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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CASSANDRA ADAMS JONES, ARIELA BERG, FELICIA COOPER, RADHARANI HOWARD, KENEDY KIEFFER, SARAH MEARHOFF, KELLY MYERS, JOHN NEUGEBAUER, EDWARD REAM, and the AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA, Petitioners, v. ROBERT TORRES, IN HIS CAPACITY AS SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA; JONATHAN M. MARKS, IN HIS CAPACITY AS COMMISSIONER OF THE BUREAU OF COMMISSIONS, ELECTIONS, AND LEGISLATION OF THE PENNSYLVANIA DEPARTMENT OF STATE; JOSEPH B. SCARNATI III, IN HIS CAPACITY AS PENNSYLVANIA SENATE PRESIDENT PRO TEMPORE; MICHAEL C. TURZAI, IN HIS CAPACITY AS SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES; THOMAS W. WOLF, IN HIS CAPACITY AS GOVERNOR OF PENNSYLVANIA, Respondents.	No.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days, or within the time set by order of the court, after this petition for review and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claims or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Dauphin County Bar Association
Lawyer Referral Service
213 North Front Street Harrisburg,
PA 17101
(717) 232-7536

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted treinta (30) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objections a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decider a favor del demandante y require que usted cumpla con todas las provisiones de esta demanda. Usted puede perer dinero o sus propiedades u otros derechos importantes para usted.

Lleva esta demanda a un abogado immediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal sevicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede consequir alstencia legal.

Colegio de Abogados de
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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CASSANDRA ADAMS JONES, ARIELA BERG, FELICIA COOPER, RADHARANI HOWARD, KENEDY KIEFFER, SARAH MEARHOFF, KELLY MYERS, JOHN NEUGEBAUER, EDWARD REAM, and the AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA, Petitioners, v. ROBERT TORRES, IN HIS CAPACITY AS SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA; JONATHAN M. MARKS, IN HIS CAPACITY AS COMMISSIONER OF THE BUREAU OF COMMISSIONS, ELECTIONS, AND LEGISLATION OF THE PENNSYLVANIA DEPARTMENT OF STATE; JOSEPH B. SCARNATI III, IN HIS CAPACITY AS PENNSYLVANIA SENATE PRESIDENT PRO TEMPORE; MICHAEL C. TURZAI, IN HIS CAPACITY AS SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES; THOMAS W. WOLF, IN HIS CAPACITY AS GOVERNOR OF PENNSYLVANIA, Respondents.	No.

TO:

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Pennsylvania Department of State Office of the Secretary
302 North Office Building Harrisburg, PA 17120

Commissioner Jonathan M. Marks
Pennsylvania Department of State Bureau of Commissions, Elections and Legislation
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Representative Michael C. Turzai
Speaker of the House
139 Main Capitol
P.O. Box 202028
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Senator Joseph B. Scarnati III
Senate President Pro Tempore
Senate Box 203025
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Harrisburg, PA 17120-3025

Governor Thomas W. Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

NOTICE TO PLEAD

You are hereby notified to file a written response to the enclosed Petition for Review within thirty (30) days from service hereof or a judgment may be entered against you.

BY:

/s/ Witold J. Walczak
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PETITION FOR REVIEW
ADDRESSED TO THE COURT'S ORIGINAL JURISDICTION

INTRODUCTION

1. This lawsuit is about protecting the fundamental right to vote guaranteed by the United States and Pennsylvania Constitutions, a right that remains unrealized for many Pennsylvania voters.

2. Pennsylvania's Election Code establishes a deadline for receiving completed absentee ballots that regularly disenfranchises Pennsylvanians who timely submit absentee ballot applications, but receive their absentee ballot so late that they cannot fill it out and mail it back to election officials before the Election Code deadline.

3. Pennsylvania has the earliest absentee ballot receipt deadline of any state in the country. For an absentee ballot to count in Pennsylvania, the county board of elections must receive it by 5:00 p.m. on the Friday before the election—four days before Election Day. Louisiana and Mississippi require absentee ballots to be received one day before Election Day.[1] Every other state requires receipt by Election Day or later.

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[1] Absentee Ballot Deadlines, Vote.org, https://www.vote.org/absentee-ballot-deadlines/ (last updated Oct. 8, 2018); *see also* Miss. Code Ann. §§ 23-15-631(1)(c), 23-15-637; Vote by Mail, Website of the Louisiana Secretary of State, *available at* https://www.sos.la.gov/Pages/default.aspx.

4. In election after election, thousands of Pennsylvania absentee voters timely submit their absentee ballot application in compliance with state law—by the Tuesday before Election Day—but do not receive their ballot until that Friday or later, which is at or after the submission deadline. It is impossible for these voters to return their absentee ballot before the Friday absentee ballot receipt deadline, even though these voters have fulfilled completely their legal obligations to vote by absentee ballot.

5. Under this Election Code framework, even county election officials who follow the law and do everything right by processing these timely absentee ballot applications immediately often cannot give absentee voters a meaningful opportunity to receive, complete, and return their ballot by the Friday deadline.

6. The burden on these absentee voters is particularly acute because Pennsylvania does not have in-person early voting, and absentee voting is restricted to only those electors who cannot vote in person at their polling place on Election Day for certain specified reasons. In short, these are voters who cannot vote in person on Election Day and therefore have no other option but to vote absentee, and because of Pennsylvania's early absentee ballot receipt deadline are deprived of their only available option to cast a ballot.

7. The impact of Pennsylvania's statutory regime is personified by the individual-voter Petitioners, such as students attending schools around the country

and professionals who have to travel frequently for work. All of these voters submitted their absentee ballot applications on or before the Tuesday, October 30, 2018, application deadline, and yet received their ballot so late that they had no legitimate opportunity to vote in the November 2018 election.

8. Pennsylvania's absentee ballot receipt deadline has effectively disenfranchised not only the Petitioners, but thousands of similarly situated absentee voters. Moreover, Petitioners and voters like them, who likely will be voting by absentee ballot in future elections, are at substantial risk of being disenfranchised again.

9. This severe impediment to absentee voting violates the Pennsylvania and United States Constitutions. In Pennsylvania, "the right of suffrage is the most treasured prerogative of citizenship" through which other rights flow, and "it may not be impaired or infringed upon in any way except through the fault of the voter himself." *Norwood Election Contest Case*, 116 A.2d 552, 553 (Pa. 1955). The Pennsylvania Supreme Court has recognized that "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *In re Nomination Papers of Ralph Nader*, 858 A.2d 1167, 1180 (Pa. 2004) (internal citations and quotation marks omitted).

10. The individual Petitioners, along with organizational Petitioner the American Civil Liberties Union of Pennsylvania, will demonstrate that the harm inflicted by the Commonwealth's absentee ballot regime is not only severe but also unnecessary. For each of the individual Petitioners who have already been disenfranchised, there are countless others like them who will lose the right to vote in future elections unless the Friday absentee ballot receipt deadline is struck down. Because counties may only start mailing absentee ballots to voters beginning two weeks before the election, the entire absentee ballot period is so compressed as to make election officials' and voters' responsibilities logistically impossible to fulfill. The result is that voters who cannot go to their polling place on Election Day—such as students or business travelers or people with disabilities—are disproportionately burdened and disenfranchised. While the Commonwealth "may enact substantial regulation containing reasonable, non-discriminatory restrictions to ensure honest and fair elections," the right to vote may not be severely restricted. *Banfield v. Cortés*, 110 A.3d 155, 176-77 (Pa. 2015) (quoting *Bergdoll v. Kane*, 731 A.2d 1261, 1269 (Pa. 1999)).

11. The integrity of Pennsylvania elections is threatened by the disenfranchisement of so many otherwise qualified voters. Among other things, elections are not "free and equal" for absentee voters as required by Article I, Section 5 of the Pennsylvania Constitution because the Friday deadline "den[ies]

the franchise itself, or make[s] it so difficult as to amount to a denial." *Winston v. Moore*, 91 A. 520, 523 (Pa. 1914). The requirement is particularly invidious because "the inconveniences" do not "bear upon all in the same way under similar circumstances." *Id.* The Friday deadline also violates Article VII, Section 14(a) of the Pennsylvania Constitution because the legislature has failed to comply with its constitutional mandate to provide a workable absentee voting regime for electors who cannot appear at their assigned polling place on Election Day, and the Commonwealth has identified no compelling, rational, or otherwise legitimate state interest for doing so. Petitioners seek a judicial declaration that the Friday absentee ballot receipt deadline is unconstitutional on its face and as applied to them.

PARTIES

Petitioners

12. Petitioner Cassandra Adams Jones is a thirty-three-year-old public-relations professional who is, and at all relevant times has been, a permanent resident of Pennsylvania. On October 14, 2018, she moved from Clarion County to Philadelphia.

13. Petitioner Ariela Wolpert Berg is a twenty-two-year-old operations associate who is, and at all relevant times has been, a permanent resident and registered voter of Allegheny County.

14. Petitioner Felicia Cooper is a twenty-seven-year-old student who is, and at all relevant times has been, a permanent resident and registered voter of Allegheny County.

15. Petitioner Radharani Howard is a twenty-one-year-old student who is, and at all relevant times has been, a permanent resident and registered voter of Juniata County.

16. Petitioner Kenedy Kieffer is a twenty-three-year-old graduate student who is, and at all relevant times has been, a permanent resident and registered voter of York County.

17. Petitioner Sarah Mearhoff is a twenty-one-year-old journalist who is, and at all relevant times has been, a permanent resident and registered voter of Berks County.

18. Petitioner Kelly Myers is a twenty-nine-year-old costume designer who is, and at all relevant times has been, a permanent resident and registered voter of Butler County.

19. Petitioner John "Jack" Neugebauer is a twenty-three-year-old law school student who is, and at all relevant times has been, a permanent resident and registered voter of Montgomery County.

20. Petitioner Edward Ream is a twenty-nine-year-old emergency medical technician who is, and at all relevant times has been, a permanent resident and registered voter of Perry County.

21. The American Civil Liberties Union of Pennsylvania ("ACLU-PA") is a state affiliate of the national American Civil Liberties Union, both of which are non-profit, nonpartisan public-interest organizations dedicated to defending and protecting civil rights and civil liberties. Protecting the right of every eligible citizen to vote and overcoming structural impediments to voters' exercise of the franchise are important aspects of the ACLU-PA's mission to which the organization devotes substantial resources.

Respondents

22. Respondent Robert Torres is the Acting Secretary of the Commonwealth of Pennsylvania and is sued only in his official capacity. In that capacity, he is Pennsylvania's Chief Election Official and a member of the Governor's Executive Board. Respondent Torres' responsibilities include the general supervision and administration of Pennsylvania's elections and election laws. Under his supervision, the Pennsylvania Department of State promulgates a manual providing for the proper administration of Pennsylvania's absentee ballot procedures pursuant to state law.

23. Respondent Jonathan Marks is the Commissioner of the Bureau of Commissions, Elections, and Legislation of the Pennsylvania Department of State and is sued only in his official capacity. In that capacity, he is charged with the supervision and administration of the Commonwealth's elections and electoral process. Under his supervision, the Pennsylvania Department of State promulgates a manual providing for the proper administration of Pennsylvania's absentee ballot procedures pursuant to state law.

24. Respondent Joseph B. Scarnati III is the Pennsylvania Senate President Pro Tempore and is sued in his official capacity only. Under Article VII, Section 14(a) of the Pennsylvania Constitution, the legislature must "by general law, provide a manner in which, and the time and place at which" qualified electors may vote by absentee ballot. As President Pro Tempore, Senator Scarnati is responsible for referring every bill and joint resolution which may be introduced in the Senate or received from the House of Representatives to the appropriate standing committee.

25. Respondent Michael C. Turzai is the Speaker of the Pennsylvania House of Representatives and is sued in his official capacity only. Under Article VII, Section 14(a) of the Pennsylvania Constitution, the legislature must "by general law, provide a manner in which, and the time and place at which" qualified electors may vote by absentee ballot. As Speaker of the Pennsylvania House,

Representative Turzai presides over sessions of the House and signs all bills and joint resolutions passed by the General Assembly.

26. Respondent Thomas W. Wolf is Governor of the Commonwealth and is sued in his official capacity only. As Governor, Respondent Wolf is responsible for signing bills into law.

JURISDICTION

27. The Court has original jurisdiction over this Verified Petition for Review pursuant to 42 Pa.C.S. § 761(a).

FACTUAL ALLEGATIONS

Pennsylvania's Statutory Scheme for Absentee Voting

28. Pennsylvania law permits voters to vote by absentee ballot if they are unable to attend their polling place on Election Day for one of the following reasons: (1) "duties, occupation or business" that require the elector to be elsewhere; (2) illness or physical disability; (3) duties related to the conduct of elections; or (4) observance of a religious holiday. 25 P.S. § 3302(a).

29. State law further provides that absentee ballot applications submitted by prospective absentee voters "shall be reviewed and processed in the same fashion" as they are received by the county boards of elections. 25 P.S. § 3302(c).

30. State law provides that county boards of elections may "commence to deliver or mail official absentee ballots on the second Tuesday prior to the . . .

election," effectively prohibiting counties from mailing absentee ballots before that date. 25 P.S. § 3146.5(b). With respect to absentee ballot applications delivered on or after that date, county election officials must deliver or mail official absentee ballots to electors within forty-eight hours. *Id.*

31. Voters must fill out and return their absentee ballot to election officials "on or before five o'clock p.m. on the Friday prior to the primary or election" for them to count for any office other than United States President or Vice President. 25 P.S. § 3146.6(a). *But see* 52 U.S.C. § 10502(e) (absentee votes returned before the "closing of the polls in such State on the day of such election" will be counted for President and Vice President).

32. Upon receipt of the absentee ballots, county boards of elections are required to keep them until Election Day, when they are to be distributed, unopened, to the absentee voter's election district where they "shall be canvassed immediately and continuously without interruption until completed after the close of the polls." 25 P.S. § 3146.8(a).

33. All absentee ballots not challenged for the reasons provided under 25 P.S. § 3146.8(e) "shall be counted and included with the general return of paper ballots or voting machines." *Id.*

34. According to Pennsylvania agencies and county boards of elections, the 5:00 p.m. Friday deadline for the receipt of civilian absentee ballots is absolute,

25 P.S. § 3146.8(g) notwithstanding.[2] For example, the Pennsylvania Department of State provides that the "[l]ast day for County Board of Elections to receive voted civilian absentee ballots" was May 11 for the May 15, 2018 primary election, and November 2 for the November 6, 2018 general election.[3] The Allegheny County Board of Elections provides that "[y]our voted absentee ballot must be received by the Election Division by 5:00 p.m. on the Friday before the Primary or General Election."[4] Similarly, the Philadelphia City Commissioners' website provides that "[a]ll absentee ballots must be RECEIVED by the County Board of Elections no later than 5:00 p.m. the Friday before an election. Postmarks are NOT honored."[5]

35. By contrast, absentee ballots cast by military and overseas voters must

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[2] Pennsylvania courts have concluded that the 5:00 p.m. on Friday deadline is mandatory. *See, e.g., In re Apr. 10, 1984 Election of E. Whiteland Twp.*, 483 A.2d 1033, 1035 (Pa. Commw. Ct. 1984) (affirming rejection of absentee ballot "received by the Board after the Friday, April 6 deadline, but before the date of the election").

[3] "2018 Pennsylvania Elections Important Dates to Remember" Dep't of State, Bureau of Commissioners, Elections & Legislation, *available at* https://www.dos.pa.gov/VotingElections/CandidatesCommittees/RunningforOffice/Documents/2018%20important%20dates.pdf. Though the Department of State has recognized that college students ages 18-24 have the lowest voter participation and are likely to use the absentee voting procedures, it does not provide students with any additional leeway in returning their absentee ballots. In fact, the same restrictive deadlines apply to student voters who are attending college outside of their county or in another state. Dep't of State, Basic Guide to Student Voting, *available at* https://www.lehigh.edu/~inprv/PA_college_student_voting_guide.pdf.

[4] "Receiving Your Absentee Ballot," Allegheny County Elections, *available at* https://www.alleghenycounty.us/elections/absentee-ballots.aspx.

[5] "Absentee Ballot Application and Requirements," Office of the Philadelphia City Commissioners, *available at* https://www.philadelphiavotes.com/en/voters/absentee-and-alternative-ballots.

be counted "if it is delivered by 5:00 p.m. on the seventh day following the election" to the county board of elections. 25 P.S. § 3511(a). Military and overseas absentee ballots "may not be rejected on the basis that it has a late postmark, an unreadable postmark or no postmark" if the voter declares it was timely submitted at the time they completed the ballot. *Id.* § 3511(b).

Absentee Ballot Procedures as Prescribed by the Department of State

36. The Pennsylvania Department of State's ("DOS") Applications User Guide, appended as Exhibit 1, together with the Statewide Uniform Registry of Electors ("SURE") database, provide administrative guidance and resources to local election officials responsible for implementing the absentee ballot process. The DOS manual includes information regarding compliance with statewide requirements for processing absentee ballot applications, including how to properly verify voter identification from prospective absentee voters and how to keep track of returned absentee ballot applications and absentee ballots.

37. The DOS manual provides step-by-step instructions for processing absentee ballot applications. The manual also provides instructions for printing

and confirming absentee ballot labels, and helps facilitate compliance with the voter ID requirement.[6]

38. According to the DOS manual, absentee ballot labels can be queued and absentee ballots readied for mailing for all absentee ballot applications following approval by the local elections board. A returned absentee ballot can be recorded as properly voted if it is determined that the absentee voter complied with the ID requirement.

39. The DOS manual further explains how to record the processing and returning of absentee ballots in the SURE database. Election officials must designate the disposition of each absentee ballot, selecting from a pull-down menu containing various options.

40. The DOS manual says nothing about informing absentee voters when their absentee ballots have been rejected.

41. County boards of election in Pennsylvania are not required to and generally do not notify voters whose absentee ballots have been rejected.

Evidence of Problems Stemming From Pennsylvania's Compressed Deadlines

42. Recent events have brought media attention to the routine problem of

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[6] The manual instructs that if an ID cannot be verified prior to the absentee ballot label printing, the system prints the letters "ID" to the left of the barcode in order to designate to the individual in charge of processing ballots that instructional documentation must be provided with the ballot materials indicating that the voter must provide an acceptable form of identification, along with any ID verification requirements.

eligible voters' absentee ballots going uncounted as a result of Pennsylvania's compressed absentee voting period.

43. Raw statistical data made available by the Pennsylvania Department of State in response to Pennsylvania Right-to-Know-Law requests indicates that absentee ballots are not returned by many voters. More than 300,000 absentee ballots have not been returned by voters who submitted absentee ballot applications in Pennsylvania elections between 2009 and the 2018 primary election. That includes approximately 46,000 absentee ballots in each of the November 2016 and November 2012 elections, and approximately 16,000 absentee ballots in the November 2014 midterm election.

44. At least 194 domestic absentee ballots cast by Philadelphia voters alone were received by election officials after Election Day in 2016, according to data provided by the Philadelphia City Commissioners in response to a Pennsylvania Right-to-Know-Law request from the Public Interest Law Center.

45. Due to budgetary constraints and a massive restructuring, the U.S. Postal Service ("USPS") does not operate under the same service standards as it did in prior election cycles. A USPS restructuring has resulted in fewer mail processing plants across the country, shorter production schedules at these remaining processing plants, and overall slower delivery standards, which maximize efficiencies of resources but result in "slower mail and less processing

capacity ahead of Election Day, when ballots must be returned to election offices."[7]

46. In August 2018, The Philadelphia Inquirer reported that 86% of Pennsylvania absentee ballots rejected in the 2014 election—2,030 out of 2,374—were rejected solely for missing the Friday 5:00 p.m. return deadline, while 2,162 absentee ballots were rejected for the same reason in 2010.[8] The report underscored that this figure stands in particularly stark contrast to other states, like New Jersey, that have the same Tuesday deadline for requesting an absentee ballot but count absentee voters' ballots that are received as late as Election Day itself.

47. The Philadelphia Inquirer's coverage highlighted that only three jurisdictions, all of which are smaller or much smaller than Pennsylvania, had a higher proportion of absentee ballot rejections result from missed deadlines in the 2014 election cycle: South Carolina (533 of 533), American Samoa (3 of 3), and Delaware (60 of 62).

48. The Philadelphia Inquirer also reported that the problem was likely to get worse due to cuts endured by the postal service and, in advance of the 2018

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[7] Bipartisan Policy Center, *The New Realities of Voting by Mail*, June 2016, *available at* https://bipartisanpolicy.org/wp-content/uploads/2016/06/BPC-Voting-By-Mail.pdf.

[8] Jonathan Lai, *Pa.'s absentee-ballot problem: Votes come in late because of tight deadlines*, Phila. Inquirer, Aug. 8, 2018, *available at* http://www2.philly.com/philly/news/politics/pennsylvania-absentee-ballot-voting-deadline-missed-uncounted-20180808.html.

midterm election, officials planned to warn the public about the deadlines because voters could find themselves disenfranchised even if they made a timely absentee ballot request. *See id.* The Pennsylvania Department of State, for example, "recommend[ed] putting ballots in the mail a full week before" the return deadline, even though it accepts new *applications* for absentee ballots *three days* before the return deadline. A Philadelphia City Commissioner acknowledged that there are close elections in which a handful of votes cast by absentee voters could be decisive, and therefore "every [vote] counts, and you also practically have to treat it like every one could count."

49. At the same time, media reports indicate that the number of absentee ballot applications increased dramatically in 2018. Statewide, as of Wednesday, October 24, 2018—almost a full week before the application deadline—180,255 absentee ballot applications had already been submitted to counties, according to a spokesperson for the Pennsylvania Department of State.[9] In 2014, by contrast, a total of 96,849 domestic absentee ballots were sent out. Final statistics regarding

[9] Teresa Boeckel, *'We're going to have a big turnout': Pa. absentee ballots spike for midterm election*, York Daily Record, Oct. 24, 2018, *available at* *ht*tps://www.ydr.com/story/news/politics/elections/2018/10/23/pa-election-spike-absentee-ballots-high-midterm-turnout-november-6-2018-governor-race-congress/1729999002/.

absentee ballots issued and returned in the most recent election are not yet available.

50. The statistics set forth above indicate that similar disenfranchisement of people voting by absentee ballot occurs statewide.

Petitioners Attempted to Vote by Absentee Ballot in the November 2018 Election but were Disenfranchised Through No Fault of Their Own

51. All of the petitioners are eligible Pennsylvania voters who are over the age of 18, U.S. citizens, and have lived in the Commonwealth for more than thirty days. All of them are registered to vote and almost all of them have voted in Pennsylvania in recent elections. All petitioners submitted ballot applications before the 5:00 p.m. October 30 deadline. Despite following the requirements and deadlines prescribed by the Pennsylvania Election Code, all Petitioners received their ballots too late to return them by the 5:00 p.m. November 2 deadline and were thus disenfranchised.

52. Petitioner Sarah Mearhoff was disenfranchised in the November 2018 election. Ms. Mearhoff is a journalist who travels frequently for work. In mid-October, 2018, she accepted a job as a wire reporter and correspondent in South Dakota. She used overnight-express mail to ensure timely delivery of her ballot application to the Berks County Board of Elections. Despite delivering her ballot application before the statutory deadline at 5:00 p.m. on October 30, Ms. Mearhoff did not receive her ballot until November 3, after the return deadline.

She nonetheless returned her completed ballot, but it was not counted because it arrived after the statutory deadline. Ms. Mearhoff anticipates that her frequent out-of-town professional obligations make it likely she will have to vote again by absentee ballot in the future.

53. Petitioner Kelly Myers was likewise disenfranchised in the November 2018 election. She is a professional costume designer who is constantly rotating between short-term contracts that require her to spend months at a time at locations all over the country—for example, she has worked for five companies in five different states in 2018 alone. She mailed her absentee ballot application from New York City to the Butler County Board of Elections on or around October 23 or 24, 2018. She received her absentee ballot in the evening on Friday, November 2, 2018, the same day as the deadline for receipt of absentee ballots by the board of elections. She mailed her absentee ballot the next day, but it was not counted because the board of elections received it after the statutory deadline. When she called the board of elections to check on the status of her ballot, an employee told her that the board of elections had received her absentee ballot on November 6 and, therefore, it would not count. She currently anticipates having to vote by absentee ballot in future elections because she is constantly traveling for work.

54. Petitioner Cassandra Adams Jones and her husband Christopher Antonio Jones were also disenfranchised in the November 2018 election. They are

married young professionals who moved from Clarion County to Philadelphia on October 14. Because they had moved within 30 days of an election, they were required to vote in their old precinct in Clarion County. After learning they would be in Philadelphia on Election Day, Ms. Adams Jones paid extra postage for overnight-express mail to deliver the couple's applications to the Clarion Board of Elections before the statutory deadline at 5:00 p.m. on Tuesday, October 30. Their ballots did not arrive, however, until after the statutory deadline of Friday, November 2. They mailed their ballots the first possible day they could, but Clarion County could not count them because they arrived late. Ms. Adams Jones and her husband anticipate that their professional obligations will require them to vote by absentee ballot in the future.

55. Petitioner Edward Ream was also disenfranchised in the 2018 election. He is a full-time emergency medical technician who works twenty-four-hour shifts. On October 27, after learning that he was scheduled to work a twenty-four-hour shift starting at 7:00 a.m. on Election Day, he mailed an absentee-ballot-application form to the Perry County Board of Elections. He did not receive his ballot until Wednesday night, October 31, right before he was scheduled to work another twenty-four-hour shift. Consequently, his ballot arrived too late for him to return it by the statutory deadline. On Monday, November 5, Mr. Ream contacted the Perry County Board of Elections and the County Court of Common Pleas, but

he was told there was no way for his absentee ballot to count and he was told he did not qualify for an emergency absentee ballot. Mr. Ream anticipates that his varied and unexpected schedule as an emergency responder will require him to vote by absentee ballot in the future.

56. Petitioner Ariela Wolpert Berg was disenfranchised in the November 2018 election. She is a resident of Allegheny County who is currently an Operations Associate in Nielsen's Emerging Leaders Program in Chicago, Illinois. She received her absentee ballot application from the Allegheny County Board of Elections on or about October 9, 2018 and mailed her application back sometime later that week. She checked her mail daily and received her absentee ballot on Friday, November 2, 2018, the deadline by which the board of elections would have to have received the completed absentee ballot for it to count under Pennsylvania law. When she called the board of elections on November 2, an employee told her that it was too late and there was nothing she could do to vote. She ultimately mailed her absentee ballot anyway, but it was not counted because the board of elections received it after the statutory deadline. She anticipates having to vote by absentee ballot in the future, as she will still be enrolled in the Emerging Leaders program during the May 2020 primary.

57. Petitioner Kenedy Kieffer was disenfranchised in the November 2018 election. She is a resident of York County who is currently enrolled as a graduate

student in a Student Affairs and Higher Education program at the University of Sioux Falls in South Dakota. She mailed her absentee ballot application from Sioux Falls to the York County Board of Elections on or about October 16 or 17, 2018. She checked her mail daily and received her absentee ballot on Friday, November 2, 2018, the deadline by which the board of elections would have to have received the completed absentee ballot for it to count under Pennsylvania law. When she called the board of elections on November 2, an employee told her that it was too late and there was nothing she could do to vote. She ultimately mailed her absentee ballot, but it was not counted because the board of elections received it after the statutory deadline. She currently anticipates graduating in 2020 and having to vote by absentee ballot in Pennsylvania in the 2020 primary election.

58. Petitioner John Neugebauer was disenfranchised in the November 2018 election. He is a resident of Montgomery County who is currently in his second year attending law school at the American University Washington College of Law. He mailed his absentee ballot application from Washington, D.C. to the Montgomery County Board of Elections on or about October 25, 2018. He checked his mail regularly and received his absentee ballot on Friday, November 2, 2018, the deadline by which the board of elections would have to have received the completed absentee ballot for it to count under Pennsylvania law. He ultimately mailed his absentee ballot, but it was not counted because the board of elections

received it after the statutory deadline. He currently anticipates graduating in 2020 and having to vote by absentee ballot in Pennsylvania in the 2020 primary election.

59. Petitioner Radharani Howard, a resident of Juniata County, who is currently enrolled as a student at the Savannah College of Art and Design in Georgia, was disenfranchised in the November 2018 election. She mailed her absentee ballot application from Savannah to the Juniata County Voter Registration Office (VRO) on or about October 25, 2018. She received her absentee ballot on Saturday, November 3, 2018, a day after the deadline by which the board of elections would have to have received the completed absentee ballot for it to count under Pennsylvania law. When her mother called the board of elections shortly thereafter, an employee told her that it was too late and there was nothing her daughter could do to vote. Petitioner Howard ultimately mailed her absentee ballot, but it was not counted because the board of elections received it after the statutory deadline. She currently anticipates graduating in 2020 and having to vote by absentee ballot in Pennsylvania in the 2020 primary election.

60. Petitioner Felicia Cooper was also disenfranchised in the November 2018 election. She is a resident of Allegheny County who is currently enrolled in a Masters of Fine Arts program at the University of Connecticut. She mailed her absentee ballot application from Storrs, Connecticut to the Allegheny County Board of Elections on or around October 20, 2018. She received her absentee

ballot on Monday, November 5, 2018, three days after the deadline by which the board of elections would have to have received the completed absentee ballot for it to count under Pennsylvania law. She ultimately mailed her absentee ballot, but it was not counted because the board of elections received it after the statutory deadline. When she called the board of elections to check on the status of her ballot the day after the election during work hours, an employee told her that no one was available to answer her question and that she should call back another day. She currently anticipates graduating in May of 2021 and having to vote by absentee ballot in Pennsylvania in the 2020 elections.

Organizational Petitioner, ACLU-PA, Diverts Time and Resources to Assist Voters Disenfranchised by the Commonwealth's Absentee-Ballot System

61. The ACLU-PA has a long history of litigating voting-rights and election-reform cases. In recent years, the organization has successfully challenged Pennsylvania's voter ID law.[10] The ACLU-PA also successfully

[10] *See Applewhite v. Commonwealth*, 2012 WL 3332376 (Pa. Commw. Ct. Aug. 15, 2012) (denying preliminary injunction); 54 A.3d 1 (Pa. 2012) (vacating and remanding for supplemental trial); 2012 WL 4497211 (Pa. Commw. Ct. Oct. 2, 2012) (granting preliminary injunction after emergency hearing); 2014 WL 184988 (Pa. Commw. Ct. Jan. 17, 2014) (declaring statute unconstitutional and permanently enjoining enforcement); 2014 WL 2619590 (Pa. Commw. Ct. Apr. 28, 2014) (denying post-trial motions).

challenged an unconstitutional restriction on the Commonwealth's nomination-petition process for minor-party candidates.[11]

62. Additionally, since 2004 the ACLU-PA has worked with other non-profit, non-partisan organizations as part of a nationwide "election protection" effort to help voters overcome obstacles to voting and to ensure that elections are administered fairly and according to the rule of law, including by assisting voters who call into the 866-OUR-VOTE nationwide hotline. The ACLU-PA has organized the legal arm of Pennsylvania's election protection effort, recruiting volunteer lawyers to be prepared to petition local courts for relief when voters are illegally blocked from voting, and guiding countless volunteers in helping to investigate Election Day problems with voting reported across the Commonwealth and aiding the voter to overcome them. The ACLU-PA continued its election protection work in 2018.

63. In 2018, the ACLU-PA's efforts included, *inter alia*, helping four out-of-state Pennsylvania students, who did not receive timely absentee ballots, exercise their right to vote by obtaining court orders from Allegheny County judges directing the County Elections Division to accept the students' ballots. The ACLU-PA also advised many other voters who complained about receiving absentee ballots at or after the statutory deadline regarding potential remedies.

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[11] *In re Stevenson*, 40 A.3d 1212 (Pa. 2012).

64. The ACLU-PA reasonably anticipates that a portion of its election-protection work will in the future involve helping absentee voters vindicate their right to vote. Unless the Election Code problems identified in this litigation are remedied, the ACLU-PA will have to expend additional resources helping absentee voters overcome the systemic and recurring problems at issue in this case. The ACLU-PA brings these claims on behalf of itself.

COUNT I
25 P.S. § 3146.8(a) Unduly Burdens the Fundamental Right to Vote Guaranteed by the Pennsylvania Constitution

65. Petitioners re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

66. The right to vote is a fundamental right in the Commonwealth of Pennsylvania. Article VII, Section 1 of the Pennsylvania Constitution provides: "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."

67. 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*, 91 A. 520, 523 (Pa. 1914).

68. 25 P.S. § 3146.2a(a) permits Pennsylvania voters until "five

o'clock P.M. of the first Tuesday prior to the day of any primary or election" to apply for an absentee ballot. 25 P.S. § 3146.8(a) provides that "no absentee ballot shall be counted which is received in the office of the county board of election later than five o'clock P.M. on the Friday immediately preceding the primary or November election."

69. Pennsylvania's Friday deadline for returning completed absentee ballots is the earliest deadline for the submission of absentee ballots anywhere in the country by several days.

70. In Pennsylvania, county boards of elections routinely fail to deliver absentee ballots to voters in time for them to be returned by the Friday statutory deadline, even though these qualified absentee electors have timely applied for their ballots.

71. Each Petitioner timely applied for an absentee ballot prior to the November 6, 2018, general election. No Petitioner, however, received his or her absentee ballot in time to return it, as required, by 5:00 p.m. on Friday, November 2, 2018.

72. Each of these Petitioners was disenfranchised because he or she could not return the ballot to the board by 5:00 p.m. on Friday, November 2, 2018. However, almost all of the Petitioners could have delivered a timely

ballot if Pennsylvania's deadline for receipt of absentee ballots were, like in most other states, Election Day or later.

73. The Friday absentee ballot delivery deadline set out in 25 P.S. § 3146.8(a) impermissibly burdens the fundamental right to suffrage by rendering it difficult, and in many cases impossible, for qualified electors to submit their absentee ballots in time to be counted.

74. No compelling state interest exists to justify this heavy burden on Pennsylvania voters. Indeed, Pennsylvania's absentee ballot return deadline is significantly more burdensome than that imposed by every other state in the United States, but has been extended without issue under certain circumstances, most notably for military and overseas voters.

75. There is no inherent impediment to adjusting the absentee voting deadlines. In fact, it has been done on an *ad hoc* basis in the past to avoid disenfranchising large numbers of Pennsylvania voters. In 2012, then-Governor Tom Corbett extended the absentee ballot deadline in Philadelphia, Bucks, Montgomery, and Chester Counties from the Friday before the election to Monday because election offices were closed during Hurricane Sandy.[12]

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[12] *Absentee ballot deadline extended in some Pa. counties*, WHYY, Nov. 5, 2012, *available at* https://whyy.org/articles/absentee-ballot-deadline-extended-in-aome-pa-counties/

76. In 2016, a Montgomery County Court of Common Pleas' judge granted a petition from county election officials to extend the absentee ballot return deadline by four days, to 8:00 p.m. on Election Day, after county officials acknowledged receiving "unprecedented demand" for absentee ballots, which contributed to only half of the absentee ballots being returned to the county by the day before the deadline.[13] According to the news report, the judge noted at a hearing concerning the petition, "I guess we run the risk of 17,000 people could be disenfranchised unless there's some extension."

77. The Friday absentee ballot deadline is not narrowly tailored to any demonstrated compelling state interest to justify the heavy burden placed on Pennsylvania qualified absentee electors' exercise of their fundamental right to vote. In fact, no legitimate state interests exist to which the Friday absentee ballot deadline is even rationally related.

