

A NOTICEABLE DIFFERENCE

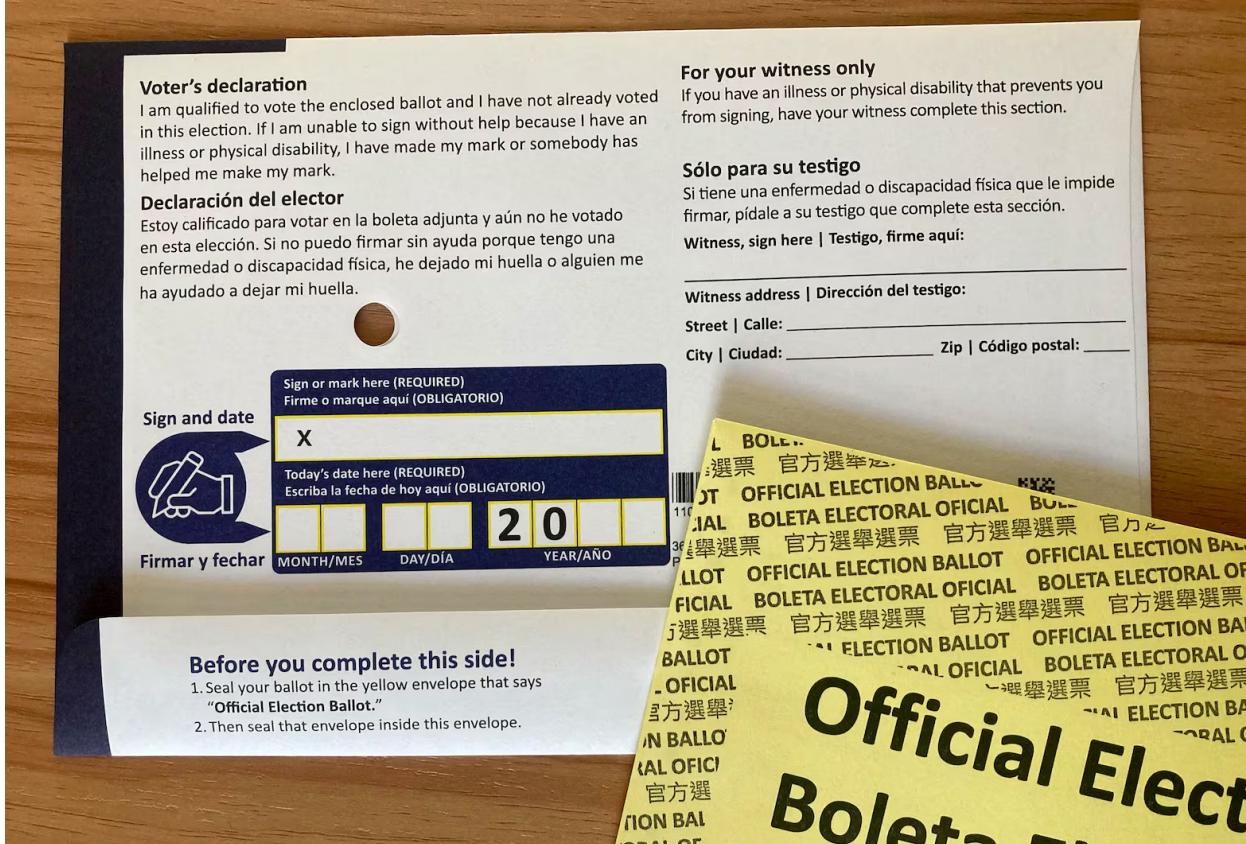


How Notice and Cure Can Help Pennsylvania Count Every Vote

EXECUTIVE SUMMARY

This report summarizes our analysis of how counties' different notice and cure policies throughout the Commonwealth impact their voters. We have found:

- The rate of voter disenfranchisement is significantly impacted by how and when county election boards provide the legally required notice that a voter has made a mistake.
- When voters are not timely notified about their mail-ballot mistake, they don't know that they need to exercise their right to cast a provisional ballot and will ultimately be disenfranchised.
- The vast majority of counties have implemented notice and cure policies that help increase the number of mail-in ballots that can be counted and reduce the rate of disenfranchisement.
- The most effective notice and cure policies involve the **automatic return** of defective ballot packets to the voter (or the automatic cancellation and reissuance of ballots). These policies resulted in the highest cure rates in the 2024 Presidential Election.
- Proactive notification procedures—with clear instructions to voters about steps to cure—yield the highest rate of counted ballots.



