

October 25, 2022

David Voye, Manager (by email)
Allegheny County Division of Elections
County Office Building
542 Forbes Avenue, Room 312
Pittsburgh PA 15219

Re: Mail Ballots Missing Voter Declaration on Outer
Envelopes and Returned Undeliverable Mail Ballots



Dear Mr. Voye:

We are writing in regard to two mail voting issues that have the potential to disenfranchise voters in the 2022 general election. First, we are writing to request that the Allegheny County Division of Elections take steps to ensure that voters who requested mail ballots are not disenfranchised due to printing errors on the “outer envelopes” they must use to return their mail ballots. And second, we are writing to request that the Division of Elections take steps to ensure that voters whose mail ballots are returned to the Division of Elections as undeliverable are provided with notice that their unvoted ballots have been returned.

First, we understand that the Division of Elections is aware of several instances in which voters received mail ballots missing the “voter declaration” language on the outer envelope due to a printing error. As you know, if a voter returns a mail ballot without signing the outer envelope, that ballot cannot be counted. Accordingly, we are concerned that voters who receive such mail ballots will return their ballots without realizing that the outer envelope is missing the voter declaration language and that their votes will not be counted.

Due to the serious nature of this issue, we ask that the Division of Elections review the outer envelopes of all received mail ballots for the 2022 general election and contact every voter whose mail-in ballot they have received and is missing the voter declaration language. These voters should be offered an opportunity to either spoil their ballot and be issued a new one or spoil their ballot and vote in person on November 8. We request the Division of Elections contact its printer to ensure that all mail ballot packets going forward have the proper declarations printed on them.

We also ask that the Division of Elections immediately mount a public education campaign to: 1) advise voters to check their mail ballots for the voter declaration language and signature line; and 2) establish a

Eastern Region Office
PO Box 60173
Philadelphia, PA 19102
215-592-1513 T
267-573-3054 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
PO Box 23058
Pittsburgh, PA 15222
412-681-7736 T
412-345-1255 F

hotline for voters to call if that language is missing. Finally, we ask that the Division of Elections investigate why some voters were mailed erroneously printed ballots and contact any voters it is able to identify as having received such a ballot.

Second, we understand that hundreds of un-voted mail-in ballots have been returned to the Division of Elections as “undeliverable,” but that the Division of Elections is not taking steps to follow up with voters whose un-voted ballots are returned. At a minimum, the Division of Elections must update the status of these ballots via the SURE system. We urge the Division of Elections to also take steps to ensure that the ballots were mailed to the correct address and to notify voters whose un-voted ballots were returned. If the Division of Elections is unable to follow up with voters, then we ask that the Division of Elections provide a list of all voters whose un-voted ballots were returned as undeliverable so that third parties can directly contact voters.

Please advise us as soon as possible and no later than Friday, October 28, how the Division of Elections intends to ensure that voters who received erroneously printed ballots will be able to vote in the 2022 general election and the steps that the Division of Elections is taking to ensure that voters are notified when their ballots were returned as undeliverable. You may contact me at srose@aclupa.org or 412-681-7736 x328 with any questions.

Respectfully,

/s/ *Sara J. Rose*

Sara J. Rose
Deputy Legal Director

Witold Walczak
Legal Director

cc: Hon. Leigh M. Chapman, Acting Secretary of State (by email)
Hon. Jonathan Marks, Deputy Secretary for Elections and Commissions (by email)
Allan Opsitnick (by email)