

Pennsylvania 2024 State Report

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Introduction

The 2020 presidential election in Pennsylvania saw a host of challenges presented by the pandemic coupled with a closely contested election in the state that had implications for nationwide results. Pennsylvania was one of the first states to experience the host of broader nationwide challenges of election skepticism, controversies regarding election administration, and new types of interactions between political parties and election administrators. In the years between 2020 and 2024, Pennsylvania has been the site of several legal battles with important consequences for the state’s election administration, especially in the realm of voting by mail and other methods that became popular and widespread after the pandemic. Data from the 2024 primary demonstrates Pennsylvania’s continued use of mail-in voting years after the pandemic, while voter registration data reflects changes in the state’s electorate, including the implementation of Automatic Voter Registration (AVR). As election administrators look toward the 2024 general election, this report analyzes some of the administrative and legal issues that will continue to shape the election landscape in Pennsylvania and the nation.

Election Calendar

The state provides a full election timeline¹ with important dates. Primaries were conducted for both Republican and Democratic parties on **April 23, 2024**. The general election will be held on **November 5, 2024**. The list of candidates on the ballot is finalized in August. In-person early voting² at many county election offices is available before election day. The last day to register for the 2024 general election is **October 21**. Requests for domestic absentee ballots must be received by 5:00 PM on **October 29**. Ballots submitted by voters covered under the Uniform Military and Overseas Voters Act (UMOVA) must be postmarked by **November 4**. Domestic absentee ballots must be returned by 8:00 PM on election day, **November 5**.

¹ <https://www.pa.gov/en/agencies/vote/elections/upcoming-elections.html>

(<http://web.archive.org/web/20240808003946/https://www.pa.gov/en/agencies/vote/elections/upcoming-elections.html>)

² <https://vote.pa/info/early/> (<http://web.archive.org/web/20240304144237/https://vote.pa/info/early/>)

Trends in Voter Registration

The first trend that sets the stage for the 2024 primary and general elections is the number of registered voters in the state. A useful unit of analysis is the county, and Pennsylvania provides voter registration statistics by party. How has the situation evolved since the last presidential election?

Between 2020 and 2024, voter registration statistics³ for Pennsylvania Democrats and Republicans trended in opposite directions, with the number of voters registered as Democrats declining as the number of voters registered as Republicans grew. In the 2024⁴ primary contest, the state reported 8,721,191 registered voters of any party, with 3,895,223 registered as Democrats and 3,499,524 as Republicans. As of the June primary in 2020,⁵ there were 8,599,294 voters registered in total in the state, with 4,092,693 Democrats and 3,290,944 Republicans. The shrinking advantage for Democrats is not just a matter of Republican registrations increasing faster than registrations among Democrats. Rather, using June 2024 data to compare directly to June 2020, the number of Pennsylvanians registered as Republicans increased by 226,558, about 6.9% of the total. In contrast, the number of registered Democrats actually *decreased* by 199,354 voters, about 4.9% of the 2020 total. Pennsylvania is gaining Republicans and losing Democrats, which has reduced

³ <https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics.html#accordion-f15260edbb-item-22a4b36426>

(<http://web.archive.org/web/20240804141351/https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics.html#accordion-f15260edbb-item-22a4b36426>)

⁴ <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Primary%20VR%20Statistics.pdf>

(<http://web.archive.org/web/20240801142953/https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2024%20Primary%20VR%20Statistics.pdf>)

⁵ <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2020%20Primary%20VR%20Stats%20%20FINAL.pdf>

(<http://web.archive.org/web/20240801143002/https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2020%20Primary%20VR%20Stats%20%20FINAL.pdf>)

— but not yet eliminated — the advantage of Democrats among registered voters in the state.

The changes have not been limited to any particular region, occurring in counties across the state. Figure 1 shows how the voter registration counts by party changed within each county from 2020 to 2024, with Democratic registrations colored blue and Republican registrations in red.

Figure 1. Number of registered voters of either the Democratic (blue) or Republican (red) parties by county, between June 2020 and June 2024.