INTRODUCTION

The passage of Act 77 in 2019 was a historic expansion of voting access in Pennsylvania. All voters now have the right to request and cast a mail-in ballot without needing to provide a reason (such as traveling on Election Day or having a disability). Since the law went into effect, millions of registered voters in Pennsylvania have enjoyed the benefits of “no-excuse” mail-in voting. In the 2020 presidential election, more than 2.7 million ballots (39% of all votes) were submitted by mail.¹ In the 2024 election, more than 1.9 million Pennsylvanians (28% of all voters) submitted a ballot by mail.² And in the 2025 municipal election, vote-by-mail requests increased by 22.7% compared to the 2021 municipal election.³ The continued high rates of vote-by-mail demonstrate broad statewide support for no-excuse mail-in voting, which corresponds to national trends: A recent survey found that a majority of Americans (58%) favor no-excuse mail-in ballot voting.⁴

The implementation of vote-by-mail has not been without challenges. In every election since 2020, qualified voters have made minor mistakes when submitting their mail-in ballot packet, such as forgetting to sign the outer declaration envelope or forgetting to include the secrecy envelope. Act 77 was passed without clear directives for how county boards should treat mail-in ballots that arrive with such paperwork mistakes, which result in the voter’s ballot being disqualified under state law. As a result, tens of thousands of mail-in ballots returned by eligible voters have not been counted since 2020 because of simple, easily correctable errors that voters make on their ballot packet.

Many counties across the state have used their discretion to adopt “notice and cure” policies, allowing voters to fix mistakes so their mail-in ballots can be counted. In this report, we describe the current Pennsylvania landscape around notice and cure and urge county Boards of Elections to adopt the most effective policies to ensure that ballots from otherwise eligible voters can be counted.



In the 2025 municipal election, vote-by-mail requests increased by **22.7%** compared to the 2021 municipal election.



58% of Americans favor no-excuse mail-in ballot voting.

1 Report on the 2020 General Election, Pennsylvania Department of State (May 14, 2021) <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/2020-General-Election-Report.pdf>

2 Mail Ballot Dashboard: 2024 General Election, Pennsylvania Department of State, <https://www.pa.gov/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics/election-data/2024-general-mail-ballot-dashboard>; Carter Walker, Pa. certifies 2024 election results as Trump electors prepare to meet in Harrisburg, Spotlight PA (Dec. 4, 2024) <https://www.spotlightpa.org/news/2024/12/pennsylvania-election-2024-certification-donald-trump-presidential-winners/>

3 Alton Northup, A. More Pennsylvanians vote by mail than in previous municipal election. abc27 News (Nov. 4, 2025) <https://www.abc27.com/election/more-pennsylvanians-vote-by-mail-than-in-previous-municipal-election/>

4 Steven Shepard, et al., Majority of Americans Continue to Back Expanded Early Voting, Voting by Mail, Voter ID, Pew Research Center, (Aug. 22, 2025) <https://www.pewresearch.org/politics/2025/08/22/majority-of-americans-continue-to-back-expanded-early-voting-voting-by-mail-voter-id/>

PENNSYLVANIA MAIL VOTING SYSTEM

Pennsylvania holds elections twice a year. Registered voters can request a mail-in ballot at the start of the election cycle and up until 5:00pm on the Tuesday before Election Day. To request a mail-in ballot, voters can apply online through the Department of State's website, by mail using a paper application, or in person at their county election office or other officially designated location.⁵

An individual applying for a mail-in ballot must submit proof of identification with their application, which is typically the voter's Pennsylvania Driver's License number or the last four digits of their Social Security number.

