



# Lessons from the States: Building Trust in Pennsylvania Elections

## State Election Series 3 of 3

By Chris McIsaac

**Both Pennsylvania itself and other states can learn from the Keystone state’s successes and setbacks to refine approaches to strengthen voter confidence and improve democratic participation.**

## Executive Summary

The American election system is highly decentralized and relies on state and local governments to set policy and administer elections. This structure results in significant variation in how different jurisdictions run elections, creating opportunities for states to learn from each other’s successes, challenges, and best practices. To explore these differences and promote cross-state learning, we have developed a policy study series focused on the unique blend of election policies in place in three swing states that have played pivotal roles in recent federal elections: Arizona, Georgia, and Pennsylvania.<sup>1</sup>

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1. Chris McIsaac and Bill Gates, “Lessons from the States: Building Trust in Arizona Elections,” *R Street Policy Study* No. 326, June 2025. <https://www.rstreet.org/research/lessons-from-the-states-building-trust-in-arizona-elections>; Chris McIsaac and Scot Turner, “Lessons from the States: Building Trust in Georgia Elections,” *R Street Policy Study* No. 329, July 2025. <https://www.rstreet.org/research/lessons-from-the-states-building-trust-in-arizona-elections>.

This third paper in the series focuses on Pennsylvania and three aspects of the state's voting system that are especially instructive:

1. **Voting before Election Day.** Pennsylvania's mail and early voting system promotes engagement and accessibility for voters, but also creates unnecessary administrative complexity.
2. **Confirming voter eligibility.** Pennsylvania's robust list maintenance procedures help ensure accurate voter rolls, but legal and political hurdles prevent the state from enacting widely popular voter identification requirements.
3. **Primary election reform.** The commonwealth's closed primary system continues to limit access to the ballot for 1.4 million independent and minor party voters, making Pennsylvania a prime candidate for reforms that would expand voter choice and improve electoral incentives.



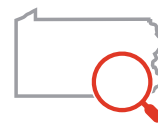
In exploring these policies, this paper seeks to provide policy insights that can help build trust in elections in Pennsylvania and beyond.

## Introduction

America's electoral system is unique in its high degree of decentralization, with state and local governments able to retain primary responsibility for election policy and administration in their jurisdictions.<sup>2</sup> Because of this freedom, no two states approach election administration identically, and differences between states provide opportunities for learning, as each state can observe the strengths and weaknesses of different election policies.<sup>3</sup>

Pennsylvania has long been a competitive state with high-profile status in national campaigns. In recent years, media and political attention have put a spotlight on the mechanics of the state's elections. Three aspects of Pennsylvania's voting system offer meaningful insights that could inform how other states approach elections. First, the commonwealth recently established a mail-in voting system, which promotes engagement and accessibility but has created administrative challenges related to timely ballot processing and ballots with clerical errors. Second, Pennsylvania has strong procedures for ensuring accurate voter rolls, but legal and political hurdles have hampered the state's ability to institute voter identification (ID) requirements, which are broadly popular with voters. Third, the commonwealth's closed primary system continues to limit access to the ballot for the state's 1.4 million independent and minor party voters, making primary reform particularly worthy of consideration.

This paper explores these three aspects of Pennsylvania's voting system, highlighting components that can serve as models for other states seeking to build trust in their election processes. It also considers how Pennsylvania could improve its election processes based on the experiences and best practices found in other parts of the country.



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2. "Election Administration at State and Local Levels," National Conference of State Legislatures, Jan. 29, 2025. <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>.

3. Ibid.

## Overview of Pennsylvania's Election System

To establish a foundation for this paper's discussions on the three key aspects of Pennsylvania's voting system outlined above, we must first establish a baseline understanding of the current structure of the state's voting system. This includes factors like its competitive landscape, election administration practices, voter eligibility requirements, methods for casting and counting votes, and approaches to primary elections.

### Competitive Landscape

Pennsylvania is America's fifth-largest state by population and is an established key battleground state.<sup>4</sup> In 2024, Republican candidates for federal office fared well, as Donald Trump carried Pennsylvania in his campaign for President, Republican Dave McCormick defeated incumbent Democrat Bob Casey in the Senate race, and two of the state's 19 congressional seats flipped from Democratic to Republican control.<sup>5</sup> Yet just two years earlier, Democrat Josh Shapiro won his campaign for governor, and Democrat John Fetterman won his campaign for an open U.S. Senate seat previously held by Republican Pat Toomey.<sup>6</sup>

Likewise, at the state level, Pennsylvania has a long history of divided government. Over the past quarter-century, 19 of the 25 years saw a split of power between the two parties. For the last 11 years, Democrats have controlled the Office of the Governor, and Republicans have held at least one chamber of the state legislature.<sup>7</sup> Today, Democrats hold a one-vote majority in the General Assembly, while Republicans control the State Senate for the 32nd consecutive year.<sup>8</sup> At the voter level, the state's 9.1 million registered voters in the 2024 election split 44 percent Democratic, 40 percent Republican, and 16 percent independent or other parties.<sup>9</sup>



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### Roles and Responsibilities

Setting policy and administering elections is a joint effort between Pennsylvania's state and local governments. At the state level, the legislature and the governor are responsible for setting the laws that direct elections in every county. Meanwhile, counties administer elections consistent with state law and under the supervision of the Secretary of the Commonwealth. The secretary of the commonwealth is appointed by the governor, serves as Pennsylvania's chief election officer, and is responsible for election-related functions such as canvassing, certifying statewide elections, and overseeing county election boards.<sup>10</sup>

4. "Net International Migration Drives Highest U.S. Population Growth in Decades," United States Census Bureau, Dec. 19, 2024. <https://www.census.gov/newsroom/press-releases/2024/population-estimates-international-migration.html>.
5. "2024 Pennsylvania Elections," NBC News, Nov. 5, 2024. <https://www.nbcnews.com/politics/2024-elections/pennsylvania-results>; Marc Levy, "GOP flips 2 US House seats in Pennsylvania, as Republican Scott Perry wins again," *Associated Press*, Nov. 7, 2024. <https://apnews.com/article/pennsylvania-congress-2024-election-perry-mackenzie-bresnahan-3c79f724690fb734cdcc921512165b72>.
6. "Pennsylvania Midterm Election 2022," NBC News, Nov. 8, 2022. <https://www.nbcnews.com/politics/2022-elections/pennsylvania-results>.
7. "Party control of Pennsylvania state government," Ballotpedia, last accessed June 23, 2025. [https://ballotpedia.org/Party\\_control\\_of\\_Pennsylvania\\_state\\_government](https://ballotpedia.org/Party_control_of_Pennsylvania_state_government).
8. "2025 State and Legislative Partisan Composition," National Conference of State Legislatures, April 30, 2025. [https://documents.ncsl.org/wwwncsl/Elections/Legis\\_Control\\_2025\\_4.30.25-v2.pdf](https://documents.ncsl.org/wwwncsl/Elections/Legis_Control_2025_4.30.25-v2.pdf); "Party control of Pennsylvania state government." [https://ballotpedia.org/Party\\_control\\_of\\_Pennsylvania\\_state\\_government](https://ballotpedia.org/Party_control_of_Pennsylvania_state_government).
9. Bureau of Elections, "Commonwealth of Pennsylvania 2024 Voter Registration Statistics," Pennsylvania Department of State, last accessed Aug. 21, 2025. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Election%20Nov..pdf>.
10. 25 P.S. § 2621. [https://govt.westlaw.com/pac/Document/N01DA1E7076DF11DEA84DC917D3740FB4?viewType=FullText&originatonContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/N01DA1E7076DF11DEA84DC917D3740FB4?viewType=FullText&originatonContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

At the local level, county election boards are responsible for the administration of elections within each of Pennsylvania's 67 counties.<sup>11</sup> For example, these boards register voters, select and purchase election equipment, tabulate votes, and provide results to the Secretary of the Commonwealth.<sup>12</sup> In most counties, state law designates the county's three elected commissioners as the members of the election board.<sup>13</sup> However, the structures vary in Philadelphia—which operates as a combined city and county—and also in the seven counties that have adopted Home Rule Charters, which provide local governments with greater autonomy to make decisions.<sup>14</sup> For example, under Luzerne County's Home Rule Charter, four of the five members of the election board are appointed by the County Council, while the fifth is selected by the other four appointees.<sup>15</sup> Meanwhile, Allegheny County's home rule charter designates two county commissioners and the county executive as members of the Board of Elections.<sup>16</sup> Overall, election administration is highly decentralized across the commonwealth.

