



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
HARRISBURG, PENNSYLVANIA
17120

Right-to-Know Law Office
Room 306, North Office Building
401 North Street
Harrisburg, PA 17120-0500
Fax: 717-214-9899

Mailing Date: November 20, 2025

Meg Denning
TruetheVote
TruetheVote ResearchTeam
ttvresearch2025@gmail.com
research@truethevote.org

RE: Right-to-Know Law Request No. 2025-394

Dear Ms. Denning:

On October 14, 2025, the Department of State Right to Know Office received your request for information pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101, et seq. (RTKL), wherein you requested: “all records, communications, directives, or guidance created or received by your office since March 25, 2025, related to Executive Order 14248, titled 'Preserving and Protecting the Integrity of American Elections', including but not limited to: (1) Actions taken or planned to comply with, respond to, or evaluate the order; (2) Communications with federal agencies (including the Election Assistance Commission or Department of Justice) concerning implementation or challenges to the order; (3) Any internal analyses, meeting notes, or correspondence with county officials, election vendors, or other stakeholders related to voter roll verification, mail-ballot receipt deadlines, or documentary proof-of-citizenship requirements. Additionally, please include any records, guidance, or communications your office has sent to counties or local election authorities in connection with Executive Order 14248.”

On October 21, 2025, a letter indicating the Department required a 30-day extension to respond to your request was forwarded to you.

Your request is granted in part and enclosed are records responsive to your request. Additional information responsive to your request may be found in the Department's guidance publicly available on the Department's website at [Directives and Guidance | Department of State | Commonwealth of Pennsylvania](#). There is no fee due to the Department's policy of not charging if the file is sent electronically.

Your request is denied in part to the extent that it requested certain personal information. The Department of State redacted personal email addresses and phone numbers, which are exempt from disclosure under §§ 67.706, 67.708(b)(1)(ii), and 67.708(b)(6).

Additionally, your request is denied in part because some of the requested communications have been determined to be internal predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, discussing a contemplated or proposed course of action and as such are exempt from disclosure for internal, predecisional deliberations of the agency under § 67.708(b)(10)(i)(A).

Further, certain internal communication records in the Department's possession responsive to your request are not subject to disclosure under the RTKL because they are protected under the attorney-client privilege and the attorney-work product doctrine and, therefore, are not "Public records" subject to disclosure. See 65 P.S. §67.305(a)(2) (presumption that record of Commonwealth agency shall not apply if record protected by a privilege); 65 P.S. §67.102 (defining "privilege" as including the attorney-client privilege and the attorney-work product doctrine and defining "public record" as a record "not protected by a privilege).

As Pennsylvania law makes clear, the attorney-client privilege provides that counsel shall not be competent or permitted to testify to confidential communications made to him by his client, nor shall the client be compelled to disclose the same, unless this privilege is waived by the client. 42 Pa.C.S. §5928. The Pennsylvania Supreme Court has stated that the attorney-client privilege covers both confidential client to attorney communications and confidential attorney to client communications made for the purpose of obtaining or providing legal advice. See *Gillard v. AIG Insurance Co.*, 15 A. 3d 44, 59 (Pa. 2011). Further, the work product doctrine provides broad protection against *inter alia*, the disclosure of mental impressions, theories, notes, and strategies of an attorney in anticipation of litigation, See *id.* 15 A.3d at 59, n. 16.

You have a right to appeal this response in writing to Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, PA 17126-0333. If you choose to file an appeal, you must do so within 15 business days of the mailing date of this response and send to the OOR:

- 1) this response;
- 2) your request; and
- 3) the reason why you think the agency is wrong in its response.

Also, the OOR has an appeal form available on the OOR website at:
<https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>

Respectfully,

Janelle S. Hawthorne

Janelle S. Hawthorne, J.D.
Agency Open Records Officer
Department of State
Room 306, North Office Building
401 North Street
Harrisburg, PA 17120-0500
717-317-5340

[REDACTED]

From: Brianna Schletz [REDACTED]
Sent: Wednesday, April 30, 2025 12:22 PM
Cc: NVRAupdates <NVRAupdates@eac.gov>; Camden Kelliher [REDACTED]; Reynolds, Leslie [REDACTED]; Lindsey Forson [REDACTED]; Maria Benson [REDACTED]; Amy Cohen [REDACTED]; Kristen Muthig [REDACTED]
Subject: [External] RE: RE: Chief Election Official - Consultation Letter

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Good afternoon,

On April 24, 2025, the U.S. District Court for the District of Columbia issued a ruling which preliminarily enjoined the U.S. Election Assistance Commission (EAC) from taking any action to implement or give effect to Section 2(a) of Executive Order 14248, "Preserving and Protecting the Integrity of American Elections." This includes taking any action based on the Executive Order to modify the content of the federal voter registration application form described in 52 U.S.C. § 20508(a)(2). Pursuant to this ruling by the District Court, the solicitation of communications in response to the correspondence from the EAC dated April 11, 2025, regarding Section 2(a) of Executive Order 14248, is hereby paused.

The EAC is committed to transparency and keeping you informed through this process. The EAC will continue to provide updates if there are changes based on the continuing litigation. Additionally, we anticipate future communication on unrelated or other updates to the form. For any potential changes to the form, know the EAC values your input and shall thoroughly consider it consistent with the requirements set out in the National Voter Registration Act.

Brianna Schletz | Executive Director
U.S. Election Assistance Commission

633 3rd Street NW, Suite 200 | Washington, DC 20001

www.eac.gov

Cell: [REDACTED]

From: Brianna Schletz

Sent: Wednesday, April 16, 2025 12:10 PM

Cc: NVRAupdates <NVRAupdates@eac.gov>; Camden Kelliher [REDACTED]; Reynolds, Leslie

[REDACTED] Lindsey Forson [REDACTED]; Maria Benson [REDACTED]

Subject: RE: Chief Election Official - Consultation Letter

Good afternoon,

On April 11, 2025, the EAC sent the attached consultation request.

The EAC is still seeking consultation as described. However, some recipients have expressed concern over a lack of a deadline for feedback. The EAC will accept feedback received by Friday, May 2, 2025. Please note that this is an initial consultation. Chief Election Officials will also be consulted on any proposed changes to the EAC implementing regulations or the form prior to implementation. The purpose of this initial consultation is to guide the EAC in any proposed changes, which require further comment.

Best,

Brianna

Brianna Schletz | Executive Director
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001
www.eac.gov



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

VIA EMAIL

April 11, 2025

Dear Chief Election Officials,

Consistent with 52 U.S.C. § 20508(a)(2), the U.S. Election Assistance Commission ("EAC") is seeking consultation on development of the national mail voter registration form.

Executive Order 14248 of March 25, 2025, "Preserving and Protecting the Integrity of American Elections" ("EO 14248") provides instruction to the EAC. Section 2 of EO 14248 instructs the following be required in the national mail voter registration form:

- (A) documentary proof of United States citizenship, consistent with 52 U.S.C. 20508(b)(3); and
- (B) a State or local official to record on the form the type of document that the applicant presented as documentary proof of United States citizenship, including the date of the document's issuance, the date of the document's expiration (if any), the office that issued the document, and any unique identification number associated with the document as required by the criteria in 52 U.S.C. 21083(a)(5)(A), while taking appropriate measures to ensure information security.

Section 2 of EO 14248 also instructs that "documentary proof of United States citizenship" shall include a copy of:

- (A) a United States passport;
- (B) an identification document compliant with the requirements of the REAL ID Act of 2005 (Public Law 109-13, Div. B) that indicates the applicant is a citizen of the United States;
- (C) an official military identification card that indicates the applicant is a citizen of the United States; or
- (D) a valid Federal or State government-issued photo identification if such identification indicates that the applicant is a United States citizen or if such identification is otherwise accompanied by proof of United States citizenship.

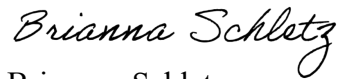
A current copy of the national mail voter registration form is available here:

https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf.

The EAC is seeking consultation on how states would propose to implement Section 2 of EO 14248, if required. The EAC is also seeking feedback on the impact of implementation on voter registration in your state. As required by 52 U.S.C. § 20508, the EAC will consider responses in any amendments to the national mail voter registration form or EAC implementing regulations.

The EAC looks forward to your input. Comments may be sent to NVRAUpdates@eac.gov or by mail at 633 3rd Street NW, Suite 200 Washington, DC 20001.

Thank you,

A handwritten signature in black ink that reads "Brianna Schletz". The script is cursive and fluid, with the first name and last name clearly legible.

Brianna Schletz
EAC Executive Director



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

May 27, 2025

VIA EMAIL

Dear Chief Election Officials,

The U.S. Election Assistance Commission (EAC) is reaching out for feedback on the National Mail Voter Registration Form, specifically to understand the usability of the form for voters and election officials. A current copy of the National Mail Voter Registration form is available here: www.eac.gov/voters/national-mail-voter-registration-form.

The EAC is looking for feedback on the following:

- 1) Does your state track how many National Mail Voter Registration Forms are received?
 - a. If yes, how many did you receive in 2024, 2023, and 2022?
 - b. If not, can you estimate if it is used widely or sparingly?
- 2) Does your office find the National Mail Voter Registration Form useful?
 - a. Why or why not?
- 3) Are there any unique challenges when processing the National Mail Voter Registration form in your state?
- 4) What, if any, improvements would make the form more useful?
- 5) Other comments or recommendations to improve the form's usability for voters and/or election officials.

The EAC looks forward to your input. Comments may be sent to NVRAUpdates@eac.gov or by mail at 633 3rd Street NW, Suite 200 Washington, DC 20001. Please provide comments by **Monday, June 9, 2025.**

Thank you,

Brianna Schletz
EAC Executive Director



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

June 9, 2025

Via Electronic Mail

Brianna Schletz

Executive Director, Election Assistance Commission
Suite 200
633 3rd St NW
Washington, D.C. 20001
NVRAUpdates@eac.gov

Re: Consultation Request Regarding the National Mail Voter Registration Form

Dear Executive Director Schletz and Members of the Election Assistance Commission:

I write in response to your May 27, 2025, letter requesting the Commonwealth of Pennsylvania's consultation regarding the Election Assistance Commission (EAC)-prescribed national mail voter registration form ("Federal Form"). Specifically, you have asked for consultation regarding 1) the prevalence of the Federal Form in Pennsylvania, 2) my office's experience with the usefulness and challenges of the Federal Form, and 3) my office's view on potential improvements or recommendations to the Federal Form.

For decades, the Federal Form has been available to fulfill the National Voter Registration Act's (NVRA) purpose of "increas[ing] the number of eligible citizens who register to vote."¹ It "guarantees that a simple means of registering to vote in federal elections will be available,"² and that "volunteers distributing voter registration materials at a shopping mall in [Philadelphia] can give a copy of the same form to every person they meet without attempting to distinguish between residents of [Pennsylvania] and [New Jersey]."³

¹ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 13 (2013) (*ITCA*) (quoting 42 USC § 1973gg, now codified at 52 USC § 20501).

² *Id.*

³ *Id.* at 46 (Alito, J., dissenting) (quotation omitted).

I appreciate this opportunity to provide my view on this federal tool, and to advise on potential improvements for your consideration. Although my office does not collect information specifically identifying the Federal Form as an applicant's registration method, I can confirm that it is not a prominent method. Indeed, my office is proud of the myriad ways that Pennsylvanians can apply for registration, whether on paper, online, or by interacting with another government agency.⁴ And our local election officials—the ones who receive, process, and where appropriate, approve—voter registration applications, benefit from application formats which are user-friendly for voters and county clerks alike.

To that end, I do offer some potential avenues for improvement. For one, I ask that you consider and review the possibility for electronic submission of the Federal Form. For another, I ask that the form include an additional field for the voter to provide their email (optionally). Lastly, while I applaud the great number of languages in which you have made the form available, I should note that you omit key languages (Italian, Nepali, and Gujarati) offered by my office;⁵ these additional language offerings may be beneficial for Pennsylvanians (and those of other states) seeking to exercise their voting rights as U.S. citizens.

As a final note, I feel compelled to warn against changes to the form that would contravene the legislative purposes of the NVRA and create chaos for our election officials, such as the introduction of any new requirements on the form or in accompanying documents. I cannot ignore that your May 27th letter comes mere weeks after a prior, withdrawn, request for consultation contemplated a requirement that applications include documentary proof of citizenship (DPOC). Such a requirement is wholly unnecessary, and unlawful.

Request No. 1: Prevalence of the Federal Form

Your letter first asks whether my office tracks the number of Federal Forms our county election officials receive; my office does not. Applicants using the Federal Form would be categorized as applying by “paper,” a category which also includes those using the paper Pennsylvania voter registration form. Because the number of individuals using paper applications generally falls far below the number of applicants applying online,⁶ I can confirm that the Federal Form is not a prominent method.

⁴ The full list of tracked methods may be found in the Department's 2023 Annual Report on Voter Registration. See *Administration of Voter Registration in Pennsylvania, 2023 Annual Report to the General Assembly*, PENNSYLVANIA DEPARTMENT OF STATE (Jun. 39, 2024), accessible at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/DOS_Voter_Registration_Report_2023.pdf.

⁵ <https://www.pa.gov/agencies/vote/resources/forms-and-documents.html>.

⁶ See 2023 Annual Report on Voter Registration, fn. 4, *supra*, at 4 (“Approximately 128,000 applications for registration as a new voter were submitted online, and approximately 50,120 applications for registration as a new voter were submitted by paper.”).

Request Nos. 2-3: Usefulness and Challenges of the Federal Form

Your letter next asks whether my office finds the Federal Form to be useful, and whether there are any challenges with its processing. While the processing of voter registration forms in Pennsylvania takes place exclusively at the county level, I spent over a decade as a county election official, and I continue to work closely with our local election offices to understand all of the challenges they face.

One thing that I can confidently say is that it is far easier and faster to process an electronically-submitted application than a written one. It also more likely to be accurate. With electronic applications, submitted through our online portal⁷ or Application Programming Interface (API) offering,⁸ the county office is relieved of the burden of typing the information into our electronic voter registration database. The clear legibility of computer-printed type prevents the types of data entry errors that can pose issues for county elections officials. And the instantaneous submission ensures that there is a more consistent stream of submissions, rather than a concern that large stacks of paper forms will be submitted on the final day of registration.

The Federal Form lacks these conveniences. While I appreciate the creation of a “fillable” PDF of the form, permitting the form to be typed and printed, it lacks the convenient functionality of electronic submission.

Request Nos. 4-5: Recommendations and Suggested Improvements

First, and further to the challenge discussed above, I ask that the Commission consider the possibility of permitting electronic submission of the Federal Form. While I understand that this reform will require legal and practical considerations, I would be remiss if I did not mention the benefits that would flow from such an option. It would provide for more convenient and timely submission and processing, benefiting voters and election officials alike.

Second, I would ask that the Federal Form include an optional field for the applicant to submit an email address. The Form presently permits the submission of a telephone number, noted as “Optional.” Including a similar field for emails will allow our county officials to engage with Federal Form applicants through a medium that has been common for years now.

Third, I would ask that the EAC consider offering the Federal Form in three additional languages: Italian, Nepali, and Gujarati. As a county election official in Philadelphia, an international city that is required by federal law to offer election materials in three different languages, I saw first-hand how critical it is to ensure that all eligible citizens have access to voter registration materials that they can read and complete in their primary language. My office

⁷ Vote.pa.gov/register.

⁸ <https://www.pa.gov/agencies/dos/resources/voting-and-elections-resources/pa-online-voter-registration-web-api-rfc.html>.

recently made certain elections materials available in these languages, and I encourage the EAC to follow suit.⁹

Critically, however, I must strongly warn against any changes to the Federal Form that would be counter-productive, and *increase* the burdens our state and local election officials face. To that end, I strenuously object to any inclusion of a DPOC requirement. While I understand, and indeed respect, that the laws of other states may require such submissions with their own state voter registration applications, such a requirement is unnecessary for Pennsylvania, and in many ways unworkable. It is also unlawful.

Requiring Proof of Citizenship is Contrary to Federal Law

Congress made clear – in both statutory text and the legislative record – that voters must be permitted to register with the Federal Form without providing documentary proof of citizenship. The EAC has long recognized this prohibition, and I urge you to maintain the position that imposing such a requirement would be unlawful and unnecessary.

Although the EAC is responsible for “develop[ing]” the Federal Form,¹⁰ Congress carefully prescribed its contents.¹¹ The Federal Form “may require only such identifying information...and other information...as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.”¹² It “may not include any requirement for notarization or other formal authentication[.]”¹³ Legislators specifically rejected a proposal that states be permitted to require additional documentary proof of citizenship, noting that such a requirement was “not necessary or consistent with the purposes of th[e] NVRA.”¹⁴

From the first iteration of the Federal Form, documentary proof of citizenship was considered unnecessary. Although some of the commenters on the implementing regulations opined that “information regarding whether or not an individual has become a naturalized citizen is essential in order to assess an individual’s qualifications for voting,” the Commission responded in its final rulemaking note that “[t]he issue of U.S. citizenship is addressed within the oath required by the Act and signed by the applicant under penalty of perjury.”¹⁵ Accordingly, when the

⁹ <https://www.pa.gov/agencies/vote/resources/forms-and-documents.html>.

¹⁰ 52 U.S.C. § 20508(a)(2).

¹¹ *Id.* § 20508(b).

¹² *Id.* § 20508(b)(1).

¹³ *Id.* § 20508(b)(3).

¹⁴ *Fish v. Kobach*, 189 F. Supp. 3d 1107, 1115 (D. Kan.) (quoting H.R. Rep. N. 103-66 at 23–24), *aff’d*, 691 F. App’x 900 (10th Cir. 2016), and *aff’d*, 840 F.3d 710 (10th Cir. 2016).

¹⁵ *National Voter Registration Act of 1993*, 59 FR 32311-01, 1994 WL 275543 (June 23, 1994). Although the regulations were initially promulgated by your predecessor, the Federal Election Commission, these responsibilities were transferred to the EAC under the Help America Vote Act (HAVA), 52 U.S.C. § 21132. The term “Commission” in the letter refers to both agencies.

