

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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DOCKET NO.: 330 MD 2012

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VIVIETTE APPLEWHITE, ET AL.

Petitioners,

v.

COMMONWEALTH OF PENNSYLVANIA

Respondent,

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BRIEF OF *AMICI CURIAE* SENIORLAW CENTER, AARP, PENNSYLVANIA  
ASSOCIATION OF AREA AGENCIES ON AGING, CENTER FOR ADVOCACY FOR  
THE RIGHTS AND INTERESTS OF THE ELDERLY, PENNSYLVANIA ALLIANCE  
FOR RETIRED AMERICANS, THE PENNSYLVANIA HOMECARE ASSOCIATION,  
ELDERNET OF LOWER MERION AND NARBERTH, THE INSTITUTE FOR  
LEADERSHIP EDUCATION, ADVANCEMENT AND DEVELOPMENT,  
INTERCOMMUNITY ACTION, INC. AND JEWISH SOCIAL POLICY ACTION  
NETWORK

IN SUPPORT OF THE PETITIONERS

[Act 18 of 2012 Violates Pennsylvania Constitution by Denying Franchise to  
Older Pennsylvanians]

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Petition for Review Addressed to the Court's Original Jurisdiction Challenging the  
Constitutionality of Act 18 of 2012

Karen C. Buck, Esq.  
Attorney ID No. 51051  
SeniorLAW Center  
100 South Broad Street, Suite 1810  
Philadelphia, PA 19110  
Telephone: 215.988.1244  
Facsimile: 215.988.1243  
kbuck@seniorlawcenter.org

Counsel for *Amici Curiae*

## INTEREST OF *AMICI CURIAE*

Pursuant to Rule 531 of the Pennsylvania Rules of Appellate Procedure, SeniorLAW Center, AARP, Pennsylvania Association of Area Agencies on Aging, Center for Advocacy for the Rights and Interests of the Elderly, Pennsylvania Alliance for Retired Americans, the Pennsylvania Homecare Association, ElderNet of Lower Merion and Narberth, the Institute for Leadership Education, Advancement and Development, Intercommunity Action, Inc., and Jewish Social Policy Action Network (collectively, "*Amici*") respectfully submit this brief as *amici curiae* in support of the position of the Petitioners, seeking judgment declaring unconstitutional the unnecessarily stringent identification requirement in Act 18 of 2012 ("Act 18").

*Amici* and their older clients, members, and constituents all have a strong stake in the outcome of this case and demonstrating the unconstitutionality of Act 18. Each *Amicus*<sup>1</sup> is a national, statewide, or local nonprofit organization that serves and protects older Pennsylvanians and the institutions that serve older Pennsylvanians. *Amici* together have many decades of experience serving and protecting the interests of older Pennsylvanians. This brief is submitted to assist the Court in identifying and assessing the substantial burdens on older Pennsylvanians that will be imposed as the result of Act 18. As *Amici* explain herein, older Pennsylvanians are disproportionately and adversely affected by the identification requirement in Act 18 and are at a great risk of losing their franchise.

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<sup>1</sup> *Amici* are identified in greater detail in the Appendix of *Amici Curiae* attached hereto as Schedule A.

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## **I. SUMMARY OF THE ARGUMENT**

In the words of Dr. Martin Luther King, Jr.:

The denial of this sacred right [of suffrage] is a tragic betrayal of the highest mandates of our democratic traditions and it is democracy turned upside down.

"Give Us the Ballot" Address at the Prayer Pilgrimage for Freedom (May 17, 1957). Dr. King spoke these words from the steps of the Lincoln Memorial in the midst of the civil rights movement to emphasize the fundamental importance of the "sacred right" of suffrage to a democracy. Rights of suffrage constitute the foundation of democracy as they safeguard the ability for every citizen to influence the course of government through the ballot box. As Dr. King phrased it: "Give us the ballot, and we will no longer have to worry the federal government about our basic rights." *Id.*

Pennsylvania's Constitution recognizes the same fundamental tenet of democracy: "All power is inherent in the people, and all free governments are founded on their authority..." Pa. Const. art 1, § 2. To that end, Pennsylvania's Constitution guarantees that all "elections shall be free and equal, and no power, civil, or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Pa. Const. art 1, § 5. The Pennsylvania Supreme Court has made clear that elections are "free and equal" only "when the regulation of the right to exercise the franchise does not deny the franchise itself, or make it so difficult as to amount to a denial." *Winston v. Moore*, 244 Pa. 447, 457 (1914).

In Act 18 of 2012 ("Act 18"), Pennsylvania has now used its civil power to interfere with and prevent the free exercise of the "sacred right" of suffrage. In particular, Act 18 – the "Photo ID Law" that only requires photo ID for some but not all voters – places an undue and unjustifiable burden on older Pennsylvanians. For some older Pennsylvanians, the burden is insurmountable because there is no record of their birth. Their franchise simply will be denied if

Act 18 is allowed to stand. For other older Pennsylvanians, overcoming the burden by obtaining the necessary documentation to obtain acceptable voter identification will be so difficult that their franchise will be effectively denied if Act 18 is sustained. In fact, some Pennsylvanians in need of acceptable voter identification will need at least 12 weeks to obtain the necessary documentation from their state of birth and the election is already 16 weeks away as of the filing of this brief. *Amici* therefore ask this Court to declare that Act 18's identification requirement unconstitutionally infringes the free exercise of the right of suffrage.

## **II. THE IMPORTANCE AND VULNERABILITY OF OLDER PENNSYLVANIANS IN PENNSYLVANIA ELECTIONS**

Older Pennsylvanians represent a significant portion of Pennsylvania's population and an even greater portion of Pennsylvania's voting population. For instance, nearly 2 million (1,959,307) or 15.4% of Pennsylvania's entire population is 65 years or older,<sup>2</sup> including 305,676 that are 85 years or older.<sup>3</sup> This ranks Pennsylvania near the very top – no less than fourth – among all U.S. States in terms of the percentage of its total population that is 65 years or older.<sup>4</sup>

Older Pennsylvanians are the Commonwealth's reliable "super-voters," who turn out to vote in much greater numbers than the population at-large. As a demonstration, 57.6% of

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<sup>2</sup> *Amici* generally elect to use 65 years or older as a benchmark for assessing the impact of Act 18 on older Pennsylvanians because of the convenience of available U.S. Census Bureau data. The impact of Act 18 discussed herein undoubtedly would be even larger in terms of numbers of Pennsylvanians impacted by expanding the definition of older Pennsylvanians to include Pennsylvanians 60 years or older and/or Pennsylvanians 50 years or older. As two points of reference, the Pennsylvania Department of Aging and the federal Older Americans Act use the age of 60 to define older adults and older adults become eligible for AARP membership at age 50.

<sup>3</sup> U.S. Census Bureau, 2010 U.S. Census, *DP-1, 2010 Demographic Profile Data for Pennsylvania*.

<sup>4</sup> *Id.*; see also U.S. Administration on Aging, *U.S. Census Demographic Profile Data for States by Age: April 1, 2010*, September 12, 2011 (tables compiled based on DP-1, 2010 Demographic Profile Data).

Pennsylvanians 65 years or older voted in the November 2010 election compared to merely 40.4% of Pennsylvanians age 18-64.<sup>5</sup>

Older Pennsylvanians, however, face mobility, transportation, disability, financial and geographic challenges to a degree that other voters do not face. Of the approximately 2.6 million older Pennsylvanians 60 years or older, 11% live in a household without a vehicle available.<sup>6</sup> The poorest seniors, already facing severe financial hardships, also face the greatest transportation challenges. 37% of older Pennsylvanians 60 years or older with incomes less than 100% of the poverty level live in a household without access to a vehicle.<sup>7</sup> Disability rates are very high among older Pennsylvanians. 35.9% of non-institutionalized Pennsylvanians 65 years or older – approximately 677,300 older Pennsylvanians in all – are disabled in one form or another.<sup>8</sup> As one would expect, disability rates continue to increase with age: 56% of persons over 80 live with a severe disability.<sup>9</sup>

Financial limitations also limit older Pennsylvanians' ability to overcome health and disability challenges and obtain means of transportation. Half of Pennsylvanians 65 years or older renting their home or paying a mortgage on their home spend at least thirty percent or more

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<sup>5</sup> U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2010, *Table 4c. Reported Voting and Registration, by Age, for States: November 2010*.

<sup>6</sup> U.S. Census Bureau, 2010 American Community Survey, available from Steven Ruggles, et. al, Integrated Public Use Microdata Series: Version 5.0, Minneapolis: University of Minnesota, 2010, <http://usa.ipums.org/usa/index.shtml>.

<sup>7</sup> *Id.*

<sup>8</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States* (census data generated on [http://factfinder2.census.gov/specifically\\_for Pennsylvania Population 65 Years and Over](http://factfinder2.census.gov/specifically_for_Pennsylvania_Population_65_Years_and_Over)).

<sup>9</sup> U.S. Administration on Aging, *A Profile of Older Americans: 2011 – Disability and Activity Limitations*, available at [http://www.aoa.gov/AOARoot/Aging\\_Statistics/Profile/2011/16.aspx](http://www.aoa.gov/AOARoot/Aging_Statistics/Profile/2011/16.aspx) (visited on July 13, 2012).

of their income just on housing.<sup>10</sup> Roughly a quarter spend *fifty* percent or more of their income just on housing.<sup>11</sup> In addition, 11.9% of Pennsylvanians 65 years or older live at or below 150% of the poverty line.<sup>12</sup> According to a 2009 study by AARP Public Policy Institute, the median household income for Pennsylvanians 65 years or older was \$28,937, which ranks Pennsylvania 40<sup>th</sup> among all U.S. states in terms of the income of persons 65 years or older.<sup>13</sup>

Due to a lack of public transportation, fewer and more expensive private transport options, and the challenges of sheer distance and isolation, many older Pennsylvanians in rural areas of Pennsylvania face even greater obstacles in meeting the new stringent standards of Act 18 than their counterparts residing in suburban or urban areas. Pennsylvania has one of the largest rural populations in the United States. Of Pennsylvania's 67 counties, 48 are rural counties as determined by a population density of less than 284 people per square mile.<sup>14</sup> Those 48 counties are home to 3.5 million Pennsylvanians, 17% of whom – or approximately 595,000 – are 65 years or older.<sup>15</sup> For these rural older Pennsylvanians, the same constraints due to limited mobility, disability and/or low income will loom as even greater barriers to exercising their franchise.

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<sup>10</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*; AARP Public Policy Institute, *Pennsylvania State Housing Profile 2011*.

<sup>11</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*; AARP Public Policy Institute, *Pennsylvania State Housing Profile 2011*.

<sup>12</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*.

<sup>13</sup> AARP Public Policy Institute, *Across the States: Profiles of Long-Term Care and Independent Living*, Ari Houser et al., 8<sup>th</sup> ed. (2009).

<sup>14</sup> Pa. Department of Aging, *Draft State Plan on Aging 2012-16*, p. 7, available at [http://www.portal.state.pa.us/portal/server.pt/document/1260205/draft\\_state\\_plan\\_.pdf](http://www.portal.state.pa.us/portal/server.pt/document/1260205/draft_state_plan_.pdf).

<sup>15</sup> The Center for Rural Pennsylvania, *Demographics – About Rural PA*, available at [http://www.rural.palegislature.us/demographics\\_about\\_rural\\_pa.html](http://www.rural.palegislature.us/demographics_about_rural_pa.html) (visited on July 13, 2012) (The Center for Rural Pennsylvania is a legislative agency of the Pennsylvania General Assembly).

### III. THE UNNECESSARILY STRINGENT IDENTIFICATION REQUIREMENT IN ACT 18 IMPOSES HEAVY BURDENS ON OLDER PENNSYLVANIANS

Prior to Act 18, the Election Code required all voters to verify their identity by signing in the pollbook, with their signature matched against their prior signature in the pollbook, and also required first-time voters to provide an acceptable form of separate identification. Act 18 extends the latter identification requirement to all voters but also *significantly* narrows the class of acceptable identification – mostly but not exclusively to photo identification and mostly but not exclusively government-issued identification. *See Schedule B* (acceptable voter identification before and after Act 18). Nonetheless, the vast majority of Pennsylvania voters will have to present one of a limited few types of acceptable photo identification, such as a U.S. passport, Pennsylvania driver's license, or Pennsylvania non-driver identification.

