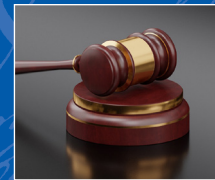


# FREE FOR ALL



ACLU-PA Challenges Public Defender System — page 3

FALL 2024

## ACLU-PA'S THREE-PHASE APPROACH TO PROTECTING VOTERS' RIGHTS IN 2024



By Mike Lee  
Executive Director

**All eyes are on Pennsylvania.** And the voting rights work of the ACLU of Pennsylvania is stronger than ever. Our voting rights work has expanded from facilitating the Election Protection

Hotline (866-OUR-VOTE, in case you need it) to become one of our largest integrated advocacy campaigns that involves every department in the organization.

ACLU-PA has taken a three-phase approach to our voting rights work. Phase one has been carried out in the months leading up to the election. Phase two will be on Election Day itself. And phase three will be carried out in the weeks after November 5, making sure that the counties fulfill their duty to certify the election.

This approach allows us to be focused and efficient in accomplishing our goal, to make sure that every eligible voter who wants to vote can cast a ballot and have it counted.

Applying our integrated advocacy framework to voting rights, we have a dedicated team of ACLU-PA staff from every department.

In 2020, half of all election-related litigation was in Pennsylvania. Since then, we have developed a strategy to proactively address barriers that have disqualified thousands of voters in every election by pursuing a series of lawsuits to be sure that mail ballots aren't disqualified for minor errors. You can read more about that strategy in the cover story of this newsletter.

Meanwhile, our communications and advocacy plans are data-driven to reach our priority audiences, giving them the information they need to cast a ballot that will be counted. We've focused our staff time and

resources where we can have the biggest impact and build sustainable local power. We hope that through this proactive integrated advocacy approach that there are fewer issues to litigate post-Election Day.

On November 5, our efforts will focus on voters' calls that come into the Election Protection Hotline, in coordination with our coalition partners. We'll address voters' needs and, if necessary, run into court to protect their rights.

The days and weeks after the election could be full of uncertainty. In partnership with ACLU national and other affiliates, we have completed scenario planning for scores of possible outcomes. With the growth of election denialism by people who cannot accept election results they don't like, we'll be acting as a fierce watchdog to be sure that the will of the voters is respected.

Continued, pg. 4

## ACLU-PA LEADS ON A PRO-VOTER LEGAL STRATEGY

**Pennsylvania's mail voting system makes it possible for voters to submit a ballot conveniently and at a time of their choosing.** Expanded before the 2020 primary election to allow all voters to use it, millions of Pennsylvanians have taken advantage of this form of voting.

But that system has flaws. For the 2024 election cycle, the ACLU of Pennsylvania has undertaken a proactive litigation strategy to address those flaws, in partnership with multiple ally organizations and co-counsel from national ACLU's Voting Rights Project, Public Interest Law Center, and volunteer law firms.

When Butler County refused to let voters in the 2024 primary election who forgot to put their mail ballot in the secrecy envelope to preserve their



*In August, ACLU-PA hosted a "know your voting rights" event at the Morris Arboretum in Philadelphia. Speakers included (left to right) Mike Lee and Kate Steiker-Ginzberg of ACLU-PA, Kadida Kenner of New Pennsylvania Project, and Jessica Bigirindavyi of All Voting Is Local.*

right to vote by casting a provisional ballot at the polls, we went into court on the voters' behalf.

When Washington County wouldn't even tell mail voters in this year's primary that their return packet had flaws that would lead to their ballot being disqualified, we sued the county.

And ACLU-PA continues to try to get ballots counted from the thousands of voters in every election who submit their ballots on time but forget or put an incorrect handwritten date on their return envelope. We're in both federal and state court right now to be sure that those voters are

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## FROM THE PRESIDENT



### Dear ACLU-PA supporter,

At its last quarterly meeting, the ACLU-PA board of directors was excited to hear a detailed report from our excellent legal and advocacy staff about their integrated efforts to protect Pennsylvanians' right to vote. As we approach another critical election season, it is more important than ever that the ACLU adhere to its unwavering, longstanding commitment to a nonpartisan stance. No matter how invested any of us may be in our own political views, we never forget that, when acting in the name of the ACLU, we seek to advance the civil liberties and other equal individual rights of all.

Thus, I was pleased, but not surprised, to hear one of our staff, an election law expert, respond during that recent meeting to a question from a board member about a particular ballot-integrity issue by saying, "We are aligned with the Republicans on that one. The governor and secretary of state are just wrong about that issue." This, right after the same staffer had described a case where our principal adversaries are not just some county commissioners but actually the Republican National Committee itself.