Commission determined which “information items are necessary to assess the eligibility of the applicant or to administer voter registration or other parts of the election process,” it did not include documentary proof of citizenship.¹⁶ The EAC has since reiterated this position, noting that “Congress specifically considered and rejected proof-of-citizenship requirements when enacting the NVRA,” and that “[t]he Federal Form currently provides the necessary means for assessing applicants’ eligibility.”¹⁷

Documentary proof of citizenship is unnecessary for Pennsylvania’s election officials to assess eligibility and fulfill their responsibilities under federal and state law. Including such a requirement in the Federal Form would violate the NVRA.

Requiring Documentary Proof of Citizenship will Disenfranchise Eligible Pennsylvanians

Millions of eligible Pennsylvania voters will struggle to meet the documentary proof of citizenship requirements, particularly if the options were limited. One of the more common DPOC types, U.S. Passports, are not widely held. Indeed, it is estimated that only 46.1% of citizens in Pennsylvania have this document.¹⁸

Another commonly-proffered identification is a federally-compliant Real ID card. But this is insufficient, as Pennsylvania Real ID, consistent with federal law, does not include any indication of citizenship status. The Real ID Act of 2005 requires only that the applicant provide evidence of lawful residence in the United States, including noncitizens who are “lawfully admitted for permanent or temporary residence in the United States” and those with various pending applications related to their immigration status.¹⁹ Consistent with this law, Pennsylvania provides Real ID to eligible noncitizens²⁰ and does not distinguish between citizens and noncitizens on the identification form itself.²¹ Further, as of this April, only 26% of Pennsylvanians possessed a Real ID.²²

¹⁶ *National Voter Registration Act of 1993*, fn. 15, *supra*.

¹⁷ *Memorandum of Decision Concerning State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form*, U. S. ELECTION ASSISTANCE COMMISSION, Docket No. EAC-2013-0004 (Jan. 17, 2014), accessible at https://www.eac.gov/sites/default/files/eac_assets/1/28/20140117%20EAC%20Final%20Decision%20on%20Proof%20of%20Citizenship%20Requests%20-%20FINAL.pdf, at 20, 28 (cleaned up).

¹⁸ <https://www.americanprogress.org/wp-content/uploads/sites/2/2025/01/SAVEact-tables.pdf>.

¹⁹ Public Law 109-13, Div. B, Sec. 202(c)(1)(B); *see also* <https://www.dhs.gov/real-id/real-id-faqs> (“Noncitizens lawfully admitted for permanent or temporary residence, noncitizens with conditional permanent resident status, noncitizens with an approved application for asylum, and noncitizens who have entered the United States as refugees are eligible for a full-term REAL ID license or identification card.”).

²⁰ <https://www.pa.gov/agencies/dmv/driver-services/real-id/real-id-info-for-non-us-citizens.html>.

²¹ <https://www.pa.gov/agencies/dmv/driver-services/real-id/real-id-images.html>.

²² <https://www.axios.com/local/philadelphia/2025/04/08/pennsylvania-how-to-get-real-id-adoption-rate>.

Nor can Pennsylvanians rely on military ID cards. Military ID cards are issued not only to US citizens, but also to “US persons.”²³ Although at least some military ID cards do indicate citizenship status,²⁴ the Department is presently unaware of whether this is true of all military IDs. In any event, it is unclear how many Pennsylvanians would possess this qualifying ID, particularly how many Pennsylvanian citizens would hold this form of ID *and not* a U.S. passport.

Essentially, there are dangers that any form of DPOC requirement may disenfranchise U.S. citizens in Pennsylvania who would struggle to access the necessary documents. When Pennsylvania’s courts struck down the state’s voter ID law in 2014, a judge determined that nearly half a million Pennsylvania voters lacked a state DMV-issued photo ID, and that was after excluding voters who may have had photo student IDs (which would not in any event qualify as proof of citizenship; Pennsylvania’s world-class universities routinely draw non-citizens from across the globe).²⁵

Any DPOC requirement will have the effect of disenfranchising thousands of eligible citizens in Pennsylvania.

I have greatly appreciated the work undertaken by the EAC to enfranchise our voters and empower our local election officials. And I admire how the statutory consultation process allows us, as state election officials, to advise on important actions contemplated by you and the members of the EAC. I know we share the view that the right to vote is sacred, and that it must not be undermined either by needless barriers or by the threat of ineligible voters casting ballots.

Since the enactment of the NVRA, the Federal Form has served as a clear and uniform method for voters across the country to register. And as the chief election official of a state which borders six others, I appreciate that a single form can be used to register any citizen who visits one of the towns along our borders. Although I recognize and suggest ways in which it can be improved, it remains a critical tool for ensuring that citizens are able to register. I hope we can continue working to ensure that it remains a useful and used method of voter registration.

I appreciate your attention to this issue and your dedication to ensuring that elections in this country remain free, fair, safe, and secure. I stand ready to further assist in this mission in any way that I can.

²³ <https://www.militaryonesource.mil/military-basics/new-to-the-military/military-id-and-cac-cards-for-military-community/>.

²⁴ <https://www.cac.mil/Common-Access-Card/>.

²⁵ *Applewhite v. Commonwealth*, No. 330 M.D.2012, 2014 WL 184988 (Pa.Cmwlth. July 15, 2013), Appx. A (“Findings of Fact”) No. 72.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schmidt", with a long horizontal flourish extending to the right.

Al Schmidt
Secretary of the Commonwealth

From: [ST, Secretary of State](#)
To: [REDACTED]
Subject: EAC Comment Rulemaking Petition
Date: Monday, October 20, 2025 5:31:32 PM
Attachments: [Scanned from a Xerox Multifunction Printer.pdf](#)

Good evening,

Please find attached Secretary Schmidt's comment on the America First Legal Foundation Petition for your information. A copy of this documentation has also been filed on the portal and via USPS.

Kind Regards.

Executive Assistant
Office of the Secretary of the Commonwealth
PA Department of State
401 North Street, 302 North Office Building, Harrisburg PA 17120
Main Line: 717-787-6458



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

October 20, 2025

Via Electronic Submission

Camden Kelliher

EAC General Counsel, Election Assistance Commission
633 3rd St NW, Suite 200
Washington, D.C. 20001
[REDACTED]

Re: Comment on America First Legal's Petition for Rulemaking

Dear General Counsel Kelliher and Members of the Election Assistance Commission:

I write in response to your Notification of Availability concerning the America First Legal Foundation's (AFLF) Petition for Rulemaking. Petition of America First Legal Foundation for Rulemaking Before the Election Assistance Commission, 90 Fed. Reg. 40,825 (Aug. 21, 2025). The AFLF Petition asks the Election Assistance Commission (EAC) to amend 11 C.F.R. § 9428.4 and the federal voter registration form (the "Federal Form") to require "documentary proof of United States citizenship"¹ (DPOC), including one of a series of enumerated document types, in order to register to vote in federal elections.² I urge the EAC to deny the AFLF Petition, to retain the Federal Form, and to focus on the EAC's key mission: ensuring that eligible applicants and the election officials in Pennsylvania are not saddled with unnecessary, unlawful, and likely unconstitutional requirements for registering citizens to vote.

The Federal Form serves the National Voter Registration Act's (NVRA) goal of "increas[ing] the number of eligible citizens who register to vote."³ It allows those who are working to register eligible voters to utilize the same form no matter where they are, or which state the citizens they are engaging with call their home. And as a specific requirement of that law, the Federal Form may require only that information that is necessary to conduct the registration process. The burdens of a DPOC requirement do not fit with this purpose, or indeed with the law.

I previously expressed my concerns on this issue to the EAC in response to its May 27, 2025 letter requesting consultation on the Federal Form. My positions in that letter remain unchanged.

¹ AFLF Petition ¶ 1.

² *Id.* ¶ 43.

³ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 13 (2013) (*ITCA*) (quoting 42 USC § 1973gg, now codified at 52 USC § 20501).

Moreover, I am constrained to correct the record in light of the blatantly false statements made about our Commonwealth within the AFLF Petition. Pennsylvania's election officials work tirelessly to deliver free, fair, safe, and secure elections, and the safeguards in place to protect our elections remain as strong as ever.

Proof of Citizenship is a Barrier Contrary to Federal Law

Congress made clear – in both statutory text and the legislative record – that voters must be permitted to register with the Federal Form without providing DPOC. The EAC has long recognized this prohibition, and I urge you to maintain the position that imposing such a requirement would be unlawful and unnecessary.

Although the EAC is responsible for “develop[ing]” the Federal Form,⁴ Congress carefully prescribed its contents.⁵ The Federal Form “may require only such identifying information...and other information...as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.”⁶ The Form “may not include any requirement for notarization or other formal authentication[.]”⁷ Legislators specifically rejected a proposal that states be permitted to require additional documentary proof of citizenship, noting that such a requirement was “not necessary or consistent with the purposes of th[e NVRA].”⁸ The AFLF Petition makes no attempt to address these express judgments of Congress other than to disagree with them.

Similarly, AFLF ignores the fact that the EAC has already concluded, multiple times, that DPOC is not necessary to allow state officials to determine eligibility to vote. From the first iteration of the Federal Form, documentary proof of citizenship was considered unnecessary. Although some of the commenters on the implementing regulations opined that “information regarding whether or not an individual has become a naturalized citizen is essential in order to assess an individual’s qualifications for voting,” the Commission responded in its final rulemaking note that “[t]he issue of U.S. citizenship is addressed within the oath required by the Act and signed by the applicant under penalty of perjury.”⁹ Accordingly, when the Commission determined which “information items are necessary to assess the eligibility of the applicant or to administer

⁴ 52 U.S.C. § 20508(a)(2).

⁵ *Id.* § 20508(b).

⁶ *Id.* § 20508(b)(1).

⁷ *Id.* § 20508(b)(3).

⁸ *Fish v. Kobach*, 189 F. Supp. 3d 1107, 1115 (D. Kan.) (quoting H.R. Rep. No. 103-66 at 23–24), *aff’d*, 691 F. App’x 900 (10th Cir. 2016), and *aff’d*, 840 F.3d 710 (10th Cir. 2016).

⁹ *National Voter Registration Act of 1993*, 59 FR 32311-01, 1994 WL 275543 (June 23, 1994). Although the regulations were initially promulgated by your predecessor, the Federal Election Commission, these responsibilities were transferred to the EAC under the Help America Vote Act (HAVA), 52 U.S.C. § 21132. The term “Commission” in the letter refers to both agencies.

voter registration or other parts of the election process,” it did not include documentary proof of citizenship.¹⁰ The EAC has since reiterated this position, noting that “Congress specifically considered and rejected proof-of-citizenship requirements when enacting the NVRA,” and that “[t]he Federal Form currently provides the necessary means for assessing applicants’ eligibility.”¹¹

AFLF bases its request on arguments the EAC has already considered and rejected, including that the self-attestation of citizenship is insufficient and that states are unable to enforce the citizenship requirement for voting in federal elections without DPOC.¹² Specifically, the EAC has determined that states have many effective tools at their disposal to “‘obtain[] the information necessary to enforce their voter qualifications,’ and that the required oaths and attestations contained on the Federal Form are sufficient to enable the States to effectuate their citizenship requirements.”¹³

Documentary proof of citizenship is unnecessary for Pennsylvania’s election officials to assess eligibility and fulfill their responsibilities under federal and state law. Including such a requirement in the Federal Form would violate the NVRA, as the EAC has already rightly concluded.

¹⁰ *National Voter Registration Act of 1993*, fn. 9, *supra*.

¹¹ *Memorandum of Decision Concerning State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form*, U. S. ELECTION ASSISTANCE COMMISSION, Docket No. EAC-2013-0004 (Jan. 17, 2014), accessible at https://www.eac.gov/sites/default/files/eac_assets/1/28/20140117%20EAC%20Final%20Decision%20on%20Proof%20of%20Citizenship%20Requests%20-%20FINAL.pdf, at 20, 28 (cleaned up).

¹² See, e.g., AFLF Petition ¶¶ 13, 14-20. But see *Memorandum of Decision*, *supra* fn. 11, at 28-30 (concluding that the self-attestation of citizenship is an effective deterrent to non-citizen voting); at 31-36, 37-41 (discussing the effective means states have of enforcing the citizenship requirement and detecting noncitizens who attempt to register to vote).

¹³ *Memorandum of Decision*, *supra* fn. 11, at 40 (quoting *ITCA*, 570 U.S. at 17).

Requiring Documentary Proof of Citizenship Will Disenfranchise Eligible Pennsylvanians

Millions of eligible Pennsylvania voters will struggle to meet the documentary proof of citizenship requirements contemplated by the AFLF Petition. AFLF proposes three explicit categories of qualifying ID – none even close to sufficient for covering all Pennsylvanians who are eligible to vote – and a catchall category that is insufficient for the Commonwealth’s voters.¹⁴

One of the more common DPOC types, U.S. Passports, are not widely held. Indeed, it is estimated that only 46.1% of citizens in Pennsylvania have this document.¹⁵

AFLF suggests another commonly proffered identification: a federally compliant Real ID card.¹⁶ But this is not a solution, as Pennsylvania Real ID, consistent with federal law, does not include any indication of citizenship status. The Real ID Act of 2005 requires only that the applicant provide evidence of lawful residence in the United States, including noncitizens who are “lawfully admitted for permanent or temporary residence in the United States” and those with various pending applications related to their immigration status.¹⁷ Consistent with this law, Pennsylvania provides Real ID to eligible noncitizens¹⁸ and does not distinguish between citizens and noncitizens on the identification card itself.¹⁹ Further, as of this April, only 33.5% of Pennsylvanians possessed a Real ID.²⁰

Nor can Pennsylvanians rely on military ID cards. Military ID cards are issued not only to US citizens, but also to “US persons.”²¹ Although at least some military ID cards do indicate citizenship status,²² the Department is presently unaware of whether this is true of all military IDs. In any event, it is unclear how many Pennsylvanians would possess this qualifying ID, particularly how many Pennsylvania citizens would hold this form of ID *and not* a U.S. passport.

Essentially, there are dangers that any form of DPOC requirement may disenfranchise U.S. citizens in Pennsylvania who would struggle to access the necessary documents. When

¹⁴ AFLF Petition ¶ 43.

¹⁵ <https://www.americanprogress.org/wp-content/uploads/sites/2/2025/01/SAVEact-tables.pdf>.

¹⁶ AFLF Petition ¶ 29, fn. 53.

¹⁷ Public Law 109-13, Div. B, Sec. 202(c)(1)(B); *see also* <https://www.dhs.gov/real-id/real-id-faqs> (“Noncitizens lawfully admitted for permanent or temporary residence, noncitizens with conditional permanent resident status, noncitizens with an approved application for asylum, and noncitizens who have entered the United States as refugees are eligible for a full-term REAL ID license or identification card.”).

¹⁸ <https://www.pa.gov/agencies/dmv/driver-services/real-id/real-id-info-for-non-us-citizens.html>.

¹⁹ <https://www.pa.gov/agencies/dmv/driver-services/real-id/real-id-images.html>.

²⁰ <https://www.axios.com/local/philadelphia/2025/04/08/pennsylvania-how-to-get-real-id-adoption-rate>.

²¹ <https://www.militaryonesource.mil/military-basics/new-to-the-military/military-id-and-cac-cards-for-military-community/>.

²² <https://www.cac.mil/Common-Access-Card/>.

Pennsylvania's courts struck down the state's voter ID law in 2014, a judge determined that nearly half a million Pennsylvania voters lacked a state DMV-issued photo ID, and that was after excluding voters who may have had photo student IDs (which would not in any event qualify as proof of citizenship; Pennsylvania's world-class universities routinely draw noncitizens from across the globe).²³ The number of people thus potentially disenfranchised dwarfs estimates of possible noncitizen registrants by orders of magnitude.

As is demonstrated by the above, any DPOC requirement will have the effect of disenfranchising thousands of eligible citizens in Pennsylvania. AFLF asserts that citizen voters will already have the necessary identification to meet DPOC requirements because sufficient identification is "already a requirement for common daily activities, from banking to travel."²⁴ This assertion is unsupported by any proof or empirical evidence aside from the sweeping conclusion that every eligible individual can easily obtain one of the few types of ID that would verify citizenship. The extraordinary burden they seek to place on Pennsylvanians' right to vote requires far more.

Noncitizen Voting Is Extremely Rare, In Pennsylvania and Elsewhere

The Commonwealth of Pennsylvania maintains rolls of approximately nine million registered voters, with our 67 counties assuming the responsibility for the thorough and legally compliant measures of processing voter registration applications. As with other states, and based on evidence spanning decades, noncitizen voting has been demonstrated to be extraordinarily rare.²⁵ The Heritage Election Fraud Database,²⁶ for example, shows only 98 instances of a noncitizen voting nationally from 1982 to 2025. Simply put, the scope of this problem is not adequate to justify stripping the right to vote from potentially thousands of eligible Pennsylvanians. The drafters of the NVRA rejected the necessity of DPOC on the Federal Form, and the decades of experience since then have done nothing to undermine that conclusion.

Finally, AFLF's assertion that, in 2018, over 100,000 noncitizens were found on Pennsylvania's voter rolls is baseless.²⁷ I am very familiar with this issue, having first raised concerns (while I

²³ *Applewhite v. Commonwealth*, No. 330 M.D.2012, 2014 WL 184988 (Pa.Cmwlt. July 15, 2013), Appx. A ("Findings of Fact") No. 72.

²⁴ AFLF Petition ¶ 29.

²⁵ *Contra id.* ¶ 24. This portion of the AFLF Petition suggests that an "alarming number[] of aliens successfully cast ballots in American elections," citing a Pew Foundation report claiming that some 24 million voter registrations are "inaccurate." Perhaps in recognition that "inaccurate" voter registrations are rather distinct from noncitizens casting ballots, the AFLF Petition attempts to bolster the claim by noting "over 200 criminal convictions resulting from ineligible voting"—but yet it concedes that this number combines lack of citizenship with other bases of ineligibility such as felony conviction. The Heritage Foundation database cited by AFLF as the source for this data in fact shows only 98 cases of aliens voting and only 70 of these indexed as criminal convictions.

²⁶ Heritage Foundation, "Election Fraud Database" (accessed Sept. 12, 2025), [Heritage Database | Election Fraud Map | The Heritage Foundation](#).

²⁷ AFLF Petition ¶ 25.

served on the Philadelphia Board of Elections) that a process error at the Pennsylvania Department of Transportation was presenting some noncitizen driver's license customers with the opportunity to register to vote, leading some to register erroneously. But when the Department of State conducted a comprehensive expert review of the issue, it concluded that the number of noncitizens incorrectly registered as a result of this error was far lower. That review identified approximately 11,000 *potential* noncitizen registrants who were then contacted by the Department—and any identified noncitizen voters were properly removed from the rolls by county officials. Pennsylvania has continued to demonstrate it can effectively prevent noncitizen registration without DPOC, as the Department of Transportation put in place a new process in 2017 that prevents applicants with an INS indicator from ever being presented with the option to register to vote, fully addressing the issue.

