

September 24, 2024

via email [County.Manager@luzernecounty.org](mailto:County.Manager@luzernecounty.org)  
Romilda Crocamo  
County Manager, Luzerne  
20 North Pennsylvania Ave  
Wilkes Barre, PA 18701



RE: Decision to discontinue use of mail ballot drop boxes  
in Luzerne County

Dear County Manager Crocamo,

Eastern Region Office  
PO Box 60173  
Philadelphia, PA 19102  
215-592-1513 T  
215-592-1343 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  
412-681-8707 F

We learned that you, in your role as County Manager of Luzerne County, issued a statement last week ordering the discontinuance of and removal of mail ballot drop boxes in Luzerne County. We also understand that you doubled down on this “decision” in a statement issued September 23, 2024.<sup>1</sup> We are writing to urge you to withdraw your statement ordering the removal and discontinuance of drop boxes so that the Luzerne County Board of Elections may, if it chooses, consider the issue under its statutory and home rule charter authority.

Luzerne County has adopted a home rule charter that provides for the establishment of a five-member Board of Elections and Registration, four members of which are appointed by the county council and one member is voted on by the appointed members. *See* Home Rule Charter of Luzerne County, Pennsylvania, § 8.02 et seq. The county manager is not a member of the Luzerne County Board of Elections and Registration.

The Pennsylvania Election Code vests authority over elections in each county’s board of elections, 25 P.S. § 2641(a), who “shall have jurisdiction over the conduct of primaries and elections in such county, in accordance with the provisions of [the Election Code]. *Id.* The Election Code further provides that when a county has adopted a home rule charter and creates an appointed board of elections, that body shall constitute the board of elections for purposes of the election code, provided it has minority representation. 25 P.S. § 2641(b). Because Luzerne County, like other home rule charter counties, has conferred authority in an appointed board of elections, that body has jurisdiction over elections in Luzerne County. Thus, all the duties and responsibilities for running elections and election administration must be exercised by the Luzerne County Board of Elections and Registration, and not by any other county body or officer.

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<sup>1</sup> Learn-Andes, J. “Luzerne County Manager details plans for election security,” *Times Leader*, Sept. 23, 2024, <https://www.timesleader.com/news/1668023/luzerne-county-manager-outlines-some-election-security-plans>

In a series of meetings starting in May 2020 and continuing through March 2023, at duly noticed public meetings, the Luzerne County Board of Elections adopted a policy and approved the deployment of four (4) drop boxes for use by the voters of Luzerne County.<sup>2</sup>

Your statement, in your capacity as county manager, ordering the discontinuance and removal of Luzerne County drop boxes is *ultra vires* for the office of county manager. Neither the Luzerne County county manager, nor the Luzerne County Council, has the authority to override a decision regarding election administration that the appointed Board of Elections has adopted.

In the news reports about your statement, the primary reason for your decision is the purported lack of security of the drop boxes and your unilateral determination that Luzerne County drop boxes cannot be made secure. However, the Luzerne County Board of Elections and Registration is the entity that has the authority to make such a determination and has concluded that the drop boxes in Luzerne County are a secure option for Luzerne County voters. Moreover, government entities, including the Pennsylvania Department of State have published security recommendations for deployment of drop boxes. *See e.g.* Pennsylvania Absentee and Mail-in Ballot In-Person Return Guidance, Pennsylvania Department of State, Sept. 25, 2023 available at this [link](#).; *Cf.* Ballot Drop Box Paper, Cybersecurity and Infrastructure Security Agency( CISA) available at the U.S. Election Assistance Commission website, at this [link](#).

Counties across Pennsylvania, including Luzerne County, have used drop boxes securely since 2020 to make voting easier for their citizens. Regardless of your motivations for calling for the removal and discontinuance of drop boxes, your actions have prevented an orderly decision-making process by the Board of Elections at a public meeting during which citizens have the opportunity to address comments on such a decision directly to the Board.

The benefits of establishing ballot drop off locations are well known. Drop boxes provide voters with a secure way to submit their ballot knowing that it will go directly into the hands of the elections bureau. This is especially critical for voters who vote in the days right before Election Day and cannot be certain that the postal service will deliver their ballot on time. More importantly, ballot drop boxes are an important tool to expand access to voting for people with disabilities. Removal of the drop boxes will cause hardship to voters with disabilities who may have a hard time returning their ballots physically to the elections board. For people with disabilities, the right to assistance returning their ballot is fundamental to their ability to vote by mail, and this right is protected by federal law.

Your last-minute unilateral move and unsubstantiated public statements that the drop boxes are not secure elevates a false narrative about mail voting and sows distrust in election administration. It serves only to create chaos in the community. We urge you to use the power

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<sup>2</sup> See Minutes of the Luzerne County Board of Elections and Registration, May 6, 2020; Minutes of the Luzerne County Board of Elections and Registration, May 27, 2020; Minutes of the Luzerne County Board of Elections and Registration, March 23, 2022; Minutes of the Luzerne County Board of Elections and Registration, December 14, 2022; Minutes of the Luzerne County Board of Elections and Registration, March 23, 2022.

of your office to ensure funding necessary for the security of ballot drop boxes and to reassure the voting public that Luzerne County is encouraging voter participation and is capable of running smooth and secure elections. In the meantime, kindly retract your statement ordering the removal and discontinuance of drop boxes so that the Luzerne County Board of Elections may, if it chooses, consider the issue under its statutory and home rule charter authority.

Very truly yours,

/s/

Marian K. Schneider

Senior Policy Counsel for Voting Rights

cc: Harry W. Skene, Esq., Chief Solicitor (*via email Harry.skene@luzernecounty.org*)  
Luzerne County Board of Elections and Registration (*via email Electionboard@luzernecounty.org*)  
Luzerne County Council (*via email LCCM@luzernecounty.org*)