

# FREE FOR ALL



In court to protect the vote  
— page 7

SPRING 2023

## MOVING FORWARD TOWARD 2024



By Claire Landau  
Acting Executive Director

In early January, ACLU-PA's longtime executive director, Reggie Shuford, bid adieu to both our organization and Pennsylvania. Reggie felt called to return to his home state to lead the North Carolina Justice Center, an

anti-poverty nonprofit organization. While it pained us to say goodbye, we wish Reggie all the best and understand how meaningful his new work is to him. He has also left us stronger as an organization.

You can read Reggie's reflections on 11 years at the ACLU of Pennsylvania on the blog on our website, aclupa.org.

We are currently in the midst of a search for a new executive director, a process that we expect will take several months. Until that person is placed, I will serve as the organization's

acting executive director. While my interest lies in the job for which I was hired, deputy director, I am honored that the leadership of ACLU-PA has the confidence in me to manage the organization during this transition.

In the meantime, the work goes on. Pennsylvania continues to be of great interest to the nationwide strategy of protecting and advancing the rights and liberties that we cherish. To that end, national ACLU has identified Pennsylvania as one of 11 "battle-ground" states and, within that group, one of six priority states, along with Arizona, Georgia, Michigan, Nevada, and Wisconsin. These states are those where the 2024 presidential election will be hotly contested, creating high pressure and high stakes on voting rights and the fundamental belief in free and fair elections.

Many election deniers lost their races across the country in 2022, including in Pennsylvania. And in post-election

surveys, voters expressed that democracy was one of their motivating issues. But the work of stabilizing democracy is by no means over. We anticipate that those who would restrict the right to vote and even try to overturn the results of legitimate elections will be back for more in 2024.

To that end, ACLU-PA is currently building the infrastructure to be ready for next year. Our legal team continues their work, with at least three cases to protect voting rights ongoing right now. Our advocacy team is building its capacity for mobilizing our volunteers, partners, and supporters. All made possible by your donations and with the support of our national office.

We are not fast forwarding to 2024, though. Later in this newsletter, you can read more about the importance of the 2023 race for an open seat on the Pennsylvania Supreme Court and

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## WHAT IS A "PRO-DEMOCRACY" AGENDA?

While election deniers lost a lot of races in the 2022 election, democracy in Pennsylvania and the United States has not been fully secured. ACLU-PA and our partners remain ever vigilant about attempts to undermine the right to vote.

Changes in leadership in the state capitol have also opened new possibilities. Governor Shapiro campaigned on protecting the voting rights we have and expanding access to the ballot. And the new Democratic majority in the state House has altered the calculation on what's possible, while being mindful that the Senate Republicans continue to hold control of that chamber and have their own agenda on voting rights and election administration. Split control of state government always means that dialogue and compromise is necessary.



Philadelphia voters took time to dance on Election Day 2022.

ACLU-PA has prioritized addressing several weaknesses in the commonwealth's election process. Perhaps most prominently is the lack of in-per-

son early voting. More than 30 states have some form of in-person early voting without an absentee or mail ballot. This modern-day convenience gives voters more options for when they can cast their ballots on a voting machine.

Pennsylvania also places a hurdle before voters by requiring voter registration submissions weeks before the election. Same-day registration allows voters to register on the same day that they vote, has existed in some states for nearly 50 years, and would be a significant step forward in Pennsylvania.

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## FROM THE PRESIDENT



### Dear ACLU-PA supporter,

My work as the president of the ACLU of Pennsylvania is largely one of governance.

The board of directors ensures that the organization is financially secure, supervises the executive director, and safeguards the long-term best interests of the organization.

But several years ago, I had the opportunity to put my skills as a criminal appeals lawyer to use on behalf of ACLU-PA when I represented the organization in arguing a case before the Pennsylvania Supreme Court. In that case, we successfully protected the right against self-incrimination, when police were trying to force a suspect to divulge his computer password so that they could collect evidence against him. We won; the state lost.

That case was just one of many reminders of the importance of the oft-overlooked high courts of the states. While the U.S. Supreme Court generates headlines, protests, and best-selling books, the Pennsylvania Supreme Court can have a profound effect on our daily lives.