By contrast, Act 18 establishes that the identity of absentee voters is verified without photo identification: (1) each voter provides a driver's license number and/or the last four digits of a social security number at the time of voter registration and (2) each voter must provide the matching number at the time of application for the absentee ballot (or in conjunction with submitting the absentee ballot). Act 18, §§ 1, 4 and 5. The same matching process certainly could apply to in-person voters without photo identification but with verifying matching data thereby preserving their franchise in the same manner that absentee voters can exercise their franchise.<sup>16</sup> This is not to suggest that any of Act 18's identity verification measures are necessary for absentee or in-person voters as there is no meaningful history of voter impersonation fraud in the Commonwealth. Nonetheless, it defies reason and the constitutional

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<sup>16</sup> Voters are not automatically eligible to vote by absentee. Absentee voting is restricted to those that qualify to vote on the basis of one of a few different statutorily-specified justifications. If they do not qualify, then they must vote in person. Voting by absentee when one does not qualify for an absentee ballot would be a violation of the Election Code. 25 P.S. § 3146.1.



guarantee of free and equal elections for the Commonwealth to apply one rule for identity verification to absentee voters and another more stringent and burdensome rule for in-person voters. *See* *Mixon v. Commonwealth*, 759 A.2d 442, 451-52 (Pa. Commw. 2000) (Commonwealth violated "Free and Equal" elections clause when it applied one rule for one class of voters and a more stringent rule for another class of voters).

Supporters of Act 18 mistakenly emphasize the availability of provisional ballots for indigent voters and voters without acceptable voter identification on Election Day. Act 18, §§ 1, 3, 4, and 5. To be sure, "indigent" is not defined in Act 18 and therefore it is unknown who, if anyone, would qualify for this exemption. Importantly, ballots cast by non-"indigent" voters are not counted as valid votes *unless* the provisional voter presents acceptable voter identification within six calendar days (four business days). Act 18, § 3. With so little time, a voter without acceptable voter identification will be unable to obtain it to perfect the provisional vote.

**A. Large numbers of older Pennsylvanians lack acceptable voter identification under Act 18.**

By significantly narrowing the types of acceptable identification – particularly for voting in person, Act 18 imposes a significant and unwarranted burden on Pennsylvania's voters. This burden falls heavily on Pennsylvania's older voters. According to a nationwide survey conducted in 2006, 18% of individuals 65 years or older do not possess a government-issued photo identification.<sup>17</sup> Based on a population of 1,959,307 Pennsylvanians 65 years or older,

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<sup>17</sup> Brennan Center for Justice, *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, November 2006, p.3.

It is also meaningful to highlight the study's finding with regard to the impact on other population groups as the study also found that 25% of voting-age African Americans, 16% of voting-age Hispanics and 11% of voting-age individuals generally do not possess a photo identification. In addition, voting-age citizens earning less than \$35,000 are *more than twice as likely* to lack photo identification compared to voting-age citizens earning more than \$35,000. *Id.*

18% translates into 352,675 eligible Pennsylvania voters 65 years or older without government-issued photo identification.

At 18%, older voters are significantly more likely to be without government-issued photo identification than any other age group; the same 2006 survey concluded that 11% of voting-age individuals nationwide do not possess a photo identification.<sup>18</sup> Older voters more frequently are without acceptable government-issued photo identification for several reasons. Seniors 65 years or older are *more than 10 times more likely than* any other age group to relinquish their driver's licenses voluntarily for medical reasons.<sup>19</sup> In fact, 20.5% of individuals 65 years or older no longer drive at all.<sup>20</sup> Employee identification (municipal or otherwise) is rarely available to older voters as 84.3% of Pennsylvanians 65 years or older are out of the labor force.<sup>21</sup> Lastly, only about 25% of Americans possess a valid U.S. passport<sup>22</sup> and seniors' mobility limitations restrict their ability to travel internationally and correspondingly reduce the frequency with which older voters obtain new or renew expired passports.

*Amici* acknowledge the Pennsylvania Department of State's recent study of registered voters conservatively<sup>23</sup> documented that 758,939 registered voters – 9.2% of

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<sup>18</sup> *Id.*

<sup>19</sup> Pa. Dep't of Transportation, License Control Division, Report on License Relinquishment, *Drivers Licenses: Statistics and Research on Relinquishing*, (data provided by Pa. Dep't of Aging to *Amici* upon request).

<sup>20</sup> AARP Public Policy Institute, *How the Travel Patterns of Older Adults are Changing*, 2011, p.4.

<sup>21</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*.

<sup>22</sup> U.S. Dep't of State, *Passport Statistics*, available at [http://travel.state.gov/passport/ppi/stats/stats\\_890.html](http://travel.state.gov/passport/ppi/stats/stats_890.html) (visited on July 13, 2012).

<sup>23</sup> By studying only registered voters, the Department of State understates the number of eligible voters in need of acceptable voter registration, many thousands of whom will be registered in the coming months by the barrage of voter registration efforts that take place particularly in a Presidential election campaign year.

Pennsylvania's registered voters – could not be matched against Pennsylvania Department of Transportation ("PennDOT") identification, which will be the identification overwhelmingly relied upon to vote.<sup>24</sup> It is as yet unknown how this number was generated or whether it included people whose drivers' licenses have expired and who, therefore, cannot use those licenses to vote. Even if this number were accurate, 758,939 registered voters is larger than the margin of victory from every election for U.S. President in Pennsylvania since 1972 (when President Nixon defeated Senator McGovern).<sup>25</sup> Thus, 758,939 registered voters are clearly numerous enough to sway the outcome of the November 2012 election. Moreover, the Brennan Center's analysis and the rate that older Pennsylvanians relinquish their driver's licenses strongly suggest that Pennsylvanians 65 years or older are a disproportionate share of the 758,939 registered voters.

Alarming, the Pennsylvania Department of State's review shows significant rates of Philadelphia's active registered voters – voters that voted at least once in the last four years – without PennDOT identification according to analysis conducted by the Philadelphia Inquirer.<sup>26</sup> Of Philadelphia's 874,000 active voters, the State counted approximately 136,000 or 15.6% whose names and birth dates do not match those with PennDOT identification.<sup>27</sup> However, the analysis also confirmed that older Philadelphians are particularly likely to be without PennDOT identification. More than one in four active registered voters 80 years or older

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<sup>24</sup> Pa. Dep't of State, Press Release: *Department of State and PennDOT Confirm Most Registered Voters Have Photo ID* (July 3, 2012). This contradicts earlier reports from the Pa. Department of State, which insisted that 99% of Pennsylvania's voters had acceptable voter identification. Bob Warner, *Voter ID Law may affect more Pennsylvanians than previously estimated*, Philadelphia Inquirer (July 4, 2012).

<sup>25</sup> U.S. House of Representatives, Office of the Clerk, *Election Statistics*, available at [http://clerk.house.gov/member\\_info/electionInfo/index.aspx](http://clerk.house.gov/member_info/electionInfo/index.aspx) (visited on July 13, 2012).

<sup>26</sup> Bob Warner, *Analysis: Philly voters over 80 would be most inconvenienced by new ID law*, Philadelphia Inquirer, July 18, 2012.

<sup>27</sup> *Id.*

do not have PennDOT identification<sup>28</sup> and nearly one in five active registered voters 65 years to 79 years old do not have PennDOT identification.<sup>29</sup>

The fact that older Pennsylvanians are without acceptable voter identification does not mean they are without government-issued identification. Act 18 does not permit voters to use the government-issued identification common and essential to seniors' daily lives as acceptable voter identification. The government-issued identification common and essential to seniors' daily lives includes identification cards for (i) Social Security, the major source of income for older Americans (and sole income for 19% of older Americans),<sup>30</sup> (ii) Medicare (the national health care plan available to older Americans 65 years or older and disabled individuals),<sup>31</sup> (iii) Medicaid (the health and long-term care coverage program for low-income individuals, including seniors, that is jointly financed by states and the federal government),<sup>32</sup> and (iv) PACE and PACENet (Pennsylvania's pharmaceutical assistance program for seniors 65 and older of low and modest incomes).<sup>33</sup> These identification cards do not include a photo of the cardholder or designate an expiration date.

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<sup>28</sup> *Id.* Specifically, 27.4% of voters 80 years or older do not have PennDOT identification.

<sup>29</sup> *Id.* Specifically, 19.5% of voters 65 – 79 years old do not have PennDOT identification.

<sup>30</sup> National Academy of Social Insurance, *The Role of Benefits in Income and Poverty*, available at <http://www.nasi.org/learn/socialsecurity/benefits-role> (visited on July 13, 2012). About nine in 10 Americans aged 65 and older received Social Security in 2009. For two out of three of those beneficiaries (64 percent), Social Security was more than half their total income.

<sup>31</sup> U.S. Dep't of Health & Human Resources, *Medicare Eligibility Tool*, [Medicare.gov](http://www.medicare.gov), available at: <http://www.medicare.gov/MedicareEligibility/home.asp?dest=NAV%7CHome%7CGeneralEnrollment%7CAboutCard&version=default&browser=IE%7C9%7CWindows+7&language=English> (visited on July 13, 2012).

<sup>32</sup> In Pennsylvania, Medicaid cards are called ACCESS cards and issued by the Pennsylvania Department of Public Welfare. <http://www.dpw.state.pa.us/foradults/healthcaremedicalassistance/medicalassistanceusingtheaccesscardtoobtainmedicals-services/index.htm>.

<sup>33</sup> Pa. Legislative Budget and Finance Committee, *Pennsylvania Lottery Funding of Programs and Services for Older Pennsylvanians*, February 2012, p.S-4 (for fiscal year, 2010-2011, 145, 000 individuals were enrolled in PACE, and 215,000 individuals were enrolled in PACENet).

Social Security, Medicare, Medicaid, and PACE programs are safety net programs critical to the economic security and health of older Pennsylvanians who are the most vulnerable – the low-income and the disabled – and who also face enhanced obstacles in obtaining the additional forms of identification now required by Act 18 in order to vote. Certain subgroups are particularly reliant on Social Security. Of those persons 65 years or older, Social Security is the sole source of income for 43 percent of Hispanics, 40 percent of African Americans, 21 percent of unmarried women and 33 percent of Asian and Pacific Islanders.<sup>34</sup> Simply put, the identification most relied upon by the most vulnerable seniors in our Commonwealth will not be acceptable for voting and those who are most likely not to have the newly required voter identification are also the least able to obtain it.

Pennsylvania's 470,000 veterans 65 years or older<sup>35</sup> also rely on identification issued by the U.S. Department of Veterans Affairs; however, such identification will not be acceptable for voting purposes under Act 18. The Veterans Identification Card is issued to veterans eligible for medical benefits, including those who are disabled and unable to drive. Act 18's requirement that identification contain a specific expiration date precludes Pennsylvania's veterans from using their Veterans Identification Card because the card does not designate an expiration date or designate that the expiration is indefinite.<sup>36</sup> Pennsylvania veterans themselves have noted that many veterans only have their Veterans Identification Card and have urged other veterans to boycott the election or use their Veterans Identification Card to get turned away from

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<sup>34</sup> National Academy of Social Insurance, *The Role of Benefits in Income and Poverty*, *supra*.

<sup>35</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*.

<sup>36</sup> Act 18, § 1; Tom Murse, *Veterans IDs problem with Voter Measure*, Lancaster Online: An Edition of the Intelligencer Journal, May 12, 2012 available at [http://lancasteronline.com/article/local/603592\\_Veteran-IDs-problem-with-voter-measure.html](http://lancasteronline.com/article/local/603592_Veteran-IDs-problem-with-voter-measure.html) (visited on July 13, 2012).

the polls.<sup>37</sup> At least 1,400 of the civilian veterans residing in Pennsylvania are estimated to be homeless,<sup>38</sup> a status that exacerbates every other challenge to obtaining acceptable voter identification.

