

Pennsylvania 2020: Election Administration in the Coronavirus Pandemic

March 10, 2021

Abstract:

Pennsylvania was one of the pivotal states that determined the outcome of the 2020 presidential race. It also served as a microcosm for widespread controversies concerning how election officials, political parties, and the courts would interact (and sometimes clash) in the process leading to certification. Although Pennsylvania's 2020 election was far from perfect, overall the state's election administration should serve as an encouraging example of a difficult task accomplished with competence and leadership.

Authors: Axel Hufford and Sarah Maung

Other Contributors: This memo draws on prior memos published by Stanford-MIT Healthy Elections:

- ["Pennsylvania Election Readiness,"](#) Jacob McCall & Jules Ross (Aug. 17, 2020)
- ["The 2020 Pennsylvania Primary Election,"](#) Jerry Yan, Nicole Collins, Bill Wermuth, Jeffrey Rodriguez, Mateo Massey, Sarah Maung, Sreya Guha (June 25, 2020)
- ["Pennsylvania: 2020 Election Policies & Practices,"](#) Axel Hufford (Nov. 2, 2020)

Table of Contents

Introduction	3
Lay of the Land	3
Background	4
Mail Ballots	6
Mail Ballot Statistics	6
Vote-by-Mail Rules	7
Signature Verification	7
The Secrecy Sleeve	8
Ballot Tracking and Opportunity to Cure	10
Early Voting	11
Vote-by-Mail Litigation	12
Election Day Voting	14
In-Person Voting Statistics	14
In-Person Voting Performance: Lines and Wait Times	14
Safety Provisions for In-Person Voting	15
Polling Places	16
Poll Workers on Election Day	16
Provisional Ballots	17
Voter Intimidation	18
Poll Watchers and In-Person Voting Litigation	19
After Election Day	19
Conclusion	21

I. Introduction

During the 2020 election, Pennsylvania became the pivotal state in determining the outcome of the presidential race. It also served as a critical bellwether state—an example among swing states of how election officials, political parties, and the courts would interact (and sometimes clash) before the election was officially certified. Although President-Elect Biden ultimately received over 80,000 more votes than President Trump in Pennsylvania (a margin of 1.2%), Biden's victory was far from certain on election night. As of Wednesday, November 4, President Trump was leading Biden by over 600,000 votes statewide. But the vast majority of the votes counted by November 4 were votes cast in-person on Election Day. Over the next several days, officials tabulated mail-in ballots and provisional ballots. By Friday, November 6, Biden's vote total exceeded President Trump's.

On Saturday, November 7, when the vast majority of news outlets had projected Biden would win Pennsylvania, it was clear that Pennsylvania's 20 Electoral College votes would give Biden the presidency, placing him over the required 270 electoral votes to win. But the story of Pennsylvania's 2020 election did not end there. Over the subsequent several weeks, Trump campaign officials filed multiple lawsuits, Republican state officials demanded election investigations, Trump's personal lawyers hosted several press conferences claiming voter fraud, and national Republican leaders called for the U.S. Supreme Court to hear several cases they hoped would overturn Biden's victory. Nevertheless, Pennsylvania certified its election results on November 24, officially confirming Biden's victory in the state and authorizing Biden's slate of electors to participate in the Electoral College.

II. Lay of the Land

In the presidential contest, Biden won by 80,555 votes—a margin of 1.2%. Statewide election results are detailed on the Pennsylvania Department of State's [Election Returns website](#), with additional information on mail-in ballots available on [the non-partisan U.S. Election Project research site](#) that has been endorsed by the Pennsylvania Department of State as an unofficial information dashboard. Of the total votes counted, 60.6% were cast on Election Day, 37.8% through absentee ballots (which includes both mail and early voting), and 1.5% through provisional ballots. This election cycle, voter turnout (measured as the percent of registered voters casting a ballot) was 76.5% out of 9,090,962 registered voters. In comparison, in 2016, voter turnout was 70.11% out of 8,722,977 registered voters.

III. Background

Pennsylvania's June 2, 2020, primary election highlighted several challenges to running a successful election during a pandemic, challenges which officials grappled with in the months leading up to November's general election. Pennsylvania first allowed no-excuse absentee voting in the June primary pursuant to a 2019 law, [Act 77](#). Prior to the passage of Act 77, absentee voting represented a very small percentage of the state's vote. In 2016, for example, just [5%](#) of the total vote was cast by absentee ballot. The new law eliminated the need for an excuse, but it would face several obstacles to implementation.

During the primary, Pennsylvania's 67 counties initially struggled to process the large volume of requests for mail-in ballots. Mail [delays](#) with the United States Postal Service (USPS) caused some voters to receive absentee ballots too late to return on time, an issue exacerbated by the fact that the state's ballot request deadline was May 26, just one week before Election Day. Although Governor Tom Wolf issued an executive order to extend by a full week the deadline for receipt of mail ballots in six counties, [tens of thousands](#) of ballots were received after the Election Day deadline and not counted. Pennsylvania also faced challenges counting mail-in ballots in a timely fashion for the primary; officials in Philadelphia County, Bucks County, Delaware County, and Montgomery County took over [two weeks](#) from Election Day to count all the mail-in ballots, and about [half](#) of all counties took at least one week to count primary ballots.

Moreover, during in-person voting for the June 2 primary, Pennsylvania faced large [reductions](#) in poll workers and polling places. Several large counties [closed over half](#) of all polling places, in part due to poll worker shortages and in part due to safety concerns around the coronavirus pandemic. All told, Allegheny County closed [85%](#) of its polling places, and Philadelphia County closed [77%](#) of its polling places. In the midst of the coronavirus pandemic and its increased risk of COVID-19 to senior citizens, many other counties in Pennsylvania also suffered severe [poll worker shortages](#), a problem exacerbated by [Pennsylvania law](#), which required poll workers to reside in the precinct in which they work.