## Voter Eligibility

The basic requirements for registering to vote in Pennsylvania include being a U.S. citizen, being a Pennsylvania resident for at least 30 days, and reaching the age of 18 years by the next scheduled election.<sup>17</sup> Pennsylvania is one of 14 states that do not require any identification when voting at the polls, with the exception that voters are required to show identification when voting at a polling location for the first time.<sup>18</sup> Examples of acceptable forms of photo identification include a non-expired driver's license, student ID, or passport alongside non-photo identification such as a utility bill, paycheck, or firearm permit.<sup>19</sup> In addition, mail-in ballot applications require voters to provide either a driver's license number, the last four digits of their social security number, or a photocopy of another acceptable form of photo identification, such as a U.S. passport or military ID card.<sup>20</sup> To help maintain accurate voter registration lists, Pennsylvania is one of the 25 states that participate in the Electronic Registration Information Center (ERIC)—a system that facilitates voter information sharing across state lines.<sup>21</sup>



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11. 25 P.S. § 2641. [https://govt.westlaw.com/pac/Document/NEAC22EC0343011DA8A989F4EECD88638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)#co\\_anchor\\_IF727482015C611F0AA79BE28226FD070](https://govt.westlaw.com/pac/Document/NEAC22EC0343011DA8A989F4EECD88638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)#co_anchor_IF727482015C611F0AA79BE28226FD070).
12. 25 P.S. § 2642. [https://govt.westlaw.com/pac/Document/N79BF3170079811ED96DD8FC409D870FD?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/N79BF3170079811ED96DD8FC409D870FD?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).
13. 25 P.S. § 2641. [https://govt.westlaw.com/pac/Document/NEAC22EC0343011DA8A989F4EECD88638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)#co\\_anchor\\_IF727482015C611F0AA79BE28226FD070](https://govt.westlaw.com/pac/Document/NEAC22EC0343011DA8A989F4EECD88638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)#co_anchor_IF727482015C611F0AA79BE28226FD070).
14. "How Philly Works: A Guide to Our City Government," Committee of Seventy, September 2023, p. 3. <https://seventy.org/uploads/attachments/clmt8ss9401fk4wnpfzbid6q-how-philly-works-101.pdf#page=3>; "Welcome to Pennsylvania Counties," County Commissioners Association of Pennsylvania, last accessed June 29, 2025. <https://www.pacounties.org/who-we-are/pennsylvania-county-by-class>; "Home Rule in Pennsylvania Twelfth Edition," Pennsylvania Governor's Center for Local Government Services, April 2023, p. 2. <https://dced.pa.gov/download/home-rule-pa-pdf/?wpdmdl=57752&refresh=6862fd9b65e271751317915#page=6>.
15. "Board of Elections and Registration," Luzerne County, last accessed June 29, 2025. <https://www.luzernecounty.org/1082/Board-of-Elections-and-Registration>.
16. "Board of Elections," Allegheny County, last accessed June 29, 2025. <https://www.alleghenycounty.us/Government/Elections/Board-of-Elections>.
17. "Voter Registration Requirements," Commonwealth of Pennsylvania, last accessed June 23, 2025. <https://www.pa.gov/agencies/vote/voter-registration/voter-registration-requirements.html>.
18. "Voter ID Laws," National Conference of State Legislatures, July 2, 2025. <https://www.ncsl.org/elections-and-campaigns/voter-id>; "Voter Identification Requirements for Voting," Pennsylvania Department of State, September 2022. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2022-09-26-DOS-Voter-ID-Guidance.pdf>.
19. Ibid.
20. Ibid.
21. "Which States Are Members of ERIC?," Electronic Registration Information Center, last accessed June 29, 2025. <https://ericstates.org/about>.



## Casting a Ballot and Counting the Vote

There are three primary methods for casting a ballot in Pennsylvania: in person, by mail, or by mail “on demand.” The state relies heavily on in-person voting on Election Day; for instance, the 2024 presidential election saw 71 percent of the 7 million votes cast in person on Election Day.<sup>22</sup> The other options are to (1) receive a ballot in the mail and return it through the mail or—depending on the county—at a ballot drop box location or (2) complete an “on-demand” mail-in ballot, which allows a voter to request, receive, and cast a mail-in ballot during a single visit to a county election office during the mail-in voting period.<sup>23</sup> The period during which a voter may request a mail-in ballot begins 50 days before the election and ends on the Tuesday before Election Day.<sup>24</sup> The deadline for mail-in ballots to arrive at the county election office is 8 p.m. on Election Day.<sup>25</sup> Pennsylvania is one of only seven states that does not permit the pre-processing of mail-in ballots, which means election officials cannot begin opening envelopes, verifying signatures, and counting ballots until 7 a.m. on Election Day.<sup>26</sup>

## Primary Elections

Pennsylvania is one of nine states that hold closed primary elections.<sup>27</sup> Under the closed primary model, each political party has a primary election to select a nominee to compete in the general election. Participation in each party’s primary is limited to members of the political party. Unaffiliated voters are not permitted to vote in the primary, but independent and minor party candidates can attempt to get on the general election ballot by collecting signatures from registered voters within the relevant jurisdiction.<sup>28</sup> Despite their diminished capacity to participate in the primary election, the number of registered independent voters in Pennsylvania is trending upward. Today, there are 1.4 million independent and minor party voters, which accounts for 16 percent of the electorate.<sup>29</sup> This share has increased in every presidential election since 2000.<sup>30</sup>



Pennsylvania holds closed primary elections, leaving unaffiliated voters without a voice. Today, there are 1.4 million independent and minor party voters, which accounts for 16 percent of the electorate.

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22. “2024 Presidential Election (Official Returns),” Commonwealth of Pennsylvania, Nov. 5, 2024. <https://www.electionreturns.pa.gov/General/VoteByMethod?officeid=1&districtid=1&ElectionID=105&ElectionType=G&IsActive=0&isRetention=0>.
23. “Mail-in and Absentee Ballot,” Commonwealth of Pennsylvania, last accessed June 23, 2025. <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot.html>; “On-Demand Mail Ballot Voting,” Commonwealth of Pennsylvania, last accessed June 23, 2025. <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot/mail-ballot-before-election-day.html>.
24. 25 P.S. § 3150.12a. [https://govt.westlaw.com/pac/Document/NF2009DD004E511EABF6AF7E482597CF8?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/NF2009DD004E511EABF6AF7E482597CF8?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).
25. 25 P.S. § 3150.16. [https://govt.westlaw.com/pac/Document/N7B482C51747311EAA54ED9939449720F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/N7B482C51747311EAA54ED9939449720F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).
26. “Table 16: When Absentee/Mail Ballot Processing and Counting Can Begin,” National Conference of State Legislatures, Oct. 22, 2024. <https://www.ncsl.org/elections-and-campaigns/table-16-when-absentee-mail-ballot-processing-and-counting-can-begin>.
27. State Primary Election Types,” National Conference of State Legislatures, Feb. 6, 2024. <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>. Morgan Lee, “New Mexico opens major-party primary elections to growing ranks of unaffiliated voters,” *Associated Press*, April 8, 2025. <https://apnews.com/article/new-mexico-open-primaries-87d4d04bf0de858f2287f1d36b360b4e>.
28. 25 P.S. § 2872.2. [https://govt.westlaw.com/pac/Document/NE8F84430343011DA8A989F4EECD8638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/NE8F84430343011DA8A989F4EECD8638?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).
29. Bureau of Elections, “Commonwealth of Pennsylvania 2024 Voter Registration Statistics,” <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Election%20Nov..pdf>.
30. Bureau of Elections, “Official Voter Registration Data,” Pennsylvania Department of State, November 2000. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2000%20election%20nov.pdf>; Bureau of Elections, “Official Voter Registration Data,” Pennsylvania Department of State, November 2004. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2004%20election%20nov.pdf>; Bureau of Elections, “2008 Voter Registration Statistics,” Pennsylvania Department of State, Nov. 4, 2008. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2008genelectionvoterregistotals.pdf>; Bureau of Elections, “2012 Voter Registration Statistics,” Pennsylvania Department of State, Nov. 6, 2012. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2012%20election%20GenElectionVoterRegisTotals.pdf>; Bureau of Elections, “2016 Voter Registration Statistics,” Pennsylvania Department of State, Nov. 8, 2016. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2016%20Election%20VR%20Stats.pdf>; Bureau of Elections, “2020 Voter Registration Statistics,” Pennsylvania Department of State, Nov. 3, 2020. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2020%20Election%20VR%20Stats%20%20FINAL%20REVIEWED.pdf>.

