

The 2020 Pennsylvania Primary Election

June 25, 2020

As a critical battleground state with little experience with vote-by-mail, Pennsylvania will be closely scrutinized as it prepares for the 2020 general election. Its primary, held on June 2, 2020, revealed many challenges that must be confronted before November. The primary saw significant delays in sending mail ballots due to unprecedented demand, counties closing and consolidating hundreds of polling places, postal service delays, technical glitches, and staff shortages. News reports also highlighted challenges on Election Day itself, including long lines, voter confusion, and administrative glitches. Reporting the results also took a long time, in part because Governor Wolf extended the mail ballot deadline by one week, but also because counties were overwhelmed by the sheer volume of ballots. This memo details how Pennsylvania has adapted its election infrastructure to the challenges of the ongoing coronavirus pandemic, and identifies remaining issues election officials must address before the November 2020 presidential election.

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I. Introduction

The April/June 2020 primary election was a closed primary held on June 2, 2020 and featured presidential, congressional, state-level races, and various ballot measures. At the statewide level, the [state legislature enacted SB422](#) to provide for greater flexibility during the COVID-19 public health emergency. The bill enabled county election officials to consolidate up to 60% of polling places unilaterally and permitted counties to consolidate more than 60% of polling places with the approval of the Pennsylvania Department of State (DoS). The state [received \\$14 million in federal grants](#) from the third COVID-19 stimulus package and \$15.1 million in federal election security grants.

The state's election apparatus is led by Secretary of the Commonwealth Kathy Boockvar. DoS's efforts during the primary were primarily focused on issuing general guidance for polling places, procuring and distributing basic PPE, educating voters about the primary date change, and approving county plans. In Pennsylvania, election administration primarily takes place at the county level. County officials had the primary responsibility of determining where polling places will be and what types of personal protective equipment (PPE) and social distancing to provide for poll workers and voters.

Pennsylvania's June 2 primary election took place against the backdrop of nationwide protests against police violence, including large gatherings in Harrisburg, Philadelphia, and Pittsburgh that led to a citywide curfew and [public transit shutdown](#) in Philadelphia's city center. While Secretary Kathy Boockvar reported that the election went "[relatively smoothly](#)" in a post-election press conference on June 2, voters in various counties reported issues with in-person voting that included long lines. Others complained of crowded consolidated polling places where social distancing was difficult or impossible, poll workers who [refused to wear masks](#), [concerns](#) about the presence of the National Guard, and the proximity of some polling places to police stations. One of the state's largest challenges was processing an unprecedented flood of mail-in ballot requests, with several counties working up until the day before the election to get ballots to voters. Ultimately, Governor Wolf [extended the deadline](#) to count mail-in ballots in six counties by a full week, allowing for delays related to slower postal service and the statewide protests.

These challenges, especially those surrounding getting mail ballots to voters in time and counting them in a prompt and efficient manner, will have to be addressed in advance of November. The pivotal role Pennsylvania is likely to play in selecting the next President of the United States makes these issues all-the-more pressing.

II. Pennsylvania's Response to COVID-19

At the outset of the COVID-19 outbreak, Pennsylvania delayed its primary election by five weeks from April 28 to June 2. Statewide agencies provided guidance to counties on election administration, including on polling places. In the meantime, the Pennsylvania Department of State, nonpartisan organizations like Philadelphia's Committee of Seventy and Common Cause Pennsylvania, and the Pennsylvania Democratic and Republican parties encouraged citizens to vote by mail and educated voters about the changes to the primary election date and voting options.