In response to the challenges posed by Pennsylvania's June primary, election officials implemented several initiatives to prepare for the much larger expected turnout in the general election. Accommodations included the increased use of early voting [satellite elections offices](#) to reduce Election Day crowding and a [massive](#) poll worker recruitment effort that successfully addressed feared shortages throughout the state for the general election. In response to credible fears that the USPS could delay legally cast ballots, the Pennsylvania Supreme Court [allowed](#) officials to extend the deadline for receipt of mail-in ballots to November 6, so long as

ballots were postmarked on or before Election Day. The use of ballot drop boxes was also [expanded](#) in some counties. Officials [encouraged voters](#) to make use of provisional ballots on Election Day if they believed that their mail-in ballot might be rejected (if, for example, a voter realized after mailing the ballot that they had failed to include the secrecy sleeve or forgot to sign the attestation). While virtually all of these changes were eventually challenged in state or federal court, they all ultimately went into effect during, or in preparation for, the general election and helped Pennsylvania administer a more successful November election compared to the June primary.

To help fund additional costs associated with the general election, Pennsylvania received federal funds as a result of two related federal laws: the December 2019 [Consolidated Appropriations Act of 2020](#), which included \$425 million to states for election security purposes; and the March 2020 Coronavirus Aid, Relief, and Economic Security Act ([CARES Act](#)), which provided \$400 million to states in new Help America Vote Act (HAVA) emergency funds for the 2020 election cycle. Under the [2019 Consolidated Appropriations Act](#), Pennsylvania received \$15.2 million of federal funding toward 2020 election security, and the state contributed a 20% match of \$3 million in state funds. In the [2020 CARES-HAVA funding](#), Pennsylvania received an additional \$14.2 million in federal grant funds, and contributed a similar 20% state funds match (around \$2.8 million). Around \$7 million of these funds was used for equipment, personnel, and other expenditures related to implementing the state's Act 77 of 2019, as well as for "[r]ansomware . . . and other cybersecurity measures; [i]ncreased security of voting systems and ballots; and/or Increased expenditures to expand vote by mail and other voter services." Other funds were dispersed to Pennsylvania counties through individualized grants.

Additionally, many counties received private contributions from several sources, such as the nonpartisan Center for Tech and Civic Life (CTCL). Through CTCL's COVID-19 Response Grants Program, [22 Pennsylvania counties](#) and the city of Philadelphia received grants for the 2020 elections. This funding was part of a national effort by the nonprofit group to supplement local election department funds with private funds to help election officials address the challenges of adapting elections to the pandemic—challenges which in many cases were exacerbated by funding shortfalls. The grants were designed to [enable](#) local election officials to provide safe and secure voting procedures during the pandemic. Most of the funds were [used](#) to purchase personal protective equipment for voters and election workers, to recruit and train additional staff, to provide improved security, to establish in-person polling places, to process mail-in ballots, and to ensure emergency preparedness.

IV. Mail Ballots

A. Mail Ballot Statistics

Of the total [6,915,283 votes counted](#) during Pennsylvania's 2020 general election, 37.8% were cast via absentee ballot. This was a massive increase from the 2016 general election, in which only 4.3% of votes were absentee ballots. Moreover, in November 2020, over 80% of absentee ballots were returned prior to Election Day.

Many political observers feared that the high number of absentee ballots would result in an [unprecedented number of rejected ballots](#) in 2020, particularly due to the large number of voters using absentee ballots for the first time. In the 2016 general election, [1%](#) of absentee ballots (2,534 ballots) were rejected by election officials and, in the 2018 midterm election, [4.4%](#) of absentee ballots were rejected. Rejection rates for [first-time absentee ballot voters](#) tend to be higher than average. Despite the large number of first-time absentee ballot voters, however, just 0.282% of all absentee ballots ([7,411 ballots](#)) were rejected in the 2020 Pennsylvania general election. This was a significantly lower rejection rate compared to the 2016 cycle and the historical average.

Reports of [delays](#) in U.S. Postal Service deliveries in the weeks before Election Day prompted concerns that a massive number of ballots would be rejected due to late arrival. Historically, a substantial portion of rejected ballots in Pennsylvania have been rejected for [arriving too late](#)—from [86%](#) in 2014 to [53%](#) in 2016. In Philadelphia, a week before Election Day, it was [reported](#) that “42% of all first-class mail is taking longer than five days to be delivered,” up from just 13% at the start of 2020. In response to [concerns](#) that these delays would significantly increase the ballot rejection rate, a federal judge [ordered](#) the USPS on November 4 to conduct sweeps of Pennsylvania facilities to find any remaining mail ballots and to prioritize their delivery.

In the end, just [10,000 absentee ballots](#) arrived after November 3, representing a much lower rate of late ballots than in previous election cycles. It is unclear whether reports of USPS delays were exaggerated or, perhaps more likely, that a larger percentage of the electorate submitted their absentee ballots early (or used an alternative ballot delivery method, such as a ballot drop box or in-person ballot drop offs) in response to media reports about potential mail delays and [warnings](#) from election officials and get-out-the-vote campaigns.

