December 4, 2023

Good evening Board of Elections,

First, I would like to mention a few things:

**The Board of Elections has sent a letter to the Pennsylvania Department of State about two issues:**

- The first is about errant dates of birth and voter registration dates. When PA DOS first migrated data into the SURE system, these records that had incomplete data were assigned random dates by the PA DOS – typically 1/1/1800 or 1/1/1900. We have urged the Secretary of State to engage a statewide process to correct this data ahead of the next election and especially ahead of migrating to a new SURE system.

- The second is about the protective count issue which had been raised at a recent meeting. Over the summer when our system was upgraded to a new software version, certified by the US Election Assistance Commission and the PA DOS, the protective count was reset when new memory sticks were installed. A concern was raised by a member of the public that doing so violated the election code. The section of election code which speaks about a protective count does not apply to Chester County’s kind of equipment. However, we urged the Secretary to require a comprehensive list of changes which will occur when upgrading, such as a reset of the Protective Count, so election officials are able to make better informed decisions about upgrades and keep the public better informed.

**Voter Rolls**

- Non-residential addresses – we were provided a list of voters registered at possible non-residential addresses. The list was provided the night before the statutorily required voter roll “quiet period” began.

Another concern recently raised was a list of voters who reportedly live in an apartment building but don’t have an apartment number on their voter record. This list was provided on Election Day and the days following.

- Today, we received communication regarding a concern of 181 people that were registered after the deadline. In fact, the applications did arrive to Voter Services no later than the deadline, but the processing date is thereafter. Voter Services does not process any applications received after the deadline as they are set aside for after the election.

- Following certification of this entire election, we will research these issues and if we find they are indeed non-residential or don’t have apartment numbers, they will be placed in inactive status and sent notices to update their information. Because we were unable to perform list maintenance for this election of these issues, voters appearing as concerns on lists provided may have been legally able to vote in this election.
On the agenda we have Resolution 56-23 to partially certify the results of the November 7, 2023, Municipal Election.

To provide some background on this request for certification:

Voter Services conducted L&A testing for all voting equipment including the Central Scan tabulators (A, B, C, & D). The Certification was filed with the Department of State.

• There were 377,759 registered voters this election.
• Total ballots cast – 161,032.
• Voters participated by voting in-person – 116,553 (more than 70% of the votes cast)
• 43,750 voters had their absentee or mail-in ballot successfully tabulated
• 729 voters had their provisional ballot tabulated; more than 50 provisional ballots were cast as a result of the Notice to Cure process.

Voter Services received 44,389 absentee and mail-in ballots back into its custody, 639 ballots could not be tabulated due to legal deficiencies.

• 79 declaration envelope issues; no signatures or name mismatch
• 332 secrecy envelope issues; no secrecy envelope or identifying writing on secrecy envelope.
• 90 ballots that cannot be tabulated; deceased voters, 2023 primary ballots, ballots from other counties, voters who moved out of county, voters whose ballot were cancelled due to reissue & voters who voted a provisional ballot.
• 104 ID not verified since time of application.
• The balance would include unsealed envelopes, damaged envelopes, and envelopes where voters inserted the party sample ballot instead.

Initially the variance was larger by 200, but a mid-election court decision of the United States District Court Western District of Pennsylvania allowed us to tabulate the ballots inside an incorrectly dated or undated declaration envelope.

Voter Services has completed computation and reconciled the election according to the Election Code.

The Election Code requires county boards of election to ensure that, in any election district, that the total vote returned for any contest does not exceed:
1) the number of registered electors in that district,
2) the total number of persons who voted, or
3) the total number of ballots cast.

The County’s Department of Voter Services has created a chain of custody process that goes above and beyond what the Election Code requires.
### Municipal election results (all ballots):

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Votes Cast</td>
<td>161,032</td>
</tr>
<tr>
<td>SURE – TOTAL</td>
<td>161,016</td>
</tr>
<tr>
<td>Overall Variance of</td>
<td>-16</td>
</tr>
</tbody>
</table>

Overall, there are 16 less voter credits reported in SURE than reported in our results. This is the lowest variance we’ve had since at least 2016.