While Act 18 extends the authority to issue acceptable voter identification to “care facilities,” this provision affords no more than nominal relief for older Pennsylvanians. Indeed, it adds layers of confusion about the law and its implementation and undercuts the rationale of the law. The definition of care facility appears limited to personal care homes, assisted living residences and long-term care nursing facilities. Act 18 of 2012, § 3 (the definition is not free from doubt because it was added in the wrong section of the Election Code). This would exclude from the definition of “care facility” many other similarly-situated facilities that care for older Pennsylvanians that are licensed by Pennsylvania's Department of Public Welfare (i.e. adult training facilities and family centers), Department of Health (i.e. hospitals, outpatient facilities, and drug and alcohol treatment facilities), Department of Aging (i.e. older adult daily living centers), and Department of Insurance (i.e. continuing care retirement communities). There is no rationale why care recipients of certain licensed facilities have the benefit of using care facility identification to the extent made available by the facility while other care recipients do not have the same benefit; and such arbitrary treatment violates the “free and equal” elections guarantee in Pennsylvania's Constitution. *See* *Mixon*, 759 A.2d at 451.

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<sup>37</sup> Tom Murse, *Veterans IDs problem with Voter Measure*, Lancaster Online: An Edition of the Intelligencer Journal, May 12, 2012, *supra* =.

As Major Gary Schreckengost, a retired U.S. Army infantry major in the Army Reserve and veteran of wars in Bosnia and Iraq, is quoted: “I urge all Pennsylvanians to stand by those few who, for whatever reason, have only a VA [Veteran's Affairs] photo ID card because it's the only one they have or think they should have. Trust me, they went through far more things than most people did to get said document. They stood by you when you needed them, and I urge you, in this little way, to stand by them.” *Id.*

<sup>38</sup> Tom Barnes, *State Urged to Help Homeless Veterans as their Ranks Grow*, *Pittsburgh Post-Gazette*, May 9, 2012 available at <http://www.post-gazette.com/stories/local/state/state-urged-to-help-homeless-veterans-as-their-ranks-grow-85945/#ixzz20XQpTwvd> (visited on July 13, 2012).

Equally important, however, is that these facilities are not in the business of issuing identification. As the Commonwealth recognized, these facilities are not legally required to issue identification to residents at the facilities.<sup>39</sup> In fact, privacy rights, including those of the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), the Nursing Home Reform Act (P.L. 100-203), and attendant “Patient Bill of Rights,”<sup>40</sup> as well as the recognition that nursing home and care facilities are an individual’s home are all factors against identifying residents to third parties.

The Commonwealth now asks care facilities to issue secure photo identification – despite never having had procedures or experience for doing so – and offered care facilities a template for such identification that undercuts the rationale for Act 18's identification requirement.<sup>41</sup> The template attached hereto as Schedule C is an 8 ½ x 11 piece of over-the-counter printer paper that may or may not be printed on the facility's letterhead.<sup>42</sup> The instructions advise the facility to "attach" a photo to the piece of paper.<sup>43</sup> Confusion over what "attach" means will discourage facilities from issuing such "identification" and election officials from accepting it. For example, scotch-taping a photo to the piece of paper would certainly meet

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<sup>39</sup> Letter from Ronald Melusky, Director, Adult Residential Facilities, Pa. Department of Public Welfare to all personal care home operators, June 1, 2012 (also attached hereto as Schedule C) (recognizing that there is “no specific regulatory requirement relating to the issuance of photo IDs.”).

Although this letter attempts to caution that facilities may have to provide voter identification as a form of assistance with Activities of Daily Living (“ADL”) and Instrumental Activities of Daily Living (“IADL”), the applicable regulations do not identify voting in its definitions of ADL or IADL as activities with which assistance must be provided. 55 Pa. Code § 2600.4

<sup>40</sup> 42 C.F.R. § 483.10 (2011)

<sup>41</sup> Letter from Ronald Melusky, Director, Adult Residential Facilities, Pa. Department of Public Welfare to all personal care home operators, June 1, 2012, *supra*.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

the definition of "attach[ing]" the photo and it would be administratively convenient for the facility but it strains credulity to believe that election officials will take an identification seriously that tapes a photo to an 8 ½ x 11 piece of printer paper. Any more technologically advanced measure of attaching the photo would undoubtedly go beyond the capabilities of private care facilities. Moreover, the notice instructs facilities that Act 18 does not have any requirements for an expiration date except that a date must be included on identification and it must be no sooner than the day after the election.<sup>44</sup> Like the instruction to universities to simply affix a sticker to identification, these instructions undermine any rationale for requiring the identification to have a specific expiration date. *Amici* in their extensive experience have grave concerns about the capacity and ability of the facilities to issue such identification, the vast disparity in resources among facilities, staffing and technology at each facility, and the reasonableness of making identification issuance a priority at facilities whose main focus is to care for frail, disabled and elderly residents of vastly diverse capacities and abilities.

Of course, there is also no provision in Act 18 or otherwise requiring care facility-issued identification to be free of cost to the voter. Since the facility will incur a cost by issuing such identification and there is no reimbursement from the Commonwealth, the facilities could pass the cost on to the care recipient. There is certainly no reasonable expectation that the facilities would issue identification as a pure gratuity. Media reports have already begun to confirm that facilities are charging residents for the cost of issuing the new "care facility" identification.<sup>45</sup> Consequently, to the extent that Act 18 requires voters to pay for a care facility-

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<sup>44</sup> *Id.*

<sup>45</sup> CBS Local, *PA Officials Urge Nursing Homes to Provide Residents with Voter ID Cards*, available at: <http://philadelphia.cbslocal.com/2012/06/08/pa-officials-urge-nursing-homes-to-provide-residents-with-voter-id-cards/> (Personal care administrator "says they've been providing photo IDs to residents since April for those who request them, for a nominal fee.")



issued identification, Act 18 directly contravenes the Fourteenth Amendment to the U.S. Constitution and the U.S. Supreme Court's holding in *Harper v. Va. Bd. of Elections*: a State "violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard." 383 U.S. 663, 666 (1966).

**B. Obtaining acceptable voter identification will be impossible for many older Pennsylvanians and a Herculean task for other older Pennsylvanians.**

As a result of the identification requirement in Act 18, hundreds of thousands of Pennsylvanians must obtain acceptable voter identification in order to exercise their sacred right of suffrage. Specifically, PennDOT non-driver identification ("PennDOT ID") is the only acceptable form of voter identification without a special qualification (i.e. the driver's test for a driver's license) and for which there is at least a partial fee waiver (the PennDOT ID is not free for reasons discussed below). Respondent would undoubtedly agree that it would be unconstitutional to require a voter to obtain a U.S. Passport or driver's license in order to vote. Yet, Respondent surely will try to argue that requiring a voter to obtain PennDOT ID in order to vote is somehow different – a tolerable burden. However, requiring a voter to obtain PennDOT ID in order to vote will be an insurmountable burden for many voters and a Herculean undertaking for others. Many Pennsylvanians will be denied their "sacred right" of suffrage as a result.

Requiring voters without acceptable voter identification to obtain PennDOT ID in order to vote means that the estimated 352,675 eligible voters 65 years or older without acceptable voter identification first need to learn of the new identification requirement in Act 18. Yet, poverty, language barriers and lack of access to information technology will isolate older Pennsylvanians, particularly minorities, and hinder their ability to learn of the new identification requirement. Educational attainment also can present an issue for the 21.7% of Pennsylvanians

65 years or older – approximately 426,500 older Pennsylvanians – with less than a high school degree.<sup>46</sup> Eligible voters 65 years or older without acceptable voter identification then must have sufficient mobility, resources, and access to transportation so that they can travel to a Driver License Center as many times as necessary. Of course, such individuals will not be licensed to drive themselves or they would not require identification PennDOT ID. Lastly, they must have all of the underlying documentation required by PennDOT and it must be in their current legal name.

Travelling to a Driver License Center at least once in order to obtain acceptable identification will be an even more substantial burden as many older Pennsylvanians endure a lack of mobility because of the transportation, disability, financial and geographic challenges described in the prior section. Each trip to the Driver License Center will exacerbate the extent to which lack of mobility prevents older Pennsylvanians from exercising their sacred right of suffrage.

In fact, each trip to the Driver License Center will be drastically more of a burden than the trip to the polling place because of the limited number and less accessibility of the Driver License Centers. Comparing the number of locations and each location's service coverage clearly demonstrates that Driver License Centers are substantially less accessible than polling places. There are more than 9,000 polling places statewide<sup>47</sup> each serving a *maximum of 1,200 registered electors*. 25 P.S. § 2702. In stark contrast, there are 71 Driver License Centers statewide that are able to issue photo identification – and only 50 that are open at least 4 days per

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<sup>46</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*.

<sup>47</sup> Pa. Legislative Budget and Finance Committee, *Feasibility of Limiting Polling Places to Handicap Accessible Schools and Government Buildings*, February 2008, p.2.

week.<sup>48</sup> With only 71 Driver License Centers able to issue photo identification, each center must serve an *average of 176,351 Pennsylvanians* – drastically more than the 1,200 registered electors served by each polling place. This necessarily translates into longer lines and significantly farther travel distances. 2,273,960 Pennsylvanians – or 24% of Pennsylvania's total population – live more than 10 linear miles from a Driver License Center that can issue photo identification and is open at least two days per week.<sup>49</sup> There are even nine (9) counties in Pennsylvania that are completely without a Driver License Center with the ability to issue photo identification anywhere in the county.<sup>50</sup>

Lastly, lack of the underlying documentation required as part of an application for PennDOT ID will further prevent many older Pennsylvanians from voting. The required documentation is three-fold: (i) either a birth certificate with raised seal for U.S.-born citizens or a certificate of naturalization for naturalized U.S. citizens,<sup>51</sup> (ii) a Social Security Card, and (iii) not one but two forms of residency documentation that would include: a lease agreement, mortgage documents, current utility bills, current weapons permit, a W-2 form, and/or tax records.<sup>52</sup>

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<sup>48</sup> Pa. Dep't of Transportation, Driver & Vehicle Services, *Locations Info Center*, <https://www.dot33.state.pa.us/locator/locator.jsp#top?20120713102533820=20120713102533820> (For Step 1, select Yes for "(C.) Search the entire state?"; for Step 2, select "Photo ID Card" and "Photo ID Card Duplicate/Replacement") (visited on July 13, 2012).

<sup>49</sup> Brennan Center for Justice, *The Challenge of Obtaining Voter Identification*, Keesha Gaskins et al., July 2012.

<sup>50</sup> These counties are Cameron, Clinton, Forest, Fulton, Juniata, Montour, Perry, Sullivan, and Union counties.

<sup>51</sup> *Amici* acknowledge that a U.S. passport would also suffice but it is extremely rare for individuals to have a U.S. passport but not a driver's license and such individuals would not require a non-driver identification for voting purposes.

<sup>52</sup> Pa. Dep't of Transportation, *Form DL-54A, Application for Initial Photo Identification*, available at [http://www.dmv.state.pa.us/pdotforms/dl\\_forms/dl-54a.pdf](http://www.dmv.state.pa.us/pdotforms/dl_forms/dl-54a.pdf). *Amici* acknowledge that according to the Commonwealth's Frequently Asked Questions (which have no effect of law), the Commonwealth will

Critically, 7% of all voting-age U.S. citizens do not have a Certificate of Naturalization or a birth certificate with raised seal (or a U.S. Passport or other citizenship documentation).<sup>53</sup> Seven percent of older Pennsylvanians equates to approximately 137,151 eligible voters age 65 or older. Women and low-income individuals will find it particularly difficult to obtain PennDOT ID. Among voting-age women who have their birth certificate, 48% have a birth certificate in their current legal name.<sup>54</sup> Others have changed their legal name since birth, for example, due to marriage. In addition, citizens earning less than \$25,000 are more than twice as likely to lack a Certificate of Naturalization or a birth certificate compared to citizens earning more than \$25,000.<sup>55</sup>

For many of those who do not have the necessary documentation, satisfying the documentation requirements for PennDOT ID will be impossible or prohibitively difficult. Consequently, the identification requirement in Act 18 that imposes this burden will actually and absolutely deny many older Pennsylvanians their franchise. For many other older Pennsylvanians, it will be so difficult as to effectively deny their franchise.