78. Accordingly, the absentee ballot return deadline poses an undue burden on the fundamental right to vote, and it violates the guarantee of "free and equal" elections under the Pennsylvania Constitution.

COUNT II
Discrimination Between Voters in Violation of the Equal Protection Guarantees (Article I, Sections 1, 5 and 26) of the Pennsylvania Constitution

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[13] Laura McCrystal, *Montco judge extends deadline for absentee ballots*, Phila. Inquirer, Nov. 4, 2016, *available at* http://www.philly.com/philly/news/politics/20161104_Montco_seeks_to_extend_deadline_for_absentee_ballots.html.

79. Petitioners re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

80. Article I, Section I of the Pennsylvania Constitution provides: "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

81. Article I, Section 26 of the Pennsylvania Constitution provides: "Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right."

82. Further, Article I, Section 5 of the Pennsylvania Constitution provides: "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."

83. Taken together, these provisions guarantee equal protection to all, and that no power shall interfere with the free exercise of the right to vote by Pennsylvania electors.

84. 25 P.S. § 3146.8(a) of the Pennsylvania Code denies some qualified absentee electors the right to vote.

85. Many eligible absentee electors in Pennsylvania timely submit their

applications for absentee ballots *and* receive them with sufficient time to deliver their completed ballots to their respective county boards of elections in time to have their votes counted.

86. However, many other eligible absentee electors throughout Pennsylvania, through no fault of their own and despite timely submitting applications for absentee ballots, *do not* receive their absentee ballots with sufficient time to deliver their completed ballots to their respective county boards of elections in time to have their votes counted, as demonstrated by statistical data and the experiences of the individual Petitioners.

87. Those eligible absentee electors who timely submit absentee ballot applications but do not receive their ballots in time to vote are effectively denied their right to vote by the Friday absentee ballot return deadline, while other similarly situated absentee electors are not. This arbitrarily and unequally denies the franchise to the former class of absentee electors.

88. All of the individual Petitioners fall within this class of qualified absentee electors unequally denied their right to vote. County election officials failed to deliver individual Petitioners' absentee ballots in time to be counted.

89. The individual Petitioners have been arbitrarily denied their right to vote in the November 6, 2018, general election because they were not provided their absentee ballots in time to vote by the Friday deadline.

90. The Friday absentee ballot return deadline improperly deprived and will continue to deprive those voters who are not provided absentee ballots in time to vote the equal protection of the laws, guaranteed by Article I, Sections 1 and 26 of the Pennsylvania Constitution, and the promise of "free and equal" elections guaranteed by Article I, Section 5 of the Pennsylvania Constitution.

91. No legitimate state interest—in the integrity of elections or otherwise—is served by imposing such heavy burdens on absentee electors. In the alternative, any such interest is outweighed by the harm to the integrity of elections caused by the disenfranchisement of significant numbers of qualified absentee voters.

COUNT III
Violation of Article VII, Section 14(a) of the Pennsylvania Constitution

92. Petitioners re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

93. Pa. Const. Art. VII, § 14(a) provides: "**The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors** who may, on the occurrence of any election, be absent from the municipality of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or

who cannot vote because of election day duties, in the case of a county employee, **may vote, and for the return and canvass of their votes in the election district in which they respectively reside**." (emphasis added).

94. Section 3146.8(a) of the Pennsylvania Statutes, passed by the Pennsylvania legislature and enforced by Respondents, fails to comply with the requirements of Art. VII, § 14(a).

95. 25 P.S. § 3146.2a(a) provides that "applications for absentee ballots shall be received in the office of the county board of elections . . . **not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election**." (emphasis added). By the terms of the statute, Petitioners were permitted to submit applications for absentee ballots until 5:00 p.m. on October 30, 2018, the Tuesday prior to the November 6, 2018 elections.

96. Upon receipt of such applications for absentee ballots, the county boards of elections "shall deliver or mail official absentee ballots or special write-in absentee ballots when official absentee ballots are not yet printed to such additional electors **within forty-eight hours after approval of their application**." 25 P.S. § 3146.5 (emphasis added). Thus the Election Code permits the county boards of elections two days after receiving and then approving an application from a qualified absentee elector to mail the absentee ballot to such elector.

97. For valid absentee ballot applications timely received by the county

board of elections on Tuesday, October 30, 2018, the Election Code required the county boards of elections to mail the applicants' absentee ballots by Thursday, November 1, 2018. Even if the ballots were delivered within a single day, qualified absentee electors would not have received such ballot any sooner than Friday, November 2, 2018.

98. However, the Election Code mandates that only absentee ballots received by 5:00 p.m. on November 2, 2018, shall be counted for the November 6, 2018, election.

99. Thus, by the terms of the Pennsylvania Election Code, qualified absentee electors may timely deliver an application for an absentee ballot to their respective county board of elections by the Tuesday immediately prior to an election, and the county board of elections may timely mail an absentee ballot to the qualified absentee elector by the Thursday immediately prior to the election, yet the qualified absentee electors may receive their ballot without sufficient time to return it by 5:00 p.m. on the Friday immediately prior to the election. Thus, as exemplified by the experiences of the individual Petitioners, it is in many cases impossible for such qualified absentee electors to deliver their absentee ballots to the county board of elections by 5:00 p.m. on that Friday.

100. Moreover, even where the county boards of elections comply with the Election Code's requirement that they mail or deliver absentee ballots within two

days of receiving and processing an application, it still may take several days for an absentee ballot to be delivered to the voter. As a result of the Friday absentee ballot return deadline imposed by the Election Code, qualified electors are disenfranchised: The deadline does not permit all ballots to be returned in time for electors' votes to be counted.

101. The Friday absentee ballot return deadline imposed by Section 3146.8(a) of the Pennsylvania Statutes by its very terms fails "to provide a manner in which qualified electors . . . may vote." Instead, the Election Code by its terms permits widespread disenfranchisement of qualified electors by imposing an unreasonable deadline by which the qualified electors must submit their absentee ballots.

COUNT IV
Pennsylvania's Absentee Deadline Burdens the Fundamental Right to Vote in Violation of the First and Fourteenth Amendments to the U.S. Constitution

102. Petitioners re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

103. Under the First Amendment and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, a state classification is subject to strict scrutiny when it "burdens the exercise of a fundamental right guaranteed by the U.S. Constitution," including the fundamental right to vote. Any election

regulation imposing non-discriminatory restrictions on the right to vote must be justified by an important regulatory interest.

104. As set forth above, the Friday absentee ballot return deadline imposes significant burdens on the fundamental right to vote. Indeed, the Pennsylvania statutory regime inevitably puts a significant number of absentee voters in a position where they timely fill out and return their absentee ballot application in compliance with the application deadline, yet have no opportunity to receive their absentee ballot and return it before the Friday submission deadline. Where a voter receives a ballot too late to return it in time to vote, the voter has experienced more than a burden; he or she has been entirely denied the franchise.

105. There is no regulatory interest in enforcing the Friday absentee ballot deadline in Pennsylvania. Respondents can assert no compelling interest in depriving voters who are out of town on Election Day of a meaningful opportunity to vote. Although Respondents may assert a governmental interest in convenience, finality, or simplicity in rejecting absentee ballots not received by the Friday before Election day, this interest is minimal, because the state already permits some absentee ballots to be postmarked the day of the election and received up to a week later,—namely overseas and military voters—and because all absentee ballots received by Election Day must, pursuant to federal law, be counted for the offices of President and Vice President.

106. Respondents already have processes in place to count absentee votes, and cannot complete their canvass prior to doing so. Indeed, Pennsylvania counties do not need to certify their results until after Tuesday, November 13, the deadline for ballots from military and overseas voters. The result is that providing the relief requested in this complaint will engender no delays in certifying election results and will not require the Respondents to develop any additional processes. Thus, the Commonwealth has no interest of sufficient importance to outweigh the undue burden placed on qualified voters by the Friday absentee ballot return deadline.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Honorable Court enter judgment in their favor and against Respondents, and:

a. Declare that the Friday absentee ballot return deadline codified in 25 P.S. § 3146.6(a) is unconstitutional and invalid because it violates the rights of Petitioners and other current and future absentee voters in Pennsylvania under Pennsylvania's Equal Protection Guarantees, Art. I, §§ 1 and 26; Free and Equal Clause, Art. I, § 5; Art. VII, § 14(a) of the Pennsylvania Constitution; and the First and Fourteenth Amendments to the United States Constitution.

b. Enjoin Respondents, their agents, officers, and employees from

administering, preparing for, or moving forward with any future primary or general elections using the Friday absentee ballot return deadline codified in 25 P.S. § 3146.6(a);

c. Establish a new absentee ballot return deadline that complies with the Pennsylvania and United States Constitutions, if the Pennsylvania legislature fails to enact a constitutionally compliant absentee ballot return deadline in a timely manner;

d. Order Respondents to direct county boards of elections to accept absentee ballots that they receive as of the new absentee ballot return deadline;

e. Order Respondents to establish a new date on which county boards of elections may begin mailing absentee ballots to voters who have submitted valid absentee ballot applications;

f. Order Respondents to direct county boards of elections to begin mailing absentee ballots to voters starting on the newly established initial date;

g. Order Respondents to establish a new, later deadline by which county boards of elections may complete their review and tabulation of all absentee ballots, to account for additional volume of absentee ballots received near, on, and after Election Day;

h. Order Respondents to direct county boards of elections to complete their review and tabulation of all absentee ballots by the newly established

deadline;

i. Award reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and

j. Award any other relief as is just and necessary.

Dated: November 13, 2018

Respectfully submitted,

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VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

DATED: 11/11/2018

Cassandra Adams Jones
(Signature)

Cassandra Adams Jones
(Printed Name)

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A., § 4904 relating to unsworn falsification to authorities.

DATED:___11/12/18_____ _____*Ariela Berg*_____

(Signature)

_____Ariela Berg_____

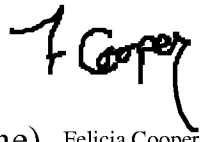
(Printed Name)

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A., § 4904 relating to unsworn falsification to authorities.

DATED: 11/12/2018

(Signature) 

(Printed Name) Felicia Cooper

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A., § 4904 relating to unsworn falsification to authorities.

DATED: 11/12/18

(Signature) Radharani Howard

(Printed Name) Radharani Howard

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A., § 4904 relating to unsworn falsification to authorities.

DATED: Nov. 12 2018

Kenedy Kuffer
(Signature)

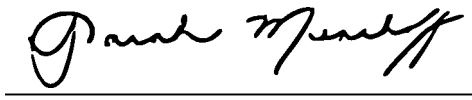
Kenedy Kuffer
(Printed Name)

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

DATED: November 12, 2018



(Signature)

Sarah Mearhoff

(Printed Name)

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

DATED: 11-12-19

Kelly Myers
(Signature)

Kelly Myers
(Printed Name)

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A., § 4904 relating to unsworn falsification to authorities.

DATED: 11/13/18

(Signature)

John Neugebauer

(Printed Name)

DocuSign Envelope ID: 2D8FBE73-418D-4528-AFEB-C5865471C633

VERIFICATION

I state that I am a Petitioner in this matter, and that the factual averments set forth in the foregoing Petition for Review, as they relate to me personally, are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

DATED: 11/12/2018 12:57:39 PM PST

DocuSigned by:
0C929C5C8BAC4C5...
(Signature)

Edward Ream
(Printed Name)

VERIFICATION

I state that I am a representative of the American Civil Liberties Union of Pennsylvania in this matter, and that the factual averments pertaining to my organization set forth in the foregoing Petition for Review are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

DATED: 11/12/2018

Sara J. Rose
Senior Staff Attorney
AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA

Exhibit 1

Reprocessing Absentee Application ID Verification Exceptions

The status reason for absentee applications that have failed an ID verification is APPR – ID NOT VERIFIED. The ballot label for these absentee applications will contain an ID watermark indicating the absentee voter's ID was not verified. The status reason can be updated to APPR – ID VERIFIED and the watermark removed if the ID verification is reprocessed with data that can be verified.

The following describes how to reprocess an absentee application ID verification exception.

The following scenarios are related to this process:

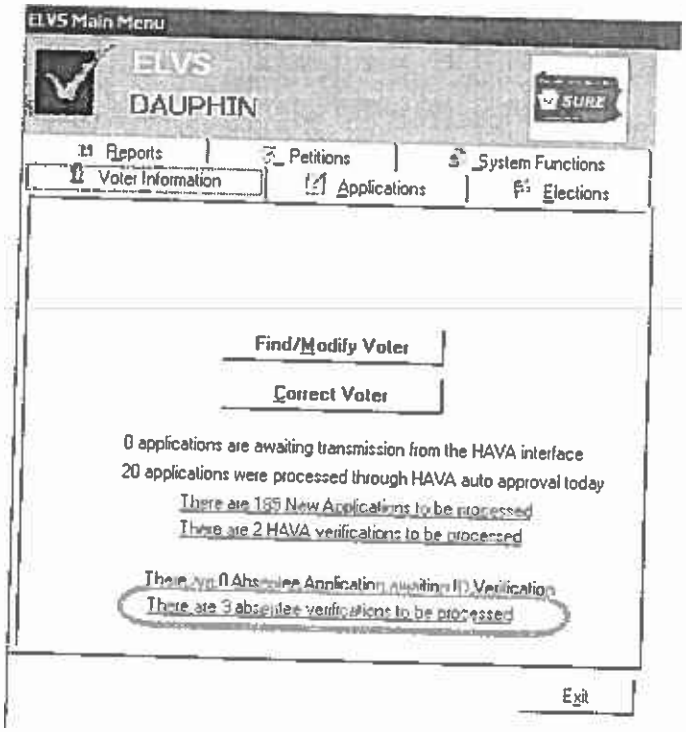
- Scenario A: Reprocessing Absentee ID Verification Exceptions through the ID Verification Exceptions Link
- Scenario B: Reprocessing Absentee ID Verification Exceptions through the Voter Record
- Scenario C: Reprocessing Absentee ID Verification Exceptions through the Applications Module

Each of these scenarios is addressed on the following pages:

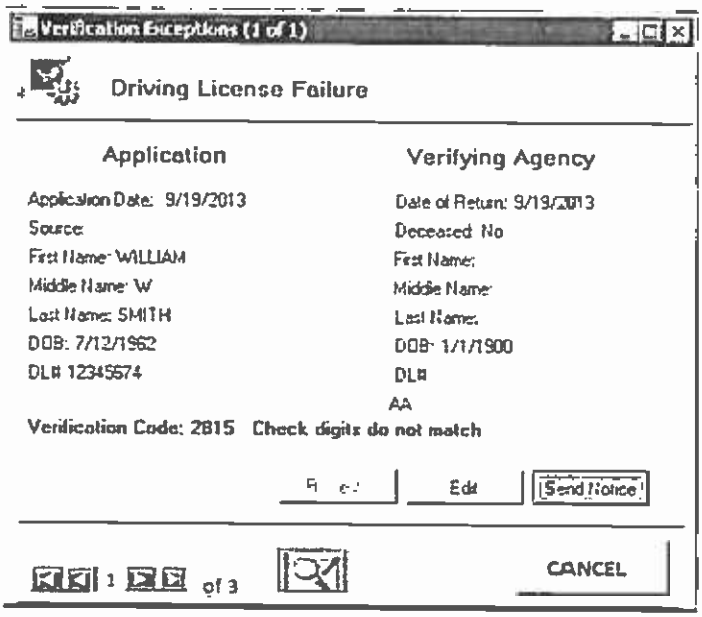
- Scenario A: page 2
- Scenario B: page 8
- Scenario C: page 14

Scenario A: Reprocessing Absentee ID Verification Exceptions from the ID Verification Exceptions Link

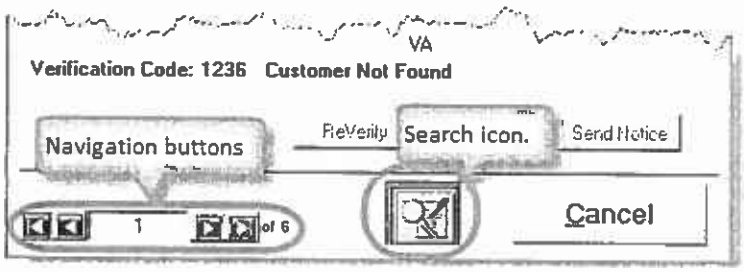
Steps	Actions
1.	Click the There are xxx absentee verifications to be processed link on the *Voter Information* tab.



2.	The Verification Exceptions screen is displayed.



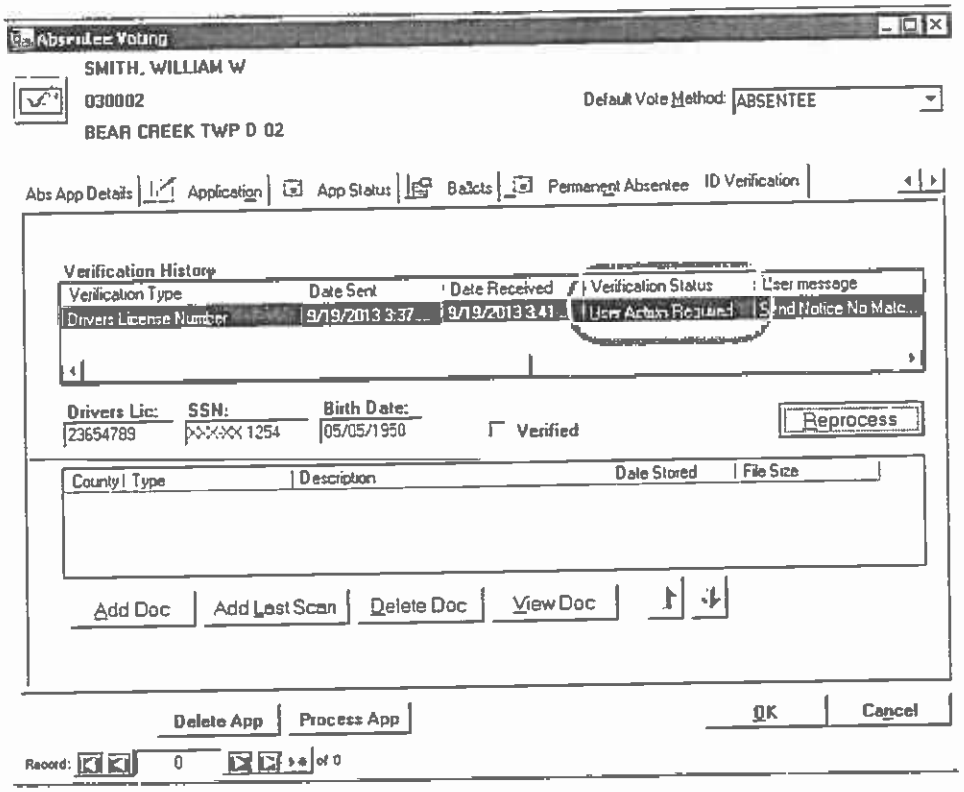
If necessary, use the navigation buttons or the **[Search]** icon to locate a specific verification exception.



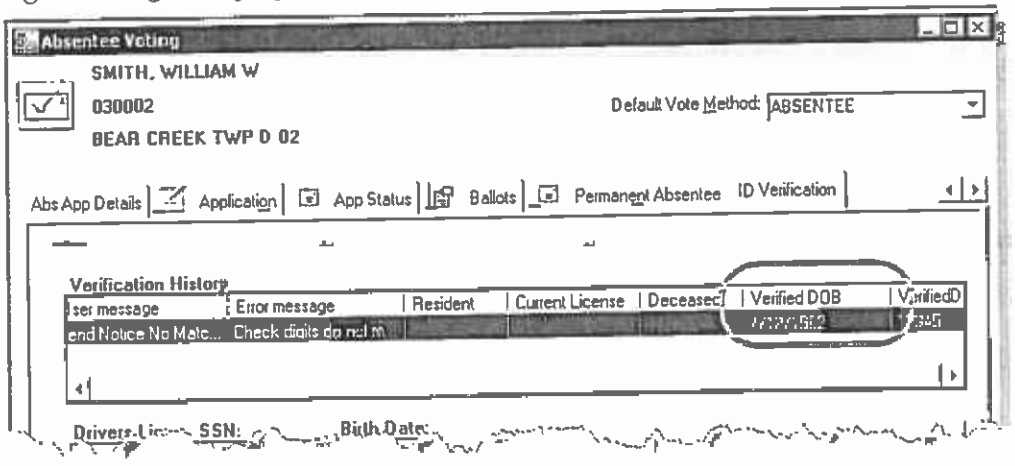
Note: Please refer to "Searching for HAVA and Absentee ID Verification Exceptions" for details on using these search tools.

If the application data displayed does not match the data received from the applicant, click the **[Edit]** button to display the *ID Verification* tab of the absentee application.

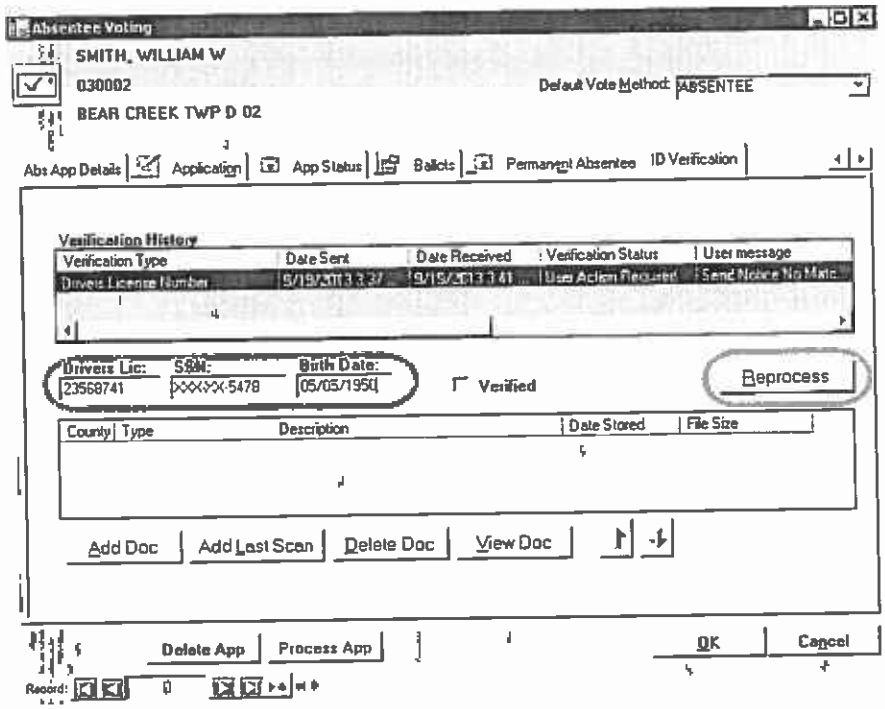
3. The **Verification History** grid shows the verification type used to process the ID verification as well as the status of the verification. Because the ID was not verified, the verification status is 'User Action Required'.



Scrolling to the right displays the date of birth used for ID verification.

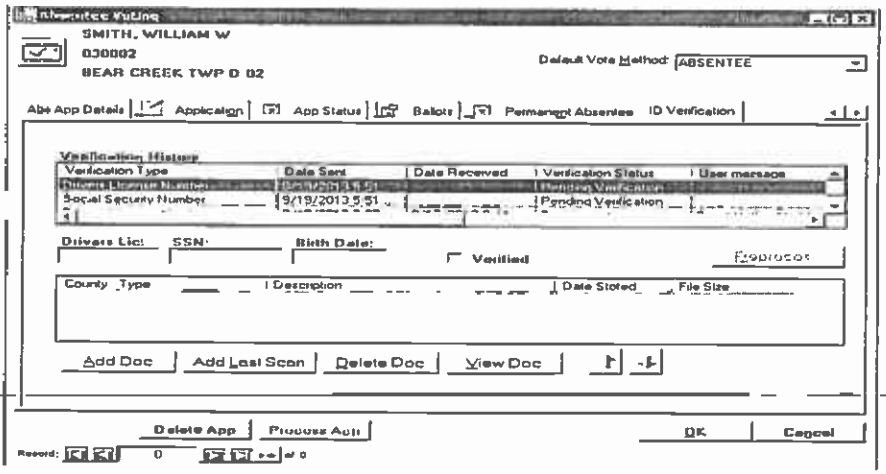


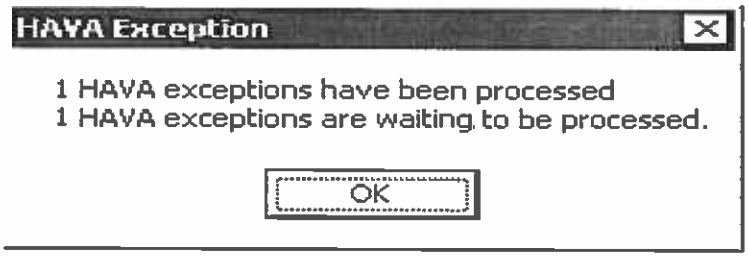
4. Enter the correct Driver's License, SSN and/or date of birth into the appropriate fields on the *ID Verification* tab and click the **[Reprocess]** button. The SSN, Driver's License and/or date of birth is sent for verification.



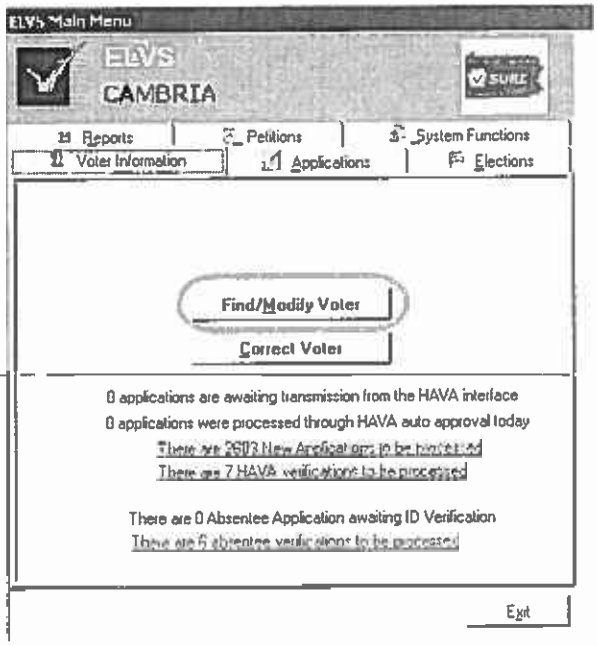
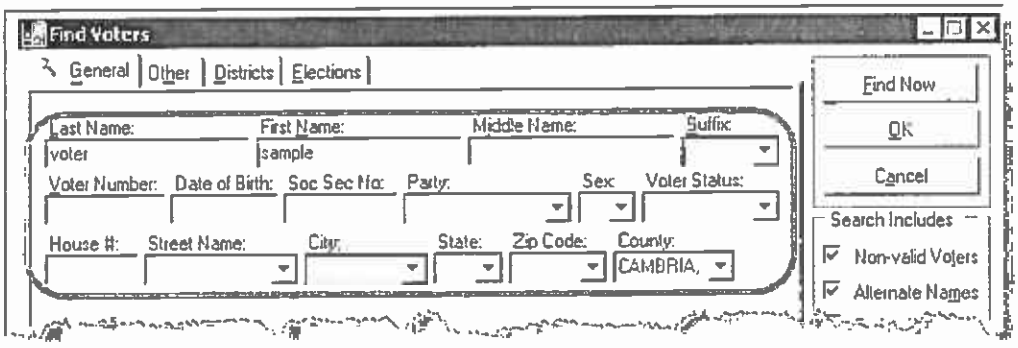
The DOB sent for ID verification will be the date in the 'Birth Date' field on the *ID Verification* tab. If this field is not populated, the DOB sent for ID verification will be the one on the *Application Queue* tab (if the absentee application was processed through the *Applications* module) or the voter's record (if the absentee was processed through the **Absentee Wizard**).

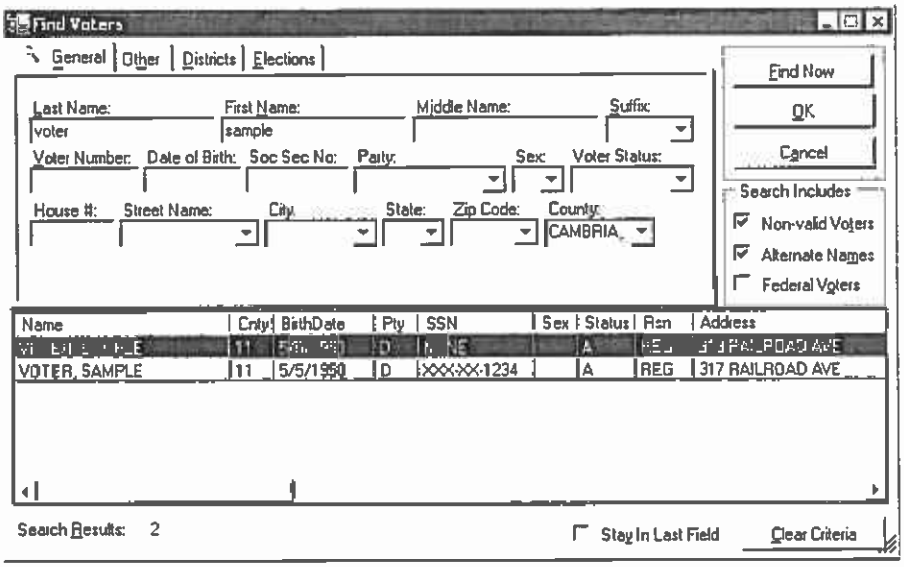
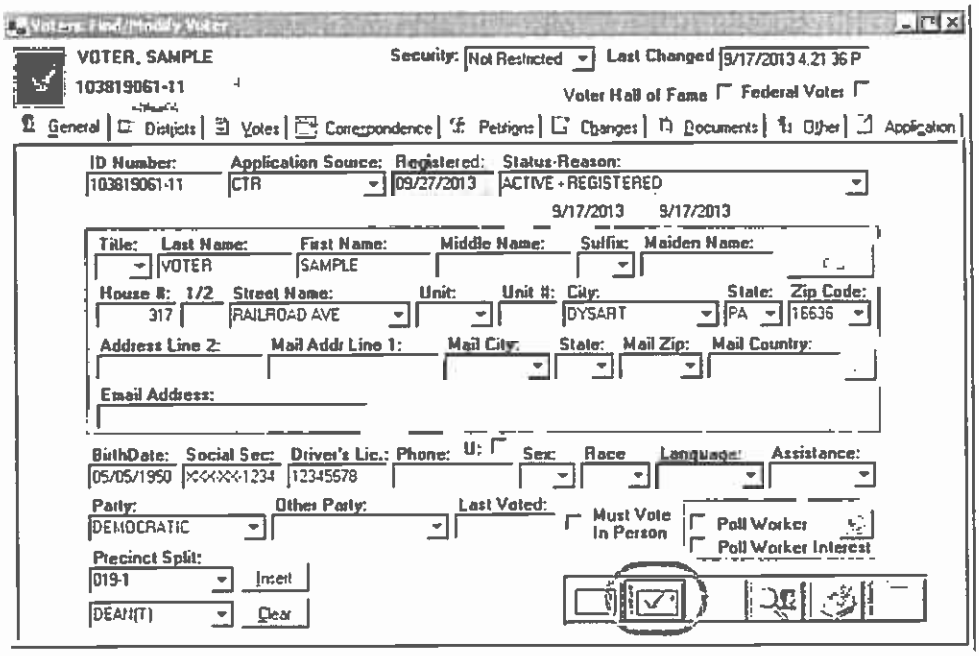
Note: If both the 'Driver's Lic.' and 'SSN' fields are populated when the **[Reprocess]** button is clicked, both will be simultaneously sent for ID verification.

5.	The **Verification History** grid is updated, displaying the status of the reprocessed ID verification request. The status-reason of the application will be 'APPR-ID VERIFICATION PEND' until the result of the ID verification is received. 
6.	If the ID verification process did not verify the reentered Driver's License, SSN and/or date of birth, the absentee application 'Status Reason' will remain 'APPR-ID NOT VERIFIED', the **Verification History** grid will reflect the status of the reprocessed ID verification attempt, the 'Driver's Lic.' and/or 'SSN' fields on the ***ID Verification*** tab will not be updated and the 'Verified' checkbox will remain unchecked. The ballot label queued when the first ID verification result was received will continue to contain the 'ID' watermark. Because the Driver's License and/or SSN on the absentee application was not verified, the Driver's License and/or SSN on the voter's record will not be updated. If the ID verification process verifies the reentered Driver's License, SSN and/or date of birth, the absentee application 'Status Reason' will automatically update to 'APPR – ID VERIFIED' and the ***ID Verification*** tab will reflect the auto-approval of the ID. The 'Driver's Lic.' and/or 'SSN' fields will be populated with the verified data and the 'Verified' checkbox will be marked. The ballot label queued when the first ID verification result was received will not contain the 'ID' watermark. Because the verified Driver's License and/or SSN on the absentee application is different than the Driver's License and/or SSN on the voter's record, the Driver's License and/or SSN on the voter's record will be updated. Note: • If the DOB provided on the ***ID Verification*** tab is different from the voter's record, the verified DOB will not update the voter's record. • If the ballot label was not confirmed prior to the reprocessing of the ID verification, the 'ID' watermark will be removed from the label.

7.	Click **[OK]** from the *ID Verification* tab to return to the **Verification Exceptions** screen.
8.	If there is another ID verification exception, it is displayed in the **Verification Exceptions** screen.
9.	If the last exception was processed or the **[Cancel]** button clicked from the last exception, the **HAVA Exception** message is displayed, displaying the number of ID verifications that were processed.  Click **[OK]** to close the message.
10.	Click **[Cancel]** to close the **Verification Exceptions** screen. **Note:** The response to the ballot cannot be recorded as "RECORD - BALLOT RETURNED" until the ID is verified.

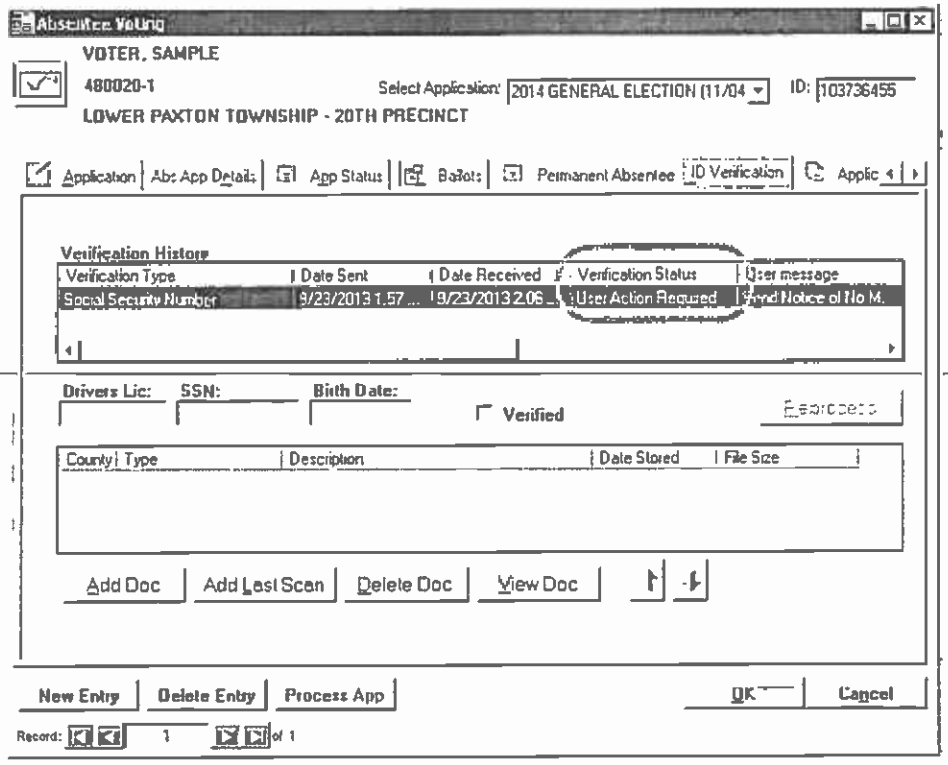
Scenario B: Reprocessing Absentee ID Verification Exceptions through the Voter Record

Steps	Actions
1.	From the SURE menu, select the *Voter Information* tab and then click the **[Find/Modify Voter]** button. 
2.	The **Find Voters** window opens. Populate the desired search criteria fields. 