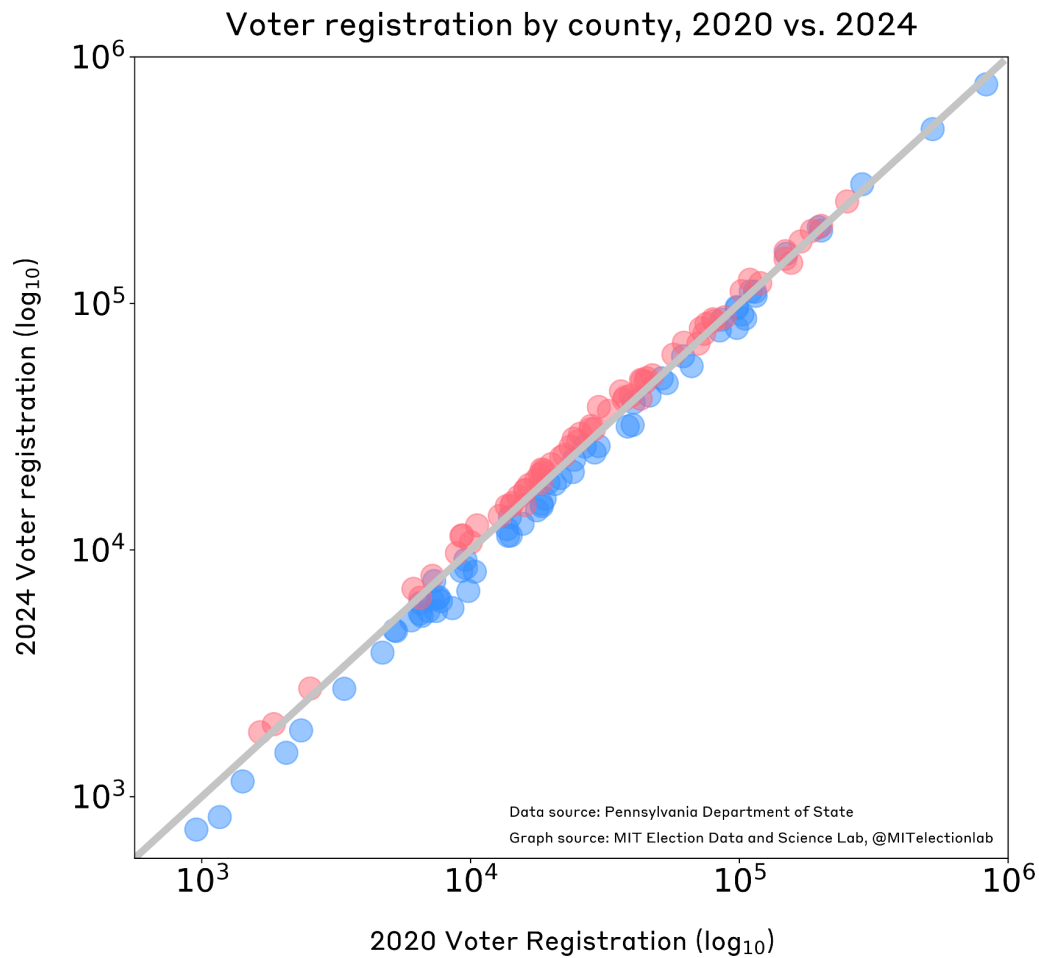


Figure 1 shows a modest decline in the number of registered Democrats across the state, in counties large and small, together with a modest increase in Republican registrations.

The median county lost 1,461 Democratic registrants and gained 2,365 Republicans. This trend was noticed during primary season.⁶ In that same span, from June 2020 to June 2024, there was also a slight increase in the number of voters who were registered either with no party, or with a party other than the Democrats or the Republicans. As of the 2020 general primary, the Secretary of State's data reports 1,215,657 registered Pennsylvania voters who were registered as neither Democrats nor Republicans. As of the 2024 general primary, the number had risen to 1,352,066. That is an increase of 136,409, or about 11% of the 2020 total. Over this same period the number of registered Republicans rose by about 6% while the number of registered Democrats fell by about 5%.

The net numbers available online could reflect many different individual-level processes. Some voters have been removed from Pennsylvania's voter registration lists since 2020 (which is a normal practice that can have many different causes, for example when somebody dies or moves away from the state⁷), but after that removal, have more Republicans registered than Democrats? Alternatively, are partisans registering at similar rates, but more Democrats were removed than Republicans? Are Democrats actually re-registering as Republicans? We can probe these individual-level dynamics using the Pennsylvania voter file. Figure 2 shows the number of new voter registrations by party in 2024 so far.

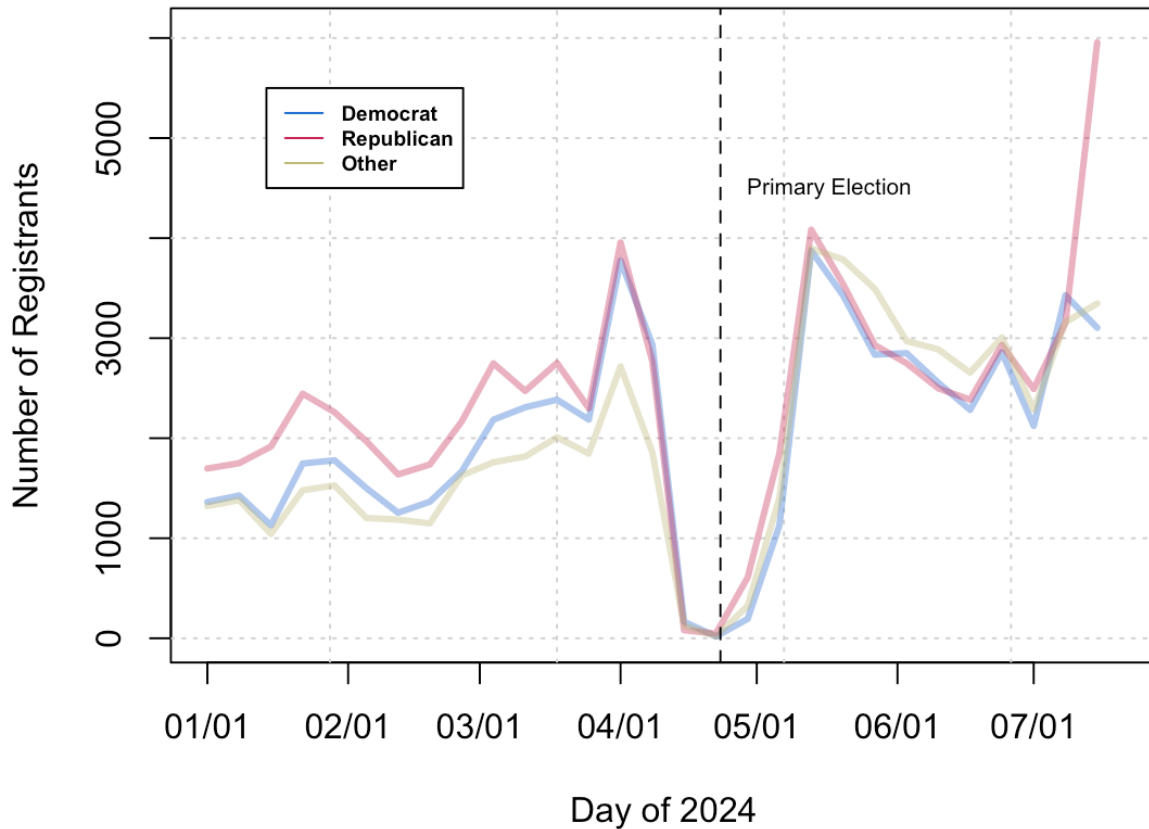
⁶ <https://penncapital-star.com/voting/analysis-pennsylvania-gop-enjoys-clean-sweep-of-voter-registration-gains-ahead-of-primary-election/>

(<https://web.archive.org/web/20240822183409/https://penncapital-star.com/voting/analysis-pennsylvania-gop-enjoys-clean-sweep-of-voter-registration-gains-ahead-of-primary-election/>)

⁷ For more information see <https://electionlab.mit.edu/research/voter-list-maintenance>

(<http://web.archive.org/web/20240719160428/https://electionlab.mit.edu/research/voter-list-maintenance>).