B. Vote-by-Mail Rules

Voters in Pennsylvania were able to vote by mail without an excuse for the first time in 2020. To receive an absentee ballot, voters were required to request one in advance. While there was ultimately widespread access to mail ballots in 2020, Pennsylvania had limited experience administering mail voting because no-excuse vote-by-mail was first enacted in 2019. For instance, Pennsylvania voters requested [107,000](#) absentee ballots in the 2016 primary and more than [1.8 million](#) mail ballots for the June 2, 2020, primary. In preparation for the 2020 general election, Pennsylvania officials [rejected around 370,000](#) requests for mail ballots, about 20% of all absentee ballot requests processed after the June 2 primary. But 90% of these rejections were identified as accidental duplicate requests. According to [The Philadelphia Inquirer](#), “people who had requested mail ballots for the state’s June 2 primary did not realize they had [also] checked a box to be sent ballots for the general election.”

Pennsylvania voters were also given multiple options for returning their completed absentee ballot before or on Election Day. In addition to mailing in their ballot, voters could use drop boxes in most counties (which became available after a [legal battle](#)). Pennsylvania voters could also vote in person before Election Day through a process called absentee in-person voting. The period for absentee in-person voting ran from Monday, September 14, 2020, to Tuesday, October 27, 2020. In Philadelphia, voters could drop off completed absentee ballots at early voting centers, according to election officials. Finally, any voter could drop off a ballot at that voter's [county election office](#) by 8 p.m. on Election Day.

Under state law voters were not able to drop off completed absentee ballots at their polling place on Election Day. Instead, if a voter who had requested to vote by mail came to their polling place, they could hand over their absentee ballot to poll workers [to be voided](#). At that point, voters were allowed to vote on the machines as though they had never requested a mail ballot.

C. Signature Verification

Absentee ballot envelopes in Pennsylvania required a signature, printed name, date, and address, but Secretary of the Commonwealth Kathy Boockvar advised county election officials not to reject ballots based solely on signature mismatches. Officials could determine whether the ballot envelope was missing a signature and, if it was, reject a ballot on that basis.

Pennsylvania has historically reviewed and rejected absentee ballots by comparing the signature on the ballot envelope to the signature stored in the voter file. The [state laws](#) do not

provide any clear standards for assessment of signatures; they simply call for a “comparison of elector’s signature with the signature on the district register.” Due to litigation over the lack of statewide signature verification standards before and after the June 2020 primary, Secretary Boockvar published [new guidance](#) on September 11, 2020, instructing the 67 county boards of elections not to “set aside returned absentee or mail-in ballots based solely on signature analysis.” The guidance stated simply that, “The Pennsylvania Election Code does not authorize the county board of elections to set aside returned absentee or mail-in ballots based solely on signature analysis by the county board of elections.” Accordingly, Pennsylvania election officials would no longer engage in signature matching to verify a voter’s identity for a ballot.

Moreover, on October 10, a [federal court dismissed](#) a lawsuit by the Trump campaign and Pennsylvania Republican Party. The court [held](#) that the “Election Code does not require signature comparison for mail-in and absentee ballots or ballot applications.” It also held that the lack of a signature comparison does not violate substantive due process. Finally, on October 23, the Pennsylvania Supreme Court issued a [unanimous decision](#), holding that county boards of elections cannot throw out absentee ballots due to alleged signature mismatches.

In the event the ballot envelope was *missing* a signature, however, the ballot was considered defective and the voter was required to complete an affidavit to validate the ballot. While there is no state requirement that election officials notify voters of this ballot defect to provide them an opportunity to cure it, some counties allowed political parties to notify voters that their ballots were defective and to encourage them to cure, an action that caused some controversy (discussed in section E. below). For a ballot with a missing signature to be counted, the voter [had to](#) subsequently appear before or provide to the county board of elections an “electronic, facsimile, or paper copy” of an affirmation that they were, in fact, the voter. Codified guidance provided that voters with serious vision impairments or who have “lost the hand with which he was accustomed to sign his name, or shall have been otherwise rendered by disease or accident unable to sign his name” were nonetheless required to “establish [their] identity to the satisfaction of the election officers.”

D. The Secrecy Sleeve

Pennsylvania was one of several states that provided absentee voters with a “secrecy sleeve,” or special inner envelope to hold the marked ballot inside the return envelope. The secrecy sleeve protects the privacy of the voter’s choices while election officials are verifying the absentee voter information provided by the voter on the back of the external return envelope.

On September 17, 2020, the Pennsylvania Supreme Court [ruled](#) that absentee ballots arriving without secrecy envelopes had to be rejected and, therefore, not counted in the November election. Four days later, on September 21, Philadelphia's City Commissioner Lisa M. Deeley sent a [letter](#) to the state legislature, urging it to take immediate action in response to the court decision. Describing the secrecy envelope requirement as a "vestige of the past" that only served to "disenfranchise well intentioned Pennsylvania voters," Deeley noted that secrecy sleeves had lost relevance over time. In a previous era, secrecy sleeves protected the identifying information of voters because absentee ballots were counted in public view at individual polling locations. Today, however, absentee ballots are counted at a central location and through an "industrialized process," Deeley explained, so their primary purpose has disappeared.

In addition, Deeley wrote that removing the secrecy sleeve requirement would save thousands of dollars per year and speed up the counting process. Without any secrecy envelopes, for example, absentee votes could be removed from envelopes at 24,000 ballots an hour (double the current rate) and scanned at 32,000 ballots an hour. At that speed, Deeley wrote, "there is no opportunity to stop, or even slow down, and identify how an individual voted—anonymity is maintained."

