Democrats who long backed him and fans who liked him from the get-go are celebrating — briefly, socially distanced, and with eyes toward defeating President Donald Trump in November.

"I'm excited," Bradford said last week. "I was amazed then how few people in his own backyard were showing up for him. That feels like a whole different time now. He's the guy to beat Trump."

"I'm not an 'I told you so' person," U.S. Rep. Dwight Evans said with a laugh. "I think there was always enthusiasm from the beginning, and I know that was a constant issue people kept raising, but look — I came out for him on Day One because I thought it's what America needed, and I still do."

» [READ MORE: Biden fans and the Pa. Democratic establishment are taking a quiet primary victory lap: 'He's the guy to beat Trump'](#)

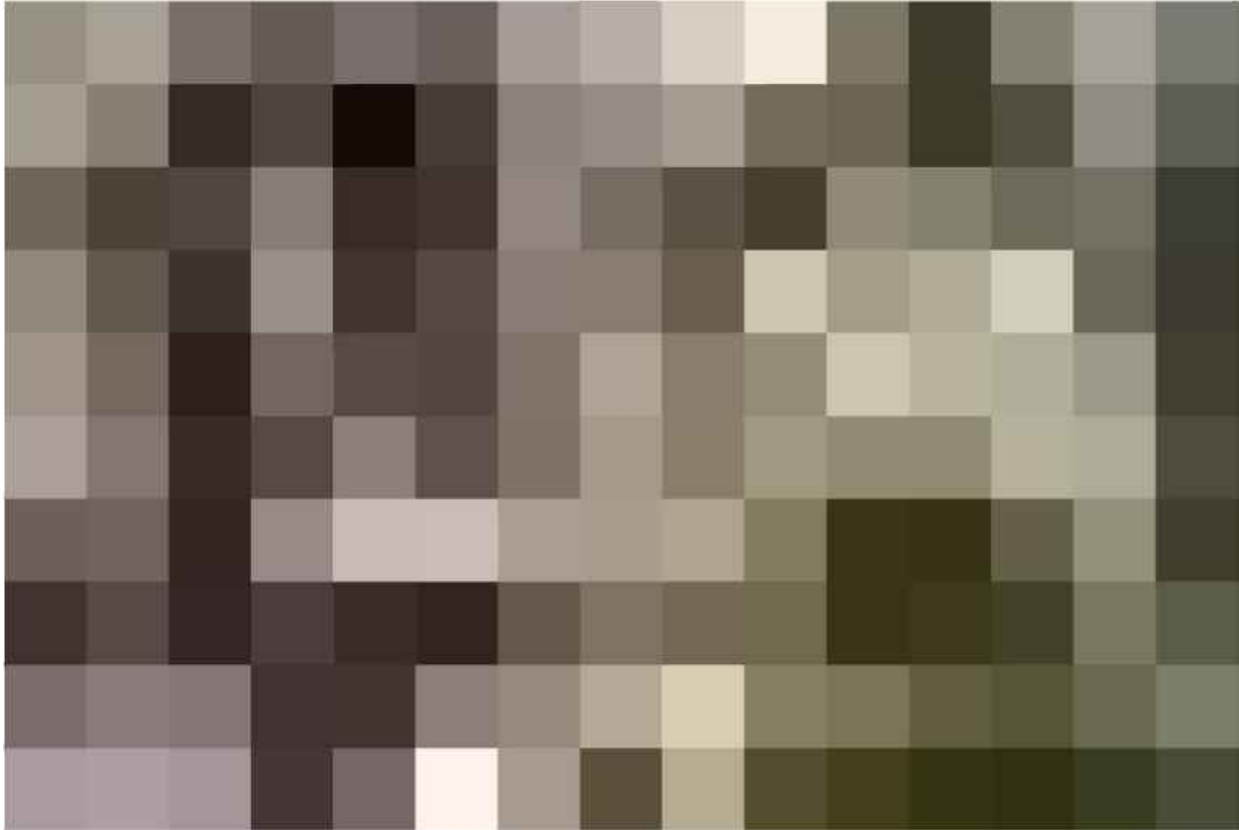
» [READ MORE: Joe Biden accuses Trump of 'accelerating' divisions and vows racial reconciliation in Philadelphia speech](#)

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4:49 PM - JUNE 2, 2020

## Voters wait in East Falls after machines break



JESSICA GRIFFIN / STAFF PHOTOGRAPHER

A busy polling place Tuesday in Philadelphia, at the Falls of Schuylkill branch of the Free Library, in East Falls.

Voting machines broke Tuesday afternoon at the Falls of Schuylkill Library, delaying voters as city staffers drove out to repair the machines.

Shortly before 4 p.m., dozens of voters were calmly waiting, with the socially-distanced line stretching around the block. A voter at the front of the line said she had been waiting about 45 minutes, reading a book she had brought with her.

Like other polling places, the East Falls branch of the Free Library system [combined multiple precincts in one location this year](#), and Bronda Conwell, 37, said she had planned to wait.

“I figured that if you’re merging all these polling places together, this was the way it was going to be,” said Conwell, a social worker.

— *Justine McDaniel and Alejandro Alvarez*

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4:31 PM - JUNE 2, 2020

## A Sanders supporter in West Philly on Biden: 'I'm not not going to vote'

There was about a 30 minute wait in West Philly's polling location at 48th and Woodland.

A team of volunteers for Rick Krajewski, one of three people challenging longtime incumbent Jim Roebuck in the district, handed out water bottles and masks to anyone who needed them. Meg McCauley, 24, had come out to vote for Krajewski and for Bernie Sanders, who supported him.

"He's been [really active in my neighborhood](#) and really effectively communicating about how our neighborhood could be better taken care of," she said of Krajewski.

McCauley, a baker, said that on the presidential ticket, Sanders was the only candidate who stood for what she believed in. Asked if she'll support Biden in November she shrugged and sighed: "Yeah. I'm not not going to vote."

Amelia Mitchell's polling place is usually much closer, but she said she didn't mind walking because she wanted to vote in person to ensure "everything goes through correctly."

"I'm 66 and I got a mask I got my sanitizer and I just came from the market a little time ago, so I feel fine," she said.

The 30 minute line wasn't something everyone was thrilled with, though.

"I've got a tee time," said Kerry Dowd. He said he applied for a mail-in ballot three weeks ago but it never came. So he showed up to vote in person for Krajewski.

"I need a change. I think we need a change from the bottom to the top," he said.

He called Biden "a good soldier."

"I think he can stabilize some of the things going on," he said. "I think everybody likes to see things turned upside down but when they get turned upside down, they're realize, 'This isn't great.' It's time to get back to what we were, which is a country that was respected around the world."

— *Julia Terruso*

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3:43 PM - JUNE 2, 2020

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## Officials work to restock supplies as voters show up to polls after not receiving mail ballots,

Election officials in Montgomery and Delaware Counties were working to keep provisional ballots in stock Tuesday for voters who had not received mail ballots.

"We are trying to get additional materials there. But yes, some places are low," said Delaware County Councilmember Christine Reuther.

Normally, very few votes are cast on provisional ballots, which are used when there is a concern about whether someone is eligible to vote at a location. The paper ballots are set aside and only counted once county elections officials determine the vote is legitimately cast.

But they have been in particularly high demand this year because of [problems with mail ballots](#). Delaware County elections officials in particular struggled to get mail ballots delivered to voters in time; 400 voters were never sent their ballots because officials said they would be unable to deliver them until after the election.

Montgomery County had 60,000 provisional ballots flown in Monday from its printer in Ohio in preparation for high demand at polling places, and a roving team of seven county staffers — dedicated exclusively to provisional ballots — has been responding to restock polling places as they run low.

One election judge at Chestnutold Elementary School in Haverford Township said about half of voters who had arrived by 3 p.m. Tuesday had filled out provisional ballots because they never received mail ballots from Delaware County.

At Chatham Park Elementary School in Havertown, judge of elections Monica Moran said 19 people had cast provisional ballots as of about 2:45 p.m. Tuesday. By comparison, she said, her precinct had seen two or three provisional ballots in the past four elections combined.

Gov. Tom Wolf signed an [11th-hour executive order](#) Monday that allows voters in Delaware County and five other counties to have their mail ballots counted if they are postmarked by today and arrive within a week. Still, some voters said they would vote by provisional ballot because of worries Wolf's order would be challenged in court.

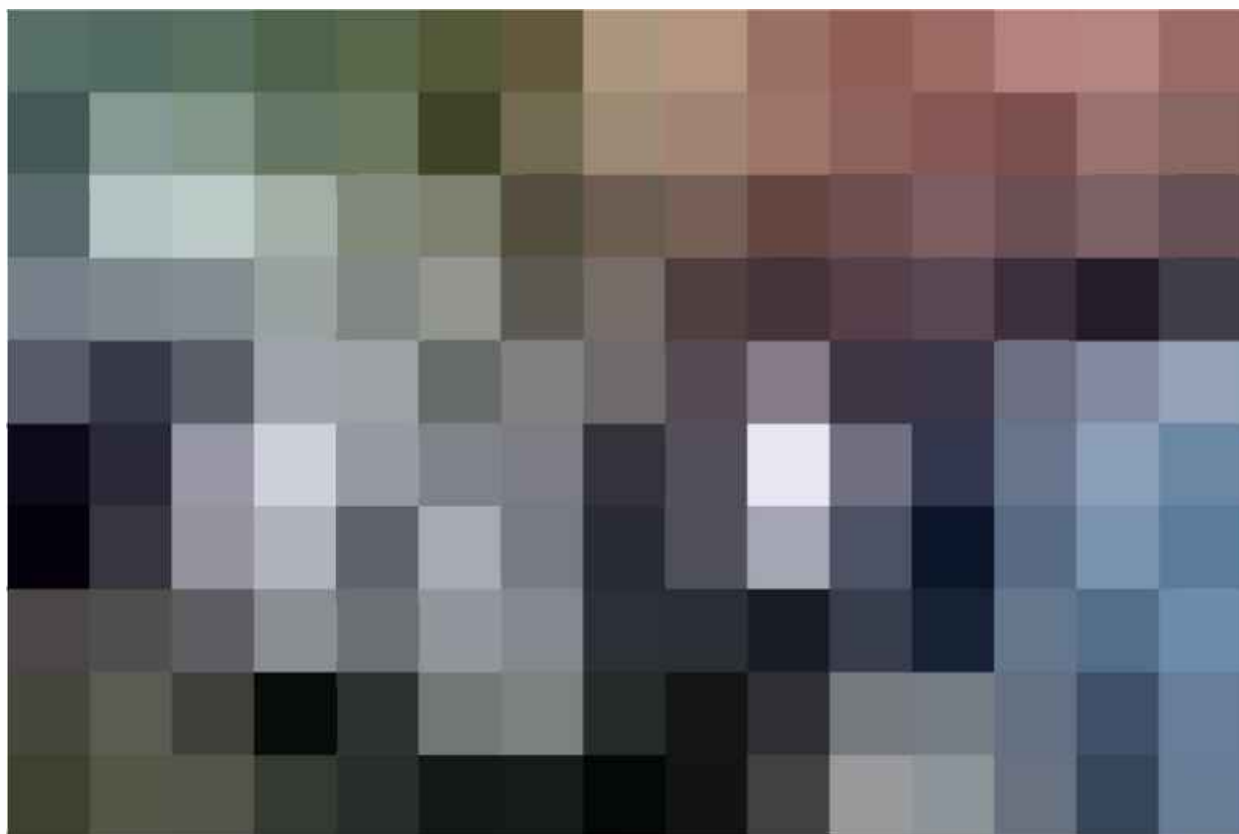
» **READ MORE: [Pennsylvania Gov. Tom Wolf extends mail ballot deadlines for Philadelphia and five other counties](#)**

— Jonathan Lai, Andrew Seidman, Laura McCrystal

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3:10 PM - JUNE 2, 2020

## Polling place changes cause confusion for some Philly voters



TIM TAI / STAFF PHOTOGRAPHER

Dozens of voters line up outside Masjidullah in Philadelphia's East Mount Airy section to vote in the Pennsylvania primary election. There were fewer polling locations across the city due to the coronavirus pandemic.