Figure 2. Number of newly registered voters of either the Democratic (blue) or Republican (red) parties by county, between June 2020 and June 2024.



In early 2024, more new registrants were Republicans than were Democrats, with other registrants trailing slightly behind both. Registration increased prior to the primary election, then dropped to zero immediately before the election (it is very common across the country for new registrations to not be allowed in the week or two before an election). Registration tracked fairly closely by party after the primary election, up until around the middle of July, when the number of new Republican and Independent registrants increased, with Republican registrations surging while the number of new Democratic registrants fell. This increase approximately coincided with the Republican National Convention and with the attempted assassination of Donald Trump.

It would be easy to overstate the extent of this decline, and one possible explanation relates to the competitiveness of the primaries in each election year. It is normal for voter registration counts to be responsive to upcoming elections, with registrations increasing as an important election approaches. The Democratic primary in 2020 was nominally competitive (arguably more competitive than in 2024, though in 2020 Joe Biden did win nearly 80% of the vote⁸), while the Republican primary was almost uncontested. It is plausible, then, that the Democratic registration count may have increased before June of that year more than the Republican registration count. In contrast, neither contest was competitive in 2024, but Donald Trump saw serious challengers and *more* competition early in the Republican primary than Joe Biden received in the Democratic primary, which may have driven up Republican turnout in 2024.

One plausible explanation is that there was normal attrition in the number of registered voters, interrupted by periods of differential registration by partisans anticipating an upcoming election that they want to vote in, which naturally caused artificially high numbers of Democratic registrants in 2020 and lower in 2024, and the opposite among Republicans. One potential issue for this explanation, however, is that by 2022, Democrats' margin in registered voters had already begun to shrink,⁹ which suggests that a deeper and longer-term trend may be driving the changes (and indeed, the number of Democrats in Pennsylvania has been very gradually declining, while the number of has very Republicans gradually increased, for over a decade).

Have these patterns held true in the period since the June primary election? Figure 3 shows the net change in registered voters. Here we expand our analysis from just the trends among Democrats and Republicans to also include any other registered voter, and

⁸https://www.electionreturns.pa.gov/_ENR/Home/SummaryResults?ElectionID=83&ElectionType=P&IsActive=0

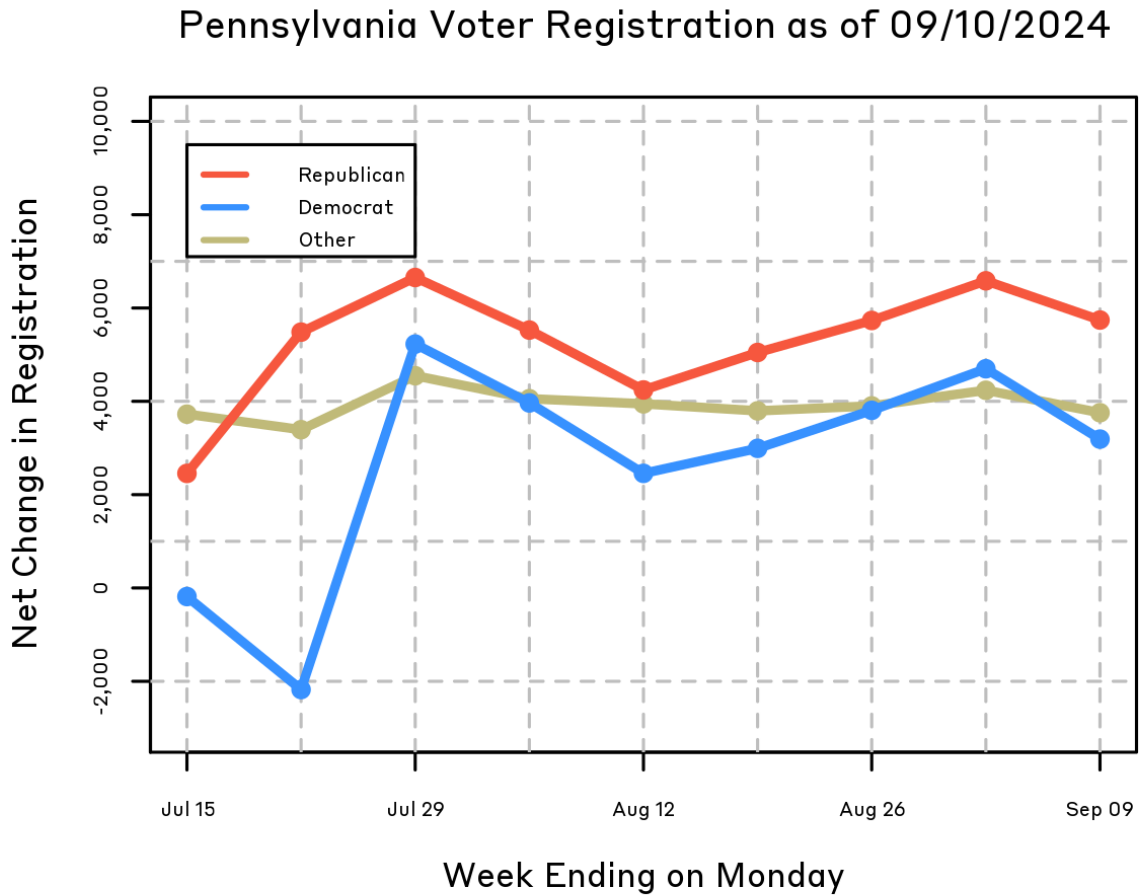
(http://web.archive.org/web/20240521041915/https://www.electionreturns.pa.gov/_ENR/Home/SummaryResults?ElectionID=83&ElectionType=P&IsActive=0)

⁹ <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2022%20Primary%20VR%20Statistics%20-%20FINAL.pdf>

(<http://web.archive.org/web/20240801142955/https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/voting-and-election-statistics/voter-registration-statistics/2022%20Primary%20VR%20Statistics%20-%20FINAL.pdf>)

we focus on the range from mid-July 2024 until early September 2024. The data were acquired from the Pennsylvania Secretary of State’s office.¹⁰

Figure 3. The net weekly change, from one Monday to the next, in the number of Pennsylvanians registered either as Democrats (blue), Republicans (red), or neither of those parties, from the week ending on July 15 to the week ending on September 9.