In its petition, AFLF asserts that requiring DPOC on the federal form is “essential to enhance the integrity and reliability of the voter registration process,”²⁸ as well as “essential to preserving the appearance and reality of free and fair elections and to ensure that only U.S. citizens vote in federal, state, and local elections.”²⁹ As far as Pennsylvania's elections are concerned, both statements are false. Requiring DPOC on the Federal Form is not only a solution in search of a problem, but it is also unlawful.

Disenfranchising citizens who are legally entitled to vote because they lack DPOC *directly* denies those citizens the right to have a voice in government. Such an act should not be undertaken on the basis of scant evidence and should itself be of the utmost concern for the United States government.

I appreciate the opportunity to comment on this issue and the EAC's dedication to ensuring that elections in this country remain free, fair, safe, and secure. I stand ready to further assist in this mission in any way that I can and remain dedicated to protecting the franchise of Pennsylvania's citizens.

Sincerely,



Al Schmidt
Secretary of the Commonwealth

²⁸ *Id.*

²⁹ *Id.*

From: Hayden, Paul (CRM) [REDACTED]
Sent: Thursday, June 26, 2025 11:43 AM
To: DOS Press Office
Cc: Laragy, Scott (CRM)
Subject: [External] Executive Order Implementation

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Dear Secretary Schmidt,

By way of virtual introduction, we are Paul Hayden and Scott Laragy from the U.S. Department of Justice. We are reaching out to you regarding the implementation of Presidential Executive Order (EO) 14248, *Preserving and Protecting the Integrity of American Elections*. Pursuant to the EO, we would like to request a call with you, or the relevant election official in your office, to discuss information sharing as it relates to the EO.

Please let us know a date and time convenient to your schedule.

Sincerely,

Paul Hayden and Scott Laragy
Senior Counsels
U.S. Department of Justice
[REDACTED]



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Rm 302
Harrisburg, PA 17120
[REDACTED]; ra-voterreg@pa.gov

Re: Complete Pennsylvania's Voter Registration List with All Fields

Secretary Schmidt:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list ("VRL") and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department's request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state's VRL must include the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Pennsylvania's VRL to assess your state's compliance with the statewide VRL maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act ("HAVA"), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State's VRL via Section 401, which makes the Attorney

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

General solely responsible for actions to enforce HAVA's computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also* *Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, "Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative..." 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Pennsylvania's complete and current VRL. The purpose of the request is to ascertain Pennsylvania's compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Pennsylvania must ensure that it contains *all fields*, which includes either the registrant's full name, date of birth, residential address, his or her state driver's license number, or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

HAVA specifies that the "last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974" (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver's License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the

² In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

disclosure is for use by a government agency in carrying out the government agency's function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at [REDACTED].

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Jessica Mathis
Director, Bureau of Election Services and Notaries
401 North Street, Room 210
Harrisburg, PA 17120
[REDACTED]

³ Containing *all fields*, which includes either the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required by HAVA.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

August 21, 2025

Via Electronic Mail

Harmeet K. Dhillon
Assistant Attorney General
Michael E. Gates
Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW – 4CON
Washington, DC 20530
voting.section@usdoj.gov

Dear AAG Dhillon and DAAG Gates:

I write in response to your letters dated August 4, 2025, and August 14, 2025, requesting an electronic copy of the Commonwealth of Pennsylvania's statewide voter registration list. Your letter dated August 14 specifically asked for detailed personal and confidential information, including driver's license numbers and social security numbers, for all Pennsylvania voters. This request, and reported efforts to collect broad data on millions of Americans, represent a concerning attempt to expand the federal government's role in our country's electoral process. Please know that the Department of State takes seriously its obligation to safeguard the integrity and accuracy of Pennsylvania's voter rolls, as well as the security of Pennsylvanians' personal information. Because your letters do not provide any legal justification for the Department to disregard this sacred obligation, we are unable to share such confidential information with you. We can, however, provide Pennsylvania's Full Voter Export, subject to the conditions below.

Pursuant to Pennsylvania law, our Full Voter Export is available through the Pennsylvania Department of State's website. This list includes all voters in the Commonwealth (with certain limited exceptions for crime victims and other confidential voters) and contains the following fields: voter ID number, name, sex, date of birth, date registered, status (i.e., active or inactive), date status last changed, party, residential address, mailing address, polling place, date last voted, all districts in which the voter votes, voter history, and date the voter's record was last changed.

In accordance with the Pennsylvania voter registration law¹ and the Statewide Uniform Registry of Electors (SURE) Regulations,² all requesters must agree to the terms and conditions for use of public information lists. Further information may be found on our [website](#). Please let us know if you would like to receive this data subject to these terms and conditions.

¹ 25 Pa.C.S. Part IV.

² 4 Pa. Code ch. 183.

Your August 14 letter specifically asked for *all* fields in the Commonwealth's computerized statewide voter registration list, including each voter's Pennsylvania driver's license number or last four digits of their social security number. We are aware of no precedent for such a broad request for such sensitive information. While we are happy to provide the Full Voter Export, consistent with the process outlined above, we cannot provide these fields, which contain sensitive, personally identifiable information for Pennsylvania's 8.8 million voters.

As Pennsylvania's chief election official, I take seriously my obligation to ensure that our county election officials faithfully maintain our voter rolls. The Department works with Pennsylvania's 67 counties in making every reasonable effort to ensure that all electoral processes are fully compliant with federal and Pennsylvania laws, including the National Voter Registration Act and the Help America Vote Act. Likewise, I take seriously my responsibility to safeguard the private information that Pennsylvanians entrust to the care of our county election officials. Our laws do not permit the Department to release driver's license or social security numbers. These protections are consistent with other federal and state statutes that protect social security and driver's license numbers. The Department's statutory obligations are reinforced by the Pennsylvania Constitution, which requires the Department to maintain the privacy of our 8.8 million registered voters.

None of the legal bases provided in your letter justify or authorize providing these fields and disregarding the strong protections on voter privacy enshrined in our Commonwealth's laws.

First, the NVRA does not require the disclosure of voters' sensitive personal information. Your letter provides no explanation as to why the social security and driver's license numbers of every registered voter in Pennsylvania are necessary to ascertain Pennsylvania's compliance with the list maintenance requirements of the NVRA. As explained in the Department's letters dated July 23, 2025, and August 18, 2025, and as detailed in our publicly available Annual Report on the Administration of Voter Registration in Pennsylvania, the Department does a robust job of ensuring that all of Pennsylvania's 67 counties comply with their list maintenance responsibilities pursuant to the NVRA. You have provided no basis for concluding otherwise.

Second, no provision of HAVA provides authority for such a request. Although the Attorney General has authority under HAVA to bring certain enforcement actions, you have identified no basis for why the social security and driver's license numbers of all Pennsylvania's registered voters is necessary to ascertain Pennsylvania's compliance with the list maintenance requirements of HAVA.

Finally, the Civil Rights Act of 1960 does not provide legal authority for such a broad request. You have identified no basis or purpose for why the social security and driver's license numbers of all Pennsylvania's registered voters is necessary to enforce any relevant legal requirements, nor have you shown how such a request would satisfy the requirements of the Civil Rights Act.

* * *

Consistent with Pennsylvania and federal law, the Department and Pennsylvania's 67 counties go far beyond the reasonable efforts required by the NVRA to ensure that Pennsylvania's voter rolls are accurate. The Department is also entrusted to protect and safeguard the personal information of our 8.8 million voters, and I take that obligation extremely seriously. Please let us know if you have any further questions, or would like to proceed with obtaining the Full Voter Export, as permitted under Pennsylvania law.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schmidt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Al Schmidt
Secretary of the Commonwealth



U.S. Department of Justice

Civil Rights Division

*Voting Section
950 Pennsylvania Ave, NW – 4CON
Washington, DC 20530*

June 23, 2025

Via U.S. Mail and E-Mail

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Room 302
Harrisburg, PA 17120

st-press@pa.gov

Dear Secretary Schmidt:

The Help America Vote Act (“HAVA”) establishes minimum standards for states to follow in several key aspects of administration of federal elections, including voting systems, provisional ballots, voter information posters on election days, first-time voters who register to vote by mail, and statewide voter registration databases. HAVA is codified at 52 U.S.C. § 20901 to 21145. In particular, HAVA imposes certain list maintenance obligations on states as part of the uniform statewide database requirements of Section 303(a)(2) of HAVA, 52 U.S.C. § 21083(a)(2), including coordinating the computerized statewide voter registration list (“statewide voter registration list”) with state agency records on felony status and death.

Please provide the following information regarding the Commonwealth’s HAVA compliance:

- (1) Describe how the Commonwealth processes new applications to register to vote for elections for federal office, as required by HAVA Section 303.
- (2) Describe the process by which Pennsylvania assigns a unique identifier to each legally registered voter in Pennsylvania, as required by HAVA Section 303(a)(1)(A).
- (3) Describe how the statewide voter registration list is coordinated with the databases of other agencies in the Commonwealth, as required by HAVA Section 303(a)(1)(A). Provide the name of each database used for coordination, and describe the procedures used for the coordination as well as how often the databases are coordinated with the statewide voter registration list.
- (4) Describe the process by which any duplicate voter registrations are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(B)(iii). Please include an explanation of how the Commonwealth determines what constitutes a duplicate voter registration record.

- (5) Describe the process by which voters who have been convicted of a felony and are incarcerated are (a) identified and, (b) if applicable under Commonwealth law, removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(I).
- (6) Describe the process by which deceased registrants are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(II).
- (7) Describe all technological security measures taken by the Commonwealth to prevent unauthorized access to the statewide voter registration list, as required by HAVA Section 303(a)(3).
- (8) Describe the process by which voters who have moved outside the Commonwealth and subsequently register to vote in another state are identified and removed from the statewide voter registration list, under HAVA Section 303(a)(4)(A).
- (9) Describe the process by which registrants who are ineligible to vote due to non-citizenship are identified and removed from the statewide voter registration list.
- (10) HAVA requires the Commonwealth to verify voter registration information by mandating that applicants provide certain information under HAVA Section 303(a)(5). Please provide a copy of the voter registration application(s) utilized for in-person voter registration, a link to the Commonwealth's online voter registration application, and, if applicable, the voter registration application used for same-day registration.
- (11) Please describe the verification process under HAVA Section 303(a)(5) that election officials perform to verify the required information supplied by the registrant. Please describe what happens to the registration application if the information cannot be verified.
- (12) Provide a copy of the current agreement, under HAVA Section 303(a)(5)(B)(i), between the Commonwealth's chief election official and the Commonwealth's motor vehicle authority.
- (13) Provide a copy of the current agreement between the official responsible for the Commonwealth's motor vehicle authority and the Commissioner of Social Security Administration under HAVA Section 303(a)(5)(B)(ii).
- (14) Under HAVA Section 303(b), describe the Commonwealth's requirements for an individual to vote if the individual registered to vote by mail and has not previously voted in an election for federal office in the Commonwealth.

Please provide this information within 30 days of the date of this letter. The information and materials may be sent by email to voting.section@usdoj.gov or by FedEx or UPS to:

U.S. Department of Justice, Civil Rights Division
Voting Section
4 Constitution Square
150 M Street NE, 8th Floor
Washington, DC 20002

If you have any questions, please email voting.section@usdoj.gov. We very much appreciate your cooperation in our nationwide efforts to monitor HAVA compliance.

Sincerely,



Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

cc: Jessica Mathis, Director, Bureau of Election Services and Notaries
401 North Street, Room 210, Harrisburg, PA 17120





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

July 23, 2025

Via Electronic Mail

Maureen Riordan
Acting Chief, Voting Section
U.S. Department of Justice, Civil Rights Division
4 Constitution Square
150 M Street NE, 8th Floor
Washington, DC 20002
Voting.section@usdoj.gov

Dear Ms. Riordan:

I write in response to your letter dated June 23, 2025, posing various questions regarding the Help America Vote Act of 2002 (“HAVA”).¹ As Pennsylvania’s chief election official, I take seriously the obligations under that law to ensure that all eligible voters have access to the ballot here in the Commonwealth, and the responsibilities it imposes on our county election officials to faithfully maintain our voter rolls. Although it is our local election officials who are responsible for maintaining their voter lists, the Pennsylvania Department of State (“Department”) works diligently with these 67 counties to help them ensure that all electoral processes are fully compliant with federal and Pennsylvania laws, including HAVA.

Please allow me to respond to your questions in turn.

1) Describe how the Commonwealth processes new applications to register to vote for elections for federal office, as required by HAVA Section 303.

As a starting point, please note that it is the voter registration commission in each county that is accorded sole authority under Pennsylvania law to adjudicate voter registration applications.² Specifically, Pennsylvania voter registration applications are received and processed by the 67 county voter registration commissions pursuant to the Pennsylvania voter registration law.³ The

¹ 52 U.S.C. § 20901 *et seq.*

² 25 Pa.C.S. § 1203.

³ 25 Pa.C.S. §§ 1101–1906.

same registration qualifications and processing system apply to elections for local, state, and federal office.

As required by federal law, all voter lists are maintained in a computerized system. The Department manages Pennsylvania’s Statewide Uniform Registry of Electors (“SURE” or “SURE System”), which is used not only to maintain our rolls but to process applications to register to vote. Whether the voter application is received on paper or by another computerized system, the information submitted by the applicant is typed or transferred into the SURE System for review and decision by county election authorities.

If an application is complete and the applicant is qualified, the county official approves the registration and adds the applicant to SURE as an active voter.⁴ If the application is incomplete, the applicant is notified, and provided an opportunity to supplement the application until the county has undertaken “reasonable efforts” to determine the necessary missing information.⁵ If the information on the application indicates that the voter resides in a different Pennsylvania county, the application is forwarded to that county.⁶ If the application is not approved, a rejection notice is sent advising the applicant of the right to appeal pursuant to the voter registration law and Election Code.⁷ The counties mail a voter registration card to all approved applicants.⁸

More information on voting registration and application methods can be found by referencing the most recent report issued by the Department on the Administration of Voter Registration in Pennsylvania.⁹

2) *Describe the process by which Pennsylvania assigns a unique identifier to each legally registered voter in Pennsylvania, as required by HAVA Section 303(a)(1)(A).*

Upon a county’s approval of a voter registration application, the approved registrant is added to SURE, which assigns a voter ID number to each registrant.¹⁰ The ID number includes a county-specific suffix to indicate which county the person is registered in, which is changed if a registrant moves and re-registers in a new county within Pennsylvania.

3) *Describe how the statewide voter registration list is coordinated with the databases of other agencies in the Commonwealth, as required by HAVA Section 303(a)(1)(A). Provide the name of each database used for coordination, and describe the procedures used for the*

⁴ 25 Pa.C.S. § 1328(b).

⁵ 25 Pa.C.S. § 1328(b)(2)(i).

⁶ 25 Pa.C.S. § 1328(b)(1).

⁷ 25 P.S. § 3073, 25 Pa.C.S. § 1328(b).

⁸ 25 P.S. § 1328(c).

⁹ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at

https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

¹⁰ 25 Pa.C.S. § 1328(c)(1).

coordination as well as how often the databases are coordinated with the statewide voter registration list.

The SURE system is coordinated with other state agency databases, including:

- The Pennsylvania Department of Transportation (“PennDOT”) driver license database, for receiving and updating voter registrations, as well as to confirm and query the DLN/SSN4 provided by applicants; and
- The Pennsylvania Department of Health registry of deaths, for purposes of canceling deceased voters.

4) Describe the process by which any duplicate voter registrations are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(B)(iii). Please include an explanation of how the Commonwealth determines what constitutes a duplicate voter registration record.

Pennsylvania’s voter registration forms request that the applicant indicate whether it is a new registration, or a change of name, address, or party; if the applicant correctly marks this part of the application it assists in reducing duplicate entries.

Regardless of the applicant’s designation, when processing a registration, SURE performs an automated check for possible duplicates, using information such as the applicant’s first and last names, and birthdate. County personnel can also compare the SSN4 or Driver’s License number included with the form in a manual duplicate query procedure. The specific procedure to be used is set forth in the regulations on the Establishment, Implementation and Administration of the Statewide Uniform Registry of Electors (“SURE Regulations”).¹¹

The investigations carried out by the county voter registration commission may result in sending correspondence which triggers inactive status or cancellation as a duplicate.¹² Additional information on duplicate voters can be found in response to Question 8 below.

5) Describe the process by which voters who have been convicted of a felony and are incarcerated are (a) identified and, (b) if applicable under Commonwealth law, removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(I).

Under Pennsylvania law, felons are not permitted to vote only during the period of their incarceration; the specific mechanism for this is disqualification for an absentee or mail-in ballot (and the person’s inability to vote in person at the local polling place).¹³ Upon release from

¹¹ 4 Pa. Code § 183.6(a). The SURE Regulations are found at 4 Pa. Code ch. 183.

¹² 4 Pa. Code § 183.6(a)(6), (7), (d).

¹³ 25 P.S. §§ 2602(w), (z.6), 3146.1, 3150.11. While the Election Code’s disqualification is to “persons confined in a penal institution,” the Pennsylvania Attorney General has interpreted that to mean only those who are imprisoned as a result of a felony conviction (as opposed to pretrial detainees or those confined only for misdemeanor offenses). Op. Pa. Att’y Gen. No. 1974-47.

confinement (including on parole or probation), such individuals are once again permitted to vote.

The text of the voter registration law¹⁴ purports to disqualify from registration anyone who has been incarcerated for a felony within the past five years, but that five-year exclusion was declared unconstitutional and is not in force.¹⁵ Under controlling case law, incarcerated felons are entitled to be registered to vote, but may not actually cast a ballot until their release.¹⁶

Accordingly, because Pennsylvania law does not provide a basis to cancel a person's voter registration as a result of a felony conviction, there is no need for any systematic cancellation process for that purpose. Counties instead can place these records in a hold status during the period of incarceration to prevent unlawful voting.

6) Describe the process by which deceased registrants are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(II).

