

Voye, David

From: Ron Bandes <RBandes@c9n.com>
Sent: Sunday, October 18, 2020 6:59 PM
To: # Board of Elections; Hallam, Bethany; DeMarco, Samuel; Executive
Cc: Voye, David; Harhut, Chet
Subject: Public Comment for 10/20/2020 Bd of Elections meeting

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.

Dear Board of Elections members:

Many voters will be appearing at their assigned polling places on Election Day to cast Provisional Ballots due to problems with their absentee/mail-in ballots. Part of the procedure for processing a provisional ballot at the polls is that a pollworker (usually Judge of Election) must indicate on the Provisional Ballot Envelope (see the attachment) the reason why the voter requested a provisional ballot. None of the reasons on the Provisional Ballot Envelope are applicable to problems with absentee/mail-in ballots. I understand from the Elections Division Manager that the same Provisional Ballot Envelopes used in prior years will be used again in 2020.

VoteAllegheny believes that the best course of action is for the County to print stickers that can be applied to the Provisional Ballot Envelopes, and these stickers would provide pollworkers with two more reasons for a provisional ballot to be cast. The two additional reasons are:

- 1) Voter never received the absentee/mail-in ballot that was sent by the Elections Division.
- 2) Other problem with absentee/mail-in ballot [including lost ballot, made error on ballot, forgot to bring ballot to polling place, forgot to bring declaration envelope to polling place]

These two reasons should not be combined into one. Keeping them separate allows the County to compile statistics on problems with delivering absentee/mail-in ballots to voters.

Sincerely,
Ron Bandes
President, VoteAllegheny

Voye, David

From: Ron Bandes <RBandes@c9n.com>
Sent: Monday, October 19, 2020 2:24 AM
To: # Board of Elections; Hallam, Bethany; DeMarco, Samuel; Executive
Cc: Voye, David; Harhut, Chet
Subject: Public Comment for BoE meeting: Detection of spoiling one ballot while casting another

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.

Almost 29,000 incorrect absentee/mail-in ballots were sent to voters who subsequently were sent a second, corrected ballot. We know that the Elections Division has said they will segregate both ballots from these voters to ensure that only one of them (preferably the corrected ballot) is cast. This will be done by detecting two declaration envelopes with the same barcode and ensuring that only one of them is counted.

However, there is another scenario which requires a different detection mechanism in order to preclude double voting by any of these voters. A voter could return one absentee/mail-in ballot, either by mail or in person (either way, using the declaration envelope with barcode), and bring the second absentee/mail-in ballot and declaration envelope to their polling place and have the ballot spoiled. Even if the pollworker follows instructions and has the voter sign an affidavit stating that s/he has not submitted a mail-in ballot, and if the voter proceeds with spoiling the mail-in ballot, the voter will then cast a regular ballot, which does not use a declaration envelope. Counting one of these voters' mail-in ballots must wait until after the polls close and the Election District records have been transferred to the Return Board. In this way, a mail-in ballot from one of these voters can be checked against the Election District records to ensure that the voter did not cast a regular ballot. If the voter did cast a regular ballot, the mail-in ballot must not be counted and the voter should be prosecuted.

Does the Elections Division have such a procedure in place to preclude this type of double voting?

Sincerely,
Ron Bandes
President, VoteAllegheny

Voye, David

From: Juliet Zvon <julietzvon@gmail.com>
Sent: Monday, October 19, 2020 10:34 AM
To: # Board of Elections
Subject: public comment for 10/20/20 BOE meeting

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.

Dear Board Members,

Below please find my public comment to be entered into the record of the BOE meeting. What are the plans/schedule for a response?

Thank you,
Julie Zvon
1318 Malvern Ave.
Pittsburgh, PA 15217

Two Issues:

(1) People calling the Elections Division get a busy signal. On rare occasions when they can leave a message, calls are not returned, leaving voter questions unanswered. This same problem occurred in the weeks leading up to the Primary. Planning for staffing needs is clearly inadequate. This calls into question Elections Division operations at a fundamental level. What methods, outside reviews, or other procedures will be used to ensure this doesn't happen again?

(2) The County learned that incorrect ballots had been sent out from voters themselves who called in to say they'd received the wrong ballot. Incorrect ballots were also sent out in the June primary. Clearly there is a systemic problem in quality control on accuracy of out-going ballots. What changes are planned to prevent this from happening a third time? For comparison, Amazon delivers 20 million packages/day. How many orders are filled incorrectly?

