

State Court Hears First Arguments in Challenge to Pa.'s Absentee Voting Deadline

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PHILADELPHIA - A state court heard its first arguments today in a constitutional challenge to Pennsylvania's absentee voting deadline. The hearing before the Commonwealth Court, which convened in Philadelphia, centered around motions to dismiss parts of the lawsuit filed by Pennsylvania legislative leaders, Secretary of the Commonwealth Kathy Boockvar, and Governor Tom Wolf .

The lawsuit was brought by nine voters who were unable to return their completed ballots in November 2018 by the state's deadline, which is the Friday before the election. The voters, including a public relations professional, an emergency medical technician, a journalist, and several out-of-state students, were compelled to vote absentee in 2018 due to their wide range of professional and personal circumstances.

"As a working professional who travels occasionally, I have to rely on Pennsylvania's absentee voting system," said Casey Adams Jones, who is one of the voters who brought the suit. "In 2018, I was disenfranchised even though I applied for my ballot on time. I'm a part of this lawsuit because I don't want that to happen again, to me or to anyone else."

All nine of the voters in the lawsuit submitted their application for an absentee ballot by the application deadline, which is the Tuesday before the election, but received their ballots after or too close to the deadline for submitting the completed ballot. The lawsuit asks the court to overturn the unreasonably early deadline for returning absentee ballots because it is a violation of the Pennsylvania Constitution's guarantees of "free and equal" elections and equal protection under the law.

The voters are represented by Lawyers' Committee for Civil Rights Under Law; the ACLU of Pennsylvania, which is also a plaintiff in the suit; the ACLU's Voting Rights Project; the Public Interest Law Center; and volunteer pro bono attorneys from the law firm Simpson Thacher and Bartlett LLP.

"We are pleased that the court today is carefully considering our challenge to the Pennsylvania early ballot return deadline, which is the earliest in the country by a wide margin. We look forward to the court's consideration of the issues today and eventually bringing our case to trial so that residents throughout Pennsylvania can have their voice heard at the ballot box" said John Powers, counsel in the Voting Rights Project with the Lawyers' Committee for Civil Rights Under Law.

Pennsylvania's Friday deadline for receiving completed absentee ballots is the earliest in the country. With the exceptions of Louisiana and Mississippi, every other state in the country allows voters to submit absentee ballots up to Election Day. Some states even accept them if they are postmarked by Election Day but arrive later.

"Voting is a fundamental right," said Molly Tack-Hooper, senior staff attorney with the ACLU of Pennsylvania. "Yet, in every election, thousands of absentee ballots are not counted in Pennsylvania, through no fault of the voter. Our laws should make it easier to vote, not harder."

According to [a report by the Philadelphia Inquirer](#), Pennsylvania rejected more than 2,000 absentee ballots in the 2014 election, 86 percent of which were rejected because they arrived after the return deadline. In March, [WHYY reported](#) that the number of rejected absentee ballots grew to 9,741 in the 2018 election. [The Philadelphia Inquirer found](#) that more than 4,500 ballots were rejected in Philadelphia and its surrounding counties alone.

"The problems with the absentee ballot system in Pennsylvania are obvious, but nothing has been done to fix it," said Ben Geffen, staff attorney at the Public Interest Law Center. "Voters from across the state came together for this case to finally force our leaders to act."

More information about the case, Adams Jones et al. v. Boockvar, is available at aclupa.org/AdamsJones.

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The American Civil Liberties Union of Pennsylvania is a nonprofit, nonpartisan, membership organization dedicated to defending and expanding individual rights and personal freedoms throughout the entire commonwealth of Pennsylvania.

The Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 56th year, the Lawyers' Committee for Civil Rights Under Law is continuing its quest to "Move America Toward Justice." The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of criminal justice, fair housing and community development, economic justice, educational opportunities, and voting rights.

The Public Interest Law Center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. In 2018, the Law Center successfully challenged Pennsylvania's 2011 congressional district map as an unconstitutional partisan gerrymander, leading the PA Supreme Court to establish a new, fair map. For more information visit www.pubintl.org or follow on Twitter [@PubIntLawCtr](https://twitter.com/PubIntLawCtr).

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