In other words, we stand in every case for the right of each eligible person to register, to cast their vote however they wish, with the minimum of interference and bureaucratic complication, and to have that vote counted with integrity and reliability. This goal is succinctly expressed in a

two-and-a-half century-old clause of the Pennsylvania Constitution, which promises and guarantees that our elections must be "free and equal."

ACLU-PA could not do this work without the continuing contributions and volunteer efforts of our members throughout the commonwealth. Nor could we handle the flood of election-season litigation without the services of numerous non-staff ("cooperating") lawyers and law firms who donate their services to us. We deeply appreciate how they support and admire our high-quality, principled, nonpartisan efforts to champion true election fairness and integrity.

Peter Goldberger  
President, ACLU-PA

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The official registration and financial information of the American Civil Liberties Union of Pennsylvania may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.



## NOW MORE THAN EVER, ELECTIONS NEED PROTECTION

**For two decades, the ACLU of Pennsylvania has been actively engaged in what we call “election protection.”** Our guiding principle is to support all voters, regardless of who they are or who they support, as they cast their ballots and get them counted.

Over the years, we've seen and heard about countless ways in which Pennsylvanians hit hurdles on their way to voting. The judge of elections who wouldn't let a voter bring someone with them to translate their ballot. (Wrong.) The probation officer who told their clients that they couldn't vote because they have a criminal record. (Wrong.) The poll worker who asked for identification from every voter, regardless of how many times they've voted at that polling place. (Wrong.)

When voters in Pennsylvania experience or see something that just doesn't seem quite right, they can call or text the nonpartisan election protection hotline at 866-OUR-VOTE



*The election protection command center  
in Philadelphia on Election Day 2022*

(866-687-8683). Administered by the Lawyers Committee for Civil Rights Under the Law, a team of organizations that includes the ACLU of Pennsylvania responds to calls to the hotline to make sure voters get the information they need to cast a ballot that will be counted.

And the hotline is available in multiple languages, including Spanish, Arabic, and numerous Asian languages.

The hotline does more than respond to actions after the fact, too. Through the hotline, our coalition provides Pennsylvanians with basic information they need, like the location of their polling place, how to check their voter registration status, or how to track their mail ballot. It also helps us identify systemic problems, like incorrect dates disqualifying thousands of mail ballots, which we then work to resolve.

Being an empowered voter means knowing your voting rights. Find the information you need about election protection and the freedom to vote at **[aclupa.org/vote](https://aclupa.org/vote)**. ■

## ACLU-PA IN COURT TO FINALLY RESOLVE PENNSYLVANIA'S FAILURE TO FUND INDIGENT DEFENSE

**The Sixth Amendment’s guarantee of a right to counsel has been affirmed by the United States Supreme Court and the Pennsylvania Supreme Court.** Yet, excluding Philadelphia, Pennsylvania is tied for dead last among the 50 states, matching Mississippi, in failing to adequately fund and provide oversight for its public defenders.

While the Pennsylvania legislature recently allocated some state funding for indigent defense, that funding is a drop in the bucket compared to what is needed for the state to adequately fund public defenders.

The vast majority of funding for Pennsylvania's public defenders still comes from counties. This leaves a patchwork of inconsistent public defense. Depending on the county in which a person is arrested, they might see their public defender the next day or they could languish in jail for months before ever meeting their court-appointed attorney.

That's why the ACLU of Pennsylvania has filed one of its biggest lawsuits in years against the commonwealth, with the goal of the Commonwealth Court recognizing that Pennsylvania's indigent defense system is in crisis and that the commonwealth has an obligation to fund and oversee indigent defense across the state.

Every day that the commonwealth fails to fully fund its public defenders means injustice for many Pennsylvanians



charged with a crime; more than 100,000 Pennsylvanians are impacted by this crisis every year.

In some Pennsylvania counties, people who cannot afford private lawyers are convicted and sentenced without ever speaking to an attorney.

Incarcerated individuals who cannot afford counsel frequently face the coercive choice of pleading guilty to secure release from custody, even before defense counsel is assigned on their behalf. Some of these people are held in pre-trial detention for weeks before facing a difficult decision:

Continued, pg. 4

### *Three-Phase Approach, pg. 1*

We feel prepared for whatever may come. And we approach the post-election phase with faith that the first two phases worked and that any disputes with election results are resolved with words and not violence. ■



### *Pro-Voter Strategy, pg. 1*

not disqualified over a simple, but completely inconsequential, human error.

