



Defend Democracy Project

**NEW REPORT**

# The Three Greatest Threats to Democracy in Pennsylvania

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## The Three Biggest Threats to Democracy in Pennsylvania

*Democracy in Pennsylvania is under attack by Donald Trump and his allies. This report describes the most dangerous of many ongoing efforts. We surveyed grassroots organizers, legal analysts, and academic experts to identify the key risks.*

*Our analysis found three primary threats that are intertwined, working at every level of the electoral process, starting with state and local election administration. Election deniers are targeting local election officials and running an ongoing statewide election audit that has led to voting system breaches and privacy violations. Second, these ideologues are derailing election certification proceedings by refusing to certify county-level election results and working to dismantle electoral checks and balances. Finally, they are pushing a slate of bills, lawsuits, and initiatives predicated on baseless election conspiracy theories, aiming to constrict ballot access.*

*These threats are designed to overturn the will of American voters, and take away our most basic right to choose their own leaders. Trump and MAGA Republicans in Pennsylvania are actively working to disrupt election administration, obstruct certification, and suppress votes in order to consolidate power over elections for decades to come.*

### **Voter Suppression Efforts Targeting Ballot Access**

**Pennsylvania Legislators Are Changing Election Law to Suppress The Will of Voters.** This year alone, Pennsylvania legislators have [passed two bills](#) seeking to put the commonwealth at risk of [election subversion](#). These bills have imposed unworkable burdens in election administration ([SB 982](#)) and required partisan, unprofessional election ‘audits’ of county administrators ([SB 106](#)). False claims surrounding the 2020 election [fueled both of these bills](#), and their sponsors/co-sponsors continue to echo falsehoods that mail-in voting, especially through ballot drop boxes, leads to fraud, aiming to delegitimize Pennsylvania’s voting system ahead of the midterm elections in November.

**Pennsylvania’s Next State Legislators Will Vote On A Constitutional Amendment Imposing Strict Ballot Requirements.** This summer, the Pennsylvania legislature took the first step to get a restrictive constitutional amendment on the ballot in 2024 that would impose [massive changes to voting](#), opening the door to strict regulations and penalties [previously proposed](#) by the legislature. In Pennsylvania, constitutional amendments must pass the legislature *twice* in two consecutive sessions before being placed on the ballot for a statewide vote – meaning that state legislators elected in November will vote on a constitutional

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amendment package [that would constitutionally require](#) Pennsylvania voters to show government-issued ID to vote in-person or by mail.

## **Pennsylvania Corporations Have Bankrolled Anti-Democratic Legislation.**

Throughout the past year, Pennsylvania's two largest corporations have [continued to support anti-democratic principles](#). Comcast, based in Philadelphia, has contributed more than \$855,000 this year to both state and federal lawmakers who [opposed voting rights or voted for ballot restrictions](#) this year. Additionally, the Chesterbrook-based AmerisourceBergen has spent at least \$120,000 on members of Congress and the Pennsylvania legislature who also [opposed voting rights or voted for ballot restrictions](#) this cycle.

## **Lawsuits Disrupting Pennsylvania's Electoral Certification Process**

### **An Extreme SCOTUS Case Threatens To Upend Pennsylvania Elections.**

Pennsylvania legislators like state Senator Doug Mastriano have [openly declared](#) support for the undemocratic and unconstitutional idea that the popular vote can be treated as non-binding when it comes to the certification of presidential electors, affirming a radical legal theory [opposed by](#) all 50 states' Supreme Court chief justices known as the "[independent state legislature](#)" (ISL) doctrine, which would render state legislatures unaccountable to both the popular vote and state/federal court oversight. Some influential politicians are even calling on the state to join a [constitutional convention](#) in order to "[limit] federal power," threatening Pennsylvania elections that are already uniquely subject to certification and administration by the governor. The next governor of Pennsylvania could go rogue, using their authority to withhold certification on presidential election results they disagree with and [recognizing false electors](#) which Congress would then be required to count.

**Election Deniers Are Overwhelming Local Officials With Lawsuits Aiming To Make It Harder to Vote in Pennsylvania.** Election deniers have been targeting ballot access since the beginning of the year, challenging the rights of Pennsylvania voters in state and federal courts.

- **Republican Plaintiffs Are Fighting to End No-Excuse Absentee Voting.** MAGA Republicans are [fighting in court to nullify Act 77](#), a bipartisan law that [expanded voting rights](#) across the Commonwealth by instating no-excuse absentee voting. Iterations of the lawsuit have been [rejected numerous times](#) over the course of the year, but with oral arguments scheduled for Oct. 12, the MAGA plot to deny voters an accessible way to exercise democracy continues.
- **MAGA Lawsuits Are Actively Working To Limit Local Ballot Drop Boxes.** Election deniers have continued to complicate the procedures for processing absentee ballots in Pennsylvania by targeting ballot drop boxes. In a lawsuit [fighting to limit](#)

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[ballot drop boxes](#), a group of MAGA plaintiffs known as the [America First Legal Foundation](#), led by Jan. 6 conspirators and high-ranking former Trump staffers Stephen Miller and Mark Meadows are [suing Lehigh County](#), have requested court-ordered monitors at every drop box location in the county. The American Civil Liberties Union (ACLU) has cautioned that the proposal would [amount to unlawful 'voter intimidation'](#) under state law, and denounced the proposal. Fifteen days later, the Foundation [sued Chester County](#), seeking to prohibit the suburban Philadelphia county from using any unmonitored ballot drop boxes during the November election, and Acting Secretary Chapman concluded that the proposal could have the effect of “[intimidating eligible voters](#) and deterring their authorized agents from legally casting votes.”