Data Source: Pennsylvania Department of State, pa.gov
 Graph Source: MIT Election Data and Science Lab, @MITelectionlab

Note: Y-axis represents the week over week change

¹⁰ <https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics.html>

(<https://web.archive.org/web/20240909121007/https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics.html>)

Figure 3 shows that there has consistently been a larger net increase in Republicans than in Democrats or Other voters, with Republicans typically netting about 1,000 to 2,000 more voters than Democrats in recent weeks. Republicans have ranged from adding about 3,000 to 7,000 net registrants every month, while Democrats have ranged from losing 2,000 net voters in the second-last week of July to gaining about 5,000 in the last week of July, and the number of Other voters has increased by about 4,000 every week with comparatively little variation.

Automatic Voter Registration

A novel component of the voter registration trends, which may contribute to — but is only one small part of — the diverging registration counts, is the introduction of Automatic Voter Registration (AVR) in the state. The roots of this law go back decades, and voters all over the country have been eligible to have the opportunity to register at motor vehicle agencies since 1993. The National Voter Registration Act of 1993 (NVRA)¹¹ requires states to offer voter registration opportunities through a mail-in application and in-person requests at certain state and local offices, such as public assistance offices.

In September of 2023, Pennsylvania Governor Josh Shapiro announced¹² that Pennsylvania would implement an Automatic Voter Registration system allowing eligible state residents to be registered to vote automatically when obtaining driver's licenses and state IDs at Pennsylvania Department of Transportation centers. Pennsylvania was the 23rd state to implement such a system—Maryland, New Jersey, Georgia, and Virginia are among these—and the states adopting it have emphasized that it is not a partisan effort.¹³ AVR registers eligible voters in the course of government interactions that are not related

¹¹ <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>

(<http://web.archive.org/web/20240808071701/https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>)

¹² <https://www.pa.gov/en/governor/newsroom/press-releases/governor-shapiro-implements-automatic-voter-registration-in-penn.html>

(<http://web.archive.org/web/20240802112555/https://www.pa.gov/en/governor/newsroom/press-releases/governor-shapiro-implements-automatic-voter-registration-in-penn.html>)

¹³ <https://journals.sagepub.com/doi/full/10.1177/1532673X20922525>

to elections or voting, such as when a resident renews their driver’s license, unless they specifically *opt out* of being registered. Under the previous system, people are required to specifically *opt in* to becoming a registered voter.

This law has also enabled local election officials to receive automatic updates when residents register for new identification, allowing them to keep track of any changes in name or address and ensure the accuracy of voter rolls in the state. Research on the effects of AVR has found somewhat mixed results. Studies have tended to find an overall increase in the number of registered¹⁴ voters as a result of AVR’s implementation, though the size of the increase may greatly depend on the context, and it can have differential effects¹⁵ on the registration rates of different populations.

Recent data¹⁶ from the Pennsylvania Department of State shows that, since the implementation of AVR in Pennsylvania in 2023, 340,662 new AVR applications had been received (as of the last week of July), with 120,950 applications resulting in new voter registrations. Registration numbers are distributed roughly evenly along party lines but with more Republicans than Democrats—36,209 Democratic and 41,100 Republican registrations, in line with the bipartisan support that AVR policies have largely received. However, this is an order of magnitude smaller than the partisan gap that has developed overall in voter registrations; that AVR registrants are more likely to be Republicans than Democrats may be a result, but is not a meaningful cause, of the increasing number of Republicans and decreasing numbers of Democrats registered overall.

As AVR has continued to register voters in Pennsylvania over the past year, advocates in the state have called for AVR to be extended to offices that offer social services as well. Voter registration is currently offered at these offices as required by Section 7 of the NVRA in order to guarantee access to those who may rely on these services on a daily basis and ensure they have the chance to participate in elections, though there are open

¹⁴ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3933442

¹⁵ <https://www.liebertpub.com/doi/full/10.1089/elj.2020.0634>

¹⁶ <https://www.pavoterservices.pa.gov/AVR-Party-Breakdown.pdf> (the week after this very similar snapshot: <http://web.archive.org/web/20240724193849/https://www.pavoterservices.pa.gov/AVR-Party-Breakdown.pdf>)

questions¹⁷ about the scale of registrations that would actually be captured through this approach.

2024 Primary Turnout and Results

The 2024 Pennsylvania primary was a combined primary for federal and state offices, with a range of contests on the ballot.¹⁸ 1,976,401 votes were cast in the presidential contest,¹⁹ which means that about 22.7% of registered voters (or about 28.2% of the state’s 7,000,426 active voters) cast a vote for president in the primary election. Pennsylvania has an estimated Voting Age Population of about 10.3 million people, so only about 19% of voting-age Pennsylvanians voted in the presidential primary contest.

Clarion County had the highest turnout among active voters in the state, with 7,485 ballots cast, which is about 34.8% of active voters in that county. Using the most recent U.S. Census estimates for the Voting Age Population of each county,²⁰ that represents about 25% of the state’s 29,971 voting-age residents. Monroe County, with 99,497 active voters, had the lowest active voter turnout in the state with 18,260 ballots being cast (about 18% of active voters), or approximately just 14% of the county’s Voting Age Population.