Mail voting isn't the only area in which ACLU-PA is working to make this system better for voters. Multiple counties refuse to let the public observe the tabulation of vote totals, known as canvassing. When York County refused entry for one of our

volunteers to the canvass after the 2023 general election, we challenged the county's decision through litigation.

By the time you read this, there will have been new twists and turns in these cases. To get the latest news, visit [aclupa.org/litigation](https://aclupa.org/litigation) and then choose "voting rights" in the dropdown box at the top of the page. ■

### *Indigent Defense, pg. 3*

plead guilty without the advice of an attorney or continue their cases and remain incarcerated while they await representation.

Public defenders are dedicated servants to justice. But far too often, they are overworked and under-resourced. Our case is a challenge to the systemic failure to provide them with the resources they need to provide the best defense possible.

This lawsuit is about ensuring the rights of every Pennsylvanian charged with a crime are honored as their case goes through the criminal legal system. It's also for public defenders, who are committed to defending the Constitution but simply don't have the resources to do the job they envision. It's time to bring Pennsylvania into line with the Constitution and properly fund public defense. We can't afford to wait. ■



**Listen to Speaking Freely With the ACLU of PA wherever you get your podcasts! ■**

## **ACLU-PA COMPLAINT SHINES A LIGHT ON HORRID CONDITIONS AT IMMIGRATION DETENTION FACILITY**



**Immigration detention is cruel and unnecessary; it should not exist.** There is simply no reason to keep a person detained while they await the outcome of their immigration proceedings. Even as the ACLU of Pennsylvania advocates for an end to immigration detention, we also need to make sure that those

in immigration detention are safe and that their rights are protected.

That's why we partnered with two other immigration advocacy organizations to file a federal complaint against the Moshannon Valley Processing Center, an immigration detention facility located in a former prison and operated by GEO Group, a for-profit prison corporation. The complaint asks the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties to open an investigation into the conditions at Moshannon after a series of disturbing reports from some individuals being detained there and to make a number of recommendations to Immigration and Customs Enforcement and GEO to remedy the inhumane and unconstitutional conditions people are subjected to at Moshannon.

Those reports include lack of access to crucial language services, regular discrimination by prison staff, and

inadequate medical care that may have factored into the death of a person who was in detention last year.

The lack of language access means that people who are not proficient in English are unable to quickly learn the rules and procedures of the facility or understand commands from prison staff. This leads to disproportionate and unwarranted disciplinary proceedings for those individuals. It also makes it more difficult to get medical treatment.

Even where language services do not create a barrier to medical treatment, people detained at Moshannon report delays or denial of critical medical and mental health care. The facility is unable to adequately treat severe medical conditions, but staff and officers from ICE often deny requests for care from outside medical providers even when a person's health condition deteriorates over the course of their detention. ICE and GEO also have no process to provide reasonable accommodations to people with medical disabilities. These failures risk causing permanent harm to those detained at Moshannon.

The complaint asks DHS to investigate and address the specific issues faced by our clients and declarants. But beyond that, we hope that the complaint will bolster the advocacy work of the ACLU-PA and other organizations working to move the president and Congress to end immigration detention and take meaningful action to fix our cruel immigration system. ■



# WELCOME NEW STAFF TO THE ACLU OF PA

*Since the last issue of Free For All, ACLU-PA has welcomed five new staffers to the team.*



**Ricardo Almodovar** (he/him) joined the ACLU of Pennsylvania as an organizer in May 2024. He has previously worked for Make the Road PA, CASA PA, PA Budget and Policy Center, Campus Vote Project of the Fair Elections Center, and the Pennsylvania Department of Environmental Protection. In 2021, he was appointed to serve on the Pennsylvania Commission on LGBTQ+ Affairs, the first of its kind in the country that serves as an intermediary between the LGBTQ+ community and state government. Ricardo earned an associate's degree in social science in May 2013 from Harrisburg Area Community College and a bachelor's degree in Spanish language and international studies from Millersville University in 2016.



**Bekah Brooks** (she/her) is the office manager/legal assistant at ACLU-PA's Pittsburgh office, bringing a wealth of experience from her previous role as an educator. With a strong background in research, technology integration, and policy advising, she has worked with diverse student populations and contributed to creating inclusive learning environments. Bekah holds a master's degree in education from California University of Pa. Originally from Claysville, Pa., she enjoys exploring Pittsburgh, engaging in volunteer work, and staying active in her community. Her passion for equity and justice drives her commitment to ACLU-PA's mission.