*1. The many older Pennsylvanians for whom there is no record of their birth have no ability to obtain acceptable voter identification.*

Significant under-registration of births in the U.S. at the time many older Pennsylvanians were born means that for many older Pennsylvanians, *there is no record of their birth and they have no hope of satisfying the requirements for a PennDOT ID.* Petitioners

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waive identity verification for any voters who have had a driver's license since 1990 even though they insist on a stringent and overly burdensome identity verification process for repeat voters.

<sup>53</sup> Brennan Center for Justice, *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, November 2006, p.2.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

Wilola Shinholster Lee, Gloria Cuttino, Nadine Marsh, and Dorothy Barksdale are several examples of individuals whose state of birth – Georgia, South Carolina, Pennsylvania, and Virginia respectively – have no record of their birth<sup>56</sup> because historically births were often not registered – particularly among non-white and rural populations. The Petitioners' stories, however, are not isolated anecdotes but representative of a systemic and dramatic problem with requiring older Pennsylvanians to present a birth certificate in order to obtain acceptable voter identification.

Throughout the first half of the 20<sup>th</sup> century (when many older Pennsylvanians were born) "the completeness of the registration of births was long a subject of concern" at every level of government.<sup>57</sup> The U.S. government conducted three national studies to determine the rates of under-registration of births as part of the 1940 decennial census, the 1950 decennial census and a five-year study from 1964-68.<sup>58</sup> These studies documented that (i) in 1940, 7% of children born alive in the U.S. did not have a birth certificate prepared or filed, (ii) in 1950, still 2% of children born alive in the U.S. did not have a birth certificate prepared or filed, and (iii) by 1964-68, still 1% of children born alive in the U.S. did not have a birth certificate prepared or filed.<sup>59</sup> These studies also documented that under-registration of births was substantially more prevalent among non-white babies than white babies as 18% of non-white babies did not have a birth certificate in 1940 compared to just 6% for white babies.<sup>60</sup> This disparity should not be

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<sup>56</sup> Verified Pet'n for Review, ¶ 15, 23, 26, and 30.

<sup>57</sup> U.S. Dep't of Health & Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *U.S. Vital Statistics System: Major Activities and Developments, 1950-95*, at 10 (1997).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 11.

<sup>60</sup> Sam Shapiro, Development of Birth Registration and Birth Statistics in the United States, 4 Population Studies: A Journal of Demography 86, 98-99 Table 2 (1950).

surprising since African Americans were not permitted access to hospitals in large parts of the country before the civil rights era.

Understanding the substantial impact of under-registration of births in the 20<sup>th</sup> century on the ability of older Pennsylvanians to obtain a PennDOT ID starts with converting these percentages into numbers of Pennsylvanians. Applying the results of the three U.S. studies to 2010 Census figures for surviving Americans born during the times of these studies<sup>61</sup> indicates that there are more than 3.1 million living Americans whose birth was not reported.<sup>62</sup> Applying the results of the same U.S. studies to 2010 Census figures specifically for surviving Pennsylvanians born during the times of these studies<sup>63</sup> indicates that *there are likely at least 150,000 Pennsylvanians whose birth was not reported.*<sup>64</sup> Consequently, a birth certificate was not created for these Pennsylvanians.

This analysis clearly indicates that the stories of Petitioners Wilola Shinholster Lee, Gloria Cuttino, Nadine Marsh, and Dorothy Barksdale are not isolated anecdotes. They are merely four specific examples among an estimated 150,000 (or more) living Pennsylvanians who were never issued a birth certificate and for which there is no record of their birth. These Pennsylvanians have no hope of satisfying the requirements for a PennDOT ID. As a result, the

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<sup>61</sup> U.S. Census Bureau, 2010 U.S. Census, *DP-1, 2010 Demographic Profile Data for United States*.

<sup>62</sup> The 3.1 million living Americans figure was calculated by applying the result from the 1940 study (7%) to the living U.S. population 70 years or older (1,948,290), applying the result from the 1950 study (2%) to the living U.S. population 60 to 69 years of age (585,064), applying the result from the 1964-68 study (1%) to the living U.S. population 45 to 59 years of age (646,715), and aggregating the results. This calculation conservatively assumes that under-registration of births stopped entirely after 1968.

<sup>63</sup> U.S. Census Bureau, 2010 U.S. Census, *DP-1, 2010 Demographic Profile Data for Pennsylvania*.

<sup>64</sup> The 150,000 living Pennsylvanians figure was calculated by applying the result from the 1940 study (7%) to the living Pennsylvania population 70 years or older (98,441), applying the result from the 1950 study (2%) to the living Pennsylvania population 60 to 69 years of age (25,926), applying the result from the 1964-68 study (1%) to the living Pennsylvania population 45 to 59 years of age (28,195), and aggregating the results. This calculation also conservatively assumes that under-registration of births stopped entirely after 1968.

identification requirement in Act 18 is a clear and definitive barrier that will deny many older Pennsylvanians their sacred right of suffrage.

2. *For many older Pennsylvanians, the burden of obtaining the required documentation in terms of dollars, time and difficulty will make exercising their franchise so difficult and costly as to effectively deny them the right to vote.*

Even Pennsylvanians whose births were registered will find obtaining the required documentation extremely burdensome. In the first place, the burden to replace a birth certificate will vary depending on the voter's place of birth. *Amici* acknowledge and appreciate that the Commonwealth has recognized this burden and taken some measure to mitigate it by allowing PennDOT to access birth records at the Pennsylvania Department of Health. Nonetheless, this limited accommodation still requires older Pennsylvanians suffering from significant mobility restrictions to make at least two trips to the Driver License Center: once for the original application and again 10 days later after PennDOT has accessed the birth records. Importantly, the 10-day delay also eliminates any possibility that a voter could obtain acceptable voter identification in the 6-day (4-business day) period after the election that Act 18 permits for a provisional voter to have his vote counted. Act 18, § 3.

This extra-legislative accommodation completely ignores the 20.2% of Pennsylvania residents who were born in another U.S. state or territory or born abroad to parents who were U.S. citizens as well as all naturalized U.S. citizens residing in Pennsylvania.<sup>65</sup> The burden to obtain a replacement birth certificate from other jurisdictions will vary.<sup>66</sup> Many states – e.g. Alaska, Arkansas, Hawaii, and Iowa – require a copy of a government-issued photo

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<sup>65</sup> U.S. Census Bureau, *2010 American Community Survey Briefs: Lifetime Mobility in the United States*, 2010, November 2011.

<sup>66</sup> U.S. Dep't of Health & Human Resources, Center for Disease Control and Prevention, *Where to Write for Vital Records*, available at <http://www.cdc.gov/nchs/w2w/w2w.pdf> (updated July 2012) and <http://www.cdc.gov/nchs/w2w.htm> (visited on July 13, 2012).

identification to re-issue a birth certificate. This is simply an impossibility for voters in need of photo identification because of Act 18.<sup>67</sup>

Fees for a replacement birth certificate range from \$9 to \$30.<sup>68</sup> Particularly for the 11.9% of Pennsylvanians age 65 or older who are living at or below 150% of the poverty level,<sup>69</sup> this represents a significant burden on their right to exercise their franchise and as it is incurred solely for the purpose of voting, the fee amounts to a poll tax. *See Harper v. Va. Bd. of Elections*, 383 U.S. at 666 (a State “violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard”).

Critically, numerous states – e.g. New Mexico, New York, and North Carolina – require substantial periods up to 12 weeks to process a request for a replacement birth certificate.<sup>70</sup> The November 2012 election is merely 16 weeks away as of the filing of this brief. The Pennsylvania Department of State is still just working the kinks out of its education campaign regarding Act 18<sup>71</sup> and there are merely four weeks for some voters to save their

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<sup>67</sup> *Id.*; see also each state's official website for information on replacing birth certificates, which are available at: Alaska: <http://www.hss.state.ak.us/dph/bvs/birth/default.htm>; Arkansas: <http://www.healthy.arkansas.gov/programsServices/certificatesVitalRecords/Pages/BirthRecords.aspx>; Hawaii: [http://hawaii.gov/health/vital-records/vital-records/vital\\_records.html](http://hawaii.gov/health/vital-records/vital-records/vital_records.html); Iowa: [http://www.idph.state.ia.us/apl/vital\\_records\\_info.asp](http://www.idph.state.ia.us/apl/vital_records_info.asp) (visited on July 13, 2012).

<sup>68</sup> U.S. Dep't of Health & Human Resources, Center for Disease Control and Prevention, *Where to Write for Vital Records*, *supra*.

<sup>69</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*.

<sup>70</sup> U.S. Dep't of Health & Human Resources, Center for Disease Control and Prevention, *Where to Write for Vital Records*, *supra*; see also each state's official website for information or online application on replacing birth certificates, which are available at: New Mexico: <http://www.vitalrecordsnm.org/Forms/BirthSearchApplication-EN.pdf>; New York: [http://www.health.ny.gov/vital\\_records/birth.htm](http://www.health.ny.gov/vital_records/birth.htm); North Carolina: <http://vitalrecords.nc.gov/documents/bcertificatapp.pdf> (visited on July 13, 2012).

<sup>71</sup> Associated Press, *Pa. Spanish Website covers voter ID law in English*, [wpxi.com](http://wpxi.com), July 11, 2012 ("A state website that's supposed to help Spanish-speakers understand Pennsylvania's voting laws uses English to



sacred right of suffrage. That leaves very little time for voters to initiate the process for obtaining a replacement birth certificate from another jurisdiction in time to also obtain a PennDOT ID for the purpose of voting on in the November 2012 election.

Older Pennsylvanians born in Puerto Rico face a particular challenge. Puerto Rico passed a law that *invalidated* all Puerto Rican birth certificates issued before July 1, 2010.<sup>72</sup> The U.S. Department of State and the U.S. Citizenship and Immigration Services no longer accept Puerto Rican birth certificates as valid proof of identity or citizenship if the birth certificate was issued before July 1, 2010.<sup>73</sup> Practically all Puerto Rican-born Pennsylvanians in need of photo identification will have to first apply to Puerto Rico for a replacement birth certificate.<sup>74</sup> Unfortunately for these individuals, the application for a replacement birth certificate requires a current government-issued photo identification, such as a driver's license or PennDOT ID.<sup>75</sup> Obviously, older Pennsylvanian applying for a birth certificate from Puerto Rico because they need acceptable voter identification will not have current government-issued photo identification for the Puerto Rican application.

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describe the new voter-identification law.") (available at <http://www.wpxi.com/ap/ap/pennsylvania/pa-spanish-website-covers-voter-id-law-in-english/nPrGx/>) (visited on July 13, 2012).

<sup>72</sup> P.R. Law 191 of 2009 as amended; *see also* Puerto Rico, *Application for Birth Certificate – Instructions*, available at: <https://serviciosenlinea.gobierno.pr/SALUD/Login.aspx?ReturnUrl=%2fSALUD%2forders.aspx%3fgoto%3dnacimiento&goto=nacimiento> (visited on July 13, 2012).

<sup>73</sup> *See* U.S. Dep't of State, *New Requirement for Puerto Rican Birth Certificates*, available at: [http://www.travel.state.gov/passport/passport\\_4807.html](http://www.travel.state.gov/passport/passport_4807.html); U.S.C.I.S., *Effects of Puerto Rico Birth Certificate Invalidation on USCIS Benefit Seekers*, available at <http://www.uscis.gov/portal/site/uscis> (search "Effects of Puerto Rico Birth Certificate Invalidation on USCIS Benefit Seekers") (visited on July 13, 2012).

<sup>74</sup> As a means to manage the demand for replacement birth certificates, Puerto Rico expressly advised all Puerto Ricans, including the 1.4 million living in the continental United States, that "only people who have a specific need for their birth certificate for official purposes request a new birth certificate right away." Puerto Rico, *New Information regarding Birth Certificates*, available at [https://serviciosenlinea.gobierno.pr/SALUD/pdf/New\\_Information\\_regarding\\_Birth\\_Certificates.pdf](https://serviciosenlinea.gobierno.pr/SALUD/pdf/New_Information_regarding_Birth_Certificates.pdf) (visited on July 13, 2012).

<sup>75</sup> Puerto Rico, *Application for Birth Certificate – Instructions*, *supra*.