After the county election office approves a voter's application for a mail-in ballot, the voter will receive a ballot packet, which includes: the ballot, a secrecy envelope, and an outer return envelope with a declaration for the voter to sign and date. All mail-in ballot packets must be completed and received by the Board of Elections by 8:00 pm on Election Day. Upon receipt of a voter's mail-in ballot, the Board of Elections will enter a code reflecting the ballot status into the Statewide Uniform Registry of Electors ("SURE system").

SURE is Pennsylvania's voter registration and election management system, which election offices use to manage mail-in ballot requests and returns. Mail-in voters are able to check their ballot status by using a tracking [tool](#) on the Department of State's website, which shows the SURE system code entered by the county. Voters will also receive an automated email notification about their ballot status from the Department of State.⁶ Both the online tracker and the automated email notification inform the voter that the ballot packet has an error that requires additional action.

Voters with a disability may designate someone else to retrieve and return their ballot packet. A voter must designate the person in writing using the [Designated Agent Form](#). A voter with a disability is also entitled to use a Designated Agent to assist with the "curing" process if they make a mistake on their mail-in ballot packet.

WHAT IS NOTICE AND CURE?

Notice and cure is the general term for a process in which the county Board of Elections notifies a voter of an issue with their mail-in ballot and provides the voter with an opportunity to fix or "cure" that mistake so that the ballot can be counted.

⁷ Each county Board of Elections has discretion on how to notify voters of mail ballot mistakes and whether to provide policies to allow curing.

⁵ *Mail-in and Absentee Ballot*. Pennsylvania Department of State, <https://www.pa.gov/agencies/vote/voter-support/mail-in-and-absentee-ballot>

⁶ Only voters who include an email address in their mail-ballot application will receive the automated emails. Three quarters of Pennsylvania's mail-ballot voters included an email address and will receive these automated notifications.

⁷ *When it comes to absentee and mail-in voting, what is the notice & cure process?*, League of Women Voters (Oct. 20, 2020) <https://www.lww.org/blog/when-it-comes-absentee-and-mail-voting-what-notice-cure-process>

NOTICE IN PENNSYLVANIA:

Boards of Elections use a variety of methods to notify voters when they have made a mistake on their mail-in ballot packet:



Automatic ballot return: Counties may automatically return deficient ballot packets to voters, with a letter about the error and additional steps the voter must take. Counties utilize this method until a specified date, after which voters will need to cure ballots in person to avoid missing the return deadline.



Automatic ballot cancellation and reissue: Some counties automatically cancel a ballot packet with a deficiency and send a new ballot to the voter with an explanation and instructions to correctly fill out the ballot envelope and resubmit. Counties utilize this method until a specified date, after which voters will need to get a replacement ballot in person to avoid missing the return deadline.



Notification by email, phone call, and/or postal mail: Many counties directly contact the voter by letter, email, or phone call to alert the voter of their mistake and their options to remedy it.



Notification by published list: Counties may publish a list of impacted voters online and at the county elections office(s). This allows voting rights organizations to contact voters who have made a disqualifying mistake.



Notification by list provided to the political parties: Some counties provide a list to political parties to allow them to notify voters and either help them cure (if permitted) or cast a provisional ballot.



Notification by SURE system coding: Following a 2025 Supreme Court decision, counties are required to, at the very least, enter the appropriate ballot rejection code into the SURE system. Inputting the appropriate code into the SURE system will automatically trigger an email to the voter alerting them of the deficiency and informing them of their right to cast a provisional ballot. The SURE code also updates the ballot status on the Department of State's online [tracking tool](#), for those voters who do not have an email address on file. Nearly all counties with the above-described notice and cure programs will also enter the appropriate rejection code into the SURE system, **upon receipt**. However, some counties do not do proactive voter outreach in conjunction with the SURE codes. **In those counties, the only notice the voters receive is through the SURE system codes (i.e. email notification or utilizing the online tracking tool).**

Pennsylvania voters are entitled to notice of mail-in ballot errors under the state Constitution:

In September 2025, the Supreme Court of Pennsylvania ruled that mail-in ballot voters are entitled to be notified when they have made a disqualifying mistake on their ballot packet, in order to preserve their right to cast a provisional ballot on Election Day. The court found that, at a minimum, counties must timely notify a voter of a mail-in ballot flaw by entering the correct codes into the SURE system.

