

Voye, David

From: Charles Faltenovich [REDACTED]
Sent: Sunday, April 14, 2024 7:25 AM
To: # Board of Elections
Subject: BoE Meeting Public Comment

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Greetings,

My name is Charles Faltenovich; I am writing on behalf of PA Fair Elections, a Pennsylvania election integrity coalition. I request that that following be read and addressed at the upcoming Board of Elections meeting on Monday and/or a response be provided in writing:

25 P.S. § 3154 mandates that the Board, before certifying the results from any election district (i.e., precinct), must compare the number of persons who voted in each district with the total number of ballots cast in said district by all methods: mail, absentee, provisional, and Election Day in-person ballots. This comparison is essential to ensure the total number of ballots cast (of all types combined) do not surpass the number of unique individuals who voted in each precinct. The reconciliation requirement serves to identify any discrepancies or omissions before certifying the election results.

How does Allegheny County reconcile by precinct to incorporate all voting methods before certification? Can this process be published?

25 P.S. § 3031.17 stipulates a recount of at least 2% or two thousand (2,000) of the ballots cast, whichever is less. The PA DoS certification of ES&S voting systems (which are used in Allegheny County) is contingent upon this recount being “conducted exclusively via a manual count of the voter marked paper ballots”.

Can the Board confirm that the mandated hand count has occurred in past elections and will also occur in both the primary and general elections of 2024? If so, does this hand count allow for significant bipartisan observer access, and what are the rules regarding observers? How can the public know such a recount has occurred and be informed of its results?

Will the Board agree that as part of the 2%/2000 ballot required audit, Allegheny County will, in an effort to enhance transparency and trust in election results, commit to manually counting at least three precincts selected at random/by lottery

(or more, if needed, to fulfill statutory requirements) in their entirety, including all Election Day (in-person), mail-in, absentee, and provisional votes under bi-paristan observer scrutiny?

[REDACTED]

Thank you for your consideration of my questions,

Charles Faltenovich

[REDACTED]

Comments to the Board of Elections for the April 15, 2024 meeting

From William Towne

To the Board of Elections:

First, thank you for clarifying at the last meeting that you do still accept public comments and wish for the public to be informed of how. It had been disappointing to see that text dropped from the Board of Elections page announcing the meetings for the last one, and to see the need for litigation to get Board input into a key decision about elections administration on which the Board should have had input.

To restrict access to records that the PA Election Code makes expressly public, the Elections Division has in recent years taken a very problematic position that official mail in and absentee ballots are sent out to voters but **cease** to be official ballots once marked by the voters. Voters are instructed to put ballots which say they are official ballots but are **NOT** official ballots, in the County's strong view, into the yellow envelope which misleadingly says "Official Election Ballot" all over it and then put that in another envelope which says "Official Ballot Return Envelope" that they have to sign the back of. 25 P.S. § 3146.4 & 3150.14 (part of the Elections Code, like all the other citations in these comments) requires the **County Board of Elections** to provide these envelopes for "official absentee/mail-in ballots" where the ballot can fit inside the smaller one and the smaller one can fit inside the larger one. However, since County's Elections Division leadership holds that the ballots are no longer official ballots once they are marked by the voter, they aren't official ballots when they are put in those envelopes, violating the purpose of the envelopes clearly stated both on them and in the Election Code.

25 P.S. § 3146.8 describes what is supposed to happen after "official" absentee/mail-in ballots get to the County, such as safekeeping in sealed or locked containers until canvassing, with watchers "permitted to be present when the envelopes containing official absentee ballots and mail-in ballots are opened and when such ballots are counted and recorded." The County does seem to keep these somehow-non-official ballots in locked containers but insists that they aren't official ballots in order to eliminate transparency requirements. These ballots are counted and used to determine the election results, even though 25 P.S. § 3059 requires only official ballots "and no other ballots" to be counted. 25 P.S. § 3146.9(a) & 3150.17(a) require the County to both preserve and make public "all official absentee/mail-in ballots." It retains voted ballots to comply with that rule (as it should, since these are official ballots!) but refuses to make them public on the problematic grounds that they're not official ballots.

Worse, the County has convinced the Court of Common Pleas to adopt this position in deference to the County, even after a presiding judge of the Commonwealth Court called that position "absurd." The window for the County to agree to a consent order changing this determination is closing quickly but I highly encourage you to resolve to use it. The Board should also require the County to comply with transparency laws, and recognize that the Board is already getting sued for failure to do this.

Only official ballots should determine the outcome of our election. We should not unnecessarily provide a legal basis for hundreds of thousands of County voters to be disenfranchised after an election by a campaign not happy with the results. Please override the Department of Elections with a resolution passed by this Board at this meeting.

Thank you for your consideration!

Voye, David

From: Brenda Forman [REDACTED]
Sent: Sunday, April 14, 2024 2:13 PM
To: # Board of Elections
Subject: Comments for April 15, 2024 BOE Meeting

Re: DMV/Voter Rolls

Is the Allegheny County Election Board in charge of their own voter rolls received via the Pennsylvania Department of Motor Vehicles? Or do they belong to the Commonwealth?

Regardless of who is responsible to monitor and oversee the accuracy of the voter rolls, as a US Citizen, resident of Allegheny County and the Commonwealth of Pennsylvania, I demand that our voter rolls exclude non-citizens and anyone under the age of 18.

There is a solution to accomplish this, and it is to fix the coding. When exporting the data, reset the algorithm, which already excludes anyone under the age of 18.

Thank you.
Brenda Forman
Pittsburgh

Sending the Correct Ballot to Each Voter

Public Comment to the Allegheny County Board of Elections

April 15, 2024

by **Juliet Zavon**

In 2020, the Elections Division sent out more than 29,000 incorrect ballots to voters who applied for mail-in ballots. This is not an isolated case, which shows that quality control on out-going mail-in ballots is inadequate. In preparation for the November election, I urge you to make sure the County is following recognized best practices with the mail ballots it sends out.

In states that use mail-in ballots exclusively, what do they do to make sure they are sending the right ballot to each voter? How can Allegheny County incorporate these practices?

Statistical-based quality control is the gold standard for all processes, whether in election administration or business. Think of Amazon filling orders for customers. How do they check that orders are filled accurately? It's the same with election administration. The Allegheny County Elections Division already uses statistical-based quality control in the risk limiting audit it does after each election. In a risk limiting audit, statistical analysis determines how many ballots are to be checked and ensures that random ballots are selected for the audit.

When it comes to mail-in ballots, the County needs to do better. In its contract with the printer that prepares ballot packets, it should specify quality control protocols and check that they are followed.

When the Elections Division receives ballot packets back from the printer, its quality control practices are inadequate. For instance, checking every 5th packet in the first batch of ballots does not provide statistical confidence overall, i.e., what is the probability that correct ballot packets seen in a spot check reflect overall correctness of outgoing ballot packets? Does the spot check give a false sense of correctness, like a "false positive?"

In states where vote-by-mail is the rule, what do they do to make sure voters get the right ballot? What are best practices? How can Allegheny County incorporate these practices?