With this background in mind, the next sections will take a closer look at Pennsylvania’s unique blend of election policies and identify lessons that can inform policy discussions in the Keystone State and beyond.

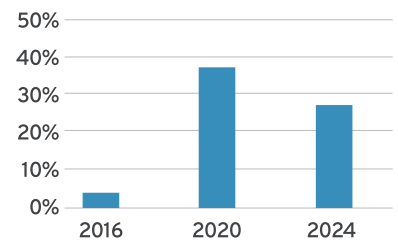
## Voting Before Election Day

The number of states that provide voters with the option to vote before Election Day, either by mail or in person, has increased from 24 to 47 over the past 25 years.<sup>31</sup> Notably, Pennsylvania shifted during this time from requiring an excuse to vote by mail—such as being out of the municipality on Election Day or having a disability—to giving all voters the option to vote by mail.<sup>32</sup> In the two presidential elections held since the 2019 approval of Act 77 (which codified this change into law), the shares of votes cast by mail were 38 percent in 2020 and 28 percent in 2024.<sup>33</sup> By comparison, mail-in ballots accounted for approximately 4 percent of the total vote in the 2016 election, which was the last presidential contest held under the old rules requiring an excuse to vote absentee.<sup>34</sup>

Some aspects of the state’s mail-in voting system have been challenging to implement because of administrative complexities and lawsuits. For example, election officials cannot begin processing mail-in ballots until Election Day, which can delay vote counts. Ambiguity around local ballot curing policies and the use of drop boxes has also generated lawsuits, which have resulted in a patchwork of policies across the state.<sup>35</sup> In response, lawmakers are considering legislation to make further adjustments to Pennsylvania’s voting law, such as establishing an “early voting” option that would be separate from the current practice of offering “on-demand” mail-in voting, as well as standardizing certain election procedures at the local level.<sup>36</sup>

## Background

Until 2019, the option to vote by mail in Pennsylvania was limited to voters who qualified for an absentee ballot because of an illness or other valid reason for being physically outside of the voting jurisdiction on Election Day. At the same time, the state did not allow any form of in-person early voting. In combination, these two policies meant that the overwhelming majority of ballots cast in Pennsylvania elections occurred in person on Election Day.<sup>37</sup>



**Following the approval of no-excuse absentee voting in 2019, the use of mail-in ballots in Pennsylvania increased substantially. However, some aspects of the new system have been challenging to implement because of administrative complexities.**

31. “The Expansion of Voting Before Election Day, 2000-2024,” The Center for Election Innovation & Research, July 2024. <https://electioninnovation.org/research/expansion-voting-before-election-day>.
32. “Governor Wolf Signs Historic Election Reform Bill Including New Mail-in Voting,” Office of the Pennsylvania Governor, Oct. 31, 2019. [https://files.source.amperwave.net/commonwealthofpa/press\\_releases/17554\\_gov\\_voter\\_reform\\_bill\\_signing.pdf](https://files.source.amperwave.net/commonwealthofpa/press_releases/17554_gov_voter_reform_bill_signing.pdf).
33. “Election Administration and Voting Survey 2020 Comprehensive Report,” United States Election Assistance Commission, August 2021, pp. 28-30. [https://www.eac.gov/sites/default/files/document\\_library/files/2020\\_EAVS\\_Report\\_Final\\_508c.pdf#page=40](https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf#page=40); “Election Administration and Voting Survey 2024 Comprehensive Report,” United States Election Assistance Commission, June 2025, pp. vii-ix. [https://www.eac.gov/sites/default/files/2025-06/2024\\_EAVS\\_Report\\_508c.pdf#page=12](https://www.eac.gov/sites/default/files/2025-06/2024_EAVS_Report_508c.pdf#page=12).
34. “The Election Administration and Voting Survey 2016 Comprehensive Report,” United States Election Assistance Commission, June 2017, p. 24. [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf).
35. Carter Walker, “These three court cases could determine how Pennsylvania handles mail ballot this fall,” *Spotlight PA*, Aug. 29, 2024. <https://www.spotlightpa.org/news/2024/08/mail-ballot-pennsylvania-envelope-errors-legal-court-case-washington-butler-county>; 25 P.S. § 3146.8. [https://govt.westlaw.com/pac/Document/N87078720747311EA9442A8B1D44F01DC?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/N87078720747311EA9442A8B1D44F01DC?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).
36. Mark Scolforo and Marc Levy, “Democrats endorse set of changes to Pennsylvania election rules, sending bill to state Senate,” *Associated Press*, May 13, 2025. <https://apnews.com/article/pennsylvania-voting-mailing-ballots-drop-box-bbf68820bd9e1d4dddc656363dc8b77>.
37. “The Election Administration and Voting Survey,” United States Election Assistance Commission, June 2017, p. 24. [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf).

Today, voters in 47 states—including Pennsylvania—have at least one option for voting early in person or by mail.<sup>38</sup> By comparison, only 24 states provided these options to all voters in 2000.<sup>39</sup> Pennsylvania joined the ranks of states that offer no-excuse early voting when lawmakers approved Act 77 in 2019, which was an omnibus election policy bill that impacted various aspects of Pennsylvania elections and was approved with broad bipartisan support by a Republican-controlled legislature and signed by Democratic Governor Tom Wolf.<sup>40</sup> In addition to establishing a universal mail-in voting system, other major provisions of Act 77 included moving the voter registration deadline closer to Election Day, eliminating the practice of “straight ticket” voting that allowed voters to make a single selection to vote for all Republicans or all Democrats rather than selecting individual candidates in each race, and establishing a funding mechanism for counties to upgrade voting equipment.<sup>41</sup>

Act 77 created no-excuse, by-mail voting by establishing a system whereby any registered Pennsylvania voter could submit an application to receive a ballot in the mail at their home address.<sup>42</sup> After filling out the ballot, voters first place the ballot in a yellow privacy envelope that is then placed in a second pre-addressed outer envelope.<sup>43</sup> Voters are also required to sign and date a declaration located on the outer envelope before returning the ballot via United States Postal Service (USPS), delivering it to a county election office, or—depending on the county—dropping it in a secure drop box.<sup>44</sup>

Alternatively, voters can complete the entire mail-in voting process during a single visit to a county elections office. Known as “on-demand” mail voting, this system replicates the experience of in-person early voting from the voter’s perspective.<sup>45</sup> However, for election administrators, the ballot is treated as a vote-by-mail ballot that requires additional steps to process, including the restriction on processing the ballot until Election Day, regardless of when it is received.

The main goal of offering a mail voting option is to increase participation in elections by making it more convenient to participate. At the same time, mail-in voting introduces additional administrative complexities, such as preparing and mailing ballots out to voters and processing the completed ballots when they are returned through the mail or dropped off in person. Designing a mail voting system that achieves voter convenience goals while minimizing administrative complexities is a balancing act that states manage through a variety of policy decisions. In the case of Pennsylvania, three specific policies could be revised to improve administrative efficiency: pre-processing of mail-in



**Designing a mail voting system that achieves voter convenience goals while minimizing administrative complexities is a balancing act that states manage through a variety of policy decisions.**

38. “The Expansion of Voting Before Election Day, 2000-2024.” <https://electioninnovation.org/research/expansion-voting-before-election-day>.