A. Expansion of Mail Balloting

1. Legislative Changes:

Before the COVID-19 crisis, Pennsylvania had embarked on a historic vote-by-mail expansion with [Act 77 of 2019](#). Previously, Pennsylvania allowed for absentee voting in a limited set of circumstances under [Article VII](#) of the state constitution. With the passage of Act 77, people now have [two options](#) to vote by mail. Voters who have an “excuse” for voting by mail—such as disability or a need to be out of town—must request an “absentee” ballot to vote by mail. Voters without such an excuse can only request a “mail-in” ballot. Beyond the eligibility criteria, absentee and mail-in ballots appear to be treated identically. Voters must reapply for an mail ballot every year; such applications are good for all elections that year. Applications for either form of mail ballot must be received by county officials by 5:00 PM on the Tuesday before Election Day. Completed ballots must be received by county officials by 8:00 PM on Election Day to be counted. County officials may start counting mail ballots at 7:00 AM on Election Day.

On June 1, Governor Wolf, citing “a surge in mail-in ballots, the COVID-19 public health emergency and civil disturbances,” signed an [executive order](#) that extended the vote-by-mail ballot counting period by one week in six counties, including Philadelphia and Allegheny Counties. Under the order, these six counties were required to count any ballots that were received by 5:00 PM on June 9 and postmarked by June 2.

2. Marketing/Outreach Campaigns:

In April, the state launched a campaign ([Votes PA](#)) to raise awareness about the date change for the primary election and to encourage voters to apply for mail-in ballots. The Governor's office reported [plans to send 4.2 million postcards](#) to voters reminding them of the new May 26 registration deadline and educating them about the vote-by-mail option. DoS also ran advertisements on radio, TV, social media, and streaming services. As of June 1, over [1.9 million voters](#) statewide had requested a mail ballot. This represented a huge increase in mail voting relative to past elections: According to

the *Pennsylvania Post*, compared with rates for the 2016 primary election, [18 times as many](#) Pennsylvania voters requested mail-in ballots in 2020.

The nonpartisan Committee of Seventy also provided a suite of [election-specific resources](#) for Pennsylvania voters, including information about voter registration and webinars with state and local officials about the upcoming June 2 primary. For example, the Committee created an interactive [“explore your ballot” tool](#) to inform voters of the various ticket items specific to their counties. The Committee also ran a [“Voteswagon”](#) campaign in which they sent a mobile vote-by-mail pickup van to various communities in Philadelphia in the days leading up to the election, publicizing pickup locations and times on [social media](#).

Partisan groups, including the Pennsylvania [Democratic](#) and [Republican](#) parties, also published online resources on voting by mail. The Pennsylvania Democrats ran a [particularly aggressive information campaign](#), while Republican messaging was more limited. As of [June 1](#), 1.3 million registered Democrats had requested a mail ballot, compared to 529,000 registered Republicans.

B. Polling Places

1. Legislative and Regulatory Changes:

On March 27, Governor Wolf signed [SB422](#) into law, postponing Pennsylvania’s primary election to June 2. SB422 also permitted county officials to start counting mail ballots at 7:00 AM on Election Day and consolidate polling places without court approval, provided that consolidations did not reduce the number of polling places by more than 60% without DoS’s approval.

On April 28, DoS released [updated guidance](#) for staffing and managing polling places during the COVID-19 outbreak. The guidance included recommendations for:

- Remote poll worker training, including online Q&A sessions and pre-recorded videos
- PPE for poll workers, such as gloves and masks
- Physically marking out spaces for voters to stand in line and vote at a safe distance
- Posting poll workers as “greeters” to explain social-distancing protocols
- Making hand sanitizer available on entry and exit from polling places
- Maintenance of separate check-in and polling areas for “consolidated” precincts in which voters from multiple precincts share the same polling place

In early May, DoS released further guidance confirming that counties would be able to reduce staffing numbers at polling places: Each polling place would be required to secure a [minimum of five poll workers](#), regardless of how many precincts it serves.

2. County-Specific Closures:

At least [three dozen counties](#) announced changes to their polling places for the June 2 primary, and [at least seven](#) (Allegheny, [Cameron](#), Delaware, Forest, Luzerne, Montgomery, Philadelphia) announced closures of more than half of their polling places.