- **Election Deniers Want to End Ballot Curing in Pennsylvania.** Yet another ongoing MAGA lawsuit is [challenging statewide ballot curing procedures](#) across Pennsylvania. Legal experts have [pointed out](#) that plaintiffs for the ballot curing suit “invokes the radical independent state legislature (ISL) theory,” and criminalizes local election administrators who have complied with local election laws. Worse still, the lawsuit aims to quietly [disenfranchise thousands of absentee voters](#) who submit their ballots with small mistakes in November. MAGA legal arguments echo a case in Wisconsin that recently led to the state Supreme Court there [banning ballot envelope curing in the state](#) and penalizing poll workers.

## **Extremists Threatening Pennsylvania's Election Administration**

**MAGA Republicans Are Harassing Local Election Officials.** MAGA loyalists are targeting state and local elections officials across Pennsylvania, with incumbent election administrators [facing threats of violence and harassment](#) from their own constituents. Local elections officials are [resigning en-masse](#) in the face of violent threats and a lack of funding for adequate security, leaving election offices understaffed for the upcoming midterm elections while election offices are [flooded with frivolous and conspiratorial public records requests](#). Election deniers have been working to recruit a network of MAGA figures to [replace obscure election officials](#) known as judges of elections and inspectors of elections, who supervise polling locations and ensure correct vote tabulations. Widespread changes to county and municipal election offices could have a significant impact on how future elections are administered in Pennsylvania. State officials are [fighting misinformation](#) and have [encouraged](#) Pennsylvanians to serve as poll workers during the November election amid [uncertainty among voters](#) as three separate lawsuits, challenging no-excuse absentee ballots, await rulings.

- **Election Deniers Are Pushing Local Election Officials To Do Time Consuming And Error-Prone Hand Counting Of Election Results.** In addition to conspiratorial county officials stonewalling the certification process, groups like Audit the Vote PA are [pushing county officials](#) to alter election systems and [remove electronics](#)

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from the voting process entirely. The group successfully pushed Butler County commissioners to [re-canvass some of the votes from the 2020 election](#) in August 2022, and convicted the Lycoming County Board of Elections to approve a ballot initiative [banning electronic ballot tabulators](#) – though the county later [rescinded approval](#) after the District Attorney informed the County that boards of elections are prohibited from placing non-binding referendums on the ballot in Pennsylvania. Audit the Vote PA is active in 16 counties across the state, [pushing ballot initiatives](#) to stop countries from using voting machines in future elections.

**County-Level MAGA Election Officials Are Refusing To Certify Election Results They Disagree With.** County-level election officials in Pennsylvania are setting the state to overturn election results they disagree with in the midterm elections. Echoing Trump's false claims from the 2020 election cycle about mail-in ballots supposedly being fraudulent, MAGA county-level elections officials [flat-out refused](#) to count undated absentee ballots from the May primary election, in defiance of a U.S. Supreme Court ruling [explicitly approving undated absentee ballots](#) in the state. After nearly 14 weeks, a judge [finally ordered](#) three of the counties to [finish counting](#) all mail-in ballots and [end the MAGA stalemate](#) and finalize the state's electoral [certification](#). The MAGA conspiracy continues to threaten election security, with Berks County planning to [deploy sheriffs to interrogate people returning ballots](#) at drop boxes, spreading uncertainty and distrust in the final vote count through the midterm election cycle.

**Local Election Officials In Fulton County Are Allowing Third Parties to Access Voting Machines.** In central Pennsylvania's Fulton County, MAGA election officials are deliberately trying to evade transparency and overload the system with a slew of lawsuits, investigations, and audits into their voting machines. Pennsylvania election officials initially [decertified the county's entire voting system](#) after every machine failed anti-tampering testing following an unauthorized audit by a third-party cybersecurity firm after the 2020 election. A lengthy legal battle [ensued](#), and Fulton County filed a [lawsuit against Dominion Voting Systems](#) on Sept. 20, citing unsubstantiated claims made by yet another third-party cybersecurity firm [alleging](#) that the machines are not secure. The county's legal back-and-forth over endless investigations mired in baseless conspiracy theories is a deliberate attempt to undermine confidence in elections, effectively destabilizing Pennsylvania's democratic apparatus.