39. Ibid.

40. Act of Oct. 31, 2019, P.L. 552, No. 77 (2019), State of Pennsylvania. <https://www.palegis.us/statutes/unconsolidated/law-information/view-statute?txtType=PDF&SessYr=2019&ActNum=00777&SessInd=0>; “House Roll Call Vote Summary,” RCS No. 781, Pennsylvania Senate Bill 421 PN 1330, Oct. 29, 2019. <https://www.palegis.us/house/roll-calls/summary?sessYr=2019&sessInd=0&rcNum=781>; “Senate Roll Call Vote Summary,” RCS No. 311, Pennsylvania Senate Bill 421 PN 1330, Oct. 29, 2019. <https://www.palegis.us/senate/roll-calls/summary?sessYr=2019&sessInd=0&rcNum=311>.

41. Act of Oct. 31, 2019, P.L. 552, No. 77 (2019), State of Pennsylvania. <https://www.palegis.us/statutes/unconsolidated/law-information/view-statute?txtType=PDF&SessYr=2019&ActNum=00777&SessInd=0>; “House Committee on Appropriations, Fiscal Note, Senate Bill 421, Printers No 1330,” Pennsylvania House of Representatives, Oct. 28, 2019. <https://www.legis.state.pa.us/WU01/LI/BI/FN/2019/0/SB0421P1330.pdf>.

42. “How to Apply for Your Mail Ballot,” Commonwealth of Pennsylvania, last accessed June 29, 2025. <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot.html#apply>.

43. “How do I vote and return my mail-in or absentee ballot?,” Commonwealth of Pennsylvania, last accessed June 29, 2025. <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot.html#howto>.

44. Ibid.

45. “On-Demand Mail Ballot Voting.” <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot/mail-ballot-before-election-day.html>.

ballots, establishing uniform ballot curing guidelines, and better distinguishing between mail-in and “on-demand” ballots.

### **Lesson One: Pre-processing mail-in ballots reduces the risk of delayed reporting**

Ballots that arrive by mail go through a multi-step process that includes verifying the signature on the envelope, opening the envelope to remove the ballot, and inserting the ballot into a tabulator.<sup>46</sup> Although these steps may seem trivial, across millions of ballots, they add substantial time to ballot processing, particularly with regard to signature verification and other measures designed to ensure the security of the ballots and prevent fraud. However, states can minimize the potential delays associated with these time-consuming steps by allowing election workers to “pre-process” the ballots before Election Day.

Forty-three states allow some period of pre-processing in which election workers can begin preparing the mail-in ballots to be counted before Election Day.<sup>47</sup> The start of the pre-processing period ranges from one day before the election in Iowa to as soon as the ballot is received in states like Arizona and Massachusetts.<sup>48</sup> Meanwhile, Pennsylvania is one of seven states that do not allow pre-processing at all, instead requiring election workers to wait until 7 a.m. on Election Day to begin processing mail-in ballots that were returned during the state’s lengthy mail-in voting period of up to 50 days.<sup>49</sup>

For example, in the 2024 Presidential election, 1.9 million Pennsylvanians voted by mail.<sup>50</sup> More than half of these ballots were returned to the election office by October 23, yet these ballots could not be touched by an election worker until the morning of November 5.<sup>51</sup> This means that the ballots sat in the election office for at least 13 days—time that could have been spent getting a head start on processing and freeing up resources to handle the newer ballots that arrived closer to the 8 p.m. Election Day deadline, as well as those cast in person on Election Day.

As of the publication of this paper, lawmakers are considering a policy change to allow for up to 7 days of pre-processing as part of an election omnibus bill that was approved in May by the Pennsylvania House on a party-line vote, with Democrats in favor and Republicans opposed.<sup>52</sup> Other provisions of the wide-ranging HB 1396 include establishing in-person early voting, requiring all counties to offer ballot drop boxes, and setting new requirements for election machine testing and post-election audits.<sup>53</sup> The bill is now awaiting consideration in the Republican-controlled Senate.



**Pennsylvania is one of seven states that do not allow pre-processing at all, instead requiring election workers to wait until 7 a.m. on Election Day to begin processing mail-in ballots that were returned during the state’s lengthy mail-in voting period of up to 50 days.**

46. Grace Gordon et al., “Ballot Pre-processing Policies Explained,” Bipartisan Policy Center, Sept. 7, 2022, p. 4. <https://bipartisanpolicy.org/explainer/ballot-pre-processing-explained>.

47. “Table 16: When Absentee/Mail Ballot Processing and Counting Can Begin,” National Conference of State Legislatures, Oct. 22, 2024. <https://www.ncsl.org/elections-and-campaigns/table-16-when-absentee-mail-ballot-processing-and-counting-can-begin>.

48. Ibid.

49. Ibid.

50. “2024 Presidential Election (Official Returns),” Commonwealth of Pennsylvania, Nov. 5, 2024. <https://www.electionreturns.pa.gov/General/VoteByMethod?officeId=1&districtId=1&ElectionID=105&ElectionType=G&IsActive=0&isRetention=0>.

51. Chris Ullery, “Over 1M Pennsylvania voters have already cast a ballot. Are they mostly blue or red?,” PhillyBurbs, Oct. 24, 2024. <https://www.phillyburbs.com/story/news/politics/2024/10/23/pa-mail-in-ballot-returns-ahead-of-election-2024-swing-state-gop-democrats-deadline-to-apply/75783235007>.

52. Stephen Caruso and Carter Walker, “Early voting in, voter ID out as Democrats advance sweeping election bill,” Spotlight PA, May 13, 2025. <https://www.spotlightpa.org/news/2025/05/voting-election-reform-legislation-voter-identification-mail-ballot-pennsylvania>.

53. House Bill 1396, 2025-2026 Regular Session, General Assembly of Pennsylvania, May 12, 2025. <https://www.palegis.us/legislation/bills/text/PDF/2025/0/HB1396/PN1688>; “House Committee on Appropriations Fiscal Note House Bill 1396 Printers No 1688,” Pennsylvania House of Representatives, May 13, 2025. <https://www.legis.state.pa.us/WU01/LI/BI/FN/2025/0/HB1396P1688.pdf>.



## Lesson Two: Statewide ballot curing could reduce confusion and ensure equal treatment of ballots

Another challenge that has emerged since Pennsylvania enacted no-excuse absentee voting is the different policies counties have in place to handle ballots that arrive with some type of error. Act 77 outlined a number of requirements that mail-in ballots need to meet to be counted, such as placing the ballot in a security envelope and signing and dating the attestation statement on the envelope. However, the law does not stipulate how election officials should respond when receiving a ballot containing an error. In response to this ambiguity, some counties adopted a “notice and cure” policy that provides voters with an opportunity to correct the error, while other counties simply reject the ballot.<sup>54</sup>

Ballot errors are not unique to Pennsylvania—they are something every state grapples with. In fact, 32 states have statewide ballot-curing policies in place that provide specific guidelines for how election officials should notify voters of a ballot error and what the voter can do to correct the ballot so it can be counted.<sup>55</sup> Most of the remaining 18 states reject the ballots. Pennsylvania is one of the few states where the decision is left to the county election boards.<sup>56</sup> In the 2024 election, 38 of the 67 counties in Pennsylvania decided to offer a ballot curing option for voters.<sup>57</sup>

The resulting patchwork of policies raises questions of fairness and unequal treatment of ballots, particularly for legislative districts that cover multiple counties with different policies. For example, 20 of Pennsylvania’s 203 House districts include multiple counties with conflicting policies, and the same is true in 15 of the 50 State Senate districts.<sup>58</sup> This means that some voters will have the opportunity to cure their ballot, while others in the same district will not, simply because of where they reside.

The Republican party challenged this policy in the lead up to the 2024 election and argued that ballot curing should not be permitted at all.<sup>59</sup> However, the Pennsylvania Supreme Court declined to consider the lawsuit so close to the election and permitted the ballot curing to continue in counties that opted in during the 2024 election.<sup>60</sup> Overall, the mail-in ballot rejection rate was 1 percent of total ballots cast.<sup>61</sup> Of those rejected, one-third arrived after the 8 p.m. deadline, and the remainder had errors that could have been addressed through ballot curing, such as missing signatures, dates, and security envelopes.<sup>62</sup>



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54. Carter Walker, “Pennsylvania’s varied ‘curing’ policies affect voters’ chances of getting their ballot counted,” Votebeat, Feb. 4, 2025. <https://www.votebeat.org/pennsylvania/2025/02/04/curing-policies-lower-mail-ballot-rejection-rate>.