- Allegheny County: Operated [211 of 1,300 polling places](#) (approximately [85% reduction](#)). [DoS approved the move](#) on May 15 for the June 2 primary only.
- Philadelphia County: Operated [190 of 830 polling places](#) (approximately 77% reduction). Before the election, some officials had suggested that the city of Philadelphia would request [additional support from the National Guard](#) to work [polling places in plainclothes](#), but this did not occur.
- Montgomery County: Operated [140 of 352 polling places](#) (approximately 60% reduction).

3. Marketing and Outreach:

Given the changes to many people's regular polling places, both the state and counties conducted outreach to direct voters to their new polling places. In Allegheny County, eligible voters [received a postcard](#) prior to election day advising them of their specific polling place location. The state also held a series of ["Ready to Vote" webinars](#) targeted specifically at educating voters about what to expect on Election Day given the new COVID-19 guidelines. As discussed below, some voters still reported confusion as to their correct polling places, or were incorrectly turned away by poll workers.

C. Ballot Drop Boxes:

In response to anticipated mail delays, [counties set up ballot drop boxes](#), but there were not many in any individual county. [Erie County](#) was the first county to set one up, announcing that it would be open 24/7 up until 8:00 PM on June 2. [Montgomery County](#) installed five drop boxes across the county, which were open from 9:00 AM - 5:00 PM on weekdays and 9:00 AM - 2:00 PM on weekends, and installed [five additional boxes for Election Day specifically](#). [Philadelphia County](#) also set up several drop boxes, including one 24/7 box next to City Hall. Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, and York [Counties](#) all provided some type of drop box.

D. PPE Procurement

1. State procurement efforts:

In late April, [DoS reported securing 6,000 “hygiene kits”](#)—sets of PPE that each include antibacterial wipes, a few microfiber cloths, 20 masks and pairs of gloves, 10 hand sanitizer kits, 10 screen wipes and 10 headset covers—for counties’ use in the June 2 primary. While the state has historically operated around 7,000 polling places each election, anticipated closures under SB422 pushed that number well below 6,000 for the primary, leaving at least one kit per polling place. However, there were [conflicting accounts](#) of whether each kit had [sufficient PPE](#) to staff one full polling place.

2. County procurement:

Some county officials [reported ordering additional PPE](#) to meet anticipated Election Day needs:

- The Allegheny County elections division [ordered extra PPE](#) to be used by workers at the polls and in warehouses where paper ballots will be stored. The order includes 6,700 pairs of gloves and masks, at least two hand sanitizer pumps per polling place, alcohol wipes, and extra pens, as well as stylus pens to be used for touch-screen voting machines available for people unable to mark a paper ballot.
- Berks County officials noted “[widespread issues](#) surrounding PPE” and announced that they were ordering more gloves and hand sanitizer.
- Lancaster County (along with Dauphin County) purchased [plexiglass dividers](#) to shield voters from each other in polling places.
- Officials in rural Lawrence County also expressed [concern about PPE](#) for poll workers; the [county planned to purchase](#) its own plexiglass barriers, additional masks and sanitizer for poll workers, antimicrobial spray to wipe down poll equipment, and gloves.
- In Lehigh County, election officials asked voters to [bring their own pen](#) to polling places to stop the spread of COVID-19.
- Monroe County [announced](#) that it would provide sanitizer for both poll workers and voters, along with face masks and wipes.

III. Implementation Challenges

A. Logistical Challenges

1. Pre-Election Day

Many counties experienced practical difficulties rolling out vote-by-mail and adapting new polling place guidance. County election officials from across the state [also warned](#) that their offices could be inundated with mail-in ballots and that they might not be able to provide results in a timely fashion. Further, several counties had adopted [new in-person voting technology](#) in either 2019 or 2020, which raised the stakes for poll worker training and logistical adaptation. Several counties, including Philadelphia and Northampton, re-used machines (ExpressVote XL) that had come under fire in 2019 for [faulty touch-screen technology](#).