The SURE system code generates notice to the voter by (1) allowing the voter to look up the mail-in ballot status in the Department of State's online ballot tracker, and 2) triggering an automatic email to voters that there is an error that will prevent the ballot from being counted. Both the automated emails and the DOS ballot tracker inform the voter of the need to cast a provisional ballot.

The case, *Center for Coalfield Justice et. al v. Washington County Board of Elections*^{*}, was brought by the ACLU-PA and the Public Interest Law Center in July 2024 after the Board implemented a policy that concealed from 259 voters that they had made a disqualifying mail-in ballot mistake. The voters were unaware that their mail ballots would not be counted until after the election, and therefore they did not have an opportunity to cast a provisional ballot.

The plaintiffs included seven voters whom the Board refused to notify in the April 2024 primary election. These voters claimed that the Board had violated their procedural due process rights under the Pennsylvania Constitution. The Supreme Court of Pennsylvania agreed, writing that when the Board “segregated electors’ mail-in ballot return packets for disqualifying errors, and therefore knew the ballots inside were void, it was required to provide accurate notice of the errors to the impacted electors via the entry of accurate SURE codes in the SURE system … [triggering] an email alerting the electors … that they still had a right to vote provisionally. Such minimal process was undoubtedly due.”

Accordingly, **failure to notify voters** about their disqualified mail-in ballot through timely and accurate SURE-system coding is a violation of the Pennsylvania Constitution. At a minimum, Pennsylvania counties are required to notify voters of disqualifying errors on their mail-in ballot packets via the SURE system, which will inform them of their right to cast a provisional ballot.

* [Coalfield Justice et.al v. Washington County Board of Elections](#)

CURE IN PENNSYLVANIA:

Under current Pennsylvania law, a mail-in ballot will not be counted if the voter neglects to sign the outer declaration envelope or forgets to include the inner secrecy envelope. In order for a mail-in ballot with such an error to be counted, the packet must be fixed (“cured”).⁸

⁸ By contrast, errors with regards to dates on the declaration envelope are not grounds for rejecting a voter’s ballot. As of the publication date of this report, mail-in ballots that arrive in undated or incorrectly dated envelopes must be counted, regardless of whether the voter cures the mistake.” [See Eakin v. Adams Cnty. Bd. of Elections](#), 149 F.4th 291 (3d Cir. 2025).

Currently, the majority of Pennsylvania counties allow curing and typically use one of the following models:



Automatic return of mail-in ballot to voter with instructions to cure the mistake and resubmit the packet



Automatic cancellation of defective mail-in ballot and reissuance of mail-in ballot



Request for cancellation and reissuance of ballot packet. Some counties require voters to make this request in-person at the election office or satellite office, while other counties permit voters to make the request by email or online.



In-person curing of the *original* mail-in ballot at the main election office only. This is one of the most common methods of curing, and counties often require voters to bring identification to cure.

Some counties do not allow voters to “cure” the defective mail-in ballot packet or refuse to issue a new packet when the voter has made a mistake. In those counties, the only recourse is for the voter to cast a provisional ballot at their polling place on Election Day. Pennsylvania courts have affirmed that “provisional ballots exist as a fail-safe to preserve access to the right to vote.”⁹ In *Genser v. Butler County Board of Elections*, another case brought by the ACLU-PA and the Public Interest Law Center, the Pennsylvania Supreme Court held that if a voter’s mail-in ballot is disqualified or rejected, the Board **must count** their otherwise valid **provisional ballot**.

In summary, every mail-in ballot voter in Pennsylvania is now entitled to notice if their mail-in ballot will not be counted (*Center for Coalfield Justice*) so that they may, at minimum, exercise their right to cast a provisional ballot and have it counted (*Genser*). While the Supreme Court has affirmed that timely entry of SURE codes is the “minimal process” that every Board must now provide and that every voter has recourse to a provisional ballot, the ACLU-PA and Common Cause Pennsylvania encourage counties to adopt proactive notice and cure policies. Data from recent elections makes clear that these more proactive policies meaningfully increase the number of otherwise valid ballots that can be counted.