55. “Returning, Verifying, and Curing Mail Ballots,” Voting Rights Lab, last accessed June 29, 2025. [https://tracker.votingrightslab.org/issues/returning-verifying-and-curing-mail-ballots?law=13#issues\\_map](https://tracker.votingrightslab.org/issues/returning-verifying-and-curing-mail-ballots?law=13#issues_map).

56. Ibid.

57. Carter Walker, “These Pennsylvania counties give votes a chance to fix errors on their mail ballots,” Votebeat, Oct. 23, 2024. <https://www.votebeat.org/pennsylvania/2024/10/23/mail-ballot-curing-rules-fix-errors-county-policies>.

58. “2022 Pennsylvania House of Representatives Districts,” Commonwealth of Pennsylvania, last accessed June 29, 2025. <https://www.pa.gov/agencies/vote/resources/redistricting/pennsylvania-redistricting-house-of-representative.html#accordion-afc00ec48c-item-d725aacc7>; “2022 Pennsylvania Senate Districts,” Commonwealth of Pennsylvania, last accessed June 29, 2025. <https://www.pa.gov/agencies/vote/resources/redistricting/pennsylvania-redistricting-state-senate.html#accordion-0f360393ba-item-5727255bc0>; Carter Walker, “These Pennsylvania counties give votes a chance to fix errors on their mail ballots,” <https://www.votebeat.org/pennsylvania/2024/10/23/mail-ballot-curing-rules-fix-errors-county-policies>.

59. *Republican National Committee v. Schmidt*, Supreme Court of Pennsylvania, Sept. 18, 2024. <https://www.democracydocket.com/wp-content/uploads/2024/09/2024-09-18-Petition.pdf>.

60. Luc Cohen, “Republicans lose bid to block Pennsylvania voters from ‘curing’ mail-in ballots,” *Reuters*, Oct. 7, 2024. <https://www.reuters.com/world/us/republicans-lose-bid-block-pennsylvania-voters-curing-mail-in-ballots-2024-10-07>.

61. “Shapiro Administration Announces 57% Decrease in Mail Ballots Rejected in 2024 General Election,” Commonwealth of Pennsylvania, Jan. 24, 2025. <https://www.pa.gov/agencies/dos/newsroom/shapiro-administration-announces-57--decrease-in-mail-ballots-re.html>.

62. Ibid.

Like the pre-processing timeline, ballot curing is also an issue that lawmakers are seeking to address through legislation. HB 1396 includes a provision requiring all counties to offer voters the option to correct ballot errors.<sup>63</sup> It also eliminates some of the requirements that could prompt the need for a correction, such as a missing date on the attestation statement or an unsealed inner ballot envelope.<sup>64</sup>

### **Lesson Three: Distinguishing between early voting and mail-in voting would streamline Pennsylvania's election administration while maintaining flexibility and convenience for voters**

Pennsylvania voters have multiple ways to cast a “mail-in ballot”: (1) they can receive and return their ballot through the USPS, (2) they can receive their ballot through the USPS and physically return it to a county election office or ballot drop box (if the county offers that option), or (3) they can receive and return their ballot at the county election office.<sup>65</sup>

This last option, known in Pennsylvania as “on-demand” mail voting, involves a single, in-person visit to the county election office in which the voter applies for a mail-in ballot, obtains it, completes it, places it in the required envelope, signs and dates the attestation, and returns it.<sup>66</sup> Twenty other states have a similar option, which has the benefit of mirroring the experience of voting in person on Election Day but with a few extra steps.<sup>67</sup> Importantly, these on-demand mail-in ballots must follow the same protocols as ballots returned through the mail and therefore have the same inherent challenges. This includes being subject to restrictions on pre-processing until Election Day and having additional envelope and signature requirements.

One option for streamlining this process while providing the convenience of voting at the election office before Election Day is to offer a separate early voting system that is distinct from the mail voting system. Forty-seven states provide voters with the option of casting a ballot in person before Election Day, including 26 that do so through an early in-person voting process.<sup>68</sup> Eighteen of these also offer no-excuse absentee voting, which means they administer three separate elections: early in person, mail-in, and Election Day.<sup>69</sup> Pennsylvania is one of 21 states that use their mail voting system to accommodate in-person early voting.<sup>70</sup>

The primary benefit of distinguishing between mail-in and early ballots is that early votes can be processed more quickly and are not subject to the same signature verification and envelope requirements as mail-in ballots. This is especially relevant for a state like Pennsylvania that does not allow pre-processing before Election Day.



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63. House Bill 1396, pp. 58-60. <https://www.palegis.us/legislation/bills/text/PDF/2025/0/HB1396/PN1688>.

64. Ibid., pp. 55, 62.

65. “Where to Return your Mail Ballot,” Commonwealth of Pennsylvania, last accessed June 29, 2025. <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot/return-ballot.html>.

66. “On-Demand Mail Ballot Voting,” <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot/mail-ballot-before-election-day.html>.

67. “Early In-Person Voting,” National Conference of State Legislatures, March 18, 2025. <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

68. Ibid.

69. “Table 1: State with No-Excuse Absentee Voting,” National Conference of State Legislatures, March 18, 2025. <https://www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting>.

70. “Early In-Person Voting,” <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

As mentioned previously, lawmakers are considering a change to establish early in-person voting in Pennsylvania as part of HB 1396, which could help relieve some of the time constraints placed on election workers processing ballots on Election Day and reduce the risk of delayed reporting.<sup>71</sup> If this reform were to move forward, the administrative headaches of the current on-demand system would be diminished, though not entirely eliminated. Absent this reform, however, on-demand voting only adds to the pile of absentee ballots to be processed and counted on Election Day.

## Confirming Voter Eligibility

Ensuring that only eligible voters participate in U.S. elections is a core government responsibility that is essential for building trust in elections. Two common methods for doing this effectively include conducting regular voter list maintenance and requiring voters to present ID before casting a ballot. As an active participant in ERIC, Pennsylvania excels on voter list maintenance, but the state has not established a voter ID requirement despite passing such legislation twice.



### Background

Voter list maintenance and checking identification at the polls are two central tools that election officials across the country use to maintain accurate voting lists and confirm the eligibility of individual voters.

Voter list maintenance is a back-end process that includes various steps to ensure that voter registration lists are as accurate as possible.<sup>72</sup> It is an ongoing responsibility of election officials across the nation, as state registration lists are constantly changing due to new voters registering; past voters dying, moving out of state, or otherwise becoming ineligible (e.g., by failing to participate in a certain number of recent elections, being criminally convicted, being declared mentally incompetent); and current voters changing party affiliations or a moving to a new address in the same jurisdiction.<sup>73</sup> Nationwide, updates to existing voter registrations accounted for 57 percent of the 104 million voter registration transactions that occurred between November 2022 and November 2024.<sup>74</sup> Pennsylvania's experience aligns with the national average, as registration updates accounted for 54 percent of the 4 million registration transactions that occurred in the state during the same time period.<sup>75</sup>

To track these changes, states rely on a mix of state-specific and national data sources, such as the USPS's national change of address database and state vital records offices that process death certificates.<sup>76</sup> In addition, the federal Systematic Alien Verification for Entitlements, or SAVE program, and jury records provide two additional avenues for states to identify and remove



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71. House Bill 1396, p. 61. <https://www.palegis.us/legislation/bills/text/PDF/2025/0/HB1396/PN1688>.

72. "Fact Sheet: Voter Registration List Maintenance," United States Election Assistance Commission, last accessed June 29, 2025. [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/FACT\\_SHEET\\_-\\_Voter\\_Confidence\\_and\\_NVRA.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/FACT_SHEET_-_Voter_Confidence_and_NVRA.pdf).