Philadelphia County had the largest number of active voters at the time of the state’s general primary (911,903 active voters), but with 171,693 votes cast, it had the lowest active

¹⁷ <https://penncapital-star.com/voting/advocates-call-for-shapiro-to-extend-automatic-voter-registration-to-social-service-agencies/> (<http://web.archive.org/web/20240710183055/https://penncapital-star.com/voting/advocates-call-for-shapiro-to-extend-automatic-voter-registration-to-social-service-agencies/>)

¹⁸ <https://webapp07.montcopa.org/voterservices/sampleballots/Sample%20Ballots/Sample%20Ballots%20PE24/Abington/Abington%201-1%20-%20Democratic%20Official.pdf> (<http://web.archive.org/web/20240809175053/https://webapp07.montcopa.org/voterservices/sampleballots/Sample%20Ballots/Sample%20Ballots%20PE24/Abington/Abington%201-1%20-%20Democratic%20Official.pdf>)

¹⁹ <https://www.electionreturns.pa.gov/> (<http://web.archive.org/web/20240808014049/https://www.electionreturns.pa.gov/>)

²⁰ <https://www.census.gov/data/tables/time-series/demo/pepost/2020s-counties-detail.html> (<https://web.archive.org/web/20240509193000/https://www.census.gov/data/tables/time-series/demo/pepost/2020s-counties-detail.html>)

voter turnout rate in the state (about 19%). This represents a turnout among registered voters of about 16%, and only about 14% of the state's voting-age residents.

In the Democratic Party Primary, Joe Biden won 93.18% of votes, with 953,916 ballots cast for him compared to 69,765 for Dean Phillips. While Pennsylvania did not have an uncommitted option²¹ on the ballot, about 58,000 registered Democrat voters in the state chose a write-in option. Over 100,000 registered Democrats in total chose an option that was not Joe Biden.

In the Republican Party Primary, Donald Trump won 794,048 votes, or 83.35% of the total vote share. Nikki Haley won 158,672 or 16.65% of votes in comparison.

The Pennsylvania voter file records that the 2024 primaries included 36,817²² first-time voters, including 15,588 registered as Republicans and 18,066 registered as Democrats.

Counties individually report numbers for write-in candidates, and these numbers are not reflected in state-wide data for the presidential primary contest. Philadelphia County, the largest in the state, had 16,216 registered Democrats write in a candidate, about 9.6% of the total Democratic votes. In the Republican primary in Philadelphia County, 400 voters (about 2.2%) wrote in a candidate. In Allegheny County, the second largest in the state, 11,149 Democrats (about 6.5%) opted for a write-in candidate.

Status of Vote By Mail

Votes cast by mail have been the focus of a great deal of legal, legislative, and public back-and-forth in the recent political history of Pennsylvania. Mail-in ballots and absentee ballots in Pennsylvania are governed by the following rules:

²¹ <https://www.erienewsnow.com/story/50708801/the-uncommitted-campaign-and-writein-votes> (<http://web.archive.org/web/20240516182632/https://www.erienewsnow.com/story/50708801/the-uncommitted-campaign-and-writein-votes>)

²² Note that this also included 2,654 whose party was not given and 509 whose party was recorded as something besides Republican or Democrat (No Affiliation, Other, Green, Independent, Libertarian, Non-Partisan, Both, Socialist, Middle, God, Working Families Party, None, or as FWD or SOLI which are not present in the Political Party Codes and Descriptions codebook).

- + **Mail-in ballots:** Anyone eligible to vote can request a mail-in ballot with no excuse necessary. There is a running annual mail-in ballot request list²³ onto which any eligible voter can be added upon request. Once a voter is on the list, they receive an application to renew their mail-in ballot request every year. For the rest of the year, the voter will automatically receive ballots for every election, and separate applications are not required. Voters who wish to remain on the list need to submit a request to be added again the following year.
- + **Absentee ballots:** To request an absentee ballot²⁴ in Pennsylvania, a voter must list the reason for requesting one. An absentee ballot is granted if the voter will be out of their municipality on Election Day or if they have a disability or illness that prevents them from getting to the polling place on Election Day. In case of last-minute emergencies, such as disabilities, unexpected illnesses, or an unexpected absence from the municipality, voters can submit an Emergency Absentee Ballot request after 5 PM on the day of the election. This application must be submitted by 9 PM to the County Election Board on Election Day.

In order to apply for either an absentee ballot or mail-in ballot, voters are required to submit identification that proves their eligibility. This is not required for overseas citizens, uniformed citizens, and those who qualify under the Voting Accessibility for the Elderly and Handicapped Act.²⁵

The 2024 primary offers rich information about who votes by mail, including a large difference between how many Pennsylvania Democrats use mail-in ballots and how many

²³ <https://www.pa.gov/en/agencies/vote/voter-support/mail-in-and-absentee-ballot/annual-mail-ballot-list.html> (<http://web.archive.org/web/20240809002505/https://www.pa.gov/en/agencies/vote/voter-support/mail-in-and-absentee-ballot/annual-mail-ballot-list.html>)

²⁴ <https://www.pa.gov/en/agencies/vote/voter-support/mail-in-and-absentee-ballot.html> (<http://web.archive.org/web/20240726052400/https://www.pa.gov/en/agencies/vote/voter-support/mail-in-and-absentee-ballot.html>)

