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**SETH M. GROVE**  
196<sup>TH</sup> LEGISLATIVE DISTRICT

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*House of Representatives*  
**Commonwealth of Pennsylvania**

**REPUBLICAN CHAIR**  
APPROPRIATIONS COMMITTEE  
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September 20, 2024

Honorable Josh Shapiro  
Governor, Commonwealth of Pennsylvania  
238 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Shapiro,

The 2024 General Election is rapidly approaching. With control of the Pennsylvania General Assembly, the offices of the Pennsylvania Attorney General, Treasurer, and Auditor General, the United States Senate, Congress, and finally, the White House on every ballot in Pennsylvania, the responsibility to ensure Pennsylvania's elections are conducted without controversy is of the utmost importance.

On Friday, September 13, 2024, the Pennsylvania Supreme Court ruled on an outstanding primary election issue in the case of IN RE: CANVASS OF PROVIS. BALLOTS; APPEAL OF WALSH - NO. 55 MAP 2024. This case examined whether to count two separate provisional ballots, which had been objected to by each campaign. The court unanimously ruled that the "O'Donnell Ballot" should be counted, which presented an issue entirely created by the automatic voter registration policy implemented by the Shapiro Administration.

In December of 2023, Mr. O'Donnell updated the vehicle registration on a vehicle he owns to a new address – a home in Schuylkill County he was renovating but not yet residing in. He did not live in this home until March 29, 2024, which would have allowed him to vote in Luzerne County for the 2024 primary election. Luckily, Mr. O'Donnell voted by provisional ballot and refused to be disenfranchised by the frequently mismanaged Luzerne County Board of Elections. While this is encouraging, our concern moving forward is two-fold.

First, the Supreme Court's Majority Opinion clarified that PennDOT's new automatic voter registration is legally questionable. The Majority Opinion, penned by Justice Mundy and joined by Justices CJ Todd, JJ. Wecht, Brobson and Dougherty says in part:

[T]here is little reason to believe Congress intended the term “personal identification document” to subsume vehicle registration documents – and the Board cites no authority for that tenuous reading. For its part, in passing PVRA the General Assembly clearly had a different understanding, as ***PVRA only authorizes PennDOT to provide a simultaneous application for voter registration, including an application to update an existing voter registration, in conjunction with the process for obtaining a driver’s license*** per 75 Pa.C.S. § 1510.15 Any administrative decision by PennDOT or the Pennsylvania Department of State ***to transfer an elector’s voter registration without that person’s affirmative consent in conjunction with a PennDOT application to change a vehicle registration, as opposed to a driver’s license, is therefore of questionable validity***, particularly where, as here, no party has identified a valid administrative regulation authorizing such action. (*emphasis added*)

Justice Wecht, in a concurring opinion, went on to say:

The Pennsylvania Voter Registration Act provides several methods of voter registration, ***none of which is tied to the application or renewal of a vehicle registration***. To the extent PennDOT has taken it upon itself to transform a vehicle registration renewal into a change in voter registration, it appears to have done so ***in the absence of any legislative directive***. Although ***PennDOT’s rogue transfer of voter registration*** in this case ultimately did not deprive O’Donnell of the right to vote, it would be troubling if PennDOT has a practice of making such a transfer without statutory authorization, or even the voter’s consent. (*emphasis added*)

Our second concern is the potential for more cases, like Mr. O’Donnell’s, in Pennsylvania. Individuals might register a vehicle to a different address other than their home address for various reasons. Luckily, Mr. O’Donnell knew to ask for a provisional ballot, but how many other Pennsylvanians in the same situation know to do the same? We fear many more instances like this are waiting to be discovered – likely at the polls on election day.

Given that we still have several weeks before the voter registration deadline, there are two remedies the Department of State and PennDOT must take immediately to fix this legally questionable registration scheme. First, PennDOT should immediately stop offering voter registration changes to all interactions outside driver’s and non-driver’s license updates or issuances. Second, to ensure voters are aware they may have had their voting address changed, PennDOT and the Department of State should jointly identify and reach out to every voter who changed their voter registration via interaction with PennDOT to ensure they meant to change their voter registration.

The Supreme Court’s recent decision was clear: PennDOT cannot add a change of voter registration to interactions such as updating vehicle registration. Citizens with voter registration changed through these means must be allowed to verify any such update.

Failure to address these issues promptly will lead to avoidable disinformation and misinformation around the elections process directly because of actions by state government. Furthermore, failure to act will almost assuredly end in further litigation for the Department of State and may also include the Department of Transportation, which created this problem in the first place at your direction. We must immediately prevent these potential outcomes and ensure a smooth and fair Pennsylvania election process.

We look forward to your prompt response and action plan.