Chris Mckant, 32, of Mt Airy, said he went to his usual polling place at Finley Recreation Center and waited in line there for 20 minutes before learning he could not vote there and was redirected to Masjidullah mosque and Islamic Community Center.

At around 2:30, he had been waiting in line there for about 15 minutes and the line was moving quickly. He said he hopes people don't wait too late to vote because they might be in the wrong place.

Philadelphia has decreased the number of polling places throughout the city due to the coronavirus pandemic. But some voters and officials at Masjidullah mosque said Tuesday that there were not signs posted at usual polling places to redirect voters, leading to more confusion.

“A lot of people right now are distracted because of what’s going on across the city and the country,” Mckant said. “But seeing this long line is encouraging.”

Mckant said he had talked to young voters around 19 or 20 years old who are “at home because they think their vote doesn’t matter.”

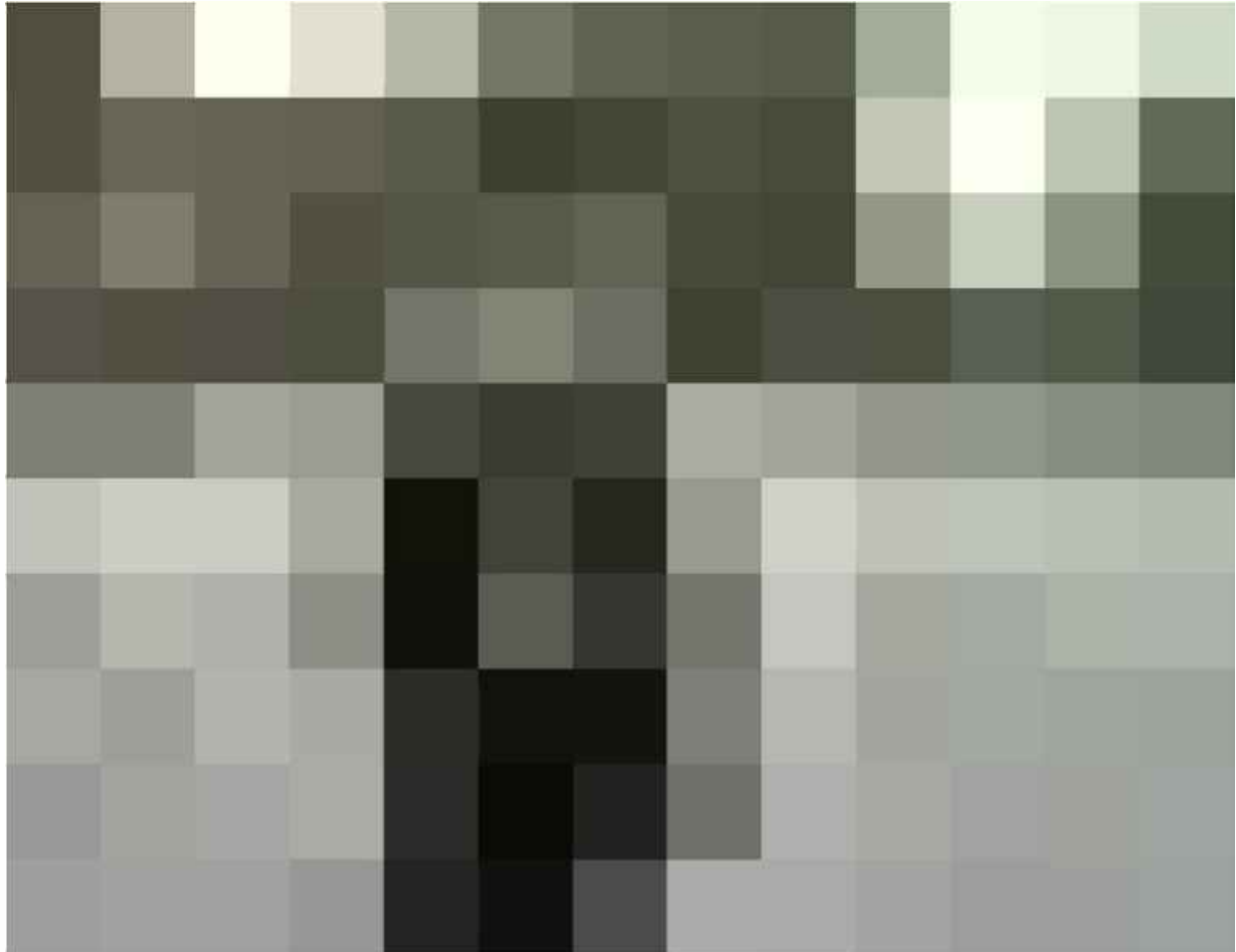
“The vote does matter. I know that 1,000%,” he said.

— *Michaëlle Bond*

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2:44 PM - JUNE 2, 2020

## ‘This is what I can do,’ says Delco voter who didn’t get mail ballot in time



**ANDREW SEIDMAN / STAFF**

Carney Ruis, 36, of Haverford Township, voted at Haverford Community Recreation and Environmental Center on Tuesday. She went to vote in person after she did not receive her mail ballot from Delaware County.

Turnout was low at the Haverford Community Recreation and Environmental Center in Delaware County — which election officials attributed to a high rate of mail ballots.

But some voters didn't receive their mail ballots in time, like Carney Ruis, 36. Her voting routine was further scrambled by the county's consolidation of polling places. Ruis — who said she lost her job at a restaurant in March amid the pandemic and now works fewer hours for worse pay — usually votes at St. George's Church.

Once she got to the new polling place, she said poll workers told her how to cast a provisional ballot, she said.

Ruis said her sister didn't receive a mail ballot in time, either — but her parents did.

She said she felt compelled to vote in person. "I'm not going to go out looting. I'm not going to burn things down," she said. "This is what I can do."

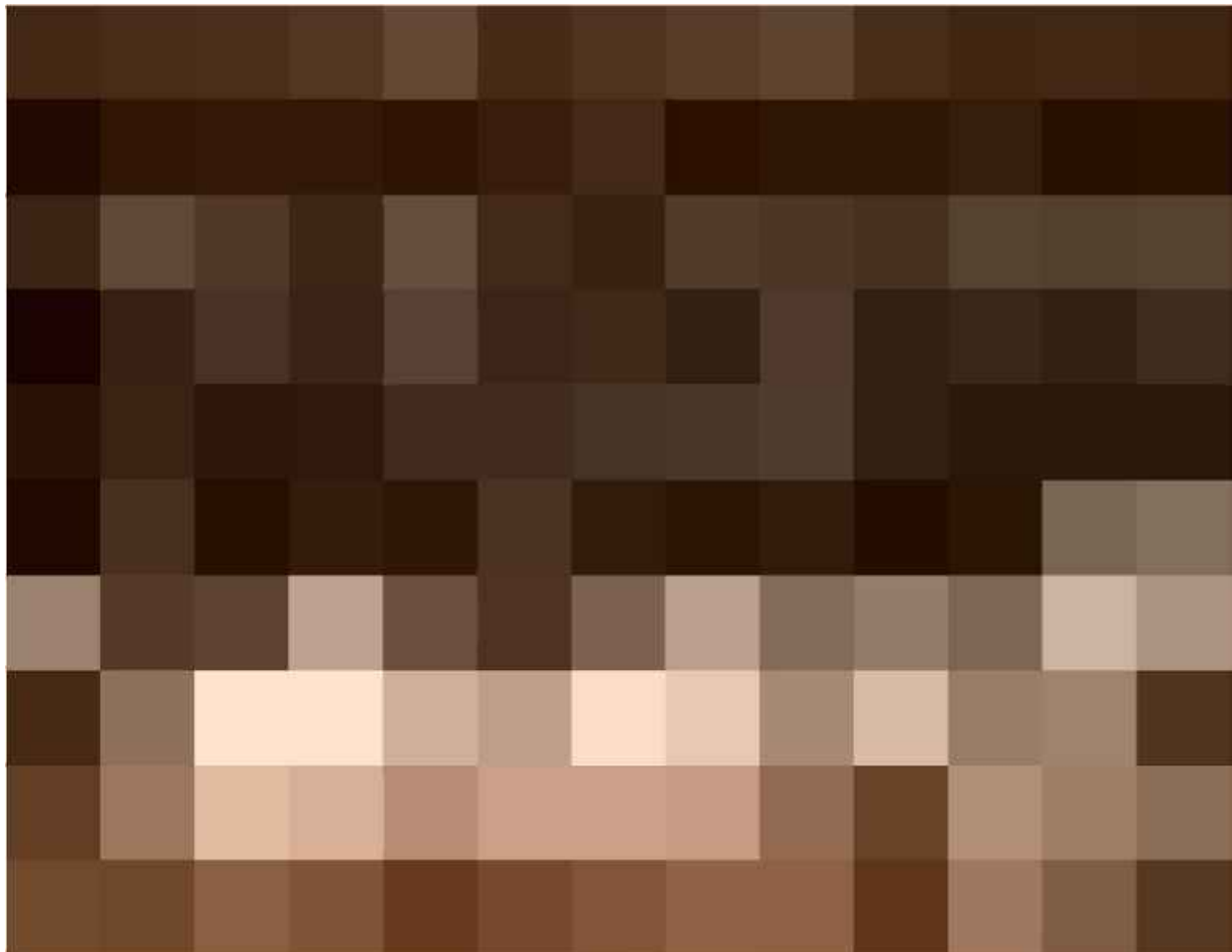
Ruis said she was excited to vote for state Rep. Greg Vitali, a Democrat who is facing a challenge from Jennifer Leith.

— *Andrew Seidman*

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2:31 PM - JUNE 2, 2020

## Light turnout, poll workers in face shields in Lower Merion



ALLISON STEELE / STAFF  
Voters cast ballots at Bala Cynwyd Middle School on Tuesday.

Voter turnout was light in polling places around Bala Cynwyd, Montgomery County. Poll workers said that despite working with consolidated polling locations, they were able to keep voters separate from each other.

At Bala Cynwyd Middle School, where voting was set up on the stage of the auditorium, workers patrolled the room wearing face shields and masks. By midday, only 45 people had voted.

"Any other day, we'd probably see 600 people," said Casey O'Bannon, a committeeman for the democratic committee of Lower Merion and Narbeth, who said many voters in the area requested mail ballots.

— Allison Steele

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1:51 PM - JUNE 2, 2020

## Differing views of Trump at Bucks County polls

Debbie Colby, a former Republican committee person from Yardley, said she voted for Andy Meehan, who is [challenging U.S. Rep. Brian Fitzpatrick](#) in the Republican primary, because Fitzpatrick opposes Trump on too many issues.



"I'm a nurse. I think Trump is doing a phenomenal job," said Colby, who was not familiar with Meehan's campaign until reviving some Election Day literature at the polling place. "I knew I would not vote for Fitzpatrick. I knew that without a doubt."



Meanwhile, Susan and Curt Sabate of Yardley said they are Democrats who voted for Christine Finello in her bid for Fitzpatrick's seat. They said the divisive political climate in the country has made them identify more strongly with Democrats.

"The divisiveness has made us more aligned," with the Democratic Party," said Curt Sabate. "We're typically centrists. But you just can't be that way."

**Chris Brennan**   
@ByChrisBrennan 

Susan and Curt Sabate are Democrats from Yardley who voted for @FinelloForPA in her bid to challenge US Rep. @BrianFitzUSA, a Republican, in the general election. They said the rising divisiveness of national politics has pushed their thinking to the left.