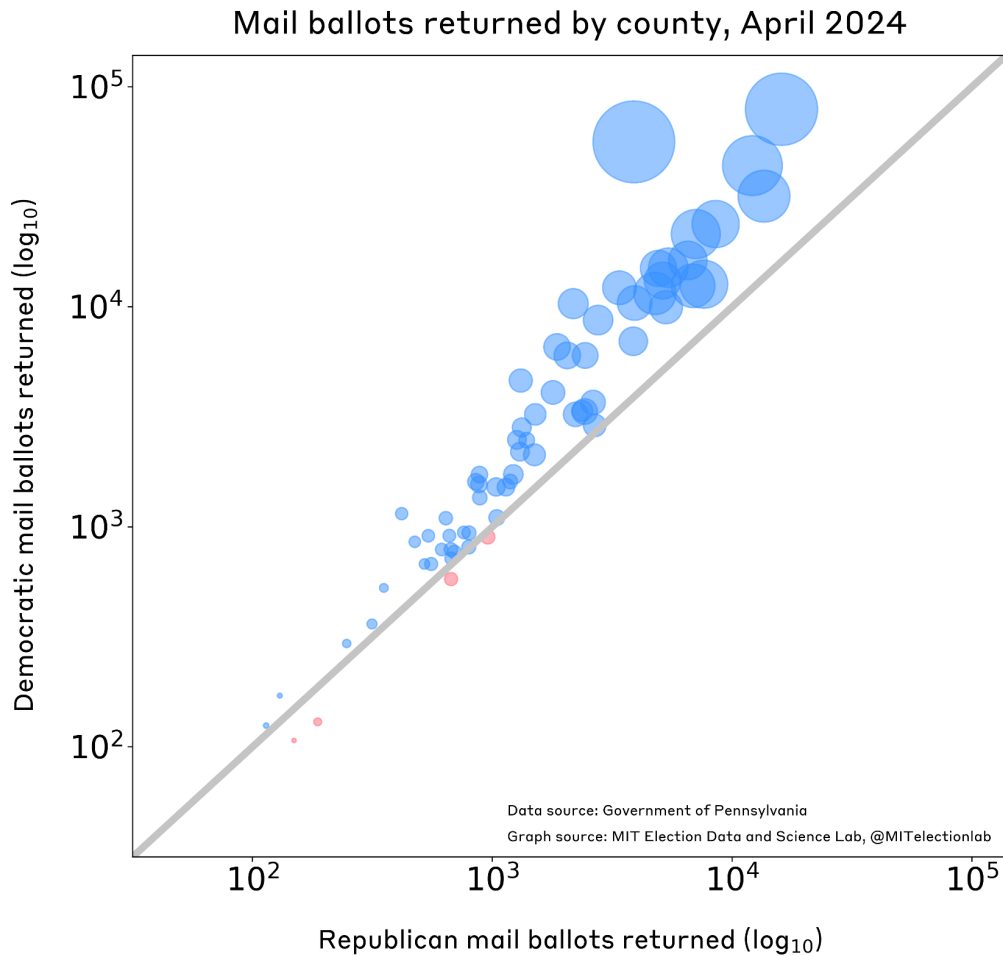
²⁵ <https://www.pa.gov/en/agencies/vote/voter-support/your-rights-and-the-law.html> (<http://web.archive.org/web/20240808051457/https://www.pa.gov/en/agencies/vote/voter-support/your-rights-and-the-law.html>)

Republicans cast them by mail. The state's data²⁶ show that, at the end of April 2024, substantially more Democrats had returned a ballot by mail than Republicans in nearly every county, sometimes by a very large proportion. Figure 4 shows the number of Republican mail-in ballots returned in each county against the number of Democratic mail-in ballots returned up to April 23, 2024 (the day of the primary election), on a log-log scale. Counties in which more Democrats returned mail-in ballots (above the $y = x$ line) are colored blue, whereas counties in which more Republicans returned mail-in ballots are colored red.

²⁶ <https://www.pa.gov/en/agencies/vote/elections/elections-data.html>

(<http://web.archive.org/web/20240715230837/https://www.pa.gov/en/agencies/vote/elections/elections-data.html>)

Figure 4: Number of mail-in ballots returned by Democrats and Republicans in each county as of the April 23, 2024 primary election. Circles are colored according to which party cast more mail-in ballots there, with counties with more Democratic mail-in ballots returned colored blue and counties with more Republican mail-in ballots colored red. The circles are also scaled to the population of that county, using data from the U.S. Census.



Democrats returned more mail-in ballots than Republicans in 63 of Pennsylvania’s 67 counties. The four exceptions were all small counties with comparatively few mail-in ballots cast: they were Tioga County (with 673 Republican ballots and 579 Democratic ballots), Bedford County (958 Republican, 950 Democratic), Fulton County (187 Republican, 130 Democratic), and Cameron County (149 Republican, 107 Democratic). All these differences are smaller than 100 votes, and these are all mostly Republican counties, each with a population less than 50,000.

In the state's largest counties, the number of mail-in ballots returned by Democrats swamped the number cast by Republicans. In Philadelphia County, for example, Democrats had returned 56,213 ballots (compared to 144,819 votes for Joe Biden in that county), compared to just 3,894 by Republicans (compared to 14,740 votes for Trump there). In Allegheny County, where Joe Biden won 145,355 votes and Trump won only 53,707, the 79,084 Democratic mail-in ballots constituted the largest number of mail-in ballots received by members of either party in a single county. Only 16,067 Republicans mailed in their votes there.

Even the state's largest Republican-leaning counties saw many more Democratic mail-in votes than Republican ones. In Lancaster County more votes were cast by Republicans than by Democrats (12,670 Democratic including 44% of Biden's votes there, and 7,620 Republican including only 10% of Trump's votes there), Westmoreland County (16,258 Democratic and 55% of Biden's votes, compared to 6,540 Republican and just 14% of Trump's votes), and Luzerne County (13,160 Democratic and 60% of Biden's votes, but only 5,134 Republican with just 16% of Trump's votes).

Partisan divisions in whether or not to vote by mail are stark across the state. All in all, mail-in ballots accounted for about 50% of the 953,916 votes for Joe Biden in the Pennsylvania Democratic primary. Of Donald Trump's 794,048 votes, only about 14% were cast by mail.

