**LWVPA Position on Election Laws**

**Position in Brief**
LWVPA supports effective election laws that guarantee a citizen’s right to vote, ensure that elections are accessible, transparent, fair, and secure, promoted universal voter participation, and provide voters with meaningful choices when they go to the polls.

**Background**
LWVPA has supported bills which are now law, including registration by mail and the use of electronic voting devices, and laws to make it easier for the disabled and the elderly to vote. Legislation to eliminate cross-filing for school directors has been opposed by the League.

**Voter Registration.** Beginning in 1989, the League supported a package of laws designed to remove obstacles to registration and voting. The legislation included supplying registration forms to citizens applying for or changing his or her address on drivers’ licenses (“motor voter”), providing the forms to graduating high school seniors, providing forms at state agencies, lengthening or eliminating the purge period for voter lists, and permitting election-day registration.

After passage of the National Voter Registration Act of 1993 (NVRA), the League worked hard for legislation to bring Pennsylvania into compliance with the Act. Under threat of a suit filed by LWVPA and others, a state motor voter bill was finally passed in 1995. The bill ended the two-year purge of non-voters but did not include establishment of a central computerized registry of all state voters, a provision supported by the League.

In 2001, LWVPA was represented on a Voting Modernization Task Force created by Governor Schweiker in response to problems found in Florida during the 2000 elections. The task force issued recommendations including:

- Counties consider upgrading their method of voting to direct recording electronic voting systems (DRE).
- Changes in how voting systems are certified.
- Recommendations on voter referenda required to change to a DRE system.
- Development of procedures to determine criteria for what constitutes a vote.
- Collection and reporting of data on problems and difficulties with voting systems.
- Opposition to on-line voting unless security concerns can be overcome.
- Voting equipment accessibility for disabled.
- Alternate language accessibility.
- Education programs for voters and poll workers.
- Financial aid to counties for upgrading equipment and procedures.

In 2002, LWVPA supported legislation that established the Statewide Uniform Registry of Electors (SURE), which creates a single computerized database of registered voters.

**Help America Vote Act.** After the Federal Help America Vote Act of 2002 (HAVA) was signed into law the Pennsylvania General Assembly enacted Act 150 which amended the Pennsylvania Election Code to include several provisions designed to comply with HAVA. These amendments included requirements for county boards of elections to process provisional ballots, identification requirements for those who vote for the first time in an election district, a system for filing complaints regarding provisional ballot and voter ID requirements, creation of the Voting Systems Development Board to determine what constitutes a vote on voting systems in use in Pennsylvania, and a State Plan Advisory Board to advise the Secretary of the Commonwealth regarding development of The State Plan to implement HAVA. LWVPA opposed the voter ID requirements in Act 150, which went beyond federal law by requiring identification by first time voters in a district, regardless of how they registered. HAVA only makes this requirement of those who register by mail.

After learning that the two positions on the State Plan Advisory Board reserved for public members had been filled by PA Senate staffers, LWVPA successfully petitioned to have meetings of the Board open to the public for
observation and input. LWVPA also presented testimony at a public hearing before final adoption of The State Plan. LWVPA recommendations included:

- Uniform statewide standards for poll worker training.
- Voter friendly posters at every polling place informing voters of their rights.
- Have the provisional ballot form also serve as a voter registration form.
- A way to use the Statewide Uniform Registry of Electors (SURE) and other databases to provide missing and incorrect information on voter registration forms if all other information matches up.
- Delay purchase of DREs pending improved technology with the exception of providing DREs for disabled as required by HAVA
- Inclusion of physical accessibility to polling places.

The testimony also recommended legislative changes to amend Act 150 to:
remove the ID requirement for first time voters that goes beyond federal requirements; provide for election day registration for those who come to the correct polling place with appropriate identification and allow them to cast a provisional ballot; and provide permanent absentee ballots for voters with disabilities who voluntarily wish to vote absentee.

In 2003-04, LWVPA was represented on five Advisory Groups formed to help the Department of State carry out The State Plan, as follows:

- Election Official Training
- Voting Systems Review and Procurement
- Polling Place Accessibility
- Voter Education
- Election Day Activities and Voting Rights

LWVPA revised its voter education materials to include new requirements and procedures under HAVA.

**Ballot Access.** Pennsylvania’s ballot access laws for independent and minor party candidates were among the most restrictive in the nation. In 2005, local Leagues concurred with a position on ballot access for independent and third-party candidates that was adopted by the Centre County League after member study and consensus. The position would equalize ballot access for minor and major party candidates. In February 2018, settlement
of a federal lawsuit opened Pennsylvania's ballots to third party candidates for U.S. Senator, Governor, and state row offices by reducing the number of petition signatures required for them to get on the ballot to 5,000.