12:10 PM · Jun 2, 2020 from Charles Boehm Middle School 

 1  See Chris Brennan's other Tweets

— *Chris Brennan*

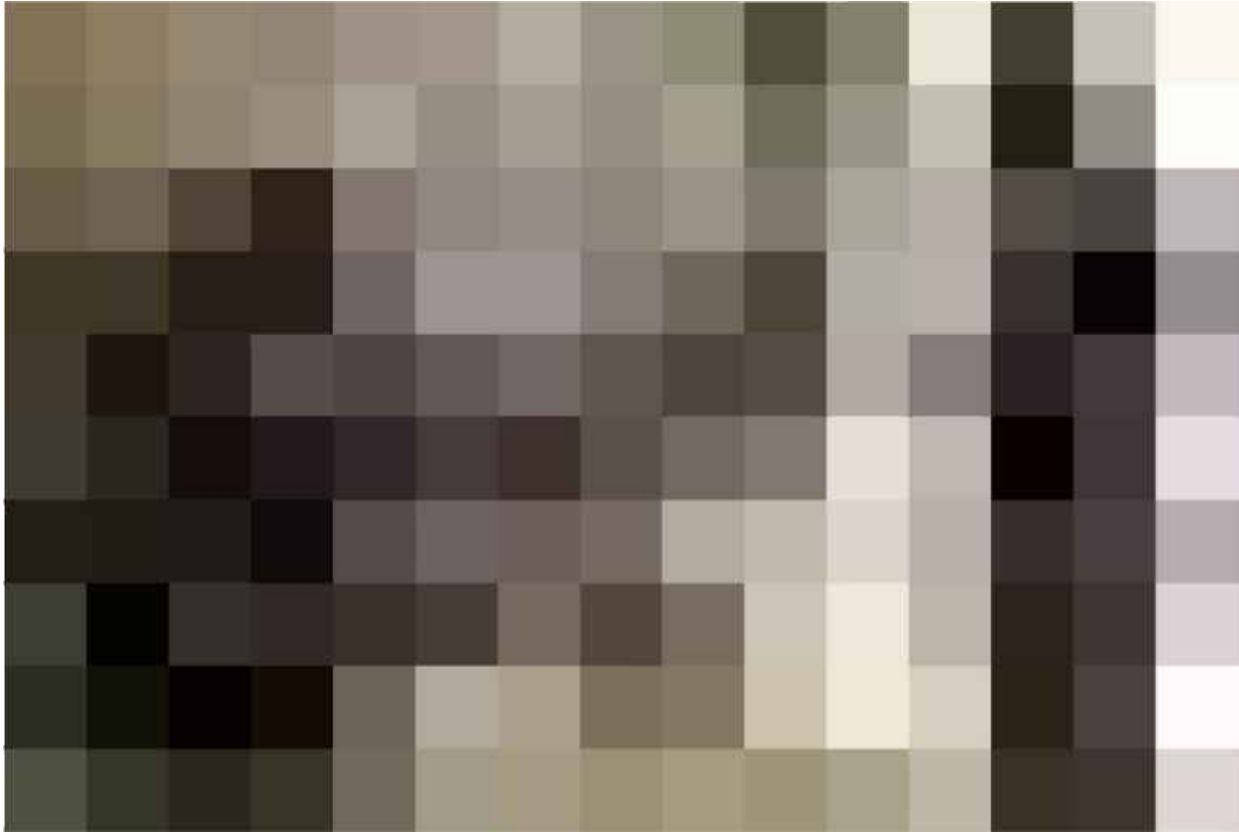
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1:21 PM - JUNE 2, 2020

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## Long lines form outside some Philly polling places





HEATHER KHALIFA / STAFF PHOTOGRAPHER

Voters sign in at the Marian Anderson Recreation Center on Election Day in Philadelphia on Tuesday.

Lines have begun cropping up at some polling places in Philadelphia, in some cases stretching around buildings and sidewalk corners as dozens of voters maintain social distancing before casting their ballots.

There were at least 80 voters in masks waiting early Tuesday afternoon outside the Masjidullah mosque and Islamic community center by the border of the East Mount Airy and West Oak Lane neighborhoods.

One voter said she had been waiting in line for an hour to enter the building and cast her ballot.

Hyrah Muhammad, 30, a teacher's assistant from West Oak Lane, said she had expected lines to vote but felt it was important to cast a ballot.

"I feel like you have to vote in the change," she said. "If you don't vote, you can't complain. You didn't decide to make the change."

Yellow tape on the sidewalk directed voters to stand a few feet apart, though that extended less than halfway down the line of voters, which stretched around the corner and halfway down another block.

"It was rough at first, but it's starting to mellow out," Saleem Abdullateef, the mosque's business manager who was helping direct voters, said around 1:30 p.m. Tuesday morning, when the line stretched down to Ogontz Avenue, "a lot of people left because of the wait," he said.

A 10-minute drive away, about two dozen voters lined up outside Lingelbach Elementary School in Germantown — with the line continuing inside in the building.

In South Philadelphia, a similar line of about 20 to 30 voters waited outside DiSilvestro Recreation Center, waiting about half an hour to vote.

— *Michaëlle Bond, Tim Tai, Jonathan Lai*

12:26 PM - JUNE 2, 2020

## Low turnout reported at Upper Darby polling place blocks from 69th Street looting



ANDREW SEIDMAN, STAFF

Cheryl Johnson, a poll worker, outside the Upper Darby Municipal Building on Tuesday.

There were no lines to vote at the Upper Darby Municipal Building before noon on Tuesday, just blocks from [the 69th Street shopping corridor that saw some looting](#) earlier this week.

[The National Guard was deployed](#) to help police with the response.

Given [the coronavirus pandemic](#) and days of unrest in the area, "I thought they would postpone" the election, said Cheryl Johnson, a poll worker.

Johnson attributed low turnout to Delaware County's consolidation of polling places. For example, a firehouse where elderly and disabled people usually vote was closed this election, Johnson said. "People have to walk farther to a voting place," she said.

Not many people in the precinct requested mail ballots, she said. Venus Little, 63, said she wasn't worried about voting in person. "I just made sure I had a mask," said Little, who works in a hospital.

She said she was excited to vote for Joe Biden. "I think he's real," she said. "He has no problem telling the truth. ... I'm just hoping people turn out."

Reflecting on the demonstrations of recent days, she said, "It's sad what happened to George Floyd. It's been going on for ages. They just had enough."

Natoma Danal, 53, expressed disapproval of looting and said people "have to move on and learn how we can express our anger in better ways" — like voting.

Danal said she felt safe voting in person because election officials had said they would wear masks. "I got bold. I'm gonna be bold to come here in person. I'm healthy," she said. But she said her mother, who lives in Philadelphia, was still waiting for her mail ballot.

— *Andrew Seidman*

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12:18 PM - JUNE 2, 2020

## Early morning lines wrap around Philadelphia polling locations

GALLERY

1 of 31 



JESSICA GRIFFIN / STAFF PHOTOGRAPHER

Joel Charleston, back center, talks with Brenda Goode, front right, as people line up to vote at the Free Library Falls of Schuylkill Branch, on Election Day in Philadelphia, June 02, 2020.

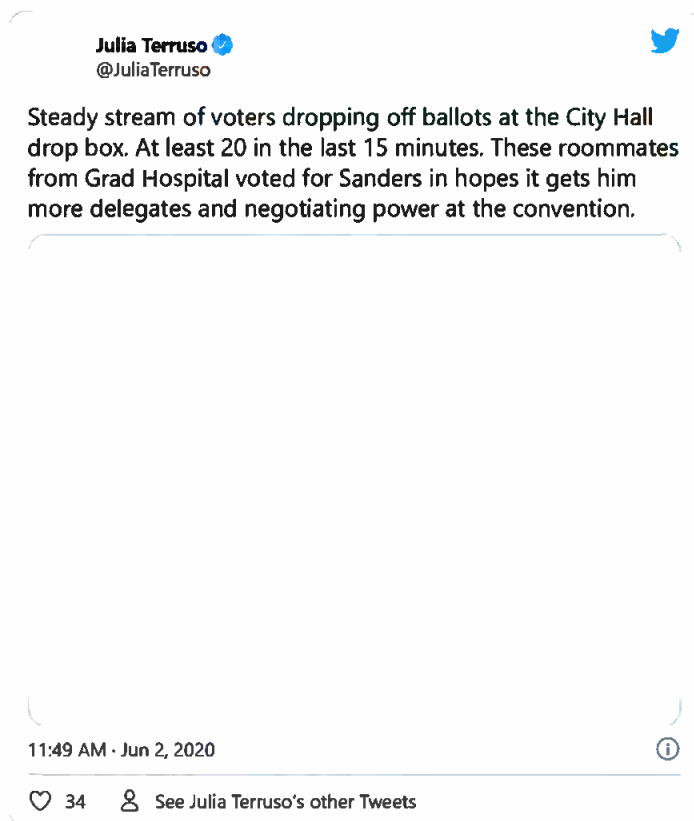
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11:57 AM - JUNE 2, 2020

## Philly voters use mail ballot drop box: 'There was nothing that was gonna keep me from voting'

A steady stream of voters made use of the ballot drop box outside of City Hall on Tuesday morning.

About two dozen voters dropped off ballots in one 20-minute span. Some took selfies or clapped for each other after making the drop.



Megan Ita and Michael Magaraci, roommates in Graduate Hospital, dropped off ballots supporting Bernie Sanders.

"I know it's decided but I thought if it gives him more negotiating power at the convention, that's a good thing," Magaraci, 29, said.

He said the protests over the last week have reiterated the importance of voting.

"The main thing I've learned is I definitely need to be more involved and active in local politics because decisions that are made that don't affect me as a white male affect a lot of people I care about," Magaraci said.

Paul Griffing, of Rittenhouse, tried to drop a ballot at his polling place but was redirected to the drop box. He was excited to support Joe Biden and state Rep. Brian Sims.

"There was nothing that was gonna keep me from voting today even during a pandemic and with a curfew," Griffing said.

Jacob Graff, 19, cast his first every ballot by dropping it into the red, white, and blue box. He went with his dad, Benjamin. "He used to come into the booth and push the button for me," Benjamin Graff said. "This is a little different."

— *Julia Terruso*

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11:40 AM - JUNE 2, 2020

## Some Bucks County ballots are the wrong size

An unexpected problem has popped up in Bucks County's first countywide election using new voting machines: Some paper ballots are the wrong size.

The new system uses hand-marked paper ballots. Voters fill in bubbles to make their selections and then feed them into a scanner to be counted. But some ballots are just slightly too big — as little as an eighth of an inch, said county spokesperson Larry King.

It's unclear how many ballots are affected, but several precincts have reported the problem, King said.

County elections officials are reaching out to workers in every polling place to determine how widespread the problem is and to provide instructions on what to do: The completed ballot should be placed in the red emergency ballot bag, which will be delivered with other material to county offices in Doylestown.

The unscanned ballots will be counted by the high-speed scanners used to tally mail ballots, which King said should be able to handle their size. If not, they'll be counted by hand.

"We're basically saying, make sure everybody is allowed to fill out a ballot and then try to scan it," he said. "If it doesn't scan, put that ballot in the bag."

There were no ballot size problems in March's special election in Bensalem, which was the first time the county used the equipment, King said.

— *Jonathan Lai*

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11:16 AM - JUNE 2, 2020

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## Philadelphia has drop boxes for mail ballots. Here's how to find yours.

Philadelphia voters who don't have time to send back their mail ballots for Tuesday's primary can instead [drop them off at multiple locations across the city](#).

On Tuesday, there are 11 drop boxes for voters to hand-deliver their ballots up until 8 p.m., when polls close.

## Philadelphia Election Day Ballot Drop-Off Locations

To help voters return their ballots on time without relying on mail delivery, city elections officials have 11 mail ballot drop-off locations on election day, June 2. Ballots must be turned in by 8 p.m.

© OpenStreetMap contributors

Drop boxes are new for Philadelphia — and largely foreign to Pennsylvania — because state election law used to restrict absentee ballots so much that only about 5% of votes in any election were cast by mail.