Because all absentee ballots arriving without sleeves would be rejected, Deeley estimated that over 100,000 ballots in Pennsylvania could be thrown out during the 2020 general election, based on estimates from previous elections and the massive increase in first-time absentee voters expected in 2020. It is difficult to independently estimate the impact of the court decision because many counties (including Philadelphia) [did not keep track](#) of so-called "naked ballots" during the primary. However, [Mercer County](#) and [Lawrence County](#) tracked naked ballots and found that five percent of all absentee mail ballots lacked a secrecy envelope. According to Lawrence County's elections director, [Ed Allison](#), more ballots were rejected for lack of the secrecy sleeve during the primary than for arriving late.

The Pennsylvania Supreme Court decision came down to whether the statutory language of Pennsylvania's secrecy envelope provision was mandatory or discretionary. Justice Baer's [majority opinion](#) concluded that the provision was mandatory and that, "[w]hatever the wisdom of the requirement, the command that the mail-in elector utilize the secrecy envelope and leave it unblemished by identifying information is neither ambiguous nor unreasonable." The decision also ruled on a number of other voting-related matters, allowing ballots to be counted if received up to three days after Election Day (as long as they were postmarked by Election Day), permitting the use of ballot drop boxes, and blocking the use of partisan poll watchers from out-of-county. After the decision, Pennsylvania Republicans [asked](#) the U.S. Supreme Court to stay the holding but, on October 19, the Supreme Court [denied the request](#), with four [justices dissenting](#). The decision also sparked a flurry of voter education efforts from nonprofit

organizations and political campaigns, which included graphics and videos that highlighted the now-required secrecy envelope.

After the court decision, election officials [urged voters](#) to make use of provisional ballots if they believed that they had failed to include the secrecy sleeve in their absentee ballot. The Pennsylvania Department of State released a statement that said, “[i]f the voter believes that he/she has not returned or cast the ballot successfully or otherwise contests his/her ballot status, the poll worker shall provide the voter a provisional ballot.” According to *The Philadelphia Inquirer*, “[i]f your original mail ballot is rejected, the online status tracker will say so and you will receive a rejection notification . . . [and] after about a week, you can [check the status of your provisional ballot online](#) to know whether it was counted.”

Ultimately, however, only [3,000](#) ballots were rejected for lacking secrecy sleeves, and only about [7,000 ballots](#) were rejected *in total*, for all reasons statewide during the general election. Thus, it appears that Deeley’s concerns were either unwarranted or that media coverage of the issue and non-profit advertising and education successfully reminded the vast majority of Pennsylvania voters to include the secrecy sleeve (or, in the alternative, to cure their vote through a provisional ballot on Election Day).

E. Ballot Tracking and Opportunity to Cure

Pennsylvania provided voters with a [ballot tracking website](#) which allowed voters to check the status of their absentee ballot. A [technical glitch](#) in September initially indicated to some voters that their ballots had already been mailed before ballots were even printed. The ballot tracking website functioned by election officials scanning the barcode on every received ballot, tracking the ballot’s status in the state’s voter database, and sending notification emails to voters at various stages.

When voters made technical errors resulting in the rejection of their absentee ballots, however, Pennsylvania did not have consistent rules on notifying voters of these rejections. Jonathan Marks, Pennsylvania’s deputy secretary for elections and commissions, advised all counties to scan all flawed ballots as quickly as possible and mark them as canceled in order to trigger notification emails to voters. Some counties (such as Lycoming County) decided to mark these ballots as received with [no indication of any problem or ballot rejection](#). Other counties, meanwhile, marked them as cancelled and sent voters a warning email. Some counties went even further, attempting to contact voters via mail or phone to help voters “cure” their ballot defects. Allegheny County, unlike all other Pennsylvania counties, mailed the flawed ballots back to voters but did not mark these ballots in the tracking system at all. In addition, state

officials [urged voters](#) to make use of provisional ballots if they believed that their ballot might be rejected (such as if they failed to include the secrecy sleeve or forgot to sign).

On November 2, the day before Election Day, dozens of voters waited in line outside of [Bucks County's courthouse](#) to correct issues with their absentee ballots after receiving a notification from the county. That same day, Pennsylvania's secretary of state also sent [guidance](#) to all county boards of elections that "the county boards of elections should provide information to party and candidate representatives during the pre-canvass that identifies the voters whose ballots have been rejected and should promptly update the [online ballot tracking] system." While some counties followed this guidance on Election Day, several counties—including Blair, Berks, Carbon, Clinton, Dauphin, Lancaster, Lycoming, and Perry counties—refused to accept the guidance, alleging that it violated state law. Citing Pennsylvania's election code provision that "[n]o person observing, attending or participating in a pre-canvass meeting may disclose the results of any portion of a pre-canvass meeting prior to the close of the polls," these counties failed to provide any names of voters with rejected ballots to official poll workers and, later, several lawsuits were filed over the legality of the guidance itself. At least one of these lawsuits, filed by Republican candidates, [sought](#) to block voters whose ballots had been initially rejected from casting provisional ballots.

Ultimately, although Pennsylvania law does not explicitly define "ballot cure" processes, a Pennsylvania court ordered such provisional ballots to be segregated (in case an appeals court decided they should not be counted) but [denied](#) the lawsuit's request for an order that the ballots not be counted. Similarly, a court in Montgomery County also [rejected](#) a request for a temporary restraining order regarding the county's ballot cure process.