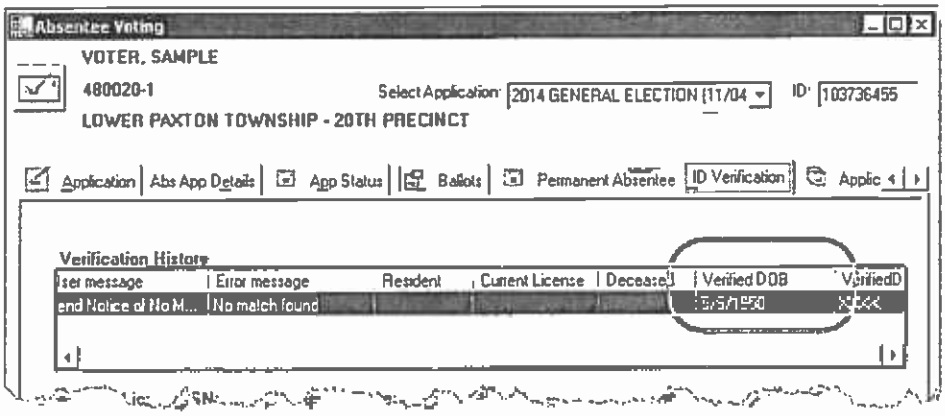
3.	Click the **[Find Now]** button. Voters meeting the search criteria are listed in the results grid.  To open the voter's record, select the desired voter from the grid and click **[OK]** or double-click the desired voter record from the grid.
4.	Click the **[Absentee Voting]** icon to display the **Absentee Voting** screen. 

5. Click the *ID Verification* tab on **Absentee Voting** screen.

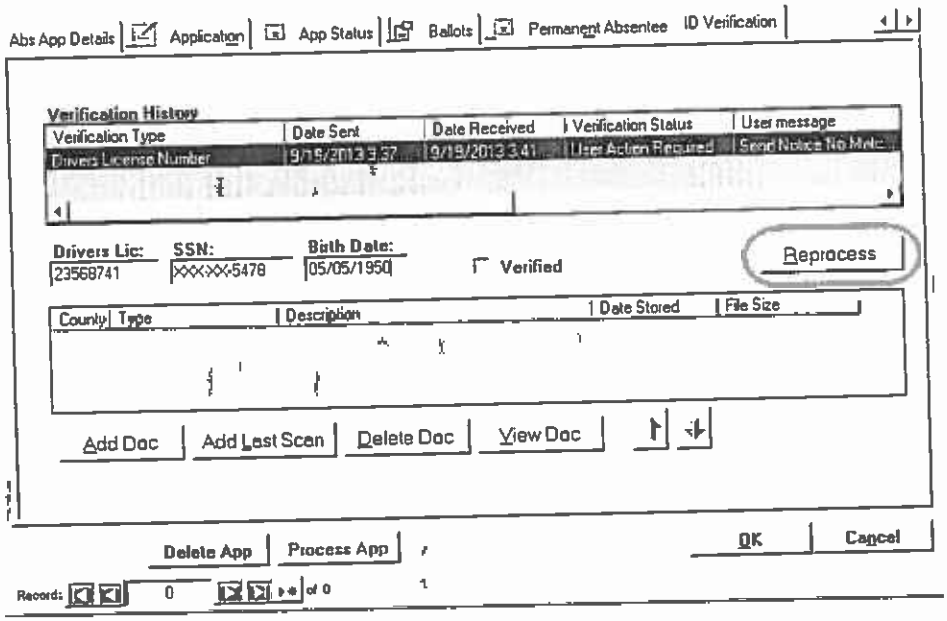
The **Verification History** grid shows the verification type used to process the ID verification as well as the status of the verification. Because the ID was not verified, the verification status is 'User Action Required'.



Scrolling to the right displays the date of birth used for ID verification.



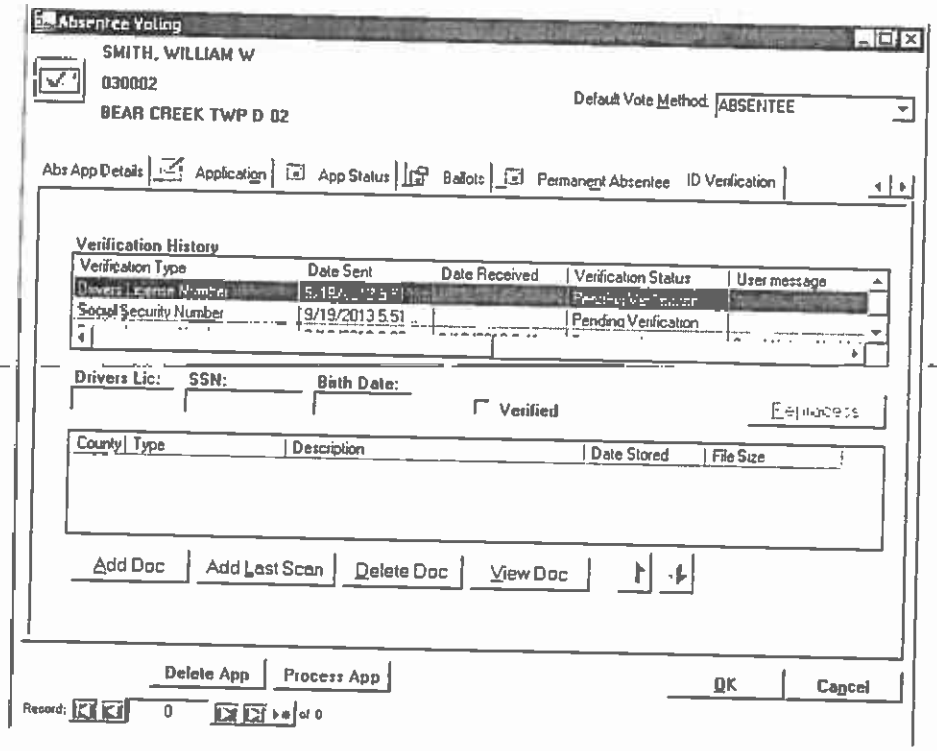
6. Enter the correct Driver's License, SSN and/or date of birth into the appropriate fields on the *ID Verification* tab and click the **[Reprocess]** button. The SSN, Driver's License and/or date of birth is sent for verification.



The DOB sent for ID verification will be the date in the 'Birth Date' field on the *ID Verification* tab. If this field is not populated, the DOB sent for ID verification will be the one on the *Application Queue* tab (if the absentee application was processed through the *Applications* module) or the voter's record (if the absentee was processed through the **Absentee Wizard**).

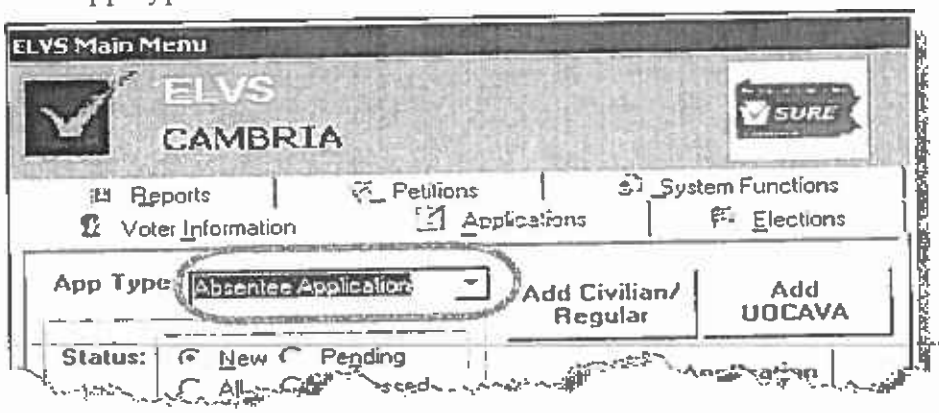
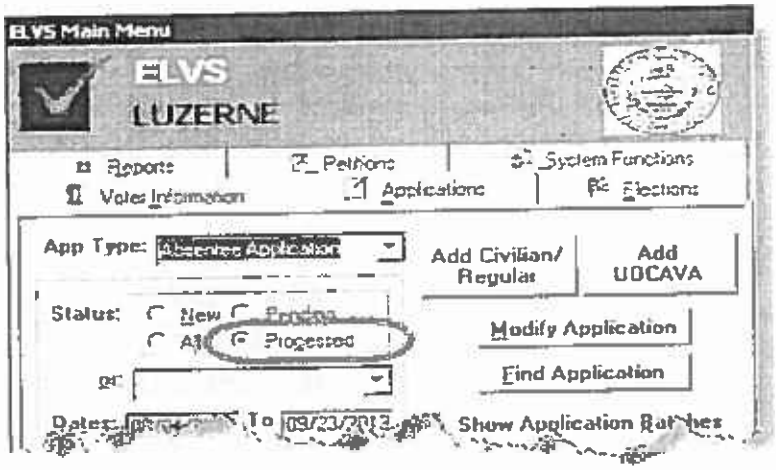
Note: If both the 'Driver's Lic.' and 'SSN' fields are populated when the **[Reprocess]** button is clicked, both will be simultaneously sent for ID verification.

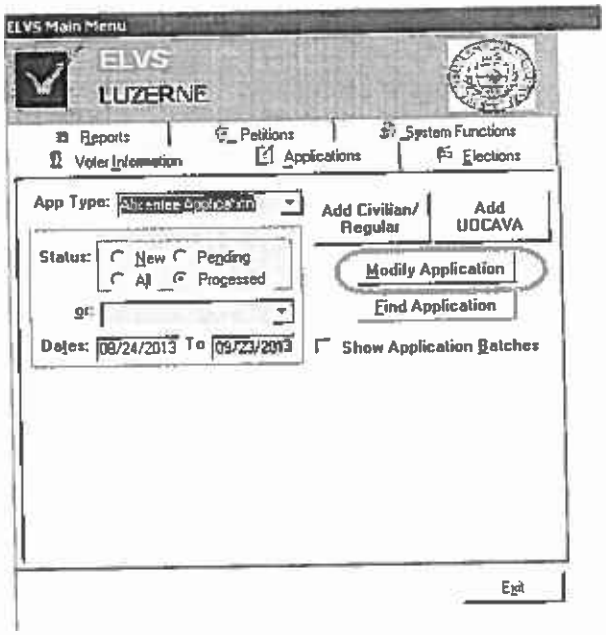
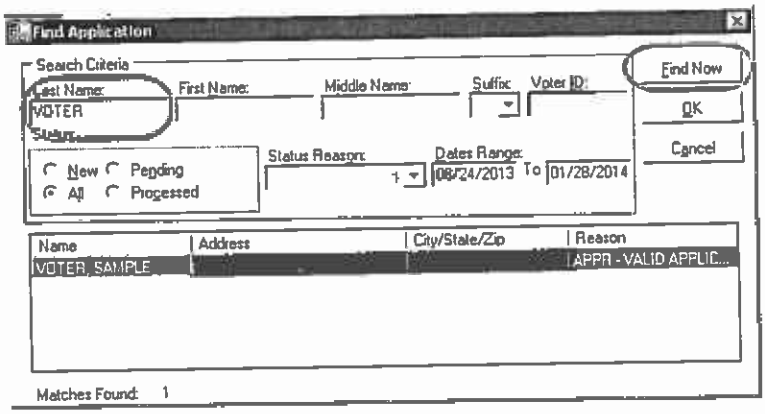
7.	The **Verification History** grid is updated, displaying the status of the reprocessed ID verification request. The status-reason of the application will be 'APPR-ID VERIFICATION PEND' until the result of the ID verification is received.

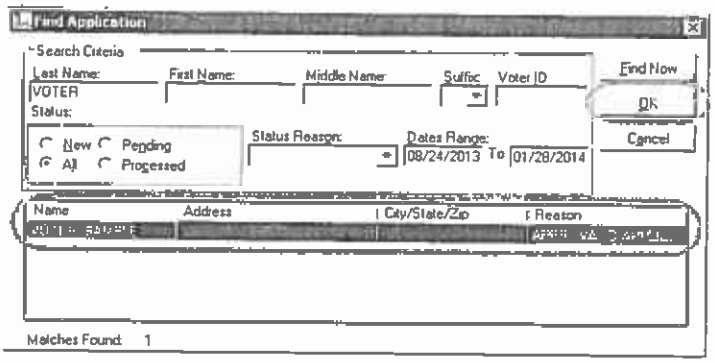
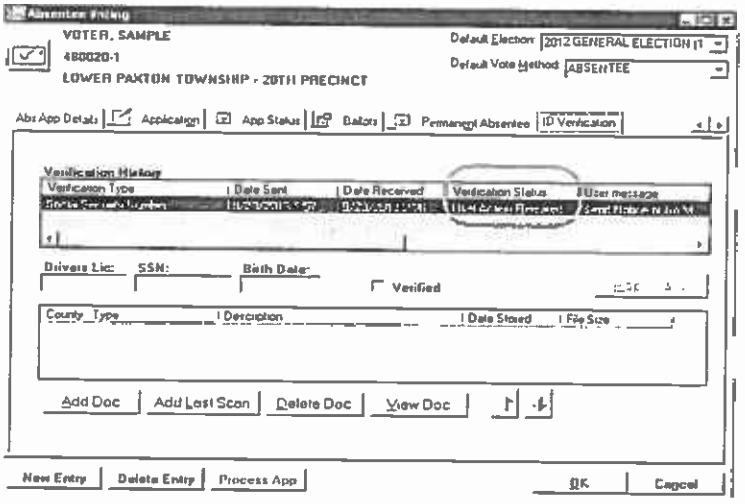
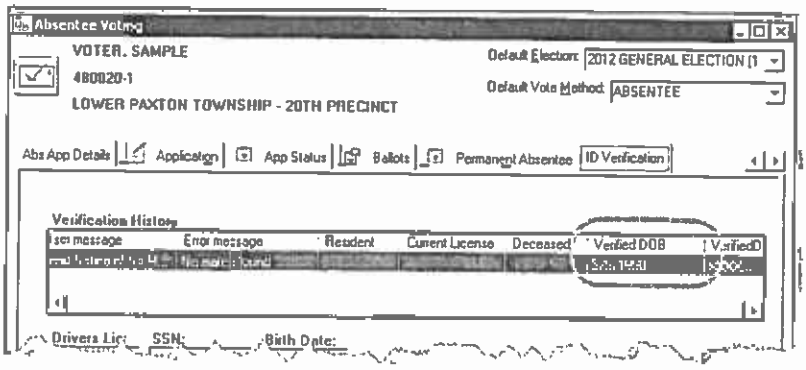


8.	If the ID verification process did not verify the reentered Driver's License, SSN and/or date of birth, the absentee application 'Status Reason' will remain 'APPR-ID NOT VERIFIED', the **Verification History** grid will reflect the status of the reprocessed ID verification attempt, the 'Driver's Lic.' and/or 'SSN' fields on the ***ID Verification*** tab will not be updated and the 'Verified' checkbox will remain unchecked. The ballot label queued when the first ID verification result was received will continue to contain the 'ID' watermark. Because the Driver's License and/or SSN on the absentee application was not verified, the Driver's License and/or SSN on the voter's record will not be updated. If the ID verification process verifies the reentered Driver's License, SSN and/or date of birth, the absentee application 'Status Reason' will automatically update to 'APPR – ID VERIFIED' and the ***ID Verification*** tab will reflect the auto-approval of the ID. The 'Driver's Lic.' and/or 'SSN' fields will be populated with the verified data and the 'Verified' checkbox will be marked. The ballot label queued when the first ID verification result was received will not contain the 'ID' watermark. Because the verified Driver's License and/or SSN on the absentee application is different than the Driver's License and/or SSN on the voter's record, the Driver's License and/or SSN on the voter's record will be updated. **Note:** • If DOB provided on the ID verification tab is different from the voter's record, the verified DOB will not update the voter's record. • If the ballot label was not confirmed prior to the reprocessing of the ID verification, the 'ID' watermark will be removed from the label.
9.	Click **[OK]** from the ***ID Verification*** tab to return to close the absentee record. **Note:** The response to the ballot cannot be recorded as "RECORD - BALLOT RETURNED" until the ID is verified.

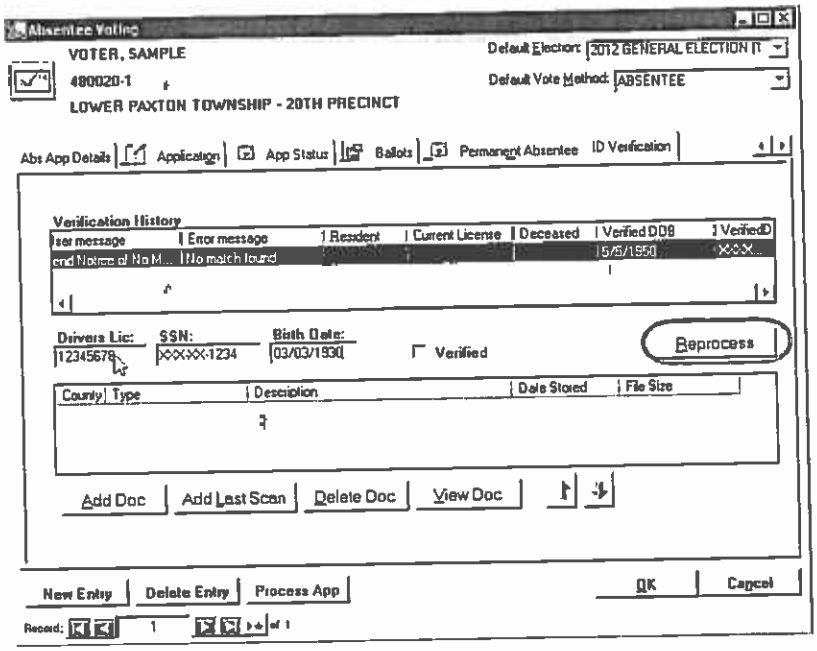
Scenario C: Reprocessing Absentee ID Verification Exceptions through the Applications Module

Steps	Actions
1.	From the SURE menu, select the *Applications* tab.
2.	Click in the 'App Type' down-down and select 'Absentee Application'. 
3.	In the 'Status' field, click the 'Processed' option. 

4.	Click **[Modify Application]**. 
5.	The **Find Application** window opens. Enter search criteria and click **[Find Now]**. 

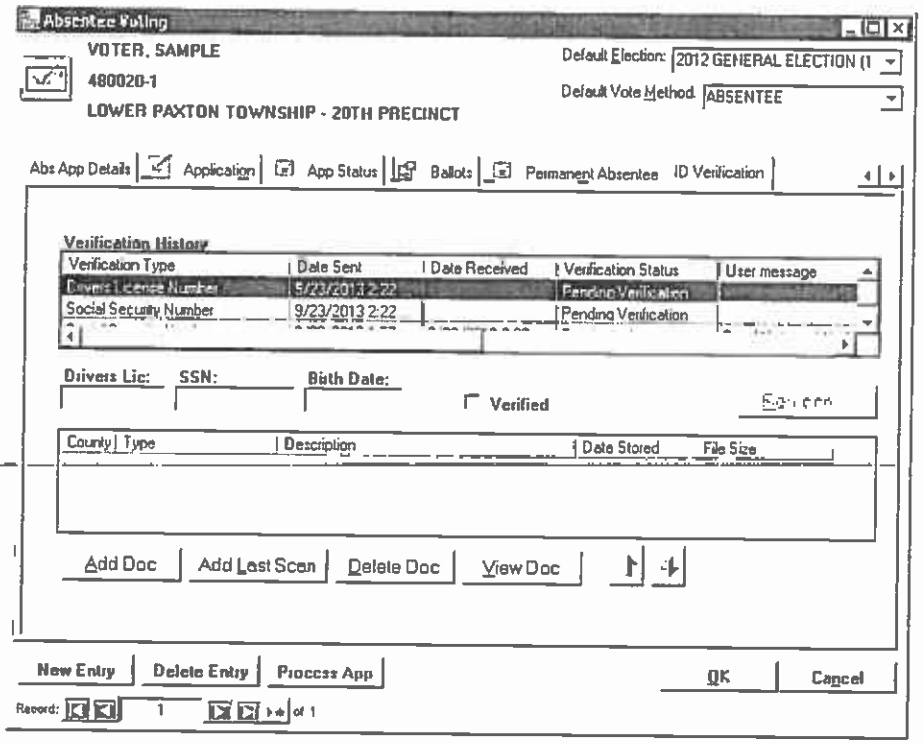
6.	Select the desired application and click [OK]. 
7.	The application is opened. Click the *ID Verification* tab on **Absentee Voting** screen. The **Verification History** grid shows the verification type used to process the ID verification as well as the status of the verification. Because the ID was not verified, the verification status is 'User Action Required'.  Scrolling to the right displays the date of birth used for ID verification 

8.	Enter the correct Driver's License, SSN and/or date of birth into the appropriate fields on the *ID Verification* tab and click the **[Reprocess]** button. The ID provided is sent for verification.



The DOB sent for ID verification will be the date in the 'Birth Date' field on the *ID Verification* tab. If this field is not populated, the DOB sent for ID verification will be the one on the *Application Queue* tab (if the absentee application was processed through the *Applications* module) or the voter's record (if the absentee was processed through the **Absentee Wizard**).

Note: If both the 'Driver's Lic.' and 'SSN' fields are populated when the **[Reprocess]** button is clicked, both will be simultaneously sent for ID verification.

9.	The **Verification History** grid is updated, displaying the status of the reprocessed ID verification request.  The status-reason of the application will be 'APPR-ID VERIFICATION PEND' until the result of the ID verification is received.

10.	If the ID verification process did not verify the reentered Driver's License, SSN and/or date of birth, the absentee application 'Status Reason' will remain 'APPR-ID NOT VERIFIED', the **Verification History** grid will reflect the status of the reprocessed ID verification attempt, the 'Driver's Lic.' and/or 'SSN' fields on the ***ID Verification*** tab will not be updated and the 'Verified' checkbox will remain unchecked. The ballot label queued when the first ID verification result was received will continue to contain the 'ID' watermark. Because the Driver's License and/or SSN on the absentee application was not verified, the Driver's License and/or SSN on the voter's record will not be updated. If the ID verification process verifies the reentered Driver's License, SSN and/or date of birth, the absentee application 'Status Reason' will automatically update to 'APPR – ID VERIFIED' and the ***ID Verification*** tab will reflect the auto-approval of the ID. The 'Driver's Lic.' and/or 'SSN' fields will be populated with the verified data and the 'Verified' checkbox will be marked. The ballot label queued when the first ID verification result was received will not contain the 'ID' watermark. Because the verified Driver's License and/or SSN on the absentee application is different than the Driver's License and/or SSN on the voter's record, the Driver's License and/or SSN on the voter's record will be updated. **Note:** • If the DOB provided on the ID verification tab is different from the voter's record, the verified DOB will not update the voter's record. • If the ballot label was not confirmed prior to the reprocessing of the ID verification, the 'ID' watermark will be removed from the label.
11.	Click **[OK]** to close the voter's absentee record. **Note:** The response to the ballot cannot be recorded as "RECORD - BALLOT RETURNED" until the ID is verified.

Recording Returned Absentee Ballots

The following describes the process to record absentee ballots returned by the voter and absentee ballots returned as undeliverable by USPS. In addition, a chart of the available absentee ballot response types with business reasons is included for your reference.

The following scenarios are related to this process:

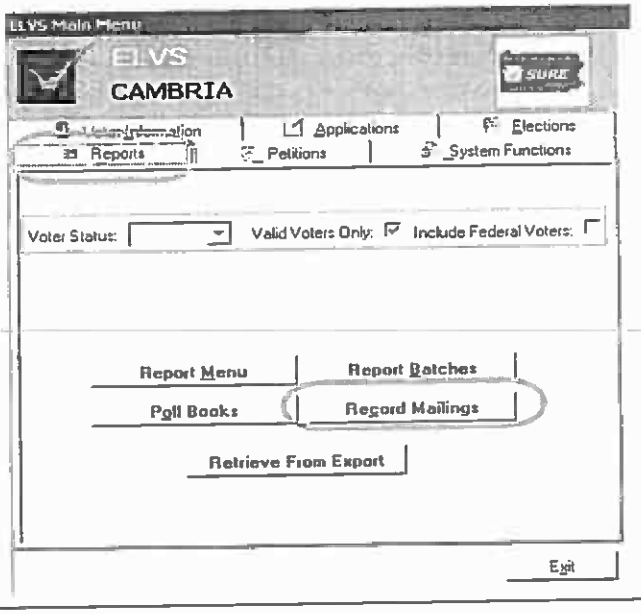
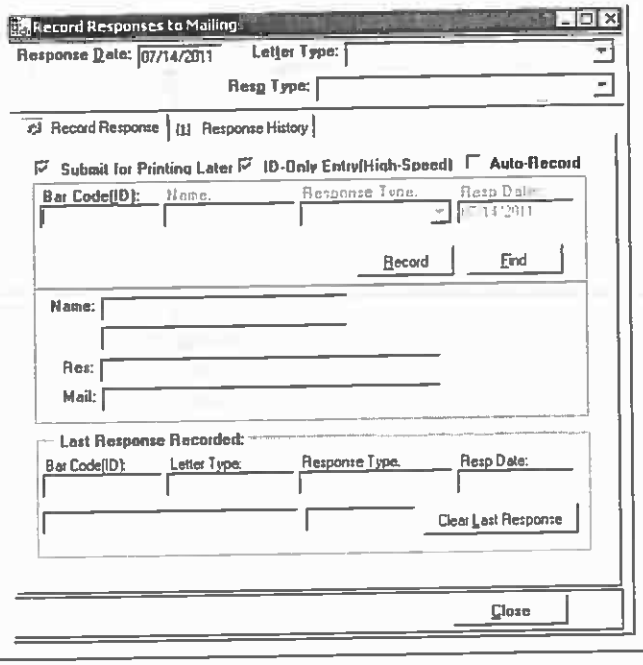
- Scenario A: Recording Returned Absentee Ballots
- Scenario B: Using Auto-Record to Record Returned Absentee Ballots
- Scenario C: Clearing an Absentee Ballot Label Response
- Scenario D: Recording Absentee Ballots Returned as Undeliverable by USPS
- Scenario E: Recording Absentee Ballot Responses When the Bar Code Cannot Be Scanned

Each of these scenarios is addressed on the following pages:

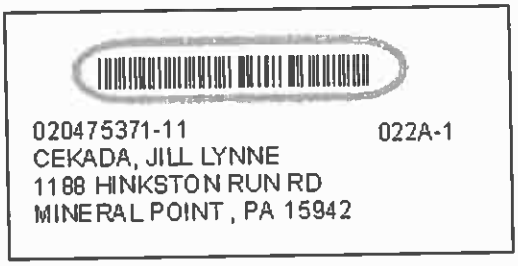
- Scenario A: page 2
- Scenario B: page 6
- Scenario C: page 10
- Scenario D: page 15
- Scenario E: page 18

Scenario A: Recording Returned Absentee Ballots

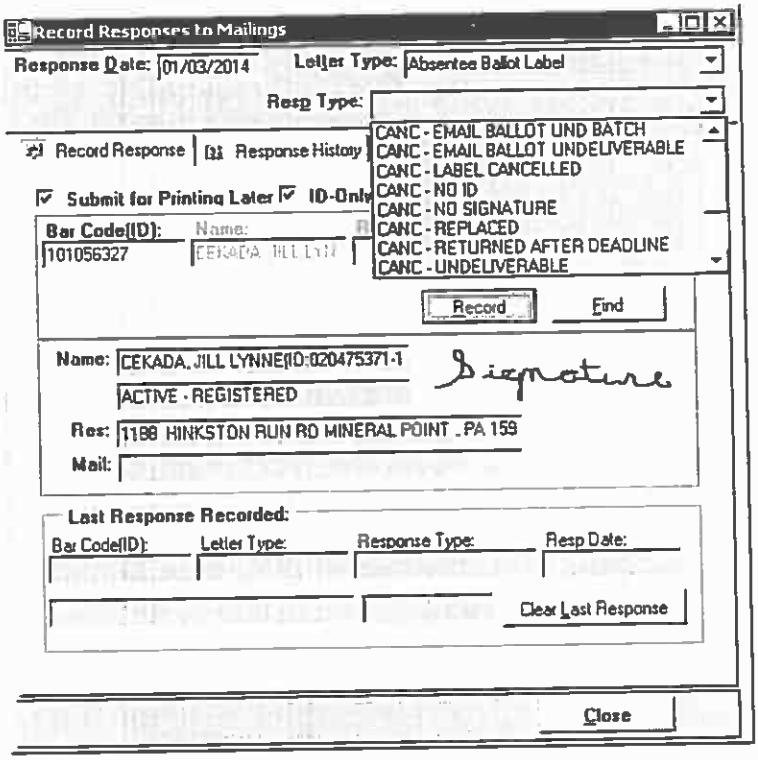
The following steps are applicable to regular absentee ballots and UOCAVA absentee ballots.

Steps	Actions
1.	Sign onto SURE VR, select the *Reports* tab and click the **[Record Mailings]** button. 
2.	The **Record Responses to Mailings** screen is displayed. 

Steps	Actions
3.	Using the barcode reader, scan the barcode on the returned absentee ballot envelope.



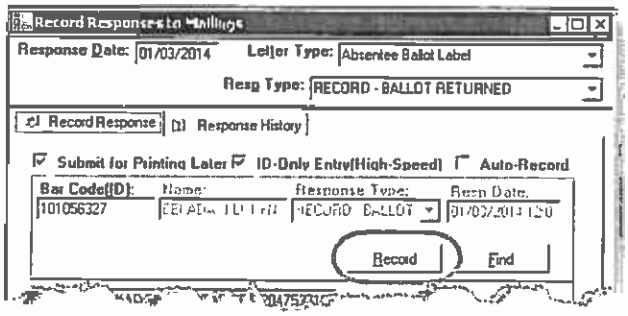
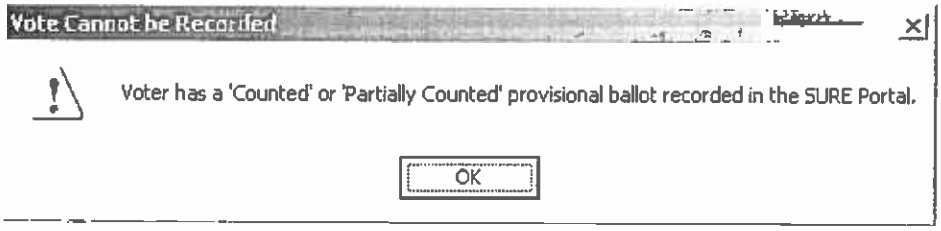
The fields for voter's name, signature, and address are populated. The 'Letter Type', 'Resp Date' and 'Bar Code (ID)' fields are also populated and the 'Resp Type' options are displayed.

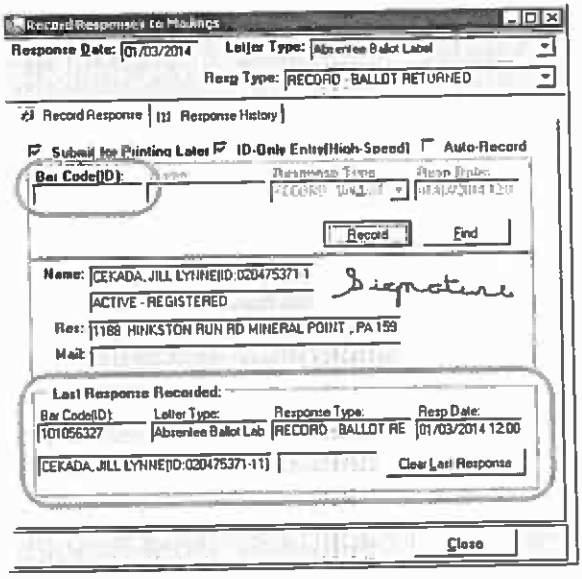
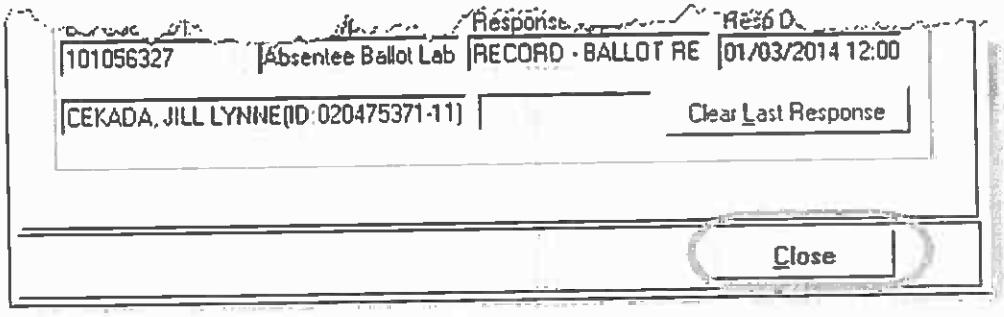


Note: If the 'Letter Type' is populated before the barcode is scanned, it will be updated to match the letter type associated to the scanned barcode.

Please refer to scenario B on page 6 for information on using the 'Auto-Record' option when recording absentee ballots returned by the voter.

Please refer to scenario E on page 18 if the bar code on returned ballot cannot be scanned.