Looking ahead to the general election in November, the Pennsylvania state mail-in ballot request files²⁷ report that 176,925 Pennsylvania voters in six counties had already requested mail-in ballots by the first week of August. In total, 8,392 unique ballot applications had been submitted in Adams County, 13,390 in Allegheny County, 3,321 in Armstrong, 12,014 in Beaver, 2,640 in Bedford, and 17,168 in Berks.

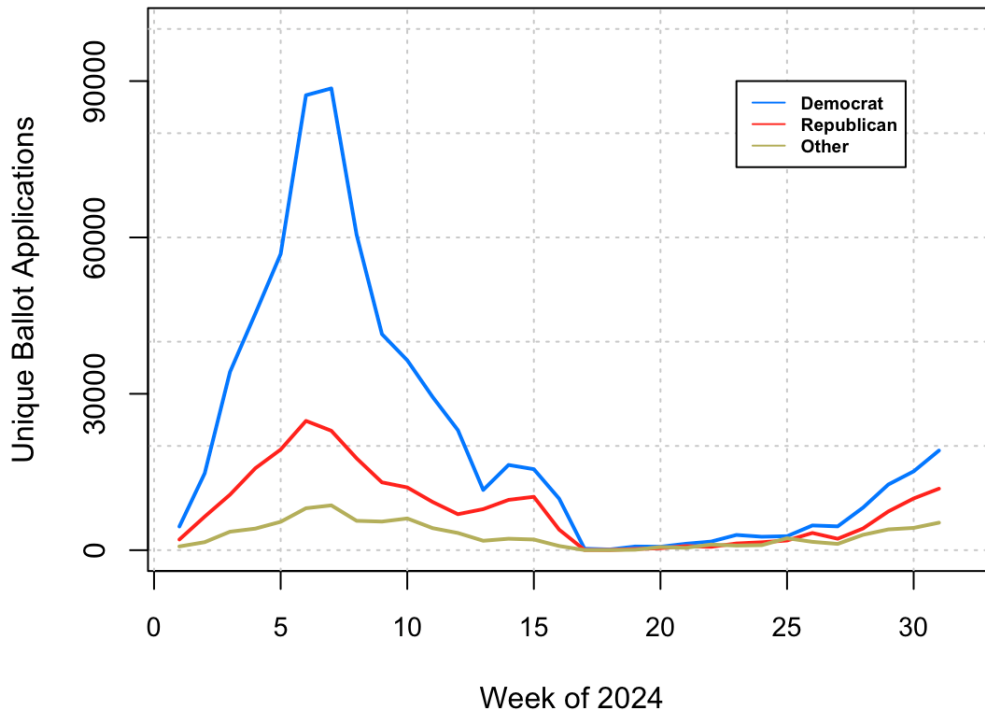
Figure 5 shows the number of requests to join the state's absentee ballot list since the start of the year (while numbers are available every day, those time-series reflect such strong day-by-day effects that the breakdown by week shows a clearer picture). Figure 5

²⁷<https://paebrprod.powerappsportals.us/EBR/DOS/mail-in-voter-file-request/>

(<http://web.archive.org/web/20240626005525/https://paebrprod.powerappsportals.us/EBR/DOS/mail-in-voter-file-request/>)

breaks down these totals by the two major parties, as well as a third category for any voter who signs up as neither a Democrat nor a Republican.

Figure 5: Number of unique mail-in ballot applications returned across Pennsylvania as of 08/06/2024 by week of 2024 and by county.



The number of requests to be included on the list of people who will be sent a mail-in ballot for the general election increased across all party identifications at the beginning of the year, though the largest increase by far was among Democrats. This mirrors a familiar pattern across the country of Democrats outpacing Republicans in votes cast by mail. The number of applications then remained quite low, with a gradual increase beginning in June. Voters on the mail-in ballot list will be sent ballots for all elections until the following 3rd Monday of February in the following year (which may partly explain the spike around that time in 2024, perhaps since people realized or received notice that it was time to submit their annual application to be on the list).

Since Pennsylvania began expanding mail-in voting in 2019, the state’s policies and procedures have been litigated and contested at length. In 2022, mail-in votes that were

rejected by county election administrators met different fates in different counties,²⁸ with some counties offering voters the opportunity to cure their vote to have it counted, and others discarding the ballot without notifying the voter.

In 2022, processes at the county level resulted in the rejection²⁹ of more than 20,000 mail-in ballots. Some counties reached out to voters in advance to notify them about issues with their ballot, but VoteBeat has found widely varying ballot curing policies across Pennsylvania's counties.³⁰ In order to ease this process, election officials often start processing mail-in ballots ahead of Election Day in order to ensure voters who need to go through the process of ballot curing have ample time. A coalition of organizations in the state has also sued the Secretary of the Commonwealth and election officials in Pennsylvania's biggest counties to stop the practice of disqualifying mail-in ballots on the basis of a missing handwritten date on the envelope.³¹

On March 27, a panel of three judges at the 3rd US Circuit Court of Appeals ruled³² that the law requiring mail-in voters to handwrite the date on the return envelope did not violate the Civil Rights Act of 1964, which protects voters from being denied the right to vote or register to vote. There is a possibility that this case could get appealed and go to

²⁸ <https://www.votebeat.org/pennsylvania/2023/3/28/23660626/pennsylvania-commonwealth-court-ballot-curing-lawsuit/>

(<http://web.archive.org/web/20240717133116/https://www.votebeat.org/pennsylvania/2023/3/28/23660626/pennsylvania-commonwealth-court-ballot-curing-lawsuit/>)

²⁹ <https://www.media.pa.gov/pages/state-details.aspx?newsid=584>

(<http://web.archive.org/web/20240809022647/https://www.media.pa.gov/pages/state-details.aspx?newsid=584>)

³⁰ <https://www.votebeat.org/pennsylvania/2023/3/28/23660626/pennsylvania-commonwealth-court-ballot-curing-lawsuit/>