**Voter ID.** In 2002 LWVPA was instrumental in forming a statewide coalition of voting and citizen's rights organizations called the Pennsylvania Voter Coalition. Through the coalition we successfully fought legislation to require voters to present a photo ID at the polls. The bill would also have denied voting rights to paroled ex-felons.

In 2011-12 LWVPA again carried out an aggressive campaign in opposition to legislation requiring all voters to present government issued photo identification at the polls in order to cast a ballot. In 2012 the Pennsylvania General Assembly passed one of the country’s most restrictive voter ID law that would require voters to have specified types of photo identification before they could vote.

Opponents of the law, including LWVPA, argued that it would disenfranchise lawful voters, particularly older voters and minorities, as it made it very difficult to obtain the necessary documents to acquire the necessary identification. On May 1, 2012, the ACLU of Pennsylvania, the Advancement Project, the Public Interest Law Center of Philadelphia (PILCOP), and the Washington, D.C. law firm of Arnold & Porter LLP filed a lawsuit, *Applewhite v. Commonwealth of Pennsylvania* in the Commonwealth Court of Pennsylvania to overturn the voter ID law. LWVPA along with the NAACP Pennsylvania State Conference and the Homeless Advocacy Project joined as plaintiffs in the suit. The lead petitioner was Viviette Applewhite, a 93-year old African-American great-great grandmother and resident of Philadelphia who marched for civil rights with Dr. Martin Luther King Jr. who was unable to get an ID needed to vote under the law. Other petitioners were Philadelphia residents Wilola Shinholster Lee, Gloria Cuttino, and Dorothy Barksdale, all African-American women born in the Jim Crow South who, like so many of their generation, were never issued a birth certificate which was needed to get an ID in order to vote under the law; Nadine Marsh, a Beaver County grandmother, and Grover Freeland, a Philadelphia-area retired veteran, whose veteran ID card would not have been acceptable to allow him to cast a ballot. The lawsuit alleged that the
state’s voter photo ID law violated the Pennsylvania Constitution by depriving citizens of their constitutional right to vote.

A preliminary injunction was issued on October 2, 2012 blocking the voter ID law from going into effect for the November 2012 election for voters casting ballots in person. The injunction was extended to cover the May 2013 primary election.

In 2012, a video of PA Senate Majority Leader Mike Turzai reveal that the true intent of the Voter ID law was not to protect elections from in-person voter fraud but was part of a plan to help presidential candidate Mitt Romney win Pennsylvania’s electoral votes. The Pennsylvania Commonwealth Court agreed with the petitioners that the law was unconstitutional because the types of ID required were not easily accessible to all voters.


**Provisional and emergency ballots.** In 2008, we joined a coalition effort to seek PA Department of State directives requiring uniform application of provisional ballot and emergency paper ballot procedures throughout the Commonwealth. Emergency paper ballots are used in cases of voting machine failure. The League believes such ballots should be used in all cases where at least one-half of the machines in a precinct are not working. We also believe that any voter who is denied the right to vote because their name is not on the voting list for that precinct or for any other reason should be allowed to cast a provisional ballot if they request one.

**Governor’s Election Reform Task Force.** In 2005 LWVPA was represented on the Governor’s Election Reform Task Force. In its final report, issued in
2006, the Task Force made the following recommendations:

- *Moving the presidential and state primary elections to an earlier date to provide Pennsylvanians with a greater voice in the selection of the President considering its electoral importance based on population.*
- Providing so called “no-excuse” absentee ballots that would allow voters to cast their votes via absentee ballot if unable to vote at their polling place for any reason.
- Authorizing the use of the Federal Write-In Absentee Ballot (FWAB) in all elections for all offices.
- Designating the date of the primary and general election as a school in-service day.
- Specifying polling place accessibility requirements and standards for compliance.
- Allowing the use of “curbside voting.” Curbside voting will allow a voter with a disability to vote at his or her assigned polling place by paper ballot or other means, but outside of the building where the polling place is located.
- Incorporating federal law regarding alternative language accessibility into Pennsylvania law.
- Adopting the Voting Standards Development Board report “What Constitutes a Vote.”

The Task Force narrowly rejected a proposal to recommend that eligible citizens be able to register to vote and cast a ballot on Election Day.