In addition, many women will have substantial difficulty applying for a PennDOT ID even if they have their birth certificate. 52% of women who have a birth certificate have their birth certificate in their former legal name.<sup>76</sup> Those women will need a marriage or divorce decree to evidence the name change. Replacing a marriage or divorce decree is another substantial burden on older Pennsylvanians similar in kind to replacing a birth certificate; except that Pennsylvania has not made any extra-legislative accommodation for in-state married or divorced individuals. U.S. citizens may also get married and/or divorced making them dependent on foreign government access and recordkeeping in order to obtain replacements, an objective practically impossible to accomplish.<sup>77</sup> Even domestic marriage and death certificates are difficult as some states, Arkansas<sup>78</sup> for example, require government-issued photo identification before issuing a replacement certificate. Fees also range from \$6 to \$30.<sup>79</sup> Particularly, in combination with processing applications for other required documentation of identity, the time it takes to process a request for a marriage or divorce decree could preclude the possibility of voting on Election Day.

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<sup>76</sup> Brennan Center for Justice, *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, November 2006, p.2.

<sup>77</sup> Bob Warner, *Woman's ordeal shows voter-ID pitfalls*, *Philadelphia Inquirer*, July 17, 2012 ("Sherry Skramstad has a harness-racing license and many other seemingly official forms of ID but could not get a Pa. driver's license" because her birth certificate preceded two marriages and divorces, one of which was in Mexico).

<sup>78</sup> Arkansas's official website for information on replacing marriage or divorce certificates is available: <http://www.healthy.arkansas.gov/programsServices/certificatesVitalRecords/Pages/MarriageandDivorceRecords.aspx> (visited on July 13, 2012).

<sup>79</sup> See U.S. Dep't of Health and Human Resources, Center for Disease Control and Prevention, *Where to Write for Vital Records*, *supra*.

Naturalized citizens residing in Pennsylvania will need a Certificate of Naturalization in lieu of their birth certificate in order to obtain a PennDOT ID.<sup>80</sup> However, replacing a Certificate of Naturalization requires a significant investment of time and resources. The fee for the application alone is \$345.<sup>81</sup> While a fee waiver may be available, applications for the waiver are evaluated on a case-by-case basis, making it difficult for individual applicants to predict whether their waiver will be granted. The processing time for the U.S. Citizenship and Immigration Services' service center in Texas, which is the service center that processes the applications forms for Pennsylvania residents, is currently stated at six months.<sup>82</sup> This lengthy timeframe makes it impossible for anyone in need of a Certificate of Naturalization to obtain acceptable voter identification to vote in the November 2012 election. Combined with what is a significant fee for many older Pennsylvania, the lengthy timeline will also prevent many naturalized U.S. citizens residing in Pennsylvania from obtaining a Certificate of Naturalization or a PennDOT ID for future elections.

Moreover, replacing a social security card requires proof of age, proof of identity and proof of citizenship. Most importantly, proof of identity must include a state driver's license, state non-driving identification, or a U.S. Passport.<sup>83</sup> These are all forms of identification that the applicant would not have in the circumstance of a voter in need of acceptable voter

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<sup>80</sup> The U.S.C.I.S. has the same application for a Certificate of Citizenship, a rare but available form of citizenship documentation that a native-born U.S. citizen may use in lieu of a birth certificate. U.S.C.I.S., *Form N-565, Application for Replacement Naturalization/Citizenship Document*, available at <http://www.uscis.gov/n-565>.

<sup>81</sup> *Id.*

<sup>82</sup> U.S.C.I.S., *USCIS Processing Time Information*, available at <https://egov.uscis.gov/cris/processTimesDisplayInit.do?locale=en-US> (visited on July 13, 2012) (select "TSC – Texas Service Center" and click "Service Center Processing Dates"; processing time for the Form N-565 will be the last one listed on the resulting page).

<sup>83</sup> U.S. Social Security Administration, *Application for a Social Security Card*, available at <http://www.socialsecurity.gov/online/ss-5.pdf> (visited on July 13, 2012).

identification. Therefore, the applicant would have to obtain approval with the assistance of legal counsel to use other documentation as evidence of his identity, which must show the person's name and provide biographical information. The U.S. Social Security Administration provides several examples of such documentation, including employee identity cards, medical records (clinic, doctor or hospital), health insurance cards, Medicaid cards, and school identity cards or records.<sup>84</sup> Paradoxically, the U.S. government thus provides accommodation to citizens without photo identification by accepting non-photo identification, but Act 18 does not provide the same options for in-person voters.

The residency documentation requirement will also impose a burden on older Pennsylvanians wishing to exercise their sacred right of suffrage. According to the U.S. Census Bureau, approximately 188,700 Pennsylvanians 65 years or older live in a household in which they are not the owner or tenant of the household and are not married to the owner or tenant.<sup>85</sup> This population will not have a mortgage or lease to present as documentation of their residency. Likely for the same reason, they will not have utility bills in their name. Although a W-2 would be acceptable in lieu of a mortgage, lease or utility bill, 84.3% of Pennsylvanians 65 years or older are out of the labor force.<sup>86</sup> This group of 188,700 older Pennsylvanians who do not have residency documentation in their own name will instead have to bring the owner or tenant with them to the Driver License Center as one of the two forms of residency documentation – and that individual in turn will have to have a driver's license or PennDOT ID as opposed to other forms

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<sup>84</sup> *Id.*

<sup>85</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States* (only 89.9% of 1,868,378 Pennsylvanians 65 years or older living in households are the "householder," meaning the owner or tenant of the household).

<sup>86</sup> U.S. Census Bureau, 2010 American Community Survey, *S0103: Population 65 Years and Over in the United States*.

of photo identification.<sup>87</sup> As a result, these older Pennsylvanians' right to vote will be dependent not only on having a photo identification but also on the photo identification, cooperation and availability of the person they live with and these older Pennsylvanians still need one more form of residency documentation.

Obtaining the various forms of documentation required in order to obtain a PennDOT ID will be impossible for many older Pennsylvanians. For many others, it will be a time-consuming, costly, complex and physically taxing exercise. The various delays easily could make it impossible for the latter group of voters to obtain acceptable voter identification by Election Day. For older Pennsylvanians with limited means, mobility and access to assistance, these burdens imposed by Act 18 are onerous and likely insuperable, and thus unconstitutional.

The Commonwealth has implicitly acknowledged the burden placed on older Pennsylvanians by Act 18 through the Commonwealth's subsequent piecemeal measures to address the burden. Since passage of Act 18, a series of measures have been announced by various departments to try to address challenges Pennsylvania voters face in seeking to obtain the newly required proof of identification in order to vote. The announced implementation measures include changes in the acceptance of drivers licenses expired after 1990 (announced April 18, 2012),<sup>88</sup> changes in birth certificate procedures for Pennsylvania-born voters seeking a PennDOT ID (announced May 23, 2012),<sup>89</sup> and releasing a convenient template for "care facilities" to

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<sup>87</sup> Pa. Dep't of Transportation, *Form DL-54A, Application for Initial Photo Identification*, *supra*.

<sup>88</sup> Associated Press, *Long-expired Pennsylvania driver's licenses OK to use to get state photo ID for voting*, [lehighvalleylive.com](http://www.lehighvalleylive.com), April 18, 2012 available at: [http://www.lehighvalleylive.com/elections/index.ssf/2012/04/long-expired\\_pennsylvania\\_driv.html](http://www.lehighvalleylive.com/elections/index.ssf/2012/04/long-expired_pennsylvania_driv.html) (visited on July 13, 2012).

<sup>89</sup> Associated Press, *Pennsylvania officials drop birth certificate rule for voter ID law*, May 23, 2012, [PennLive.com](http://www.pennlive.com), available at: [http://www.pennlive.com/midstate/index.ssf/2012/05/pennsylvania\\_officials\\_drop\\_bi.html](http://www.pennlive.com/midstate/index.ssf/2012/05/pennsylvania_officials_drop_bi.html) (visited on July 13, 2012).

manufacture their own photo identifications on an 8 ½ x 11 piece of paper with a photo "attach[ed]" (announced May 4, 2012 and June 1, 2012).<sup>90</sup> However, these *ad hoc* measures do not alleviate the unconstitutional burdens placed on the franchise for Pennsylvania voters, and, importantly, are not amendments to the law. These various implementation measures do, however, underscore the burdens and obstacles placed on voters, particularly on older voters, as well as undercut the rationale for Act 18.

The changes to the birth certificate procedures for Pennsylvania-born voters seeking a PennDOT ID still require voters to travel to a Driver License Center at least *twice* – once for the initial application for a PennDOT ID and 10 days later to pick up the PennDOT ID in person. This is simply too much of an obstacle just to exercise one's franchise. And, as noted above, this *ad hoc* measure does not help older voters whose birth was not registered, who were born outside of Pennsylvania and/or who changed their name since birth.

Interestingly, recent media reports indicate that PennDOT now has a special "exceptions processing" for older Pennsylvanians like Sherry Skramstad.<sup>91</sup> Ms. Skramstad had her birth certificate but because of two marriages and divorce, the birth certificate was no longer in her current legal name. When she attempted to obtain a PennDOT ID, PennDOT instructed her to obtain a 50 year-old marriage certificate from North Carolina and a 46-year old divorce decree from *Mexico*. It was an impossibility for her to accomplish on her own or even with the assistance of the Commonwealth's Department of Aging which made an inquiry on Ms. Skramstad's behalf. Only after an inquiry on Ms. Skramstad's behalf by the Philadelphia

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<sup>90</sup> Pete Bannan, *PA. Secretary of State comes to Radnor to unveil voter IDs for nursing home residents*, Main Line Media News, May 9, 2012, available at: [http://mainlinemedianews.com/articles/2012/05/09/main\\_line\\_suburban\\_life/news/doc4fa9e1c2057c6717669766.txt?viewmode=fullstory](http://mainlinemedianews.com/articles/2012/05/09/main_line_suburban_life/news/doc4fa9e1c2057c6717669766.txt?viewmode=fullstory); *see also* letter from Ronald Melusky Director, Adult Residential Facilities, Pa. Department of Public Welfare to all personal care home operators, June 1, 2012, *supra*.

<sup>91</sup> Bob Warner, *Woman's ordeal shows voter-ID pitfalls*, Philadelphia Inquirer, July 17, 2012.

Inquirer, Jan McKnight, a PennDOT spokeswoman, informed the Philadelphia Inquirer that Ms. Skramstad "should have been referred to a supervisor to talk about 'exception processing,' the possibility of getting PennDOT ID with only some of the documentation that PennDOT normally requires."<sup>92</sup> The media report does not explain what is "exception processing" but the circumstances suggest that there is special treatment for individuals able to apply the pressure on state officials that only the news media can apply. However, access to assistance from a major news outlet cannot be the electoral standard for those who do not otherwise have acceptable voter identification.

#### **IV. CONCLUSION**

For the many reasons set forth above, the identification requirement in Act 18 will deny many older Pennsylvanians the franchise and make exercising the franchise so difficult as to amount to a denial for many more older Pennsylvanians. Act 18 is therefore an unconstitutional exercise of the civil power in that it interferes with the free exercise of the right of suffrage and violates the constitutional guarantee of free and equal elections. *Amici* respectfully request that this Court temporarily, if not permanently, enjoin enforcement of Act 18 to preserve the "sacred right" of suffrage for all Pennsylvanians, including the Petitioners.

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<sup>92</sup>

*Id.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "KCBuck", written over a horizontal line.

