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October 3, 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.

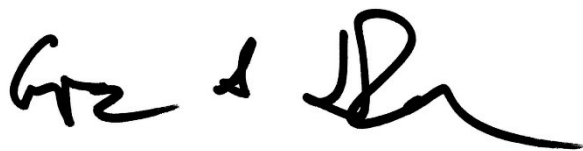
Sincerely,



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Representative, 196th District



Sheryl M. Delozier
Representative, 88th District



Geroge Dunbar
Representative, 56th District



Ryan Warner
Representative, 52nd District



Russ Diamond
Representative, 102nd District



Stephanie Borowicz
Representative, 76th District



Martin Causer
Representative, 67th District



Bryan Cutler
Representative, 100th District



Martina A. White
Representative, 170th District



Mike Cabell
Representative, 117th District



Mike Armanini
Representative, 75th District



Michael Stender
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Jake Banta
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Jill Cooper
Representative, 55th District



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Representative, 51st District



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R. Lee James
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Craig Staats
Representative, 145th District



Doyle Heffley
Representative, 122nd District



Aaron Bernstine
Representative, 8th District



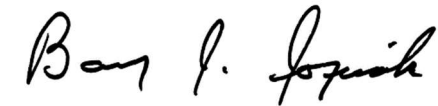
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Representative, 81st District



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Representative, 99th District



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Representative, 5th District



Marci Mustello
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Representative, 183rd District



Paul Schemel
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Jamie Flick
Representative, 83rd District

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