Comments to the Board of Election for the Oct. 20, 2020 meeting

From William Towne, PhD

Greetings! I am a regular voter and an elected Judge of Election in Allegheny County with some concerns about the upcoming general election and recent Board meetings. I am also a PhD technology researcher seeking to enhance trustworthiness of elections, including participation in the Voting Village at DEF CON.

First, I would like to raise a concern about the Board's compliance with **PA's Sunshine Act**, especially section 710.1 which allows for public comment "on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action" and specifically states that "Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision." Though official announcements for recent meetings state that submitted comments "will be read into the record," in its recent meetings, the Board has **not** done that but instead briefly & inadequately summarized comments at the beginning of each meeting, not allowed any Sunshine Law objection to be raised at any point during the meeting, & ignored objections raised before the meeting.

It has not responded to those comments by e-mail despite assuring public assurance of such responses being announced at the meetings, and has not even attached comments to published minutes which state they are attached. The Department of Elections has **also failed to comply with the Right-To-Know Law** as recently determined by the Office of Open Records. The **official Board of Elections website** also provides a form for people wishing to **speak** at the meeting, but at your previous meeting **you explicitly ignored these requests**. Other Allegheny County departments such as the Health Department and courts are able to have virtual meetings with outside participation; you actively choose not to do so.

On this basis, the Board's official actions, including those preparing for and/or certifying the results of elections, **could be nullified**, a tool much more likely to be used by a non-winning candidate in this general election than in the primaries. Further, failing to comply with even the basic transparency requirements of PA law and/or the Board's own announcements works strongly and needlessly **against** public confidence in the Board's ability to run fair and transparent elections. Please follow these rules!

Trustworthiness could also be aided by **increased transparency in the ballot counting process**. For example, having livestreaming webcams overseeing the ballots constantly from the time the USPS delivers them until after results are certified could help increase public confidence, especially with closeups of key parts of the process such as scanning ballots in as having arrived and any discarding of ballots due to duplicate submission, the County having sent the incorrect ballot, etc. (Opening of ballots should be a wider angle as not all will contain secrecy envelopes; opening of mixed-up secrecy envelopes could be done closer-in). Other counties, such as King County WA, offer webcams for observation of ballot processing; there is both precedent and need for this in this election.

In the upcoming general elections, I am concerned about the large number of voters who will likely be voting provisionally, combined with a **lack of pollworker training about how to do provisional voting** and the fact that the official outer envelope for provisional ballots both (a) requires a judge of election to select the reason for voting provisional from a small closed set of reasons, and (b) "never received requested mail-in ballot" or "problems with requested mail-in ballot" are NOT available options. I encourage the Elections Division to **include with each Judge of Election kit a sheet of stickers** which could be placed over the existing reasons list when one of these new reasons for voting provisionally is

applicable. This is an easy step that can be done before election day and could go a long way towards **reducing lines** and therefore time-costs of voting.

I recognize from your last meeting that many mail-in ballot applications are being rejected as duplicate, and agree there is a lot of confusing messaging out there around these. I am concerned that attempts to discourage additional applications now will lead to a great deal of **voter confusion** in the spring, as those on a one-year mail-in ballot request described as “permanent” will need to **re-request a mail-in ballot**, or they will recognize that they aren’t receiving one when they thought they were on a permanent list only very late in the process, leading to a huge crunch on Elections Division workers.

The company you have chosen to administer mail-in voting was at least until recently flying a “Trump 2020” campaign flag over its headquarters, as reported recently in the New York Times¹, indicating a **lack of neutrality** and perhaps an incentive to provide fodder for stories about how mail-in-voting is rife with fraud and other issues. This company then proceeded to institute poorly designed procedures lacking adequate basic checks, sending tens of thousands of wrong ballots to voters (most of whom do not know their ward and district number and would be unlikely to detect this), playing right into Trump’s desired narrative about how mail-in votes shouldn’t count. Please inform county citizens how you will **drop this company** and never do business with them or their principals again.

I am concerned about the incorrect ballots sent to so many voters, and how the **initial response** to this was to place the **onus on the voter** to meet a fairly high burden around recognizing the issue and jumping through lots of hoops to request replacement. The initial response should have been more similar to the investigation and result that eventually happened.