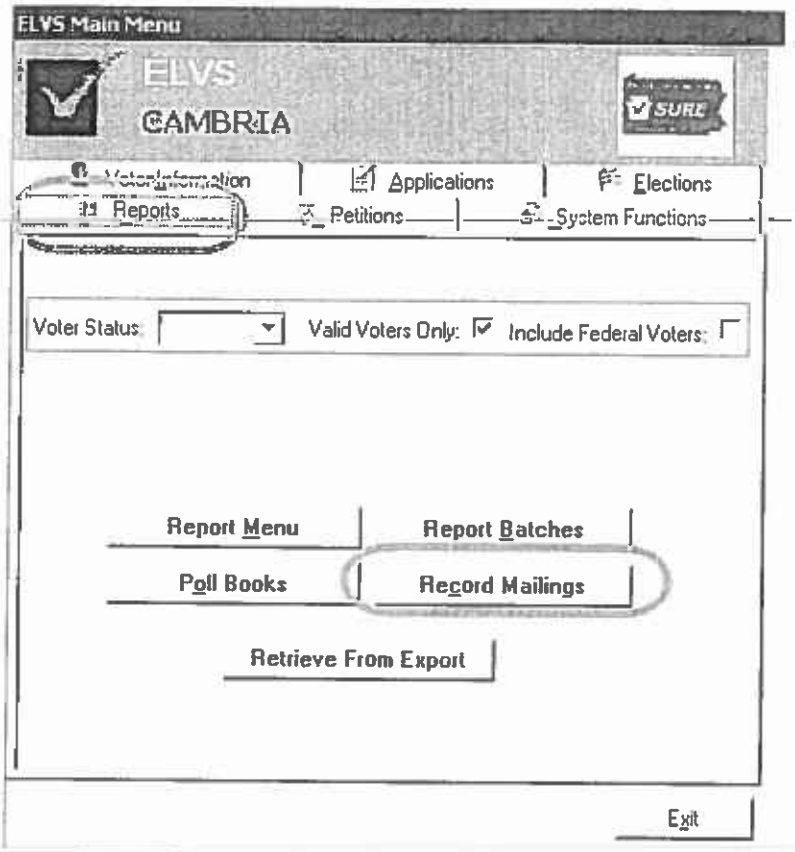
Steps	Actions
4.	From the 'Resp Type' drop-down list, select the appropriate response type: • 'RECORD-BALLOT RETURNED' if the voter returned an official ballot • 'RECORD - FWAB RETURNED' if the voter returned an FWAB ballot • 'FWAB OVERRIDE—OFFICIAL BALLOT RECEIVED if the voter returned an official ballot after an FWAB ballot was recorded as returned. Please see the table titled 'Available Absentee Ballot Response Types with Business Reasons 'on page 22 for descriptions of other ballot response types that may be used here as well as explanations of the business reasons for their use. **Note**: If an FWAB is received from a qualified unregistered voter, it can be used to register the voter through the ***Applications*** module in SURE VR. When processing the FWAB through the ***Applications*** module, select 'FWAB' from the 'Source' field on the **Voter Applications** screen.
5.	Click the **[Record]** button after populating the 'Resp Type' field.  • If the response type is RECORD-BALLOT RETURNED, RECORD - FWAB RETURNED, or FWAB OVERRIDE - OFFICIAL BALLOT and the voter has a 'Counted' or 'Partially Counted' provisional ballot, the **Vote Cannot be Recorded** message is displayed.  Click **[OK]** to close the message. The vote cannot be recorded in SURE VR unless the provisional ballot is deleted.

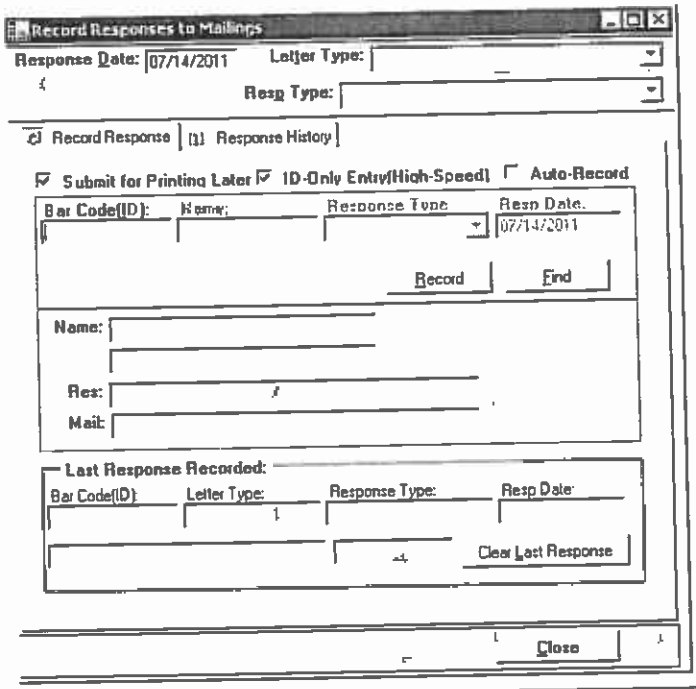
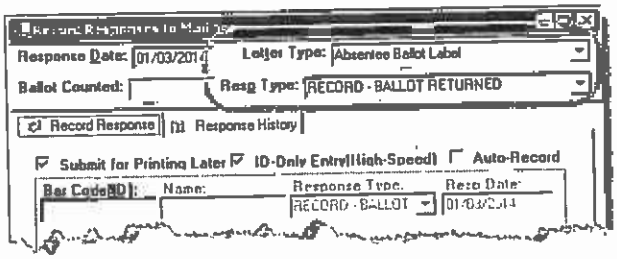
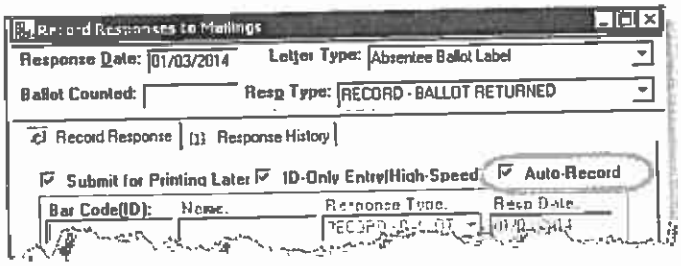
Steps	Actions
6.	The 'Bar Code (ID)' field is cleared and the fields on the 'Last Response Recorded' area are populated with the voter's information.  The following will occur when recording the ballot as RECORD – BALLOT RETURNED: • The *Votes* tab of the voter record is updated to include vote history for the current election. • The *Ballots* tab on the *Absentee Voting* screen will show the ballot status as 'Record – Ballot Returned' and display the date the ballot was received. • The *Correspondence* tab of the voter record is updated to show the response was recorded. • The 'Last Voted' field on the voter's record is updated with the current election date.
7.	Click the **[Close]** button to close the **Record Responses to Mailings** screen. 

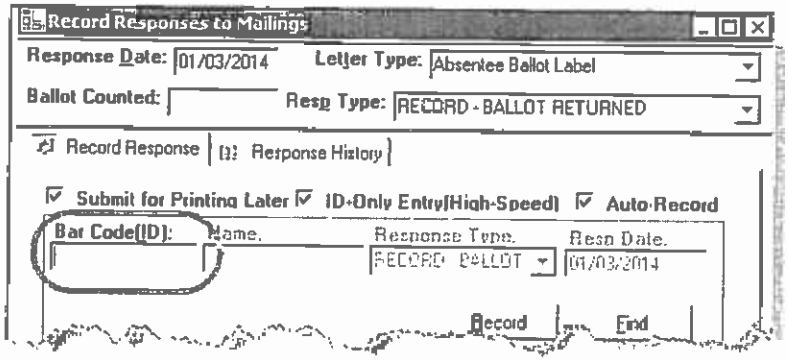
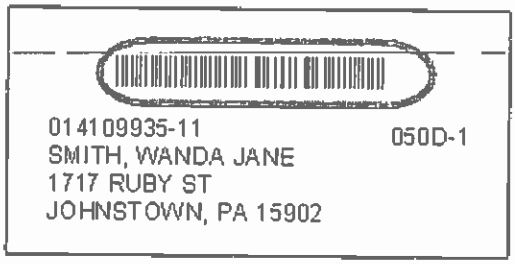
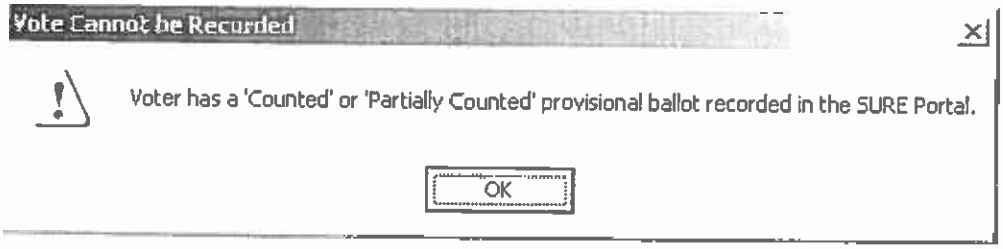
Scenario B: Using Auto-Record to Record Returned Absentee Ballots

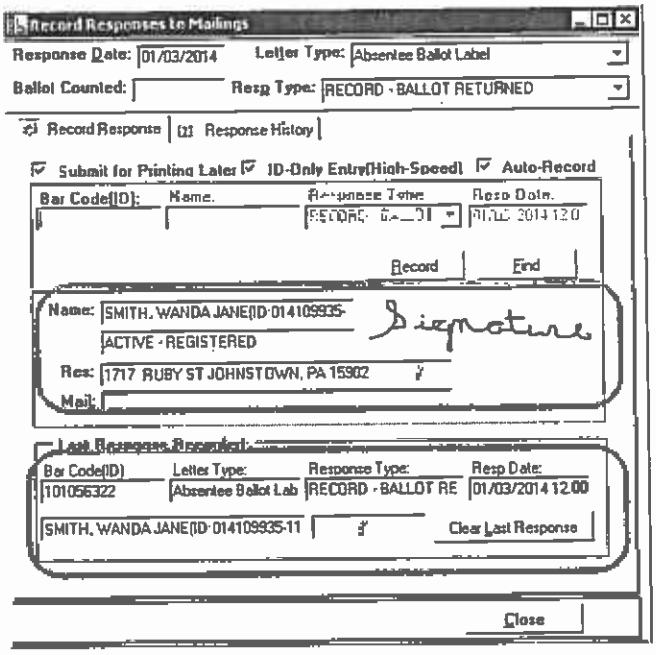
The auto-record option is convenient when many absentee ballots of the same type need to be recorded with the same response. To fully optimize the process, face all the absentee ballots with the barcode up and organize them by type and response.

Steps	Actions
1.	Sign onto SURE VR, select the *Reports* tab and then click the **[Record Mailings]** button.



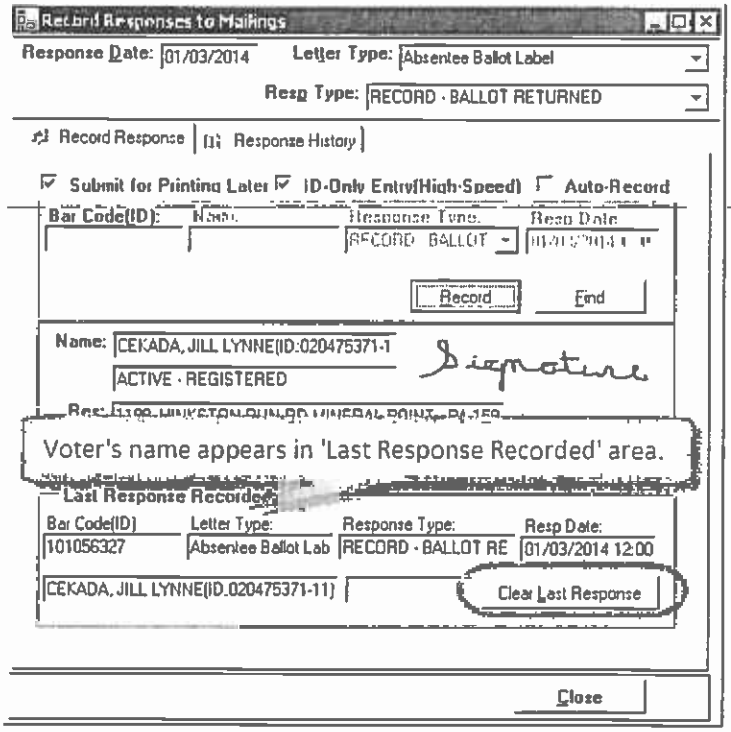
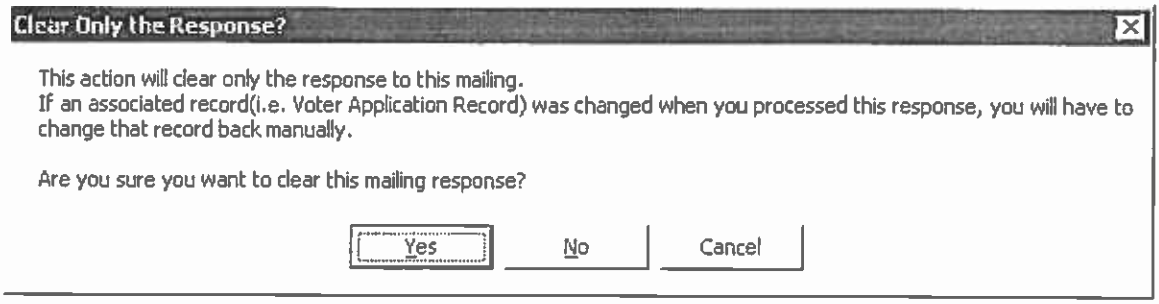
2.	The *Record Responses to Mailings* screen is displayed. 
3.	Populate the 'Letter Type' field with the absentee ballot type being recorded. Populate the 'Resp Type' field with the appropriate response. 
4.	Click the checkbox to the left of 'Auto-Record' to populate it with a checkmark. 

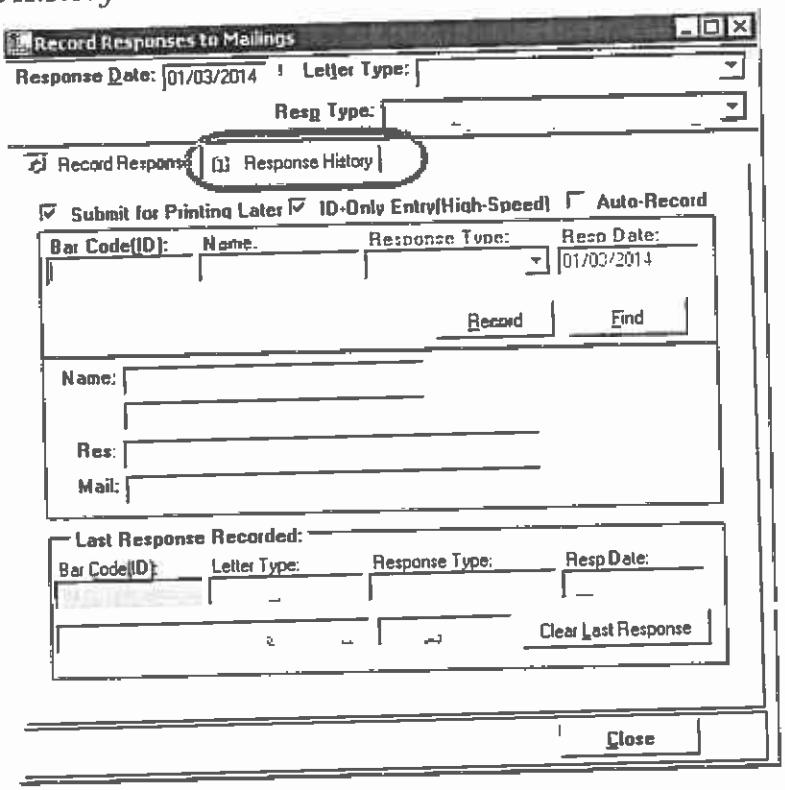
5.	If necessary, put the cursor in the 'Bar Code(ID) field by clicking in it. 
6.	Use the barcode scanner to scan the barcode on the absentee label.  **Note:** If the response type is RECORD-BALLOT RETURNED, RECORD - FWAB RETURNED, or FWAB OVERRIDE - OFFICIAL BALLOT and the voter has a 'Counted' or 'Partially Counted' provisional ballot, the **Vote Cannot be Recorded** message is displayed.  Click [OK] to close the message. The vote cannot be recorded in SURE VR unless the provisional ballot is deleted.

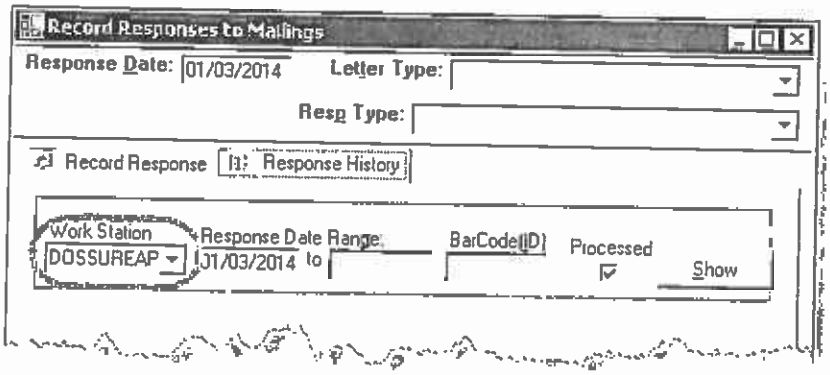
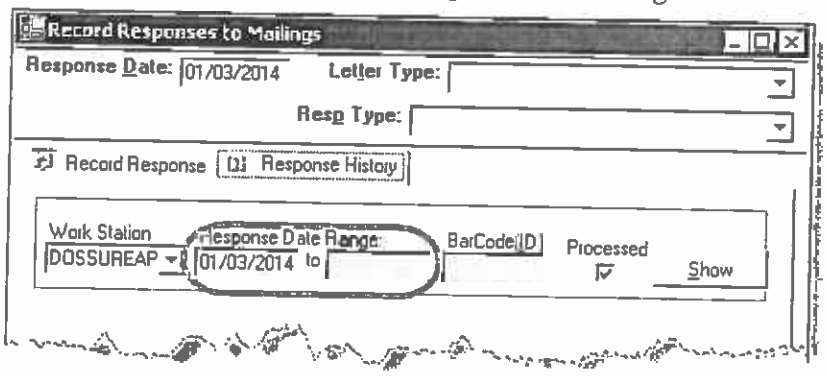
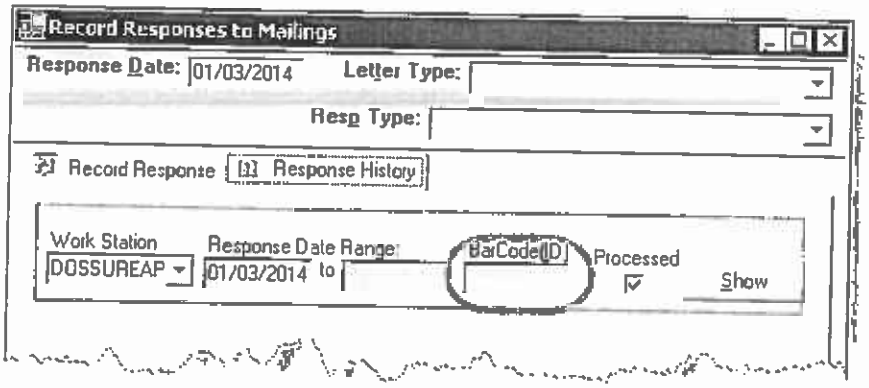
7.	Because the 'Auto-Record' checkbox is marked, there is no need to click the [Record] button. The fields for voter's name, signature, and address are populated. The fields in the 'Last Response Recorded' area are also populated, indicating the response was recorded.  The following actions also take place when recording the ballot as RECORD – BALLOT RETURNED: • The ***Votes*** tab of the voter record is updated to include vote history for the current election. • The ***Ballots*** tab on the ***Absentee Voting*** screen will show the ballot status as 'Record – Ballot Returned' and display the date the ballot was received. • The ***Correspondence*** tab of the voter record is updated. • The 'Last Voted' field on the voter's record will be updated with the current election date.
8.	The cursor is automatically placed in the 'Bar Code(ID)' field. Use the barcode scanner to scan the barcode of the next absentee ballot label. Continue to scan the barcodes until all the absentee labels needing the same response are scanned. Note: The 'Resp Type' field can be changed before scanning the next barcode. It will retain the selected option until a new option is selected.
9.	Click the [Close] button to close the ***Record Responses to Mailings*** screen.

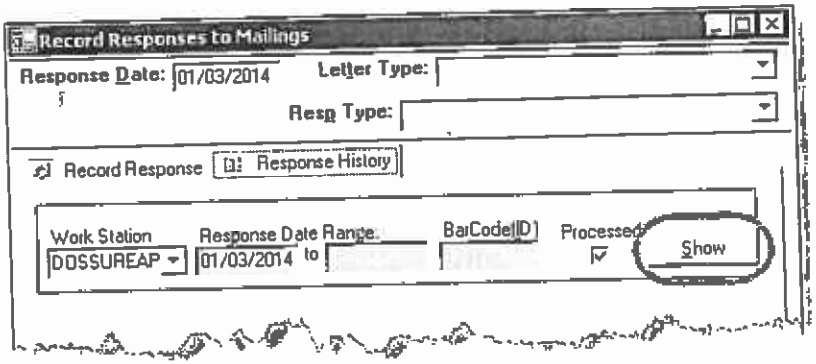
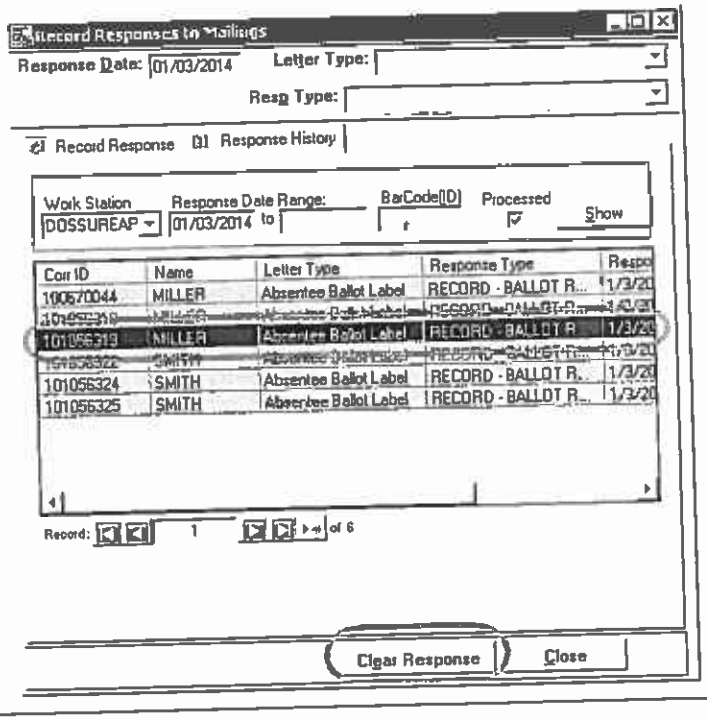
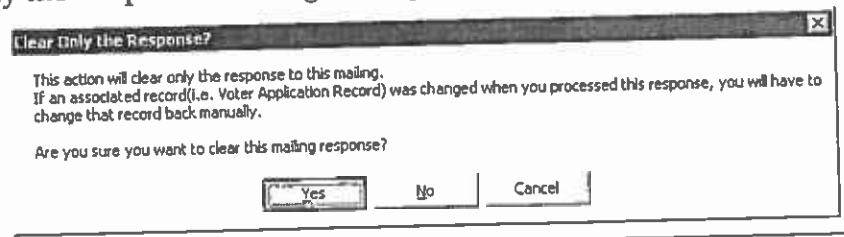
Scenario C: Clearing an Absentee Ballot Label Response

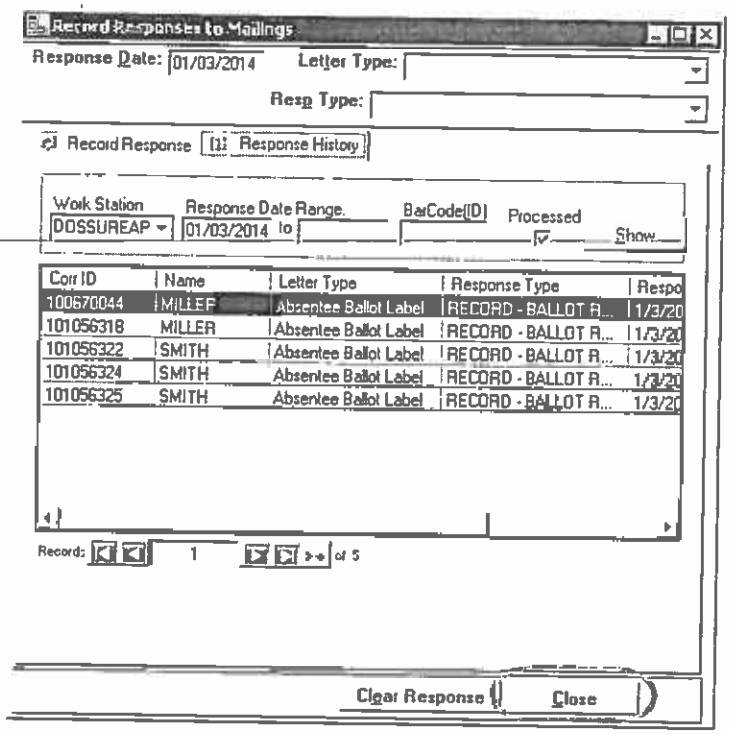
Responses to absentee ballots can be cleared immediately after the response is recorded or any time after.

Steps	Actions
1.	If a response to an absentee ballot was recorded in error and the voter's name is displayed in the 'Last Response Recorded' area of the **Record Responses to Mailing** screen, click the **[Clear Last Response]** button. 
2.	The **Clear Only the Response?** message is displayed. 

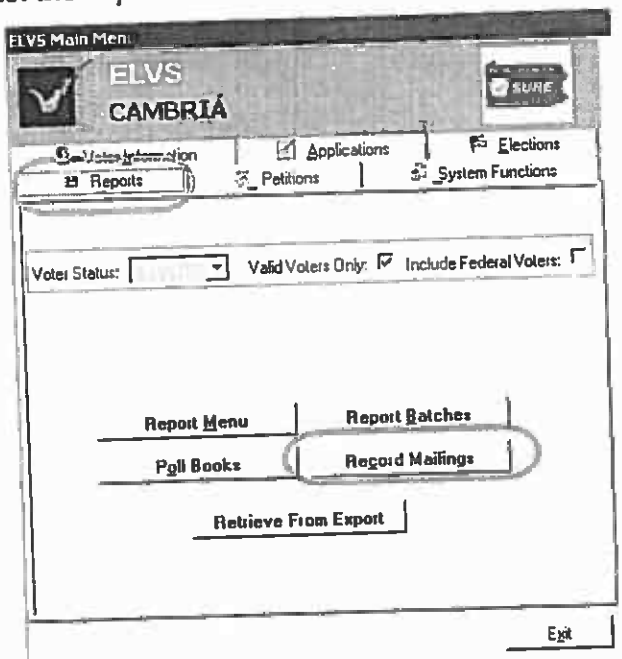
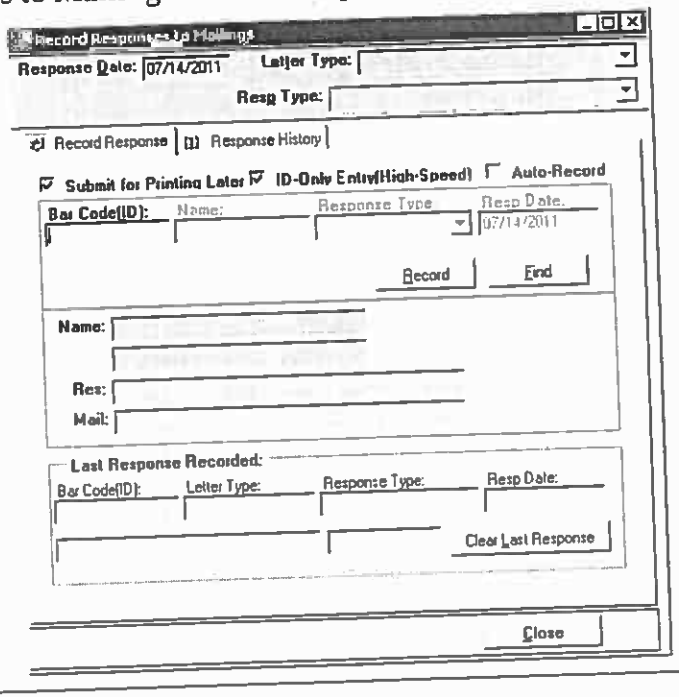
3.	Click **[No]** or **[Cancel]** to close the message and return to the **Record Responses to Mailings** screen without clearing the response. Click **[Yes]** to clear the response. The message closes and the voter's name is removed from the 'Last Response Recorded' area. The voter's information remains displayed so a different response type can be selected and the **[Record]** button clicked. **Note:** If no response should be recorded, scan the barcode of the next absentee ballot to be recorded or close the **Record Responses to Mailings** screen.
4.	If a response to an absentee ballot was recorded in error and the voter's name is not displayed in the 'Last Response Recorded' area of the **Record Responses to Mailing** screen click the *Response History* tab.  **Note:** If necessary, open the **Record Responses to Mailings** screen by signing onto SURE VR, clicking the *Reports* tab, and clicking the **[Record Mailings]** button.

5.	The 'Work Station' field defaults to the computer being used. If necessary, select the computer used to record the mailing. If the computer is not known, delete the text from the field. 
6.	To limit the search to a specific date, edit the 'Response Date Range' fields. 
7.	If available, populate the 'BarCode(ID)' field with the correspondence ID. If this is not available, leave the field blank. 

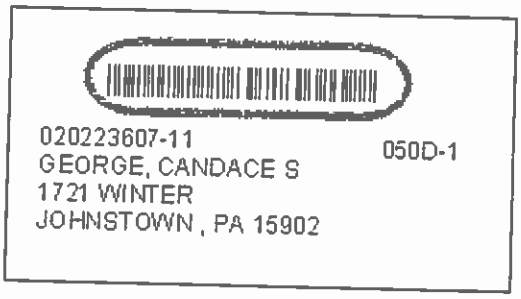
8.	Click [Show]. 
9.	Select the voter from the results and click [Clear Response]. 
10.	The **Clear Only the Response?** message is displayed. 

11.	Click **[Yes]** to clear the response. The message closes. The voter's name is removed from the search results. If applicable, use the *Record Response* tab to record the ballot as returned using the correct response type. Click **[No]** or **[Cancel]** to close the message and return to the **Record Responses to Mailings** screen without clearing the response.
12.	Click **[Close]** to close the **Record Responses to Mailings** screen. 

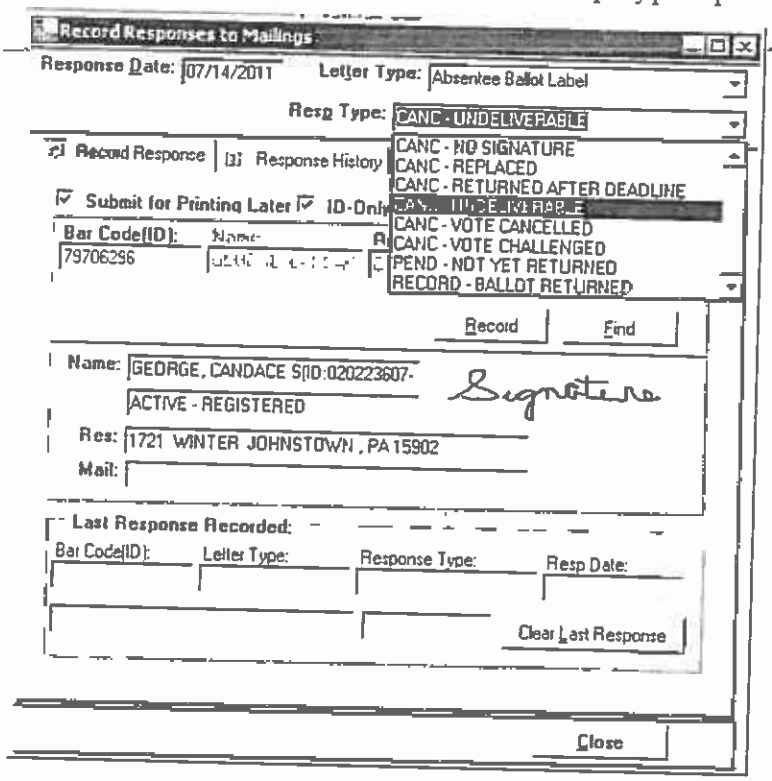
Scenario D: Recording Absentee Ballots Returned as Undeliverable by USPS

Steps	Actions
1.	Sign onto SURE VR, select the *Reports* tab and then click the **[Record Mailings]** button. 
2.	The **Record Responses to Mailings** screen is displayed. 

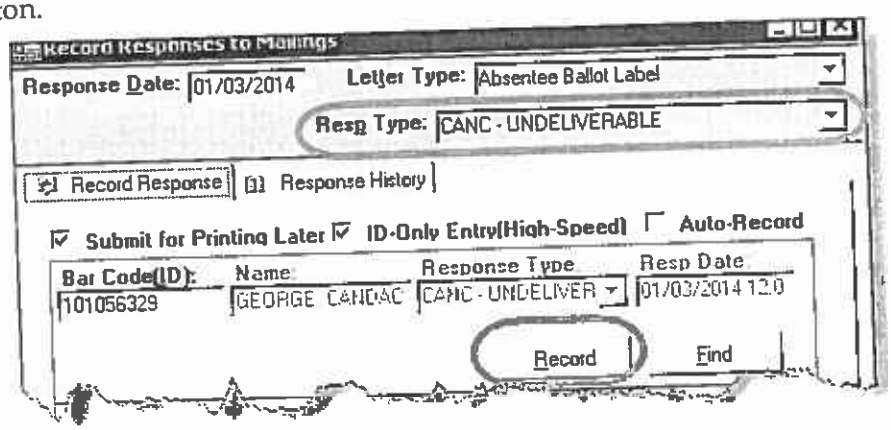
Steps	Actions
3.	Using the barcode reader, scan the barcode on the returned absentee ballot envelope.



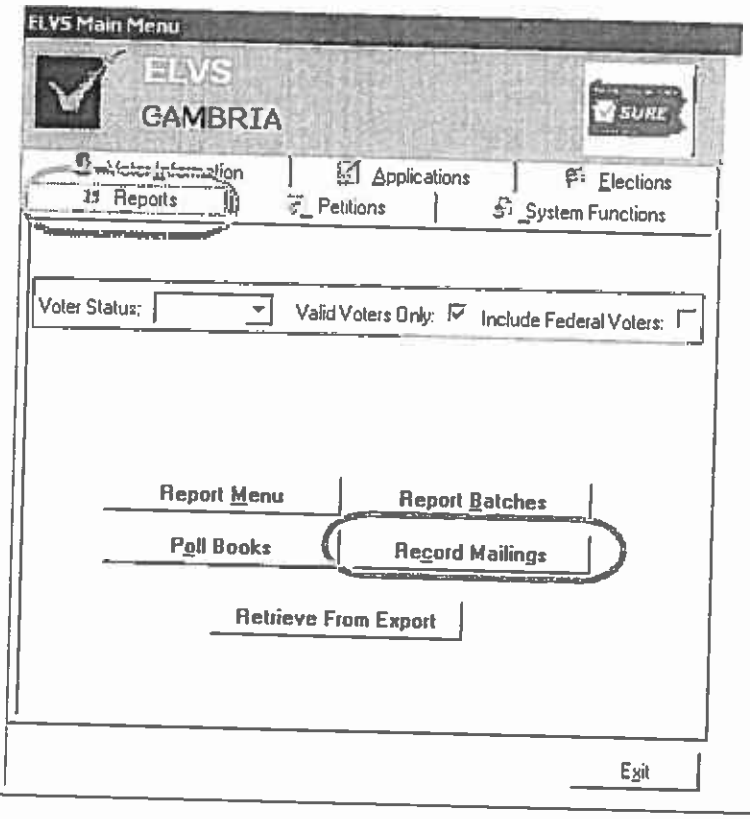
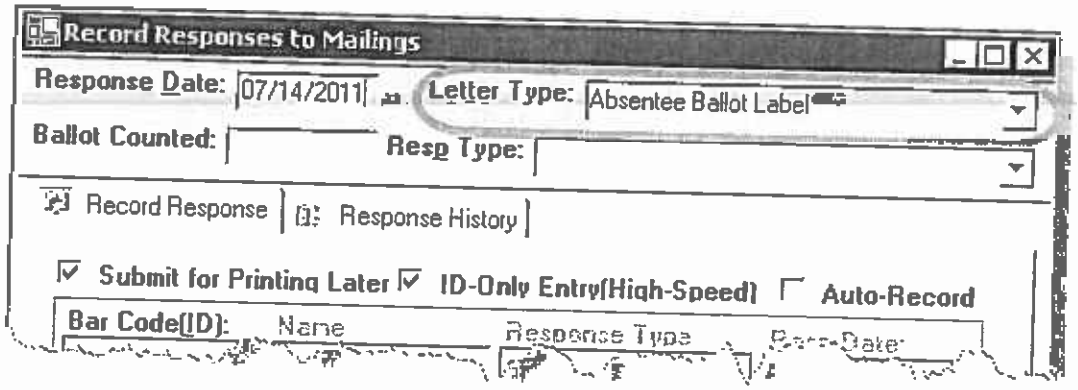
The fields for voter's name, signature, and address are populated. The 'Letter Type', 'Resp Date' and 'Bar Code(ID)' fields are also populated and the 'Resp Type' options are displayed.