On July 25, 2007, we presented major election reform testimony before a hearing of the Senate State Government committee. In our testimony:

- *We reluctantly supported moving the primary election to February 5 in 2008. Because our primary date is so late in the presidential election year calendar, Pennsylvania votes never had a substantial influence on the selection of major party presidential candidates since 1976.*
- We supported no fault necessary absentee voting and other changes to simplify PA’s absentee voting process.
- We supported making all polling places accessible to the physically handicapped.
- We supported allowing eligible citizens to register and vote on Election Day.
• We supported redesigning provisional ballot envelopes so that, in cases where a person’s provisional ballot is not counted because their name is not on the voter registration list, the information can be used to add them to the voter rolls for the next election.
• We argued that making Election Day a holiday is unlikely to increase voter participation.
• We supported voting systems that provide a voter verifiable paper ballot.
• Election processes should be uniform throughout the state and be open, accountable and transparent.
• We recommended upgrading Election Official recruitment and training statewide.
• We supported tightening and rigorous enforcement of laws governing election fraud.
• We also supported less restrictive ballot access requirements for minor party and independent candidates and reiterated our opposition to voter ID requirements.

*As it turned out, the Democratic Primary was still contested when the PA primary was held April 22, 2008. However, by that time, the field of potential candidates had been narrowed from eight to just two.

Electioneering and free speech. In 2008 LWVPA signed a coalition letter to the Secretary of the Commonwealth seeking clarification of a long-standing dispute over whether the passive wearing of buttons, tee shirts and other paraphernalia with a candidate or party name into a polling place constitutes improper “electioneering”. The Secretary responded that in their opinion, as long as the individual makes no additional action to attempt to influence other voters, the wearing of such items does not constitute “electioneering” as that term is used in the PA Election Code.

Delegates to the 2009 LWVPA Convention voted to add a section on voting system verifiability to bring our position in line with the LWVUS position. They also voted to add a statement to the section on absentee voting to clarify that we believe that qualified electors should not have to give an excuse in order to cast an absentee ballot. Delegates to the 2011 LWVPA Convention voted to support Pennsylvania joining the National Popular Vote Compact Between the States.
Delegates to the 2015 League of Women Voters of Pennsylvania State Convention approved a review and update of current election law. The review was conducted throughout 2016 – 2017 and adopted at the 2017 State Convention.

*Updated March 2019*

**Position in Detail**

**Registration**
LWVPA supports:
- Allowing eligible citizens to both register or change their registration status and cast a ballot on the day of a primary or election;
- Allowing 16 and 17-year-olds to pre-register to vote;
- Allowing 17-year-olds who will be 18 years old on or before the date of a General Election to register and vote for candidates in the corresponding primary;
- Automatic voter registration and universal automatic voter registration, as long as the process adequately addresses concerns over mistakenly registering non-citizens and others who are ineligible. Those who are preregistered should be able to opt-out if they so desire; and
- Enabling voters to provide information that was missing on their voter registration applications when they go to vote on Primary or Election Day and to vote on a provisional ballot.

**Election Procedures**
LWVPA supports:
- State administered elections with a single appointed official having authority to define responsibility and to direct the activities of county and district election officials;
- Strict enforcement of present election procedures;
- Appointment of district election officers by county boards of elections from lists submitted by political parties on the basis of bipartisan representation, qualifying tests, and mandatory training;
- Use of public buildings as polling places wherever practical;
- Wearing of identification badges by election officials;
Requiring that all poll watchers be residents of the county in which the election district where they are assigned is located;

Requiring that all poll watchers who challenge a voter’s eligibility at the polls be required to write out their challenge and sign an affidavit with an Election Official as witness that the challenge is truthful and in good faith;

Requiring that both poll workers and poll watchers take training authorized by the state;

Providing registered voters with sample ballots before Election Day;

Giving notice to voters of their appropriate polling place locations;

Providing public and voter notification of voters’ rights at the polling place;

Extension of election hours.

Intensified voter education in methods of splitting a ticket.

**Absentee Voting**

LWVPA supports:

- Simplified procedures for all qualified absent electors;
- Guarantees against fraud;
- Protection of the secrecy of the ballot, including the counting of absentee ballots at the county level;
- Measures to make voting more accessible by providing any registered voter with alternatives to casting a ballot in person on the day of a Primary or General Election;
- Simplifying the processes for casting an Emergency Absentee Ballot, including eliminating the need to have the application notarized;
- Utilizing the Internet to transmit applications for absentee ballots and blank ballots for all voters. Because of security concerns, at this time the return of voter absentee ballots should be by hand or via US mail;
- That the only absentee voting provision in the Constitution should be that it is mandatory upon the Legislature to provide for civilian absentee voting.