F. Early Voting

In 2020, Pennsylvania voters could vote in person before Election Day through an early voting process officially called "absentee in-person voting." Early voting ran from Monday, September 14, 2020, to Tuesday, October 27, 2020. As part of absentee in-person voting, Philadelphia and its adjoining counties expanded the use of early voting [satellite elections offices](#) where voters could request and then submit a mail-in ballot on the spot. In Philadelphia alone, there were at least [17 early voting locations](#). According to the state's [website](#), "satellite locations may be open additional hours, including weeknights and weekends." In addition, each satellite location had a secure ballot box to store completed mail-in and absentee ballots submitted at the location. Only [seven of the state's 67 counties](#)—Philadelphia, Centre, Chester, Delaware, Allegheny, Bucks, and Montgomery—opted to create satellite offices for early, in person voting.

Early voting locations in Pennsylvania were not traditional polling places where voters cast in-person ballots. Instead, they were [absentee in-person voting locations](#), allowing voters to request a ballot in person, receive it on demand, fill it out, and return it [all during the same visit](#). This caused [some controversy](#) on the last day of early voting in Pennsylvania, where some counties (such as Philadelphia) allowed voters who were *in line* by 5 p.m. (the absentee request deadline) to still cast early ballots, while other counties imposed a hard stop-deadline and turned voters away after 5 p.m. on October 27.

Some officials expressed concerns about recruiting enough poll workers to keep polling places efficient and operational both before and on Election Day. Many counties in Pennsylvania, for example, struggled during the summer to address [poll worker shortages](#). Because of COVID-19, many poll workers, a majority of whom, historically, are over 60, were unable or unwilling to participate in 2020. This problem was exacerbated because [Pennsylvania law](#) required poll workers to reside in the precinct in which they served. Poll worker shortages also increased the time it took to tabulate results because poll workers also helped count [mail-in ballots](#). Nevertheless, despite these challenges, election officials in most counties ultimately [had a surplus](#) of volunteers for the general election, including for early satellite offices.

G. Vote-by-Mail Litigation

On September 17, 2020, the Pennsylvania Supreme Court [ruled](#) that absentee ballots in Pennsylvania should be counted if received within three days after Election Day as long as they were postmarked by the time polls closed on November 3. The [decision](#) incorporated various recommendations from Pennsylvania's secretary of state, including a ruling that ballots lacking a postmark (or having a non-legible postmark) could be counted unless there was evidence that they were mailed after the polls closed. Pennsylvania Republicans [asked](#) the U.S. Supreme Court to stay the Pennsylvania Supreme Court decision pending appeal but, on October 19, the U.S. Supreme Court—with one vacant seat due to the death of Justice Ruth Bader Ginsburg just a month earlier—[denied the request](#), with four of the eight justices dissenting.

Four days later, on October 23, Republicans returned to the U.S. Supreme Court, [asking the court](#) to rule, before Election Day, on the merits of their case against counting absentee ballots received after Election Day. On October 28, Pennsylvania's Department of State confirmed that election officials would be segregating all absentee ballots arriving between 8 p.m. on Election Day and 5 p.m. on November 6 in anticipation of a U.S. Supreme Court ruling. Later that day, the U.S. Supreme Court [denied the GOP request](#) to decide the merits of the case before Election Day but left open the possibility that it could rule on the merits after November 3. On November 6, Justice Samuel Alito [ordered](#) that all absentee ballots received after 8 p.m. on

November 3 be segregated and that, if such ballots were counted, that their tally be counted separately. The ballots in question, however—approximately [10,000](#)—represented a far smaller number than the 80,000-plus margin by which Democrat Biden beat Republican Trump in Pennsylvania; and, therefore, the disposition of the segregated absentee ballots did not delay the state’s [certification](#) of the election results.

In the two months following Election Day, the Trump campaign and GOP allies filed [24 lawsuits in Pennsylvania](#) contesting various aspects of the presidential election, more than they filed in any other state. Most cases related to aspects of Pennsylvania’s absentee voting procedures, such as the delivery and processing of absentee ballots in the state and the rights of election observers to oversee the process. On Election Day itself, Republican groups filed three lawsuits in Pennsylvania seeking to prevent voters from being notified if their absentee ballots were defective or from curing their ballots: [Barnette v. Lawrence](#), [Hamm v. Boockvar](#), and [In re: Motion for Injunctive Relief of Northampton County Republican Committee](#). None of these lawsuits were successful.

Other lawsuits [requested](#) to exclude absentee ballots with technical errors, such as missing dates, addresses, or partially unsealed envelopes. The Trump campaign brought several unsuccessful election board challenges, all of which were dismissed or [denied](#). State senate candidate Nicole Zicarelli piggybacked on the president’s strategy and brought [three election board challenges](#), two of which succeeded, resulting in the disqualification of a total of 474 ballots.

Several lawsuits sought to prevent certification of the election results. For example, one [filed](#) on November 9 alleged mail-in ballot fraud and the requested relief was [denied](#) by the Third Circuit U.S. Court of Appeals. Another, filed November 21 by Congressman Mike Kelly, [challenged](#) the constitutionality of Act 77’s no-excuse mail-in voting provision. The case was [dismissed](#) by the Pennsylvania Supreme Court but rose all the way to the U.S. Supreme Court, which declined to grant preliminary injunctive relief and later declined certiorari.

Finally, even after state officials certified the election results on November 24—that Joe Biden [won](#) 50.01% of the vote compared to President Trump’s 48.84%—several lawsuits sought to decertify Pennsylvania’s election results. And litigants continued to pursue attempts to reach the U.S. Supreme Court. The Trump campaign bundled one pre-election and two post-election cases and [appealed them to the U.S. Supreme Court](#), which [denied certiorari](#) on February 22, 2021. Even the state of Texas filed a [lawsuit](#) in the U.S. Supreme Court, arguing that the alleged maladministration of election practices in certain other states, including Pennsylvania, diluted the votes of Texas voters. On December 11, 2020, the Supreme Court [denied](#) Texas’s motion to file its complaint, for lack of standing, explaining that the state of Texas failed to demonstrate “a

judicially cognizable interest in the manner in which another State conducts its elections.”