Voter communication about what happens to **returned incorrect ballots** which are not replaced (either because the voter does not receive the replacement ballot in time to vote and return it, or because they do not re-vote and return because they did not understand the County issue and don’t want to risk being jailed for double-voting) has also been quite unclear; different elections officials have said different things about what happens to the returned and not replace ballots. **Are they counted** or not, and if so how?

As Council Member Hallam previously proposed, I hope you will **send postcards to all voters** informing them of their polling place for this election, instead of just those voters whose polling place is different from a “usual” one that especially new or occasional voters might not have voted at before. The postcard should also clearly describe non-mail options for spoiling the ballot at the polling place or destroying the ballot and voting provisionally at the polling place (e.g. if someone was coerced or made a mistake on their mail-in ballot). This will help combat misinformation and calm common concerns.

As a Judge of Election, I am also concerned about how my **polling place staffing** has been handled. In prior elections, my location (Pittsburgh Ward 15 District 7) has been consistently short of a full board but it hasn’t been a big problem. Well in advance of this election, I provided Natalia at the Elections Division the name, address, phone number, and contact information of a district resident who volunteered to work and whom I wished to appoint to the Minority Inspector position, requesting scheduling of training for this new pollworker (whose information I also provided to get training in advance of the primaries, but trainings were cancelled due to Covid-19). The Elections Division ignored

¹ <https://www.nytimes.com/2020/10/16/us/politics/ohio-mail-ballots-trump.html>

this, and put someone else on the board. When I asked why, the answer was “Because I needed to make sure the poll is full with enough people.” Apparently my **willing and appointed local-resident volunteer did not count as a person!** The same Elections Division employee continued to actively refuse to tell me who this other person is. Is it really official policy to require a judge who’s actively trying to prepare for a well-run election in advance to just trust anyone who shows up and wants to have access to sensitive election materials? That’s a **huge election security hole** in an especially security-sensitive election. It’s also not new; in previous elections I have been similarly proactive about actively asking in advance who is on the board at this location and requesting updates, and the Elections Division has added people without notice who just show up, and I have complained about that and been promised better. This polling location has also previously had an imposter there all day with unsupervised access to voting equipment as desired, on false claims of being a pollworker.

When I pressed, the Elections Division called the volunteer and said she had to be at a North Hills training location on less than 24 hours notice, and because she could not do that, she could not participate at all, and will not be working the polls this election. She concluded “Everything about this election season has been a mess, but I cannot accept responsibility for my not getting trained on time.” I generally agree. The Elections Division knew that this pollworker lives in the City because they said after that there were no additional training spots available in the City, but there were plenty when I originally requested the Elections Division get this person trained.

I am also concerned that the **training** (materials for which are **still not online** despite repeated assurances at past meetings of this Board) has not covered the **laws around poll watchers** and folks who may be at polls to intimidate voters, especially in more heavily Democratic districts at the urging of the President. Judges of Election do not have the information they need to deal with such individuals in accordance with what the law actually is, balancing the interests of legitimate poll-watching activity with the interests of voters’ who should be able to exercise their civic duty without intimidation.

Now that we are no longer using voter certificates, what will be a non-provisional **voter’s official receipt of having voted?** Also regarding election security, there are multiple feasible result-flipping attacks which can only be counteracted with a Risk-Limiting Audit involving a **hand-count** (not scanner reprocessing, which could address other vulnerabilities) of a sufficiently large subset of ballots to assure the outcome of the election reflects the will of the voters. David Voyer has been on a statewide working group looking at this issue for over a year; this isn’t news. I request that Allegheny County put in place plans for such an audit/partial recount **now**, for the upcoming general election. The Board of Elections should anticipate that the results of this election **will** be challenged no matter what they are, and having previously prepared its audit recount procedure, including public transparency, would help greatly in supporting public confidence in the integrity of election administration instead of folks seeing the county scrambling and cutting corners with non-credible claims that it could not anticipate that need for recount. Please note that free, open-source “Arlo” software is available for free from VotingWorks to assist (among others); see also risklimitingaudits.org for more information.

Thanks to you and to the Elections Division for all your efforts under difficult circumstances. I thank you again for selecting a voting system in which most voters use hand-marked paper ballots and strongly encourage you to quickly take that next step of adding Risk-Limiting Audits to achieve software independence and provide stronger public assurance of the trustworthiness of our elections.

Free and fair elections are a privilege we should treat with care. If we fail to do so, we may lose them!