



MEMORANDUM

TO: The Pennsylvania House of Representatives

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: December 11, 2021

RE: OPPOSITION TO HB 2044 P.N. 2352 (NELSON)

Bill summary: [HB 2044](#) (P.N. 2352) would amend the Pennsylvania Election Code to prohibit County Boards of Election and the Secretary of the Commonwealth from accepting any private donation or contribution for the administration of elections. HB 2044 would add a duty to the powers and duties of the County Boards of Elections and of the Secretary of the Commonwealth to require these entities to decline to accept any private donation or contribution for the purposes of operating elections, employing staff or selecting and equipping a polling place or for use in voter education or outreach.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose HB 2044.

HB 2044 is an overreaction to county election offices that received nonprofit funding in 2020 to assist with COVID-19-related preparation for the general election—funding that the legislature failed to provide.

HB 2044 was filed in response to the [CTCL grants](#) (Center for Tech and Civic Life) that assisted counties with COVID-19-related preparation for the 2020 elections. There were NO restrictions on those grants; all counties were free to apply for those funds. Had that money not been available, some counties would not have been able to run elections in 2020. Most counties need temporary staff and most don't have the resources to hire. Because the legislature has repeatedly failed to properly fund elections, and counties were desperate to have the resources needed to run fair elections safely during a pandemic, these grants patched a critical funding gap. If the legislature is committed to banning third-party grants from elections, then the General Assembly should include a provision to provide increased funding for county election offices.

Regarding the CTCL grants in particular:

- The CTCL grants were opt-in, and [every legitimate jurisdiction that requested money received a grant](#). More than half of the grants were made to small jurisdictions, serving fewer than 25,000 voters. The only jurisdictions that did not receive grant funding were jurisdictions that did not ask for it.
- [There were no partisan questions in the grant applications](#). Grant funding decisions were not made on a partisan basis. As demonstrated by the jurisdictions across the political spectrum that received money, partisan considerations played no role in the availability or awarding of funding.
- Unfortunately, partisan politics arguably did play a role in which jurisdictions chose to apply for the funding.
- Nationally, more than a dozen frivolous lawsuits were filed to discredit the CTCL COVID-19 Response Grants program. [Every judge](#)—conservative, liberal, and two Republican-appointed Supreme Court Justices—rejected these challenges, with one judge issuing a strongly-worded opinion in one case that labeled these challenges a “conspiracy theory.”

- In Pennsylvania, [Republican](#) federal Judge Matthew Brann [ruled that](#) CTCL grant recipients “have used CTCL funding in a nonpartisan way to facilitate the upcoming election; they have spent the CTCL money to set up satellite election offices, offer dropboxes, and pay for various election-related expenses. Defendants have notably not attempted to use the CTCL funds to increase voter turnout by, for example, implementing get-out-the-vote efforts. ... Further, nothing in the record suggests that, if ... use of the CTCL funding does increase voter turnout, it will necessarily benefit progressive candidates. The implication that increased voter turnout is inherently beneficial to progressive candidates is dubious at best.”

All 67 counties in Pennsylvania—red or blue, urban or rural—deserve the necessary funding to run secure and accessible elections. The General Assembly should protect the freedom to vote for all Pennsylvanians by fully funding our county elections offices so they don’t need to turn to nonprofits for assistance. But until the legislature is willing to do so, they should not tie the hands of local elections officials who are just trying to do their jobs.

For these reasons, we urge you to oppose House Bill 2044.