But a new election law now allows any voter to vote by mail, and that combined with [the coronavirus pandemic](#) has led to a [massive surge in mail ballot requests](#), with 1.9 million Pennsylvania voters requesting them for today's election.

» **READ MORE:** [Philly has mail ballot drop boxes for voters today. Find yours here.](#)

— Jonathan Lai

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11:03 AM - JUNE 2, 2020

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## 'Voting makes me able to breathe a little bit'

Andrea Clarke, 58, lives in Center City, but in order to vote, she had to travel from Bucks County, where she's been staying during the protests over police brutality.

"I am very much for the protest, but the looting has gotten out of hand," said Clarke, an attorney who voted at the Kimmel Center.

She had applied for a mail-in ballot but didn't think she'd be able to mail it in time to be counted, so she decided to vote in person. She didn't hear until Tuesday morning that Gov. Tom Wolf had [extended the deadline for mail ballots](#) in some counties, including Philadelphia.

"With COVID and the protests, a mail-in ballot would have been great," she said.

She was nervous about voting in person but said one way to affect change is by voting. "I know voting is important," said Clarke, who is black. "To me, voting makes me able to breathe a little bit."

She came out to vote for Joe Biden. "Biden is definitely more in line with my liberal views," she said. And, she added, he doesn't promote violence.

Maryann Henderson, of Center City, was one of about 50 people lined up outside City Hall as Biden's motorcade left after his speech on Tuesday.

"I'm here to see the next president," she said, getting emotional. "I'm here to see change, it's gotta come,"

The retired Camden guidance counselor said working with children was fueling her tears.

"Anyone who's dealt with children sees it's gotta change," she said.

Henderson said she voted by mail for Biden and hasn't minded the unrest in Philadelphia.

"We need justice for all no matter what. America won't be here without justice, once we lose justice we lose this country."

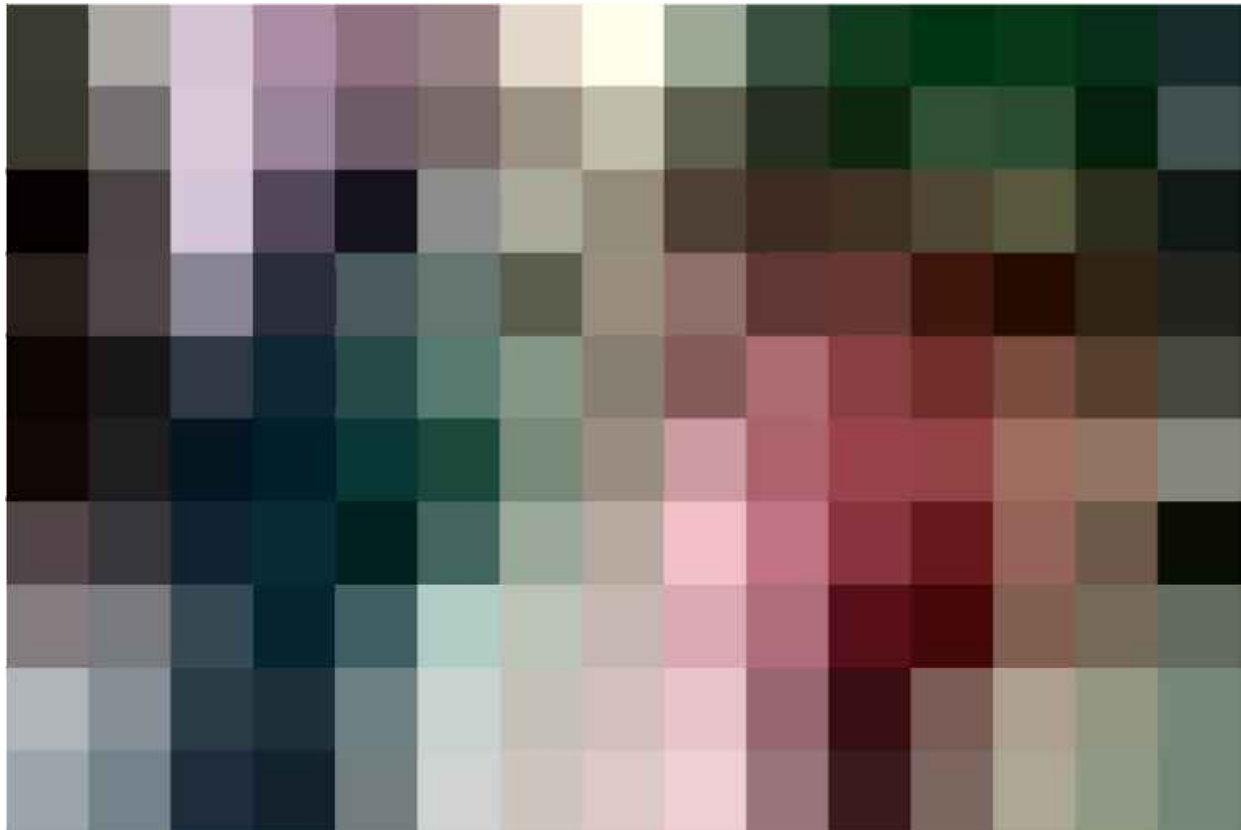
— *Michaëlle Bond, Julia Terruso*

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10:42 AM - JUNE 2, 2020

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## Hand sanitizer, sandwich boards, sidewalk chalk: Voting during a pandemic



MONICA HERNDON / STAFF PHOTOGRAPHER

Bridget Mason, volunteer for state senate candidate Nikil Saval, distributes hand sanitizer to voters at the precinct at the Bache-Martin School in Philadelphia's Fairmount neighborhood on Tuesday.

Campaign volunteers offered voters hand sanitizer instead of flyers. Sidewalk chalk directed voters where to stand in line. And sandwich boards stationed outside polls replaced sample ballots, as Philadelphians cast their votes Tuesday morning in the primary election.

"It's a lot," said Danie Greenwell, a judge of elections working at The Kimmel Center polling location in Philadelphia. "Everything is different this year."



Poll workers at The Kimmel Center, some wearing face shields as well as masks, have masks available but every voter has worn one of their own, Greenwell said. As of 10:30 a.m., 103 people had voted. Eleven of those voters had to cast provisional ballots



because they hadn't yet received the mail-in ballots they had applied for.

Greenwell had the voters casting provisional ballots sit spaced out at tables.

"It's tough to figure out how to keep people safe," she said.

She said provisional voting is time consuming, and people were confused and angry they had to vote that way.

At 12th and Wharton Streets, Emma McCafferty showed up at 6:45 am to talk to voters on behalf of [Nikil Saval, a Democrat running for the state Senate](#). She said campaign workers were not expecting a large turnout because many voters requested mail-in ballots.

"It's been a pretty steady stream," she said. "I was surprised by how many people were here in line when I first got here."

— *Michaëlle Bond, Chris Brennan, Laura McCrystal*

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10:27 AM - JUNE 2, 2020

## Biden calls for unity, healing in Philly following nationwide protests: 'A country is crying out for leadership'



MATT ROURKE / AP  
Democratic presidential candidate Joe Biden speaks at Philadelphia City Hall on Tuesday.

Former Vice President Joe Biden called protests in Philadelphia and across the nation "a wake-up call for our nation" and repeated the words uttered by George Floyd before he was killed as Minneapolis police knelt on his neck: "I can't breathe."

"It's not the first time we've heard those words," Biden said Tuesday morning at City Hall, referencing the death of Eric Garner in 2014. "But it's time to listen to those words. To try and understand them. To respond to them. Respond with action."

» **READ MORE: [Biden calls for unity and criticizes Trump in Philadelphia speech on George Floyd protests](#)**

"A country is crying out for leadership," Biden added during his election day appearance. "Leadership that can unite us, leadership that brings us together. Leadership that can recognize pain and the grief of communities that have had a knee on their neck for a long time."

Biden called out looters that have ransacked cities following demonstrations against police brutality. But he also pointed the finger at police officers, who at times have "escalated tension" amid otherwise peaceful demonstrations.

"We need to distinguish between legitimate peaceful protest and opportunistic violent destruction," Biden said.

Biden also criticized President Donald Trump for [dispersing peaceful protesters outside the White House](#) on Monday evening prior to the city's curfew to make way for a photo opportunity at a church across the street.

"When peaceful protestors are dispersed by the order for a president, from the doorstep of the people's house, the White House — using tear gas and flash grenades — in order to stage a photo op at one of the most historic churches in the country... we can be forgiven for believing that the president is more interested in power than in principle," Biden said.

"The president of the United States must be part of the solution, not the problem," Biden added. "This president today is part of the problem, and accelerates it."

— Rob Tornoe, Jonathan Tamari

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10:05 AM - JUNE 2, 2020

## Biden speaks from Philadelphia City Hall

Joe Biden is speaking from City Hall in Philadelphia.

Several Philadelphia Democrats are inside, including Mayor Jim Kenney, U.S. Rep. Brendan Boyle, and State Sen. Sharif Street. Biden is speaking from the mayor's reception room on the second floor of City Hall, which remains closed to the public amid [the coronavirus pandemic](#).

**Julia Terruso**   
@JuliaTerruso



Biden's motorcade of SUV's pulling into the City Hall courtyard.

9:53 AM · Jun 2, 2020



67 21 people are Tweeting about this

— *Julia Terruso, Laura McCrystal*

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9:55 AM - JUNE 2, 2020

## Pandemic adds layer of ‘mishaps’ as polling places open

Pandemic-related changes to voting procedures added another layer to the usual bumpy start to election day in some polling places across the Philadelphia region, but voting had largely smoothed out by mid-morning.

Delaware County Councilmember Christine Reuther said there had been “some mishaps” with supplies not being delivered on time, but said things were settling down by about 9 a.m., two hours after polls opened.

In Upper Darby, Colleen Kennedy, an activist who is working the polls for the first time, said her polling place did not have cleaning supplies or masks for voters and poll workers. “We definitely did not have enough [personal protective equipment,]” she said.

Most people have so far been showing up with their own face coverings, she said.

Kennedy’s mom brought her disinfectant spray, gloves, and pens — they were supposed to have enough that voters wouldn’t have to share — and Kennedy found some cleaning supplies in the school where voting is taking place. Poll workers made due, she said, and the voters there are not encountering trouble.

The first hour or two of every election is a mad dash to ensure polling places are open, poll workers show up, and voting machines are set up. This year, poll workers also had to contend with new voting and check-in processes in some places, including Delaware County and Philadelphia.

In addition to the usual reports of issues in various locations, such as voting machines not being ready to go or election supplies missing, voters in some locations in Philadelphia reported initial confusion with poll workers trying to set up a unified check-in system. Multiple precincts were consolidated into each polling place this year, with one check-in process — but some poll workers were not prepared for that and expected to have separate poll book check-ins, as is usual.

City Commissioner Al Schmidt, one of the three elected officials who run elections in Philadelphia, [tweeted that](#) “consolidated polling locations and check-in tables have added to the regular stress of the morning set-up process.”

**Commissioner Al Schmidt**

@Commish\_Schmidt

Consolidated polling locations and check-in tables have added to the regular stress of the morning set-up process. Our staff is working diligently to troubleshoot any initial bumps.

**Jonathan Lai**

赖柏羽 @Elaijuh

Replying to @Elaijuh

Poll workers have hit their stride. Still a dozen voters lined up, wait time maybe 10-15 min, with poll workers now smoothly checking people in, setting up machines, and cleaning machines between every voter. And offering sanitizer.

8:53 AM · Jun 2, 2020

6

See Commissioner Al Schmidt's other Tweets

— *Jonathan Lai*

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9:23 AM - JUNE 2, 2020

## Biden to speak from Philly City Hall, calling George Floyd's death 'a wake-up call'

Joe Biden is expected to address the unrest across the country from Philadelphia City Hall at 10 a.m. Tuesday, contrasting his leadership style with that of President Donald Trump, and calling George Floyd's death "a wake-up call for our nation."