73. "Voter Registration List Maintenance," National Conference of State Legislatures, Dec. 10, 2024. <https://www.ncsl.org/elections-and-campaigns/voter-registration-list-maintenance>.

74. "Election Administration and Voting Survey 2024 Comprehensive Report," U.S. Election Assistance Commission, June 2025, p. 174. [https://www.eac.gov/sites/default/files/2025-06/2024\\_EAVS\\_Report\\_508c.pdf#page=193](https://www.eac.gov/sites/default/files/2025-06/2024_EAVS_Report_508c.pdf#page=193).

75. Ibid.

76. Ibid., p. 70.

non-citizens from voter rolls.<sup>77</sup> As will be discussed in the sections that follow, Pennsylvania also participates in ERIC, which helps facilitate information sharing across state lines.

A second strategy for confirming voter eligibility—requiring voters to present an ID at the polls—is a tangible election security practice, but only required in Pennsylvania for first-time voters or those who are voting for the first time in a new precinct.<sup>78</sup> Thus, the state is one of only 14 that do not require or request any form of identification from most in-person voters.<sup>79</sup> Instead, voters sign an affidavit attesting to their eligibility to vote, and election workers verify that the signature of the voter matches the signature on file.<sup>80</sup> While there is little evidence to suggest that voter ID laws have a meaningful impact on preventing fraud or reducing access to the ballot, the requirement to present an ID before voting is widely popular among the public, and the enactment of such a policy could help the state build confidence and trust in its election process.<sup>81</sup>

### Lesson One: Membership in ERIC helps Pennsylvania maintain accurate voter lists

Voter registration list maintenance is a core responsibility of election officials across the country. To do this important work effectively, election officials cross-reference the voter registration list with a variety of state and federal data sources that can provide evidence that a voter is no longer eligible to vote in that jurisdiction. However, one of the long-standing blind spots for election officials has been the voter registration data held by other states that could indicate duplicate registrations across jurisdictions. To address this issue and more generally improve the efficiency of information-sharing across jurisdictions, ERIC was established in 2012 as a data-sharing network for state election officials; Pennsylvania joined the network in 2016.<sup>82</sup>

Today, 25 states are members of ERIC, which is down from a peak of 33 in 2022.<sup>83</sup> Since then, nine republican states have withdrawn over data privacy and organizational governance concerns, and Hawaii joined in 2024.<sup>84</sup> Of note, legislation was introduced in Pennsylvania in 2023 to prevent participation in ERIC, but the bill did not advance.<sup>85</sup>



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77. "Legislative Approaches to Ensuring Only Citizens Vote," National Conference of State Legislatures, May 12, 2025. <https://www.ncsl.org/elections-and-campaigns/legislative-approaches-to-ensuring-only-citizens-vote>.
78. "Voter Identification Requirements for Voting," <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2022-09-26-DOS-Voter-ID-Guidance.pdf>.
79. "Voter ID Laws," <https://www.ncsl.org/elections-and-campaigns/voter-id>.
80. 25 P.S. § 3050. [https://govt.westlaw.com/pac/Document/N79CB7761747311EA9442A8B1D44F01DC?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/N79CB7761747311EA9442A8B1D44F01DC?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).
81. Mark Hoekstra and Vijetha Koppa, "Strict Voter Identification Laws, Turnout, and Election Outcomes," National Bureau of Economic Research, August 2019, p. 3. [https://www.nber.org/system/files/working\\_papers/w26206/w26206.pdf](https://www.nber.org/system/files/working_papers/w26206/w26206.pdf); Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, Oct. 24, 2024. <https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx>.
82. "Pennsylvania Joins Electronic Registration Information Center (ERIC) Matching System to Improve Accuracy of Voter Rolls," Pennsylvania Department of State, Jan. 28, 2016. <https://www.prnewswire.com/news-releases/pennsylvania-joins-electronic-registration-information-center-eric-matching-system-to-improve-accuracy-of-voter-rolls-300211527.html>.
83. "Which States Are Members of ERIC?" <https://ericstates.org/about>; Wendy Underhill, "More Withdrawals From Voter Data Group ERIC Likely," National Conference of State Legislatures, June 20, 2023. <https://www.ncsl.org/state-legislatures-news/details/more-withdrawals-from-voter-data-group-eric-likely>.
84. Miles Parks, "Republican states swore off a voting tool. Now they're scrambling to recreate it," National Public Radio, Oct. 20, 2023. <https://www.npr.org/2023/10/20/1207142433/eric-investigation-follow-up-voter-data-election-integrity>; "The Markup: Weekly Election Legislation Update," Voting Rights Lab, May 6, 2024. <https://votingrightslab.org/2024/05/06/the-markup-weekly-election-legislation-update-for-monday-may-6-2024>.
85. Senate Bill 125, 2023-2024 Regular Session, General Assembly of Pennsylvania, last accessed Aug. 1, 2025. <https://www.palegis.us/legislation/bills/2023/sb125>; Senate Bill 125 Co-Sponsorship Memo Details, 2023-2024 Regular Session, General Assembly of Pennsylvania, May 10, 2023. <https://www.palegis.us/senate/co-sponsorship/memo?memoID=40753&document=SB125>.



Maintaining access to ERIC-generated reports is an important element of Pennsylvania's list maintenance practices, and withdrawing from the organization would reduce the state's capacity to ensure voter list integrity. An alternative system known as the Alabama Voter Integrity Database (AVID) was created in 2023 and is now used by Alabama and 10 other states, including six former and two current ERIC members.<sup>86</sup> However, AVID's data and network of participating states are not yet as robust as ERIC's, so Pennsylvania's continued participation in ERIC is a clear strength in its election system.<sup>87</sup>

## Lesson Two: Voter ID is popular but difficult to implement in Pennsylvania

Pennsylvania lawmakers have debated the merits of voter ID at the Capitol for years and have twice approved voter ID laws only to see them ultimately fail (the state Commonwealth Court rejected the law in 2014 and Governor Tom Wolf vetoed a subsequent measure in 2021).<sup>88</sup> As a result, Pennsylvania remains one of only 14 states that do not require or request that voters present identification each time they vote in an election.<sup>89</sup> As noted earlier, the exception to that rule is that Pennsylvania does require an ID from first-time voters and individuals who are voting in a new precinct for the first time.<sup>90</sup> Bipartisan legislation that would establish a voter ID requirement is once again on the table in the form of House Bill 771, though the bill has not yet been considered by the full House.<sup>91</sup>

Requiring a photo ID at the polls is popular with the public. According to a Gallup poll, 84 percent of Americans support such a policy.<sup>92</sup> Similarly, a poll of Pennsylvania voters found that 91 percent supported a package of election reforms that included voter ID, clear voting deadlines, and consistent rules for mail-in ballots.<sup>93</sup> Thirty-six states impose some form of ID requirement, with acceptable forms of ID ranging from a utility bill reflecting the voter's name and address to photo IDs, such as a driver's license or passport.<sup>94</sup> Of the 36 states that have an ID requirement, 23 have a more lenient standard that allows voters to cast a regular or provisional ballot without ID if they meet certain conditions, for instance, in some states the individual or a poll worker can sign an affidavit attesting to the voter's eligibility.<sup>95</sup> The remaining 13 states have a stricter standard whereby an individual without an ID can only cast a provisional ballot and must subsequently take action to verify their identity by providing sufficient documentation.<sup>96</sup>

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According to a Gallup poll, 84 percent of Americans support requiring voter ID. Similarly, a poll of Pennsylvania voters found that 91 percent supported a package of election reforms that included voter ID, clear voting deadline, and consistent rules for mail-in ballots.

86. "MOU Agreements," Alabama Secretary of State, last accessed June 29, 2025. <https://www.sos.alabama.gov/avid/mou-agreements>.

87. Colin Wood, "States are picking sides as competing election integrity efforts move ahead," STATESCOOP, June 10, 2025. <https://statescoop.com/eric-avid-election-integrity-2025>.