Every mail-in ballot voter in Pennsylvania is now entitled to notice if their mail-in ballot will not be counted so that they may, at minimum, exercise their right to cast a provisional ballot and have it counted.

⁹ *Genser v. Butler Cnty. Bd. of Elections*, 325 A.3d 458, 475 (Pa. 2024). <https://www.aclupa.org/cases/genser-and-matis-v-butler-county-board-elections/>

CURE RATES IN PENNSYLVANIA

In early 2025, the ACLU-PA conducted an analysis of mail-in ballot data from the 2024 general election cycle. The analysis revealed that of the nearly 18,000 Pennsylvania voters who made disqualifying mistakes in the lead-up to Election Day, more than **7,000 voters** were able to “cure” their mail-in ballot to ensure their vote would be counted. **2,200 additional** voters who made mistakes were able to cast a provisional ballot to preserve their right to vote.¹⁰

These impressive figures are a testament to the hard work of many election offices that implemented notice and cure programs, the robust education efforts of voting rights groups, and the diligence of voters who ensured their ballots would be counted.

However, the figures also reveal that nearly half of mail-in ballot voters statewide who made a disqualifying mistake were unable to “cure” or cast a provisional ballot. These votes were not counted in the election.

As part of its analysis, the ACLU-PA determined that the cure rates varied widely across counties – from 20% to 70% – which may be due in part to the different notice and cure practices across the Commonwealth.

Automatic return of mail-in ballot with instructions

Counties that automatically returned the flawed ballot packets to voters with instructions about how to cure and resubmit had the *highest cure rates in the state*.

- **Allegheny County: 70% curing rate**
- **Dauphin County: 68% curing rate**

Delaware County automatically cancels and reissues the ballot packet when the election office determines that there is a mistake.*

- **Delaware County: 67% curing rate**

* *Notice and Cure Procedures*, Delaware County Bureau of Elections (June 24, 2024) <https://delcopa.gov/sites/default/files/2024-11/G2024-Notice-and-Cure-Instructions.pdf>

10 *Mail Ballots, Notice-and-Cure, and the 2024 Election*, the ACLU of Pennsylvania (2025) <https://www.aclupa.org/mail-ballots-notice-and-cure-and-2024-election/>

CASE STUDY: Dauphin County

In September 2024, just two months before the presidential election, the Dauphin County Board of Elections met to decide whether to enact — for the first time — a notice and cure policy. Residents at the meeting expressed enthusiastic support for the policy and the election director presented his recommendation to automatically return defective ballot packets for voters to correct. The bipartisan Board voted unanimously to adopt the proposed policy.

The results were remarkable: In its first election cycle with curing, Dauphin County managed to save *hundreds* of mail-in ballots that otherwise would have been disqualified — one of the highest curing rates in the state.

In-Person Curing with Proactive Notice

Counties that allow in-person curing and provide notice through direct voter contact—phone call, text, postal mail or email directly from the county—were not as successful as counties that automatically returned the mail-in ballot packet. However, their cure rates were still significantly higher than counties that provided notice *only* via the SURE system codes.

- **Chester County: 52% cure rate**
- **Lehigh County: 40% cure rate**
- **Montgomery County: 39% cure rate**

Providing Lists of Voters with Defective Mail-in Ballots

Counties that provide lists of voters who need to cure to either political parties or third-party organizations had varying cure rates. It appears that counties that publicize their lists online—thus making them available to voting rights organizations who can directly contact voters—are more effective than those that provide the lists only to political parties. Voters in these counties are also notified via the SURE system codes.

- **Philadelphia (publishes list on City Commissioners' website): 52% cure rate**
- **Greene (provides lists to Party Committees and representatives): 18% cure rate**

CASE STUDY: Voting Rights Groups Mobilize in Philadelphia

On November 1, 2022, the Pennsylvania Supreme Court issued a decision forbidding counties from counting mail-in ballots with a missing or incorrect date on the return envelope.* Philadelphia posted a list of all voters whose mail-in ballots suddenly could not be counted. Voting rights organizations mobilized quickly to call thousands of voters on the weekend before Election Day to inform them of the need to cure or cast a provisional ballot to salvage their right to vote.