In the end, plaintiffs lost all but two of the 24 post-election cases filed in Pennsylvania, and the two wins resulted in disqualification of a total of 474 ballots. But the lawsuits succeeded in amplifying fraud allegations, claims of election misconduct, and conspiracy theories that would undermine many voters’ confidence in the election. For a more detailed summary of each of the Pennsylvania cases filed post-Election Day, and the disposition of each, see the Stanford-MIT Healthy Elections Project’s report on [Post-Election Litigation Analysis and Summaries](#).

V. Election Day Voting

A. In-Person Voting Statistics

Of the total votes counted, 60.6% of the state’s 6.9 million votes (4,193,889 votes) were cast in person on Election Day. This is a significant departure from 2016, when almost all votes were cast in person on Election Day (and only 4.3% of votes were mailed-in).

B. In-Person Voting Performance: Lines and Wait Times

Throughout Election Day, the Pennsylvania Department of State’s election response team monitored and addressed all reported issues, including incidents of polling places opening late, long lines, and confusion over provisional ballots issued to voters who received a mail-in ballot but preferred voting in person at the polls. Several polling places opened late, including “Pittsburgh 5-5,” which was [delayed](#) because the election judge’s vehicle, containing the election suitcase needed to open the polling place, was stolen. The suitcase did not contain any ballots and has since been recovered.

Most lines were well-managed throughout the state, and voters did not encounter lengthy wait times at their polling places, with few exceptions. Election Day witnessed an early morning rush in many polling places across the state. In [Washington County](#), there were 200 people in line at multiple polling places by the time the polls opened at 7 a.m.. Similarly, polls across Allegheny County had [around 100 voters in line at the time of opening](#) and little to no wait towards the evening. Also in [Allegheny County](#), there was also a long wait at the Christ Episcopal Church polling place, where two precincts were located inside the one church. Some voters waited in line for an hour to go into one entrance, only to discover that their voting precinct was inside

the other entrance, or vice versa. In Montgomery County, however, some voters encountered wait times of up to 80 minutes. Some voters in East Manchester Township, [York County](#), experienced the longest wait time of the day—four hours. Election Commissioner Julie Wheeler provided [three reasons](#) for the long wait: limited building occupancy due to social distancing requirements, checks to make sure that “no one who mailed a ballot also voted at the poll,” and higher-than-expected voter turnout. Two additional poll workers were sent to the site to speed up the voting process.

C. Safety Provisions for In-Person Voting

The Department of State did not mandate mask usage but [recommended](#) and [strongly encouraged](#) voters to “wear a face covering and follow social distancing guidelines.” Voters were not to be turned away if they were not wearing a face covering but were urged to wear masks to “protect themselves, other voters and poll workers.” To make sure polling places had the necessary supplies, the Pennsylvania Department of State and the Pennsylvania Emergency Management Agency [provided](#) counties with masks, hand sanitizer, sneeze guards, marking tape for social distancing, and other supplies.

[Leading up to the election](#), the Pennsylvania Department of State released [guidelines](#) for polling place management. Recommendations included:

- Remote training of poll workers, including online Q&A sessions and pre-recorded videos;
- Provision of personal protective equipment (PPE), such as gloves and masks, for poll workers;
- 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; and
- Maintaining separate check-in and polling areas for “consolidated” precincts where voters from multiple precincts shared the same polling place.

Despite the many guidelines in place to promote a safe, in-person voting experience, a [COVID-19 outbreak](#) among election staff in Westmoreland County a few days prior to Election Day infected 11 staffers, leaving only two full-time and one temporary elections bureau staffers on the job. All other department employees, including the director, either tested positive or were quarantined at home as they awaited test results. Many of the volunteer election workers [quit their positions](#) in response to other volunteers not wearing masks and taking the

necessary precautions to stop the virus' spread. The outbreak significantly delayed the county's certification of its votes.

D. Polling Places

Statewide, the secretary of state noted that Pennsylvania had 9,152 polling places staffed by about 45,000 poll workers. In a shift from the June 2 primary election, the number of polling places across counties was close to normal levels for the general election. Election officials in most counties had a surplus of volunteers, as “many [thousands of volunteers](#) signed up to be poll workers around Pennsylvania, including over 20,000 volunteers in Philadelphia for just 8,500 poll worker positions.” As a result, counties were able to operate many more polling places than they did during the primary. In [Montgomery County](#), 325 polling places were returned to their individual polling locations. In Allegheny County, all [1,323 usual polling places](#) were open.

A few counties gave voters incorrect locations for polling places, causing considerable voter confusion over their assigned polling place. In Philadelphia, “the polling place locator tool listed different voting sites than the state,” according to a review by Stateline (an initiative of the Pew Charitable Trusts) and the Center for Public Integrity. This error was discovered and corrected on the polling place locator tool the night before Election Day. In [Allegheny County](#), officials found that some polling locations had been listed incorrectly in the public facing interface of the Statewide Unified Registry of Electors (SURE) system, and changes in other polling places had not been updated. County officials sent letters to voters in those polling precincts just days before the election and also encouraged in-person voters to use online tools to verify information before Election Day. Similarly, in [Chester County](#), around 875 voters were sent a last-minute notification listing an incorrect polling location. The county attempted to remedy the mistake by emailing voters and posting notice of the error on social media. Despite these efforts, at least 20 people went to the wrong polling place, an elementary school, and had to be redirected to the correct one, a fire station, around four miles away. Some voters had stood in line for close to an hour before being told of the error.