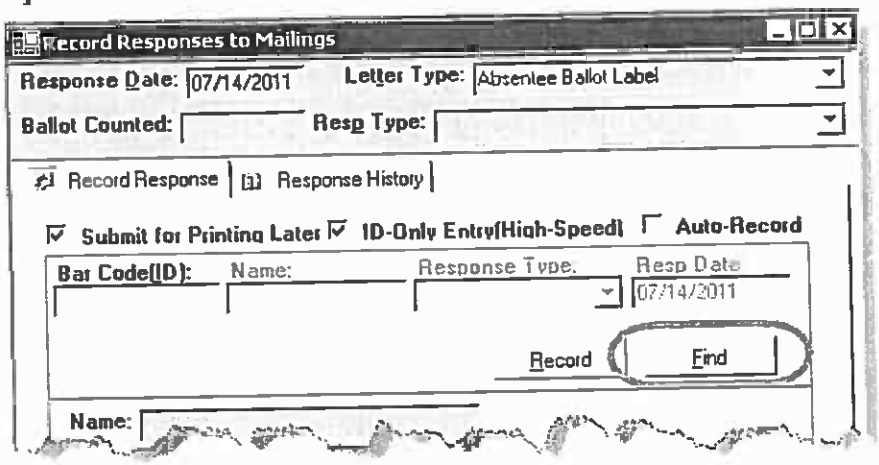
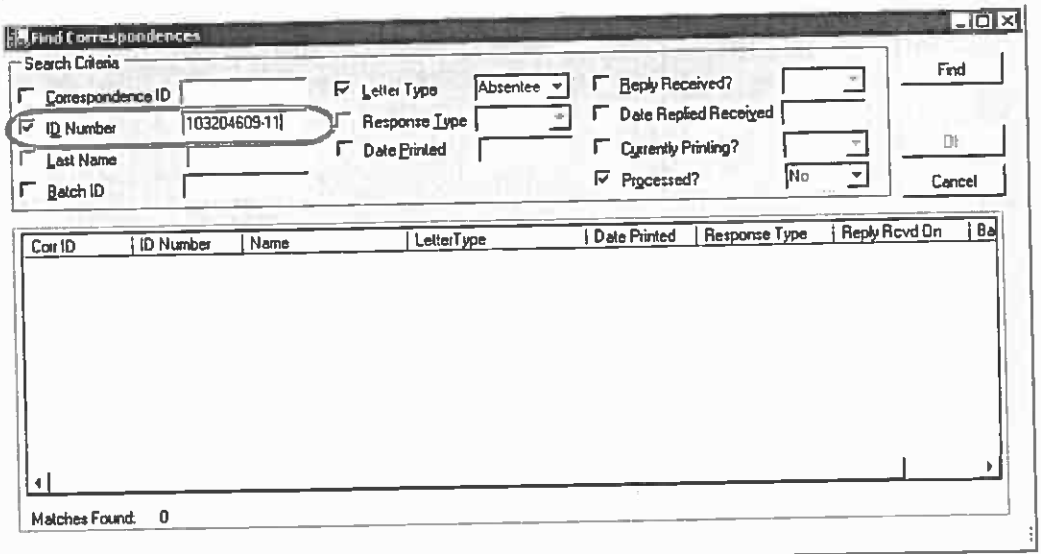


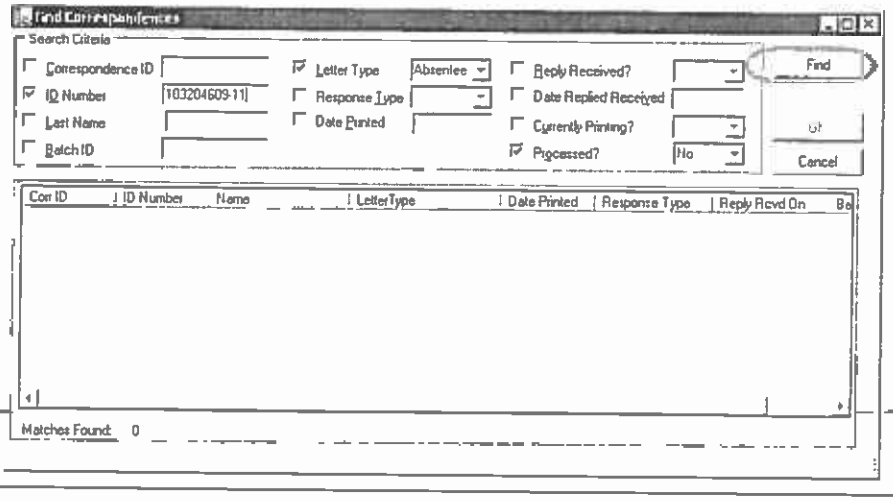
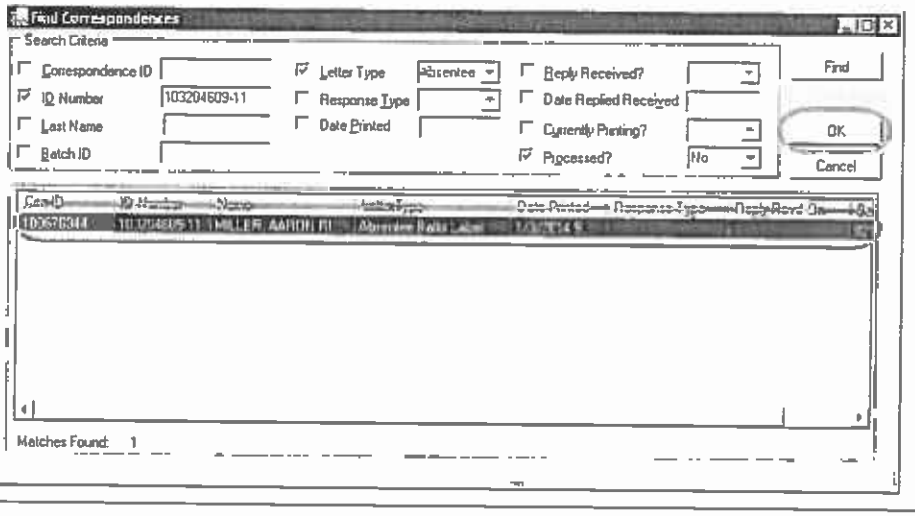
Note: Please refer to scenario E on page 18 if the bar code on returned ballot cannot be scanned.

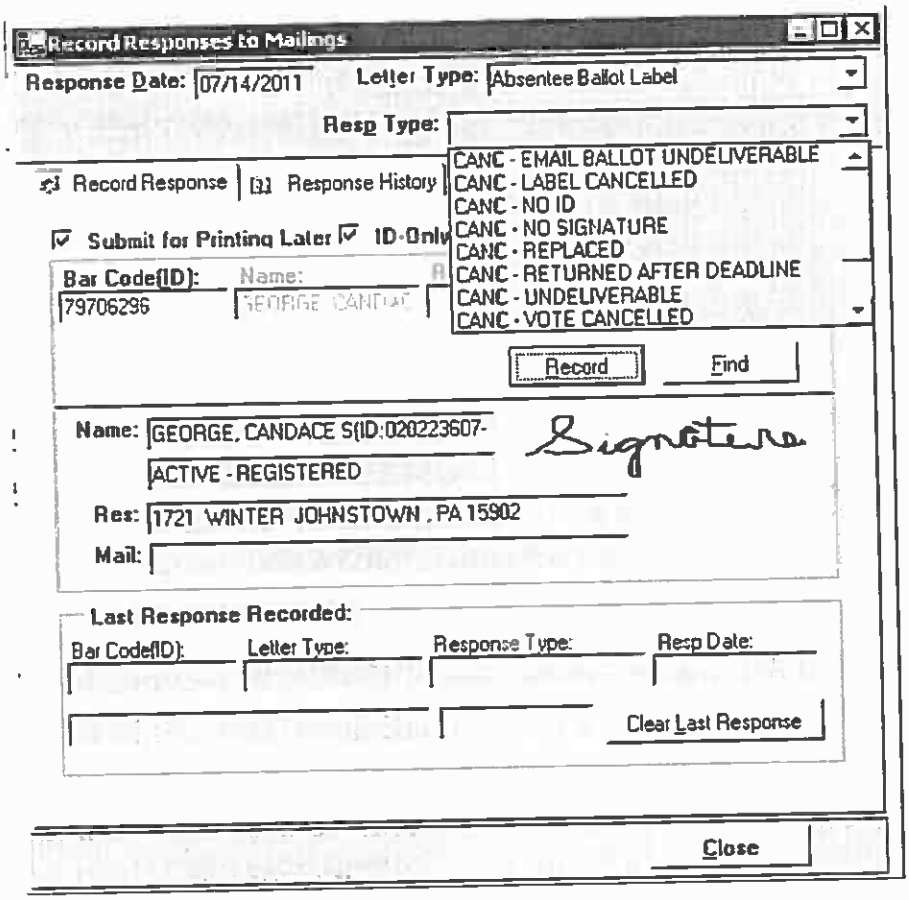
4.	From the 'Resp Type' drop-down list, select 'CANC - UNDELIVERABLE' and then click the **[Record]** button.  **Note:** Please refer to scenario B on page 6 for information on using the Auto-Record option when recording absentee ballots returned by the voter.
5.	The 'Bar Code(ID)' field is cleared and the fields on the 'Last Response Recorded' area are populated with the voter's information. The ballot has been recorded as undeliverable.
6.	Click the **[Close]** button to close the **Record Responses to Mailings** screen.

Scenario E: Recording Absentee Ballot Responses When the Bar Code Cannot Be Scanned

Steps	Actions
1.	Sign onto SURE VR, select the *Reports* tab and then click the [Record Mailings] button. 
2.	The Record Responses to Mailings screen is displayed. Populate the 'Letter Type' field with the correct absentee label type. 

Steps	Actions
3.	Click the [Find] button.  The Find Correspondences screen opens.
4.	Click the checkbox to the left of 'ID Number' to populate it with a checkmark and type the voter's ID into the field (the voter's ID is on the absentee label). If the voter's ID is not known, click the checkbox to the left of 'Last Name' to populate it with a checkmark and type the voter's last name into the field. 

Steps	Actions
5.	Click **[Find]**. 
6.	Click the voter's name from the search results and click **[OK]**. 

Steps	Actions
7.	The Find Correspondences screen closes and the Record Responses to Mailings is displayed. The fields for voter's name, signature, and address are populated. The 'Letter Type', 'Resp Date' and 'Bar Code(ID)' fields are also populated and the 'Resp Type' options are displayed.  Note: Refer to scenario A on page 2 to record the responses.

Available Absentee Ballot Response Types with Business Reasons

Response Type	Business Reason
CANC - EMAIL BALLOT UND BATCH	Used by SURE VR when an email ballot correspondence cannot be delivered to the absentee email address. Ballots with this type of response were automatically placed in an UND ABS absentee application batch.
CANC-EMAIL BALLOT UNDELIVERABLE	Cancels an emailed ballot returned as undeliverable.
CANC - LABEL CANCELLED	Used if a ballot label is misplaced or damaged and is cancelled in order to create another one; also used to generate 2nd ballot labels.
CANC - NO ID	Cancels ballot if absentee requiring ID is not provided.
CANC - NO SIGNATURE	Cancels ballot if county cannot obtain a signature.
CANC - REPLACED	Used to cancel a lost ballot if a replacement is sent.
CANC - RETURNED AFTER DEADLINE	Cancels the ballot if it is invalid due to being returned after the deadline.
CANC - UNDELIVERABLE	Cancels the ballot if it is returned undeliverable by the Post Office.
CANC - VOTE CANCELLED	Used, for example, if a ballot is not counted due to a voter voting at the polling place therefore voiding the absentee vote.
CANC - VOTE CHALLENGED	Used if a ballot is not counted because of a successful challenge.
FWAB OVERRIDE-OFFICIAL BALLOT RECEIVED	Used to record an Official Ballot as returned and overrides the Federal Write In Absentee Ballot previously recorded.
PEND - NOT YET RETURNED	Status the label is in after the ballot is sent and before it is returned.
RECORD - BALLOT RETURNED	Records the voter's ballot as returned prior to the deadline.
RECORD-FWAB RETURNED	Used to record a Federal Write In Ballot was received prior to the Official Ballot being returned.

Note: If an FWAB is received from a qualified unregistered voter it can be used to register the voter through the *Applications* module in SURE VR. When processing the FWAB through the *Applications* module select 'FWAB' from the 'Source' field on the Voter Applications screen.

Job Aid: Processing Absentee Applications Requiring ID Verification - Absentee Wizard

This Job Aid describes how to process absentee applications requiring ID verification through the **Absentee Wizard**.

Absentee applications, with the exception of UOCAVA absentee applications and absentee applications with a type of 'Alternative' or 'Permanent Alternative' require ID verification. Because UOCAVA absentee applications and absentee applications with a type of 'Alternative' or 'Permanent Alternative' are exempt from the ID verification requirement, they are not addressed in this Job Aid.

For those absentee applications requiring ID verification, SURE VR will compare the Driver's License and last 4-digits of the SSN on the voter's record to the Driver's License and SSN on the absentee application. If either the Driver's License or SSN on the absentee application matches the voter's record, the default status-reason for the absentee application will be 'APPR - ID VERIFIED'. If the application does not contain either of these numbers, if the voter record does not contain either of these numbers, or if at least one of the numbers do not match; the default status reason of the application will be set to 'APPR - ID VERIFICATION PEND' and the applicant's information will be sent for ID verification. The absentee status reason will automatically update to either 'APPR - ID VERIFIED' OR 'APPR - ID NOT VERIFIED' based on the ID verification results.

Regardless of the ID verification results, the absentee ballot label can be queued to **Correspondence Batches** for all absentee applications that have been processed as 'Approved'. This ensures ballot materials can be sent to voters in a timely manner; however, if ID verification is required, ballot labels cannot be recorded until proper ID verification occurs.

You may encounter the following scenarios while processing an absentee application through the **Absentee Wizard**:

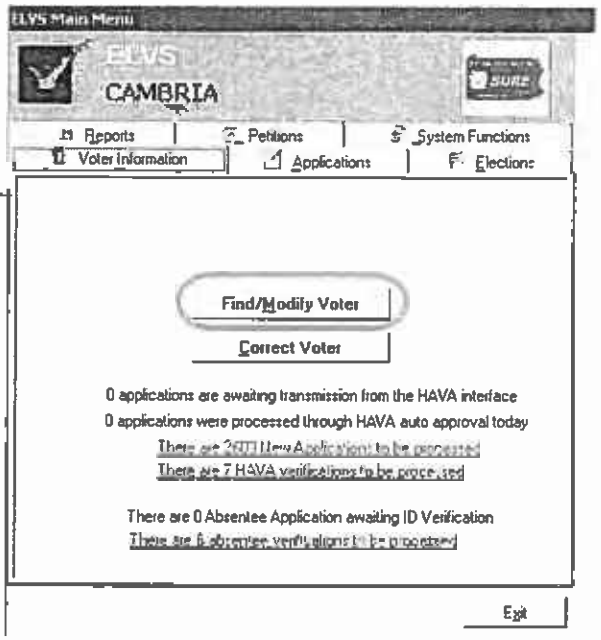
Scenario A: Processing an Absentee Application when the Driver's License or SSN Matches the Voter Record
Scenario B: Processing an Absentee Application when the Driver's License or SSN Does Not Match the Voter Record
Scenario C: Processing an Absentee Application Using the Manual Verification Method
Scenario D: Processing an Absentee Application When No ID Has Been Provided
Scenario E: Queuing Absentee Ballot Correspondences with the Process Absentee Utility

Each of these scenarios is addressed in the job aid:

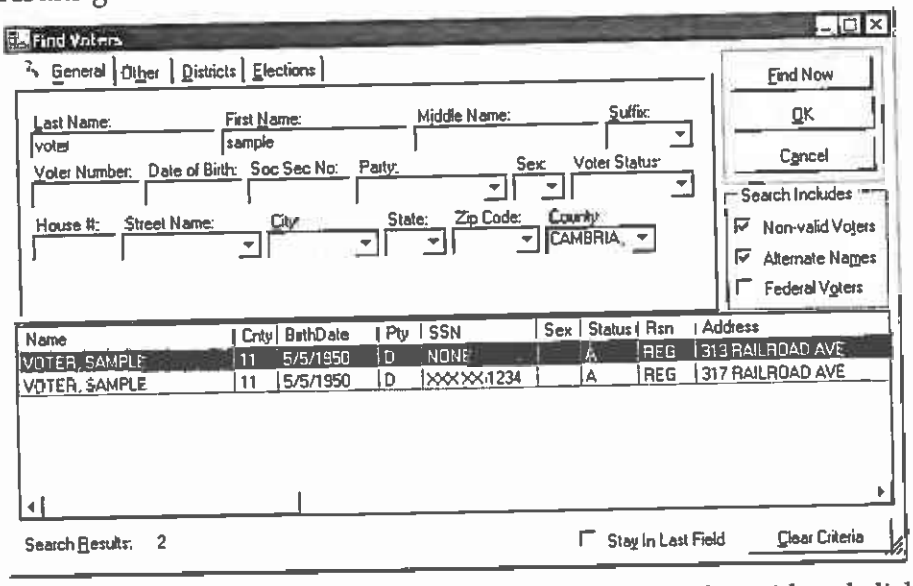
Scenario A: page 2
Scenario B: page 12
Scenario C: page 22
Scenario D: page 32
Scenario E: page 41

Scenario A: Processing an Absentee Application When the Driver's License or SSN Matches the Voter Record

Absentee applications processed with a Driver's License or SSN that matches the voter record will not be sent for ID verification when processed and will be approved with a 'Status Reason' of 'APPR – ID VERIFIED'.

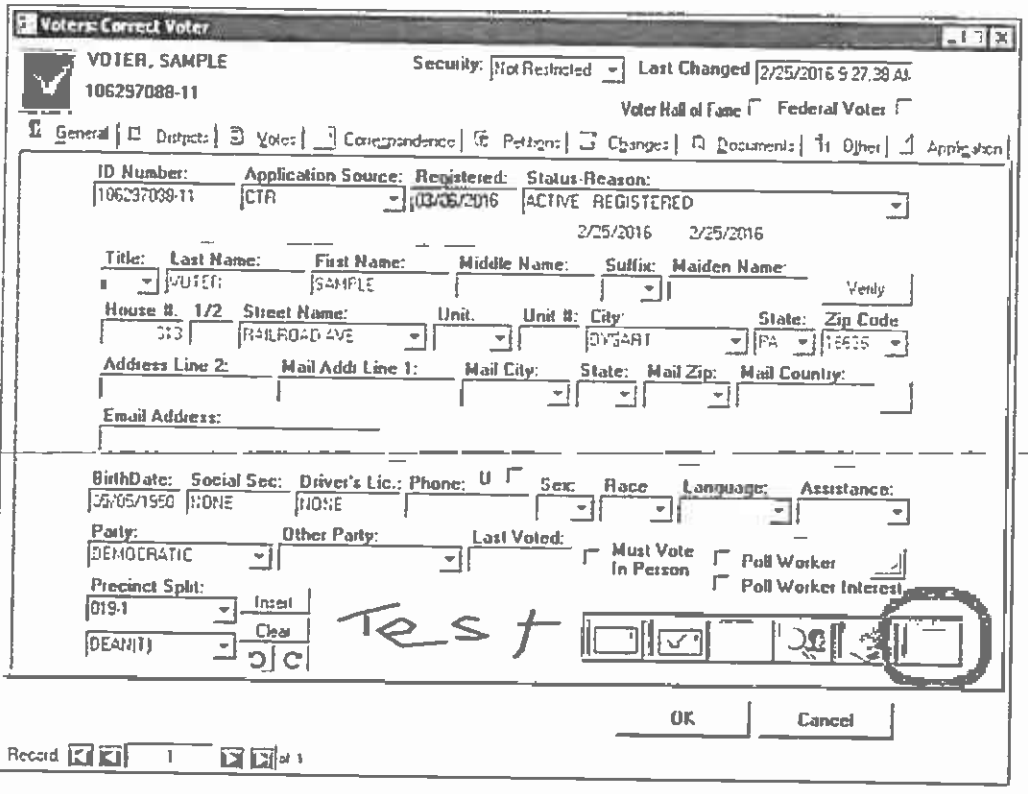
Steps	Actions
1.	From the SURE Menu, select the *Voter Information* tab and then click the **[Find/Modify Voter]** button. 
2.	The **Find Voters** window opens. Enter search criteria in the relevant fields.

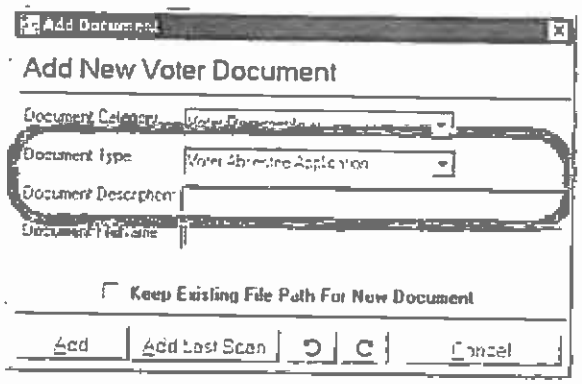
Steps	Actions
3.	Click the **[Find Now]** button. Voters meeting the search criteria are listed in the results grid.



To open the voter's record, select the desired voter from the grid and click **[OK]** or double-click the desired voter record from the grid.

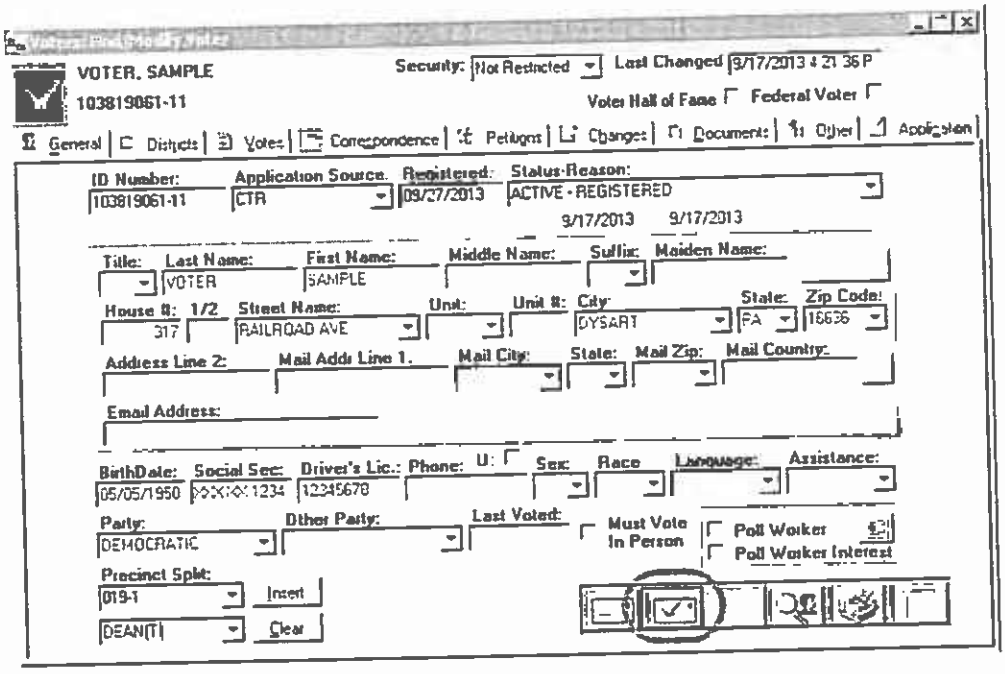
Steps	Actions
4.	To add the absentee application to the *Documents* tab in the voter's record, click the **[Add Last Scanned]** icon to open the **Add Document** window.
5.	Select the desired option from the 'Document Type' field and enter a description in the 'Document Description' field.

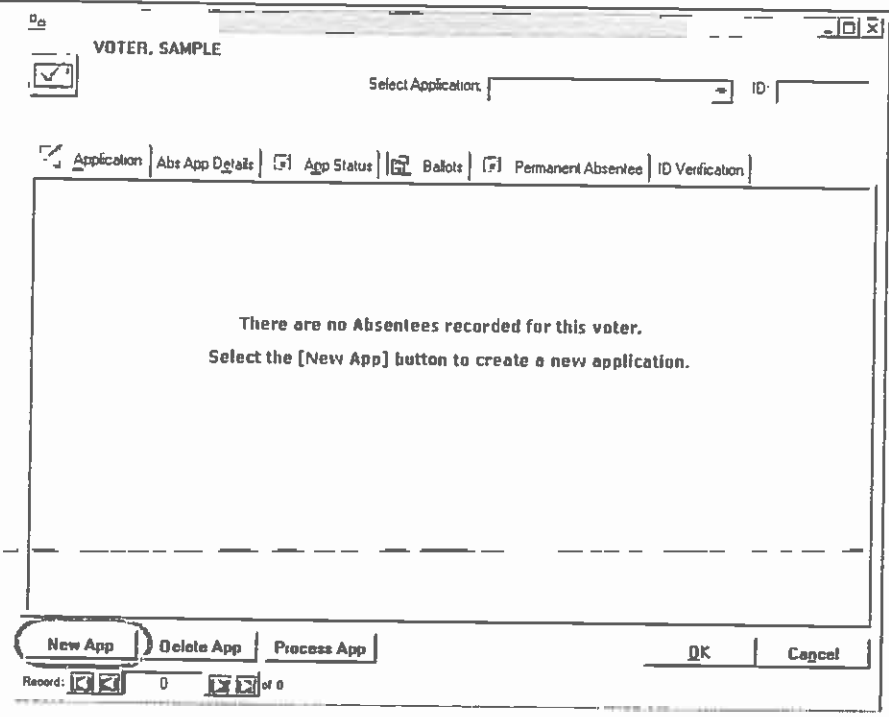
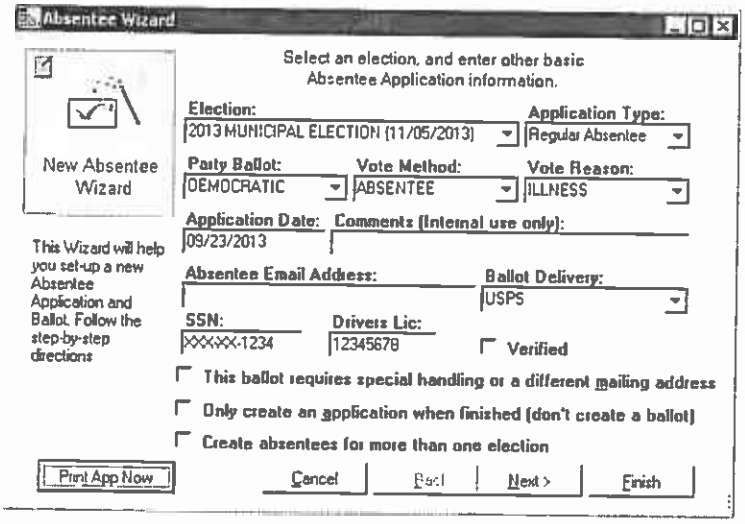


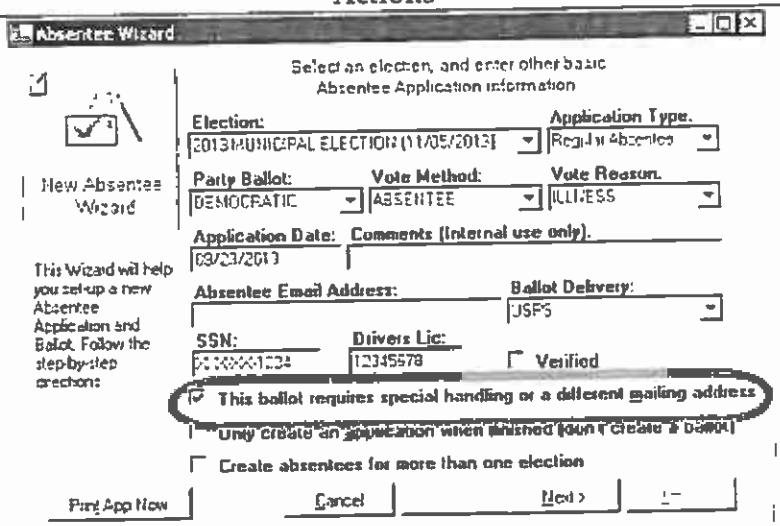
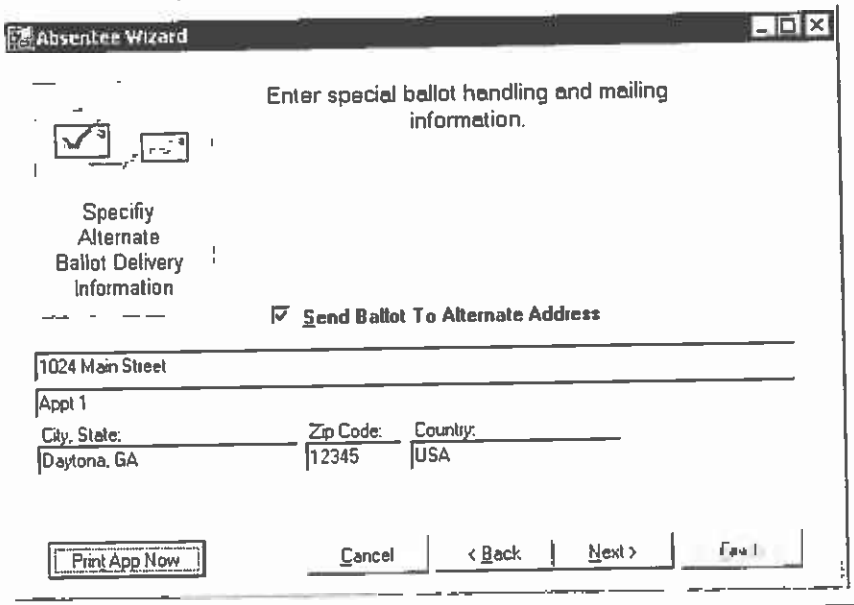


Scan the absentee application, and click **[Add Last Scan]**. The document is saved to the *Documents* tab in the voter's record.

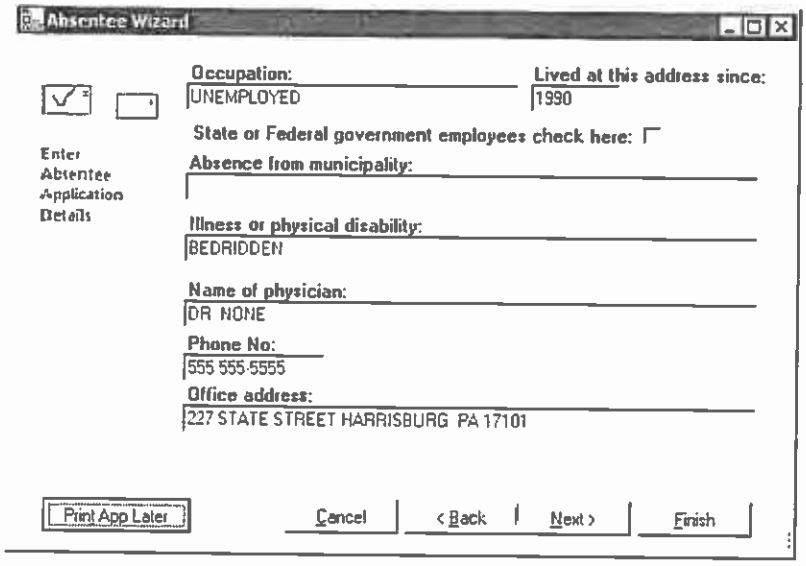
Steps	Actions
6.	Click the [Absentee Voting] icon to display the **Absentee Voting** screen.
7.	Click the [New App] button on the **Absentee Voting** screen. The **Absentee Wizard** screen is displayed.

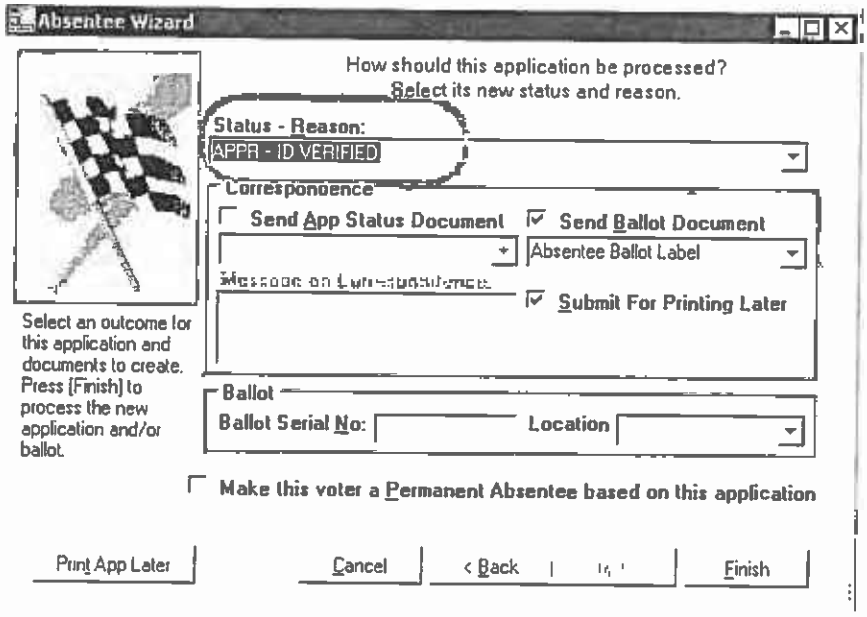


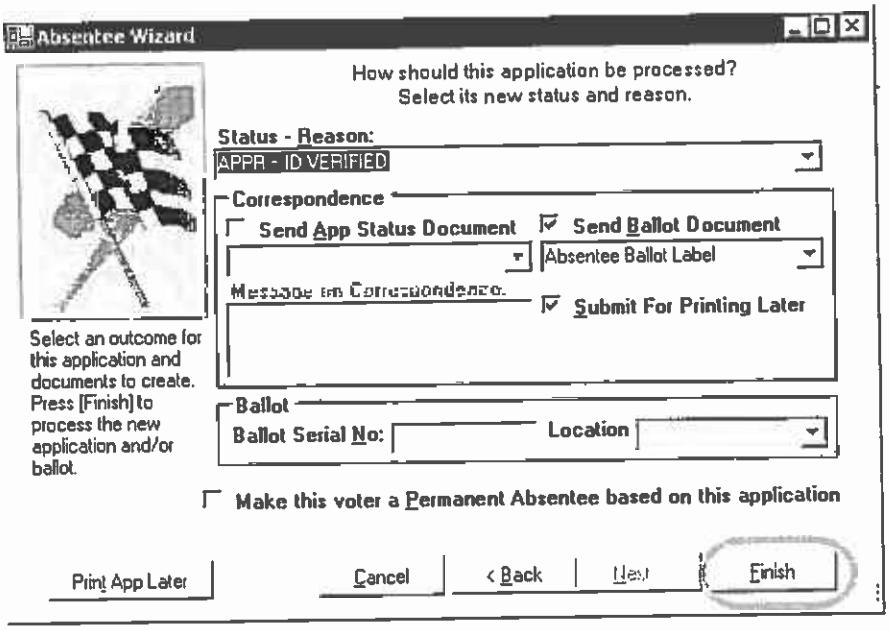
Steps	Actions
	
8.	Populate the fields on the **Absentee Wizard** with the provided information, including the Driver's License and/or SSN.  If the voter specified that the ballot should be mailed to an address different from his or her residential address, check the 'This ballot requires special handling or a different mailing address' checkbox.