**Kirsten Hanlon** (she/her) joined the ACLU of Pennsylvania in August 2024 as a Penn Carey Law Catalyst Fellow. She received her undergraduate degree in neuroscience & behavior and peace studies from the University of Notre Dame and holds a J.D. from the University of Pennsylvania Carey Law School. At Penn Carey Law, Kirsten was involved in the Advocacy for Racial and Civil Justice Clinic, conducted research on excessive fines and the role of amicus briefs in federal district courts, and was an articles editor of the University of Pennsylvania Law Review. She also completed an internship with the Capital Habeas Unit of the Office of the Federal Public Defender for the Middle District of Tennessee.



**Jack Starobin** (he/they) joined the ACLU of Pennsylvania in July 2024 as the voting rights litigation assistant. Jack graduated from the University of Pennsylvania with degrees in political science and economics in May. Jack worked as a research assistant all four years of his undergraduate career, focusing on issues relating to voting rights, election administration, redlining and racial justice, and various topics in public opinion. Two years prior to joining ACLU-PA, he served as assistant director of the High School Voter Project, coordinating peer-to-peer youth voter engagement programming at three high schools in West Philadelphia. In his free time, Jack enjoys reading, going on long runs, and writing poetry.



**Dr. Tyree Williams** (he/him) is ACLU-PA's major gifts officer and works in the Philadelphia office. Tyree has over 15 years in education, government, and nonprofit sectors. Prior to the ACLU-PA, he led Alex's Lemonade Stand Foundation Community and Education (K-20) Partners fundraising initiatives and served as the director of programming and social impact for 1st Not Next, Inc., raising funds for events such as the annual Project Cold War Coat Drive and End of Year Holiday Day Cheer, providing hundreds of Philadelphia families with brand new winter attire and toys. Tyree earned his bachelor's degree from Cheyney University of Pennsylvania and then went on to earn his MBA (Pitt), M.S.Ed (Penn), and EdD (Temple).

## EXPANDING FREE SPEECH PROTECTIONS FOR THOSE WHO CHALLENGE THE POWERFUL



**The right to speak truth to power is a cornerstone of our democracy.** But of course, the rich and powerful don't like the spotlight on them and are always looking for ways to silence their critics.

One way they can silence critics is by weaponizing the courts through the use of Strategic Lawsuit Against Public Participation, or SLAPP lawsuits. SLAPP lawsuits typically put forward a claim of defamation, invasion of privacy, or similar accusations in civil court.

The goal of a SLAPP lawsuit is not necessarily to win a judgment. Instead, SLAPP lawsuits are meant to be a long, drawn out, and costly process intended to drain the defendant of time and money and, as a result, to silence the defendant's criticism of the plaintiff.

The ACLU of Pennsylvania has worked with a number of other free speech organizations for more than a decade to advocate for strengthening the commonwealth's anti-SLAPP law, which only covered communications with

the government regarding environmental policies.

This year, the legislature finally took action. In a rare unanimous vote in both the state House and Senate, lawmakers passed Act 72, a bill that would greatly expand protections for all Pennsylvanians against SLAPP lawsuits. In July, Governor Josh Shapiro signed the bill into law.

The new law makes it easier for judges to dismiss frivolous lawsuits and order plaintiffs to cover the legal fees of defendants if the judge deems the lawsuit a SLAPP suit. Critically, the new law covers all expression on any matter of public concern. Finally, the new law gives defendants the right to an immediate appeal and keeps plaintiffs on the hook for legal costs of the appeal if their lawsuit is ultimately determined to be a SLAPP suit.

After years of hard work to win these reforms, this new law is a huge win for journalists, consumer advocates, community organizers, and anyone who seeks to hold the rich and powerful accountable. ■

## "LET PEOPLE VOTE" CAMPAIGN CALLS FOR PRO-VOTER POLICIES IN PA. COUNTIES

**Pennsylvania counties have a remarkable amount of autonomy and influence on how elections are administered.** What county you live in determines your ease of voting and whether or not your ballot will count. A voter in one county can make a mistake on their mail ballot, and their local officials will inform them and give them directions on how to correct it. A voter in another county can make the same mistake, be given no notice, and be denied the opportunity to correct their error.

With support from national ACLU, ACLU-PA launched its "Let People Vote" campaign earlier this year. Our advocacy team has been mobilizing and organizing in counties where there are opportunities to advance pro-voter policies. And that effort has led to victories for voters. In Allegheny County, voters will have access to additional drop off locations to return their mail ballots and five satellite election offices offering voter services throughout the fall.