Dated: July 18, 2012

Karen C. Buck, Esq.  
Attorney ID No. 51051  
SeniorLAW Center  
100 S. Broad Street, Suite 1810  
Philadelphia, PA 19110  
Telephone: 215.988.1243  
Facsimile: 215.988.1243  
kbuck@seniorlawcenter.org

Counsel for *Amici Curiae*



## TABLE OF CITATIONS

### Pennsylvania Constitution

Pa. Const. art 1, § 2 .....	1
Pa. Const. art 1, § 5 .....	1, 19

### Pennsylvania Statutes and Legislative History

Act 18 of 2012 .....	passim
25 P.S. § 3146.1 .....	5
25 P.S. § 2702 .....	
Senate Journal, March 7, 2012.....	20

### Federal and State Cases

<i>Harper v. Va. Bd. of Elections</i> , 383 U.S. 663 (1966) .....	14, 21
<i>Winston v. Moore</i> , 244 Pa. 447 (1914) .....	1
<i>Mixon v. Commonwealth</i> , 759 A.2d 442 (Pa. Commw. 2000) .....	6, 11

### Federal Government Studies and Resources

U.S. Census Bureau, 2010 U.S. Census, <i>DP-1, 2010 Demographic Profile Data for Pennsylvania</i> <a href="http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&amp;prodType=table">http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&amp;prodType=table</a> .....	2, 13
U.S. Census Bureau, 2010 American Community Survey, <i>S0103: Population 65 Years and Over in the United States</i> (census data generated on <a href="http://factfinder2.census.gov/specifically">http://factfinder2.census.gov/specifically</a> for Pennsylvania Population 65 Years and Over) <a href="http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_S0103&amp;prodType=table">http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_S0103&amp;prodType=table</a> .....	passim
U.S. Census Bureau, <i>2010 American Community Survey Briefs: Lifetime Mobility in the United States, 2010</i> , November 2011 <a href="http://www.census.gov/prod/2011pubs/acsbr10-07.pdf">http://www.census.gov/prod/2011pubs/acsbr10-07.pdf</a> .....	20
U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2010, <i>Table 4c. Reported Voting and Registration, by Age, for States: November 2010</i> <a href="http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2010/tables.html">http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2010/tables.html</a> .....	3

U.S. Census Bureau, 2010 American Community Survey, available from Steven Ruggles, et. al, Integrated Public Use Microdata Series: Version 5.0, Minneapolis: University of Minnesota, 2010, <a href="http://usa.ipums.org/usa/index.shtml">http://usa.ipums.org/usa/index.shtml</a> .....	3
U.S. Administration on Aging, <i>U.S. Census Demographic Profile Data for States by Age: April 1, 2010</i> , September 12, 2011 (tables compiled based on DP-1, 2010 Demographic Profile Data) .....	2
U.S. Administration on Aging, <i>A Profile of Older Americans: 2011 – Disability and Activity Limitations</i> , available at <a href="http://www.aoa.gov/AOARoot/Aging_Statistics/Profile/2011/16.aspx">http://www.aoa.gov/AOARoot/Aging_Statistics/Profile/2011/16.aspx</a> (visited on July 13, 2012).....	3
U.S. Dep't of Health & Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, <i>U.S. Vital Statistics System: Major Activities and Developments, 1950-95</i> , at 10 (1997).....	18
U.S. Dep't of Health & Human Resources, Center for Disease Control and Prevention, <i>Where to Write for Vital Records</i> , available at <a href="http://www.cdc.gov/nchs/w2w/w2w.pdf">http://www.cdc.gov/nchs/w2w/w2w.pdf</a> (updated July 2012) <i>and</i> <a href="http://www.cdc.gov/nchs/w2w.htm">http://www.cdc.gov/nchs/w2w.htm</a> (visited on July 13, 2012) .....	20, 21, 23
U.S. Dep't of Health & Human Resources, <i>Medicare Eligibility Tool</i> , <a href="http://www.medicare.gov/MedicareEligibility/home.asp?dest=NAV%7CHome%7CGeneralEnrollment%7CAboutCard&amp;version=default&amp;browser=IE%7C9%7CWindows+7&amp;language=English">Medicare.gov</a> , available at: <a href="http://www.medicare.gov/MedicareEligibility/home.asp?dest=NAV%7CHome%7CGeneralEnrollment%7CAboutCard&amp;version=default&amp;browser=IE%7C9%7CWindows+7&amp;language=English">http://www.medicare.gov/MedicareEligibility/home.asp?dest=NAV%7CHome%7CGeneralEnrollment%7CAboutCard&amp;version=default&amp;browser=IE%7C9%7CWindows+7&amp;language=English</a> (visited on July 13, 2012).....	9
U.S. Dep't of State, <i>Passport Statistics</i> , available at <a href="http://travel.state.gov/passport/ppi/stats/stats_890.html">http://travel.state.gov/passport/ppi/stats/stats_890.html</a> (visited on July 13, 2012) .....	7
U.S. Dep't of State, <i>New Requirement for Puerto Rican Birth Certificates</i> , available at: <a href="http://www.travel.state.gov/passport/passport_4807.html">http://www.travel.state.gov/passport/passport_4807.html</a> .....	22
U.S.C.I.S., <i>Effects of Puerto Rico Birth Certificate Invalidation on USCIS Benefit Seekers</i> , available at <a href="http://www.uscis.gov/portal/site/uscis">http://www.uscis.gov/portal/site/uscis</a> (search "Effects of Puerto Rico Birth Certificate Invalidation on USCIS Benefit Seekers") (visited on July 13, 2012) .....	22
U.S.C.I.S., <i>Form N-565, Application for Replacement Naturalization/Citizenship Document</i> , available at <a href="http://www.uscis.gov/n-565">http://www.uscis.gov/n-565</a> .....	24

U.S.C.I.S., <i>USCIS Processing Time Information</i> , available at <a href="https://egov.uscis.gov/cris/processTimesDisplayInit.do?locale=en-US">https://egov.uscis.gov/cris/processTimesDisplayInit.do?locale=en-US</a> (visited on July 13, 2012) (select "TSC – Texas Service Center" and click "Service Center Processing Dates"; processing time for the Form N-565 will be the last one listed on the resulting page).....	24
U.S. Social Security Administration, <i>Application for a Social Security Card</i> , available at <a href="http://www.socialsecurity.gov/online/ss-5.pdf">http://www.socialsecurity.gov/online/ss-5.pdf</a> (visited on July 13, 2012) .....	24
U.S. House of Representatives, Office of the Clerk, <i>Election Statistics</i> , available at <a href="http://clerk.house.gov/member_info/electionInfo/index.aspx">http://clerk.house.gov/member_info/electionInfo/index.aspx</a> (visited on July 13, 2012).....	8
Letter from Ronald Melusky, Director, Adult Residential Facilities, Pa. Department of Public Welfare to all personal care home operators, June 1, 2012.....	12
<b>Commonwealth of Pennsylvania Studies and Resources</b>	
Pa. Department of Aging, <i>Draft State Plan on Aging 2012-16</i> , p. 7, available at <a href="http://www.portal.state.pa.us/portal/server.pt/document/1260205/draft_state_plan.pdf">http://www.portal.state.pa.us/portal/server.pt/document/1260205/draft_state_plan.pdf</a> .....	4
Pa. Dep't of State, Press Release: <i>Department of State and PennDOT Confirm  Most Registered Voters Have Photo ID</i> (July 3, 2012) .....	8
Pa. Dep't of State, <i>Frequently Asked Questions – Using a Care Facility ID to Vote  in Person</i> , April 18, 2012, available at <a href="http://www.votespa.com">http://www.votespa.com</a> (visited on July 12, 2012).....	20
Pa. Dep't of Transportation, License Control Division, Report on License Relinquishment, <i>Drivers Licenses: Statistics and Research on  Relinquishing</i> , (data provided by Pa. Dep't of Aging to <i>Amici</i> upon request).....	7
Pa. Dep't of Transportation, Driver & Vehicle Services, <i>Locations Info Center</i> , <a href="https://www.dot33.state.pa.us/locator/locator.jsp#top?20120713102533820=20120713102533820">https://www.dot33.state.pa.us/locator/locator.jsp#top?20120713102533820=20120713102533820</a> (For Step 1, select Yes for "(C.) Search the entire state?"; for Step 2, select "Photo ID Card" and "Photo ID Card Duplicate/Replacement") (visited on July 13, 2012) .....	16
Pa. Dep't of Transportation, <i>Form DL-54A, Application for Initial Photo  Identification</i> , available at <a href="http://www.dmv.state.pa.us/pdotforms/dl_forms/dl-54a.pdf">http://www.dmv.state.pa.us/pdotforms/dl_forms/dl-54a.pdf</a> .....	16, 26

Pa. Legislative Budget and Finance Committee, <i>Feasibility of Limiting Polling Places to Handicap Accessible Schools and Government Buildings</i> , February 2008. ....	15
Pa. Legislative Budget and Finance Committee, <i>Pennsylvania Lottery Funding of Programs and Services for Older Pennsylvanians</i> , February 2012, p.S-4 .....	9
The Center for Rural Pennsylvania, <i>Demographics – About Rural PA</i> , available at <a href="http://www.rural.palegislature.us/demographics_about_rural_pa.html">http://www.rural.palegislature.us/demographics_about_rural_pa.html</a> (visited on July 13, 2012) (The Center for Rural Pennsylvania is a legislative agency of the Pennsylvania General Assembly) .....	4
<b>Other U.S. State and Territory Resources</b>	
Alaska's official website for information on birth certificates, <a href="http://www.hss.state.ak.us/dph/bvs/birth/default.htm">http://www.hss.state.ak.us/dph/bvs/birth/default.htm</a> (visited on July 13, 2012) .....	21
Arkansas's official website for information on birth certificates, <a href="http://www.healthy.arkansas.gov/programsServices/certificatesVitalRecords/Pages/BirthRecords.aspx">http://www.healthy.arkansas.gov/programsServices/certificatesVitalRecords/Pages/BirthRecords.aspx</a> (visited on July 13, 2012).....	21
Arkansas's official website for information on replacing marriage or divorce certificates is available: <a href="http://www.healthy.arkansas.gov/programsServices/certificatesVitalRecords/Pages/MarriageandDivorceRecords.aspx">http://www.healthy.arkansas.gov/programsServices/certificatesVitalRecords/Pages/MarriageandDivorceRecords.aspx</a> (visited on July 13, 2012).....	23
Hawaii's official website for information on birth certificates,: <a href="http://hawaii.gov/health/vital-records/vital-records/vital_records.html">http://hawaii.gov/health/vital-records/vital-records/vital_records.html</a> (visited on July 13, 2012).....	21
Iowa's official website for information on birth certificates,: <a href="http://www.idph.state.ia.us/apl/vital_records_info.asp">http://www.idph.state.ia.us/apl/vital_records_info.asp</a> (visited on July 13, 2012) .....	21
New Mexico's official application and instructions for birth certificates,: <a href="http://www.vitalrecordsnm.org/Forms/BirthSearchApplication-EN.pdf">http://www.vitalrecordsnm.org/Forms/BirthSearchApplication-EN.pdf</a> (visited on July 13, 2012).....	21
New York's official website for information on birth certificates,: <a href="http://www.health.ny.gov/vital_records/birth.htm">http://www.health.ny.gov/vital_records/birth.htm</a> (visited on July 13, 2012) .....	21
North Carolina's official application and instructions for birth certificates,: <a href="http://vitalrecords.nc.gov/documents/bcertificatapp.pdf">http://vitalrecords.nc.gov/documents/bcertificatapp.pdf</a> (visited on July 13, 2012) .....	21