**Prison Voting**

LWV PA supports offering voter registration and absentee ballot applications to eligible jail and prison inmates and to inmates upon their release. Provisions in the Election Code that facilitate absentee ballot application and voting by residents of public institutions should be extended
to residents of local, state, and federal penal institutions who are qualified to vote. All inmates should be considered residents of the election district where they lived before they were incarcerated.

_Voting Systems_
LWVPA supports only voting systems that are designed so that:
- They employ a voter-verifiable paper ballot or other paper record, said paper being the official record of the Voter’s intent; and the voter can verify, either by eye or with the aid of suitable devices for those who have impaired vision, that the paper ballot/record accurately reflects his or her intent; and
- Such verification takes place while the voter is still in the process of voting; and
- The paper ballot/recount is used for audits and recounts; and
- The vote totals can be verified by an independent hand count of the paper ballot/record; and
- routine audits of the paper ballot/record in randomly selected precincts can be conducted in every election, and the results published by the jurisdiction.

The League opposes simultaneous holding of public and party offices.

_Election of School Directors_
As an interim step toward the ultimate goal of nonpartisan election of school directors, LWVPA supports cross-filing on the ballot by candidates for school director.

_Ballot Access_
LWVPA believes that:
- A minor party candidate is to submit the same number of signatures on their petition as required for a major party candidate.
- When an objection is filed to the nomination of a candidate, all candidates for that office will have their petitions reviewed by the appropriate election board.
**Election of the President**

LWVPA supports the National Popular Vote Compact between the states.

**Primaries**

LWVPA supports abandoning the closed primary system in favor of either the semi-open or open primary. Either approach will allow electors, regardless of initial registration status, to participate in the primary of the major party of their choice. Elections for both presidential and state and local primaries should use the same system.

**Electoral Systems**

An electoral system is a method used for casting and counting votes to determine election winner(s).

**Single-seat Elections.** In Pennsylvania, when three or more candidates seek election to a single-seat office like governor or legislator in a single-member state house or state senate district, the winners are those who receive the most votes even if they received less than 50 percent of the total vote (a plurality rather than a majority). Candidates, who do not themselves have a chance of winning, can be spoilers: votes cast for them can change who does win. This discourages electors from voting for minor party or independent candidates they prefer. First, LWVPA believes and elections system should encourage electors to vote for their true favorite (sincere voting) rather than for someone who they believe has a better chance of defeating the candidate they like least (strategic voting). Furthermore, an electoral system used in single-seat elections should guarantee that the winner would receive a majority (not just a plurality) of votes. Some states hold runoff votes at a future date. This is costly and very likely involves a different cohort of electors than in the original round of voting. LWVPA supports adopting Instant-Runoff voting (IRV) in which voters rank their preferences, that guarantees the choice of a winner after just one round of voting.

**Legislatures, Councils, and other Multiple Winner elections.** In a legislature or council elected on a partisan basis, a fair electoral system would:

- Allow the party that receives the most votes across the whole system
to win the most seats;
- Allow minority parties that receive a significant share of votes to win a corresponding share of seats; and
- Level the playing field for women and other consistently under-represented demographic groups.

In elections to the General Assembly, Pennsylvania uses a single-member district plurality system. Because of self-sorting and sometimes deliberate gerrymandering, district elections are often uncompetitive and can result in lopsided representation in the House or the Senate. One party wins significantly fewer seats than the opposition, even though it received almost as many or even more votes statewide. It is also impossible for minor parties to win any seats. LWVPA supports a Mixed Member Proportional (MMP) system for elections to the General Assembly. In MMP, elections of most legislations remain single member district elections, as now. A formula designed to establish proportionality between each party’s statewide vote and its total number of legislators determines the number of additional seats allocated to each party.

MMP is not suitable for local elections to small multiple-seat legislative bodies. Block voting used in many jurisdictions can result in one party winning all the seats. To encourage minority party representation on local governing bodies, local Leagues might consider supporting alternatives. Among these are Single Transferrable Voting (a variant of IRV), Limited Voting (now use for three-seat county and township councils), and Cumulative Voting. Philadelphia has a mixed system of representation, by district and by at-large elections. The latter utilized limited voting to guarantee minority party representation on the city council.

**Miscellaneous**

LWVPA opposes any elected official simultaneously holding public and party offices.