Many of the constitutional guarantees in the federal Constitution are also embedded in the commonwealth's constitution—which actually predates the federal charter by some 25 years. These protections include equality under the law and the rights to free speech and assembly. It prohibits unreasonable searches and seizures, as well as excessive bail. It even covers rights the federal Constitution overlooks, like the rights to free and fair elections, freedom of “conscience,” and a separate protection against sex discrimination.

As federal courts, particularly the U.S. Supreme Court, become increasingly hostile to many of the civil liberties we cherish, the ACLU and other public interest legal organizations will turn to state courts to maintain and heighten our rights under the state constitution.

Every election matters, and that includes judicial elections in states like Pennsylvania that choose their judges that way. Our expectation and hope is that candidates for justice of the Pennsylvania Supreme Court will commit to equality and liberty. Learn everything you can about the candidates and be ready to vote in this year's election.

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.

# DEFENDING ACCESS TO ABORTION

For years, long before the Supreme Court overturned *Roe v. Wade*, access to abortion care has been elusive for patients who need it. That is especially true for people who live in poverty: For more than 35 years, Pennsylvania has denied people insured through Medicaid coverage for abortion care, with disproportionate impact on Black and brown patients and people in rural Pennsylvania. To fill that gap, mutual aid organizations known as abortion funds have offered assistance to patients who cannot afford to pay out of pocket for the care that they need.

After the court's ruling last year, the city of Philadelphia made a donation of \$500,000 to Abortion Liberation Fund (ALF-PA), a Philly-based organization that protects and expands access to abortion for individuals in Southeastern Pennsylvania through direct service and community organizing. That donation became the subject of a lawsuit when two anti-abortion activists from Philadelphia sued the city and later ALF-PA to stop it.

The ACLU of Pennsylvania became involved in the lawsuit as counsel for ALF-PA. After a hearing in Philadelphia Court of Common Pleas in October, the court ruled in favor of the city and ALF-PA and dismissed the residents' motion for an injunction to stop the donation. The plaintiffs filed a series of frivolous appeals but ultimately dropped the case



rather than face the possibility of being sanctioned for their abusive litigation tactics, leaving the donation intact. ALF-PA is now free to use the funding to further its mission.

Learn more about this case at [aclupa.org/AbortionLiberationFund](https://aclupa.org/AbortionLiberationFund). ■

## DEATH PENALTY MORATORIUM CONTINUES IN PA

Mere weeks after being sworn into office, Governor Josh Shapiro announced that he will continue the moratorium on executions started by his predecessor, Tom Wolf. Governor Shapiro also urged the General Assembly to repeal the death penalty.

In remarks given at a church in Philadelphia, Shapiro said, "We shouldn't aim to fix this system. The commonwealth should not be in the business of putting people to death, period."

Opposition to the death penalty is a longstanding position of the ACLU. ACLU-PA has participated in numerous coalitions over the years on this issue and has advocated for both a moratorium on executions and repeal of the capital punishment statute. A 2018 ACLU-PA lawsuit—filed with the Abolitionist Law Center, the ACLU National Prison Project, and counsel from the law firms Kairys, Rudovsky, Messing, Feinberg & Lin LLP and Drinker Biddle & Reath LLP—led the state Department of Corrections to end permanent solitary confinement for people sentenced to death.

The last execution in Pennsylvania

was in 1999. According to the Death Penalty Information Center, there are currently 128 people on the commonwealth's death row. Approximately half of those sentenced to death are Black, in a state with a Black population of 12 percent.

Since 1976, which is referred to as the "modern" era of the death penalty, 11 people have been exonerated after being sentenced to death in Pennsylvania. ■



ACLU-PA Legislative Director Elizabeth Randol shares a laugh with Governor Shapiro after his announcement that he'll be continuing the moratorium on executions.

## LISTEN FREELY TO ACLU-PA'S PODCAST

**Speaking Freely With the ACLU-PA** is the podcast where you hear conversations about the most pressing civil liberties issues in the commonwealth. After eight months off, the podcast is back, with a series of episodes about policing, marijuana law reform, and voting rights. Find *Speaking Freely With the ACLU-PA* on your favorite podcast app or at [aclupa.org/speakingfreely](https://aclupa.org/speakingfreely). ■

# SPEAKING FREELY

with the  
**ACLU**  
Pennsylvania

## FAQ WITH GLORIA “G.G.” GINYARD



*Gloria “G.G.” Ginyard is ACLU-PA’s office operations specialist. Born and raised in West Philadelphia, G.G. has dedi-*

