

ELECTION BOARD RESOLUTION NO. 10 OF 2020

On motion of Mr. Kauffman, seconded by Mr. Thomas;

WHEREAS, the Pennsylvania Primary was held on Tuesday, June 2, 2020 in which mail-in and absentee ballots were cast; and

WHEREAS, the Constitution of the United States and the Commonwealth of Pennsylvania provide for the right to vote and the Pennsylvania Constitution provides for the secrecy of said vote; and

WHEREAS, Pennsylvania Act 12 provides regulations and requirements for the conduct of the June 2, 2020 Primary, including the handling, opening and counting of absentee and mail-in ballots, otherwise known as pre-canvassing and canvassing of ballots; and

WHEREAS, the Pennsylvania Department of State has provided guidance stating that counties may develop a process to maintain secrecy in the event that a voter who has submitted an absentee or mail-in ballot and fails to insert said ballot into a privacy envelop; and

WHEREAS, the Lancaster County Board of Elections desires to uphold the Constitutional rights to vote and secrecy in such vote, and is confident in the ability to maintain secrecy in situations where a voter has not placed their ballot in a secrecy envelope,

NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF ELECTIONS, that any absentee or mail-in ballot returned by the voter without an interior envelope shall be counted and shall not be set aside and declared void because of the absence of the interior envelope, based upon guidance provided by the Pennsylvania Department of State that Act 12 does not contain any statutory authority to declare void any ballots not returned in an interior envelope. This Resolution applies only to the 2020 General Primary Election. The Resolution is not intended by the Board to establish any precedent for future elections.

Motion passed unanimously.