Biden's speech in Philadelphia comes hours after polling places opened in Pennsylvania for the state's primary election. Biden, the presumptive Democratic nominee for president, will criticize Trump for [dispersing protesters outside the White House](#) on Monday evening to make way for a photo opportunity at a church, according to prepared remarks released by his campaign. He will accuse Trump of doing so to serve "the passions of his base."

"I won't traffic in fear and division. I won't fan the flames of hate," Biden plans to say. "I will seek to heal the racial wounds that have long plagued this country — not use them for political gain."

Biden will also reference Floyd's last words before he died as a Minneapolis police officer knelt on his neck: "I can't breathe."

"They speak to a nation where every day millions of people — not at the moment of losing their life, but in the course of living their life — are saying to themselves, 'I can't breathe.'"

— *Laura McCrystal*

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8:52 AM - JUNE 2, 2020

## Voters line up at different polling places as election day begins in Pa.

Residents lined up at polling places to cast their votes as polls opened Tuesday morning in Philadelphia.

But the scene was different than a typical election day, as voters wore masks and stood at least six feet behind the voter in front of them in line.

Voters also went to [different polling locations than usual](#), after the city reduced the number of polling places due to [the coronavirus pandemic](#).

Jonathan Lai 赖柏羽  
@Elaijuh



There are about 30 people lined up to vote at Kensington High School annex. The machines weren't set up properly, poll workers told me.

7:30 AM · Jun 2, 2020 ⓘ

♡ 14    👤 See Jonathan Lai    賴柏羽's other Tweets

About 30 voters were lined up outside Kensington High School at 7:30 a.m., as poll workers tried to get voting machines up and running.

Sahra Riccardi, 34, said she arrived at 7:05 a.m. to vote and finished shortly before 8 a.m.

"Once I got inside, it was really confused... people were milling about," she said.

By 8:30 a.m., poll workers in Kensington were smoothly checking people in, offering them hand sanitizer, and cleaning the machines between voters. The wait time in the line of about a dozen voters was between 10 and 15 minutes.

» **READ MORE: [Voting is different in Philly this year. Here's what you need to know.](#)**

— Jonathan Lai, Laura McCrystal

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8:45 AM - JUNE 2, 2020

## Biden to make election day visit to Philly to address Floyd protests



**ANDREW HARNIK / AP**  
Democratic presidential candidate Joe Biden bows his head in prayer as he visits Bethel AME Church in Wilmington, Del., on June 1, 2020.

Joe Biden will visit Philadelphia on Tuesday to speak about the protests and violence convulsing the country.

Biden, the presumptive Democratic nominee for president, will speak on “the civil unrest facing communities across America” his campaign said. It did not provide further details.

The event will be Biden’s first outside of Delaware, and only his fourth stop outside his home since [the coronavirus pandemic](#) halted campaigning in March.

Biden’s address will come a day after President Donald Trump delivered a speech from the Rose Garden of the White [threatening to deploy the military](#) to crush violent protests and “dominate the streets” if governors don’t act with more force. He labeled violence and looting “acts of domestic terror.”

Biden has struck a far different tone since the protests began rippling across the country. He visited protests in Wilmington, Del., Sunday and [met with African American leaders in the city Monday](#), promising to address institutional racism in his first 100 days in office and expressing sympathy for those protesting police brutality.

“Hate just hides. It doesn’t go away, and when you have somebody in power who breathes oxygen into the hate under the rocks, it comes out from under the rocks,” Biden said Monday.

— *Jonathan Tamari*

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8:05 AM - JUNE 2, 2020

## Trump says mail voting is ‘fraudulent.’ Pa. Republicans are listening

President Donald Trump has said voting by mail is “fraudulent” and will result in “rigged” elections.

In Pennsylvania, Republican voters appear to be listening — despite [efforts by national and state party officials](#) to encourage mail voting amid [the coronavirus pandemic](#).

As of late last week, about 1.3 million registered Democrats had requested and been approved for mail ballots for the June 2 primary election, compared with about 524,000 Republicans. Republicans made just 29% of the requests, even though they represent 38% of registered voters in the state and 45% of those registered with either major party.

“I must tell you that locally, in my county, we’re not advocating and we’re not pushing the mail-in voting,” said Lee Snover, chairwoman of the Northampton County GOP. “We’re concerned about fraud. We’re not happy with the process. Trump has sent the message out there that he’s concerned about it as well.

“I think that we need to inspire Americans to get out and go to the polls,” she said. “Sign in, identify yourself, and vote.”

Northampton County, about 80 miles northwest of Philadelphia, was [one of three](#) in the state that voted twice for Barack Obama before backing Trump.

“Our county kind of is a Trump county. We’re kind of listening to Trump on this,” Snover said. “He’s spoken about it. He’s tweeted about it. He doesn’t want us to do it.”

Snover said “more than one person” has told her that “Trump doesn’t want us mailing in, [so] I’m not mailing it in.”

» [READ MORE: Pennsylvania Republicans don’t want to vote by mail: ‘We’re listening to Trump on this’](#)

— *Andrew Seidman*

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7:00 AM - JUNE 2, 2020

## What we’re watching for today — and in the days ahead

Pennsylvanians are voting Tuesday in an atmosphere with few precedents — if any.

On top of a [pandemic](#) that had already scrambled elections across the country, the vote will come after days of protests over the killing of George Floyd as Minneapolis police knelt on his neck and [violent clashes](#) that have added more tension — and left an already stricken Philadelphia [smoldering in places](#).

The Democratic presidential primary is effectively over, so the biggest test may be for election officials. *How* people vote may be just as important as *who* they vote for.

Pennsylvania will be holding its first statewide election since the onset of the coronavirus, and officials were already [facing huge challenges](#) amid social distancing, low staffing, and [a flood of requests for mail ballots](#) far beyond anything Pennsylvania has ever seen — before protests and looting added to the disruption.

Will Tuesday [produce another Wisconsin](#), where voters in April were forced to stand in long lines and [thousands of ballots didn't reach voters in time](#)? [How long will it take to get results](#)? And is there anything the outcome can tell us about the state of play in a [swing state critical to the presidential election](#)?

» [READ MORE: What we're watching for in Tuesday's unprecedented Pennsylvania primary election](#)

-Jonathan Tamari, Jonathan Lai

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6:50 AM - JUNE 2, 2020

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## The top races to watch

The Pennsylvania primary election Tuesday marks the first time the very act of casting a ballot has completely overshadowed the candidates on it.

First the primary was [shifted five weeks forward](#) from April 28 due to [the coronavirus pandemic](#). Then the Democratic contest for president effectively ended, with Joe Biden's victory all but assured. Almost two million Pennsylvanians have [requested mail-in ballots](#). And [77% of Philadelphia's polling places](#) won't be open on primary day. It all means it could be days before we have [actual results](#).

But the election marches on, even if there are few competitive races.

» [READ MORE: The top races to watch in Tuesday's Pennsylvania primary](#)

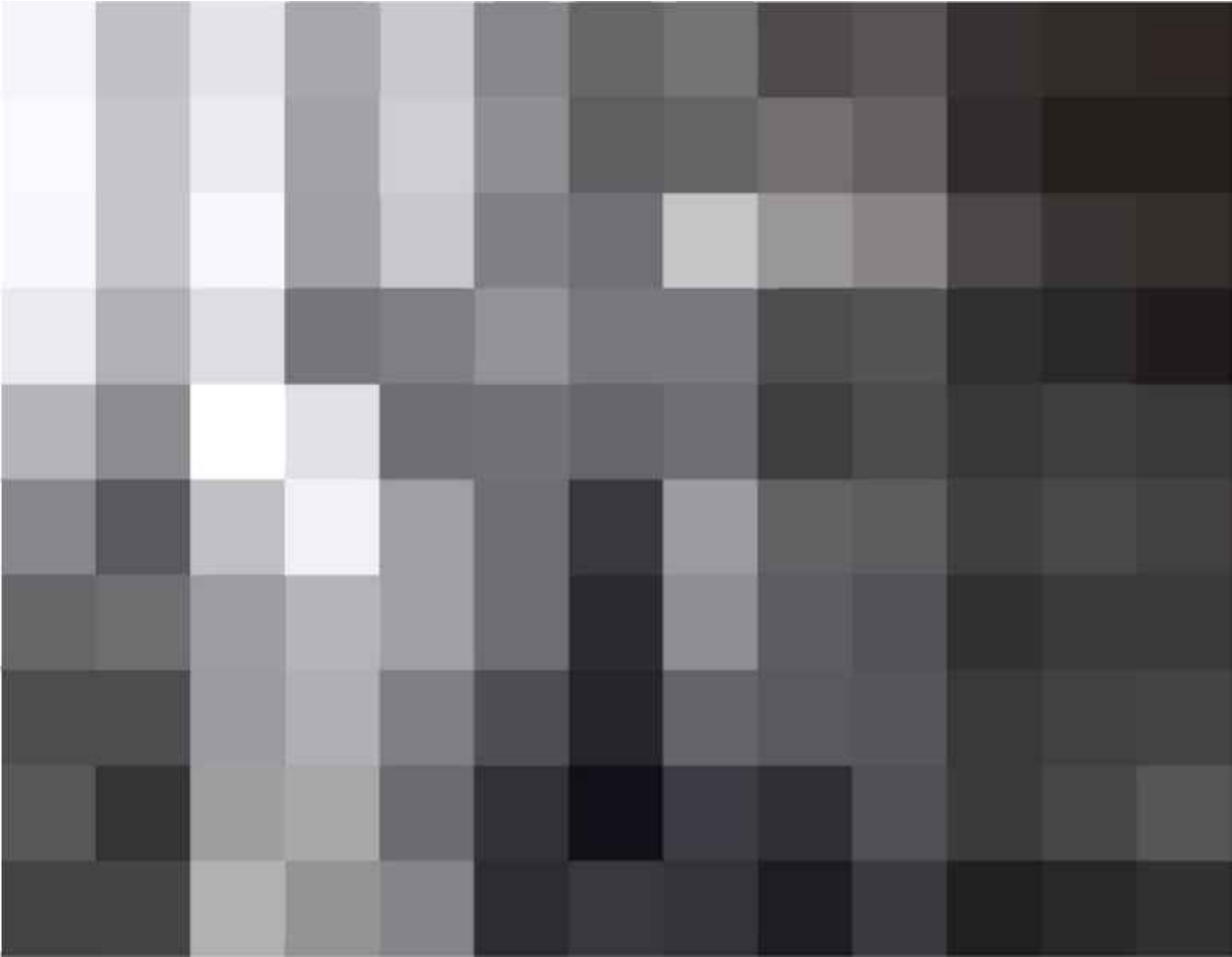
-Chris Brennan, Andrew Seidman, Sean Collins Walsh

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6:45 AM - JUNE 2, 2020

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## Coronavirus means a very different kind of election day



DAVID MAIALETTI / STAFF PHOTOGRAPHER

Union members at Famous 4th Street Deli in Philadelphia, Pa., on November 8, 2016, Election Day.

That quintessential sound of an approaching election in Philadelphia — a sharp knock on your door — has fallen silent.

There are no volunteers on the steps with a stack of campaign literature — and, in the era of social distancing, packed rallies are out, too. Instead, hope your WiFi connection holds up while a politician asks for your vote in a Zoom meeting.

As they mourn the loss of the normal rituals of electioneering to [the coronavirus pandemic](#), those who seek office or run campaigns in Pennsylvania say nobody has a clue how Tuesday's primary election might go.

Even former Gov. Ed Rendell, always quick with political analysis or predictions, was at a loss.

"All I know is I already cast my vote via mail," Rendell said.

"I have no idea what's going to happen," said Bob Brady, chairman of Philadelphia's Democratic City Committee. "No one does. We're in completely strange and virgin territory."