* [Ball v. Chapman](#), 284 A.3d 1189 (Pa. 2022).

Allows curing, but only provides SURE system notice

A handful of counties allow curing but provide notice of disqualifying errors only via the SURE system. This appears to be the least effective form of notice, as many voters do not see the ballot status, receive notification emails, or understand the next steps that they must take in order to cure.

Berks County (allows in-office curing upon request): 22% cure rate

Cumberland County (provides replacement ballot upon request): 24% cure rate

WHAT NOT HAVING A CURING POLICY MEANS FOR VOTERS

In counties that do not allow curing, a voter's only option to preserve their right to vote after making a mistake on their mail-in ballot is to cast a provisional ballot on Election Day.

The Supreme Court decisions in *Genser* and *Center for Coalfield Justice* have set the **minimum standard** for the processes that counties are **required to follow** when voters make a disqualifying mistake on their mail-in ballot. When a county receives an incomplete mail-in ballot, the election office **must** enter the correct error code into the SURE system. The Department of State ballot tracking website—or if the voter has provided an email, an automatic email—will alert the voter of the mistake and the opportunity to cast a provisional ballot. When a voter casts a provisional ballot after learning their mail-in ballot will not be counted, the Board of Elections **must** count the provisional ballot.

At a minimum, then, Pennsylvania counties are required to notify voters of disqualifying errors on their mail-in ballot packets and inform them of their right to cast a provisional ballot. However, Boards of Elections should go further and implement a comprehensive curing program for mail-in ballots. Without this additional curing option, many voters will continue to be disenfranchised. The data bears this out: Approximately 40% of voters took advantage of their county's "curing"

program to resolve the issue with their mail-in ballot, compared to only 12% who submitted a provisional ballot.¹¹ “Curing” mail-in ballots in the lead-up to Election Day therefore provides increased opportunities and greater accessibility than in counties that allow only a provisional ballot.

CASE STUDY: Lancaster County

In 2023, the ACLU-PA contacted an octogenarian couple in Lancaster County who had made an error on the outer envelope of each of their mail-in ballots. The couple spoke with the election office and was informed that their only option was to cast a provisional ballot on Election Day. The couple had limited mobility, which made getting to the polls difficult.

The adverse outcome: Despite the fact that there was plenty of time until Election Day, the Board of Elections refused to cancel and reissue mail-in ballots to the couple. Discouraged, the couple decided not to cast a provisional ballot and thus their votes were not counted in the election.

ACCESSIBLE CURING POLICIES FOR VOTERS WITH DISABILITIES

For Pennsylvania voters with disabilities, the “Designated Agent” process is crucial. Designated Agents are authorized by the voter to assist with the request and return of their mail-in ballot. The required form on the Department of State’s website provides information about who can act as a Designated Agent and how they are able to support a voter with the mail-in ballot process. As Disability Rights Pennsylvania has explained, “Designated agents are a necessary accommodation for anyone with a disability who wishes to vote through the mail but cannot do so without assistance.”¹²

Designated Agents are also permitted to assist mail-in ballot voters with the “curing” process, such as when a voter needs a replacement ballot brought to their home on a short timeframe. Boards of Elections should strive to remove obstacles for voters with disabilities and make their county’s curing programs accessible by providing explicit procedures for voters with disabilities who may need to “cure.” For instance, if the county requires an additional form beyond the Department of State’s Designated Agent form, it should be prominently displayed on the election website.

In summary, all counties must allow voters with disabilities to utilize a Designated Agent for the mail-in ballot transmission process, including for “curing” procedures. When voters are not given this accommodation, their right to vote is denied.

¹¹ *Mail Ballots, Notice-and-Cure, and the 2024 Election*, the ACLU of Pennsylvania (2025). <https://www.aclupa.org/mail-ballots-notice-and-cure-and-2024-election/>

¹² Peri Jude Radecic, *Disability Rights Pennsylvania Letter on Potential Disenfranchisement of Voters with Disabilities*, Disability Rights Pennsylvania (2022). <https://www.disabilityrightspa.org/spotlights/disability-rights-pennsylvania-letter-on-potential-disenfranchisement-of-voters-with-disabilities/>

CASE STUDY: Butler County

In 2023, a voter in Butler County was informed by the election office that the only option to fix the mistake on her mail-in ballot was by coming in person to “cure” at the election office or casting a provisional ballot on Election Day. The voter was bedridden and unable to leave her home, and these in-person options were not possible. The voter attempted to send a Designated Agent on her behalf to the election office, but the Board refused to permit the Designated Agent to assist with the curing process.

