

Voye, David

From: Robert Brecht <rfbrecht@hotmail.com>
Sent: Saturday, June 11, 2022 10:57 AM
To: # Board of Elections
Cc: Neft, Susan
Subject: Poll Incident - Franklin Park 2-2
Attachments: FP RNC Hello Neigh 51722.pdf

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To: Allegheny County Board of Elections:

I would like to bring to your attention an incident that occurred at the Franklin Park 2-2 poll during the primary election on May 17, 2022. I would like to preface my thoughts by saying that, it is not my intention to create friction among poll workers, especially since workers have a lot to do at the poll and need to work together, but I do think it is important to preserve voting integrity and maintain a non partisan work ethic to ensure voting is done well and without question.

2-2 poll incident:

Poll layout:

I was the majority inspector at the 2-2 poll in Franklin Park Borough located in the Ingomar Intermediate school for the May 17, 2022 primary election, the 3-3 poll was also located at this location. There were four people servicing the 2-2 poll - judge of election, majority inspector, minority inspector and a worker. The judge of election and myself were first time workers. To understand this matter, the Ingomar school has a vestibule as you enter the front door. This is where the official polling information including election rules and sample democratic and republican ballots were arranged on a table as well as posted on the front windows. From the vestibule, you walk upstairs to the main hall where the 2-2 and 3-3 sign-in tables were positioned. Sample ballots were also displayed at the 2-2 sign-in table. In front and to the right side of the sign-in was the ballot scanner and behind were the 2-2 voting stations.

Concerns:

1) The 2-2 judge of election displayed Franklin Park Republican Committee campaign literature on the 2-2 sign-in table and on the official poll literature table located in the vestibule. Attached is the literature displayed.

2) The 2-2 judge of election marked up the official Republican sample ballot to cross out the republican candidates that had dropped out of running. When asked, her justification was that she didn't want republican voters to dilute their vote by casting for republicans that were no longer running.

I and another 2-2 worker brought these two concerns to the judge's attention. We removed the material from both tables and disposed of it. The 2-2 judge did not agree and solicited intervention from the 3-3 judge of election. The 3-3 judge questioned why the material was removed and where it was. I replied that it was not appropriate to alter the official sample republican ballot and display campaign material inside the poll location and that the material had been removed and destroyed. No further action occurred after that and we went back to our respective polling business.

3) While the three 2-2 poll workers were servicing the sign-in table, the 2-2 judge, at times, was spending time greeting and talking with voters in the area in front of the sign-in table and where the ballot scanner was located. I know of no conversations or interference with voters scanning their ballots but thought it was not appropriate for the judge to

Voye, David

From: Annette Shimer <arshimer@gmail.com>
Sent: Monday, June 13, 2022 12:55 AM
To: # Board of Elections
Subject: Privacy of Mail-in-Ballots with individually identifiable bar codes

Warning! This email was sent from an external source. Please be sure you recognize the sender and use caution when clicking on links and/or opening attachments.

To the Board of Elections:

For the May 17, 2022 primary election, voters who requested a mail in ballot received one with a personally identifiable bar code on it.

If you don't believe me, look at the ballot for Preston W Shimer. The envelope, the registration envelope requiring a signature and the ballot all contain a small bar code with the number 83880. This is not a ballot # nor a precinct number. It identifies the ballot as that of Preston Shimer. I understand that everyone who received a mail in ballot had a similar ballot code each associated with a unique number which identified the voter.

--
Annette R. Shimer

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217 THORNBERY CIRCLE

Comments to the Board of Elections for the June 13, 2022 meeting

From William Towne

Greetings! I come before you today with concerns about Elections Code compliance affecting the results you intend to certify at today's meeting, as well as continued concerns about transparency and a clarification response to questions raised in response to public comments at the prior meeting.

First, I am concerned that these public comments are all filtered or blocked from reaching you, the actual Board members, by Atty. Opsitnick and/or the Elections Division. The Board of Elections website claims that comments will be summarized at the meeting and although this summary was often too-short mischaracterizations (including provably false assertions about comments) at earlier meetings, even that summary was dropped completely at the last meeting. In my own experience, every promise of sending written responses to public comments, since the time the Board and Elections Division started making them around the start of the Covid-19 pandemic, has proven to be a false promise. Still waiting on responses to comments from back then, the suggestion that responses to any of the comments from any of the meetings will still come if I keep patiently waiting is dismissive.