a. **Difficulties Processing Mail Ballot Requests:**

Many counties warned that [voters might not receive their ballots in time](#) to get them back to county officials by election day. Demand for mail ballots was unprecedented, leaving many elections offices short-staffed and under-supplied. In Allegheny County, the elections division was processing [around 5,000 applications a day](#) as of late April. In order to process the high volume of applications, elections division employees worked in staggered shifts from 7:00 AM to 11:00 PM. Additionally, the division brought in employees from other departments in order to double the number of ballots prepared to 10,000 per day. [Philadelphia County](#) also asked all city departments to assign staff to help process mail ballot requests, writing that “due to the current backlog, the City is in jeopardy of not getting ballots out to voters in time.” Montgomery County was also still [scrambling to get enough mail ballots](#) in time as late as a week before Election Day, flying in its last delivery from Ohio before getting them to the postal service on the Friday before Election Day. Delaware County was [still sending out ballots to voters as late as the day before Election Day](#).

b. **Mailing Delays and Errors:**

Sending ballots to voters also presented difficulties. The [statewide online system for requesting a ballot contained a design flaw](#) that omitted many voters’ apartment numbers from their mailing addresses, making some ballots to be undeliverable. In Allegheny County, the county elections division admitted to problems with its election software’s label-printing function, which caused some voters to [receive multiple mail-in ballots](#). The county blamed the state’s “aging election software system” and stated that it had resolved the issue by processing fewer ballots at a time, noting further that unique voter barcodes on ballots [should also protect](#) against potential double-counting issues. Montgomery County also [sent the wrong ballots to 2,000 voters](#) due to a software error while

printing. The county also [sent erroneous instructions to voters](#) on how to fill out their ballots, instructing them to fill in the circle to the left of candidates' names when the circles were actually on the right.

Mail delays further complicated matters. The [U.S. Postal Service](#) recommended that voters leave at least one week and up to ten days for ballot delivery in each direction. But the deadline to request a mail ballot was May 26—one week before the primary date, making it difficult to get ballots to voters in time.

c. Poll Worker Shortages:

Counties also anticipated poll worker shortages, as [poll workers across the state dropped out after the pandemic broke out](#). A spokesperson for the Pennsylvania Department called the situation “critical,” and in many counties was “the number-one problem cited by election directors.” As late as May 20, Monroe County reported having [four polling places](#) without any workers scheduled. Some sought to reach out to [students from local colleges and universities](#), “who typically have less to fear from the virus.” York County reported being down as many as 300 poll workers out of the 800 they needed. In addition, state and local officials have repeatedly expressed concerns about the possibility of delays in counting mail-in ballots (in addition to processing those that arrive in a timely manner).

Replacing certain poll workers is also not necessarily as easy or straightforward as it might be in other states. Pennsylvania elects a [three-person board of elections](#) for each precinct in the state every four years (last elected in 2017), consisting of a judge of election and two inspectors of election (one from each party), who oversee the precinct polling place and are in charge of appointing the rest of the poll workers in each precinct. In the event that one of the three elected board positions becomes vacant more than five days prior to Election Day, the county state court appoints a replacement who is registered to vote in that district and does not hold public office. If a position becomes vacant in the five days prior to Election Day, then the County Board of Elections appoints a replacement. Some counties, including [Philadelphia County](#), permit interested eligible persons to petition a court for an appointment to the County Board of Elections.

d. Protests:

Finally, widespread protests throughout the United States following the death of George Floyd on May 25 further complicated preparations. [Cities throughout Pennsylvania, including Philadelphia and Pittsburgh, imposed curfews](#). Philadelphia [shut down its downtown public transit](#), which [nearly a quarter of residents normally use to get to work](#), the day before the election, making it harder for voters to get to polling places. They also [closed at least one ballot drop off site](#) in response to unrest in the city. In Lawrence County, the [courthouse was closed](#) due to a protest in New Castle, although county election staff continued to work and count ballots at the courthouse.