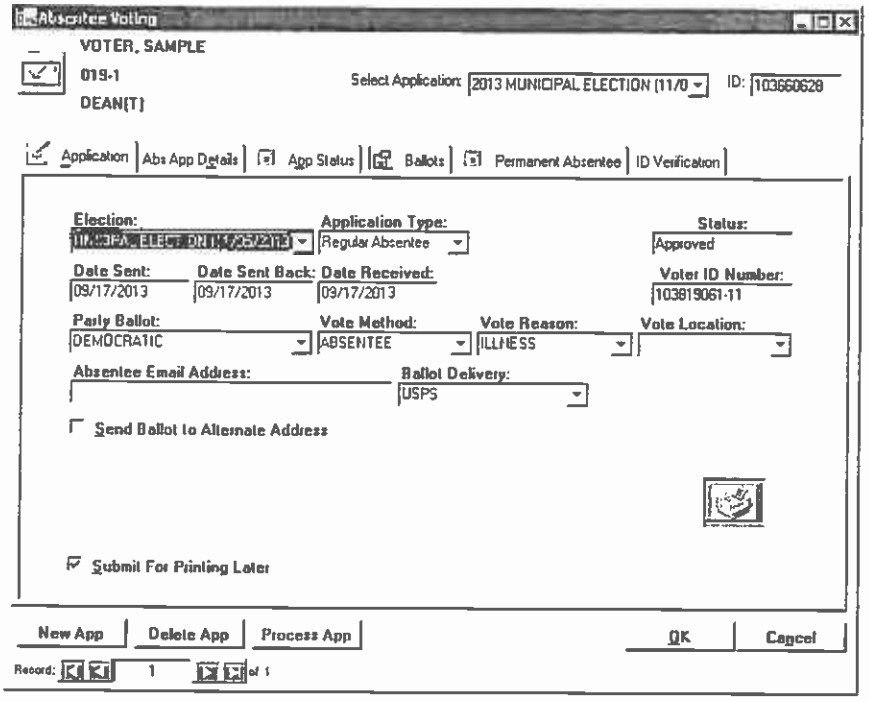
Steps	Actions
	 **Note**: The 'Ballot Delivery' field defaults to 'USPS' and should not be changed for Civilian/Regular applications. Click **[Next]**.
9.	If the 'This ballot requires special handling or a different mailing address' checkbox is checked, the **Specify Alternate Ballot Delivery Information** screen is displayed. Click the 'Send Ballot To Alternate Address' checkbox and enter the address in the resulting fields and then click **[Next]**. 

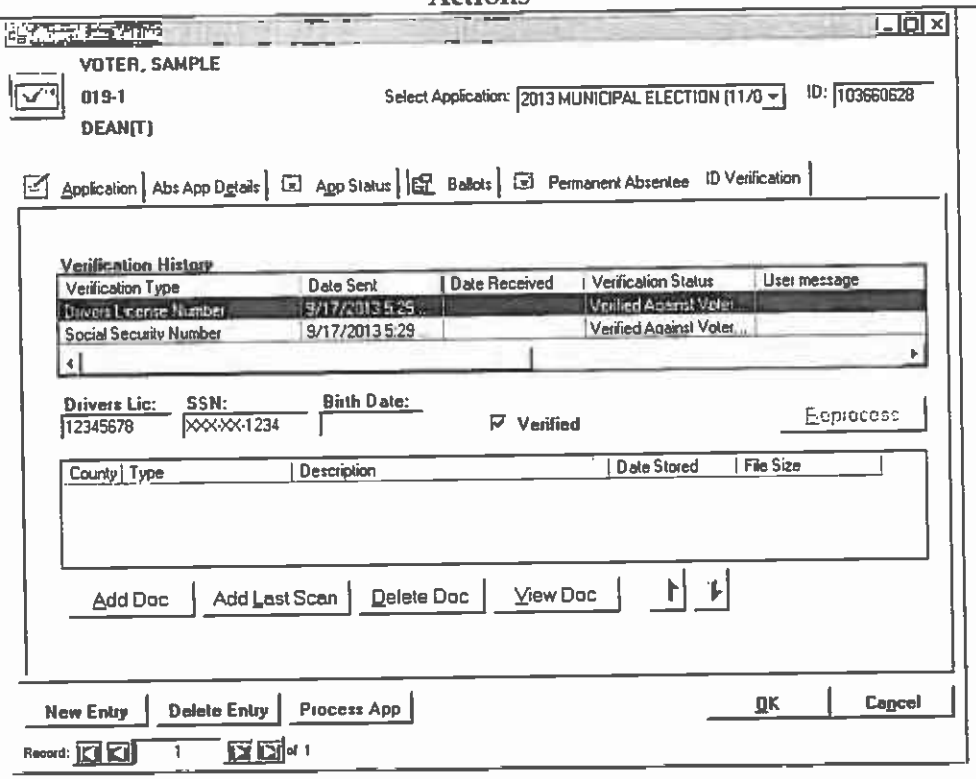
Steps	Actions
10.	The **Enter Absentee Application Details** screen is displayed. If desired enter the information from the absentee application and then click **[Next]**.
11.	The last page of the wizard is displayed. The 'Status-Reason' is populated with 'APPR - ID VERIFIED'.





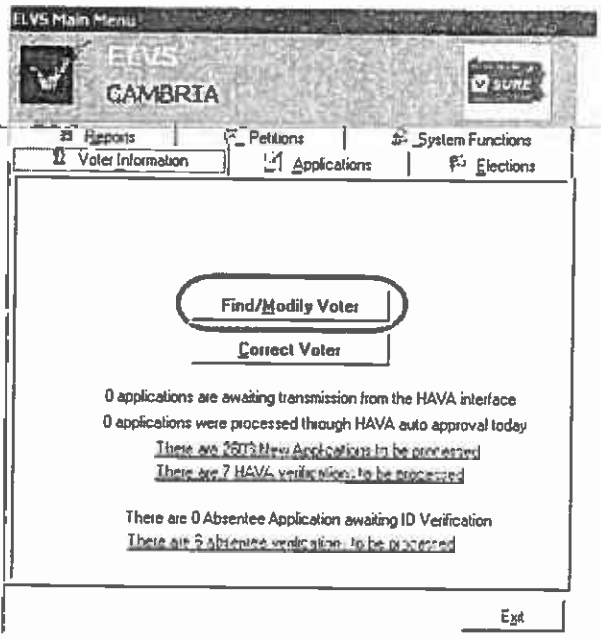
Steps	Actions
	Because the Driver's License or the SSN provided on the absentee application matches the Driver's License or the SSN in the voter's record, the absentee application is processed with a status reason of 'APPR – ID VERIFIED'. **Note:** If the 'Send Ballot Document' checkbox is marked and the 'Submit For Printing Later' checkbox is cleared, the ballot label will print immediately. If the 'Send Ballot Document' and the 'Submit For Printing Later' checkboxes are marked, the ballot label will be queued to **Correspondence Batches** where it can be printed and confirmed. If neither the 'Send Ballot Document' nor the 'Submit For Printing Later' checkboxes are marked, the correspondence can be generated via the *Process Absentees* utility. If the 'Ballots and Contests Finalized' checkbox on the election record is not marked, the 'Send Ballot Document' checkbox will not be marked and the ballot cannot be immediately sent. The ballot label can be queued after the 'Ballots and Contests Finalized' checkbox in the election record is marked by using the *Process Absentees* utility.
12.	To complete the processing of the application, click **[Finish]**. 

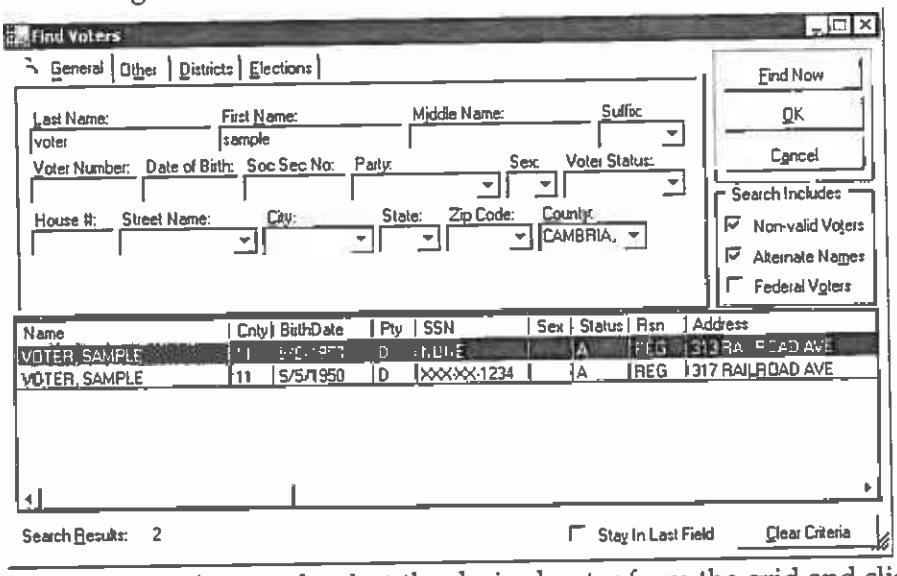
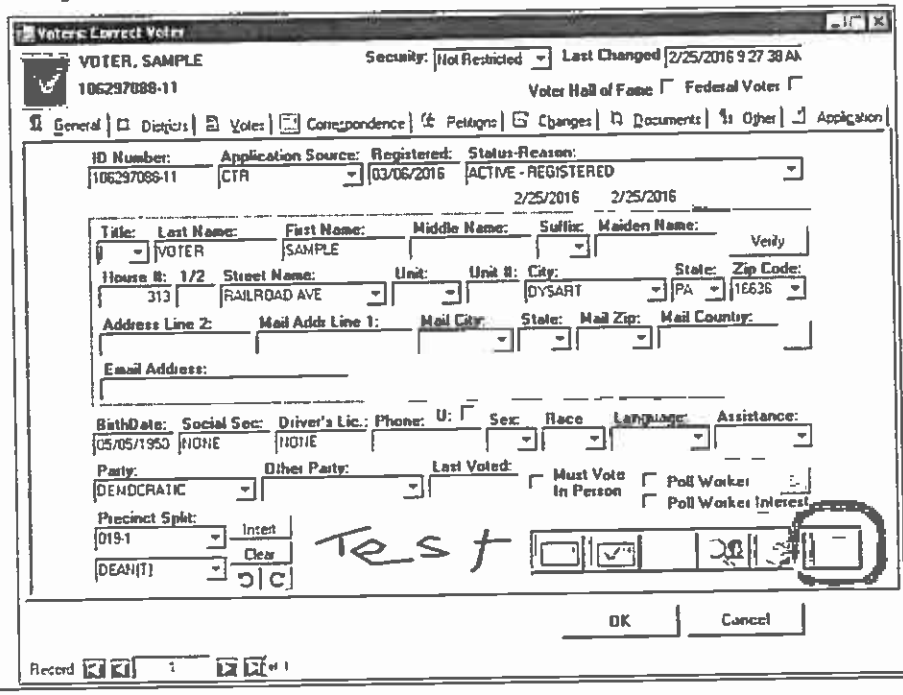
Steps	Actions
13.	The *Application* tab is displayed. 
14.	Click the *App Status* tab to confirm the 'Status-Reason' of 'APPR-ID VERIFIED'. Click the *ID Verification* tab to view the status of the verification.

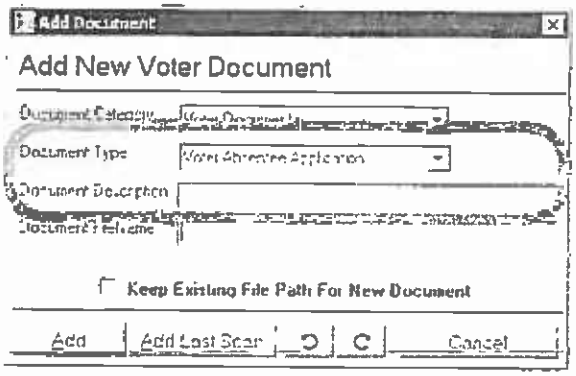
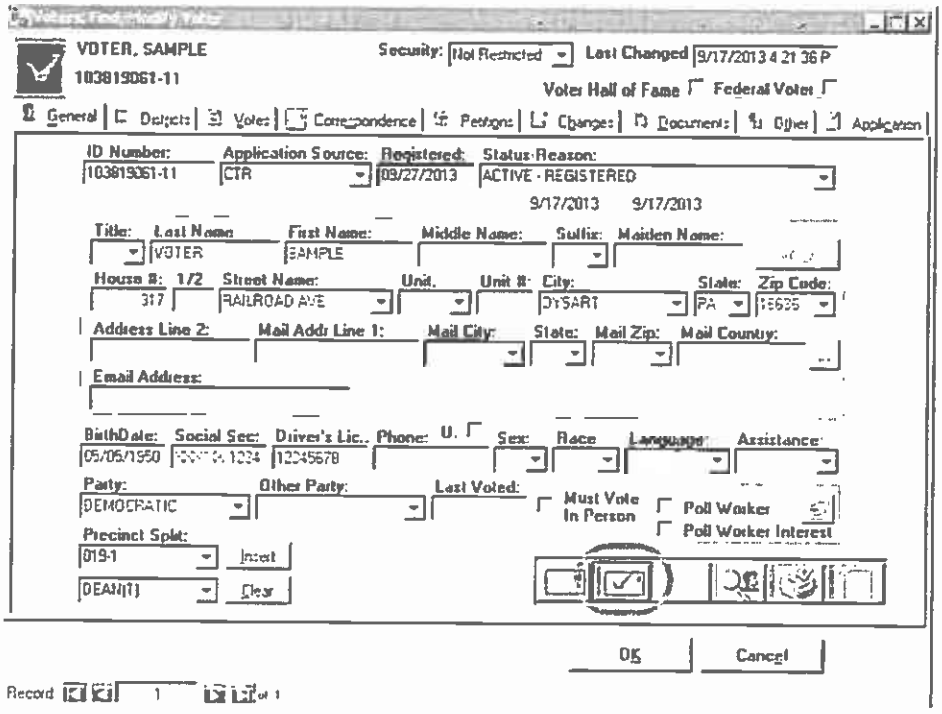
Steps	Actions
	 The **Verification History** grid shows the verification type used to process the application as well as the status of the verification. Because the Driver's License or SSN matched the Driver's License or SSN on the voter's record, the ID is considered verified. The Driver's License and/or the SSN field on the *ID Verification* tab will be populated with the validated information and the 'Verified' checkbox will be checked.
15.	At this time, the processing of the application is complete. Click [OK] to close the application and return to the voter's record.
16.	If necessary, use the *Process Absentees* utility to queue the ballot label.

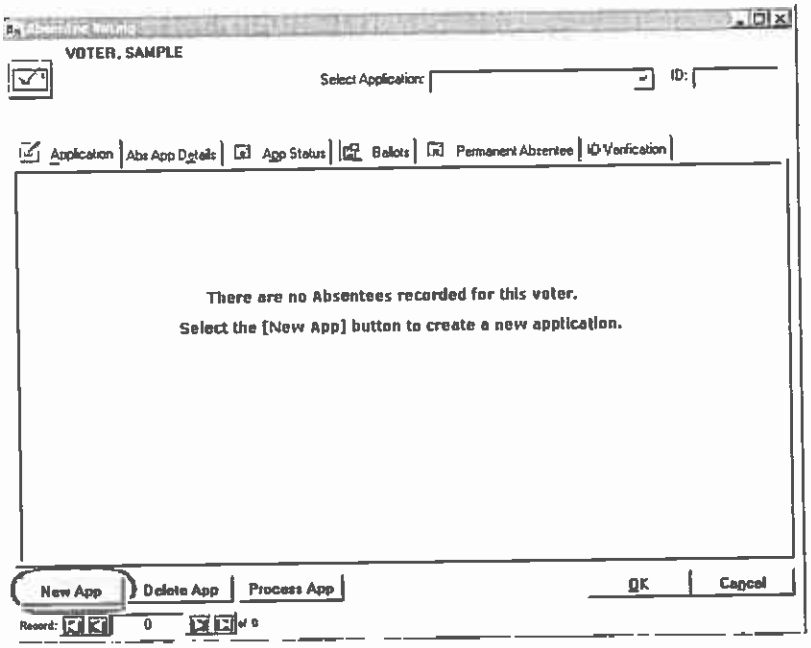
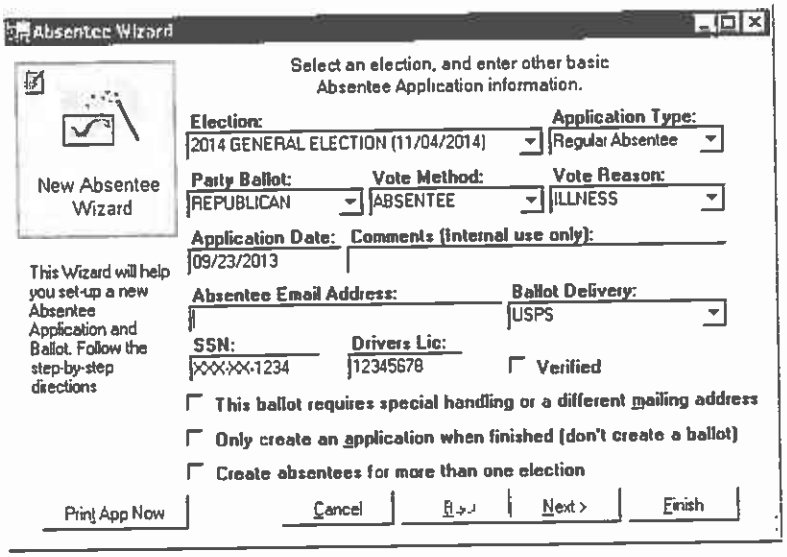
Scenario B: Processing an Absentee Application when the Driver's License or SSN Does Not Match the Voter Record

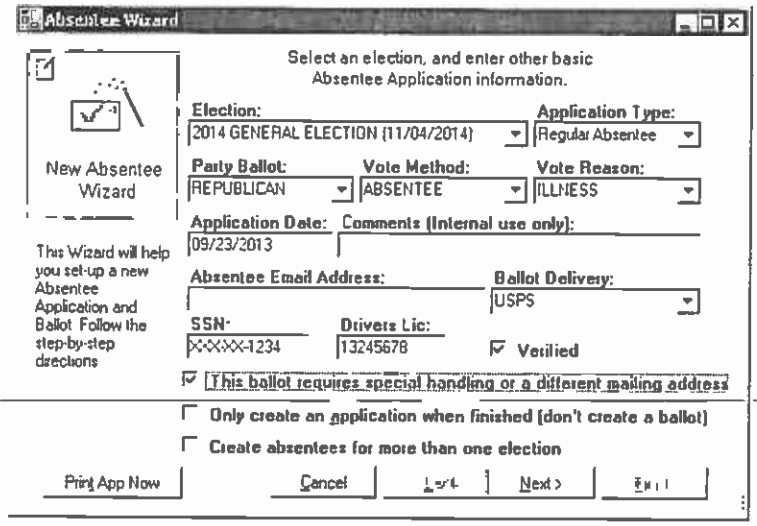
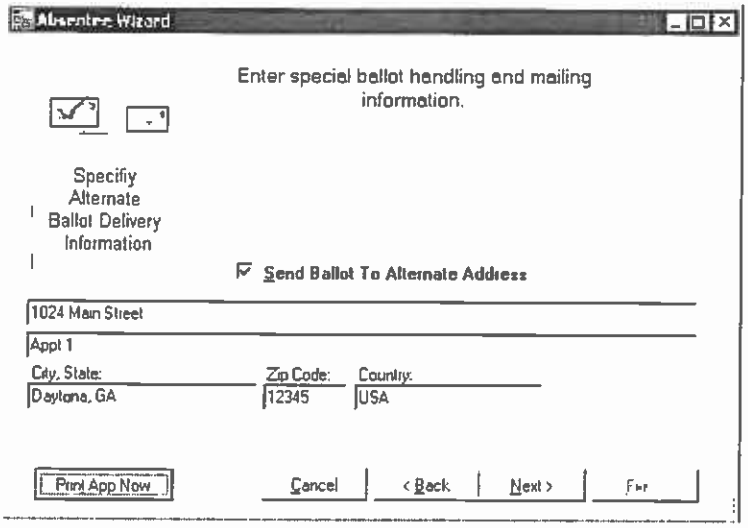
Absentee applications processed with a Driver's License and an SSN that does not match the voter record or when the voter record does not contain a Driver's License and/or a SSN will be sent for ID verification and will be have a 'Status Reason' of 'APPR – ID VERIFICATION PEND' until the results of the ID verification are received.

Steps	Actions
1.	From the SURE Menu, select the *Voter Information* tab and then click the **[Find/Modify Voter]** button. 
2.	The **Find Voters** window opens. Enter search criteria in the relevant fields.

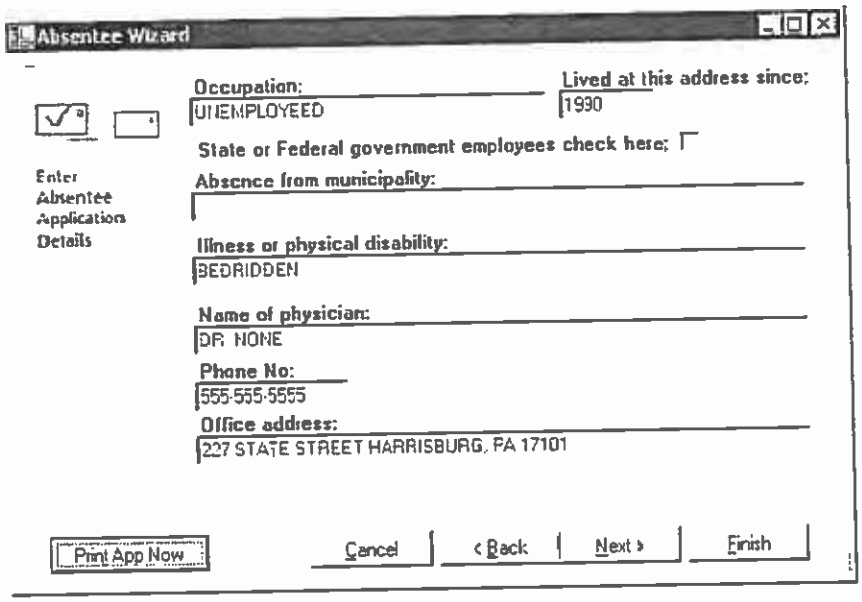
Steps	Actions
3.	Click the **[Find Now]** button. Voters meeting the search criteria are listed in the results grid.  To open the voter's record, select the desired voter from the grid and click **[OK]** or double-click the desired voter record from the grid.
4.	To add the absentee application to the *Documents* tab in the voter's record, click the **[Add Last Scanned]** button to open the **Add Document** window. 

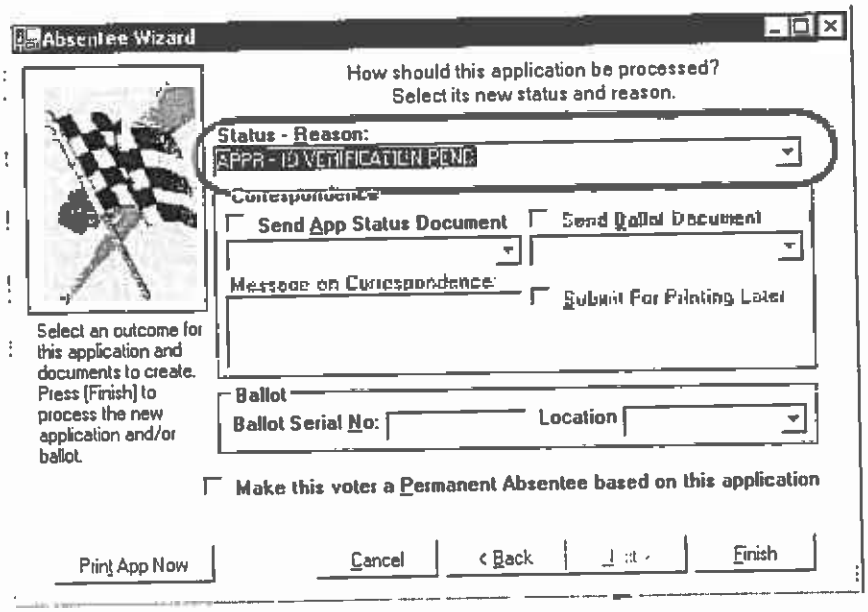
Steps	Actions
5.	Select the desired option from the 'Document Type' field and enter a description in the 'Document Description' field.  Scan the absentee application, and click **[Add Last Scan]**. The document is saved to the *Documents* tab in the voter's record.
6.	Click the **[Absentee Voting]** icon to display the **AbsenteeVoting** screen. 

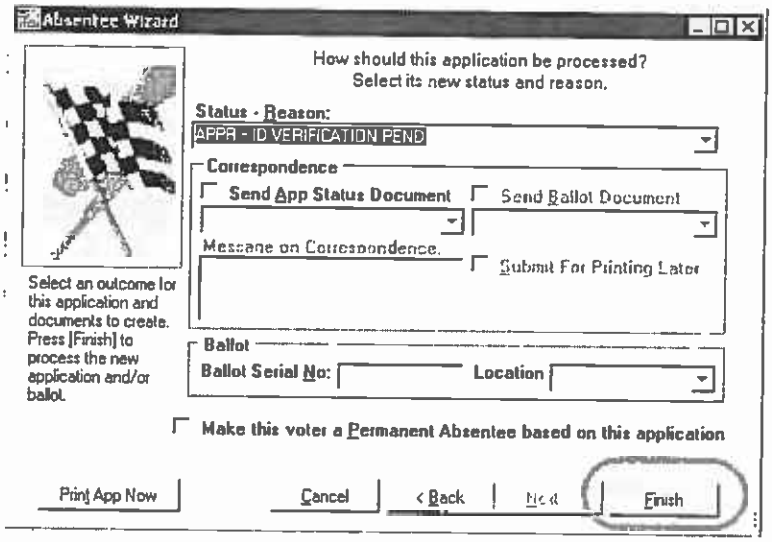
Steps	Actions
7.	Click the **[New App]** button on the **Absentee Voting** screen. The **Absentee Wizard** screen will be displayed. 
8.	Populate the fields on the **Absentee Wizard** with the provided information, including the Driver's License and/or SSN. 

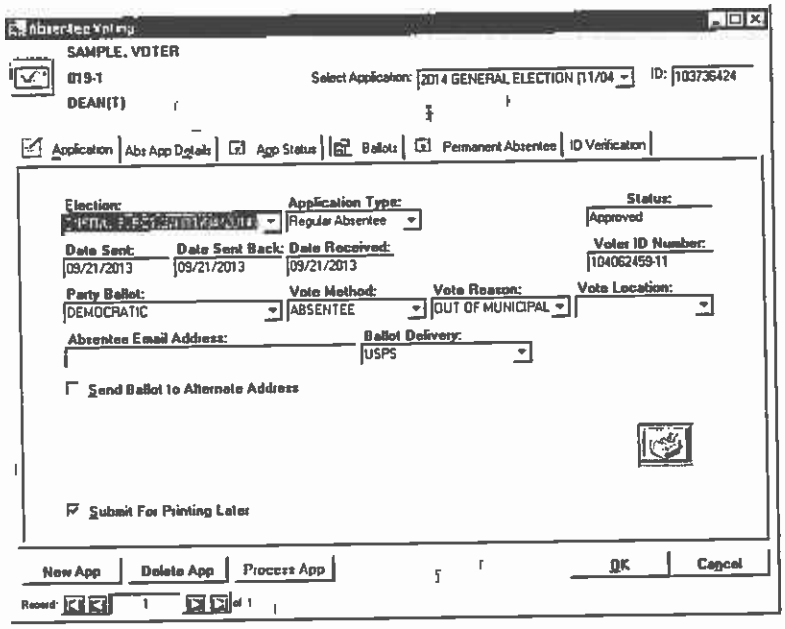
Steps	Actions
	If the voter specified that the ballot should be mailed to an address different from his or her residential address, check the 'This ballot requires special handling or a different mailing address' checkbox.  **Note**: The 'Ballot Delivery' field defaults to 'USPS' and should not be changed for Civilian/Regular applications. Click **[Next]**.
9.	If the 'This ballot requires special handling or a different mailing address' checkbox is checked, the **Specify Alternate Ballot Delivery Information** screen is displayed. Click the 'Send Ballot To Alternate Address' checkbox and enter the address in the resulting fields.  Click **[Next]**.

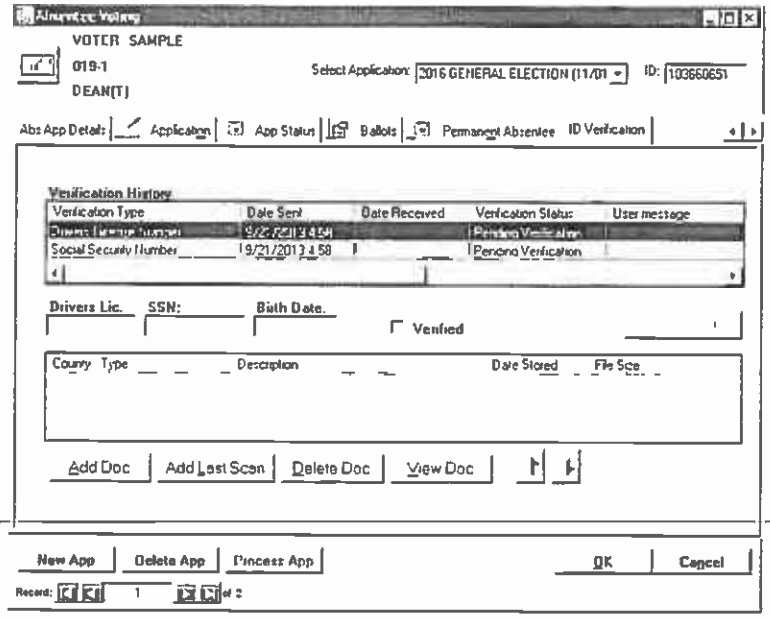
Steps	Actions
10.	The **Enter Absentee Application Details** screen is displayed. Enter the information from the absentee application and then click **[Next]**.
11.	The last page of the wizard is displayed. The 'Status-Reason' is populated with 'APPR – ID VERIFICATION PEND'.

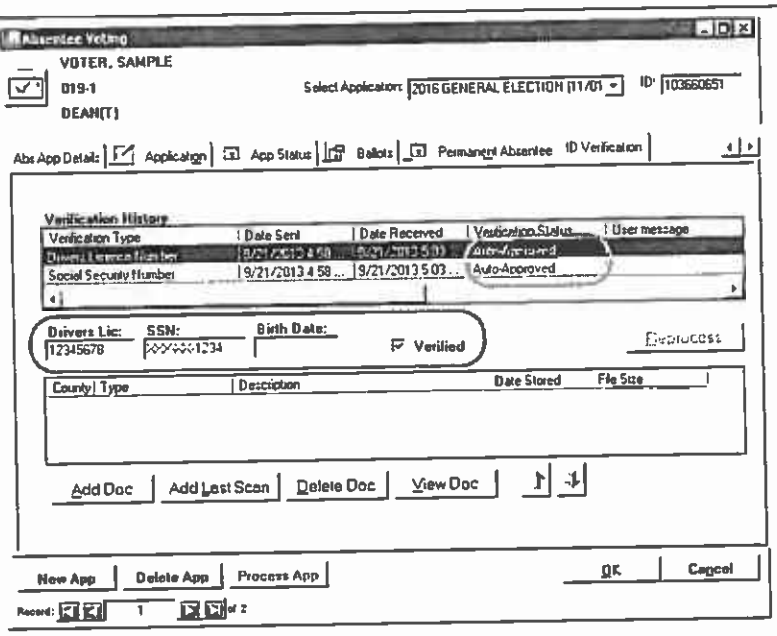




Steps	Actions
	Because the Driver's License or the SSN provided on the absentee application does not match the Driver's License or the SSN in the voter's record, the absentee application is processed with a status reason of 'APPR – ID VERIFICATION PEND'. **Note:** The 'Send Ballot Document' and 'Submit For Printing Later' checkboxes cannot be marked when the status of the absentee application is 'APPR – ID VERIFICATION PENDING'. The ballot label will queue to **Correspondence Batches** after the result of the verification is received, even if the ID is not verified.
12.	To complete the processing of the application, click **[Finish]**.  At this point the SSN and/or Driver's License will be sent for ID verification. **Note:** If both the SSN and Driver's License are populated on the absentee application, both will be simultaneously sent for ID verification.

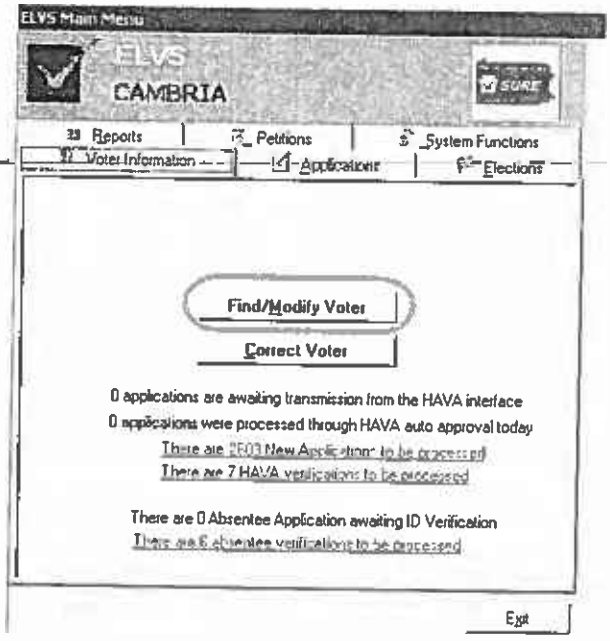
Steps	Actions
13.	The *Applications* tab is displayed. 
14.	Click the *ID Verification* tab to view the status of the verification.