» **READ MORE: [Another loss from coronavirus: The rituals of election day](#)**

-Chris Brennan

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ELECTION 2020

## Some counting continues, a week after Pennsylvania's primary

By [Associated Press](#), Mark Scoloro · June 9, 2020



 Stickers are placed out for voters at a polling station on Election Day, Tuesday, Nov. 5, 2019 in Philadelphia. (AP Photo/Matt Rourke)

The counting from Pennsylvania's first foray into mass voting by mail was wrapping up on Tuesday, a week after the primary, with the results of some of races still up in the air.

Elections officials in seven counties, which includes Philadelphia and Pittsburgh, were granted extra time to receive and tally the vote because of practical challenges posed by mass protests over police brutality.

The state says turnout was roughly 2.8 million voters, or 35%, with slightly more than half of all votes coming by mail under a new state law that permits mail-in ballots, no matter the reason. The primary was postponed from April 28 to June 2 because of the coronavirus pandemic.

The election, which featured the first use of new paper-record voting machines in 22 of 67 counties, did have some hitches, including ballots that were too large for machines in Bucks County, said Department of State spokeswoman Wanda Murren. The paper was apparently trimmed by hand so it could be tabulated properly, she said.

In Lancaster County, the print on some paper ballots was too light for machine scanners to read, so those ballots were secured and sent to the county elections office for counting, Murren said.

She said Allegheny County, home to Pittsburgh, was able to successfully handle the state's largest number of mail-in ballots in part because it purchased top quality high-capacity scanners and machines to open envelopes. Murren encouraged other counties to use federal grant money to make similar equipment upgrades.

Counties should also consider boosting the number of workers, and the Legislature could help ease the pressure on Election Day by letting workers open and process mail-in ballots earlier, she said.

Lisa Schaefer, executive director of the County Commissioners Association of Pennsylvania, whose members run the nuts and bolts of voting in the state, said the issues that did arise were not systemic or statewide problems.

"The primary went as smoothly as we could have hoped, given the perfect storm of challenges we faced trying to hold an election in this atmosphere," Schaefer said.

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#### POLITICS & POLICY

**Pa. state Sen. Daylin Leach, criticized for treatment of women, loses primary**

3 months ago

County election directors have raised concerns, however, that the greatly expanded mail-in system also generated far more provisional ballots than in comparable primaries, she said. Voters who applied for mail-in ballots and did not receive theirs or wanted to vote in person were directed to fill out a provisional ballot, which has to be checked for eligibility and duplication.

That's a challenge they hope to address before facing the much greater turnout that is expected during the [presidential election in November](#).

Candidates and their supporters have been watching results come in over the past week, including for the Democratic primary for auditor general. Former Philadelphia deputy mayor Nina Ahmad currently leads Pittsburgh city Controller Michael Lamb by about 2 percentage points in that race, according to the Department of State.

In legislative contests, at least four Democratic incumbents from Philadelphia and its suburbs lost in the primary — Sens. Larry Farnese and [Daylin Leach](#), and Reps. Maria Donatucci and Roni Green.

Farnese lost to [Nikil Saval](#), a writer and democratic socialist, while Leach was defeated by Amanda Cappelletti, a lawyer and township supervisor. No Republicans were on the primary ballot in the Farnese race. Cappelletti will face Republican Ellen Fisher in the fall.

A fifth incumbent state lawmaker, Rep. Adam Ravenstahl, D-Allegheny, also lost.

Other sitting legislators are in close races, according to the state's running tally.

Rep. Peter Schweyer, D-Lehigh, is up by about 50 votes. Rep. Mike Puskaric, a Washington County Republican, is clinging to a lead of fewer than 200 votes. And Rep. James Roebuck, a west Philadelphia Democrat first elected in 1985, is trailing by more than 400 votes.

There are also tight races in the primaries to succeed retiring state Reps. Rosita Youngblood, D-Philadelphia; Rep. Mark Keller, R-Perry; and Rep. Mike Tobash, R-Schuylkill. None of those races had opposite-party candidates in the primary.



#### Which way will Pa. vote?

Sign up for **Swing Status 2020**, a free email newsletter covering Pa. election news and the national consequences.

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# Exhibit BA

Commonwealth of Pennsylvania  
 2020 Voter Registration Statistics - Official  
 June 2, 2020 Primary

Department of State  
 Division of Voter Registration

County	Democratic	Republican	Other Parties	All Parties
Adams	19,446	37,525	10,724	67,695
Allegheny	523,385	251,635	123,924	898,944
Armstrong	13,759	23,512	4,857	42,128
Beaver	53,576	42,938	14,149	110,663
Bedford	7,434	21,713	3,090	32,237
Berks	114,765	101,768	40,330	256,863
Blair	21,603	44,699	9,233	75,535
Bradford	9,215	22,326	4,783	36,324
Bucks	201,254	185,672	74,384	461,310
Butler	40,423	71,682	17,678	129,783
Cambria	38,358	36,240	8,584	83,182
Cameron	954	1,646	387	2,987
Carbon	17,615	19,934	6,790	44,339
Centre	46,278	42,843	19,894	109,015
Chester	149,158	148,372	61,735	359,265
Clarion	6,964	13,628	2,647	23,239
Clearfield	15,614	25,548	5,361	46,523
Clinton	7,598	10,565	2,648	20,811
Columbia	13,653	18,639	5,743	38,035
Crawford	18,343	28,726	6,544	53,613
Cumberland	61,602	88,027	28,777	178,406
Dauphin	85,954	73,761	27,906	187,621
Delaware	197,210	155,579	51,943	404,732
Elk	7,755	9,314	2,154	19,223
Erie	97,678	70,285	27,504	195,467
Fayette	39,984	29,944	7,388	77,316
Forest	1,166	1,851	368	3,385
Franklin	24,227	56,722	13,674	94,623
Fulton	2,058	6,120	946	9,124
Greene	10,350	9,230	2,124	21,704
Huntingdon	7,520	16,448	2,719	26,687
Indiana	18,405	25,085	6,384	49,874
Jefferson	8,543	18,219	3,494	30,256
Juniata	3,385	8,884	1,364	13,633
Lackawanna	84,320	43,497	14,758	142,575
Lancaster	109,948	168,857	53,015	331,820
Lawrence	23,954	24,128	6,122	54,204
Lebanon	26,582	47,431	12,950	86,963
Lehigh	114,292	79,585	40,965	234,842
Luzerne	104,952	80,225	26,099	211,276
Lycoming	20,565	39,413	9,030	69,008
McKean	6,476	14,309	3,313	24,098
Mercer	28,893	32,650	9,163	70,706
Mifflin	6,569	15,959	2,755	25,283
Monroe	51,348	37,066	21,567	109,981
Montgomery	286,292	201,102	87,009	574,403
Montour	4,695	6,486	2,118	13,299
Northampton	97,878	75,307	39,787	212,972
Northumberland	18,852	27,878	7,255	53,985
Perry	6,489	18,095	3,470	28,054
Philadelphia	827,438	119,335	129,991	1,076,764
Pike	13,974	18,356	8,625	40,955
Potter	2,338	7,197	1,152	10,687
Schuylkill	29,869	45,010	10,647	85,526
Snyder	5,269	14,140	2,771	22,180
Somerset	14,085	28,032	4,542	46,659
Sullivan	1,416	2,528	472	4,416
Susquehanna	7,168	15,067	3,281	25,516
Tioga	6,009	15,961	3,251	25,221
Union	7,324	12,824	3,902	24,050
Venango	9,591	17,535	3,922	31,048
Warren	9,797	15,899	4,790	30,486
Washington	66,402	62,074	17,406	145,882
Wayne	9,565	18,556	5,232	33,353
Westmoreland	102,458	109,215	28,324	239,997
Wyoming	5,206	10,023	1,980	17,209
York	97,447	148,124	45,763	291,334
<b>Total</b>	<b>4,092,693</b>	<b>3,290,944</b>	<b>1,215,657</b>	<b>8,599,294</b>

# Exhibit BB





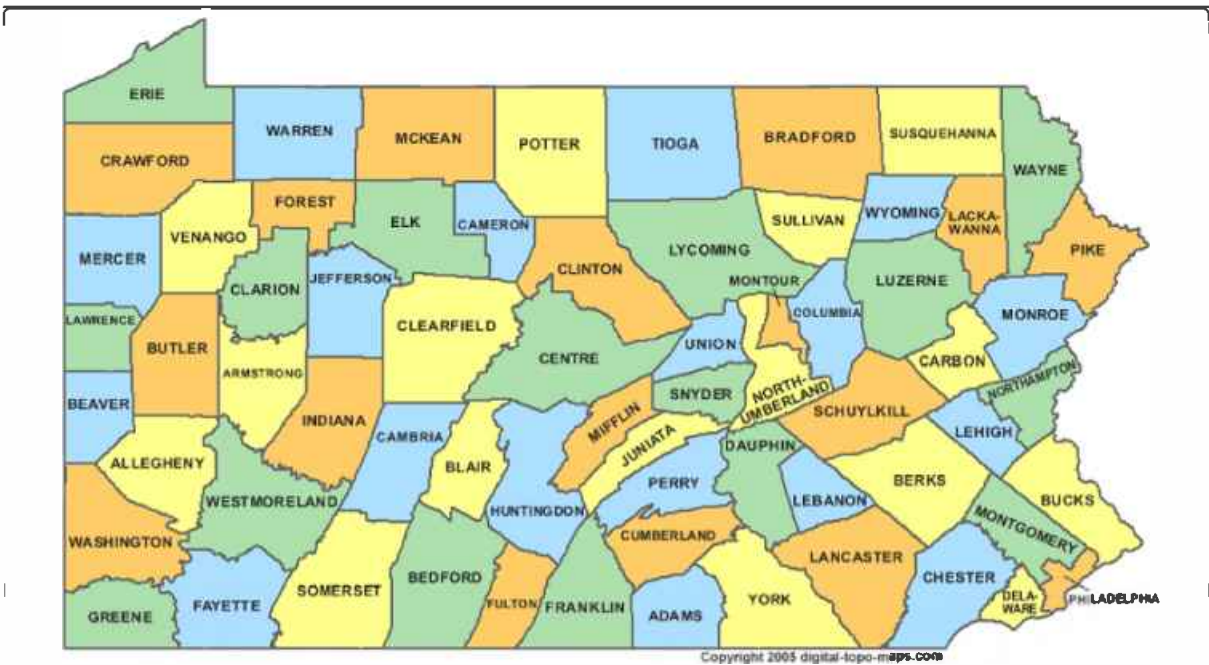
2016 Presidential Election

Tuesday, November 8, 2016  
Official Returns

Statewide

9,163 Out of 9,163 Districts (100.00%) Reporting Statewide

100.00%



Filter Options	President of the United States	County Breakdown
<input type="checkbox"/> President of the United States	<b>CLINTON, HILLARY</b> (DEM)	
<input type="checkbox"/> United States Senator		
<input type="checkbox"/> Attorney General	47.85%	
<input type="checkbox"/> Auditor General	<b>Votes: 2,926,441</b>	
<input type="checkbox"/> State Treasurer	Runningmate: <b>TIM KAINE</b>	
<input type="checkbox"/> Ballot Questions	<b>TRUMP, DONALD J</b> (REP)	

48.58%

Votes: 2,970,733

Runningmate: MICHAEL R PENCE

CASTLE, DARRELL L

(CON)

0.35%

Votes: 21,572

Runningmate: SCOTT N BRADLEY

STEIN, JILL

(GRN)

0.82%

Votes: 49,941

Runningmate: AJAMU BARAKA

JOHNSON, GARY E

(LIB)

2.40%

Votes: 146,715

Runningmate: WILLIAM WELD

[Back to Top](#)

United States Senator	County Breakdown
-----------------------	------------------

MCGINTY, KATIE

(DEM)

47.34%

Votes: 2,865,012

TOOMEY, PATRICK J

(REP)

48.77%

Votes: 2,951,702

CLIFFORD, EDWARD T III

(LIB)

3.89%

Votes: 235,142

[Back to Top](#)

Attorney General

[County Breakdown](#)