Of greatest concern, Atty. Opsitnick's blocking comments from reaching the board means you might not have learned of the lawsuit which the County is requiring (& which the law requires be filed against this Board) before it will comply with the transparency requirements of the Elections Code & an unappealed final determination of the PA Office of Open Records. The Board of Elections would need to pass a resolution **AT THIS MEETING** requiring that prompt transparency to reduce or avoid the potential impacts (and possibly avoid some of the associated civil penalties). If you continue to neglect your real oversight role and accept Atty. Opsitnick's effective blocking of written public input, or otherwise fail to act on the information (provided in more detail in my public comments from the last meeting, which you can and should still read), I will not hesitate to take the Court action the County states it requires, and that action will include seeking the associated legal fees and potentially large civil penalties.

Second, I would like to raise the issue of how the County implements early/over-the-counter voting in the week before election day. Farther in advance, this is a procedure where formally, a voter completes and submits their application for a mail-in or absentee ballot, receives and marks the ballot, and then seals and returns the ballot (in its "secrecy" and declaration envelopes) all in one visit to the Elections Division. This increases convenience and ease of voting for some voters who would be unable to vote in-person on Election Day. However, the Elections Code specifies a deadline for requesting mail-in ballots a week before the election, permitting time for challenges to be filed if signs of fraud are found. However, the County continues to allow the same process for in-person early over-the-counter voting up until the day before Election Day. The County simply marks the application type as EMERGENCY even when there is no emergency factor present; voters are not even asked whether there is any reason why they missed the deadline and many of the voters who used this voting method within the week before election would not normally have been permitted to obtain an EMERGENCY absentee ballot. Worse, the County marks the date these applications were submitted as having met the deadline for mail-in ballot applications, fraudulently introducing false data into the tracking system to minimize the probability this issue would be discovered by auditors who followed the rules on their own applications and had no reason to be in the County Office Building observing the lines of voters being processed in the week

before the election. While I generally support changing laws in ways that enhance access to the ballot box without reducing security and integrity of elections, I do not think this Board should tolerate the Elections Division practice of intentionally falsifying records as a workaround to the deadlines in the law. You should reconsider certifying results in an election marred by these ballots, some of which should not have been counted. (A large subset of those which should not have been counted would likely have been replaced by ballots cast in-person reflecting the same preferences.)

The County also marks the date ballots were received incorrectly, generally the date after it actually receives a ballot, which is especially easy to discern when the ballots are hand-returned, including but not limited to early over-the-counter voting instances. Paid-for timestamps don't match the records the Division winds up recording. To meet your obligations under the Elections Code, the Board of Elections should pass a resolution requiring the County to maintain accurate information as required by 25 P.S. §§ 3146.9 & 3150.17, and follow up to make sure that resolution is being followed.

Third, I would like to provide clarification regarding a conclusion reached at the prior Board of Elections meeting in response to calls for getting rid of machines and returning to a full hand count. Ms. Hallam asked a question and reached a conclusion that it was a state-level order that required us to buy the new voting machines we now use, and concluded that meant we couldn't do anything about the multiple public commenters' desire to return to hand-counting.

The order from the state was to stop using the old Direct Recording Electronic machines, which did not leave any paper trail of voter choices. The state order did not require us to buy new machines and does not require us to keep using them, except that we do need to have some ballot-marking-device solution for accessibility (currently, that's the ExpressVote machines). As far as state regulations including that order are concerned, we could do a full hand count. There's no legal obstacle, but a large practical one.

The main obstacle to doing that is cost: it takes a lot of staff-hours to run a full hand count. Also, it would take a long while after election night before results would be available, during which time all sorts of misinformation & disinformation could flourish. Hand counts can also be inaccurate and allow the introduction of bias, though in different ways than machines. Middle-ground solutions are available.

Along with a large number of others familiar with elections administration, I think we should have the machines do a quick tally for unofficial election-night reporting, and then have a precertification hand count for all races of a randomly selected small subset of paper ballots according to rigorous Risk Limiting Audit (RLA) procedures. The state is piloting RLAs now, but falsely describing an audit for one top-of-ballot race as a full audit of the entire election (all contests) is extremely misleading. We *should* be doing it for all races, and if we want to set the standard in Allegheny County (as asserted by the Elections Division at the last Board of Elections meeting) we can and should go beyond the state minimums on that. Note that this might mean full hand recounts in the closest of contests, but if equipment is in fact counting accurately, most races will require a far smaller subset of ballots to be counted to deliver confident confirmation of results. Work on a Web app to allow many electors to participate as much or as little as they want in post-election ballot image audits is underway. If the County or another party you are aware of wishes to accelerate this development through funding and/or data, please get in touch and I can facilitate appropriate introductions. Thank you for your work!