*cated her career to organizations that serve communities. She has been with ACLU-PA for nearly a decade, joining the organization in September 2013, and previously worked for a nonprofit that aided unhoused women and children.*

### **Talk about your role at ACLU-PA. What is a typical work day like for you?**

Each day is different, but usually when I’m in the office, I make sure that the office is stocked with the needs of the staff, especially coffee LOL. Followed by a walk-through to ensure the common areas are clean, in order, and stocked as needed. I also check-in with my supervisor and executive director for their needs of the day. I’m constantly problem-solving and thinking of ways to make our work lives more organized and efficient.

### **You’ve worked for nonprofit groups for a long time. Why did you decide to dedicate your career to this kind of work?**

As an impacted person, it has always been important to me to help others in need and/or who have gone through similar struggles. One of my roles at my previous place of employment working with unhoused women was to assist them with job readiness skills to prepare them for employment that would supply them with the income needed to maintain their families and households. I’ve been in the system before and benefited greatly from the programs offered at that time (workforce development, housing, etc.), and this helped me connect with the women in the shelter.

At ACLU-PA, I may not be a lawyer

or community organizer, but I do my best to assist my colleagues in any way that I can so we can do this important work in our communities. I definitely believe in rights for all—we all matter and should be treated fairly.

### **What are some of your favorite memories of your time working for ACLU-PA?**

Meeting our now-former executive director, Reggie Shuford, has to be number one. So many great words describe him, but one word for sure is amazing. He has gone through so much in his own life, and, even with his busy schedule, he always put us first and made sure we were ok. We need more Reggies in the world.

So many great memories here, but another one was when our former colleague Melissa was taking baking/cake decorating classes and would bring her creations into the office for us to taste.

### **Besides advocating for civil rights, what are your other interests?**

Focusing on my health so I can be around for my children. My family is definitely a major priority.

Trying to figure out ways to be better. Whether in my personal life or at work, there’s always room for improvement.

Making sure that everyone that comes into the ACLU-PA family feels welcome and has what they need to hit the ground running. ■



G.G. Ginyard (right) with ACLU-PA Senior Organizer Naiymah Sanchez at the Made In America festival

## **Moving Forward,** *continued from page 1*

about the impact that the court has on civil liberties. ACLU-PA is also working in conjunction with partner organizations on a ballot initiative in Lehigh County and a race for district attorney in western Pennsylvania.

During his 11-year tenure, Reggie Shuford led the growth of ACLU-PA to what it is today—bigger, stronger, and more effective. He has set us up for success in our next chapter and left us prepared for the future.

## **Agenda,** *continued from page 1*

There are other ways that the legislature can improve administration of the commonwealth’s elections. County election bureaus should be empowered to start “pre-canvassing”—the process of preparing mail and absentee ballots for counting—in the days leading up to an election but are currently prohibited from doing so before 7 a.m. on Election Day. That prohibition slows down the vote counting.

The General Assembly should also remove the requirement that mail and absentee voters handwrite a date on their return envelope. This is an irrelevant technicality that has no impact on the voter’s eligibility or determining if they submitted their ballot by the deadline but threatens disenfranchising voters over a simple mistake.

Finally, ACLU-PA’s pro-democracy agenda includes opposing more demanding voter identification mandates. In 2012, ACLU-PA and our partners successfully stopped a strict voter identification law that would have disenfranchised hundreds of thousands of voters. But even more benign mandates that allow more forms of ID to be accepted risk voter and poll worker confusion, longer waits at polling locations, and an opportunity for shenanigans from election deniers.

You can track our latest work on voting rights and all civil liberties issues in the legislature at [aclupa.org/legislation](https://aclupa.org/legislation). ■

# WELCOME NEW STAFF TO THE ACLU OF PA

*Since the last issue of this newsletter, we've welcomed a new staffer to our communications team.*



**Natalie Monteiro** (she/her/hers) joined the ACLU of Pennsylvania in January 2023 as the organization's first multimedia communications associate. Before joining ACLU-PA, Natalie had the privilege to work for multiple political organizations and Bernie Sanders' 2020 presidential campaign. Natalie has extensive experience in digital communications, including with Organizing Together 2020, NextGen America, the Working Families Party, and the Sanders campaign, where she established a Spanish text program, a first for a presidential campaign. Natalie is a graduate of the Connecticut School of Broadcasting and, in her free time, enjoys going on hikes, spending time with her little one, writing, and traveling to new places. Natalie is based in the Philadelphia office.