**SHAPIRO, JOSHUA D**  
(DEM)

51.39%

Votes: 3,057,010

**RAFFERTY, JOHN C JR**  
(REP)

48.61%

Votes: 2,891,325

[Back to Top](#)

Auditor General

[County Breakdown](#)

**DEPASQUALE, EUGENE A**  
(DEM)

50.01%

Votes: 2,958,818

**BROWN, JOHN A**  
(REP)

45.08%

Votes: 2,667,318

**SWEENEY, JOHN J.**  
(GRN)

2.69%

Votes: 158,942

**MINET, ROY A**  
(LIB)

2.23%

Votes: 131,853

[Back to Top](#)

State Treasurer	County Breakdown
<b>TORSELLA , JOSEPH M</b> <b>(DEM)</b>	
50.66%	
Votes: 2,991,404	
<b>VOIT, OTTO W III</b> <b>(REP)</b>	
44.21%	
Votes: 2,610,811	
<b>COMBS, KRISTIN</b> <b>(GRN)</b>	
2.88%	
Votes: 170,275	
<b>BABB, JAMES</b> <b>(LIB)</b>	
2.25%	
Votes: 132,654	

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Ballot Questions	
<b>PROPOSED CONSTITUTIONAL AMENDMENT AMENDING THE MANDATORY JUDICIAL RETIREMENT AGE</b>	
51.09%	48.91%
Votes: Yes: 2,541,601 No: 2,432,670	

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Last Updated Time: Sep 2, 2020 9:19:40 PM

# Exhibit BC

# The Times

NEWS

## Fixing Pa. mail-in vote glitches goes down to wire

By Marc Levy The Associated Press

Published 8:00 a.m. ET Aug. 24, 2020

HARRISBURG — With barely three weeks to go before counties can begin mailing out ballots, lawsuits are filling the vacuum of action to fix problems or ambiguities with Pennsylvania's mail-in voting laws after a primary election that saw record-smashing numbers of mailed-in votes amid the coronavirus pandemic.

Closed-door talks between Gov. Tom Wolf's administration and lawmakers are showing little signs of wrapping up and, if anything, more signs of disagreement than agreement are emerging in the shadow of a high-stakes presidential campaign in the battleground state.

The list of wants is long and there are a lot of parties involved, President Donald Trump's campaign, which filed a lawsuit in federal court seeking in part to outlaw the use of dropboxes for mail-in ballots in Pennsylvania's election in November.

**MORE:** Trump campaign fails to provide evidence of Pa. mail-in ballot fraud, claims it doesn't have to

"There's a lot of gorillas in the room, but I think the biggest gorilla is to get our arms around pre-processing ballots before Election Day," Rep. Garth Everett, R-Lycoming, who chairs the committee that handles election issues, said in an interview.

The talks come against the backdrop of U.S. Postal Service warnings that it cannot guarantee mailed ballots will arrive on time to meet the narrow time frames Pennsylvania and many other states allow to request and return those ballots.

Still, Republican lawmakers, who control Pennsylvania's House and Senate majorities, are generally unwilling to discuss the specifics of negotiations or to sign on to changes sought by Wolf, a Democrat, and his allies in the Legislature.

Nothing will pass without a bipartisan compromise, and lawmakers pin the first week of September as the latest that something should pass, to give counties time to work it into their plans for the Nov. 3 election — when more than 6 million Pennsylvanians are expected to vote.

Senate Minority Leader Jay Costa, D-Allegheny, said talks are slow, as lawmakers wait to see if the courts will clear up issues where Republicans and Democrats disagree.

"What I think the court cases do is really narrow the issues that we have to address going forward," Costa said in an interview.

The June 2 primary was a test-run for Pennsylvania's new mail-in voting law, which passed at a prescient time: months before the pandemic fueled interest in voting by mail and avoiding picking up the virus while voting in person.

As a result, nearly 1.5 million ballots — slightly more than half the total in the June 2 primary — were cast by mail, creating a huge new challenge for county election offices and dragging out vote-counting.

That prompted counties to renew a request that Republican lawmakers had opposed previously: allow them to process mailed-in ballots before Election Day to speed up counting. Wolf wants that to start 21 days before Election Day. Republicans are unlikely to sign on to 21 days but may allow some sort of early processing of ballots.

"Speaking for myself, when the counties call you and say they're concerned, I think it's right for us to take up that concern and see how we can alleviate it," Senate Majority Leader Jake Corman, R-Centre, said in an interview.

In court, Wolf's administration cited the U.S. Postal Service's warning about its delivery times when it asked the state Supreme Court last week to extend deadlines for mail-in and absentee ballots to arrive to three days after the election.

The court has a 5-2 Democratic majority and maybe friendly to the governor's overtures.

Most states make Election Day the deadline, but 18 states — about half of which backed Trump in the 2016 election — have a post-Election Day deadline.

Still, Republican lawmakers show little interest in agreeing to it.

Meanwhile, Trump's campaign is asking a federal judge that the Republican president appointed to outlaw dropboxes — used by Philadelphia and its heavily populated suburbs in the primary to help receive an avalanche of mailed-in ballots — and to bar mailed-in ballots from being counted if they are returned without a secrecy envelope.

Conversely, Wolf's administration asked the state Supreme Court earlier this week to take up a countersuit filed by the state Democratic Party to ensure that counties can use satellite election offices and dropboxes and to require them to count mailed-in ballots that lack a secrecy envelope.

Philadelphia and its four suburban counties — where Trump lost badly in 2016, despite winning Pennsylvania narrowly — are planning this fall to again use dropboxes or satellite election offices, or both, to help receive mail-in votes, despite contentions by Republican lawmakers that state law does not explicitly allow either.

State law is silent on dropboxes, but allows satellite offices, Wolf's administration maintains.

*Follow Marc Levy on Twitter at [www.twitter.com/timelywriter](https://www.twitter.com/timelywriter).*

# Exhibit BD





Home Data Catalog Tutorial For Developers Suggest a Dataset governor.pa.gov COVID 19 Spatial Data Contact Us

## 2020 Primary Mail Ballots Returned %

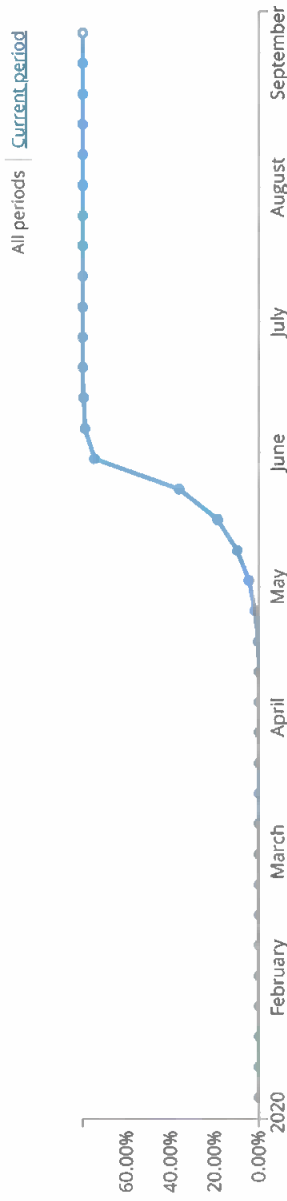
This is a percentage of ballots returned by approved applications for the 2020 primary election.

Summary Detailed Metadata

### Percent of Ballots Return in the 2020 Primary Election

# 79.97%

1/1/20 to today



[View Source Data](#)

### Methods and Analysis

Methodological data not yet provided

### About This Measure

Reporting Period  
**Week-to-date**

Calculation Type  
**Rate (cumulative)**

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# Exhibit BE

Updated Jun 03, 2020; Posted Jun 02, 2020 [jmurphy](#)

## Pa. primary election 'went remarkably smoothly' despite many challenges

Tuesday's primary election in Pennsylvania has been described as unprecedented in many ways and yet possibly another is how it went off without any widespread issues arising in spite of the challenges surrounding it.

Despite 22 counties using new voting machines for the first time, many polling places being relocated, a global pandemic, and a time of civil unrest in the country, Secretary of State Kathy Boockvar reported Tuesday: "I'm so happy to be here today to report that today's election in the commonwealth went remarkably smoothly."

Primary election day: voters share importance of voting and why...



One of the noteworthy differences that may have contributed to the day's success in her eyes is this election was the first time, Pennsylvania voters could vote by mail-in ballot without having to

provide an excuse. That helped lessen the lines at most polling places although some did report an hour or longer waits in the bigger cities.

Approximately 1.8 million Pennsylvania voters applied for and were approved to vote by mail-in and absentee ballot, which is 17 times greater than the number who applied for an absentee ballot for the last presidential primary in 2016. By Tuesday afternoon, more than 1.3 million ballots had been returned to county election offices, she said.

"Some counties have received more than 90% of the ballots that they had sent out," Boockvar said. "I want to give specific credit to Sullivan County and Forest County, which led the commonwealth in the percentage of ballots that they got back from voters."

In all but six counties the ballots had to be turned into the county election office by 8 p.m. Tuesday.

[Gov. Tom Wolf on Monday issued an executive order](#) that gave voters in Allegheny, Dauphin, Delaware, Erie, Montgomery and Philadelphia counties a little more leeway by only requiring them to have their ballot postmarked by Tuesday to still be counted as long as the ballot arrives at the county election office by 5 p.m. June 9.

Those ballots will be segregated from the Election Day ballots in the event there's a challenge. "They'll know exactly which ballots were received after the statutory deadline," said Jonathan Marks, deputy secretary for elections and commissions.

Boockvar explained the governor decided to allow those counties extra time for ballots to be received because they were the places that had road closures and curfews stemming from the riots and civil unrest "restricting the ability of those voters to participate and get their ballots in on time."

As a result of the delay along with the unprecedented number of mailed ballots, Boockvar said there may be some delays in tallying votes. She said in some contested races, the winner might be known but the exact vote count may not be for day or two or longer.

Among the few wrinkles that spoiled a picture-perfect Election Day for election officials were some protests over the death of George Floyd, an unarmed black man in Minneapolis who died in police custody, including one in Lawrence County that caused the courthouse to be closed. Employees there were sent home with the exception of election staff who stayed to count ballots, she said.

In Bucks County, the ballots were too large to fit into the scanners and had to be deposited into ballot boxes to be counted at the county election office. In Lancaster County, the code on the ballot at some polling places was too light to be read by the scanner and they too were placed in a ballot box and taken to the county election office to be scanned.

There were the [other snafus that election watchdog groups reported](#) including polls not opening at 7 a.m., poll books being sent to the wrong place, and some issues with voting machines but Boockvar and Marks said there were fewer of those kind of issues than usual on Tuesday.

“There’s some element of human error in any human operations so those are very standard.” Boockvar said. “I wish we could eliminate them altogether.”

Marks added: “You have thousands of polling locations across the commonwealth in every primary election and so you’re going to have a few that just don’t come off without a hitch.”

He attributed the problems to the consolidation of voting precincts and limited training of poll workers due to the restrictions related to COVID-19 mitigation efforts.

But Boockvar said between now and November, the department will continue to work on voter education to help voters get more comfortable with the new voting systems and work with counties that struggled to get the mail-in ballots out earlier.

Additionally, she said, "We very much hope to work with the Legislature between now and November to allow the counties to start canvassing those mail-in and absentee ballots earlier."

A law passed in October allowed counties to begin counting those ballots starting at 7 a.m. on the day of the election, which she said is not enough time and won't be in November when she expects an even larger surge of voters choosing to vote via mailed ballots.

"We supported pre-canvassing those ballots weeks before election day but whether it's weeks before or days before, any amount more that we can give the counties helps them spread out that time period for them to do what's a very, very challenging job," Boockvar said.

Another anticipated change could help alleviate some of the confusion voters encountered on Tuesday in figuring out where to vote. She said the consolidation of polling places that caused some of the polling place relocations only applied to this primary because counties had difficulty finding pollworkers and polling places due to COVID-19 concerns.