County registration commissions have the sole authority to cancel registrations of deceased electors. To do so, they use a report provided by the Pennsylvania Department of Health, obituaries and other sources as permitted by the Pennsylvania voter registration law.¹⁷

The Pennsylvania Department of Health reports all deaths of adults over age 18 to the county voter registration commission to facilitate prompt cancellation of deceased voters' registrations (the "DOH Report").¹⁸ The Department receives the DOH Report twice per month. It then transmits the DOH Report file to county voter registration commissions through the SURE System. County commissions are required to query the Department of Health's DOH Report at least monthly.¹⁹ If records on the report match a deceased elector in their jurisdiction, the commission shall cancel the voter record.²⁰

¹⁴ 25 Pa.C.S. § 1301.

¹⁵ *Mixon v. Commw.*, 759 A.2d 442, 451 (Pa. Cmwlth. Ct. 2000) *aff'd* 783 A.2d 763, 763 (Pa. 2001). *See also Am. C.R. Union v. Phila. City Comm'rs*, 872 F.3d 175, 185 (3d Cir. 2017) ("The unambiguous text of the HAVA simply does not require election officials to purge voter rolls of incarcerated felons.").

¹⁶ The exception to this general rule is that those convicted for committing election-related crimes are disenfranchised for a period of four years following conviction, with the person's voter registration to be canceled. 25 P.S. § 3552. In this instance, the voter registration cancellation would be specifically triggered as the trial court would indicate that in its order and communicate directly with county voter registration authorities. *See, e.g., Commw. v. Thurman*, No. CP-51-CR-553-2018 (Phila. Cnty. Ct. Com. Pl. May 9, 2018) (order imposing sentencing following guilty plea for election offenses includes the annotation "Defendant not eligible to VOTE until MAY 9, 2022").

¹⁷ 25 Pa.C.S. §§ 1505, 1901(a)(2).

¹⁸ 25 Pa.C.S. § 1505(a).

¹⁹ 4 Pa. Code § 183.6(d)(1)(iii).

²⁰ 25 Pa.C.S. §§ 1505(a), 1901(a)(2).

The county voter registration commissions are also permitted to use published newspaper obituaries or probate records to cancel a deceased elector's registration.²¹

7) Describe all technological security measures taken by the Commonwealth to prevent unauthorized access to the statewide voter registration list, as required by HAVA Section 303(a)(3).

Although voting systems are maintained by the county boards of election, the Department maintains some election-related infrastructure, including the SURE System. The Department supervises and controls credentials to the SURE System.

The Department provides access only through individualized credentials, whether to county or Department personnel. Moreover, counties access the SURE system using computers provided by the Department, and they are maintained in the same manner that any Commonwealth user machine is maintained. Users undergo IT Security Training and comply with identity and access management policies required by the Commonwealth. Additional instruction to counties regarding password protection is included in the Department's guidance.²²

Like all Commonwealth information systems, access is controlled with state-of-the-art security techniques, which are subject to ongoing improvements for enhanced security. In addition, the devices that county election officials use to access the SURE system are configured in a completely locked down mode and prevent access to programs not essential for the SURE system, including access to Internet.

8) Describe the process by which voters who have moved outside the Commonwealth and subsequently register to vote in another state are identified and removed from the statewide voter registration list, under HAVA Section 303(a)(4)(A).

Again, Pennsylvania's 67 county registration commissions are responsible for voter list maintenance. The Department works with the counties to assist each county in fulfilling its responsibilities under Pennsylvania and federal law, specifically Section 8 of the NVRA and Section 303(a)(4)(A) of HAVA.

Removal and cancellation of voter registration are governed by the voter registration law and SURE Regulations.²³ As contemplated by the NVRA, the Department, through its membership in the Electronic Registration Information Center ("ERIC"), receives data through the United States Postal Service's National Change of Address program, and forwards it to the county voter

²¹ 25 Pa.C.S. § 1505(b).

²² See, e.g., Pa. Dep't of State, Guidance on Electronic Voting System Preparation and Security at 4-5 (Oct. 13, 2020), available at <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2020-PADOS-Guidance-Electronic-Voting-System-Security.pdf>. Although presented in the context of security for electronic voting systems, the principles apply equally to access to SURE.

²³ 25 Pa.C.S. § 1901 and 4 Pa. Code ch. 183.

registration commissions. In accordance with the SURE Regulations,²⁴ if a county voter registration commission receives information that a voter has moved out of the county (including to another Pennsylvania county, or out-of-state), the commission sends to the registrant, at the address of registration (the “old” address), a Notice of Change of Address (“NCOA”) via forwardable mail with a postage prepaid preaddressed return form by which the registrant may verify or correct the address information.

The Department assists the counties in conducting several list maintenance programs to ensure accuracy of the voter registration rolls (including removal of those who have moved to another state):

- a) **Five-Year Notices.** Counties send these notices to voters who have not voted or had other contact for a period of five years. These voters are marked as inactive and set for cancellation if there is no further contact and affirmation of continued residence before the date of the second federal general election.
- b) **National Change of Address Notice.** Counties send these notices to voters for whom the U.S. Postal Service reported a move. If the voters do not reply to either confirm or deny the move, an Address Verification Notice is sent; lack of response to the AVN will trigger inactive status and cancellation following the second federal general election.
- c) **ERIC Duplicate Notices (out of state).** Counties evaluate potential matches, send a notice, and mark the voter as inactive where ERIC data identifies that the same person may be registered in multiple jurisdictions.
- d) **ERIC In-State Moves.** Where ERIC data suggests a person has moved without updating voter registration, the county sends a notice to verify continued residence. This notice triggers inactive status (and potential cancellation if no affirmation of residence is received before the second federal general election).
- e) **ERIC Out-of-State Moves.** Counties use ERIC data where a Pennsylvania registered voter appears to have a more recent voter registration from another member state. In this situation, the county sends a notice to verify continued residence. This notice triggers inactive status (and potential cancellation if no affirmation of residence is received before the second federal general election).
- f) **Address Verification Notices.** When another type mailing to a voter is returned by the post office as undeliverable, the counties send an Address Verification Notice.

These programs are described in greater detail in the Department’s annual report on voter registration.²⁵

As noted above, as part of the Department’s membership in ERIC, it receives and distributes data on potential duplicate voter records to county officials. Because ERIC is a consortium of

²⁴ 4 Pa. Code § 183.6(d)(5).

²⁵ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

member states, and because there is no national voter registration database, ERIC is in a unique position to compare, without access to personally identifiable information, the verified data provided by member states to locate records of voters who may be potentially registered in more than one state. It also provides a report on voters who may be registered in more than one Pennsylvania county. These pairs of voter records are identified for further review by county officials, who determine whether the same person is potentially registered in more than one jurisdiction. If the county identifies the registrant as potentially duplicated in another jurisdiction, a notice is sent to the voter's address on record. Further information about this program can be found in the annual report on voter registration.²⁶

In 2024, Pennsylvania counties sent out over 502,067 notices to voters in connection with list maintenance activities pursuant to the NVRA and Pennsylvania law. With respect to the NCOA process specifically, Pennsylvania counties mailed 130,119 NCOA notices in 2024. The Department provides counties with NCOA information in June of each year. Counties then begin a two-step mailing process. First, counties send an initial mailing based on data of individuals who have moved as reflected in NCOA data. Those notices are sent via forwardable mail to the address of registration and offer the voter the opportunity to confirm their address or update it. Based on the response, county election officials then update their records accordingly. Following this process, county election officials send a second notice to voters who either: did not respond to the first notice or whose initial notice was returned as undeliverable. This notice, referred to as an Address Verification Notice or AVN, would not typically be sent until approximately 30 days after the initial notice. With the mailing of the AVN, the record is marked Inactive, triggering the waiting period required by Sections 8(b), (c) & (d) of the NVRA before the voter record can be removed from the registration rolls. Information on the number of voter cancellations by Pennsylvania counties can be found in the tables found on pages 23–27 and 87–92 of the 2024 annual report on voter registration.²⁷

9) *Describe the process by which registrants who are ineligible to vote due to non-citizenship are identified and removed from the statewide voter registration list.*

All registrants must affirmatively answer “yes” to the question “Are you a citizen of the United States.”²⁸ An individual who states that they are not a U.S. citizen is not qualified to vote and their application would be required to be rejected by the county voter registration commission.²⁹

²⁶ Pa. Dep't of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

²⁷ Pa. Dep't of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

²⁸ 52 U.S.C. § 20508(b)(2)(A), 4 Pa. Code § 183.1.

²⁹ 25 Pa.C.S. §§ 1301, 1328.

False statements misrepresenting an applicant's citizenship on a voter registration form are crimes punishable under both state³⁰ and federal laws.³¹

Neither Pennsylvania nor federal law requires a voting registration applicant to provide documentary proof of citizenship. To the extent any county registration commission or the Department becomes aware that an individual who is not a U.S. citizen has registered or attempted to vote, where appropriate, the county may cancel such registration and refer the matter to law enforcement for handling.

10) HAVA requires the Commonwealth to verify voter registration information by mandating that applicants provide certain information under HAVA Section 303(a)(5). Please provide a copy of the voter registration application(s) utilized for in-person voter registration, a link to the Commonwealth's online voter registration application, and, if applicable, the voter registration application used for same-day registration.

Please refer to the following:

- Voter Registration Mail Application (the same form is accepted for in-person registration):
https://www.pavoterservices.pa.gov/documents/voterapplication_english.pdf
- Link to Online Voter Registration:
<https://www.pavoterservices.pa.gov/pages/VoterRegistrationApplication.aspx>
- Pennsylvania does not have same-day voter registration.

11) Please describe the verification process under HAVA Section 303(a)(5) that election officials perform to verify the required information supplied by the registrant. Please describe what happens to the registration application if the information cannot be verified.

As noted on the voter registration applications, the applicant is required to provide a Pennsylvania driver's license number (or non-driver ID card number) and/or the last four digits of their Social Security number, or to check a box that the person has not been assigned either type of number consistent with Section 303(a)(5)(A) of HAVA.

County voter registration commission staff enter the data from applications (or receive them electronically) and query them against the PennDOT database which will return a match or non-match. In the case of an applicant providing a driver's license number, the query is based on the applicant's last name (first two characters only), date of birth, and the driver's license number.

³⁰ 25 Pa.C.S. §§ 1703 (providing for a fine up to \$10,000 and five years in prison for improper registration), 1714 (incorporating criminal penalty provisions of the Crimes Code at 18 Pa.C.S. §§ 4902, 4903, and 4904) relating to perjury, false swearing, and unsworn falsification to authorities).

³¹ 18 U.S.C. §§ 1015(f) (imposing fines and up to five years in prison for misrepresenting one's citizenship on a voter registration application), 3559 and 3571 (setting fines at \$250,000 for class D felonies).

For applicants providing an SSN4, the query uses the first, middle and last names, birthdate, and the last four digits of the Social Security number.

County voter registration authorities adjudicate the sufficiency of the ID number provided “in accordance with State law.”³² There are four qualifications to register to vote under Pennsylvania law: age, citizenship, residence, and incarceration status.³³ The voter registration law further offers four grounds to reject a voter registration application: an incomplete application, non-qualification, non-entitlement to a transfer or address change, and non-entitlement to a name change.³⁴ “Failure to match ID number” is not among the bases offered in Pennsylvania law to reject a voter registration application. If the “information cannot be verified,”³⁵ SURE prompts the county voter registration commission to review the application for typographical errors and/or contact the voter to clarify and fix the discrepancy, but the county ultimately would approve the voter registration application—provided that there are no other irregularities in the application, or independent grounds to reject the application.³⁶ With respect to mail-ballot voters, the Election Code requires that any such voter whose submission of ID numbers (DLN or SSN) did not match against a government database must provide proof of identification within six days of the election, or their ballot will not be counted.³⁷ All in-person voters must present photo or non-photo ID the first time they appear to vote in an election district.³⁸

³² 52 U.S.C. § 21083(a)(5)(A)(iii).

³³ 25 Pa.C.S. § 1301(a), *accord* Pa. Const. art. VII, § 1. As noted above, controlling case law holds that even inmates incarcerated for a felony may be registered to vote. *Mixon v. Commw.*, 759 A.2d 442, 451 (Pa. Cmwlth. Ct. 2000) *aff’d* 783 A.2d 763, 763 (Pa. 2001).

³⁴ 25 Pa.C.S. § 1328(b)(2).

³⁵ We understand the reference in this question to “verification” to mean a positive match between the information provided in the voter registration application, including the ID number, and the corresponding entry in a PennDOT or Social Security database.

³⁶ 25 Pa.C.S. § 1328.

³⁷ 25 P.S. § 3146.8(h).

³⁸ 25 P.S. § 3050. Under an injunction, in-person voter ID is governed by the pre-2012 version of 25 P.S. § 3050. The *Applewhite* decision in 2014 enjoined enforcement of the changes wrought by Act 18 of 2012 as to in-person voting only, while leaving in place its changes to the identification requirements for absentee voting. *Applewhite v. Commw.*, No. 330 M.D. 2012, 2014 WL 184988, at *27 (Pa. Cmwlth. Jan. 17, 2014).

The language of that statute provides

(a) At every primary and election each elector who appears to vote in that election district for the first time and who desires to vote shall first present to an election officer one of the following forms of photo identification

* * *

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector

12) Provide a copy of the current agreement, under HAVA Section 303(a)(5)(B)(i), between the Commonwealth’s chief election official and the Commonwealth’s motor vehicle authority.

A copy of this agreement between the Department and the Pennsylvania Department of Transportation is attached.

13) Provide a copy of the current agreement between the official responsible for the Commonwealth’s motor vehicle authority and the Commissioner of Social Security Administration under HAVA Section 303(a)(5)(B)(ii).

A copy of this agreement between the Commissioner of Social Security and the Pennsylvania Department of Transportation is attached.

14) Under HAVA Section 303(b), describe the Commonwealth’s requirements for an individual to vote if the individual registered to vote by mail and has not previously voted in an election for federal office in the Commonwealth.

HAVA Section 303 imposes the requirement that a voter present photo identification, or a utility bill, bank statement, government check, paycheck, or other government document showing name and address to an official at the polling place (if voting in person) or submit a copy of such a document if voting by mail.³⁹ This is required of all voters who register to vote by mail, but have not previously voted in an election for federal office.⁴⁰ HAVA further provides a carve-out for several classes of voters, including (A) registrants who provided an ID document with their mail voter registrant application, (B) registrants who provided a driver’s license or Social Security number which matched the PennDOT or SSA database, or (C) overseas citizen and military voters, among others.⁴¹

The Pennsylvania Election Code contains strict requirements that go beyond HAVA’s requirements for first-time voters who register by mail. In-person voters must provide photo or non-photo identification not only at their first time voting in a federal election but also the first time voting in a new election district (i.e., a new local voting precinct—essentially, every time the person moves and re-registers at a new residence).

Pennsylvania further mandates that absentee and mail-in voters provide proof of identification for every election; otherwise their ballots will not be counted.⁴² Proof of identification can be

25 P.S. § 3050(a), (a.1) (pre-2012 version).

³⁹ 52 U.S.C. § 21083(b)(2).

⁴⁰ 52 U.S.C. § 21083(b)(1).

⁴¹ 52 U.S.C. § 21083(b)(3).

⁴² 25 P.S. §§ 3146.2(e.2), 3146.2b(d), 3146.5(b)(1), 3146.8(h)(2), 3150.12b(c), 3150.15 (requiring proof of identification for absentee and mail-in voters).

provided through, *inter alia*, a match of a voter's SSN4 or DLN.⁴³ Absentee or mail-in voters who fail to provide matching numbers must provide other proof of identification to their county board of elections within six days following an election or their ballot will not count for that election.⁴⁴

* * *

We hope the information provided here is helpful. The Department and Pennsylvania's 67 counties engage in great efforts to ensure that Pennsylvania's voter rolls are accurate and that all requirements of Pennsylvania and federal law are faithfully followed. Please let us know if you have any further questions.

Sincerely,



Al Schmidt
Secretary of the Commonwealth

Enclosures

⁴³ 25 P.S. § 2602(z.5)(3), *cf.* 52 U.S.C. § 21083(b)(3)(B).

⁴⁴ 25 P.S. § 3146.8(h).

FULLY EXECUTED

M.O.U. No. ⁷29807
Department of State
Federal I.D. No. 23-6003081
Pennsylvania Department of Transportation
Federal I.D. No. 23-6003105

**MEMORANDUM OF UNDERSTANDING
BETWEEN
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
AND
PENNSYLVANIA DEPARTMENT OF STATE**

THIS MEMORANDUM OF UNDERSTANDING, made and entered this
5th day of October, 2005 by and between the Pennsylvania
Department of Transportation (PennDOT) and the Pennsylvania Department of State
(DOS).

WITNESSETH:

WHEREAS, Sections 501 and 502 of The Administrative Code of 1929 (71 P.S. §§
181 and 182) require Commonwealth departments and agencies to coordinate their work
and activities with other Commonwealth departments and agencies; and,

WHEREAS, Section 303 of the "Help America Vote Act of 2002" (HAVA), Pub. L.
No. 107-252, 1166 Stat. 1666 (2002), 42 U.S.C. § 15483, requires the States to develop a
centralized, interactive computerized statewide voter registration list, which must be
coordinated with other agency databases within the State; and,

WHEREAS, Section 303(a)(5)(B)(i) of HAVA (42 U.S.C. § 15483(a)(5)(B)(i)) requires
DOS and PennDOT to enter into an agreement to match information in the database of the

statewide voter registration system with information in the database of PennDOT, in its capacity as the Commonwealth's motor vehicle authority, to the extent required to enable DOS to verify the accuracy of the information provided on applications for voter registration; and,

WHEREAS, Section 303(a)(5)(B)(ii) of HAVA (42 U.S.C. § 15483(a)(5)(B)(ii)) requires PennDOT to enter into a contract with SSA, as provided by Section 205(r)(8) of the Social Security Act (42 U.S.C. § 405(r)(8)), for the purpose of enabling the State's elections officials to verify the accuracy of information regarding applications for voter registration on which the last four digits of a social security number were provided instead of a driver's license number; and,

WHEREAS, to fulfill the requirements imposed by section 303(a)(5) of HAVA, DOS will require access to verify information maintained by SSA and PennDOT; and,

WHEREAS, PennDOT is willing to provide DOS with the necessary access to its Driver License System; and,

WHEREAS, the information maintained by the SSA can be accessed by DOS under a User Agreement between PennDOT and SSA; and,

WHEREAS, consistent with HAVA, Section 6114 of the Pennsylvania Vehicle Code and Section 2721 of the federal Driver's Privacy Protection Act of 1994, PennDOT and DOS each acknowledge their respective obligations to assure the maintenance and preservation of the confidentiality of the information disclosed; and,

WHEREAS, DOS and PennDOT have agreed to work together to fulfill their respective HAVA mandates and wish to outline and coordinate their respective performance and financial obligations in this Memorandum of Understanding.