## THE OVERLOOKED PENNSYLVANIA SUPREME COURT

Do you know about these cases?

✓ Through an open records request, the ACLU of Pennsylvania is trying to obtain the social media policy of the Pennsylvania State Police.

✓ ACLU-PA, alongside the League of Women Voters of PA, defeated a proposed overhaul of the state constitution that would have compromised the rights of people accused of crimes.

✓ The commonwealth's district attorneys tried, and failed, to stop then-Governor Wolf's moratorium on executions.

✓ In the 2020 election, voters were able to submit their ballots in dropboxes, at satellite election offices, and with an extended deadline of three days. These interpretations of state law made voting easier and came about as a result of legal challenges.

All of these issues—and more—have been considered by the Pennsylvania Supreme Court. With the exception of the open records lawsuit, the court ruled in favor of civil liberties in each of the cases listed above. And, even in the open records case, the Supreme Court did not rule against ACLU-PA's position. Instead, the justices sent the case back to Commonwealth Court for reconsideration.

Pennsylvania is one of a handful of states that select judges and justices for appeals courts by partisan elections. And those elections are held in so-called "off" years, odd-numbered years when judicial and municipal candidates are on the ballot. These races have much lower profiles than those for state and federal executive and legislative branches, but the stakes couldn't be higher.

This year, there is a vacant seat on the state Supreme Court. And we know that the court will continue to consider vital civil liberties issues. From voting rights to criminal law reform, from reproductive freedom to questions about discrimination and equal protection, the court will continue to wrestle with issues that impact Pennsylvanians' lives each and every day.

Get to know the candidates. And be sure that you are ready to vote in November. ■



## YOUR ROLE IN THE STRUGGLE FOR CIVIL LIBERTIES IN SCHOOLS

**Classrooms are a cornerstone** of our democracy where a variety of perspectives should be heard. Historically, the ideas expressed within school walls have been greatly debated with different groups of people vying to have their narratives and beliefs prioritized over others.

Today is no different. At this moment, education faces significant challenges from activists who want to extinguish the robust exchange of ideas for the indoctrination of their worldview, and some of those activists have won seats on school boards. Their worldview excludes the representation, perspectives, and voices of those who are not part of the dominant culture—namely people of color, people whose religion or faith traditions are not Christian, and queer, transgender, and nonbinary people.

The staff of ACLU of Pennsylvania cannot monitor all 500 school districts in the commonwealth. But as a constituent of your local school district, you have power. You can follow these simple tips for being vigilant about what's happening in your district:

- ✓ Check your school board's monthly agenda: These agendas are required by law to be posted online at least 24 hours before each meeting.
- ✓ Monitor school board meetings: All school board meetings are open to the public. And some districts are still offering a virtual option for interested individuals to watch from the comfort of home.
- ✓ Speak up: By law, every school board meeting must have a public comment period. Use your voice to support inclusive education and reject



In January, students, staff, and supporters protested a new policy in the Central Bucks School District that restricts teachers' ability to talk about political and social issues.

policies that compromise civil liberties. Over the last two years, we've seen districts debate and implement a range of problematic policies, including processes for complaining about library materials, making it easier to ban certain books; restricting the speech rights of staff and students; expanding police presence in schools; and discriminating against trans and nonbinary students.

And remember to vote! There's no such thing as an "off" election. This year, school board seats will be open all over Pennsylvania. Get to know the candidates, challenge them when they come to your door, and support candidates—from any party—that pledge to support inclusive education. ■



## DEFENDING RELIGIOUS LIBERTY AND FREE SPEECH AT A NORTHAMPTON COUNTY SCHOOL

**When the Saucon Valley School District** in Northampton County abruptly withdrew its approval for the After School Satan Club to meet on school grounds, it ran afoul of both free speech and religious liberty rights embedded in the First Amendment. That's the charge in a lawsuit filed in March by the ACLU of Pennsylvania and the national ACLU.