“Nobody knows what will happen with the public health situation come November,” Boockvar said. “But what I can say is the circumstances that existed this time will not be the same November.”

Jan Murphy may be reached at [jmurphy@pennlive.com](mailto:jmurphy@pennlive.com). Follow her on Twitter at [@JanMurphy](https://twitter.com/JanMurphy).

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# Exhibit BF

## Military and Overseas Voters

### Information for Military and Overseas Voters

**If you are a member of the military or an overseas civilian voter, you have options for how you register and vote in Pennsylvania.**

To register to vote you can:

- Use any official voter registration form to [register online](#), by [mail or in person](#).
- Use the [Federal Post Card ApplicationOpens In A New Window](#) (FPCA). To receive the FPCA by e-mail, write to [ST-UOCAVAApp@pa.gov](mailto:ST-UOCAVAApp@pa.gov).
- Request that the state mail you a paper voter registration form. E-mail your request to [ST-UOCAVAQues@pa.gov](mailto:ST-UOCAVAQues@pa.gov).
- Use the [Federal Write-in Absentee BallotOpens In A New Window](#) (FWAB).

### Can I vote in person on Election Day?

**If you registered to vote** and did not vote by absentee ballot, then you may vote at your election district polling place.

**Members of the military who are not registered to vote**, may apply in person and vote at the County Election Office.

## How do I apply for an absentee ballot?

If you cannot vote at your polling place in person on Election Day, you may be able to vote with an absentee ballot that you get by mail.

Your absentee ballot request form must arrive at the County Board of Elections before Election Day. This means you must postmark your application early enough so it arrives on time.

You may request an absentee ballot in several ways:

- Use any official absentee ballot application form to request an absentee ballot.
- Request that the state e-mail an absentee ballot application to your e-mail. Send an e-mail from the account where you want to receive the email to [stsvcuocavaabs@pa.gov](mailto:stsvcuocavaabs@pa.gov).
- Request that the state mail you a paper absentee ballot application. Send an e-mail to [ST-UOCAVAQues@pa.gov](mailto:ST-UOCAVAQues@pa.gov).
- Complete and send a [Opens In A New Window](#) **Federal Post Card Application form** [Opens In A New Window](#) [Opens In A New Window](#) to your County Election Office. The United States Department of Defense distributes this form as Federal Form Number 76.
- Members of the military may send in a Federal Write-in Absentee Ballot form to your County Election Office. The United States Department of Defense distributes this form as Federal Form 186.

Only you or an adult member of your immediate family may submit your application for an absentee ballot.

## How can I get my absentee ballot by email?

You can get an absentee ballot by email if you request to do so. To request that your ballot gets sent to you by email, you have several options. You can:

- Mark the box that says e-mail preference in block 5 on your [Federal Post Card Application Form](#) [Opens In A New Window](#) (Federal Form Number 76).

- [Contact your local County Election Office](#) by e-mail or phone.

Look for an e-mail telling you that your ballot is ready. Then you can download your ballot from

[www.pavoterservices.pa.gov](http://www.pavoterservices.pa.gov)

.

**Please note:** Due to **increased security measures** to safeguard the voting process, some users may have trouble accessing the online website. If you experience any issues when retrieving your ballot, please call our **Help Desk at 1-866-472-7873** or email [STSVCSURE\\_Helpdesk@pa.gov](mailto:STSVCSURE_Helpdesk@pa.gov) for immediate assistance.

If you do not choose to receive an absentee ballot electronically, you will get your ballot in the mail.

## What are the deadlines to vote by absentee ballot?

There are two requirements about when to submit your absentee ballot.

- You must affirm that you mailed your ballot no later than 11:59 pm on the day before Election Day.
- The County Election Office must receive your ballot no later than 7 days after Election Day by 5 pm.

[Learn more about voting by absentee ballot](#)

.

## Special Write-In Absentee Ballots

You may receive a special write-in absentee ballot if you are a member of the military or an overseas citizen outside the United States on Election Day.

Sometimes members of the military or overseas citizens need their ballot before printed absentee ballots are ready. When this happens, Election Officials provide voters with write-in absentee ballots.

What's on the special write-in absentee ballot?

The special write-in absentee ballots include all offices and questions on your election district's official ballot. These ballots do not include

the names of the candidates for the offices.

Election Officials also provide a separate list of the candidates who filed to appear on the official ballot. The list does not include any candidate who withdrew or had their names removed from the ballot by a court.

A special write-in absentee ballot returned to the County Election Office counts the same way as any absentee ballot.

## **Using the Federal Write-in Absentee Ballot (FWAB)**

Members of the military and overseas citizens may use the FWAB to vote for all federal, state and local offices. Your county election office must post a notice on its website with information about the offices and questions on the official ballot for the next election. This must be on the website at least 90 days before the election.

Please contact your [county election office](#)

for information about the next election.

Members of the military and overseas citizens can use the FWAB to both apply for an official absentee ballot and to vote. You may do both at the same time. Your FWAB counts even if your completed official absentee ballot is not received by the seventh day after Election Day.

## **What is the Federal Voting Assistance Program?**

The

[Federal Voting Assistance Program](#)

[Opens In A New Window](#)

guides you through the process to vote if you will be out of the country.

If you have questions about registering or voting in Pennsylvania as a member of the military or overseas citizen, email

[ST-UOCAVAQues@pa.gov](mailto:ST-UOCAVAQues@pa.gov)

.

# Exhibit BG

## Pa. implements OmniBallot tool for blind voters in November election



MADASYN LEE | Sunday, August 30, 2020 8:39 p.m.



TRIBUNE-REVIEW

Blind voters in Pennsylvania will be able to use a federally approved, cloud-based electronic platform to vote remotely in the November, and subsequent, elections.

The Pennsylvania Department of State will implement Democracy Live's OmniBallot tool in response to a state court's ruling that the previous paper ballot system used in the absentee and mail-in ballot process violated the Americans With Disabilities Act and Rehabilitation Act, according to a news release.

"This is an important victory and a major step toward providing equal access to the polls and fully accessible elections for all voters with disabilities," said Kelly Darr, legal director for Disability Rights Pennsylvania. "The National Federation of the Blind and Disability Rights Pennsylvania will be monitoring the implementation of this new tool closely to ensure that disabled voters have the access and information necessary to use this tool in time for the general election."

A lawsuit filed in May by Joseph Drenth and the National Federation of the Blind of Pennsylvania alleged the paper ballots used in the absentee and mail-in process did not allow blind voters to vote privately and independently in the same way other voters could because blind voters must rely on sighted third parties to assist with completing and returning a paper ballot.

Federation President Lynn Heitz said OmniBallot will give blind voters the freedom to vote completely by themselves. She and Drenth, the federation's first vice president, are both legally blind.

"I think that it is a really huge step for people who are blind or connect with some kind of visual impairment in Pennsylvania; the idea that there is a way to get your ballot and mark it electronically at home, especially during this time of covid-19," Heitz said.

It is unclear how many registered voters are blind in Pennsylvania, but Heitz said there are 150,000 people with some form of visual impairment living in the state.

The Department of State could not provide that information because that question is not asked on the voter registration form, a spokeswoman said.

"In fact, we don't have data on any type of disability," spokeswoman Wanda Murren said Thursday.

The new platform will allow county election officials to upload ballot information to create an accessible ballot, which can be electronically delivered and marked through OmniBallot by a link sent to eligible voters.

Darr said voters can mark their ballots electronically but will have to print them out and return them to the county.

"A lot of the details of how this will work and when have not yet been released by the Department of State, so there are a lot of details that blind voters are going to want to know and we just don't have those details yet," Darr said.

Murren could not provide details on the new system Thursday. "Things are still being developed," she said in an email.

A court order approved in May required state officials to provide blind voters with an interim electronic option for mail-in voting in the June primary. For that election, the Department of State provided an accessible write-in ballot based on the federal write-in ballot that is available for overseas military voters, Darr said.

According to Darr, both parties agreed the interim option was not a long-term solution, but it was "better than a paper ballot."

Heitz chose to vote in-person in the primary election. When she went to her local polling place, she found that the voting machine wasn't accessible.

"It was a really good thing that I went because otherwise I would have found that out for the general election," Heitz said. "Disability Rights Pennsylvania has actually filed a complaint regarding that, as well."

Additional issues with the previous system included the potential to be exposed to covid-19 while at the polls, or not knowing if a mail-in ballot was tampered with, Heitz said.

"I don't want to give the impression that people wouldn't write on the ballot what somebody else asked them to write on the ballot, but there's a lot to be said for being able to do this privately and independently," Heitz said. "There's always that chance."

People could choose to simply not vote, but "We don't want anybody to take this option," Heitz said.

Earlier this month, state officials told the court the state had finalized a contract with Democracy Live and intended to implement OmniBallot in the November and subsequent elections. County boards of election were going to be instructed to send appropriate instructions for marking and returning ballots to approved OmniBallot voters, the release said.

"We were pleased the court granted our motion, recognizing that we were already planning to implement the accessible ballot marking device before the case was brought," said Department of State Secretary Kathy Boockvar. "We are looking forward to implementing this solution next month and providing another layer of accessibility for Pennsylvania voters with disabilities."

It will cost the state about \$572,000 to use OmniBallot in the November election, Murren said.



Democracy Live's website says the tool has been used in more than 15 states and in nearly 1,000 elections over the past decade.

The system generates a voter-verified paper ballot, and every voter has the option to print and mail their ballot.

"OmniBallot is an accessible, electronic ballot transmission system hosted in a secure, federally approved cloud," the website says. "The OmniBallot balloting portal delivers ADA-compliant, electronic ballots to voters remotely, no matter where they are or what device they are using. The system offers elections administrators the option of one-way electronic ballot delivery and two-way ballot delivery and electronic return."

OmniBallot launched in 2009, and its cloud has been approved for use by federal agencies such as the FBI, Department of Homeland Security and the Department of Defense, the website says.

Since its launch, the system has never been compromised, according to the website.

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# Exhibit BH

## AFFIDAVIT TO PICK-UP VOTE-BY-MAIL BALLOT FOR A VOTER

I \_\_\_\_\_ hereby swear or affirm that \_\_\_\_\_  
(Print the designee's name) (Print the voter's name)  
has authorized me to pick-up a vote-by-mail ballot on his or her behalf for the \_\_\_\_\_  
(Specify for which election)

Check applicable box:

I am not a member of the voter's immediate family, or

I am a member of the voter's immediate family and my relation to the voter is \_\_\_\_\_

(Relationship)

*I understand that any person who perpetrates any fraud in connection with any vote to be cast violates s. 104.041, F.S., and can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to five years. Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.*

\_\_\_\_\_  
Designee's Signature

\_\_\_\_\_  
Date

**For office use only:**

Designee provided the voter's written authorization as a separate document \_\_\_\_ or voter completed the Voter's Written Authorization for Designee (*see below*) \_\_\_\_

Designee produced the following picture identification: \_\_\_\_\_  
(Type of identification)

- An authorized designee may pick up a ballot any time within 9 days of election day including election day.
- A designee is limited to picking up a ballot for himself or herself, for members of his or her immediate family, and for up to 2 other voters per election.
- A vote-by-mail ballot request for the voter must already be on record by law (section 101.62(1)(b), F.S.) Otherwise, the written authorization must include the information required for a vote-by-mail ballot request, or other confirmation obtained from the voter.

### Voter's Written Authorization for Designee

(To be completed only if separate voter's written authorization not submitted)

I \_\_\_\_\_ / \_\_\_\_\_ hereby designate  
(Voter's name-printed) (Voter's signature)

\_\_\_\_\_ to pick up my vote-by-mail ballot for the \_\_\_\_\_  
(Print designee's name) (Specify for which election)

Attention: Provide the following additional information if you (the voter) do not already have a vote-by-mail ballot request on record:

\_\_\_\_\_  
Voter's date of birth (MM/DD/YY)

\_\_\_\_\_  
Voter's address