NOW, THEREFORE, DOS and PennDOT set forth the following as the terms and conditions of their understanding:

1. As the result of PennDOT's execution of a User Agreement for "Voter Registration Information Verification System Services" with SSA, PennDOT will acquire the authority to allow DOS to access the information maintained by SSA through use of the AMMVA system referred to as the AAMVAnet.
2. Prior to PennDOT's execution of the User Agreement with SSA, DOS will complete the American Association of Motor Vehicle Administrators (AAMVA) Network Services Application and the AAMVA Customer Registration Form, two forms required by AAMVA in order for DOS to access the information maintained by SSA through AAMVAnet.
3. Under terms of this MOU, PennDOT will allow DOS to access and verify certain information contained in PennDOT's DL SYSTEM. Where applicant data required by HAVA includes driver license numbers, DOS will request verification of data through an interface with PennDOT. By means of the interface, PennDOT will indicate if the information provided by DOS matches the information contained in the DL SYSTEM. If a match occurs, PennDOT will share basic customer data contained within the DL SYSTEM. Data will include name, date of birth, deceased indicator, and other basic

information, as required by DOS and as agreed to by PennDOT in writing, to verify the accuracy of applicant data. It is specifically understood that Social Security numbers and specific license suspension information will not be shared by PennDOT with DOS through the interface to PennDOT's DL SYSTEM.

4. PennDOT will grant direct access to the DL SYSTEM to DOS for the sole purpose of viewing and verifying basic customer information (Applicable Information) as required by HAVA.
 - A. Direct inquiry-only access to the PennDOT DL SYSTEM will be limited to five (5) employees of DOS at its central office headquarters located in the Capitol Complex, unless otherwise agreed to in writing by PennDOT and DOS. DOS acknowledges that direct access to the DL SYSTEM will require use of a user-id and password.
 - B. Before allowing DOS to access the PennDOT DL SYSTEM directly, DOS and its designated central office employees will complete and execute the PennDOT Driver License and Control (DL&C) access forms and the PennDOT *Confidentiality Statement for External Users* (Confidentiality Statement) incorporated herein by reference as if physically attached to this MOU.
 - C. DOS understands and acknowledges that it or its users will not be able to enter data or change any information in the DL SYSTEM by which PennDOT stores driver records and that it or its users will not have authorization to view specific license suspension information or social security numbers through access to the DL SYSTEM.
 - D. DOS will provide written notification when a user who has access to

PennDOT's DL SYSTEM no longer works for DOS. DOS will notify PennDOT within five (5) business days regarding personnel changes in users who have access to the system and whose user-ids need to be deleted.

5. In consideration for the ability to verify the requisite information set forth in HAVA through use of the DL SYSTEM and the AAMVAnet, DOS will remit fees to the named entities as set forth in Exhibit "A" attached to and made part of this MOU. These fees include, but are not limited to:
 - A. Set-up and maintenance fees assessed by PennDOT.
 - B. Applicable AAMVA and SSA enrollment, set-up, maintenance, and per transaction fees to be billed through the sub-account to be established by AAMVA. In the event that DOS is unable to access accurate information contained within the DL SYSTEM or AAMVAnet due to a system failure or structural defect, DOS will provide PennDOT with prompt written notice and PennDOT will make its best reasonable effort to ensure that that the DL SYSTEM and/or the AAMVAnet defects or system failures are corrected and/or made fully operational within ten (10) working days. However, DOS understands and acknowledges that DOS is being granted access to the DL SYSTEM and AAMVAnet "as is" and that PennDOT does not warrant that the use of the DL SYSTEM and AAMVAnet will be uninterrupted or error-free.
6. Any changes required by DOS to fulfill its mandate under HAVA, including changes to hardware, software, supplies, or processes currently under contract with PennDOT's digital driver license vendor, will become part of the

PennDOT contract with its digitalized driver license vendor. Prior to initiating changes in its system components, PennDOT shall provide a cost estimate for DOS review and approval. PennDOT shall not proceed with any such changes without the express written permission of DOS. DOS will remain financially responsible for fees remitted by PennDOT to its digital driver license vendor as set forth in current MOU Number 711509 and any subsequent MOUs or agreements between PennDOT and DOS relating to the digital driver license contract.

7. DOS will take all necessary steps to protect the confidentiality of the PennDOT DL SYSTEM, to prevent disclosure to or by, or duplication by or for, third parties. DOS agrees to take appropriate disciplinary action on users who violate the signed Confidentiality Statement. DOS and PennDOT understand and acknowledge their respective obligations to abide by the confidentiality provisions of Section 6114 of the Pennsylvania Vehicle Code, 75 Pa C.S. § 6114 and Section 2721 of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. § 2721.
8. PennDOT makes no warranties that DOS's access to the DL SYSTEM will be error free or successful. PennDOT makes, and DOS receives, no warranty, express or implied; and all warranties of merchantability and fitness for a particular purpose are expressly excluded.
9. DOS will take all necessary security precautions to prevent the Applicable Information stored in PennDOT's DL SYSTEM and mainframe from being seen by unauthorized individuals. DOS will establish and implement log-in

and authentication procedures. Both DOS and PennDOT acknowledge that PennDOT currently has in place the requisite data security measures (PennDOT Specifications) that meet or exceed industry standards to protect against unauthorized access to, or alteration, loss, or destruction of, the data contained in the DL SYSTEM and against unauthorized access to the PennDOT DL SYSTEM, networks, and computers through PennDOT's servers or other facilities.

10. This Memorandum is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies or any other parties.
11. Any dispute arising hereunder will be submitted to the Office of General Counsel for final resolution.

IN WITNESS WHEREOF, the parties have executed this Agreement the
date first above written.

ATTEST

Karen L Cummings
Title: Assistant Counsel DATE 8/30/05

PA Department of State

BY Pedro C. Cortez 8-30-05
Title: Secretary of the Commonwealth DATE

DO NOT WRITE BELOW THIS LINE--FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY Bruce Seem 8/19/05
Deputy Secretary of Safety Administration DATE

APPROVED AS TO LEGALITY
AND FORM

BY Michael H. Hline
For Chief Counsel DATE 8/23/05

PRELIMINARILY APPROVED

BY _____
Assistant Counsel DATE

RECORDED NO. 729807

SYMBOL ENCLOSURED
AMOUNT

BY D. J. [Signature] 9/6/05
Deputy General Counsel DATE

BY Richard C. Lepore II 9/19/05
for Comptroller DATE

BY [Signature] 8/24/05
Department of State Chief Counsel DATE

BY Randy Sch 10/5/05
Comptroller, Department of State

DATE

Fund: 7049005000
CC: 1936021026
GL: 6343117
I/O: 580710072000

TOR 9/30/05

Exhibit A

Fee Schedule

AAMVANET fees*		Billed Frequency
Enrollment (to establish sub account)	\$180.00	one-time
AAMVA development fee	\$5,000.00	one-time
AAMVA on-going maintenance fee	\$1,000.00	per quarter
SSA one-time development fee	\$62,157.00	one-time
SSA on-going maintenance fee	\$1,749.00	per quarter
Per transaction fees	To Be Determined	To Be Determined

PennDOT fees**		Billed Frequency
Driver License System Application development fee	\$19,631.00	one-time 7/06
Driver License System application maintenance	\$1,675.00	per year
Software Services set-up fee	\$4,550.00	one-time 7/06
Software Services maintenance fee	\$700.00	per year

*AAMVANET fees are as of 7/22/05. Fees may be subject to change.

Should fee amounts change, DOS remains responsible for all applicable fees.

At this time, there are no per transaction fees; however, they may be billed in the future.

**PennDOT one-time fees will be billed upon execution of this MOU. Yearly maintenance fees will be billed each July, beginning July 2006.

FID # 53172317
Agreement # 729813

HAVA

USER AGREEMENT

for

VOTER REGISTRATION INFORMATION VERIFICATION SYSTEM SERVICES

between

THE COMMONWEALTH OF PENNSYLVANIA, MOTOR
VEHICLE ADMINISTRATION (MVA)

And

THE SOCIAL SECURITY ADMINISTRATION (SSA)

Article I
Purpose and General Background

The purpose of this user agreement is to define the process by which SSA will provide, upon request, verification of certain voter registration information to PA, MVA for its use in the registration of voters for an election for Federal office. Verified information will be provided under the terms, conditions and safeguards of this agreement and the Help America Vote Act of 2002 (HAVA or Act), and may be used only for the purposes described within this agreement and the Act.

HAVA places certain requirements on State, Washington D.C., and Territorial voter registration officials regarding verification of information provided on voter registration applications. Section 303(a)(5)(A) of HAVA, requires that, to be acceptable, applications for voter registration for an election for Federal office must provide information as follows:

(i) In General. — Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for Federal office may not be accepted or processed by a state unless the application includes—

- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
- (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

Section 303(a)(5)(A)(iii) provides that the State, Washington D.C., or Territory shall determine whether the information provided by an individual is sufficient to meet the requirements of HAVA, in accordance with State, Washington D.C., or Territory law.

Section 303(a)(5)(B)(i), requires the chief State, Washington D.C., or Territory election official and the official responsible for the MVA to enter into an information matching agreement to enable each such official to verify the accuracy of the information provided on applications for voter registration for elections for Federal office. Section 303(a)(5)(B)(ii) further requires the official responsible for the MVA to enter into an agreement with the Commissioner of Social Security who, at the request of the official responsible for the MVA, shall enter into an agreement with that official for the purpose of verifying "applicable information."

"Applicable information" means information regarding whether--

- the name (including first name and any family forename or surname),
- the date of birth (including month, day, and year), and
- the last 4 digits of the individual's SSN match the information contained in SSA's records, and
- such individual is shown on the records of SSA as being deceased.

Section 303(a)(5)(C) (as codified at 42 U.S.C. §405(r)(8)(C)-(D)), also provides that SSA shall develop methods to verify the accuracy of information provided by the respective MVAs, and that the "applicable information" will be matched with the information contained in SSA's records. SSA will make appropriate efforts to provide verifications by comparing the information provided by the applicant with information in SSA's Master Files of Social Security number (SSN) Holders and Applications data base. However, because SSA's enumeration records are based on a complete and unique 9 digit SSN, verifications using only the last 4 digits of that number are inherently a partial rather than the full "9-digit" verification and may result in multiple positive matches or false positive matches of information.

Article II Legal Authority

Legal authorities for the disclosures contemplated in this user agreement are found at section 205(r)(8) and §1106 of the Social Security Act (42 U.S.C. §405(r)(8)) established by Public Law 107-252, the Help America Vote Act of 2002 and are consistent with Privacy Act (552a(a)(7) and (b)(3) and disclosure regulations, 20 C.F.R. §401.120 and 401.150(c).

Routine use number 41 in the Master Files of Social Security (SSN) Holders and SSN Application, 60-0058 system of records, permits SSA to disclose information to the State and Territory Motor Vehicle Administration officials (or agents or contactors on their behalf) and State and Territory chief election office to verify the accuracy of information provided with respect to applications for voter registration for whom the last four digits of the Social Security number are provided instead of a drivers license.

Article III Voter Registration Information Verification Process

Nationally, most people of voting age possess a valid driver's license. Consequently, verification of applicant information with Social Security Administration records will not be necessary or appropriate in the majority of cases. In addition, verifications contemplated under the terms of this agreement shall be requested only for new applicants for voter registration. This service shall not be used to verify information for voters already on state voter registration rolls.

42 U.S.C. § 405(r)(8)(B) provides that the Commissioner of Social Security has the authority to decide when, where, and in what manner an MVA will, pursuant to an agreement, provide information to SSA to conduct verifications of certain voter registration information. Under that authority, the Commissioner has determined that it is most appropriate for SSA to provide the required verification services by interacting with only one entity. That entity will jointly serve the interests of all the MVAs and SSA by serving as an electronic information conduit between the MVAs and SSA. The Commissioner selected the American Association of Motor Vehicle Administrators (AAMVA) to serve in this capacity. AAMVA has agreed to this arrangement.

The verification system will be an electronic "online" process between the MVAs and AAMVA and between AAMVA and SSA. All requests for verification of voter registration information shall be forwarded from the MVAs to AAMVA and from AAMVA to SSA. SSA shall process the requests and return the results to AAMVA. AAMVA shall, in turn, forward the results to the MVA. There will be no direct MVA to SSA or SSA to MVA voter registration information verification process.

For purposes of implementation of HAVA, under this user agreement the order of verification followed by MVA, AAMVA, and SSA shall be sequential as follows:

- if a valid driver's license exists, the MVA shall compare it to its records and return the result to the voter registration authority. If no valid driver's license exists, and
 - the applicant has an SSN, the MVA may request verification of applicant information from SSA via AAMVA.
1. Employing the prescribed sequence described above, each MVA shall submit verification requests one-at-a-time over the time period deemed appropriate to their voter registration process. Requests for verifications of voter registration information received from the MVAs shall include:
 - the applicant's name (including first name and any family forename or surname),
 - the date of birth (including month, day, and year), and
 - the last 4 digits of the individual's SSN.
 2. The online verification requests shall be sent to AAMVA.
 3. AAMVA shall forward the request files from the MVAs to SSA for processing.
 4. SSA shall process the request files, comparing information submitted with information in SSA's Master Files of Social Security Number (SSN) Holder and Applications data base and will return responses indicating:
 - no match found,
 - one unique match-no death indicator present,
 - one unique match-death indicator present,
 - multiple matches-at least one with no death indicator (e.g., one live hit),
 - multiple matches-all matches have death indicator,
 - multiple matches-with multiple no death indicators (e.g., multiple live hits), or
 - transaction did not process, invalid data.
 5. SSA will make this service available every Federal business day excluding reasonable system down-time for periodic or emergency maintenance. Verification results will

normally be returned to AAMVA within 1 Federal business day of SSA's receipt of the request.

6. AAMVA shall return the results to the appropriate MVAs for subsequent distribution to the voter registration authorities. The timeframe for AAMVA's distribution of verification results is not under SSA's control.

Article IV

Confidentiality of Information Provided by the Commissioner

All information provided by the Commissioner pursuant to this user agreement shall be considered as strictly confidential and shall be used only for the purposes described in Article I of this user agreement. Any officer or employee or former officer or employee of a state, Washington D.C., or territory MVA, or any officer or employee or former officer or employee of a contractor of a state, Washington D.C., or territory MVA who, without written authority from the Commissioner, publishes or communicates any information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in §§ 208 and 1106 of the Social Security Act (42 U.S.C. §§ 408 and 1306).

Article V

Confidentiality Safeguards and Record Maintenance

42 U.S.C. § 405(r)(8)(A)(ii), provides that this user agreement shall include safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit MVA use of the applicable information for the purpose of maintaining its records.

- The official responsible for the PA, MVA shall ensure that the MVA follows applicable State, Territorial, and Federal laws governing confidentiality of applicable information received under the terms of this user agreement.
- The official responsible for the PA, MVA shall ensure that access to the MVA data base used to house applicable information received under the terms of this user agreement is limited to only those individuals with a need to access the information in their official conduct of voter registration and/or data base maintenance responsibilities. No other uses of this information may be made.
- The official responsible for the PA, MVA shall ensure that all individuals with access to applicable information received under the terms of this user agreement are aware of and understand the penalties for breaches of confidentiality as discussed in Article IV of this user agreement.
- SSA reserves the right to make onsite inspection of the PA, MVA to ascertain the effectiveness of the confidentiality safeguards employed for information gathered under this law.

Article VI
Cost Reimbursement

42 U.S.C. § 405(r)(3)(A)(i), specifies that the Commissioner shall enter into an agreement with the MVA, "... so long as the requirements of subparagraphs (A)... are met. ..." Subparagraph (A) found in § 205(r)(3)(A) of the Social Security Act (42 U.S.C. § 405(r)(3)(A)), states, "under such arrangement the agency provides reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out such arrangement, ..." Reimbursement for:

- Voter Registration Information Verification System development,
- start-up,
- information verification search,
- ongoing maintenance/administration, and
- miscellaneous costs incurred by SSA

shall, per the law, be borne by the states, Washington D.C., and the territories for which the Voter Registration Information Verification System is being created. If the PA, MVA fails to reimburse SSA voluntarily through AAMVA, the PA, MVA will remain liable to SSA and SSA will collect reimbursement from the State through any and all legal means available to it.

For any amounts past due, subchapter II of Chapter 37 of Title 31, United States Code, as amended by the Debt Collection Improvement Act of 1996, and regulations implementing this statute, require that interest, administrative costs and penalties be charged if debts are not paid within 30 days of the mailing of the first notice of indebtedness. SSA will use the "Private Consumer Rates of Interest" developed by the Department of Treasury and apply them against overdue payment for each 30-day period, or portion thereof, that payment is delayed.

Provision for appropriations in support of this Act was included in the Act. (See sections 103 and 104 of the Act.) SSA adopts the same proportions to determine the amount each state, Washington D.C., and each territory shall reimburse SSA for its system development and start-up costs.

"Per verification" charges for verifications of voter registration information shall be the same for each MVA.

- SSA's System Development and Start-up Costs:

SSA's system development and start-up costs are approximately \$1.3 million. The proportionate share of these costs as explained in the preceding paragraph, shall be paid directly to SSA from the office of the official responsible for the PA, MVA on behalf of the chief election official. AAMVA will contact the MVA to collect this payment on behalf of SSA upon ratification of this user agreement.

- PA, MVA's Start-up and continuing Costs:

All PA, MVA site preparation, hardware, software, connection, and operating costs, as well as any other costs incurred by the PA, MVA are the responsibility of and shall be borne by the PA, MVA.

- Voter Registration Information Maintenance and Verification Costs:

SSA, with the assistance of AAMVA and the PA, MVA as needed, will project quarterly Voter Registration Information Verification System usage and will calculate charges accordingly. The current fee for each record verification is \$.0062. The yearly maintenance fee (which includes administrative charges) is estimated to be approximately \$200,000. Each state will be billed the proportionate share of these costs. The resulting notice of charges will be provided to AAMVA for its prospective reimbursement to SSA. AAMVA shall forward the payment for the projected quarterly usage to SSA upon receipt of the notice of charges. AAMVA will establish its own reimbursement process for these costs with the PA, MVA.