The victory for voters: The ACLU-PA represented the voter in court, where a judge issued a Consent Order requiring Butler County to cancel and reissue a mail-in ballot to the voter to be picked up and returned by the voter’s Designated Agent. The ruling applied to other voters who have a physical disability and were unable to cure in person.

Pennsylvania’s Commitment to Enfranchisement:

Every Board of Elections in Pennsylvania should strive to enfranchise as many eligible voters as possible. The Supreme Court of Pennsylvania has repeatedly affirmed the long-standing and overriding policy in the Commonwealth to protect the elective franchise. Each of Pennsylvania’s 67 counties determines what notice and cure procedures to implement, and counties should choose policies that maximize the number of votes that can be counted and reduce the number of ballots that must be rejected.

Robust notice and cure policies enfranchise voters. Just as voters who make a mistake at the polling place have the opportunity to void their ballot and cast a new one, voters who cast ballots by mail should have the opportunity to fix disqualifying mistakes. Counties that don’t allow curing are choosing to disenfranchise qualified voters in every election cycle.

Common Cause Pennsylvania and the ACLU of Pennsylvania believe that every Pennsylvania Board of Elections must strive to enfranchise its eligible voters. As long-time leaders in voting rights and election reform in Pennsylvania, Common Cause Pennsylvania and the ACLU of Pennsylvania encourage all counties to offer proactive notice and cure programs to minimize disenfranchisement of voters who make easily fixable mistakes and ensure that all eligible ballots are counted.

RECOMMENDED BEST PRACTICES

Common Cause Pennsylvania and the ACLU-PA recommend that all counties adopt the following policies to support mail-in voters:

- Automatically return flawed ballot packets or automatically cancel and reissue mail-in ballots early in the election cycle.
- Proactively notify voters of flawed ballots by using available contact methods (phone call, texting, emailing, postal mail) in addition to timely entering SURE codes. This is especially important in the final days leading up to Election Day, when it is too late to return flawed ballot packets or reissue new packets.
- Publish public lists of voters whose mail-in ballot packets were rejected so voter advocacy organizations can notify individuals and share options.
- Provide accessible ballot drop boxes for voters to return their cured ballots. The drop boxes should be available at varying times to accommodate voters' schedules and available in geographically diverse locations, including in densely populated urban areas and in locations that are furthest from the county election office.
- Provide full-service satellite election offices for voters to cancel and request new ballots if it is too close to Election Day to guarantee return of deficient ballots by mail.

CONCLUSION:

Since the enactment of no-excuse mail-in voting in 2020, notice and cure policies have proven effective at saving thousands of mail-in ballots that otherwise would not have been counted. Common Cause Pennsylvania and the ACLU-PA urge Pennsylvania lawmakers to enact comprehensive, uniform legislation instructing counties how to implement such a program. At least 33 states and the District of Columbia have uniform notice and cure policies, ranging from a simple mandate to notify voters of mistakes to strict timeframes and procedures for notification and curing.¹³

In the absence of instruction from the state legislature, the majority of county Boards of Elections have used their discretion to develop and implement notice and cure procedures that strive to enfranchise eligible voters who submit defective mail-in ballots. Common Cause Pennsylvania and the ACLU-PA believe that it is wrong to deny eligible voters the opportunity to fix the minor mistakes that prevent their ballot from being counted. The organizations encourage all Pennsylvania counties to adopt robust, proactive notice and cure policies.

Counties should do everything in their power to support voters' right to cast ballots that are counted.

¹³ *Returning, Verifying, and Curing Mail Ballots*, Voting Rights Lab, <https://tracker.votingrightslab.org/issues/returning-verifying-and-curing-mail-ballots?law=13>