Puerto Rico, <i>Application for Birth Certificate – Instructions</i> , available at: <a href="https://serviciosenlinea.gobierno.pr/SALUD/Login.aspx?ReturnUrl=%2fSALUD%2forders.aspx%3fgoto%3dnacimiento&amp;goto=nacimiento">https://serviciosenlinea.gobierno.pr/SALUD/Login.aspx?ReturnUrl=%2fSALUD%2forders.aspx%3fgoto%3dnacimiento&amp;goto=nacimiento</a> (visited on July 13, 2012).....	22
Puerto Rico, <i>New Information regarding Birth Certificates</i> , available at <a href="https://serviciosenlinea.gobierno.pr/SALUD/pdf/New_Information_regarding_Birth_Certificates.pdf">https://serviciosenlinea.gobierno.pr/SALUD/pdf/New_Information_regarding_Birth_Certificates.pdf</a> (visited on July 13, 2012) .....	22
<b>Secondary Sources</b>	
AARP Public Policy Institute, <i>Pennsylvania State Housing Profile 2011</i> .....	3
AARP Public Policy Institute, <i>Across the States: Profiles of Long-Term Care and Independent Living</i> , Ari Houser et al., 8 <sup>th</sup> ed. (2009) .....	4
AARP Public Policy Institute, <i>How the Travel Patterns of Older Adults are Changing</i> , 2011 .....	7
Brennan Center for Justice, <i>Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification</i> , November 2006.....	6, 16, 17, 23
Brennan Center for Justice, <i>The Challenge of Obtaining Voter Identification</i> , Keesha Gaskins et al., July 2012. ....	16
Dr. Martin Luther King, Jr., “Give Us the Ballot” Address at the Prayer Pilgrimage for Freedom (May 17, 1957) .....	1
National Academy of Social Insurance, <i>The Role of Benefits in Income and Poverty</i> , available at <a href="http://www.nasi.org/learn/socialsecurity/benefits-role">http://www.nasi.org/learn/socialsecurity/benefits-role</a> (visited on July 13, 2012). ....	9, 10
Sam Shapiro, Development of Birth Registration and Birth Statistics in the United States, 4 Population Studies: A Journal of Demography 86, 98-99 Table 2 (1950).....	18
Testimony of Douglas E. Hill, Executive Director, County Commissioners Association of Pennsylvania to House State Government Committee March 21, 2011 (HB 934 & HB 647), available at <a href="http://www.pacounties.org/GovernmentRelations/Documents/VoterIDHStateMemo20100318.pdf">http://www.pacounties.org/GovernmentRelations/Documents/VoterIDHStateMemo20100318.pdf</a> (visited on July 13, 2012) .....	22
Associated Press, <i>Pa. Spanish Website covers voter ID law in English</i> , <a href="http://www.wpxi.com">wpxi.com</a> , July 11, 2012 (available at <a href="http://www.wpxi.com/ap/ap/pennsylvania/pa-spanish-website-covers-voter-id-law-in-english/nPrGx/">http://www.wpxi.com/ap/ap/pennsylvania/pa-spanish-website-covers-voter-id-law-in-english/nPrGx/</a> ) (visited on July 13, 2012). ....	21-22

Associated Press, <i>Long-expired Pennsylvania driver's licenses OK to use to get state photo ID for voting</i> , <u>lehighvalleylive.com</u> , April 18, 2012 available at: <a href="http://www.lehighvalleylive.com/elections/index.ssf/2012/04/long-expired_pennsylvania_driv.html">http://www.lehighvalleylive.com/elections/index.ssf/2012/04/long-expired_pennsylvania_driv.html</a> (visited on July 13, 2012).....	26
Associated Press, <i>Pennsylvania officials drop birth certificate rule for voter ID law</i> , May 23, 2012, <u>PennLive.com</u> , available at: <a href="http://www.pennlive.com/midstate/index.ssf/2012/05/pennsylvania_officials_drop_bi.html">http://www.pennlive.com/midstate/index.ssf/2012/05/pennsylvania_officials_drop_bi.html</a> (visited on July 13, 2012) .....	26
Bob Warner, <i>Analysis: Philly voters over 80 would be most inconvenienced by new ID law</i> , <u>Philadelphia Inquirer</u> , July 18, 2012.....	8, 9
Bob Warner, <i>Voter ID Law may affect more Pennsylvanians than previously estimated</i> , <u>Philadelphia Inquirer</u> , July 4, 2012.....	7
Bob Warner, <i>Woman's ordeal shows voter-ID pitfalls</i> , <u>Philadelphia Inquirer</u> , July 17, 2012.....	23, 27, 28
CBS Local, <i>PA Officials Urge Nursing Homes to Provide Residents with Voter ID Cards</i> , available at: <a href="http://philadelphia.cbslocal.com/2012/06/08/pa-officials-urge-nursing-homes-to-provide-residents-with-voter-id-cards/">http://philadelphia.cbslocal.com/2012/06/08/pa-officials-urge-nursing-homes-to-provide-residents-with-voter-id-cards/</a> .....	13
Pete Bannan, <i>PA. Secretary of State comes to Radnor to unveil voter IDs for nursing home residents</i> , <u>Main Line Media News</u> , May 9, 2012, available at: <a href="http://mainlinemedianews.com/articles/2012/05/09/main_line_suburban_life/news/doc4fa9e1c2057c6717669766.txt?viewmode=fullstory">http://mainlinemedianews.com/articles/2012/05/09/main_line_suburban_life/news/doc4fa9e1c2057c6717669766.txt?viewmode=fullstory</a> .....	27
Tom Barnes, <i>State Urged to Help Homeless Veterans as their Ranks Grow</i> , <u>Pittsburgh Post-Gazette</u> , May 9, 2012 available at <a href="http://www.post-gazette.com/stories/local/state/state-urged-to-help-homeless-veterans-as-their-ranks-grow-85945/#ixzz20XQpTwvd">http://www.post-gazette.com/stories/local/state/state-urged-to-help-homeless-veterans-as-their-ranks-grow-85945/#ixzz20XQpTwvd</a> (visited on July 13, 2012) .....	11
Tom Murse, <i>Veterans IDs problem with Voter Measure</i> , <u>Lancaster Online: An Edition of the Intelligencer Journal</u> , May 12, 2012 available at <a href="http://lancasteronline.com/article/local/603592_Veteran-IDs-problem-with-voter-measure.html">http://lancasteronline.com/article/local/603592_Veteran-IDs-problem-with-voter-measure.html</a> (visited on July 13, 2012).....	10, 11

## **SCHEDULE A**

### *Appendix of Amici Curiae*

*Amicus SeniorLAW Center* is an independent nonprofit organization which improves the lives of older Pennsylvanians and protects their rights through legal representation, education and advocacy. Founded in 1978, SeniorLAW Center has served more than 300,000 seniors through its many diverse programs, including its statewide SeniorLAW HelpLine which serves seniors in all 67 counties of Pennsylvania. Through its staff of attorneys and advocates and vibrant pro bono volunteer programs, SeniorLAW Center addresses critical legal issues affecting the lives of seniors, including housing and shelter, elder abuse, consumer protection, health care, advance planning, family law, and civil and voting rights. SeniorLAW Center works in partnership with well over 100 local, regional and national aging, legal, health and human services organizations, including diverse pro bono legal partners, to promote the safety, independence and dignity of Pennsylvania seniors.

At the invitation of leaders of the Pennsylvania House State Government Committee, SeniorLAW Center testified at the original March 2011 hearing on Act 18 (then House Bill 934), expressing concerns regarding the impact of the law and the disenfranchisement of older voters. SeniorLAW Center has authored numerous articles on the challenges facing Pennsylvania seniors under Act 18, and continues to provide education, outreach and legal assistance to older Pennsylvanians throughout the Commonwealth to help protect their right of suffrage.

*Amicus AARP* is a nonpartisan, nonprofit organization dedicated to assuring that older Americans have independence, choice and control in ways beneficial and affordable to them and to society as a whole. AARP advocates, including in state and federal courts, for adoption and implementation of public policies of benefit to older Americans. Such policies

include measures designed to encourage electoral participation among all voters, including older voters, while assuring the integrity of the electoral process.

AARP believes that states should not impose unreasonable identification requirements that discourage or prevent citizens from voting. Accordingly, as an *amicus curiae*, AARP has opposed “photo ID” voting laws enacted in Missouri, Michigan and Indiana. AARP Foundation Litigation attorneys, acting as co-counsel for plaintiffs, also have challenged such laws enacted in Georgia and Arizona. In AARP’s view and experience, such laws undermine and discourage electoral participation, while failing to contribute in any meaningful way to the integrity of in-person voting.

Act 18, which if not enjoined or struck down, will be in effect for the elections scheduled for November 6, 2012 – like “photo ID” voting laws in the other states identified above – threatens to undermine longstanding AARP policies to the detriment of many voters and of electoral democracy in the State of Pennsylvania. Persons likely to be harmed include many older voters, including a significant share of AARP members living in Pennsylvania.

***Amicus Pennsylvania Association of Area Agencies on Aging***’s mission is to act as an advocate for aging – promoting the continued physical, social, and economic self-sufficiency of Pennsylvania’s seniors. Founded in 1977, the Association pursues elders’ right to choice and dignity in daily living; and strives to furnish its Members with the essential informational and educational resources to deliver quality service toward this end. The Association has come to represent both the best interests of older Pennsylvanians and its Area Agency on Aging Membership by fostering collaboration in areas of advocacy, leadership, training and policy.



By virtue of its Membership structure, the Association affords Pennsylvania's 52 Area Agencies on Aging the opportunity to have direct input into broad issues of statewide and national import, while retaining responsiveness to the character and unique needs of each local community. In this forum, the Association's Members benefit from the knowledge and capabilities of others throughout the Commonwealth – allowing them to evolve quality standards and procedure reflecting contemporary statewide thinking and demonstrated best practice.

*Amicus* **Center for Advocacy for the Rights and Interests of the Elderly** ("CARIE") is a non-profit organization providing free education, consultation and problem-solving services for older adults and family caregivers, as well as systemic advocacy on behalf of vulnerable elders since 1977. CARIE fulfills its core mission, "to improve the well-being, rights and autonomy of older persons through advocacy, education, and action," each year by helping several thousand older Pennsylvanians understand benefits and rights, assess options and access services to improve their health and meet their needs. CARIE works with older adults who live alone, with family, and in various long term care settings such as nursing homes. These consumers often have multiple health problems and are of limited means. CARIE has encountered many older Pennsylvanians who are confused or unaware about Act 18.

*Amicus* **Pennsylvania Alliance for Retired Americans** is a 501(c)(4) organization with approximately 300,000 members whose mission is to ensure social and economic justice and full civil rights for all citizens so that they may enjoy dignity, personal fulfillment and family security as senior citizens. The Alliance endeavors to give older and retired persons the opportunity to strive to create a society that incorporates these goals and rights during their retirement, allowing them to pursue new and expanded activities with their unions, civic organizations and their communities. By educating their peers in the community

and advocating to decision-makers on issues that affect the quality of life for retirees, Alliance members strive to be an asset to all current and future retirees in every community across Pennsylvania. Among the top priorities for this advocacy are strengthening Social Security, preserving and improving Medicare for future generations, increasing the quality and access to health care for both Medicare and pre-Medicare retirees, and protecting every senior citizen's right to vote.

*Amicus* **the Pennsylvania Homecare Association ("PHA")** is a statewide association representing more than 500 home health, hospice and private duty providers that care for and support nearly 1 million older Pennsylvanians each year. PHA's member organizations provide services and supports to our state's most vulnerable seniors and adults with disabilities so that they can remain in their own homes and communities living as independently as possible. As such, PHA is committed to advocating on behalf of the people we serve – seniors and individuals with disabilities who are among the groups hit hardest by Act 18.

*Amicus* **ElderNet of Lower Merion and Narberth** is a not for profit, 501(c)3 organization that was founded in 1976 by representatives of community, religious and governmental representatives to serve at-risk elderly and younger disabled residents of Lower Merion and Narberth Borough (Montgomery County, PA). ElderNet helps frail older and disabled younger adults remain living independently and safely in their homes by providing free practical volunteer and social work services. ElderNet has approximately 150 active volunteers who are escort drivers (for frail elderly/disabled residents who need assistance getting to the doctor or to other necessary appointments), shop for/with the clients, provide telephone reassurance, odd jobs, friendly visiting and help with bills and mail. ElderNet's staff of trained professionals supervise volunteers, deal with complex client issues, and provide information and

referral services to any callers, regardless of age, income or locality. ElderNet also has a food cupboard for those in need. ElderNet has a vital Advocacy Committee, comprised of community members and agencies as well as ElderNet volunteers and staff.

*Amicus the Institute for Leadership Education, Advancement and Development ("I-LEAD")* is a nonpartisan, statewide Pennsylvania nonprofit school headquartered in Valley Forge, Pennsylvania, with a mission to liberate human potential in challenged communities through leadership development and higher education. Founded in 1995, I-LEAD's programs and services have included leadership training, workforce development and civic and community engagement programs that serve low income neighborhoods across Pennsylvania, including a longstanding focus on major Latino communities in Pennsylvania's 222 corridor extending from Easton to Allentown, Bethlehem, Reading, Lancaster and York. I-LEAD's history includes special service to elderly Latino Pennsylvanians through projects conducted with the Pennsylvania Departments of Aging, Health, Labor and Industry, and Community and Economic Development as well as multiple Area Agencies on Aging located in Central Pennsylvania. This work has included development and implementation of nurse aide and community health worker training programs, tobacco cessation projects and technology training initiatives designed to overcome the severe economic, linguistic and cultural barriers that confront Latino senior citizens.