SSA's costs related to providing the verification service discussed in this user agreement will be recalculated periodically (annually at a minimum) and charges adjusted accordingly. Such expense recalculations will not require amendment to this user agreement.

Article VII

Period of and Alterations to User agreement

This user agreement is the user agreement governing use of SSA's Voter Registration Information Verification System for all states, Washington D.C., and territories of the United States. This user agreement is effective upon signature of both parties and shall remain in effect as required by HAVA. The user agreement may be reviewed from time-to-time and changes made as appropriate. Any changes made shall apply to all states, Washington D.C., and territories of the United States.

Persons to be Contacted for Further Information or Assistance

SSA Regional Contact:

Name Frank O'Brien

Title Regional Data Exchange Coordinator

Address SSA, 300 Spring Garden St., Philadelphia, PA 19123

Telephone [REDACTED]

E-Mail: [REDACTED]

MVA Contact:

Name Geneva Quarles

Title Business Analyst, SMG Division

Office of Information and Fiscal Services

Address 1101 S. Front Street, Harrisburg, PA 17104

Telephone [REDACTED]

E-Mail [REDACTED]

Signatures of Authorized Officials

Each official executing this user agreement is authorized to enter into user agreements of this nature on behalf of his/her organization. In witness thereof, the parties hereby execute this user agreement. (SSA's original signature page)

Laurie Watkins
(Name) Laurie Watkins
Regional Commissioner
Social Security Administration

Date 12/15/05

USER AGREEMENT
for
VOTER REGISTRATION INFORMATION VERIFICATION SYSTEM SERVICES
between
THE PA MOTOR VEHICLE AUTHORITY
and
THE SOCIAL SECURITY ADMINISTRATION

Signatures of Authorized Officials

Each official executing this user agreement is authorized to enter into user agreements of this nature on behalf of his/her organization. In witness thereof, the parties hereby execute this user agreement.)

Betty Serian
Betty Serian
Deputy Secretary for Safety
Administration,
Pennsylvania Department of Transportation
12/20/05
Date

APPROVED AS TO LEGALITY
AND FORM

BY Michael J. Heine
for Chief Counsel 12/15/05 Date 1-1-05

BY [Signature] 11/14/05
Deputy General Counsel Date

BY [Signature] 11/3/05
for Comptroller

BY [Signature] 11/23/05
Deputy Attorney General Date

USER AGREEMENT
for
VOTER REGISTRATION INFORMATION VERIFICATION SYSTEM SERVICES
between
THE _____ MOTOR VEHICLE AUTHORITY
and
THE SOCIAL SECURITY ADMINISTRATION



U.S. Department of Justice

Civil Rights Division

*Voting Section
950 Pennsylvania Ave, NW – 4CON
Washington, DC 20530*

August 4, 2025

Via Mail and Email

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Rm 302
Harrisburg, PA 17120
Email: [REDACTED] | ra-voterreg@pa.gov

Dear Secretary Schmidt:

We write to you as the chief election official for the Commonwealth of Pennsylvania to request information regarding the Commonwealth's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 et seq.

Please provide a list of the election officials who are responsible for implementing Pennsylvania's general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort. Please also provide a description of the steps that you have taken to ensure that the Commonwealth's list maintenance program has been properly carried out in full compliance with the NVRA. Please include both the actions taken by Commonwealth officials as well as county officials.

The NVRA requires each state and the District of Columbia to make available for inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions.

Pursuant to Section 20507(i) of the NVRA, the Attorney General requests that you produce for inspection the following records:

1. The current electronic copy of the Commonwealth of Pennsylvania's computerized statewide voter registration list ("statewide voter registration list") as required by Section 303(a) of the Help America Vote Act. Please include all fields contained within the list. Please produce each list in a .xls, .csv, or delimited-text file format. Please specify what delimiter is used, if applicable, or provide a file layout.

Additionally, please provide the following information in electronic form. The time period for these requests is close of registration for the November 2022 general election through the close

of registration for the November 2024 general election, the same time period as the most recent report from the Election Assistance Commission’s Election Administration and Voting Survey (“EAVS”). If you are unable to provide the data, please explain why the data is not available.

1. In the EAVS data for Question A3d, Pennsylvania identified 378,187 voters (4.49 percent) with duplicate registrations, nearly three times below the nationwide average of 12.7 percent. Moreover, we understand the Public Interest Legal Foundation recently identified an additional 19,489 registrants holding matched voter registration files in second states as of Summer 2025, 3,170 instances of same-address duplications, 70 intra-county duplicates, and 321 placeholder/fictitious dates of birth. Please explain why duplicate registrations are such a low percentage of the total registration applications received.
2. Similarly, in the EAVS data for Question A12h, 47 of 66 counties in Pennsylvania recorded either 0 or 1 transactions to remove duplicate registrants. Please confirm how frequently county personnel perform manual duplicate queries and how frequently SURE performs automated searches.
3. In the EAVS data for Question A3g, Pennsylvania listed 40,209 transactions as “other,” without further explanation. Please explain those registrations listed as “other.”
4. In the EAVS data for Question A4h, Pennsylvania listed 1 transaction arising from an Armed Forces Recruitment Office, which is significantly below similarly sized states. Please explain why such few transactions can be sourced to Armed Forces Recruitment Offices and what actions Pennsylvania is taking to ensure Offices fulfill their voter registration responsibility.
5. In the EAVS data for Question A11, concerning the reason for sending confirmation notices, the largest category by far is A11n, “Other.” Please explain the nature of these confirmation notices and why they do not fit in available categories.
6. In the EAVS data, Pennsylvania has failed to respond to Question A13a regarding merged voter records. Please provide the requested data or an explanation for why that information is not available.

Please provide a description of the steps that Pennsylvania has taken, and when those steps were taken, to identify registered voters who are ineligible to vote as well as the procedures that Pennsylvania used to remove those ineligible voters from the registration list for categories two and three below. For all categories below, please identify the number of registered voters identified as ineligible to vote for the time period of the close of registration for the November 2022 general election through present:

1. Non-citizen
2. Adjudicated incompetent
3. Felony conviction

For each of those voters identified in categories 1-3 above, provide their registration information on the statewide voter registration list, including their vote history.

Please provide this information within 14 days of the date of this letter. The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing (JEFS).

Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov. We look forward to your assistance in advance.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

cc: Jessica Mathis, Director
Bureau of Election Services and Notaries
401 North Street, Room 210
Harrisburg, PA 17120
[REDACTED]



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

August 18, 2025

Via Electronic Mail

Michael E. Gates
Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW – 4CON
Washington, DC 20530
Voting.section@usdoj.gov

Dear Mr. Gates:

I write in response to your letter dated August 4, 2025, requesting information regarding the Commonwealth's procedures for complying with list maintenance provisions of the National Voter Registration Act ("NVRA").¹ My office is committed to ensuring that our voting lists are properly maintained according to state and federal law, and our efforts to do so are detailed in my July 23, 2025, response to the letter from the Department of Justice letter dated June 23, 2025 ("July Response"), which contained a comprehensive review of Pennsylvania's list maintenance procedures and links to the Department's Annual Report on the Administration of Voter Registration ("Annual Report"). A copy of the July Response is enclosed for your reference as you review our discussion of data provided in the Election Administration and Voting Survey (EAVS). While it is our local county election officials who are responsible for maintaining their voter lists, the Pennsylvania Department of State ("Department") works diligently with all 67 county election offices to help them ensure that all electoral processes are fully compliant with federal and Pennsylvania laws.²

Your letter requests a list of election officials responsible for implementing Pennsylvania's program for voter registration list maintenance from November 2022 to the present, including local elections officials. Pennsylvania voter registration law vests the Commonwealth's 67 county voter registration commissions with principal responsibility for implementing voter

¹ 52 U.S.C. §§ 20501–20511.

² In light of the subsequent letter dated August 14, 2025, from Assistant Attorney General Harmeet Dhillon, we will respond separately to your request for specific information about Pennsylvania's registered voters.

registration list maintenance.³ The county election offices are staffed by individuals hired by county leadership, not the Department of State. The roles and functions of each office staff member are dictated by county leadership, which may vary in accordance with municipal law. Accordingly, we are not in a position to provide you with the names of each individual who performed each specific function.

You have also requested the steps taken to ensure that the Commonwealth's list maintenance program has been properly carried out in full compliance with the NVRA. Know that the Department and its 67 counties engage in all reasonable efforts to fulfill our list maintenance responsibilities. Please refer to the July Response and Annual Report for information on those steps, and their effectiveness.

Specific responses to your questions relating to the Election Administration and Voting Survey 2024 Comprehensive Report (EAVS Report) are as follows:

- 1. In the EAVS data for Question A3d, Pennsylvania identified 378,187 voters (4.49 percent) with duplicate registrations, nearly three times below the nationwide average of 12.7 percent. Moreover, we understand the Public Interest Legal Foundation recently identified an additional 19,489 registrants holding matched voter registration files in second states as of Summer 2025, 3,170 instances of same-address duplications, 70 intra-county duplicates, and 321 placeholder/fictitious dates of birth. Please explain why duplicate registrations are such a low percentage of the total registration applications received.**

Question 1 includes figures that are contradicted by the EAVS Report, and your framing misrepresents the data reported in EAVS Survey question A3d. The EAVS Report shows that the 378,187 duplicate registration applications reported represent **9.4%** of the total number of registration applications reported, not **4.49%**, as your letter states.⁴ Moreover, the EAVS Report itself qualifies the national average figure, noting that “[t]he percentage calculations at the national level (U.S. Total) only used data from those states that provided data for the numerator and denominator of the calculation,” meaning that states with less reported data were consequentially not included in the calculation.⁵ Further, many of the states reporting data suggested that their numbers may be incomplete or underinclusive.⁶ That 12.7% “nationwide average” number is presumably derived from adding all duplicates and dividing by all transactions.⁷ Given that this does not weight states differently based on their population, it may not serve as a reliable interstate comparison. Indeed, comparing the number of duplicate

³ 25 Pa.C.S. § 1203. Of course, the NVRA specifically contemplates that local governments may have a role in the electoral process. 52 U.S.C. §§ 20501; 20507(j).

⁴ See EAVS Report, pg. 176, accessible at https://www.eac.gov/sites/default/files/2025-06/2024_EAVS_Report_508c.pdf.

⁵ *Id.* at 177 (Table 3 General Notes).

⁶ See, e.g., *id.*, at 177 n.2 (at least one Arizona county did not track duplicate applications caught and rejected).

⁷ *Id.* at 177 (Table 3 General Notes) (noting the nationwide total is “casewise”).

registrations nationwide to the total of all applications nationwide, the nationwide average of duplicates is closer to 6%.

Critically, however, the data reported in Table 3 does not represent “voters....with duplicate registrations,” as it is phrased in your letter. Rather, Question A3d asks for “Registration transactions submitted by persons already registered to vote at the same address, under the same name and personal information (e.g., date of birth, social security number, driver’s license), and with the same political party (where applicable).”⁸ It is a measure of applications submitted, not a measure of duplicate voters on the rolls. All states have an incentive to prevent duplicate applications from being submitted in the first place, as they unnecessarily pose additional burdens for elections staff to process (and then properly deny them). Indeed, Pennsylvania agrees with the observation of our colleagues from Oklahoma that “[t]he introduction of online voter registration has greatly reduced the occurrence of duplicate, rejected, and invalid voter registrations.”⁹ Permitting voters to check their registration status *before* they submit their application cuts down on duplicate submissions.

To understand the work that Pennsylvania does to remove duplicate voters who may be on our rolls, as opposed to those who apply and are denied as duplicate, please refer to the Department’s Annual Report.¹⁰

2. Similarly, in the EAVS data for Question A12h, 47 of 66 counties in Pennsylvania recorded either 0 or 1 transactions to remove duplicate registrants. Please confirm how frequently county personnel perform manual duplicate queries and how frequently SURE performs automated searches.

Again, the removal of potential duplicate registrations (addressed in A12h) is different from the denial of duplicate applications (addressed in A3d). In addition, Pennsylvania has 67 counties, not 66.

The Department’s response to A12h is consistent with our efforts to prevent duplicate registrations by having counties appropriately screen registration applications, as opposed to removing duplicate registrations during list maintenance activities. Moreover, since 2020, the Department has participated in the Electronic Registration Information Center’s (ERIC) duplicate program, which allows for a systemic duplicate review. The Department’s efforts to remove duplicate registrations in collaboration with ERIC—including efforts made prior to the reporting period at issue in the 2024 EAVS Report—mean that there will be fewer duplicate

⁸ EAVS Survey at 7, accessible at https://www.eac.gov/sites/default/files/2024-04/2024_EAVS_FINAL_508c.pdf.

⁹ EAVS Report, fn. 4, *supra*, at 178 n.11.

¹⁰ You also reference potential duplicates identified by a nongovernmental entity. The Department will be reaching out to review the data purportedly identified by that entity. Critically, the lack of personally identifiable information (PII) in the dataset used by this entity, and the fact that the referenced letter does not specify whether these records are active or inactive, make it difficult to evaluate their claims at this time. The Department is confident that any duplicate registrations will be identified through regular list maintenance processes.

removals in this and subsequent EAVS reports. Indeed, as we noted in our Annual Report, “[t]he number of potential duplicate voter registrations has decreased by more than 80% since Pennsylvania started using this ERIC data in 2020, demonstrating the effectiveness of this program over time.”¹¹

Finally, as noted previously, the county voter registration commissions have significant autonomy and are not subject to the direct control of the Department.

3. In the EAVS data for Question A3g, Pennsylvania listed 40,209 transactions as “other,” without further explanation. Please explain those registrations listed as “other.”

This question misrepresents DOS’ response to A3g. To the contrary, the EAVS Dataset available on the Election Assistance Commission’s website¹² shows that the Department noted that the 40,209 transactions enumerated in A3g represented pending applications. This was one of the “most cited” descriptions for the “Other” category.¹³

4. In the EAVS data for Question A4h, Pennsylvania listed 1 transaction arising from an Armed Forces Recruitment Office, which is significantly below similarly sized states. Please explain why such few transactions can be sourced to Armed Forces Recruitment Offices and what actions Pennsylvania is taking to ensure Offices fulfill their voter registration responsibility.

Many states reported 0 or no applications received via recruitment offices presumably because Department of Defense Instruction 1000.04 directs recruitment centers to report voting assistance metrics to the Federal Voter Assistance Program (FVAP) and not individual states.¹⁴ And while recruitment centers are NVRA agencies, the Department is nevertheless without authority to require reporting of metrics by recruitment centers.

5. In the EAVS data for Question A11, concerning the reason for sending confirmation notices, the largest category by far is A11n, “Other.” Please explain the nature of these confirmation notices and why they do not fit in available categories.

As elaborated in the EAVS Dataset, the figure reported in A11n corresponds to “the number of confirmation notices sent due to correspondence sent by an election office being returned as undeliverable or due to failure of the voter to respond to an initial confirmation notice sent for the reason identified in a11l (initial NCOA notice).” This number may be larger than any other

¹¹ Annual Report at 18, *accessible at* https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

¹² [https://www.eac.gov/sites/default/files/2025-06/2024 EAVS for Public Release V1.xlsx](https://www.eac.gov/sites/default/files/2025-06/2024%20EAVS%20for%20Public%20Release%20V1.xlsx)

¹³ EAVS Report, fn. 4, *supra* at 132.

¹⁴ [DoDI 1000.04, Federal Voting Assistance Program \(FVAP\), November 12, 2019](#)

individual mailing because it is sent following nonresponse to a variety of prior list maintenance correspondence types.

6. In the EAVS data, Pennsylvania has failed to respond to Question A13a regarding merged voter records. Please provide the requested data or an explanation for why that information is not available.

The Department did, in fact, respond to Question A13a. Specifically, the Department noted that the data was not available and further explained in the comments to A13a that “the Pennsylvania Department of State is unable to provide a figure for A13a due to an inability to accurately differentiate between merged records and transferred records.”

You also posed questions regarding removal procedures for certain categories of voters. Nothing in the NVRA provides a process by which those who are deemed non-eligible on the basis of being a non-citizen are to be removed from the voter rolls. As set forth in the July Response, false statements misrepresenting an applicant’s citizenship on a voter registration form are crimes punishable under both state¹⁵ and federal laws.¹⁶ To the extent any county registration commission or the Department becomes aware that an individual who is not a U.S. citizen has registered or attempted to vote, where appropriate, the county may cancel such registration and refer the matter to law enforcement for handling.

Finally, with respect to removal of voters by reason of criminal conviction or mental capacity, the NVRA does not govern; rather, it defers to state law.¹⁷ Under Pennsylvania law, there is no basis or procedure to challenge, revoke or cancel a person’s voter registration on the basis of an adjudication of mental incompetency. As for those voters with felony convictions, there is no removal process contemplated by Pennsylvania law, as explained in the July Response.

* * *

As Pennsylvania’s chief election official, I take seriously my legal obligation to ensure that all eligible voters have access to the ballot here in the Commonwealth and the responsibilities that both federal and state law impose on the Department and on our county election officials to faithfully maintain our voter rolls. Likewise, I applaud efforts at transparency in our voting processes, such as the EAVS Survey data reporting. Pennsylvania goes further than is required, detailing our voter registration and list maintenance processes in our Annual Report. The Department and Pennsylvania’s 67 counties engage in reasonable efforts to ensure that our voter

¹⁵ 25 Pa.C.S. §§ 1703 (providing for a fine up to \$10,000 and five years in prison for improper registration), 1714 (incorporating criminal penalty provisions of the Crimes Code at 18 Pa.C.S. §§ 4902, 4903, and 4904) relating to perjury, false swearing, and unsworn falsification to authorities).

¹⁶ 18 U.S.C. §§ 1015(f) (imposing fines and up to five years in prison for misrepresenting one’s citizenship on a voter registration application), 3559 and 3571 (setting fines at \$250,000 for class D felonies).

¹⁷ 52 U.S.C. § 20507(a)(3)(B).

rolls are accurate and that all requirements of Pennsylvania and federal law are faithfully followed. Please let us know if you have any further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Schmidt", written in black ink.