E. Poll Workers on Election Day

After severe poll worker shortages during the June 2 primary election, state election officials and voting rights groups launched wide-reaching campaigns and recruitment drives to encourage younger voters to sign up as poll workers for Election Day. The department of state increased the stipend paid to poll workers, from \$140 to \$200, the maximum amount permitted by state law, plus \$50 for training. The State Department's Bureau of Professional and

Occupational Affairs encouraged licensing boards to incentivize their licensed professionals to volunteer as poll workers by making them eligible for up to two hours of continuing education credits for serving as poll workers. And outside civic groups, such as the nonpartisan [Power the Polls](#), in partnership with [The Voter Project](#), recruited tens of thousands of potential poll workers through coalitions with businesses, social media platforms, and local stakeholders.

These efforts enabled the state to go into Election Day voting with more than 45,000 poll workers staffing 9,152 polling places and with most counties across the state having a surplus of poll workers. In Philadelphia, for example, more than 20,000 people [volunteered](#) for 8,500 positions. Philadelphia also created “reserve” lists of volunteers in case of last-minute cancellations or unexpected needs. In Allegheny County, more than 12,000 people volunteered to fill about 6,600 slots. Despite the surplus, poll workers in Allegheny County reported uneven staffing at polling places—some were short workers while others had many more than needed.

In interviews by Spotlight PA and Votebeat on Election Day, eight Allegheny County poll workers [described](#) “a high-wire act of learning important election procedures on the fly, often with anxious voters and other poll workers who also had little to no training.” A lot of the issues raised by volunteers were attributed to unclear communications with hard-to-reach county workers prior to Election Day, late assignment notifications, inadequate training, and long-standing state level deficiencies.

In Pennsylvania, poll worker training is left entirely to the discretion of individual counties; therefore, the length and quality of the training varies greatly across the state. A post-election report from Erie County’s clerk [found](#) “significant instances where judges of elections lacked understanding about the basic operation of the polling place” and concluded that poll workers needed more training on how and when to utilize provisional ballots. Voting rights organizers in Allegheny County claimed they received [reports](#) of multiple poll worker mistakes. Poll workers in several polling locations, for example, did not know how to properly discard or “spoil” a mail-in ballot so a voter who had applied to vote by mail could vote in person instead, they said, and in some of these cases poll workers incorrectly issued voters provisional ballots.

F. Provisional Ballots

Provisional ballots were required to be adjudicated individually by county election boards to determine if they could be counted. This was done by first confirming the voter was registered to vote in the precinct in which the ballot was cast and then confirming whether the voter had already voted by mail. If the voter had already voted by mail, the provisional ballot was not counted. In cases where voters had applied for and received a mail ballot and then chose

instead to vote in person at a polling place, voters were required to bring the absentee ballot declaration envelope and their ballot with them to the polling place to be “voided” before they could vote on a machine. Voters arriving without their mail-in ballot were allowed to submit a provisional ballot, but election boards would have to verify that the voter did not previously vote by mail before the provisional ballot could be counted.

On Election Day, a few counties ran low on provisional ballots (including some Philadelphia precincts which briefly ran out of provisional ballots), but, in every case, election officials were able to quickly resolve the issue. Pennsylvania counties began counting provisional ballots on November 6, after most mail-in and absentee ballots had already been counted. Some election officials had been [concerned](#) that large numbers of people trading in their mail ballots for provisional ballots would be time-consuming and, therefore, lengthen lines and wait times at polling places, but there were only limited instances of excessive lines on Election Day.

G. Voter Intimidation

There were widespread concerns of potential violence and voter intimidation at polling places, after President Trump, during the first presidential debate, [encouraged](#) supporters to go to the polls in Philadelphia and “watch very carefully.” While there were some reports of polling place incidents, the worst fears did not materialize. On Election Day, the Philadelphia District Attorney’s Office Election Task Force witnessed 52 reports of potentially violent incidents, but 47 of these incidents were resolved peacefully. Most cases were minor, and the most urgent cases were traced back to disinformation that spread on social media. According to the District Attorney’s Office, “[m]isinformation being spread online has driven more calls to the ETF hotline than actual incidents at polling sites.”

There were also a few isolated instances of voter intimidation throughout the state. In Penn Hills, for example, [two poll watchers were removed](#) for alleged voter intimidation, while two election workers were kicked out of polling places in Pittsburgh for fighting. Another poll worker was removed from her assigned voting location after other workers claimed she was “causing a disturbance, taking pictures and video of polling place activities, and looking at voters’ ballots prior to those being scanned,” according to a statement from Allegheny County. She was reinstated by the Election Court judge but resumed the disruptive behavior. In response, the court issued an order for her removal. The poll worker left the polling place on her own after the order was issued.

H. Poll Watchers and In-Person Voting Litigation

Shortly after Election Day, the Trump campaign brought a [lawsuit](#) against Philadelphia's County Board of Elections, seeking to stop the county from counting ballots until Republican election observers were allowed "to be present and observe the canvassing of all mail-in and absentee ballots." Unfortunately for the plaintiffs, a Trump campaign attorney [admitted](#) to a federal judge during oral arguments that the campaign had multiple representatives present to observe the canvassing at all times. And, according to Philadelphia's city commissioners, both parties had observers present and both parties were given equal access throughout the process.