(<http://web.archive.org/web/20240717133116/https://www.votebeat.org/pennsylvania/2023/3/28/23660626/pennsylvania-commonwealth-court-ballot-curing-lawsuit/>)

³¹ <https://penncapital-star.com/voting/voting-rights-groups-file-lawsuit-to-challenge-pennsylvania-mail-in-ballot-date-requirement/> (<http://web.archive.org/web/20240728185114/https://penncapital-star.com/voting/voting-rights-groups-file-lawsuit-to-challenge-pennsylvania-mail-in-ballot-date-requirement/>)

³² <https://www2.ca3.uscourts.gov/opinarch/233166p.pdf>

(<http://web.archive.org/web/20240718132018/https://www2.ca3.uscourts.gov/opinarch/233166p.pdf>)

the Supreme Court. If it is upheld there, it could have implications nationwide as to how the Civil Rights Act applies to requirements to register to vote and cast a ballot. Currently, the “materiality provision”³³ in the Civil Rights Act states that a person cannot be denied the right to cast a ballot due to “an error or omission on any record or paper relating to any application, registration, or other act requisite to voting if such error or omission is not material in determining whether such individual is qualified under State law to vote.” This measure is meant to protect voters from unnecessary disenfranchisement on the grounds of errors, such as a missing date or signature, that do not warrant an entire ballot to be thrown out. In July, the state announced that it would be changing its ballot envelopes to reduce the number³⁴ of ballots rejected because of issues with the date.

Election Skepticism

The presence of skepticism about the legitimacy of vote counting in American elections has been an ever-present topic in state election administration since the 2020 election and before. The circulation of conspiracy theories online, coupled with the spread of similar narratives by some party leaders and legislators, has created widespread beliefs among many voters that elections are being rigged and stolen through voter fraud throughout the country. The last few years have seen rapid changes in election administration particularly when there is a connection to election integrity.

Pennsylvania has been no exception. In January 2021, the Pennsylvania General Assembly proposed House Bill 1300,³⁵ which included a new set of election restrictions. Among these were requirements for every voter to present an ID at the polls every time they vote;

³³ <https://www.law.cornell.edu/uscode/text/52/10101>

(<http://web.archive.org/web/20240522031853/https://www.law.cornell.edu/uscode/text/52/10101>)

³⁴ <https://www.votebeat.org/pennsylvania/2024/07/18/mail-ballot-envelope-design-change-full-year-date-requirement/>

(<http://web.archive.org/web/20240808163929/https://www.votebeat.org/pennsylvania/2024/07/18/mail-ballot-envelope-design-change-full-year-date-requirement/>)

³⁵ <https://www.spotlightpa.org/news/2021/06/pa-election-law-voter-id-republican-proposal/>

(<http://web.archive.org/web/20240718183143/https://www.spotlightpa.org/news/2021/06/pa-election-law-voter-id-republican-proposal/>)

moving the voter registration deadline to 30 days before Election Day, in comparison to the previous 15 days before; requiring signature verification for mail-in ballots, as well as providing two separate forms of identification to request a mail-in ballot; and eliminating the permanent mail-in voting list.

Some civil rights groups in the state opposed this bill, and it was eventually vetoed by then-Governor Tom Wolf. Similar efforts have been made to establish a Bureau of Election Audits in the state, an office dedicated to conducting post-election audits.³⁶ The prevailing laws relating to audits of votes cast in Pennsylvania are fairly typical and are structured as a traditional fixed percentage or fixed number of votes. In 2024, Pennsylvania's counties audited either 2% of the votes cast or 2,000 votes, whichever is less, and posted the results of that audit to a public website. The results of the audits can be viewed online,³⁷ which was made a requirement in a 2022 state law.³⁸ While the 2020 and 2022 audits agreed with the results of the original vote counts, efforts continue to persist in the state to strengthen the narrative that the 2020 election results were illegitimate and that a further crackdown on voter fraud is needed in order to secure elections.

According to the States United Democracy Center, five election skeptics have run for or held statewide office since 2020, and eight candidates who openly question the legitimacy of the 2020 election are on the ballot for Congress this November.³⁹ Seven members of the

³⁶ <https://www.cityandstatepa.com/politics/2021/11/republicans-renew-attempts-require-post-election-audits/364374/>

(<http://web.archive.org/web/20240520220143/https://www.cityandstatepa.com/politics/2021/11/republicans-renew-attempts-require-post-election-audits/364374/>)

³⁷ <https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/election-reports.html#accordion-f40322de74-item-6597f8979f>

(<http://web.archive.org/web/20240626005542/https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/election-reports.html#accordion-f40322de74-item-6597f8979f>)

³⁸ <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2022&sessInd=0&act=88>

(<http://web.archive.org/web/20240704100239/https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2022&sessInd=0&act=88>)

³⁹ <https://electiondeniers.org/pennsylvania>

(<http://web.archive.org/web/20240116041909/https://electiondeniers.org/pennsylvania>)

19-member Pennsylvania delegation to the US Congress have engaged in some form of election skepticism, including voting against certify the results of the 2020 presidential election, falsely claiming that Donald Trump won the 2020 presidential election, and engaging in actions to undermine subsequent election cycles by supporting litigation that would overturn results on baseless reasons and promoting Stop the Steal events. However, since 2020, voters in Pennsylvania have largely rejected state-wide candidates who have espoused skepticism about the basic legitimacy of elections.

Conclusion

Pennsylvania propelled both Donald Trump and Joe Biden to the presidency, flipping from one party to the other in both 2016 and 2020. As perhaps the largest swing state in the presidential election, with 19 electoral votes, as well as a battleground Senate contest and other statewide and congressional races on the ballot, the Keystone State is expected to be at the center of the November 5 general election. This will take place against the backdrop of policy changes to the state, including AVR and different standards for mail voting; it will also be the first presidential election following the upheaval pandemic-era 2020 contest. Whether Pennsylvania ends up as the decisive state or its electors simply pad the victors' margins, it is sure to be at the center of both the campaign and future election controversies.