88. *Applewhite et al. v Commonwealth of Pennsylvania et al*, Commonwealth Court of Pennsylvania, Jan. 17, 2014. <https://pubintlaw.org/wp-content/uploads/2014/01/Voter-ID-Final-Order.pdf>; Tom Wolf, "House Bill 1300 Veto Message," Office of the Pennsylvania Governor, June 30, 2021. <https://www.legis.state.pa.us/cfdocs/legis/cl/public/ViewVetoMessage.cfm?sessyr=2021&sessInd=0&billbody=H&billtype=B&billnbr=1300&pn=1869&vetonbr=1>.

89. "Voter ID Laws," <https://www.ncsl.org/elections-and-campaigns/voter-id>.

90. "Voter Identification Requirements for Voting," <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2022-09-26-DOS-Voter-ID-Guidance.pdf>.

91. House Bill 771, 2024-2025 Regular Session, General Assembly of Pennsylvania. <https://www.palegis.us/legislation/bills/2025/hb771>.

92. Brenan. <https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx>.

93. "Commonwealth Foundation Pennsylvania Statewide Survey," Commonwealth Foundation, January 2025, p. 9. <https://commonwealthfoundation.org/wp-content/uploads/2025/01/250009-Pennsylvania-Statewide-Interview-Schedule-Public.pdf#page=9>.

94. "Voter ID Laws," <https://www.ncsl.org/elections-and-campaigns/voter-id>.

95. Ibid.

96. Ibid.

One of the main critiques of voter ID laws is that some people do not have ready access to an acceptable form of ID. However, that concern can largely be addressed by providing free IDs to any eligible voters who need them. This type of policy is in place in states like Georgia, Indiana, and Wisconsin.<sup>97</sup> In fact, Pennsylvania's Act 18 from 2012 included a provision to provide free IDs to eligible voters, but the implementation proved to be overly burdensome and served as the basis for the court's decision to strike down the law.<sup>98</sup> Similarly, HB 1300—the election omnibus approved by Republican lawmakers and vetoed by Governor Tom Wolf in 2021—established a voter ID requirement and directed the state to offer free voting IDs.<sup>99</sup> Continuing to pursue this approach while ensuring smoother implementation that could withstand court scrutiny is a worthwhile effort, as voter ID requirements paired with no-cost access to IDs holds promise and would enhance trust in elections with minimal compliance burden on eligible voters.

If Pennsylvania were to successfully pass and implement a strict voter ID requirement, it would join Arizona, Georgia, and Wisconsin as the only other states that both participate in ERIC and require voter ID at the polls.<sup>100</sup>



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## Primary Election Reform

Primary elections play a central role in the way Americans elect leaders at all levels of government, and election structures vary dramatically from state to state. On one end of the spectrum, nine states, including Pennsylvania, Florida, and Nevada, hold closed primaries that select candidates from each political party who will then go on to compete against each other in the general election.<sup>101</sup> Participation in this type of primary requires affiliation with a political party. In contrast, on the other end of the spectrum, Alaska, Washington, Louisiana, and California hold primary elections that are open to all registered voters and include all candidates on a single ballot, regardless of political affiliation.<sup>102</sup> Under this structure, the purpose of the primary is to narrow the general election field down to a more manageable number, often to just two candidates.

In recent years, amid growing interest in primary election reform, a number of states have moved from closed to open primaries. This includes Colorado in 2016, Maine in 2022, and most recently New Mexico in 2025.<sup>103</sup> At the same time, however, there have also been examples of states moving in the other direction, such as Wyoming and Tennessee, which both opted to move from open to closed primaries in 2023. As discussed in this section, Pennsylvania is well-positioned to benefit from allowing independents to participate in primary



97. "Voter ID," Georgia Department of Driver Services, last accessed June 29, 2025. <https://dds.georgia.gov/voter>; "Obtaining a Photo ID," Indiana Secretary of State, last accessed June 29, 2025. <https://www.in.gov/sos/elections/voter-information/photo-id-law/obtaining-a-photo-id>; "Wisconsin ID card for voting purposes - petition process (IDPP)," State of Wisconsin Department of Transportation, last accessed June 29, 2025. <https://wisconsindot.gov/Pages/dmv/license-drivs/how-to-apply/petition-process.aspx>.

98. Act of March 14, 2012, P.L. 195, No. 18 (2012), State of Pennsylvania. <https://www.palegis.us/statutes/unconsolidated/law-information/view-statute?txtType=PDF&SessYr=2012&ActNum=0018&SessInd=0>; *Applewhite et al. v Commonwealth of Pennsylvania et al.* <https://pubintlaw.org/wp-content/uploads/2014/01/Voter-ID-Final-Order.pdf>.

99. House Bill 1300, 2021-2022 Regular Session, General Assembly of Pennsylvania, pp. 5-7, 16. <https://www.palegis.us/legislation/bills/text/PDF/2021/0/HB1300/PN1869>; Wolf. <https://www.legis.state.pa.us/cfdocs/legis/cl/public/ViewVetoMessage.cfm?sessyr=2021&sessInd=0&billbody=H&billtype=B&billnbr=1300&pn=1869&vetonbr=1>.

100. "Voter ID Laws." <https://www.ncsl.org/elections-and-campaigns/voter-id>; "Which States Are Members of ERIC?" <https://ericstates.org/about>.

101. "State Primary Election Types." <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>.

102. Ibid.

103. "Changes to State Primary Elections Since 2000," National Conference of State Legislatures, Aug. 4, 2023. <https://www.ncsl.org/elections-and-campaigns/changes-to-state-primary-elections-since-2000>; Lee. <https://apnews.com/article/new-mexico-open-primaries-87d4d04bf0de858f2287f1d36b360b4e>.

elections and can take lessons from the recent experience of states that successfully implemented that change.

## Background

Primary elections in Pennsylvania follow a common model whereby candidates within each political party compete against each other, and the winners advance to the general election. Under the state's closed primary, only registered members of each political party are permitted to vote in the primary election. There are a variety of different ways that other states structure their primary elections, and moving along the spectrum of possible primary structures involves tradeoffs between voter choice and political party control over the candidate nomination process.

Pennsylvania's current model strongly favors the right of political parties to dominate the election process over the freedom of voters to participate and support candidates of their choosing. This dynamic is highlighted by the way Pennsylvania's voter registration data compares to national political party affiliation. In 2024, 44 percent of Pennsylvania voters were registered as Democrats, 40 percent were registered as Republicans, and 16 percent were unaffiliated with major political parties.<sup>104</sup> Yet according to Gallup, independents are now the largest voting bloc in America at 43 percent, compared to 28 percent each for the Republican and Democratic parties.<sup>105</sup> This suggests that Pennsylvania's closed primary system has established a strong incentive to affiliate with a political party, which is not surprising, considering that affiliation is a condition of voting in the primary. Even so, independents are slowly gaining voter registration share in Pennsylvania despite the structural disincentive, rising from 10 percent in 2000 to 16 percent in 2024.<sup>106</sup>

The current model of excluding 1.4 million registered voters from the state's primary process is unsustainable, particularly as Americans grow increasingly dissatisfied with both major political parties.<sup>107</sup> Some Pennsylvania lawmakers recognize this and have introduced legislation to move away from the closed primary system.<sup>108</sup> Meanwhile, in August 2025, the state Supreme Court rejected a petition by four independent voters asking the court to accelerate review on the constitutionality of the current closed primary system.<sup>109</sup> As the legislative debate unfolds and legal challenges continue, other states that have experience moving away from closed primaries can provide useful insights for Pennsylvanians who are interested in expanding voter choice and improving electoral incentives.



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104. Bureau of Elections, "Commonwealth of Pennsylvania 2024 Voter Registration Statistics," <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Election%20Nov..pdf>.

105. "Party Affiliation," Gallup, last accessed June 29, 2025. <https://news.gallup.com/poll/15370/party-affiliation.aspx>.

106. Bureau of Elections, "Official Voter Registration Data," <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2000%20election%20nov.pdf>; Bureau of Elections, "Commonwealth of Pennsylvania 2024 Voter Registration Statistics," <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Election%20Nov..pdf>.

107. Bridget Bowman and Ben Kamisar, "Poll: A sizeable chunk of Americans think neither party 'fights for people like you,'" NBC News, April 25, 2025. <https://www.nbcnews.com/politics/elections/poll-sizeable-chunk-americans-think-neither-party-fights-people-rcna202884>.