Public schools that make their facilities available to community groups cannot engage in viewpoint discrimination. Saucon Valley allows

other clubs to meet on school grounds, including the Christian-based Good News club. The After School Satan Club is open to all students and offers programming—such as community service projects, games, nature-based activities, and arts and crafts—that promotes the Satanic virtues of benevolence, empathy, critical thinking, problem solving, creative expression, personal sovereignty, and compassion. The club at Saucon Valley was started at the request of a local parent who wanted an inclusive, non-Christian gathering space for youth.

The district initially approved the club but then withdrew its approval after days of controversy, including a violent threat directed at the school allegedly by a man from North Carolina. But as a public school, the district is prohibited from rejecting clubs with unpopular or controversial views. Nor can the district legally restrict someone's First Amendment rights under threat of a "heckler's veto" from others who are opposed to the speaker's viewpoint.

Learn more about this case at [aclupa.org/SatanicTemple](https://aclupa.org/SatanicTemple). ■

## THE YEAR-ROUND WORK OF DEFENDING THE RIGHT TO VOTE

In the current political environment, advocating for the right to vote in the courts has become year-round work. Right now, the ACLU of Pennsylvania is in court in at least three election-related lawsuits, all of which have implications for the rights of Pennsylvania's voters.

In *NAACP v. Schmidt*, six organizations and several voters are challenging the state law that requires absentee and mail voters to handwrite a date on their ballot's return envelope. The handwritten date is irrelevant to a person's eligibility to vote or their punctuality in returning their ballot. And yet this simple mistake can lead to disqualification of thousands of voters' ballots. With co-counsel from the ACLU Voting Rights Project, ACLU-PA's case rests on the federal Civil Rights Act, which prohibits states from disqualifying ballots over immaterial paperwork errors related to voting. Learn more about this case at [aclupa.org/NAACP](https://aclupa.org/NAACP).

Three consolidated cases challenge the state Senate Republicans' use of a legislative subpoena to obtain the personally identifying information of every registered voter in Pennsylvania, including voters' names, addresses, dates of birth, driver's license and non-driver ID numbers, and partial Social Security numbers. Election law explicitly forbids the Department of State from releasing the most sensitive information from a voter's file, as does the state constitution's privacy protections, but the Senate GOP believes it's entitled to the data.



For every state and federal election, ACLU-PA and allies organize command centers in Philadelphia and Pittsburgh to monitor complaints to the election protection hotline. ACLU-PA's Solomon Furious Worlds (right) and Ben Geffen of Public Interest Law Center (left) in the Philly command center on Election Day 2022.



ACLU-PA Senior Staff Attorney Rich Ting in the election protection command center in Pittsburgh on Election Day 2022.

ACLU-PA represents the League of Women Voters of Pa., Common Cause Pa., and Make the Road Pa. and eight individual plaintiffs in challenging the subpoena.

This case derived from an attempt by the Senate Intergovernmental Operations Committee to conduct a review of the 2020 election. The Commonwealth Court recently ruled that it has no role in determining the legality of the committee's subpoena, a ruling that ACLU-PA has appealed to the state Supreme Court. Visit our website at [aclupa.org/Dush](https://aclupa.org/Dush) for more information on this case.

Finally, ACLU-PA is in court to enforce a public records request to Fulton County. At the behest of state Senator Doug Mastriano, the county conducted a legally questionable review of its voting machines and election data in the winter of 2021. The review was conducted by a private company, Wake TSI. ACLU-PA Legal Director Witold Walczak submitted a Right To Know request for documents related to that review. The county has failed to comply fully with that request, despite an order in ACLU-PA's favor from the Office of Open Records. Information about this case is available at [aclupa.org/FultonRTK](https://aclupa.org/FultonRTK).

The work of defending democracy isn't subsiding. ACLU-PA is here for the struggle and is dedicated to protecting and expanding the right to vote. ■

# ACLU

## Pennsylvania

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## THANK YOU, REGGIE!

After 11 years as executive director of the ACLU of Pennsylvania, Reggie Shuford resigned from his position in January to accept a new opportunity in his home state as the executive director of the North Carolina Justice Center. During Reggie's tenure, ACLU-PA achieved countless legal and policy wins and became stronger as an organization. Our membership and staff doubled during his 11 years, with an emphasis on diversity, equity, inclusion, and belonging. We miss Reggie but are grateful for all that we've achieved together. We have no doubt that his commitment to justice, fairness, and service will positively impact the people of North Carolina. ■