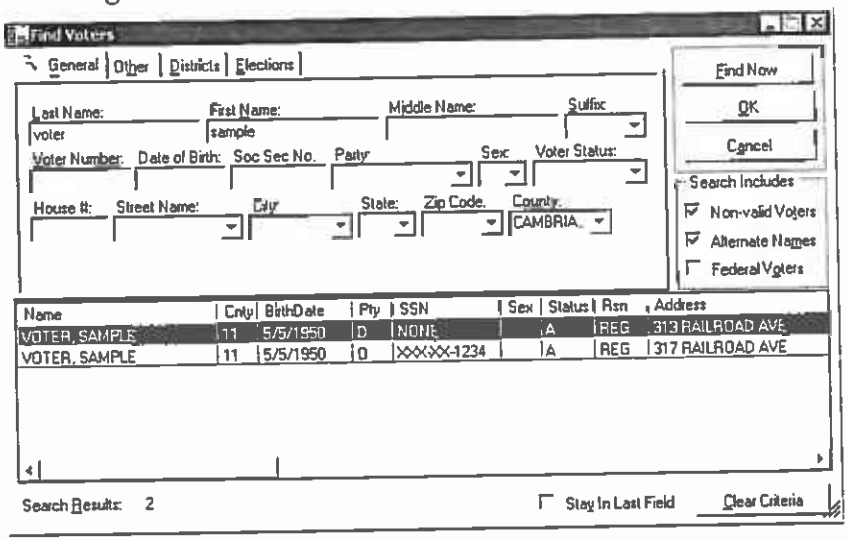
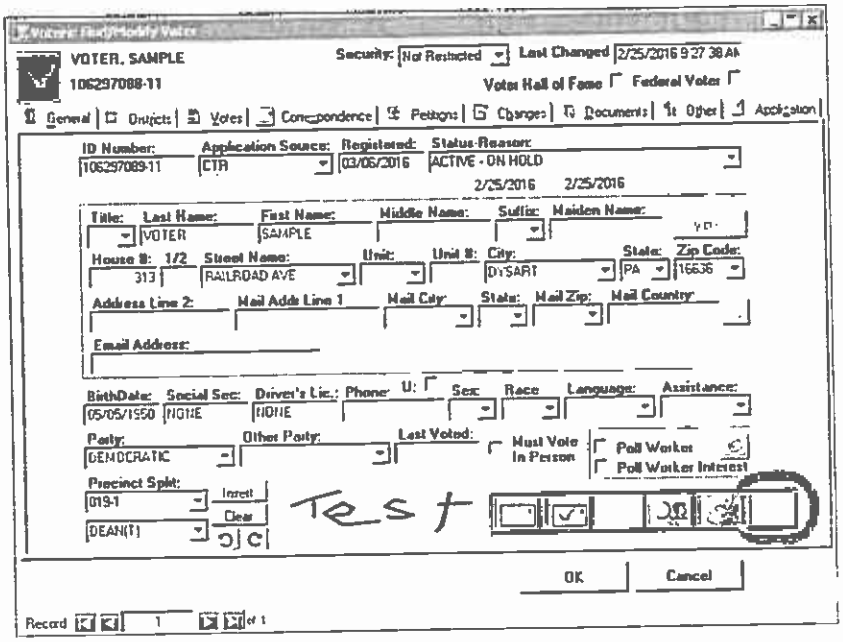
Steps	Actions
	
	The **Verification History** grid toward the top of the *ID Verification* tab shows the type of verification used to process the application as well as the status of the verification, which is 'Pending Verification' until the verification process is complete. **Note**: In this scenario, the SSN has been sent for verification and the current verification status is 'Pending Verification'.
15.	Click the *App Status* tab to confirm the 'Status-Reason' of 'APPR-ID VERIFICATION PEND'.
16.	At this time, the processing of the application is complete. Click [OK] to close the application and return to the voter's record.
17.	If the ID verification process verifies the ID, the 'Status Reason' will automatically update to 'APPR – ID VERIFIED' and the *ID Verification* tab will reflect the auto-approval of the ID. The 'Driver's Lic.' and/or 'SSN' fields will be populated with the verified data and the 'Verified' checkbox will be marked.

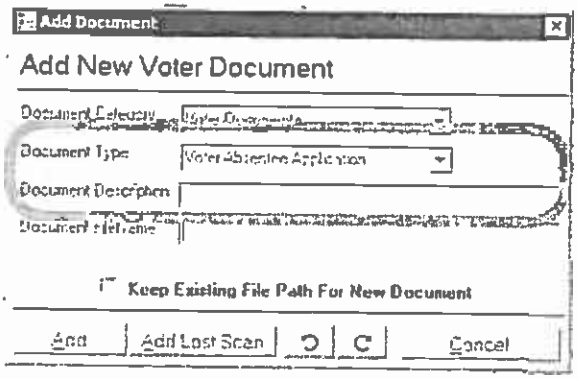
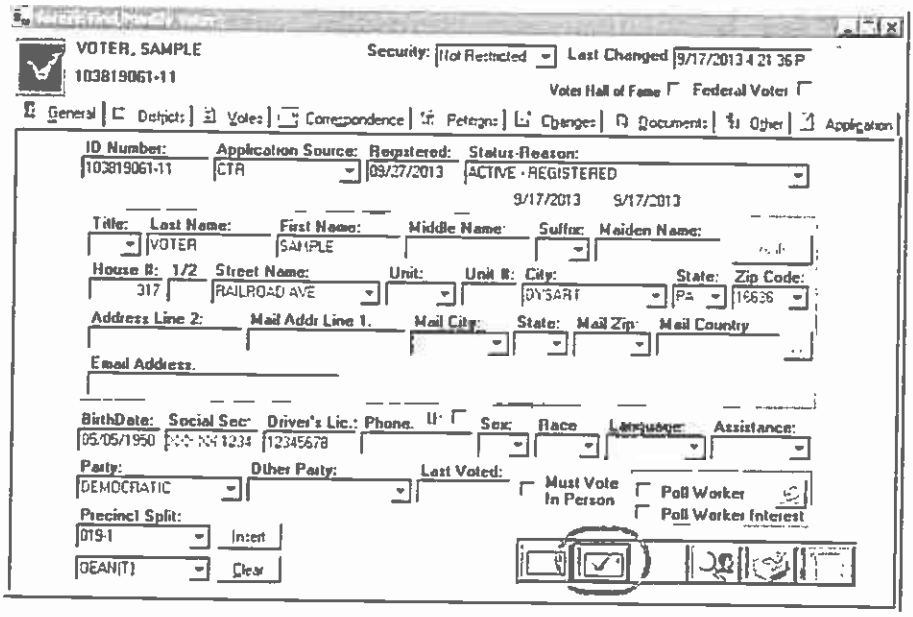
Steps	Actions
	 Because the verified Driver's License and/or SSN on the absentee application is different than the Driver's License and/or SSN on the voter's record, the Driver's License and/or SSN on the voter's record will be updated. If the ID verification process did not verify the ID, the 'Status Reason' will update to 'APPR-ID NOT VERIFIED', the **Verification History** grid will reflect the status, the 'Driver's Lic.' and/or 'SSN' fields on the *ID Verification* tab will not be updated and the 'Verified' checkbox will remain unchecked. Because the Driver's License and/or SSN on the absentee application was not verified, the Driver's License and/or SSN on the voter's record will not be updated.
18.	**Note:** Ballot labels cannot be recorded until an ID is verified.

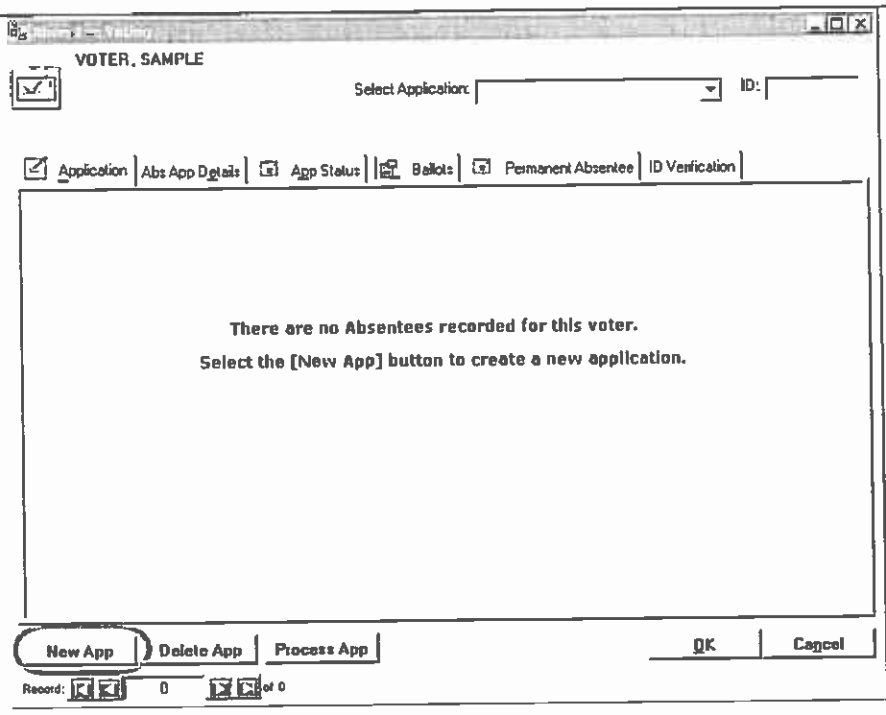
Scenario C: Processing an Absentee Application Using the Manual Verification Method

Absentee applications can be processed without a Driver's License or an SSN if the voter provides an acceptable form of ID and the ID is verified by the county. In this case, a copy of the acceptable ID can be scanned and attached to the absentee application record. Upon processing, the absentee application status will be 'APPR – ID VERIFIED'.

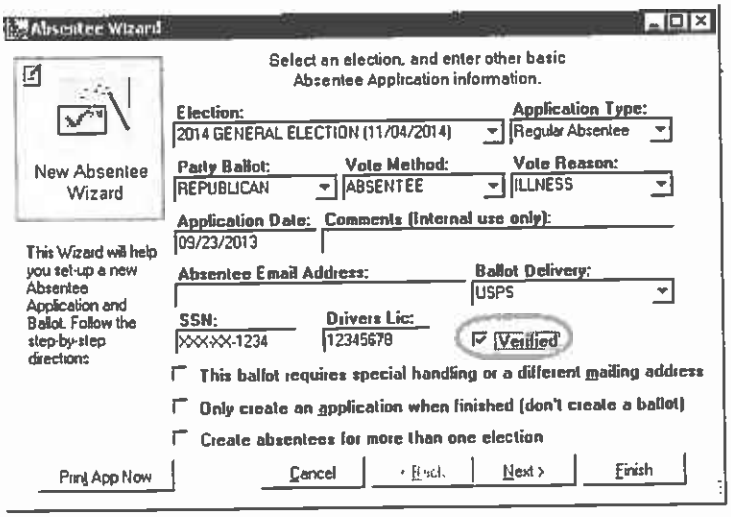
Steps	Actions
1.	From the SURE Menu, select the *Voter Information* tab and then click the **[Find/Modify Voter]** button. 
2.	The **Find Voters** window opens. Enter search criteria in the relevant fields.

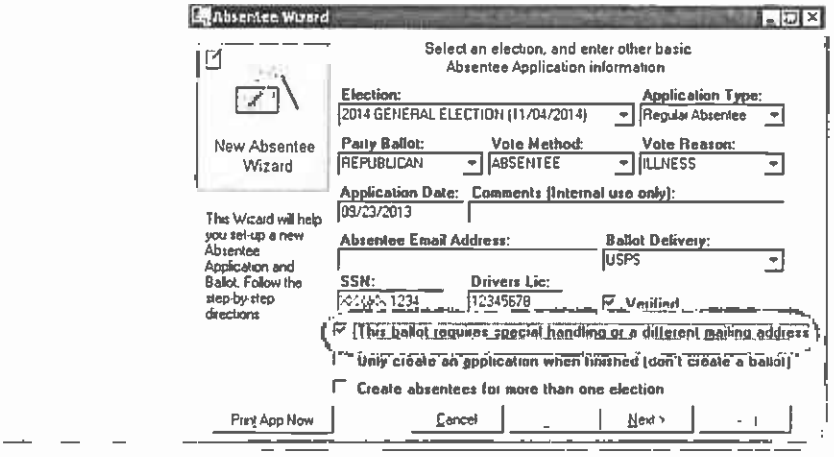
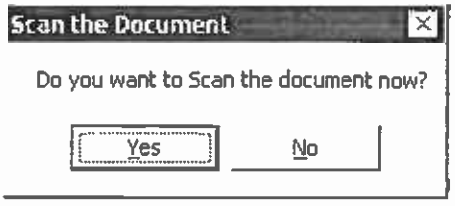
Steps	Actions
3.	Click the **[Find Now]** button. Voters meeting the search criteria are listed in the results grid.  To open the voter's record, select the desired voter from the grid and click **[OK]** or double-click the desired voter record from the grid.
4.	To add the absentee application to the *Documents* tab in the voter's record, click the **[Add Last Scanned]** button to open the **Add Document** window. 

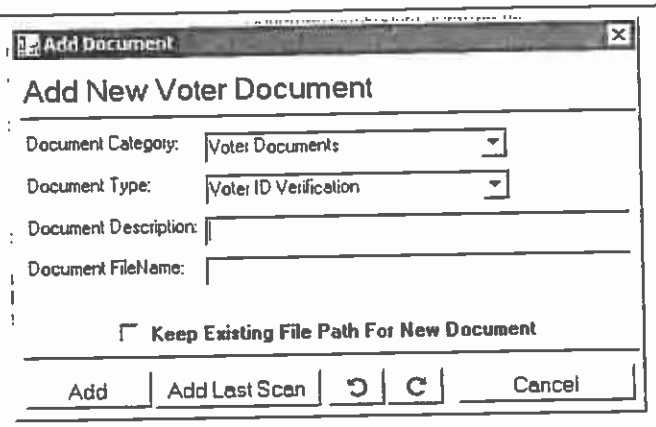
Steps	Actions
5.	Select the desired option from the 'Document Type' field and enter a description in the 'Document Description' field.  Scan the absentee application, and click **[Add Last Scan]**. The document is saved to the *Documents* tab in the voter's record.
6.	Click the **[Absentee Voting]** icon to display the **Absentee Voting** screen. 
7.	Click the **[New App]** button on the **Absentee Voting** screen. The **Absentee Wizard** screen will be displayed.

Steps	Actions
	

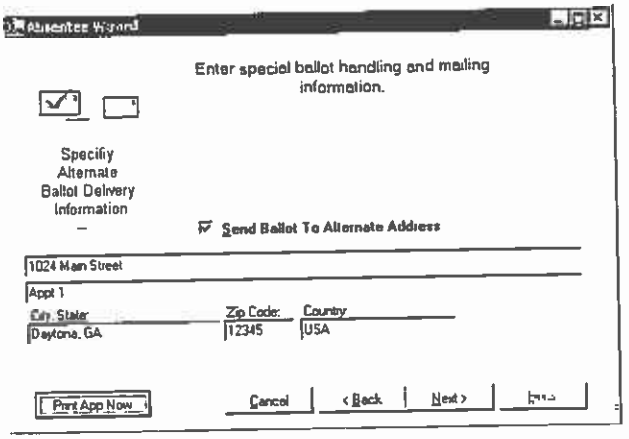
8.	Populate the fields on the **Absentee Wizard** with the provided information. Examine the voter's ID. If it is an acceptable form of identification for absentee voting, click the 'Verified' checkbox. Click the checkboxes toward the bottom of the wizard as needed.



	If the voter specified that the ballot should be mailed to an address different from his or her residential address, check the 'This ballot requires special handling or a different mailing address' checkbox.  **Note:** The 'Ballot Delivery' field defaults to 'USPS' and should not be changed for Civilian/Regular applications. Click **[Next]**.
9.	The **Scan the Document** message is displayed. Click **[Yes]** to scan the voter's identification.  **Note:** Clicking **[No]** allows the absentee application to be processed without scanning the ID.
10.	Clicking **[Yes]** opens the **Add Document** window. Follow regular scanning procedures and click **[Add Last Scan]** to attach the copy of the ID to the absentee application record.

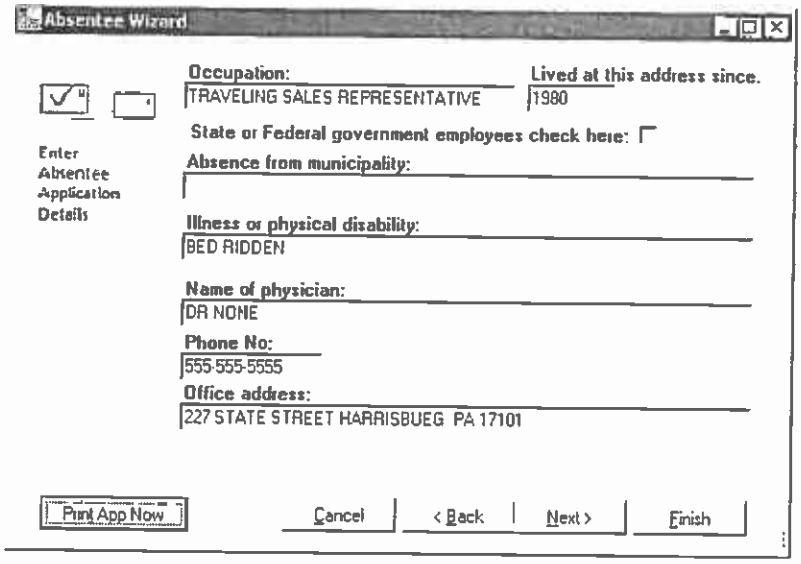


11. If the 'This ballot requires special handling or a different mailing address' checkbox is checked, the **Specify Alternate Ballot Delivery Information** screen is displayed. Click the 'Send Ballot To Alternate Address' checkbox and enter the address in the resulting fields.

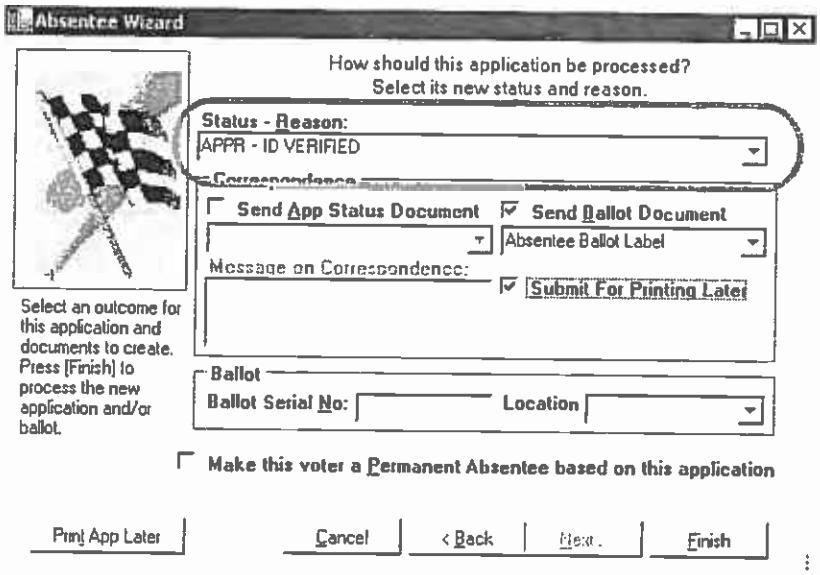


Click **[Next]**.

12. The **Enter Absentee Application Details** screen is displayed. If desired enter the information from the absentee application and then click **[Next]**.

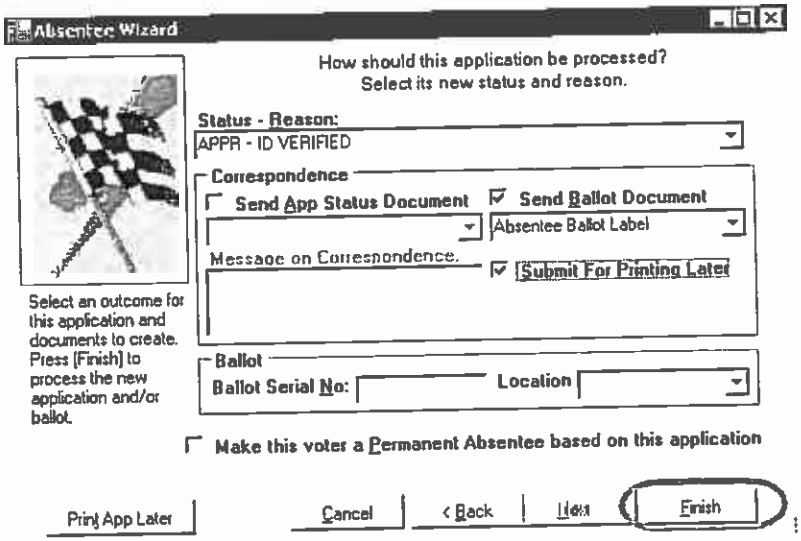


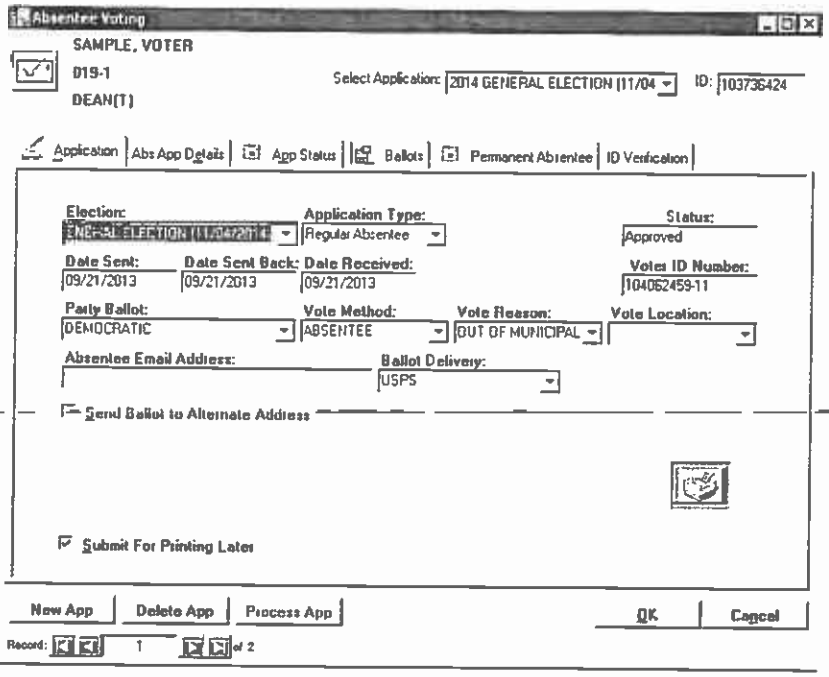
13. The last page of the wizard is displayed.

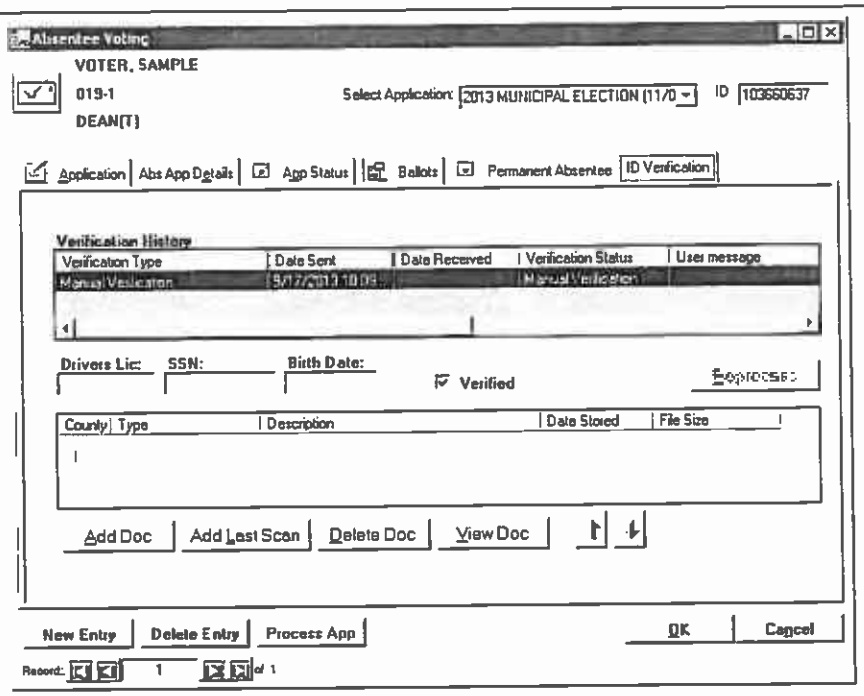


Because the ID was manually verified, the absentee application is processed with a status reason of 'APPR – ID VERIFIED'.

Note: If the 'Send Ballot Document' checkbox is marked and the 'Submit For Printing Later' checkbox is cleared, the ballot label will print immediately.

	If the 'Send Ballot Document' and the 'Submit For Printing Later' checkboxes are marked, the ballot label will be queued to **Correspondence Batches** where it can be printed and confirmed. If neither the 'Send Ballot Document' nor the 'Submit For Printing Later' checkboxes are marked, the correspondence can be generated via the *Process Absentees* utility. If the 'Ballots and Contests Finalized' checkbox on the election record is not marked, the 'Send Ballot Document' checkbox will not be marked and the ballot cannot be immediately sent. The ballot label can be queued after the 'Ballots and Contests Finalized' checkbox in the election record is marked by using the *Process Absentees* utility.
14.	To complete the processing of the application, click **[Finish]**. 

15.	The *Application* tab is displayed. 
16.	Click the *ID Verification* tab to view the status of the verification.



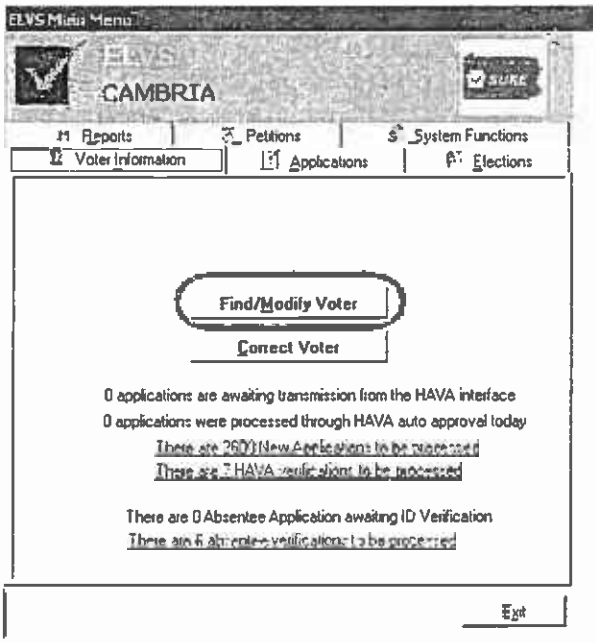
The **Verification History** grid toward the top of the *ID Verification* tab shows the type of verification used to process the application as well as the status of the verification.

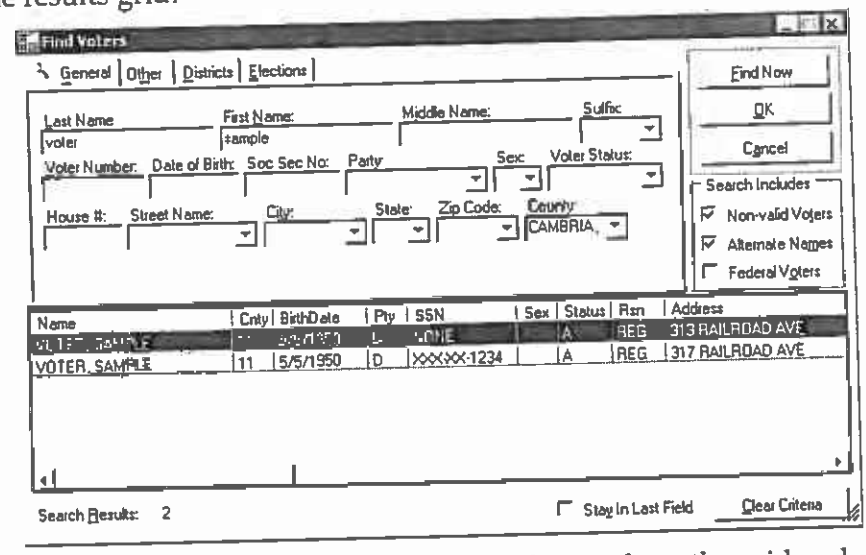
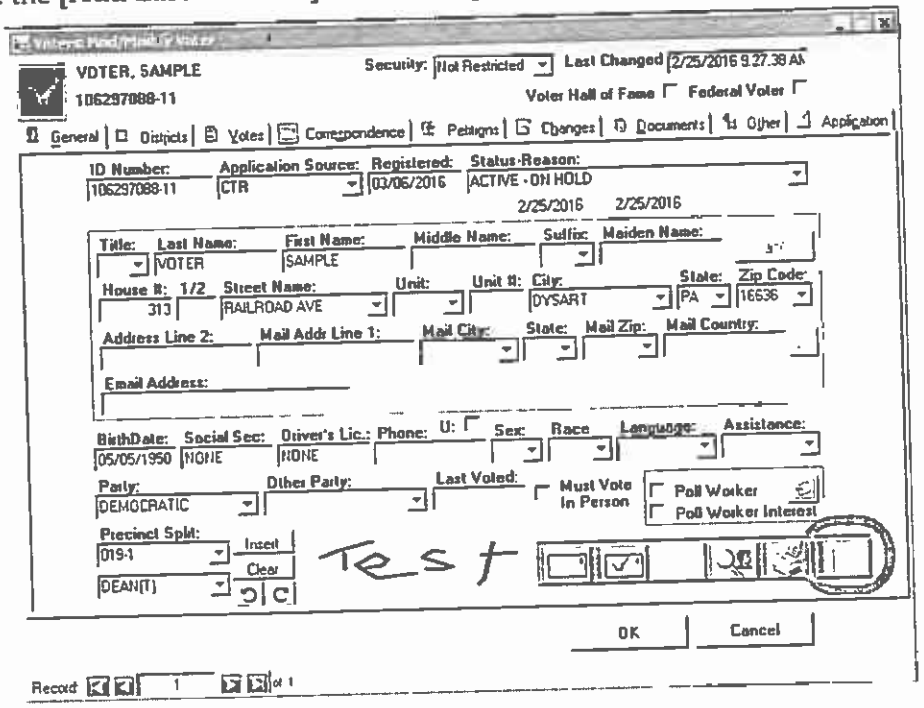
Note: In this scenario, the ID was manually verified; therefore, the status is 'Manual Verification'.

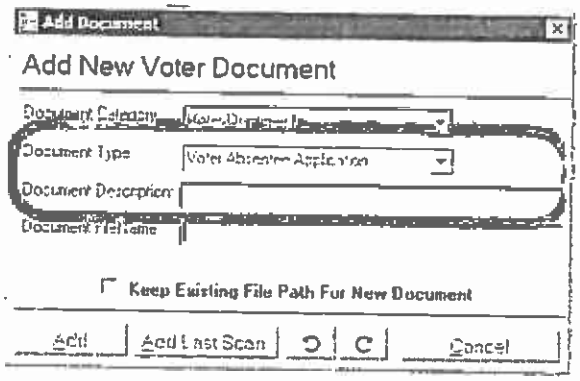
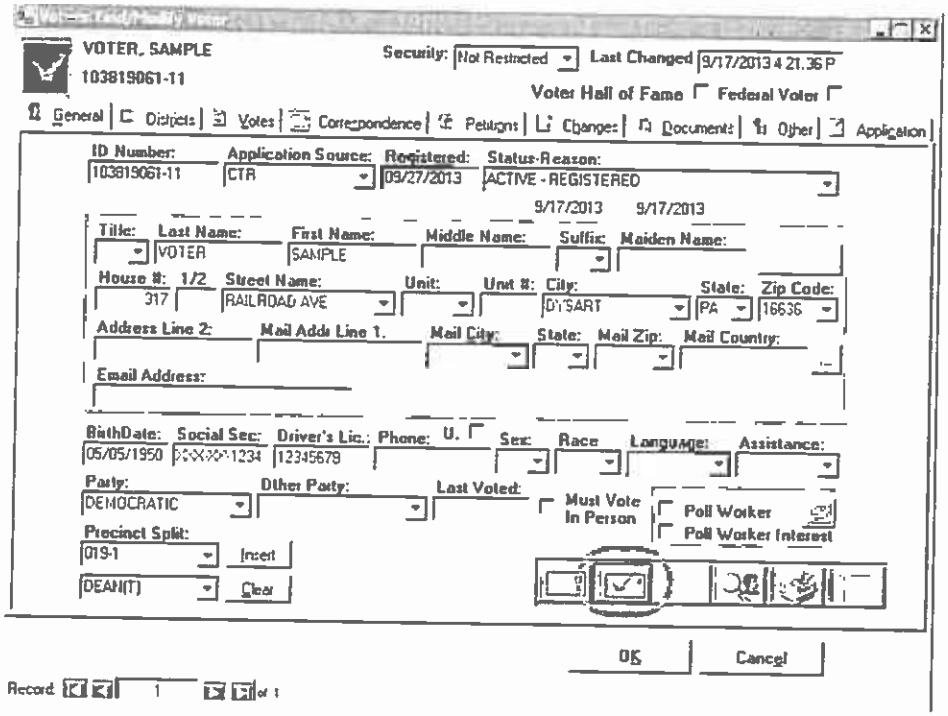
17.	Click the *App Status* tab to confirm the 'Status-Reason' of 'APPR-ID VERIFIED'.
18.	At this time, the processing of the application is complete. Click **[OK]** to close the application and return to the voter's record.
19.	If necessary, use the *Process Absentees* utility to queue the ballot label

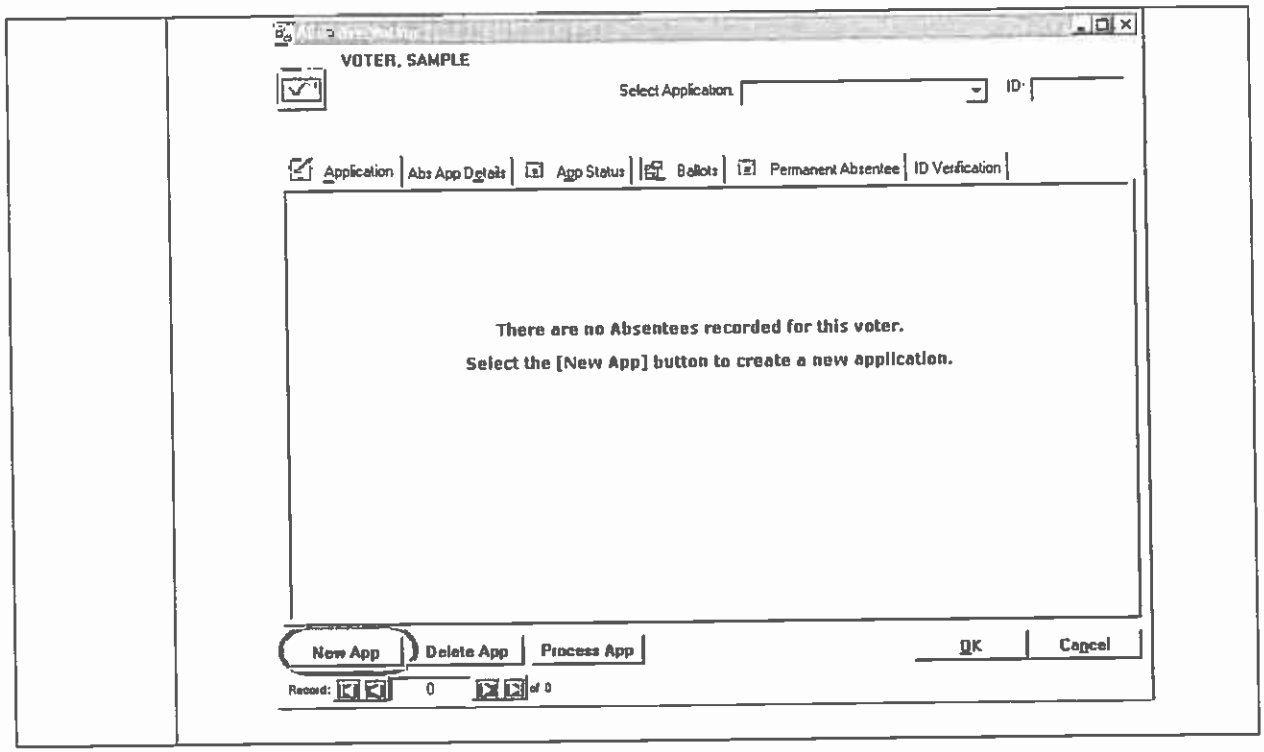
Scenario D: Processing an Absentee Application When No ID Has Been Provided

If a voter does not provide an acceptable form of ID, the system will allow the application to be approved and a ballot label created. The system will place the application into an 'APPR - ID NOT VERIFIED' status.