*Amicus Intercommunity Action, Inc.* is a nonprofit organization formed in 1969 and now serves 6,000 individuals annually and provides high quality services to older adults and to adults and children with behavioral health needs or intellectual disabilities. Intercommunity Action's Aging Services division, called Journey's Way: Resources and Programs for People 55+, serves approximately 4,000 older adults each year in Philadelphia and the near surrounding

suburbs. Journey's Way ("JW") helps older adults living in the community at all points in their journey of aging and provides critically needed resources so they are better able to age in their homes. The agency's senior center, the Center at Journey's Way, is a focal point for services including health and wellness, nutrition programs, housing counseling, help with benefits and entitlements, life-long learning programs, and social engagement. Other programs that assist older adults include JW's Housing Counseling program, Neighbor to Neighbor community volunteer program supporting older residents, the Adult Day Services Center prevents premature institutionalization by providing care for older men and women who cannot remain home alone, a nationally recognized geriatric mental health program, and affordable housing for older adults. Act 18 is a significant impediment to the right to vote of the older Pennsylvanians and people of disabilities who Intercommunity Action serves, a right that most older voters take seriously.

*Amicus* the **Jewish Social Policy Action Network ("JSPAN")** is a nonprofit organization of American Jews dedicated to protecting the Constitutional liberties and civil rights of Jews, other minorities, and the vulnerable in our society, with a Policy Center focusing on the rights of the elderly. Based in Philadelphia, JSPAN has a national reach, having filed amicus briefs before the U.S. Supreme Court and federal and state courts from California to Massachusetts. JSPAN's interest in this case arises from the overlap of two areas of critical interest to the Jewish community and thus, to JSPAN's members. Jews traditionally have the highest percentage voter turnout of any ethnic group, but will be significantly impeded by Act 18 because Jews are older than other demographic groups, tend to live in urban areas and thus have a lesser need for a driver's license, the most common form of photo identification, and consist of a significant percentage of immigrants who do not have easy access to their birth certificates. JSPAN presented testimony to the Pennsylvania Secretary of Aging on the 2008-2012 and 2012-

2016 Draft State Plans on Aging. JSPAN has long maintained a bipartisan Policy Center on election law issues and has provided continuing legal educational programs, legislative testimony and testimony to the Pennsylvania Bar Association Constitutional Reform Commission on voting rights issues.

## **SCHEDULE B**

### **Acceptable Forms of Voter Identification Before Act 18 of 2012 25 P.S. § 3050 (2011)**

Acceptable forms of photo identification included:

- A valid Pennsylvania driver's license or other identification card issued by the Pennsylvania Department of Transportation;
- An identification issued by a Pennsylvania or U.S. agency;
- A U.S. passport;
- A military identification;
- A student identification; or
- An employee identification.

Acceptable forms of non-photo identification included any of the following, as long as the identification displayed the voter's name and address:

- An identification issued by a Pennsylvania or U.S. agency;
- A gun permit;
- A utility bill;
- A bank statement;
- A paycheck; or
- A government check.

Acceptable Forms of Voter Identification After Act 18 of 2012  
25 P.S. §§ 3050, (2012)

<u>Method of Voting</u>	<u>Acceptable Identification</u>
<p>A voter appearing to vote in person when:</p> <p>- the voter does not have a religious objection to photo identification.</p>	<p>Any of the following government-issued identification:</p> <ul style="list-style-type: none"> <li>• An unexpired U.S. Passport;</li> <li>• Pennsylvania driver license or non-driver identification, which must be unexpired or expired for 12 months or less;</li> <li>• U.S. or Pennsylvania military identification, which must be unexpired specify an indefinite expiration</li> <li>• U.S. or Pennsylvania military dependent's identification, which must be unexpired; or</li> <li>• Federal, State or Municipal employee identification.</li> </ul> <p>Any of the following non-government-issued identification:</p> <ul style="list-style-type: none"> <li>• A Pennsylvania accredited university identification, which must be unexpired; or</li> <li>• A Pennsylvania care facility identification, which must be unexpired.</li> </ul>
<p>A voter appearing to vote in person when:</p> <p>- the voter has a religious objection to photo identification.</p>	<ul style="list-style-type: none"> <li>• A valid-without-photo driver's license or valid-without-photo identification card issued by the Pennsylvania Department of Transportation (<i>non-photo identification</i>).</li> </ul>
<p>An absentee voter when:</p> <p>- the voter has a religious objection to photo identification.</p>	<ul style="list-style-type: none"> <li>• A photocopy of a valid-without-photo driver's license or valid-without-photo identification card issued by the Pennsylvania Department of Transportation (<i>non-photo identification</i>).</li> </ul>

<u>Method of Voting</u>	<u>Acceptable Identification</u>
<p>An absentee voter when:</p> <ul style="list-style-type: none"> <li>- the voter does not have a religious objection to photo identification, and</li> <li>- the voter has a current and valid driver's license.</li> </ul>	<ul style="list-style-type: none"> <li>• The voter's driver's license number (<i>non-photo identification</i>).</li> </ul>
<p>An absentee voter when:</p> <ul style="list-style-type: none"> <li>- the voter does not have a religious objection to photo identification,</li> <li>- the voter does not have a current and valid driver's license, and</li> <li>- the voter has a social security number.</li> </ul>	<ul style="list-style-type: none"> <li>• The last four digits of the individual's Social Security number (<i>non-photo identification</i>).</li> </ul>
<p>An absentee voter when:</p> <ul style="list-style-type: none"> <li>- the voter does not have a religious objection to photo identification,</li> <li>- the voter does not have a current and valid driver's license, and</li> <li>- the voter does not have a social security number.</li> </ul>	<ul style="list-style-type: none"> <li>• A photocopy of a form of identification acceptable for voting in person.</li> </ul>
<p>An absentee voter when:</p> <ul style="list-style-type: none"> <li>- the voter is entitled to vote by absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act</li> </ul>	<ul style="list-style-type: none"> <li>• Such an individual is exempt from the identification requirement (<i>non-photo identification</i>).</li> </ul>



<u>Method of Voting</u>	<u>Acceptable Identification</u>
<p>An absentee voter when:</p> <ul style="list-style-type: none"> <li>- the voter is entitled to vote by alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act</li> </ul>	<ul style="list-style-type: none"> <li>• Such an individual is exempt from the identification requirement (<i>non-photo identification</i>).</li> </ul>
<p>A voter appearing to vote in person when:</p> <ul style="list-style-type: none"> <li>- the voter does not bring or have acceptable form of identification, and</li> <li>- the voter is indigent.</li> </ul>	<ul style="list-style-type: none"> <li>• Such a voter casts a provisional ballot.</li> <li>• Such a voter must submit to the County Board of Elections within four business days of the election to provide an affirmation affirming that the affiant is the same individual who cast the provisional ballot and that the individual is indigent and unable to obtain proof of identification without the payment of a fee.</li> <li>• Such an affirmation does not require further identification (<i>non-photo identification</i>).</li> </ul>
<p>A voter appearing to vote in person when:</p> <ul style="list-style-type: none"> <li>- the voter does not bring or have acceptable form of identification, and</li> <li>- the voter is not indigent.</li> </ul>	<ul style="list-style-type: none"> <li>• Such a voter casts a provisional ballot.</li> <li>• Such a voter must also return to the County Board of Elections within four business days of the election to provide an affirmation affirming that the affiant is the same individual who cast the provisional ballot along with a photocopy of a form of identification acceptable for voting in person.</li> <li>• Such an affirmation requires a photocopy of a form of identification acceptable for voting in person.</li> </ul>

## **SCHEDULE C**

Commonwealth of Pennsylvania Template for Voter Identification

Source: Letter from Ronald Melusky Director, Adult Residential Facilities, Pa. Department of Public Welfare to all personal care home operators, June 1, 2012

(attached)

Insert the name and address of your personal care home in this box.  
You may also paste your personal care home's letterhead here.

Attach a photo of the resident here. You may use the photo from the resident's record that is required by 55 Pa.Code § 2600.252(3) (relating to content of resident records), or any other photograph. Remember – if you use the photo from the resident's record, the photo must be returned to the record after the resident votes. You may insert the entire photo ID into the record after the resident votes and still be in compliance with § 2600.252(3)

Insert the resident's full name in this box.

**Expiration Date =**

Insert the ID's expiration date here. Since the Voter ID Law does not specify when an ID must expire, you may select any date you wish, as long as it is after the election in which the resident wishes to vote



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
PO BOX 2675  
HARRISBURG, PENNSYLVANIA 17105-2675

ADULT RESIDENTIAL LICENSING

PHONE: (717) 783-3670  
FAX: (717) 783-5662

**JUN 01 2012**

Dear Personal Care Home Operator:

Act 18 of 2012 (the Voter ID Law) requires voters to show an acceptable photo ID to vote at the polls starting with the November 2012 general election. The Voter ID Law permits "care facilities" to create photo identification documents for residents. "Care facility" means a long-term care nursing facility, an assisted living residence or a personal care home. As a personal care home operator, you are permitted to produce photo IDs for your residents who wish to vote.

The Pennsylvania Departments of Public Welfare and State have collaborated to assist you in producing acceptable photo IDs. A template photo ID is enclosed with this letter. You may use this template to generate photo IDs for residents of your personal care home. An electronic, editable version of the template is available upon request. Also enclosed are question-and-answer documents produced by the Department of State relating to the Voter ID Law.

While there is no specific regulatory requirement relating to the production of photo IDs, you are reminded that failure to assist a resident who wishes to vote to do so (including failure to produce a photo ID for a resident who requires an ID) may result in a violation of 55 Pa.Code § 2600.23(b) (relating to activities).

If you have any questions about producing a photo ID in accordance with the Voter ID Law, please contact the Department's Operator Support Hotline at 1-866-503-3926 or via electronic mail at [pw-arlheadquarters@pa.gov](mailto:pw-arlheadquarters@pa.gov).

Sincerely,

A handwritten signature in black ink, appearing to be "R. Melusky".

Ronald Melusky  
Director

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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**DOCKET NO.: 330 MD 2012**

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**VIVIETTE APPLEWHITE, ET AL.**

**Petitioners,**

**v.**

**COMMONWEALTH OF PENNSYLVANIA**

**Respondent,**

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**Certification of Service**

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I, Karen C. Buck, Esquire, certify that on this 18th day of July 2012, I caused a copy of the foregoing Amicus Brief in Support of Petitioners to be served upon the Respondent by U.S. Mail First Class – postage prepaid.

Patrick S. Cawley, Esquire  
Senior Deputy Attorney General  
Commonwealth of Pennsylvania  
Civil Litigation Section  
15th Floor, Strawberry Square  
Harrisburg, PA 17120

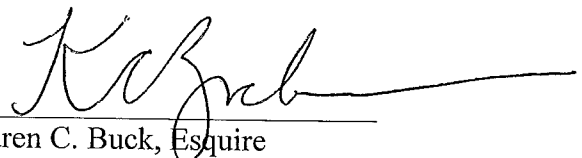
Calvin R. Koons, Esquire  
Senior Deputy Attorney General  
Commonwealth of Pennsylvania  
Civil Litigation Section  
15th Floor, Strawberry Square  
Harrisburg, PA 17120

Kevin P. Schmidt, Esquire  
Deputy General Counsel  
Office of General Counsel  
333 Market Street, 17th Floor  
Harrisburg, PA 17101

And provided service upon the Petitioners by electronic mail to:

Jennifer R. Clarke, Esquire  
jclarke@pilcop.org  
PUBLIC INTEREST LAW CENTER OF PHILADELPHIA  
1709 Benjamin Franklin Parkway, 2nd Floor  
Philadelphia, PA 19103

*Accepting service by electronic mail on behalf of Petitioners.*

A handwritten signature in dark ink, appearing to read 'K. Buck', with a long horizontal flourish extending to the right.

Karen C. Buck, Esquire  
Attorney ID No. 51051  
SeniorLAW Center  
100 South Broad Street, Suite 1810  
Philadelphia, PA 19110  
Telephone: 215.988.1244  
Facsimile: 215.988.1243  
kbuck@seniorlawcenter.org