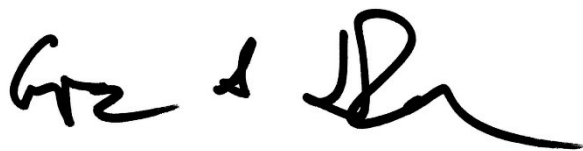
Sincerely,



Seth Grove  
Representative, 196<sup>th</sup> District



Sheryl M. Delozier  
Representative, 88<sup>th</sup> District



Geroge Dunbar  
Representative, 56<sup>th</sup> District



Ryan Warner  
Representative, 52<sup>nd</sup> District



Russ Diamond  
Representative, 102<sup>nd</sup> District



Stephanie Borowicz  
Representative, 76<sup>th</sup> District



Martin Causer  
Representative, 67<sup>th</sup> District



Bryan Cutler  
Representative, 100<sup>th</sup> District



Martina A. White  
Representative, 170<sup>th</sup> District



Mike Cabell  
Representative, 117<sup>th</sup> District



Mike Armanini  
Representative, 75<sup>th</sup> District



Michael Stender  
Representative, 108<sup>th</sup> District



Jake Banta  
Representative, 4<sup>th</sup> District



Jim Rigby  
Representative, 71<sup>st</sup> District



Wendy Fink  
Representative, 94<sup>th</sup> District



Jill Cooper  
Representative, 55<sup>th</sup> District



Charity Grimm Krupa  
Representative, 51<sup>st</sup> District



Rob Kauffman  
Representative, 89<sup>th</sup> District



R. Lee James  
Representative, 64<sup>th</sup> District



Craig Staats  
Representative, 145<sup>th</sup> District



Doyle Heffley  
Representative, 122<sup>nd</sup> District



Aaron Bernstine  
Representative, 8<sup>th</sup> District



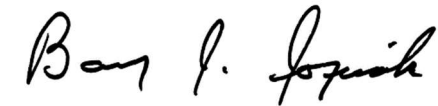
Tom Jones  
Representative, 98<sup>th</sup> District



Rich Irvin  
Representative, 81<sup>st</sup> District



Dave Zimmerman  
Representative, 99<sup>th</sup> District



Barry Jozwiak  
Representative, 5<sup>th</sup> District



Marci Mustello  
Representative, 11<sup>th</sup> District



Barabra Gleim  
Representative, 199<sup>th</sup> District



John Lawrence  
Representative, 13<sup>th</sup> District



Tina Pickett  
Representative, 110<sup>th</sup> District



Valerie Gaydos  
Representative, 44<sup>th</sup> District



Donna Scheuren  
Representative, 147<sup>th</sup> District



Kate Klunk  
Representative, 169<sup>th</sup> District



Perry A. Stambaugh  
Representative, 86<sup>th</sup> District



Mark Gillen  
Representative, 128<sup>th</sup> District



Clint Owlett  
Representative, 68<sup>th</sup> District



Eric Nelson  
Representative, 57<sup>th</sup> District



Torren Ecker  
Representative, 193<sup>rd</sup> District



Dawn Keefer  
Representative, 92<sup>nd</sup> District



Jason Ortity  
Representative, 46<sup>th</sup> District



John Schlegel  
Representative, 101<sup>st</sup> District



Joanne Stehr  
Representative, 107<sup>th</sup> District



Alec Ryncavage  
Representative, 119<sup>th</sup> District



Mindy Fee  
Representative, 37<sup>th</sup> District



Steven Mentzer  
Representative, 97<sup>th</sup> District



Tim Twardzik  
Representative, 123<sup>rd</sup> District



Marla Brown  
Representative, 9<sup>th</sup> District



Joe D'Orsie  
Representative, 47<sup>th</sup> District



Mike Jones  
Representative, 93<sup>rd</sup> District



Brad Roae  
Representative, 6<sup>th</sup> District



Brian Smith  
Representative, 66<sup>th</sup> District



Joseph Hamm  
Representative, 84<sup>th</sup> District



Louis C. Schmitt  
Representative, 79<sup>th</sup> District



Ann Flood  
Representative, 138<sup>th</sup> District



Dane Watro  
Representative, 116<sup>th</sup> District



Jack Rader  
Representative, 176<sup>th</sup> District



Keith Greiner  
Representative, 43<sup>rd</sup> District



Kathy Rapp  
Representative, 65<sup>th</sup> District



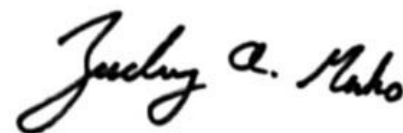
Bud Cook  
Representative, 50<sup>th</sup> District



Craig Staats  
Representative, 145<sup>th</sup> District



David Zimmerman  
Representative, 99<sup>th</sup> District



Zachary Mako  
Representative, 183<sup>rd</sup> District

A handwritten signature in black ink, reading "Paul Schemel". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Paul Schemel  
Representative, 90<sup>th</sup> District

CC: Department of State Secretary, Al Schmidt  
Department of Transportation Secretary, Mike Carroll  
Pennsylvania Auditor General, Timothy DeFoor