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October 25, 2022

Dear Acting Secretary Leigh Chapman,

We, the undersigned members, are writing with great concern about the process used to ensure that only qualified, legal voters vote in the 2022 General Election. Due to the 2018 Directive from your office instructing counties to register voters without verification of identity, the need to verify the identity and eligibility of mail and absentee ballot applicants is even more critical to the integrity of our elections. As of October 21, 2022, records of 2022 Mail Ballot Data shows that counties have already mailed over **240,000 unverified ballots**.

During the State Government Committee Hearing on September 14, 2022, Representative Ryan asked Deputy Secretary Marks to explain the large number of requests submitted to the Social Security Administration Help America Vote Verification (HAVV) system. Marks testified that the HAVV systems is being used to verify SSN4 for mail ballot applications. He then went on to testify that if a person submits an **invalid PennDOT ID** or an **invalid SSN4**, the counties must still send a mail ballot to the requestor who provided invalid identification.

Deputy Secretary Jonathan Marks: I want to make sure we're clear about the distinction between the two processes. Voter registration, there is no federal requirement or state requirement that those numbers match or that every voter has to have one of those two numbers. **With mail-in balloting**, it is a requirement. If when you apply, your **PennDOT ID cannot be verified** or your **last four of SSN cannot be verified**, the county **can still issue the ballot**, but the ballot doesn't count unless the voter provides a valid form of ID – either a PennDOT ID or the last four of SSN that can be verified or one of the other forms of identification provided for in the statute.

Deputy Secretary Mark's testimony that counties are responsible for verification of ID prior to counting a ballot was subsequently contradicted by the PA Department of State: Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes dated September 26, 2022. The Guidance tells the counties that the identification is verified **before** sending a ballot to an applicant.

"The Pennsylvania Election Code describes processes...include multiple secure methods used by the voter's county board of election to **verify** that the qualified voter's absentee or mail-in application is complete and that the

statutory requirements are satisfied. These include **voter identification verification** confirmed by either a **valid** driver's license number, the last four digits of the voter's social security number or other valid photo identification, and unique information on the application including the voter's residence and date of birth.

Before sending the ballot to the applicant, the county board of elections confirms the qualifications of the applicant **by verifying the proof of identification...**"

(<https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/2022-09-26-Examination-Absentee-Mail-In-Ballot-Return-Envelopes-3.0.pdf>)

Deputy Secretary Marks testified that ballots are mailed to unverified applicants. But less than two weeks later, the Department of State sent out a guidance informing the counties that the verification is done prior to the mailing of ballots. Either the ballots are mailed to unverified applicants or ballots are not mailed to unverified applicants but both statements cannot be true. Due to this conflicting information, conscientious election workers could unknowingly accept and count ballots for which no verification has ever occurred.

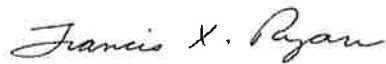
County election officials have access to the results of the PennDOT matching verification and the SSN4 HAVV matching verification, but they have no substantive role in that matching process. County election officials report that, for some applicants, a letter may be generated and mailed to the voter, notifying them that the ID they provided did not match the SSA records. The letter instructs those voters to produce a valid form of identification to the county board of elections. However, if proof of ID is not received, the county election officials report that they can and do count the ballots without the ID from the voter. In addition, several counties report that they can and do "fix" the invalid ID in the system and accept the ballot (with no action taken by the voter.)

The contradictory information provided by the DoS jeopardizes the verification of identity and eligibility of individuals by whom mail ballots are cast. Marks said that the unverified voter's ballot will not be counted unless the voter provides a valid form of ID. He minimized the issue and previously testified that the non-matches account for just a "small percentage" of the ballots sent. According to the DoS data, as of October 21, 2022, a staggering **240,000 ballots are "NOT VERIFIED"**. That is an enormous number of ballots which, according to the law, must be set aside and not counted for the 2022 General Election unless the voter produces ID. This will force the counties to, as one county election director described it, "go after the missing information" to obtain proof of ID for the unverified ballots. What level of additional staffing is allocated for counties to attempt to contact and verify the identity of these **quarter of a million of ballot recipients?** Many of these unverified ballots are likely the result of transposition of numbers or letters but the purpose of the law is to ensure integrity. The law requires matching therefore all must be set aside and ID verified prior to being counted.

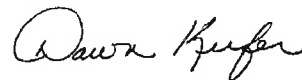
Because the election is just a few short days away, it is asked that the Department of State:

- Immediately issue a directive to all counties informing them of the requirement to set those ballots aside and not pre-canvass, canvass, or count any of them unless and until the applicant provides a valid form of identification. Make it clear to all counties that they may **not "fix" non-matching identification** and they may not count those ballots until proof of ID is received **from the voter**.
- Immediately correct the Guidance to reflect the testimony of Deputy Secretary Marks or provide the State Government Committee with an explanation for the false information provided under oath.
- Immediately provide the legislature with a complete list of all the names and voter IDs for all of the applications on which the SSN4 provided did not match the Social Security Administration records.
- Immediately provide the legislature with a complete list of all the names and voter IDs for all of the applications on which the PennDOT ID provided did not match the PennDOT records.
- Due to the conflicting information provided by your department, counties should be required to certify that all of these ballots have been set aside and **make a record of the type of identification produced by the voter who previously provided non-matching ID.**

Respectfully,



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