B. Political Challenges

Pennsylvania has experienced conflict both among and within political parties over the proper course of action for administering elections during COVID-19. At the local level, some officials sent out conflicting messages. For example, at the same time that Philadelphia’s City Commissioners were calling for consolidation of polling places and National Guard support, the [chair of the Philadelphia Democratic Party](#) suggested that he would call for a postponement of the June 2 election altogether, citing concerns about poll worker shortages and doubt that the National Guard could solve the problem. There were [similar disputes among Pennsylvania Republicans](#) as [President Trump criticized mail-in voting](#) while local Republicans tried to encourage voting by mail.

Meanwhile, state and county messaging have also been at odds. In April, Allegheny County Executive Rich Fitzgerald called for an expansion of the state’s emergency declaration to allow Allegheny County to mail a ballot to all registered voters but the Republican-controlled state legislature rejected the request. Instead, on April 17, [Allegheny County Executive Rich Fitzgerald announced](#) that the county election division would send no-excuse mail-in ballot applications to every registered voter in the county. The mailings included prepaid return postage.

C. Legal Challenges

1. General Challenge to Pennsylvania’s Vote-by-Mail System (*Crossey v. Boockvar*)

On May 28, a Pennsylvania state trial court [rejected a lawsuit](#) challenging Pennsylvania’s vote-by-mail system brought by [groups aligned with the Democratic Party](#). The complaint alleged that the current scheme violates the Pennsylvania Constitution. Specifically, they argued that Pennsylvania’s (1) failure to provide prepaid postage on mail-in ballots, (2) 8:00 PM cutoff on Election Day for receipt of mail-in ballots, (3) restrictions on receiving assistance when voting by mail, and (4) signature-matching protocols all violate the Pennsylvania Constitution’s guarantees of “free and equal” elections, equal protection, and due process.

2. Accessibility Challenges (*Disability Rights v. Boockvar, Drenth v. Boockvar*)

A [federal court sustained](#) one [challenge on Americans with Disabilities Act grounds](#), holding that Pennsylvania failed to accommodate blind plaintiffs. The court ordered Pennsylvania to permit blind voters to use Pennsylvania’s online Uniformed and Overseas Citizens Voting Act ([UOCAVA](#)) ballot, which is typically available for military members and other citizens living abroad and which can be accessed over the internet and filled out using assistive software on a computer. The remedy mirrors [Michigan’s accommodations for blind voters](#) in advance of their May 5 elections.

By contrast, a unanimous Pennsylvania Supreme Court [dismissed](#) a [challenge brought by Disability Rights Pennsylvania](#) seeking an extension of vote-by-mail deadlines. The plaintiffs argued that requiring receipt of mail ballots by 8:00 PM on Election Day violated the Pennsylvania Constitution, because the surge in mail voting combined with disruptions to the U.S. Postal Service caused by COVID-19 made it impermissibly likely that votes would not reach county officials in time. The court agreed with the [defendants' argument](#) that the plaintiffs' claims were too speculative to state a concrete claim of a constitutional violation. The dismissal came on May 15, several weeks before reports of counties' difficulties getting ballots to voters began to surface.

3. County Emergency Petitions

As Election Day drew nearer, at least two counties petitioned state courts to extend the vote-by-mail deadline by one week. Montgomery County's [petition](#) was [denied](#) on May 27, while Bucks County's [petition](#) was [granted](#) on Election Day. The Montgomery County denial was essentially rendered moot by Governor Wolf's June 1 order.

IV. Primary Election Day

A. Turnout

Statewide, turnout was around 2.8 million voters ([35%](#) of registered voters), which was [down compared to 2016](#). Philadelphia County reported a turnout of [32.38%](#) among registered voters (50.2% mail ballots, 47.9% in-person, and 1.9% by provisional ballot, according to [Jonathan Lai](#) of the *Philadelphia Inquirer*), down from [39%](#) in 2016. In Allegheny County, turnout was approximately [36%](#), slightly lagging behind that of the 2016 primary ([41.09%](#)). Turnout in Montgomery County was reported at [44.04%](#) as of June 9, nearly identical to the county's 2016 turnout ([44.25%](#)). Bucks County was [still counting](#) ballots as of June 9, but reported turnout slightly less than that of the 2016 primary (around [33%](#), compared with [41.22%](#) in 2016). In rural Berks County, election officials estimated turnout at [34%](#); Lehigh County reported turnout around [36%](#).

