



## Pennsylvania Election Update 10/30/20: Rejected Mail in Ballots (MIB)

### **Guidance to voters whose mail in ballot was rejected:**

**The best option for voters in this circumstance is to visit a main or satellite election office before 8 PM on Election Day to request, complete, and return a replacement ballot. It is not advisable for voters to request a replacement ballot be sent to them via USPS. Their other option is to vote a provisional ballot at their polling place.**

### Summary:

Voters in PA who submitted Mail in Ballots **may start getting emails** that their MIB was rejected either because (1) it was missing the voter declaration signature on the outside envelope or (2) it was WEIGHED and it was determined to a naked ballot.

Anyone who submitted a MIB and checked the status on <https://www.pavoterservices.pa.gov/> would have seen VOTE RECORDED as a status, so this new communication about the ballot being defective may be considered misinformation (it is not).

Voters can go to vote in person on Election Day, but their name would probably be in the supplemental poll books because of the timing of when the regular poll books were printed. But they can also go before Election Day in-person to the election office or in some counties satellite election offices to request a replacement ballot.

### Background/Issue:

**Counties have had varying ability to identify and set aside returned absentee and mail-in ballots lacking the secrecy envelope and/or a signature on the declaration envelope.** Larger counties with more sophisticated equipment could automate this process, but smaller county offices would have to do this by hand. While the absence of signature is plainly knowable, determining whether or not a ballot is properly enclosed in the secrecy envelope may not be straightforward. The [Bluecrest sorting equipment](#) used in Philadelphia and several other large is able to detect naked ballots by the thickness and/or weight of the returned ballot.

Counties were apparently waiting for guidance from the Department of State on the issue, which was finally received Sunday 10/25 night; see Jonathan Marks' communication below. **Once these codes are entered in a voter's SURE record, this will supposedly trigger an automated email and update the ballot status in the online tracking tool.** [See notice in Philadelphia.](#) The publicly-available VBM data should also include this information.

### Additional updates:

- If a voter's mail-in or absentee ballot was rejected for a reason unrelated to the voter's qualifications and the voter casts a provisional ballot and meets other provisional ballot requirements, the provisional ballot shall be counted if the county determines that the voter is eligible to vote.
- There is no basis to reject a ballot for putting the wrong date on the envelope, nor is the date written used to determine the eligibility of the voter. These ballots should be processed normally.



Subject: Important DOS Email - Processing Mail-in and Absentee Ballots

Dear County Election Directors:

Thank you for all you are doing in preparation for this election! It is truly incredible that already, 8 days ahead of Election Day, more than 1.6 million votes have already been cast, and these numbers are growing exponentially each day.

This email is to remind you of a few items relating to processing mail and absentee ballots. As we previously noted in the Examination of Absentee and Mail-in Envelopes guidance, it is very important that you scan these ballots into SURE as soon as possible after you receive them, so voters receive confirmation their ballots have been received.

The guidance is available at the following

link: <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/Examination%20of%20Absentee%20and%20Mail-In%20Ballot%20Return%20Envelopes.pdf>.

It is also important that you scan as soon as possible the ballots that are received with omissions which require that the ballot be held or cancelled, such as those received without a signed declaration, or other omissions not related to voter qualification. That way, the voter has warning that their vote will not be counted unless they take further action. You may also feel free to contact the voter if you have other contact information for them.

In order to better track the reasons for rejection, please use the following codes when you receive ballots with the following omissions:

- **CANC - NO SIGNATURE:** Use this code for any ballot received without a signature on the outer envelope. Do not use this code for any other cancellation reason.
- **CANC – VOTE CANCELLED:** Use this code for any ballot received without a white inner secrecy envelope, or a secrecy envelope with disqualifying markings on it, or similar issues that don't fall into other SURE categories. Do not use this code for any other cancellation reason.

**As it has in prior years, utilizing these codes will generate an email to the voter advising them that their ballot has been cancelled, and they will also be informed that they may vote by provisional ballot on Election Day, as was described in the Department's updated Provisional Voting Guidance issued on October 21, 2020. The guidance is available at the following link:**

[https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS\\_ProvisionalBallots\\_guidance\\_1.0.pdf](https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_ProvisionalBallots_guidance_1.0.pdf)

**The Provisional ballot guidance clarifies that if a voter's mail-in or absentee ballot was rejected for a reason unrelated to the voter's qualifications and the voter casts a provisional ballot and meets other provisional ballot requirements, the provisional ballot shall be counted if the county determines that the voter is eligible to vote. Please make sure poll workers understand that voters who appear on election day under these circumstances must be given an opportunity to vote by provisional ballot.**

**Additionally, several of you have asked what to do if a voter puts their date of birth on the outer envelope. There is no basis to reject a ballot for putting the wrong date on the envelope, nor is the date written used to determine the eligibility of the voter. You should process these ballots normally.**

Please let us know if you have any questions.

Kind regards,

Jonathan M. Marks