Al Schmidt
Secretary of the Commonwealth

Enclosure (without appendices)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

July 23, 2025

Via Electronic Mail

Maureen Riordan
Acting Chief, Voting Section
U.S. Department of Justice, Civil Rights Division
4 Constitution Square
150 M Street NE, 8th Floor
Washington, DC 20002
Voting.section@usdoj.gov

Dear Ms. Riordan:

I write in response to your letter dated June 23, 2025, posing various questions regarding the Help America Vote Act of 2002 (“HAVA”).¹ As Pennsylvania’s chief election official, I take seriously the obligations under that law to ensure that all eligible voters have access to the ballot here in the Commonwealth, and the responsibilities it imposes on our county election officials to faithfully maintain our voter rolls. Although it is our local election officials who are responsible for maintaining their voter lists, the Pennsylvania Department of State (“Department”) works diligently with these 67 counties to help them ensure that all electoral processes are fully compliant with federal and Pennsylvania laws, including HAVA.

Please allow me to respond to your questions in turn.

1) Describe how the Commonwealth processes new applications to register to vote for elections for federal office, as required by HAVA Section 303.

As a starting point, please note that it is the voter registration commission in each county that is accorded sole authority under Pennsylvania law to adjudicate voter registration applications.² Specifically, Pennsylvania voter registration applications are received and processed by the 67 county voter registration commissions pursuant to the Pennsylvania voter registration law.³ The

¹ 52 U.S.C. § 20901 *et seq.*

² 25 Pa.C.S. § 1203.

³ 25 Pa.C.S. §§ 1101–1906.

same registration qualifications and processing system apply to elections for local, state, and federal office.

As required by federal law, all voter lists are maintained in a computerized system. The Department manages Pennsylvania’s Statewide Uniform Registry of Electors (“SURE” or “SURE System”), which is used not only to maintain our rolls but to process applications to register to vote. Whether the voter application is received on paper or by another computerized system, the information submitted by the applicant is typed or transferred into the SURE System for review and decision by county election authorities.

If an application is complete and the applicant is qualified, the county official approves the registration and adds the applicant to SURE as an active voter.⁴ If the application is incomplete, the applicant is notified, and provided an opportunity to supplement the application until the county has undertaken “reasonable efforts” to determine the necessary missing information.⁵ If the information on the application indicates that the voter resides in a different Pennsylvania county, the application is forwarded to that county.⁶ If the application is not approved, a rejection notice is sent advising the applicant of the right to appeal pursuant to the voter registration law and Election Code.⁷ The counties mail a voter registration card to all approved applicants.⁸

More information on voting registration and application methods can be found by referencing the most recent report issued by the Department on the Administration of Voter Registration in Pennsylvania.⁹

2) *Describe the process by which Pennsylvania assigns a unique identifier to each legally registered voter in Pennsylvania, as required by HAVA Section 303(a)(1)(A).*

Upon a county’s approval of a voter registration application, the approved registrant is added to SURE, which assigns a voter ID number to each registrant.¹⁰ The ID number includes a county-specific suffix to indicate which county the person is registered in, which is changed if a registrant moves and re-registers in a new county within Pennsylvania.

3) *Describe how the statewide voter registration list is coordinated with the databases of other agencies in the Commonwealth, as required by HAVA Section 303(a)(1)(A). Provide the name of each database used for coordination, and describe the procedures used for the*

⁴ 25 Pa.C.S. § 1328(b).

⁵ 25 Pa.C.S. § 1328(b)(2)(i).

⁶ 25 Pa.C.S. § 1328(b)(1).

⁷ 25 P.S. § 3073, 25 Pa.C.S. § 1328(b).

⁸ 25 P.S. § 1328(c).

⁹ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at

https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

¹⁰ 25 Pa.C.S. § 1328(c)(1).

coordination as well as how often the databases are coordinated with the statewide voter registration list.

The SURE system is coordinated with other state agency databases, including:

- The Pennsylvania Department of Transportation (“PennDOT”) driver license database, for receiving and updating voter registrations, as well as to confirm and query the DLN/SSN4 provided by applicants; and
- The Pennsylvania Department of Health registry of deaths, for purposes of canceling deceased voters.

4) Describe the process by which any duplicate voter registrations are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(B)(iii). Please include an explanation of how the Commonwealth determines what constitutes a duplicate voter registration record.

Pennsylvania’s voter registration forms request that the applicant indicate whether it is a new registration, or a change of name, address, or party; if the applicant correctly marks this part of the application it assists in reducing duplicate entries.

Regardless of the applicant’s designation, when processing a registration, SURE performs an automated check for possible duplicates, using information such as the applicant’s first and last names, and birthdate. County personnel can also compare the SSN4 or Driver’s License number included with the form in a manual duplicate query procedure. The specific procedure to be used is set forth in the regulations on the Establishment, Implementation and Administration of the Statewide Uniform Registry of Electors (“SURE Regulations”).¹¹

The investigations carried out by the county voter registration commission may result in sending correspondence which triggers inactive status or cancellation as a duplicate.¹² Additional information on duplicate voters can be found in response to Question 8 below.

5) Describe the process by which voters who have been convicted of a felony and are incarcerated are (a) identified and, (b) if applicable under Commonwealth law, removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(I).

Under Pennsylvania law, felons are not permitted to vote only during the period of their incarceration; the specific mechanism for this is disqualification for an absentee or mail-in ballot (and the person’s inability to vote in person at the local polling place).¹³ Upon release from

¹¹ 4 Pa. Code § 183.6(a). The SURE Regulations are found at 4 Pa. Code ch. 183.

¹² 4 Pa. Code § 183.6(a)(6), (7), (d).

¹³ 25 P.S. §§ 2602(w), (z.6), 3146.1, 3150.11. While the Election Code’s disqualification is to “persons confined in a penal institution,” the Pennsylvania Attorney General has interpreted that to mean only those who are imprisoned as a result of a felony conviction (as opposed to pretrial detainees or those confined only for misdemeanor offenses). Op. Pa. Att’y Gen. No. 1974-47.

confinement (including on parole or probation), such individuals are once again permitted to vote.

The text of the voter registration law¹⁴ purports to disqualify from registration anyone who has been incarcerated for a felony within the past five years, but that five-year exclusion was declared unconstitutional and is not in force.¹⁵ Under controlling case law, incarcerated felons are entitled to be registered to vote, but may not actually cast a ballot until their release.¹⁶

Accordingly, because Pennsylvania law does not provide a basis to cancel a person's voter registration as a result of a felony conviction, there is no need for any systematic cancellation process for that purpose. Counties instead can place these records in a hold status during the period of incarceration to prevent unlawful voting.

6) Describe the process by which deceased registrants are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(II).

County registration commissions have the sole authority to cancel registrations of deceased electors. To do so, they use a report provided by the Pennsylvania Department of Health, obituaries and other sources as permitted by the Pennsylvania voter registration law.¹⁷

The Pennsylvania Department of Health reports all deaths of adults over age 18 to the county voter registration commission to facilitate prompt cancellation of deceased voters' registrations (the "DOH Report").¹⁸ The Department receives the DOH Report twice per month. It then transmits the DOH Report file to county voter registration commissions through the SURE System. County commissions are required to query the Department of Health's DOH Report at least monthly.¹⁹ If records on the report match a deceased elector in their jurisdiction, the commission shall cancel the voter record.²⁰

¹⁴ 25 Pa.C.S. § 1301.

¹⁵ *Mixon v. Commw.*, 759 A.2d 442, 451 (Pa. Cmwlth. Ct. 2000) *aff'd* 783 A.2d 763, 763 (Pa. 2001). *See also Am. C.R. Union v. Phila. City Comm'rs*, 872 F.3d 175, 185 (3d Cir. 2017) ("The unambiguous text of the HAVA simply does not require election officials to purge voter rolls of incarcerated felons.").

¹⁶ The exception to this general rule is that those convicted for committing election-related crimes are disenfranchised for a period of four years following conviction, with the person's voter registration to be canceled. 25 P.S. § 3552. In this instance, the voter registration cancellation would be specifically triggered as the trial court would indicate that in its order and communicate directly with county voter registration authorities. *See, e.g., Commw. v. Thurman*, No. CP-51-CR-553-2018 (Phila. Cnty. Ct. Com. Pl. May 9, 2018) (order imposing sentencing following guilty plea for election offenses includes the annotation "Defendant not eligible to VOTE until MAY 9, 2022").

¹⁷ 25 Pa.C.S. §§ 1505, 1901(a)(2).

¹⁸ 25 Pa.C.S. § 1505(a).

¹⁹ 4 Pa. Code § 183.6(d)(1)(iii).

²⁰ 25 Pa.C.S. §§ 1505(a), 1901(a)(2).

The county voter registration commissions are also permitted to use published newspaper obituaries or probate records to cancel a deceased elector's registration.²¹

7) Describe all technological security measures taken by the Commonwealth to prevent unauthorized access to the statewide voter registration list, as required by HAVA Section 303(a)(3).

Although voting systems are maintained by the county boards of election, the Department maintains some election-related infrastructure, including the SURE System. The Department supervises and controls credentials to the SURE System.

The Department provides access only through individualized credentials, whether to county or Department personnel. Moreover, counties access the SURE system using computers provided by the Department, and they are maintained in the same manner that any Commonwealth user machine is maintained. Users undergo IT Security Training and comply with identity and access management policies required by the Commonwealth. Additional instruction to counties regarding password protection is included in the Department's guidance.²²

Like all Commonwealth information systems, access is controlled with state-of-the-art security techniques, which are subject to ongoing improvements for enhanced security. In addition, the devices that county election officials use to access the SURE system are configured in a completely locked down mode and prevent access to programs not essential for the SURE system, including access to Internet.

8) Describe the process by which voters who have moved outside the Commonwealth and subsequently register to vote in another state are identified and removed from the statewide voter registration list, under HAVA Section 303(a)(4)(A).

Again, Pennsylvania's 67 county registration commissions are responsible for voter list maintenance. The Department works with the counties to assist each county in fulfilling its responsibilities under Pennsylvania and federal law, specifically Section 8 of the NVRA and Section 303(a)(4)(A) of HAVA.

Removal and cancellation of voter registration are governed by the voter registration law and SURE Regulations.²³ As contemplated by the NVRA, the Department, through its membership in the Electronic Registration Information Center ("ERIC"), receives data through the United States Postal Service's National Change of Address program, and forwards it to the county voter

²¹ 25 Pa.C.S. § 1505(b).

²² See, e.g., Pa. Dep't of State, Guidance on Electronic Voting System Preparation and Security at 4-5 (Oct. 13, 2020), available at <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2020-PADOS-Guidance-Electronic-Voting-System-Security.pdf>. Although presented in the context of security for electronic voting systems, the principles apply equally to access to SURE.

²³ 25 Pa.C.S. § 1901 and 4 Pa. Code ch. 183.

registration commissions. In accordance with the SURE Regulations,²⁴ if a county voter registration commission receives information that a voter has moved out of the county (including to another Pennsylvania county, or out-of-state), the commission sends to the registrant, at the address of registration (the “old” address), a Notice of Change of Address (“NCOA”) via forwardable mail with a postage prepaid preaddressed return form by which the registrant may verify or correct the address information.

The Department assists the counties in conducting several list maintenance programs to ensure accuracy of the voter registration rolls (including removal of those who have moved to another state):

- a) **Five-Year Notices.** Counties send these notices to voters who have not voted or had other contact for a period of five years. These voters are marked as inactive and set for cancellation if there is no further contact and affirmation of continued residence before the date of the second federal general election.
- b) **National Change of Address Notice.** Counties send these notices to voters for whom the U.S. Postal Service reported a move. If the voters do not reply to either confirm or deny the move, an Address Verification Notice is sent; lack of response to the AVN will trigger inactive status and cancellation following the second federal general election.
- c) **ERIC Duplicate Notices (out of state).** Counties evaluate potential matches, send a notice, and mark the voter as inactive where ERIC data identifies that the same person may be registered in multiple jurisdictions.
- d) **ERIC In-State Moves.** Where ERIC data suggests a person has moved without updating voter registration, the county sends a notice to verify continued residence. This notice triggers inactive status (and potential cancellation if no affirmation of residence is received before the second federal general election).
- e) **ERIC Out-of-State Moves.** Counties use ERIC data where a Pennsylvania registered voter appears to have a more recent voter registration from another member state. In this situation, the county sends a notice to verify continued residence. This notice triggers inactive status (and potential cancellation if no affirmation of residence is received before the second federal general election).
- f) **Address Verification Notices.** When another type mailing to a voter is returned by the post office as undeliverable, the counties send an Address Verification Notice.

These programs are described in greater detail in the Department’s annual report on voter registration.²⁵

As noted above, as part of the Department’s membership in ERIC, it receives and distributes data on potential duplicate voter records to county officials. Because ERIC is a consortium of

²⁴ 4 Pa. Code § 183.6(d)(5).

²⁵ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

member states, and because there is no national voter registration database, ERIC is in a unique position to compare, without access to personally identifiable information, the verified data provided by member states to locate records of voters who may be potentially registered in more than one state. It also provides a report on voters who may be registered in more than one Pennsylvania county. These pairs of voter records are identified for further review by county officials, who determine whether the same person is potentially registered in more than one jurisdiction. If the county identifies the registrant as potentially duplicated in another jurisdiction, a notice is sent to the voter's address on record. Further information about this program can be found in the annual report on voter registration.²⁶

In 2024, Pennsylvania counties sent out over 502,067 notices to voters in connection with list maintenance activities pursuant to the NVRA and Pennsylvania law. With respect to the NCOA process specifically, Pennsylvania counties mailed 130,119 NCOA notices in 2024. The Department provides counties with NCOA information in June of each year. Counties then begin a two-step mailing process. First, counties send an initial mailing based on data of individuals who have moved as reflected in NCOA data. Those notices are sent via forwardable mail to the address of registration and offer the voter the opportunity to confirm their address or update it. Based on the response, county election officials then update their records accordingly. Following this process, county election officials send a second notice to voters who either: did not respond to the first notice or whose initial notice was returned as undeliverable. This notice, referred to as an Address Verification Notice or AVN, would not typically be sent until approximately 30 days after the initial notice. With the mailing of the AVN, the record is marked Inactive, triggering the waiting period required by Sections 8(b), (c) & (d) of the NVRA before the voter record can be removed from the registration rolls. Information on the number of voter cancellations by Pennsylvania counties can be found in the tables found on pages 23–27 and 87–92 of the 2024 annual report on voter registration.²⁷

9) *Describe the process by which registrants who are ineligible to vote due to non-citizenship are identified and removed from the statewide voter registration list.*

All registrants must affirmatively answer “yes” to the question “Are you a citizen of the United States.”²⁸ An individual who states that they are not a U.S. citizen is not qualified to vote and their application would be required to be rejected by the county voter registration commission.²⁹

²⁶ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

²⁷ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

²⁸ 52 U.S.C. § 20508(b)(2)(A), 4 Pa. Code § 183.1.

²⁹ 25 Pa.C.S. §§ 1301, 1328.

False statements misrepresenting an applicant's citizenship on a voter registration form are crimes punishable under both state³⁰ and federal laws.³¹

Neither Pennsylvania nor federal law requires a voting registration applicant to provide documentary proof of citizenship. To the extent any county registration commission or the Department becomes aware that an individual who is not a U.S. citizen has registered or attempted to vote, where appropriate, the county may cancel such registration and refer the matter to law enforcement for handling.

10) HAVA requires the Commonwealth to verify voter registration information by mandating that applicants provide certain information under HAVA Section 303(a)(5). Please provide a copy of the voter registration application(s) utilized for in-person voter registration, a link to the Commonwealth's online voter registration application, and, if applicable, the voter registration application used for same-day registration.

Please refer to the following:

- Voter Registration Mail Application (the same form is accepted for in-person registration):
https://www.pavoterservices.pa.gov/documents/voterapplication_english.pdf
- Link to Online Voter Registration:
<https://www.pavoterservices.pa.gov/pages/VoterRegistrationApplication.aspx>
- Pennsylvania does not have same-day voter registration.

11) Please describe the verification process under HAVA Section 303(a)(5) that election officials perform to verify the required information supplied by the registrant. Please describe what happens to the registration application if the information cannot be verified.

As noted on the voter registration applications, the applicant is required to provide a Pennsylvania driver's license number (or non-driver ID card number) and/or the last four digits of their Social Security number, or to check a box that the person has not been assigned either type of number consistent with Section 303(a)(5)(A) of HAVA.

County voter registration commission staff enter the data from applications (or receive them electronically) and query them against the PennDOT database which will return a match or non-match. In the case of an applicant providing a driver's license number, the query is based on the applicant's last name (first two characters only), date of birth, and the driver's license number.

³⁰ 25 Pa.C.S. §§ 1703 (providing for a fine up to \$10,000 and five years in prison for improper registration), 1714 (incorporating criminal penalty provisions of the Crimes Code at 18 Pa.C.S. §§ 4902, 4903, and 4904) relating to perjury, false swearing, and unsworn falsification to authorities).

³¹ 18 U.S.C. §§ 1015(f) (imposing fines and up to five years in prison for misrepresenting one's citizenship on a voter registration application), 3559 and 3571 (setting fines at \$250,000 for class D felonies).

For applicants providing an SSN4, the query uses the first, middle and last names, birthdate, and the last four digits of the Social Security number.

County voter registration authorities adjudicate the sufficiency of the ID number provided “in accordance with State law.”³² There are four qualifications to register to vote under Pennsylvania law: age, citizenship, residence, and incarceration status.³³ The voter registration law further offers four grounds to reject a voter registration application: an incomplete application, non-qualification, non-entitlement to a transfer or address change, and non-entitlement to a name change.³⁴ “Failure to match ID number” is not among the bases offered in Pennsylvania law to reject a voter registration application. If the “information cannot be verified,”³⁵ SURE prompts the county voter registration commission to review the application for typographical errors and/or contact the voter to clarify and fix the discrepancy, but the county ultimately would approve the voter registration application—provided that there are no other irregularities in the application, or independent grounds to reject the application.³⁶ With respect to mail-ballot voters, the Election Code requires that any such voter whose submission of ID numbers (DLN or SSN) did not match against a government database must provide proof of identification within six days of the election, or their ballot will not be counted.³⁷ All in-person voters must present photo or non-photo ID the first time they appear to vote in an election district.³⁸

³² 52 U.S.C. § 21083(a)(5)(A)(iii).