*ACLU-PA Organizer Ricardo Almodovar addresses the audience at the kickoff event of the "Let People Vote" campaign in Reading in June*

In Dauphin County, the board of elections voted in September to implement a robust notice-and-cure policy. The county elections office will inform mail voters when there are disqualifying errors with their ballot return packets and assist them with correcting the errors so that their ballot will count.

These wins came after ACLU-PA and our allies mobilized members, supporters, and volunteers.

In Lancaster and Berks counties, ACLU-PA has launched an organizing effort to activate a locally driven push for pro-voter policies. In every election, hundreds of voters in these counties have their ballots disqualified over easily correctable mistakes. In recent elections, the county commissioners in both Lancaster and Berks have not made an effort to proactively notify voters,

and Lancaster does not allow voters to fix their mistakes before Election Day. Both counties could be doing so much more to support their voters.

Learn more about the campaign at [aclupa.org/letpeoplevote](https://aclupa.org/letpeoplevote). ■



# FAQ WITH DANITRA SHERMAN

*Danitra Sherman is ACLU-PA's deputy advocacy and policy director and has been with the organization since 2019. Before joining ACLU-PA, Danitra was the state field director for Planned Parenthood Pennsylvania Advocates.*

**You are actively engaged in some of the biggest projects that ACLU-PA has going right now. What do you think ACLU-PA supporters need to know about the work that is happening?**

Ensuring voter rights is a priority for ACLU-PA. When we fight to ensure that every eligible voter who casts a ballot has their vote counted, it means that diverse voices are heard. That is imperative in having an effective democratic process that represents the people so that needs and concerns are addressed, especially for marginalized communities. Being able to exercise one's right to vote empowers community members to have a say on the issues that matter most and hold leaders accountable.

So, we will always fight to protect and expand voting rights and provide the needed education to make sure that rights are known and that policies are in place to prevent voter disenfranchisement and make voting more accessible.

**What's your take on the state of the political culture on ACLU-PA's priority issues, particularly voting rights and criminal legal reform?**

Many advocates, including the ACLU of PA, have been working diligently to advocate for reforms that address disparities and create fairer systems. There are also opposing forces that attempt to undermine reform efforts by over-sensationalizing the issues and creating fear to mislead communities and perpetuate injustices. But with changing demographics, increased advocacy and organizing, as well as shifts in public opinion, the political landscape will evolve and allow for advancements in both voting rights and criminal legal reform.

**Your role is a key component of ACLU-PA's effort to have a robust advocacy program and not just be a public interest legal group. Are we getting where we want to go?**

I do believe that we are heading in the right direction to maximize our impact to create change. Our advocacy and legal efforts go hand-and-hand and are complementary to one another. When legal efforts are made to challenge laws in court, we need the advocacy efforts to inform the public and influence policymakers. Through advocacy, we can mobilize communities, build power, and create transformational change that builds off of legal efforts.

**You've been with ACLU-PA for five years. What achievements are you most proud of? Any particular reflections on these last five years?**

I am proud of the efforts that we have made to be more intentional about raising our brand awareness and engaging diverse communities so that they know we are a trusted messenger and advocate. I am proud of working with a great group of people who are willing to take a stance and go against the grain to do what is truly best for helping impacted communities. And, I am most proud of getting to work with very talented and passionate people on a daily basis where we are all striving to make a difference and improve the lives of the most vulnerable. We must always be courageous and never afraid to speak out against injustices. ■





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## DOING THE WORK



In September, ACLU-PA hosted the annual Capitol Compass Bootcamp event. The bootcamp provides participants with a comprehensive understanding of legislative and lobbying fundamentals and equips new and existing organizers and staff with the tools to effectively engage with Pennsylvania state legislators and manage their organization's policy agenda. Guests included (left to right) Rep. Rick Krajewski and Senator Nikil Saval of Philadelphia and Rep. Dan Miller of Allegheny County. ■



ACLU-PA recently released new polling data on public safety and immigration reform and hosted an event in Philadelphia in August with legislators, legislative staff, and donors to share the findings. Moderated by Ernest Owens of Philadelphia Magazine (left), speakers included (left to right) Jeff Liszt of Impact Research, ACLU-PA's Mike Lee, and Ellen Flenniken and Sarah Mehta of national ACLU. Learn more at [aclupa.org/solutions](https://aclupa.org/solutions). ■