

Thanks for Improved Public Communications

Public Comment to the Allegheny County Board of Elections

November 27, 2024

by Juliet Zavon

The information on your redesigned website is great. I'll illustrate this with a story, and then suggest further topics to include.

Here's the story. Before the elections I was spending hours each day responding to voter questions. A mother contacted me because the Elections Division hadn't received her son's mail-in ballot. He was at college 3 hours from Pittsburgh, and time was short. His parents pleaded with him to come home to vote provisionally on election day. He refused to even consider it unless his parents could show him in writing that the provisional ballot would count if his mail ballot hadn't been received. His mom was desperate. In a flash, I found the info on your website and sent her the link. I was able to solve her problem in less than a minute because your website is well organized, informative, and easily accessible.

I'm sure you have plans to continue to expand the info at your website, and I'd like to suggest several topics about the warehouse. What goes on in the warehouse is a mystery that causes confusion and misinformation.

1. What protocols prevent mail-in ballots from being scanned more than once at the warehouse? (This question comes up because the large-capacity scanners in the warehouse scan a stack of ballots from an input tray to an output tray in much the same way that a copy machine moves pages from input to output trays.)
2. Voters often want to verify that their mail-in ballot was actually counted. I explain that it is tracked as "received," but once the declaration envelope is separated from its contents, the identity of the voter is separated from their votes because we have secrecy of the ballot. Secrecy prevents vote buying and coercion.
3. What is the process and timing for counting provisional ballots? (One of the mistaken beliefs I often hear from voters is that provisionals aren't counted unless it's a close election.)
4. What are typical categories of challenges to provisional ballots and how are these adjudicated? (Voters have wild ideas about provisional ballots being challenged just because they are provisional ballots, as if it's an uncertain way to vote.)

Thanks again for all this work on communications. It makes a difference.

Comments to the Board of Elections for the Nov. 27, 2024 meeting

From William Towne

First, thank you to the Elections Division for posting a “mail-ballot dashboard¹” with some aggregate statistics about mail-in (and presumably also absentee) ballots. In the future, it would be even better if the County would comply with the requirements of parts (b-c) of 25 P.S. § 3146.9 and 25 P.S. § 3150.17, which requires that more detailed information about those ballots and applications be provided within 48 hours of request. The legislators repeatedly emphasized this 48-hour requirement on the floor of the legislature before passage, even against objections about it being an unfunded mandate and not already provided for by the SURE system. The Elections Division would NOT provide that information as described in the law & requested either prior to the election when there was still time to reach out to folks whose mail-in/absentee ballot applications had been rejected or whose ballots had still not been returned a few days before the election, nor would they provide the more complete information after the return deadline and before the comment submission deadline for this certification meeting. This is a direct violation of the Election Code and the Board of Elections should act promptly to pass a resolution requiring compliance. The compliance duty is technically placed on the Board itself, and failure to act to get compliance could expose Board members to undesired liability.

Similarly, this Board appears ready to certify election outcomes that are determined by mail-in & absentee ballots while holding and having already set standing precedent case law in multiple Court cases that these ballots cease to be official ballots once marked by the voter. **According to this Board’s formal legal position as it stands today, and the case-law precedent it has set in Allegheny County, those ballots are NOT official ballots.** The Elections Code at 25 P.S. § 3059 requires **only** official ballots “and no other ballots” to be counted. If you were to comply with the Election Code and count **ONLY** ballots that you now consider to be official, then mail-in and absentee ballots should NOT be included in the certified totals, and the PA-17 US House district outcome would flip to a different winner: Rob Mercuri (R) would beat Chris Deluzio (D), regardless of whether Beaver County considers their mail-in and absentee ballots to be official/counted. Outcomes would also be different for PA Senate District 45, PA House Districts 30, 33, & 38, and the Jefferson Hills Special Election Question. If this Board would prefer to follow the voters’ will as expressed on ballots they thought would still be official inside an envelope labeled “Official Election Ballot,” this Board should first pass a resolution declaring that these are still official ballots and get a consent decree from the Commonwealth Court (to overcome the standing case-law precedent that exists here in Allegheny County) stating the same. If it isn’t willing to do that, the Board should tell the voters why not and count only official ballots in certified results.

I would finally ask this Board to get the Elections Division to find a way to send out mail-in and absentee ballots more quickly after requests. The Election Code at 25 P.S. § 3150.15 requires a 48-hour turnaround once a County starts, but they added a much longer delay before sending out my ballot to the temporary Northeast US travel destination where I could easily have picked it up had it been mailed on time. The delay in violation added a three-digit cost sum to be able to retrieve and return my ballot.

I submitted complaints on all three of these topics through the Department of State’s form, and was consistently ignored. However, you are the ones with the formal duties under the Election Code and should be the ones liable for refusing to comply with your duties under the Code. Please fulfill them.

¹ <https://www.alleghenycounty.us/Government/Elections/Mail-in-and-Absentee-Voting/Mail-In-Ballot-Dashboard>