³³ 25 Pa.C.S. § 1301(a), *accord* Pa. Const. art. VII, § 1. As noted above, controlling case law holds that even inmates incarcerated for a felony may be registered to vote. *Mixon v. Commw.*, 759 A.2d 442, 451 (Pa. Cmwlth. Ct. 2000) *aff’d* 783 A.2d 763, 763 (Pa. 2001).

³⁴ 25 Pa.C.S. § 1328(b)(2).

³⁵ We understand the reference in this question to “verification” to mean a positive match between the information provided in the voter registration application, including the ID number, and the corresponding entry in a PennDOT or Social Security database.

³⁶ 25 Pa.C.S. § 1328.

³⁷ 25 P.S. § 3146.8(h).

³⁸ 25 P.S. § 3050. Under an injunction, in-person voter ID is governed by the pre-2012 version of 25 P.S. § 3050. The *Applewhite* decision in 2014 enjoined enforcement of the changes wrought by Act 18 of 2012 as to in-person voting only, while leaving in place its changes to the identification requirements for absentee voting. *Applewhite v. Commw.*, No. 330 M.D. 2012, 2014 WL 184988, at *27 (Pa. Cmwlth. Jan. 17, 2014).

The language of that statute provides

(a) At every primary and election each elector who appears to vote in that election district for the first time and who desires to vote shall first present to an election officer one of the following forms of photo identification

* * *

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector

12) Provide a copy of the current agreement, under HAVA Section 303(a)(5)(B)(i), between the Commonwealth’s chief election official and the Commonwealth’s motor vehicle authority.

A copy of this agreement between the Department and the Pennsylvania Department of Transportation is attached.

13) Provide a copy of the current agreement between the official responsible for the Commonwealth’s motor vehicle authority and the Commissioner of Social Security Administration under HAVA Section 303(a)(5)(B)(ii).

A copy of this agreement between the Commissioner of Social Security and the Pennsylvania Department of Transportation is attached.

14) Under HAVA Section 303(b), describe the Commonwealth’s requirements for an individual to vote if the individual registered to vote by mail and has not previously voted in an election for federal office in the Commonwealth.

HAVA Section 303 imposes the requirement that a voter present photo identification, or a utility bill, bank statement, government check, paycheck, or other government document showing name and address to an official at the polling place (if voting in person) or submit a copy of such a document if voting by mail.³⁹ This is required of all voters who register to vote by mail, but have not previously voted in an election for federal office.⁴⁰ HAVA further provides a carve-out for several classes of voters, including (A) registrants who provided an ID document with their mail voter registrant application, (B) registrants who provided a driver’s license or Social Security number which matched the PennDOT or SSA database, or (C) overseas citizen and military voters, among others.⁴¹

The Pennsylvania Election Code contains strict requirements that go beyond HAVA’s requirements for first-time voters who register by mail. In-person voters must provide photo or non-photo identification not only at their first time voting in a federal election but also the first time voting in a new election district (i.e., a new local voting precinct—essentially, every time the person moves and re-registers at a new residence).

Pennsylvania further mandates that absentee and mail-in voters provide proof of identification for every election; otherwise their ballots will not be counted.⁴² Proof of identification can be

25 P.S. § 3050(a), (a.1) (pre-2012 version).

³⁹ 52 U.S.C. § 21083(b)(2).

⁴⁰ 52 U.S.C. § 21083(b)(1).

⁴¹ 52 U.S.C. § 21083(b)(3).

⁴² 25 P.S. §§ 3146.2(e.2), 3146.2b(d), 3146.5(b)(1), 3146.8(h)(2), 3150.12b(c), 3150.15 (requiring proof of identification for absentee and mail-in voters).

provided through, *inter alia*, a match of a voter's SSN4 or DLN.⁴³ Absentee or mail-in voters who fail to provide matching numbers must provide other proof of identification to their county board of elections within six days following an election or their ballot will not count for that election.⁴⁴

* * *

We hope the information provided here is helpful. The Department and Pennsylvania's 67 counties engage in great efforts to ensure that Pennsylvania's voter rolls are accurate and that all requirements of Pennsylvania and federal law are faithfully followed. Please let us know if you have any further questions.

Sincerely,



Al Schmidt
Secretary of the Commonwealth

Enclosures

⁴³ 25 P.S. § 2602(z.5)(3), *cf.* 52 U.S.C. § 21083(b)(3)(B).

⁴⁴ 25 P.S. § 3146.8(h).



VIA EMAIL

July 24, 2025

C/O: Bureau of Elections
The Hon. Al Schmidt
Pennsylvania Secretary of State
401 North Street, Rm 210
Harrisburg, PA 17120
Email: ra-voterreg@pa.gov | RA-Elections@pa.gov

RE: Introduction of Voter Registration Data Findings, Request for Meeting

Dear Secretary Schmidt:

I am writing with the goal of scheduling a meeting to discuss our recent, sampled review of Pennsylvania's voter registration and voting data. In recent months, the Foundation studied the state's full voter roll to explore opportunities for list maintenance. Below are summaries of findings with general explanations on methodologies. These findings are not intended to be exhaustive. We would very much like to provide detailed data and answer any questions you may have at a mutually convenient time.

Interstate Duplicate Registrants

The Foundation highlights **19,489** Pennsylvania registrants holding matched voter registration files in second states as of Summer 2025. The study only compared Pennsylvania's roll to California, Florida, Maine, New Jersey, New York, North Carolina, and Ohio. Most findings matched **Florida** and **New York**'s voter rolls, respectively.

The Foundation's relational database was designed to house voter registration rolls from every state to run comparative analytics. Like the ERIC system, the Foundation can detect apparent interstate duplicate registrations using several methodologies but only focuses on one in Pennsylvania today. The method utilizes the secondary or mailing address data kept by Pennsylvania to follow the local registrant to that second state address to check if there is a matching registration. This process is then reversed by checking other states' mailing address data, which lead to addresses in Pennsylvania. A registrant is flagged if names and birthdates perfectly match.

Interstate Duplicate Counts	
PA - Florida	9,967
PA - New York	5,722
PA - California	2,427
PA - New Jersey	925
PA - North Carolina	304
PA - Ohio	129
PA - Maine	15

Same-Address Duplicate Registrants

The Foundation highlights **3,170 instances of duplicated registrants** where variations in name spelling or nicknames have generated duplications at same residential addresses. The Foundation studies same-address duplicates using the following common patterns of duplication, assuming perfectly matched DOBs:

- Perfect matches potentially due to missing Social Security data (John Doe vs. John Doe);
- Hyphenated/married name confusion (Jane Doe vs. Jane Doe-Surname);
- Typographical errors in last name fields (John Smith vs. John Smiht); and,
- Typographical errors in first name fields (John Smith vs. Jon Smith).

According to data review conversations in other states, missing or transposed Social Security numbers can stifle standard de-duplication procedures.

Inter-County Duplicates

The Foundation also highlights a **sample of 79 inter-county duplicates**. These follow the same research methodology as the interstate study, yet the data analytics are turned inward to only focus on the Pennsylvania voter roll. The fact these findings exist within a statewide voter registration database is more important than the current volume. Within the sample of 79, we see:

- 58 pairs are active/active status;
- 20 pairs are active/inactive status; and,
- 1 pair is inactive/inactive.

We hope to explore the factors driving this type of finding with your office very soon.

Placeholder/Fictitious Dates of Birth

Lastly, the Foundation's latest count shows at least **321 registrants** in Pennsylvania are flagged for having placeholder or false dates of birth in the public record. The most common placeholder format in the roll is "1800-01-01."

As you likely know, holding fictitious dates of birth risks complicating future voter registration list maintenance efforts when you cannot match these dates to resources like the Social Security Death Index (SSDI) and others. The Foundation is pleased to report on an effective solution to replace these placeholders with accurate data.

While reviewing placeholder records, the Foundation took a random sample of 10 active registrants and successfully backfilled the missing birthdates with full Social Security number validation to ensure quality control. Later, the Foundation sampled another 10 records showing implausibly old dates of birth, despite recent voting histories. As an example, a registrant

showing to be born “7/15/1905” in Philadelphia is still alive and well, because their real birthdate is July 15, 1951. The Foundation does not have a full accounting of all incorrect dates of birth within the active voter roll. The Foundation would be pleased to advise the Commonwealth further on its methodology and experiences using credit bureau and other federal resources to complete or correct these records.

Request for Meeting

PILF representatives would like to discuss these findings further at a mutually convenient time in your offices. Please contact me to arrange for the secure transmission of the findings and discuss scheduling. Thank you for your attention to these matters.

Sincerely,



Logan Churchwell
Research Director
Public Interest Legal Foundation

CC: The Hon. Harmeet K. Dhillon
U.S. Assistant Attorney General for the Civil Rights Division
Maureen Riordan, Acting Voting Section Chief
U.S. Department of Justice
4 Constitution Square, Room 8.923
150 M Street, NE
Washington, D.C. 20530
voting.section@usdoj.gov



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE**

September 17, 2025

Via Electronic Mail

Logan Churchwell
Research Director
Public Interest Legal Foundation
107 S. West Street, Suite 700
Alexandria, VA 22314
[REDACTED]

Re: Voter Registration List Letter

Dear Mr. Churchwell:

I write in response to your July 24, 2025, letter providing a summary of purported data findings regarding Pennsylvania's voter rolls. We welcome the opportunity to review any data you may wish to provide, but meeting to discuss the information at this time would not be productive. As your data match methodology did not include comparisons between voters' personally identifiable information (PII), information protected by law, my office would need to independently review all purported findings. In those cases where the purported cross-state match is located in a state that is not a member of the secure Electronic Registration Information Center (ERIC), such verification will be difficult to conduct. In any event, as your data indicates a number that is fractional to the number of individuals removed each year, we have every reason to believe that any valid matches identified will be addressed in the course of counties' regular activities.

As I have stated in the past, well-maintained voter rolls lead to well-conducted elections. Ensuring that our voter rolls reflect the eligible individuals who may vote in an election allows our county officials to better plan and allocate resources to keep voter waiting times to a minimum. Achieving this goal requires a careful balance of removing voters who will not or cannot participate (such as those who have passed away) while ensuring that a voter does not

show up to the polls having found themselves improperly removed without the notice and due process afforded under federal and state law.

The process for list maintenance in Pennsylvania is guided by statutory laws and long-standing practice conducted in a transparent manner. Indeed, as noted in our publicly available annual report on the Administration of Voter Registration in Pennsylvania (“Annual Report”), **our 67 counties recorded over 679,000 cancellations in the 2024 calendar year.**¹

A great number of these cancellations were made possible due to our membership in ERIC, from which we get reliable, securely matched information on individuals registered in more than one state. Because ERIC is a consortium of member states, and because there is no national voter registration database, ERIC is in a unique position to compare the verified data provided by member states to locate records of voters who may be potentially registered in more than one state.

Through the Department’s cooperation with ERIC, and the regular list maintenance efforts of our 67 counties, our voter rolls are routinely updated to best reflect the Commonwealth’s voters.

The Department’s Membership in ERIC Has Greatly Reduced the Number of Potential Duplicates

In 2020, The Department began using a particular dataset from ERIC—a set of potential duplicate matches—to identify voters who may have moved to a new state or county.² For voters matched in this dataset, the county will mark the voter as Inactive, and alert the voter in writing. **2,815 such notices were sent out last year alone.**³ In accordance with federal law, an Inactive voter’s record is cancelled if two general elections lapse without any action by the voter.

The success of this initiative in the past has resulted in fewer notices being sent each year. The number of potential duplicate voter registrations has decreased by more than 80% since Pennsylvania started using this ERIC data in 2020, demonstrating the effectiveness of this program over time.⁴

¹ *Administration of Voter Registration in Pennsylvania: 2024 Annual Report to the Pennsylvania General Assembly*, PENNSYLVANIA DEPARTMENT OF STATE (Jun. 30, 2025), accessible at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf, at 22.

² *Id.* at 17.

³ *Id.* at 18.

⁴ *Id.*

Voters Who Move to and Register in a New State Are Addressed Through Regular Moved Voter List Maintenance Procedures

Your letter purports to identify 19,489 Pennsylvania registrants who have been matched to individuals with the same information in 7 other states. Please note, Pennsylvania law does not permit county registrars to cancel the record of a voter on the sole basis that the individual is registered in another state. Indeed, federal law would prohibit such a scheme, as it has in other states.⁵ Rather, regular list maintenance activities are employed to address duplicate registrations. Duplicate registrations arise when one voter moves from one state to another and registers in the new jurisdiction without cancelling their record in the prior state.

To identify such potential duplicate and moved voters, Pennsylvania's counties use the following procedures. I will note, that since your letter does not indicate whether the inter-state duplicates you claim to have identified have an "Active" or "Inactive" status in Pennsylvania, any genuine matches included in your dataset may already be scheduled for appropriate list maintenance.

Duplicate registrations in ERIC Member States Are Identified and Placed in Inactive Status Until the County is Otherwise Notified

Individuals who move to and register in an ERIC member state will be identified to the Department in a dataset of ERIC Out-of-State Moves. For voters matched in this dataset, the county will mark the voter as Inactive, and alert the voter in writing. **22,372 such notices were sent out last year alone.**⁶ In accordance with federal law, an Inactive voter's record is cancelled if two general elections lapse without any action by the voter.

Of the states in your letter, two are active members of ERIC: Maine (15 identified) and New Jersey (925 identified). Any genuine matches identified in your records will be included in future list maintenance activities, if they have not already been identified.

Individuals Who Moved to and Registered in Non-ERIC States May Be Identified in the National Change of Address (NCOA) Dataset

For individuals who move to and register in a non-ERIC state, Pennsylvania may be able to identify them through the National Change of Address dataset. As contemplated by the National

⁵ *Common Cause Indiana v. Lawson*, 937 F.3d 944, 961 (7th Cir. 2019) ("The NVRA acknowledges that states may suspect (with good reason) that a registrant is no longer eligible to vote because she has moved out of state. But more than that initial information is needed before the state may act on it. Once the state has that information, the NVRA then requires that the state either 'confirm' the information with the registrant before removing the person from the rolls or attempt to provide personal notice.").

⁶ Annual Report, *supra* n.1 at 20.

Voter Registration Act (“NVRA”), the Department, through its membership in ERIC, receives data through the United States Postal Service’s National Change of Address program, and forwards it to the county voter registration commissions. If a county voter registration commission receives information that a voter has moved out of the county (including to another Pennsylvania county, or out-of-state), the commission sends to the registrant, at the address of registration (the “old” address), a Notice of Change of Address via forwardable mail with a postage prepaid preaddressed return form by which the registrant may verify or correct the address information.

If the voters do not reply to either confirm or deny the move, an Address Verification Notice is sent; lack of response to the AVN will trigger inactive status. **130,119 NCOA notices were sent out last year alone.**⁷ In accordance with federal law, an Inactive voter’s record is cancelled if two general elections lapse without any action by the voter.

Accordingly, any genuine duplicate matches in your dataset will be identified for notification and possible Inactive status where the voter completed an NCOA form.

Even if no NCOA Form is Completed, Individuals Who Moved to and Registered in Non-ERIC States Will Be Marked as Inactive

Voters who move to and register in a non-ERIC state may fail to cancel their registration or complete an NCOA form; here too, regular list maintenance activities will capture them. Counties send Five-Year Notices to voters who have not voted or had other contact for a period of five years. These voters are marked as inactive and set for cancellation if there is no further contact and affirmation of continued residence before the date of the second federal general election. **142,597 Five-Year Notices were sent out last year alone.**⁸

Potential Duplicate Records for Inter-County Moved Voters Are Also Identified in the Course of Regular List Maintenance

Your letter also suggests that there may be 79 duplicate voters within different counties in Pennsylvania. As discussed above, ERIC data is used to identify potential duplicates which may have arisen from voters moving within the state, NCOA data is used to identify voters who may have moved in state, and the Five-Year Notice procedures lead to inactivation of others. Indeed, many of the pairs you noted include at least one record that has already been listed as “Inactive.”

Inter-county duplicates are and remain, extremely rare, and are captured in regular list maintenance. At the same time, our 67 counties continue to call for legislative reforms to the process for transferring of voter records, a cumbersome procedure which at this time requires action by multiple counties to effectuate. My office anticipates that revisions to the SURE system will be able to address these concerns even further.

⁷ *Id.* at 17.

⁸ *Id.* at 15.

Any Potential Duplicates at the Same Address Are Addressed Through Regular List Maintenance Procedures

It is important to note that many purported “duplicates” at the same address may well be different individuals; in a state of 8.86 million voters, the presence of 3,000 potential same-address duplicates may include individuals who indeed have similar names and matching (or similar) dates of birth. In any event, these rare cases may be caught through the ERIC Duplicate dataset, inactivity on the duplicate record, and regular review by the county.

Recorded Dates of Birth May Differ from the Voter’s for a Number of Reasons

Your letter also suggests that at least 321 registrants have “fictitious” birth dates, with January 1, 1800 being a common one. This issue is one about which my office has been transparent, and our data handbook notes that “[w]hen SURE was created, some older records were missing information, such as voters’ birthdays or registration dates. These were backfilled with dates such as January 1, 1900 or January 1, 1800.”⁹ As such, the true number of actual erroneous birthdates is quite small.

It is important to note that in the commitment to transparency, Pennsylvania’s voter rolls are published with weekly updates. Each iteration of those updates includes only a point-in-time snapshot of the voter rolls. That apparent duplicates may exist for a short period of time may simply be false positives that occur when reviewed by individuals who do not have access to PII or an example of records which are caught in the regular course of list maintenance. That they exist now does not mean that they will not be captured in the regular course. Both the NVRA and Pennsylvania law require this careful balancing to ensure that voters are not improperly disenfranchised.

I have every confidence that our counties maintain our voter rolls with integrity. Based on the explanation provided above and the existence of ongoing litigation between PILF and the Department, I respectfully decline a meeting. However, should you wish to share more detailed data I pledge that the Department will undertake a thorough review in the interest of improving election administration in Pennsylvania. A secure FTP site can be provided for this purpose. I appreciate your attention to this issue and your dedication to ensuring that our elections remain free, fair, safe, and secure.

⁹ *Election Data Handbook*, COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF STATE (Apr. 23, 2025), accessible at <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/election%20data%20handbook%20general.pdf>, at 5.

Mr. Churchwell
September 17, 2025
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Sincerely,

A handwritten signature in dark ink, appearing to read "Al Schmidt", with a long horizontal flourish extending to the right.

Al Schmidt
Secretary of the Commonwealth