[Turnout skewed Democratic](#), especially as more votes were counted in the days following Election Day. One notable exception is Lehigh County, where turnout [skewed slightly Republican](#) (but only by about 2%). As of June 13, over 1.5 million Democratic ballots had been counted, compared to over 1.1 million Republican ballots.

B. Polling Place Issues

While many counties anticipated [poll worker shortages](#), the consolidation of polling places and updated guidance providing for a minimum of five poll workers at each polling place appear to have avoided significant staffing issues. Allegheny County, for example, recruited [sufficient poll workers](#) to staff its dramatically reduced set of polling places (around 150, compared with 1,300 in previous elections). [Voter Protection Corps](#), a national nonprofit, partnered with the Erie County Board of Elections to help the county recruit more poll workers, helping avert a shortage; the organization offered Philadelphia’s City Commissioners the same assistance.

While polling place workers were required to wear masks, [voters were not](#). Anecdotally, there were some reports of mask-related conflict in polling places. Poll workers in one polling place in [Dauphin County](#) allegedly refused to wear them, and a [fight broke out](#) in Allegheny County after a voter refused to do so.

In Philadelphia, several polling places received the [wrong voting machines](#), delaying setup and causing long lines to build up. The county also faced challenges enforcing social distancing in [polling places](#), including one in which “12 voting machines were crammed together in a 500-square-foot-room.” Other counties faced logistical issues. Bucks County and Lancaster County had some difficulty getting their ballots scanned: Bucks County had printed some [ballots too large](#) to fit through the machines they use to count votes, while some [barcodes on ballots in Lancaster County were printed incorrectly](#) and could not be scanned at the polling place. [Allegheny](#), [Indiana](#), and [other counties](#) reported long lines at some polling places, while Delaware County [delayed the return](#) of its election materials.

C. Vote-by-Mail Issues

Several counties struggled to keep pace with mail-in ballot counting. Philadelphia County took nearly two weeks to finish counting mail-in ballots, only finishing on [June 14](#). York County brought in [additional staff](#) to process over 34,000 mail-in ballots on June 2. Several counties, including Allegheny, Lycoming, and Philadelphia, ordered [electronic letter openers](#) to manage their manual workloads; Lehigh County found that their electronic slicers were [not equipped](#) to deal with the primary election ballots, which were enclosed in two sets of envelopes.

In Pennsylvania’s rural counties, capacity to process mail ballots was mixed. While Northampton County [finished tallying](#) its 36,000 mail-in ballots the night of the election, Monroe County didn’t plan to start counting until Wednesday, June 3, and Lehigh County [sent election workers home](#) at 1:00 AM on election night with only 21,400 mail-in ballots counted (and approximately 21,000 mail-in ballots remaining, plus an unknown number of provisional ballots).

Across the state, counties not subject to Governor Wolf’s emergency extension received ballots after the mail-in deadline that they could not accept: The *Philadelphia Inquirer* reported that there

were at least [8,600](#) such ballots that would remain uncounted. And even in counties with extensions, voters mailed ballots after the June 2 postmark deadline; in Allegheny County, around [2,600 of 9,400](#) late-arriving mail ballots were postmarked after election day and thus not counted. The *Inquirer* later published an [editorial](#) arguing for Pennsylvania to improve its vote-by-mail system to avoid a repeat of some of these errors come November.

V. Other Helpful Resources

- [Committee of Seventy](#) (Philadelphia; statewide)
- [Votes PA](#) (statewide)