The Trump campaign did achieve one minor victory, however, securing a [court order](#) on November 5 that required poll watchers be allowed within six feet of ballot counting in the Pennsylvania Convention Center, rather than the initial 20-foot barrier. This change [paused counting altogether](#) for two hours and subsequently slowed down the counting process in Philadelphia, as poll workers could use only the tables closest to the observers' perimeter barrier, which "left the other tables empty, equipment unused, and ballots counted at a slowed pace." President Trump later continued to [claim](#) on Twitter that "Pennsylvania and Michigan didn't allow our Poll Watchers and/or Vote Observers to Watch or Observe." This claim was [unequivocally false](#), as poll watchers were allowed to observe the canvassing of ballots throughout the state.

VI. After Election Day

By the morning after Election Day, roughly 75% of Pennsylvania's votes had been counted and President Trump led candidate Biden by over [600,000 votes](#) statewide. The overwhelming majority of these votes, however, were in-person Election Day votes. Because [Pennsylvania law](#) prevented officials from tabulating mail-in ballots until after the close of polls, it would take weeks to officially canvass and tally 100% of the votes. Over the course of the next several days, as election officials began to canvass about [2.6 million](#) mail-in ballots and [over 100,000](#) provisional ballots, the margins between Trump and Democrat Biden began to tighten. This was expected, given the [widespread evidence](#) that Trump voters were more likely to vote in person on Election Day compared to Biden voters, due to Trump's politicization of mail voting. By Friday, November 6, the number of votes counted for Biden exceeded Trump's vote count for the first time. And by November 7, [Associated Press](#) called Pennsylvania for Biden and declared Biden the presumptive president-elect. Biden's margin over Trump exceeded 34,000 votes, or

[0.51 percentage points](#), which placed him beyond the margin where a mandatory recount is required under Pennsylvania law.

That same day, on November 7, President Trump [tweeted](#) “[l]awyers Press Conference at Four Seasons, Philadelphia. 11 a.m.,” which was later [amended](#) to “[b]ig press conference today in Philadelphia at Four Seasons Total Landscaping—11:30 a.m.!” At the press conference, Rudy Giuliani, the president’s personal lawyer and one of the Trump campaign’s top advisors, made [several unsubstantiated claims](#), alleging voter fraud in Pennsylvania. Over the next several weeks, Trump’s campaign and its Republican allies pursued various efforts to delay or circumvent the state’s official certification of the election results. For example, Pennsylvania’s Republican-controlled House attempted to initiate a “legislative audit” of the election. That move was [rejected](#) by the Legislative Budget and Finance Committee in a 2-1 vote due to the ongoing, legally mandated department of state audit. In addition, Rudy Giuliani [joined](#) an existing lawsuit urging the court to prohibit the certification of Pennsylvania’s results, but a federal court rejected the request, [finding](#) that the plaintiffs had presented “strained legal arguments without merit and speculative accusations ... unsupported by evidence.” The Third Circuit also [denied relief](#) to the Trump campaign.

On [November 24](#), Pennsylvania officially certified the election results in favor of Biden, with the department of state confirming the county-by-county figures and the governor signing the certificate of ascertainment for the slate of electors supporting Biden and running mate Kamala Harris. Although minor disputes over the validity of small batches of ballots with certain technical flaws (such as ballots with illegible or missing printed names, dates, and so on) [delayed results](#) in some counties, ultimately all disputes were resolved before the statutory deadline.

After the state certified the results, 64 Republican state lawmakers [signed a letter](#) asking Congress to block Pennsylvania’s slate of electors from casting votes for President-elect Joe Biden. On December 14, the Republican Party of Pennsylvania also released a statement [claiming](#) that, at the request of the Trump campaign, the Republican slate of electors met in Harrisburg to “cast a conditional vote for Donald Trump . . . [as a] procedural vote to preserve any legal claims that may be preserved going forward.” Neither of these actions, however, had any practical effect on the state’s official certification for President-elect Joe Biden.

Overall, Pennsylvania’s counting of in-person and absentee ballots played out as many expected given the high number of absentee ballots. The legal prohibition preventing the counting of absentee ballots until Election Day produced a “[red mirage](#)” effect—a phenomenon where the in-person votes, those first counted, favored the Republican (red), but that “red” lead evaporated as absentee votes, counted later, skewed in favor of the Democrat (blue). In the

end, Pennsylvania's election officials fully complied with the law and successfully oversaw the canvassing, tabulating, reporting, and certifying processes, and the grand total of Democrat votes in the presidential contest outnumbered Republican votes.

VII. Conclusion

When Pennsylvania's 2020 election was officially certified, Governor Tom Wolf [said](#) that the certification "is a testament to the incredible efforts of our local and state election officials, who worked tirelessly to ensure Pennsylvania had a free, fair and accurate process that reflects the will of the voters." After a rocky primary election in June, where the state faced demanding problems from delays in the distribution and receipt of absentee ballots to poll worker shortages and poll closures, Pennsylvania's election officials successfully responded in preparation for the 2020 general election. Although the state's legislature was unable to reach a deal to reform the state's absentee ballot counting procedures—which resulted in long delays and arguably kept the country's major news outlets from declaring a presidential winner for nearly a week—the election was administered successfully.

Despite the obstacles to running a high-stakes election in an important swing state during a global pandemic, Pennsylvania responded successfully. Voters who wanted to vote by mail successfully did so, rejected ballot rates were far lower than expected, in-person voting lines were largely manageable, instances of violence and intimidation were relatively few, and the onslaught of post-election litigation was resolved efficiently and decisively by state and federal courts. Overall Pennsylvania's election administration should serve as an encouraging example of a difficult task accomplished with competence and leadership.