108. House Bill 280, 2025-2026 Regular Session, General Assembly of Pennsylvania. <https://www.palegis.us/legislation/bills/text/PDF/2025/0/HB0280/PN0223>.

109. John Finnerty, "Pennsylvania Supreme Court rebuffs independent voters' challenge to primaries," *Altoona Mirror*, Aug. 28, 2025. <https://www.altoonamirror.com/news/local-news/2025/08/pennsylvania-supreme-court-rebuffs-independent-voters-challenge-to-primaries>.

## **Lesson One: Allowing independents to vote in primaries expands voter choice and could enhance electoral incentives**

Adopting an open primary in Pennsylvania would be more equitable to the state's large bloc of independent and minor party voters who are currently excluded from the closed primary system. Not only would the open primary eliminate forced affiliation with a political party to vote—a practice at odds with the spirit of free association under the First Amendment—but it would also eliminate the practice of making taxpayers cover the cost of elections that they are ineligible to participate in. Eliminating these existing inequities is reason enough to adopt the open primary, but there are further benefits in terms of the profound impact open primaries have on candidate behavior.

Under a closed primary, candidates typically succeed by earning support in low-turnout elections from the highly energized base of the party. As a consequence, winners are often further to the left or right ideologically than the average general election voter. Once in office, the candidate is incentivized to support policies that play well with the party base in the next primary, which discourages pragmatism and rewards partisanship. This contributes to bias and gridlock, which are driving the rising level of dissatisfaction with the political process and political parties nationally.

While open primaries are not a silver bullet for resolving this challenging dynamic, they would be a step in the right direction. They would expand the pool of potential supporters for a candidate by increasing the raw number of voters participating. In statewide races in Pennsylvania, it is estimated that an open primary would increase the size of the primary electorate by 19 percent.<sup>110</sup> While independent voters are not necessarily moderate voters, expanding the size of the electorate would result in a broader and more representative outcome.<sup>111</sup> Whether this change would be large enough to impact candidate behavior in Pennsylvania is unclear, but opening the primary is a necessary first step.

## **Lesson Two: Other states have successfully shifted from a closed to an open primary system**

Colorado's and New Mexico's experiences shifting from closed to open primaries provide valuable insights for Pennsylvania moving forward. Most recently, just this year, New Mexico lawmakers approved legislation to allow independents to participate in the state's previously closed primaries.<sup>112</sup> This development is directly relevant to Pennsylvania, as New Mexico's independent voters were previously entirely excluded from the primary process. Under New Mexico's SB 16, which was approved with bipartisan support in the state legislature and signed into law by Democratic Governor Michelle Lujan Grisham, primary elections beginning in 2026 will be open to the state's independent voters, who currently make up 23 percent of the electorate.<sup>113</sup>



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110. Bureau of Elections, "Commonwealth of Pennsylvania 2024 Voter Registration Statistics," <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Election%20Nov..pdf>.

111. Joseph Cerrone, "Research Brief: Growing Cohort of Independent Voters Becomes Critical Segment of Electorate," Unite America, Nov. 15, 2024. <https://www.uniteamerica.org/articles/research-brief-growing-cohort-of-independent-voters-becomes-critical-segment-of-electorate>.

112. 2025 N.M. Laws ch. 54 (SB 16) (eff. July 1, 2025). <https://www.nmlegis.gov/Legislation/Legislation?chamber=S&legtype=B&legno=16&year=25>.

113. "New Mexico Voter Registration Statistics," New Mexico Secretary of State, Nov. 26, 2024. [https://klvg4oyd4j.execute-api.us-west-2.amazonaws.com/prod/PublicFiles/ee3072ab0d43456cb15a51f7d82c77a2/923c8443-ebb6-4285-a80f-aea73cce0453/Statewide\\_11-26-2024.pdf](https://klvg4oyd4j.execute-api.us-west-2.amazonaws.com/prod/PublicFiles/ee3072ab0d43456cb15a51f7d82c77a2/923c8443-ebb6-4285-a80f-aea73cce0453/Statewide_11-26-2024.pdf); "Historic Bipartisan Reform Passed Into Law," The Fulcrum, April 10, 2025. <https://thefulcrum.us/independent-voter-rights>.



New Mexico's experience is informative, as it reflects an incremental approach that maintained the underlying partisan election structure and simply allowed all voters to participate. Legislation currently pending in Pennsylvania takes a similar approach to opening the state's closed primaries.<sup>114</sup> Although the close vote counts on the New Mexico bill indicate that there was meaningful opposition to the change, the end result indicates that there remains an appetite among both the public and lawmakers to advance reforms that enhance voter choice and improve political incentives over time.<sup>115</sup>

Colorado is another example that elevates an important point: The partisan primary structure can remain intact under an open primary system. In 2016, Colorado voters approved Proposition 108, which allowed independent voters to participate in the previously closed partisan primary system.<sup>116</sup> The initiative passed with 53 percent support. Eight years later, Proposition 131—which would have shifted away from the partisan primary model entirely in favor of a nonpartisan, all-candidate primary paired with ranked choice voting—failed, with 54 percent opposed.<sup>117</sup> While Colorado voters were amenable to opening the familiar primary structure to independents in 2016, the more wholesale structural change was not viable in 2024. This suggests that there may be a limit to the level and/or timing of electoral changes that voters are willing to support.

## Conclusion

Pennsylvania offers timely lessons about how states can design election systems that are secure, accessible, and responsive to voter needs. The state demonstrates both the promise and complexity of election policy by implementing a more robust mail-in voting system, exploring primary reform, closely managing its voter rolls, and pursuing functional voter ID policies. Both Pennsylvania itself and other states can learn from the Keystone state's successes and setbacks to refine approaches to strengthen voter confidence and improve democratic participation. Pennsylvania's path forward requires collaboration, adaptability, and a commitment to building trust, which is possible only when lawmakers pursue reforms with clarity, coordination, and intent.



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114. Senate Bill 400, 2025-2026 Regular Session, General Assembly of Pennsylvania. <https://www.palegis.us/legislation/bills/text/PDF/2025/0/SB0400/PN0712>.

115. "Official Roll Call, SB 16 Final Passage," New Mexico House of Representatives, March 21, 2025. <https://www.nmlegis.gov/Sessions/25%20Regular/votes/SB0016HVOTE.pdf>; "Official Roll Call, SB 16 As Amended," New Mexico State Senate, Feb. 19, 2025. <https://www.nmlegis.gov/Sessions/25%20Regular/votes/SB0016SVOTE.pdf>.

116. "2016 State Ballot Information Booklet," Legislative Council of the Colorado General Assembly, Sept. 12, 2016, pp. 65-70. [https://leg.colorado.gov/sites/default/files/2016\\_bilingual\\_bluebook\\_for\\_the\\_internet\\_0.pdf#page=73](https://leg.colorado.gov/sites/default/files/2016_bilingual_bluebook_for_the_internet_0.pdf#page=73); "2016 Abstract of Votes Cast," Office of the Colorado Secretary of State, Nov. 8, 2016, p. 153. [https://co.electionstats.com/eng/files/serve/101?\\_gl=1\\*118uuwf\\*\\_ga\\*MTM0MjgwNTE5Ny4xNzUxMjMyODAw\\*\\_ga\\_FD5MQ8810Z\\*cZ3NTEzOTQ0NDYkbzEkZzEkdDE3NTEzOTQ3MjYkajl2JGwwJGgw#page=156](https://co.electionstats.com/eng/files/serve/101?_gl=1*118uuwf*_ga*MTM0MjgwNTE5Ny4xNzUxMjMyODAw*_ga_FD5MQ8810Z*cZ3NTEzOTQ0NDYkbzEkZzEkdDE3NTEzOTQ3MjYkajl2JGwwJGgw#page=156).

117. "Colorado Proposition 131 Election Results: Create New Election Processes," *The New York Times*, Dec. 6, 2024. <https://www.nytimes.com/interactive/2024/11/05/us/elections/results-colorado-proposition-131-create-new-election-processes.html>.