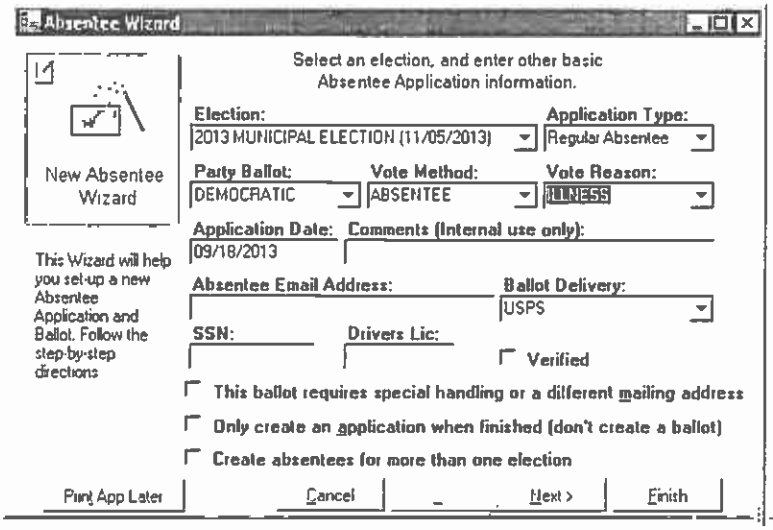
Steps	Actions
1.	From the SURE Menu, select the *Voter Information* tab and then click the **[Find/Modify Voter]** button. 
2.	The **Find Voters** window opens. Enter search criteria in the relevant fields.

3.	Click the **[Find Now]** button. Voters meeting the search criteria are listed in the results grid.  To open the voter's record, select the desired voter from the grid and click **[OK]** or double-click the desired voter record from the grid.
4.	To add the absentee application to the *Documents* tab in the voter's record, click the **[Add Last Scanned]** button to open the **Add Document** window. 

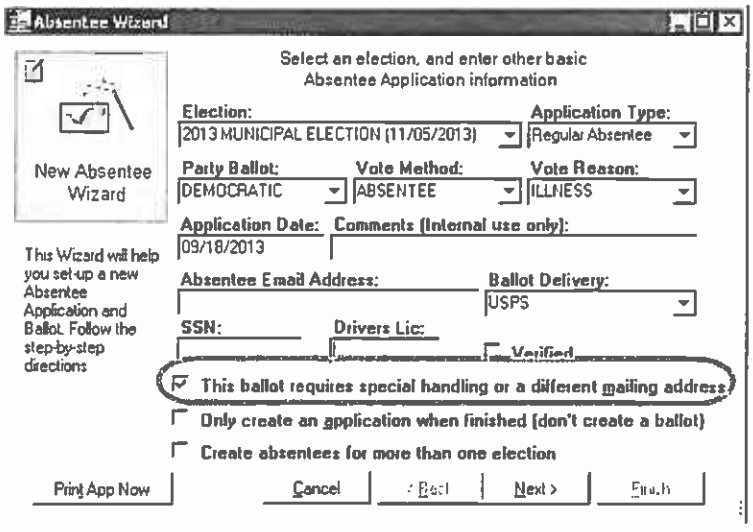
5.	Select the desired option from the 'Document Type' field and enter a description in the 'Document Description' field.  Scan the absentee application, and click **[Add Last Scan]**. The document is saved to the *Documents* tab in the voter's record.
6.	Click the **[Absentee Voting]** icon to display the **Absentee Voting** screen. 
7.	Click the **[New App]** button on the **Absentee Voting** screen. The **Absentee Wizard** screen will be displayed.


VOTER, SAMPLE
Select Application:
ID:
Application
Abs App Details
App Status
Ballots
Permanent Absentee
ID Verification
There are no Absentees recorded for this voter.
Select the [New App] button to create a new application.
New App
Delete App
Process App
OK
Cancel
Record:
0
of 0

8. Populate the fields on the Absentee Wizard with the provided information.

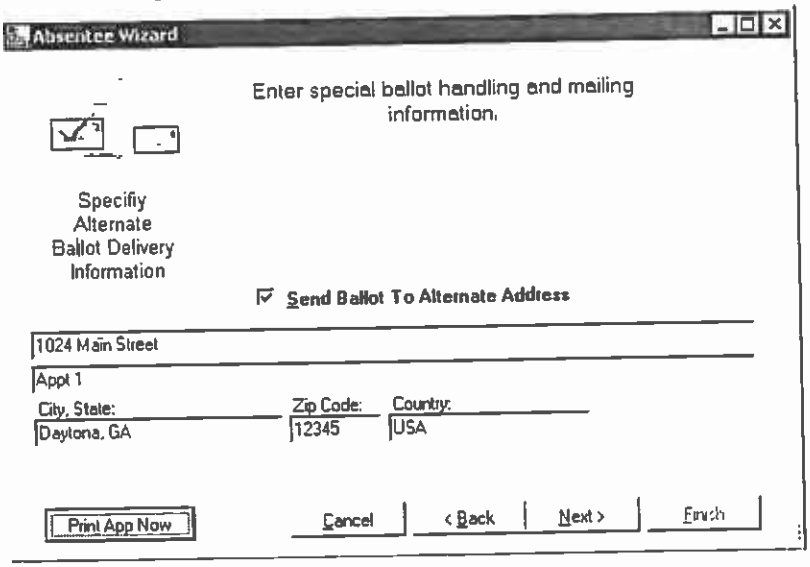
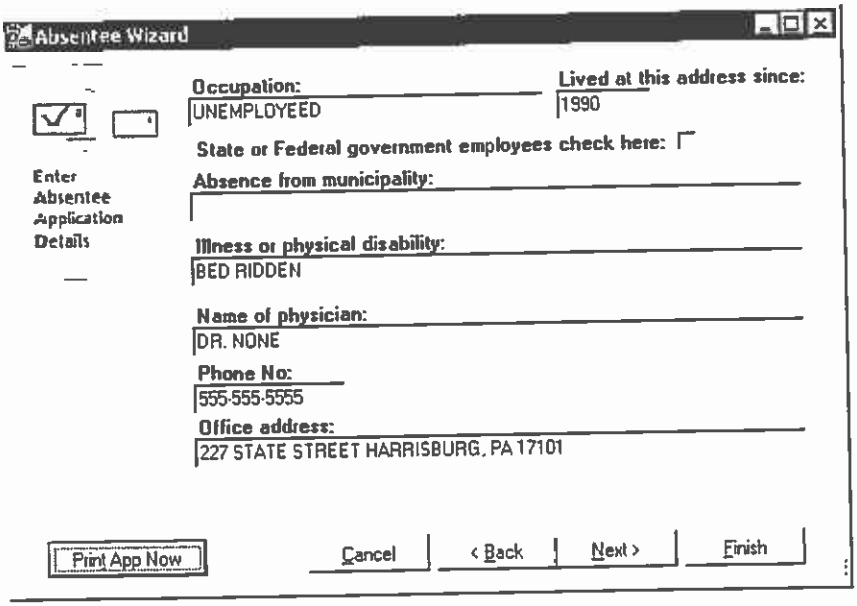


If the voter specified that the ballot should be mailed to an address different from his or her residential address, check the 'This ballot requires special handling or a different mailing address' checkbox.

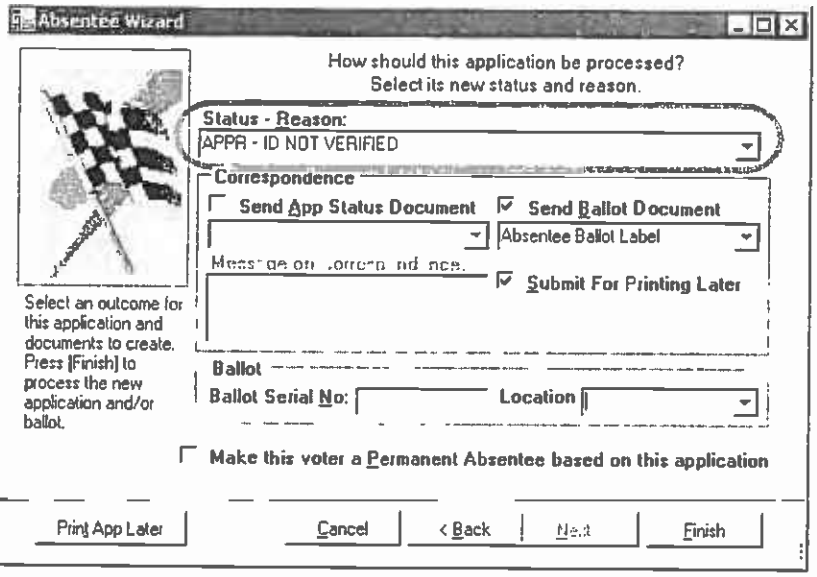


Note: The 'Ballot Delivery' field defaults to 'USPS' and should not be changed for Civilian/Regular applications.

Click [Next].

9.	If the 'This ballot requires special handling or a different mailing address' checkbox is checked, the **Specify Alternate Ballot Delivery Information** screen is displayed. Click the 'Send Ballot To Alternate Address' checkbox and enter the address in the resulting fields.  Click **[Next]**.
10.	The **Enter Absentee Application Details** screen is displayed. If desired enter the information from the absentee application and then click **[Next]**. 

11.	The last page of the wizard is displayed.



Because an ID was not verified, the absentee application is processed with a status reason of 'APPR – ID NOT VERIFIED'.

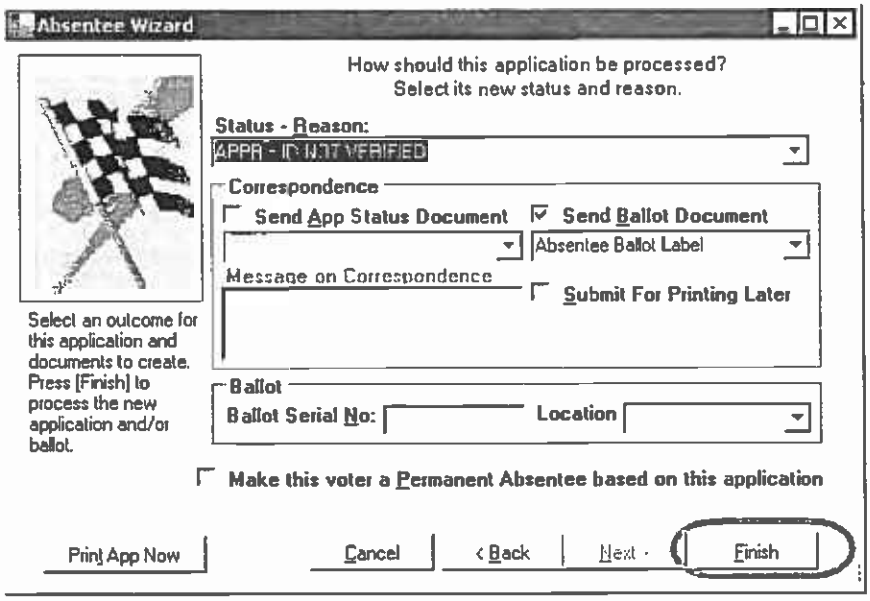
Note: If the 'Send Ballot Document' checkbox is marked and the 'Submit For Printing Later' checkbox is cleared, the ballot label will print immediately.

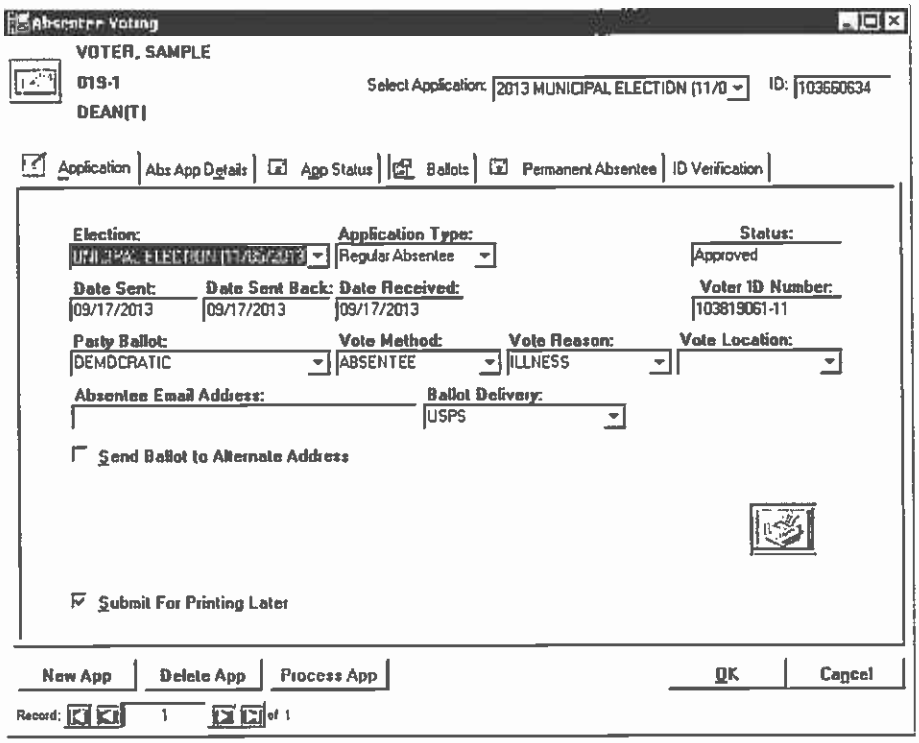
If the 'Send Ballot Document' and the 'Submit For Printing Later' checkboxes are marked, the ballot label will be queued to **Correspondence Batches** where it can be printed and confirmed.

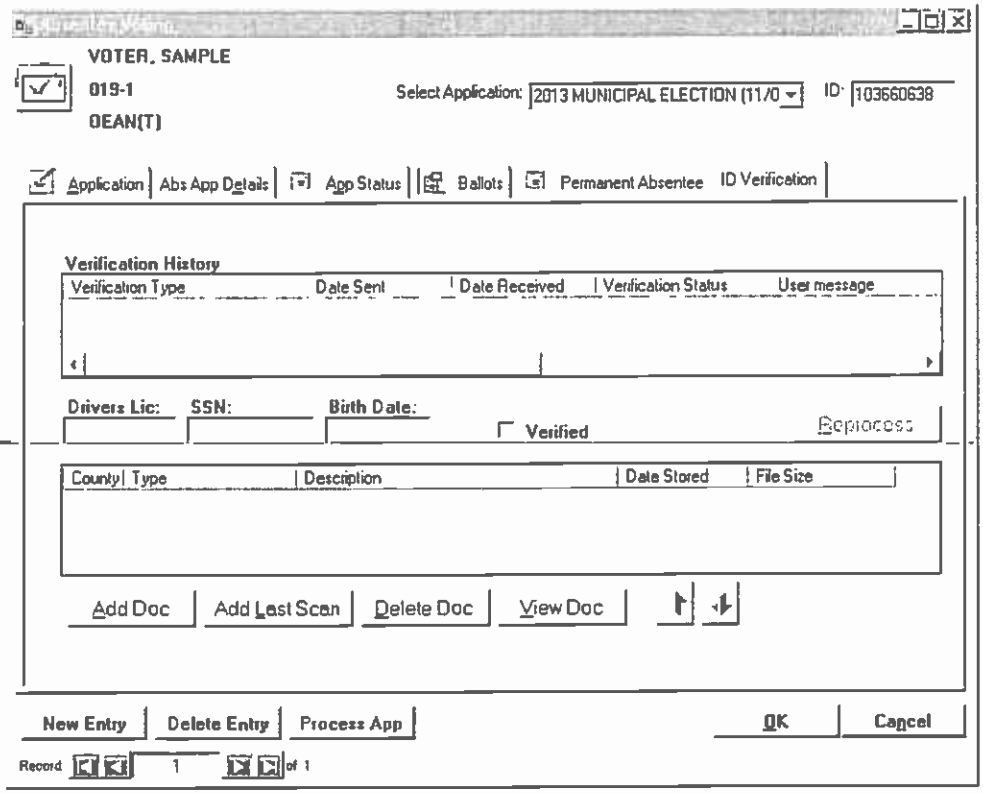
If neither the 'Send Ballot Document' nor the 'Submit For Printing Later' checkboxes are marked, the correspondence can be generated via the *Process Absentees* utility.

If the 'Ballots and Contests Finalized' checkbox on the election record is not marked, the 'Send Ballot Document' checkbox will not be marked and the ballot cannot be immediately sent. The ballot label can be queued after the 'Ballots and Contests Finalized' checkbox in the election record is marked by using the *Process Absentees* utility.

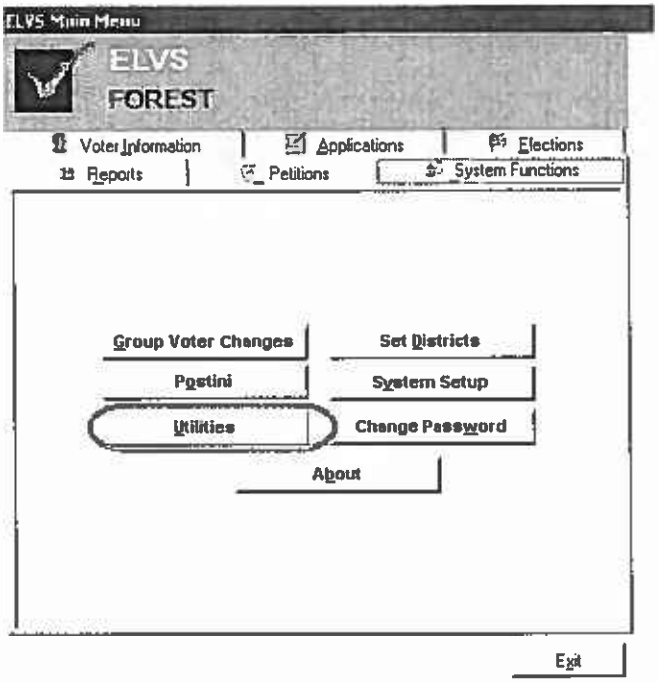
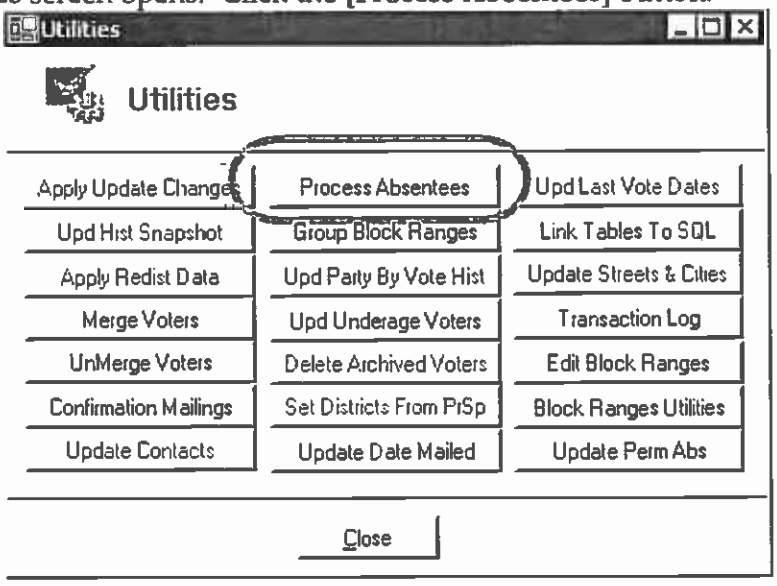
12.	To complete the processing of the application, click **[Finish]**.
13.	The *Application* tab is displayed.

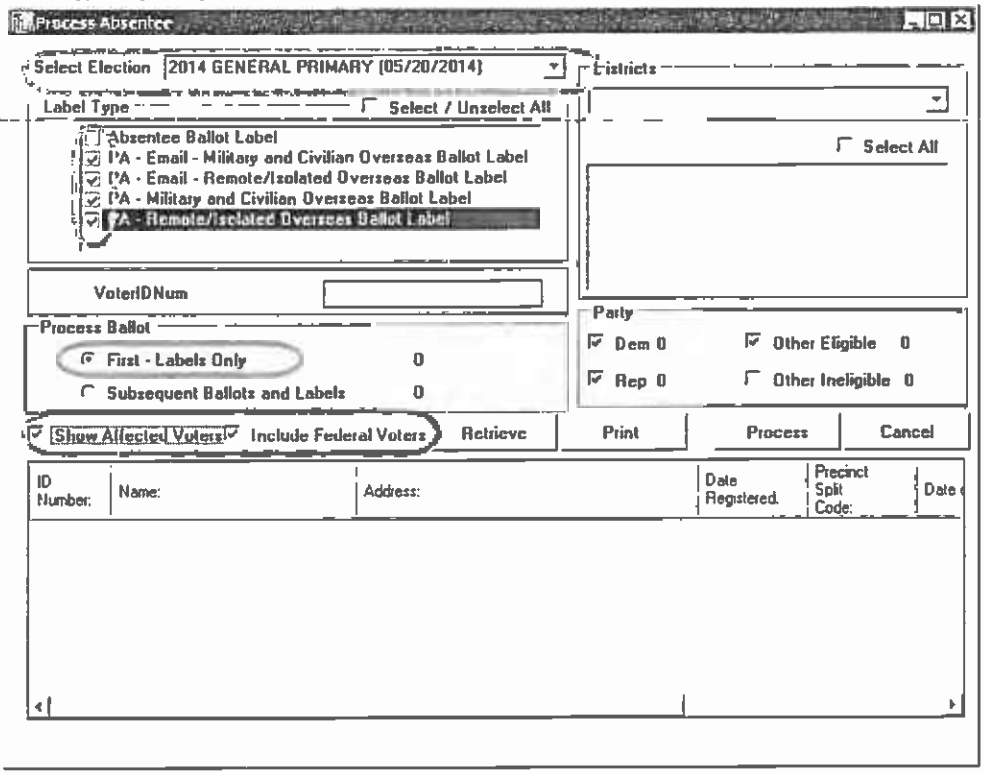




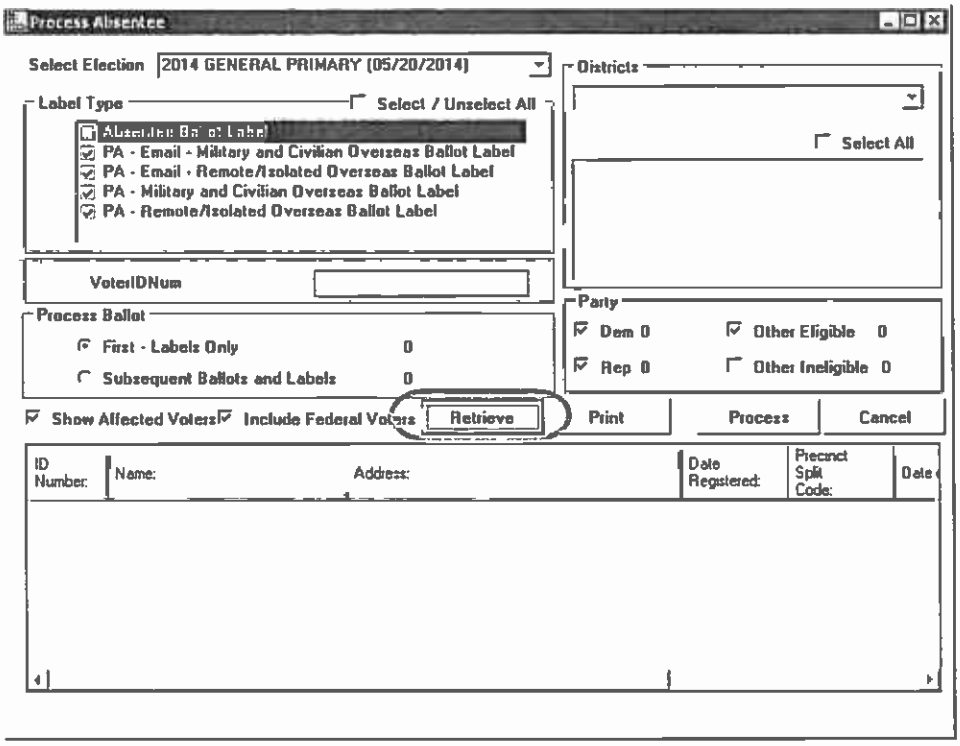
14.	Click the *App Status* tab and confirm the 'Status-Reason' is 'APPR-ID NOT VERIFIED'. Click the *ID Verification* tab to view the status of the verification.  The **Verification History** grid toward the top of the *ID Verification* tab shows the type of verification used to process the application as well as the status of the verification. **Note**: In this scenario, no ID was sent for verification; therefore, the grid is blank. If an ID is provided at a later date, please refer to the Job Aid titled "Responding to Absentee Application ID Verification Exceptions".
15.	Click [OK] to close the application. At this time, the processing of the application is complete.
16.	**Note**: Ballot labels cannot be recorded until an ID is verified.
17.	If necessary, use the *Process Absentees* utility to queue the ballot label

Scenario E: Queuing Absentee Ballot Correspondences with the Process Absentees Utility

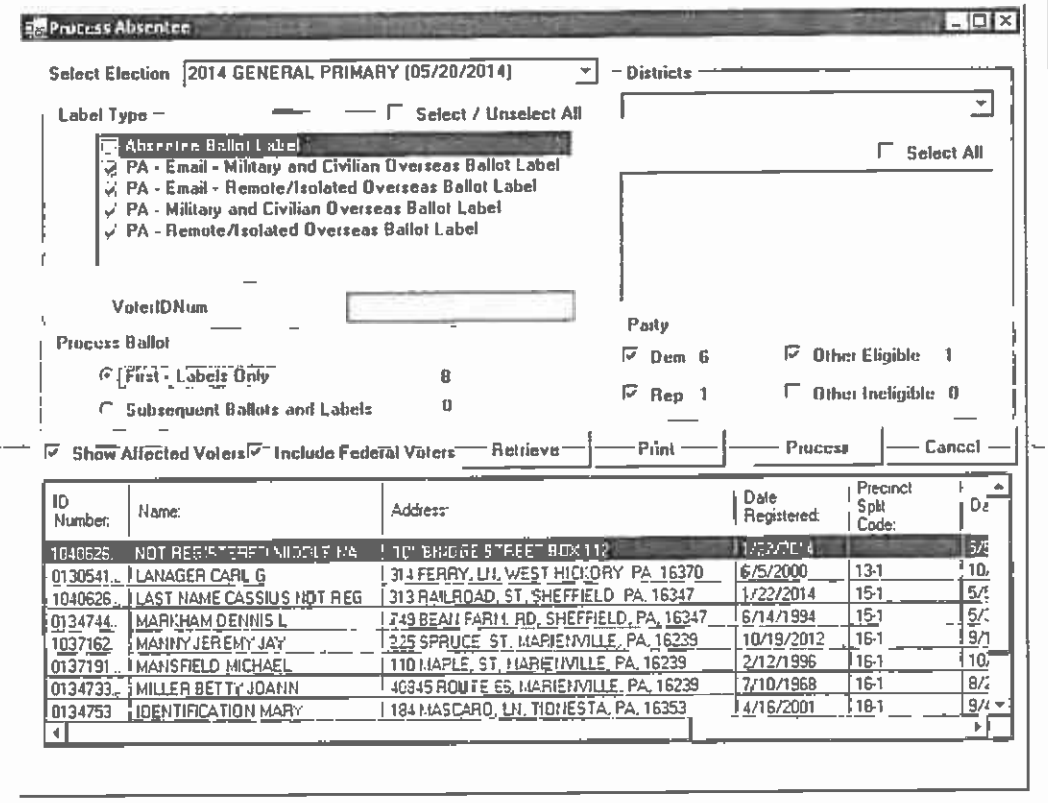
Steps	Actions
1.	From the SURE Menu, select the *Systems Function* tab and then click the **[Utilities]** button. 
2.	The **Utilities** screen opens. Click the **[Process Absentees]** button. 

Steps	Actions
3.	The **Process Absentee** screen opens. 1. If needed, select the desired election from the 'Select Election' field. 2. Select the desired option from the 'Label Type' field. 3. If queuing the first ballot label, ensure the 'First – Labels Only' option is selected. 4. To see a list of voters for whom a ballot label will be queued, click the 'Show Affected Voters' checkbox. 5. If queuing for federal voters, ensure the 'Include Federal Voters' checkbox is marked.  **Note:** ➢ To queue a ballot label for a specific voter, enter the voter's ID in the 'VoterIDNum' field. ➢ To queue ballot labels for a specific district, select the district from the 'Districts' field and choose the desired districts from the displayed list.

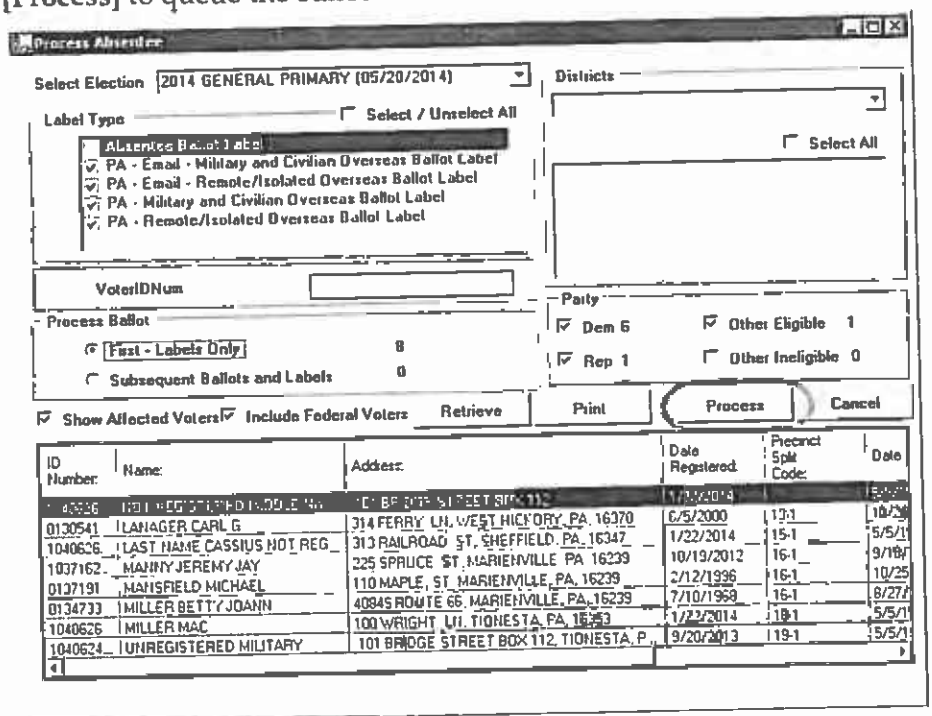
Steps	Actions
4.	To see a list of voters for whom ballot labels will be queued, click **[Retrieve]**.



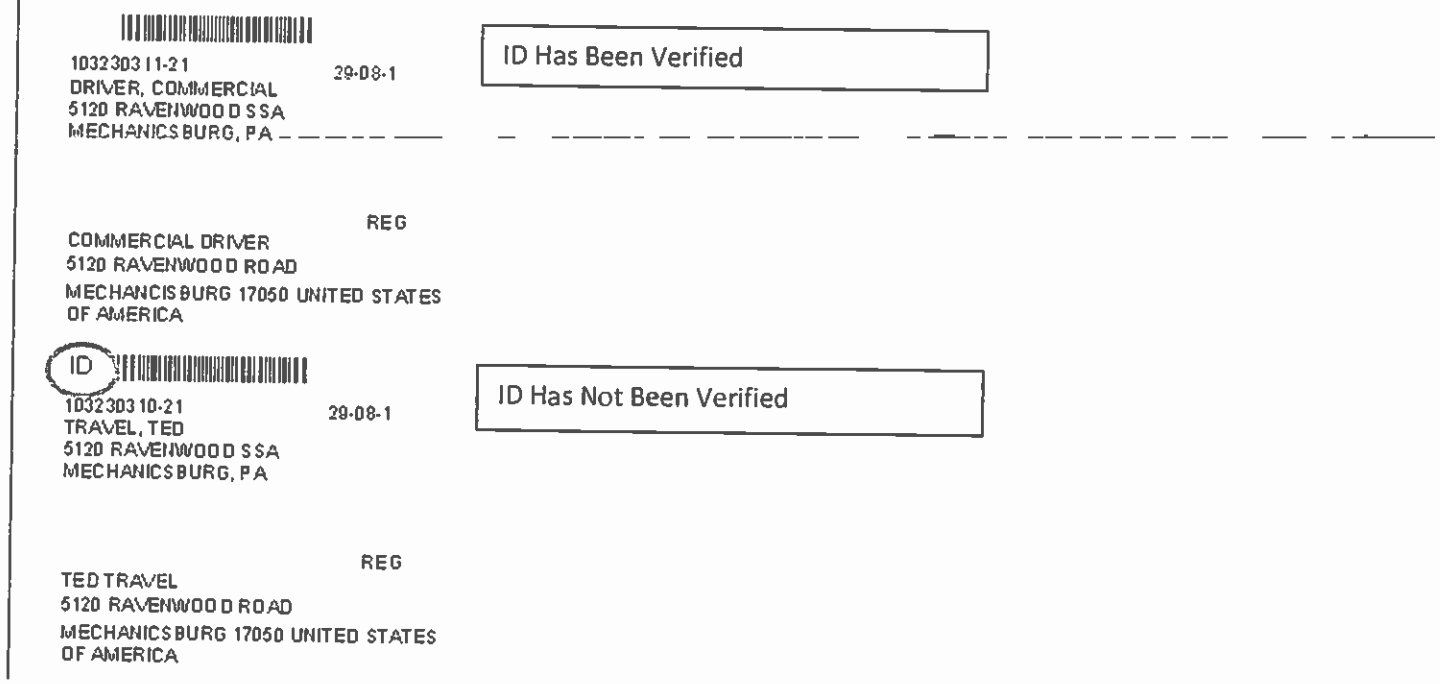
Steps	Actions
5.	If [Retrieve] was clicked, the grid is populated with the voters for whom a ballot label will be queued.



Note: The number of labels to be queued is displayed next to the selected option in the "Process Ballot" area and next to the selected options in the "Party" area.

Steps	Actions
6.	Click **[Process]** to queue the ballot labels. 
7.	Click **[OK]** in the resulting **Process Absentee** message. **Note:** If there are regular absentee applications awaiting ID verification, the **Awaiting ID Verification** message will be displayed. Click **[OK]** to close the message.
8.	Print and confirm the absentee ballot labels through the **Correspondence Batches**. Please refer to the Reports User Guide for details.

Absentee Ballot Labels for Absentee Applications Requiring ID Verification

If an ID cannot be verified prior to the Absentee Ballot Label being printed, the letters 'ID' will be printed to the left of the barcode.

If the letters 'ID' appear to the left of the barcode, instructional documentation regarding the need to provide an acceptable form of ID must be included with the ballot material sent to the voter. Documentation regarding the ID verification requirements must be provided with the ballot materials.