### Municipal election results (mail-in ballots):

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Votes Cast</td>
<td>43,750</td>
</tr>
<tr>
<td>SURE – TOTAL</td>
<td>43,753</td>
</tr>
<tr>
<td>Overall Variance of</td>
<td>+3</td>
</tr>
</tbody>
</table>

There are plusses and minuses in some precincts which leaves us with an overall variance of +3. The majority are because voter credit couldn’t be removed from a ballot that was not counted for a technical deficiency. There are also instances where potentially the declaration envelope was not scanned.

### Municipal election results (in-person voting):

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Votes Cast</td>
<td>116,553</td>
</tr>
<tr>
<td>SURE – TOTAL</td>
<td>116,534</td>
</tr>
<tr>
<td>Overall Variance of</td>
<td>-19</td>
</tr>
</tbody>
</table>

The staff has conducted a thorough review. There are plusses and minuses in some precincts which leaves us with an overall variance of -19. We will not be able to undo voter credit for a fleeing voter.

Every provisional ballot received a thorough investigation. We checked for various thing to make sure the voter was eligible and did not cast a vote in this election (mail-in or at the poll).

### Municipal election results (provisional ballots):

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Votes Cast</td>
<td>729</td>
</tr>
<tr>
<td>SURE – TOTAL</td>
<td>729</td>
</tr>
<tr>
<td>Overall Variance of</td>
<td>0</td>
</tr>
</tbody>
</table>

During this election cycle Voter Services made several referrals to the District Attorney’s Office, those referrals are related to individuals that potentially dropped a ballot in a drop box that was not their own and did not have a designated agent form.

Six (6) of the referrals are falling in the following scenario-

- If staffers (authorized to work on behalf of the Department) identify a voter who has multiple ballots, and wishes to deposit them, but lacks a Designated Agent Form, the staffer will
communicate to the voter that they may only deposit their own ballot. If the Voter is insistent on depositing all the ballots, the voter will be informed that the staffer must place an identifying mark on the outer envelope of the ballot which is not their own prior to the ballots being dropped in the drop box. The incident must be immediately reported to the Department. In addition, the staffers will complete an Incident Report Form.

There are five (5) referrals regarding the following scenario-

- If staffers (authorized to work on behalf of the Department) identify an incident where an individual drops more than one Ballot in the Secure Ballot Drop Box and the Ballots do not have an attached Designated Agent Form, and the staffer was unable to mark the ballot, the incident must be immediately reported to the Department. In addition, the staffers will complete an Incident Report Form, the box will be shut down and the staff will begin using the segregation bag until all ballots in the ballot box can be segregated. Only designated County staff or deputized temporary personnel will be authorized to empty the Drop Box by placing it in a segregation bin and securely transporting it back to 313 W. Market Street, 5th floor with a Body Camera.

There was one (1) referral made regarding a campaign sign violation.

There is a current investigation regarding an incident where an observer removed an official election document from the central scan location.

**Voter Services conducted the 2% statistical recount and participated in the Pennsylvania pre-certification Risk Limiting Audit (RLA).**

The RLA was carried out in addition to the 2% statutorily required review that counties must perform after each primary and general election. For that review, county officials are required to conduct a statistical recount of a random sample of at least 2% of all ballots cast – or 2,000 ballots, whichever is fewer. National experts consider RLAs the highest standard of comprehensive election audits. The RLA process provides a statistically sound method for confirming, with a high degree of confidence, that the reported outcome of the audited election is correct. The audit boards were set-up to be a three-person team; one member from the Democratic Party, one member from the Republican Party and a Voter Services Staffer. The Judge of the Superior Court was the selected contest to be audited. During the audit, the audit boards hand-tallied the randomly selected ballot batches and the data was entered into the RLA software system defined by the Department of State. Chester County was selected for the following batches.

- 328 Kennett Township 3, Absentee and Mail-in Ballots
- 360 E. Marlborough W, Election Day Ballots
- 558 Schuylkill 4, Election Day Ballots
- 617 Tredyffrin M-4, Absentee and Mail-in Ballots
- 730 Westtown 3, Election Day Ballots

**I want to thank everyone who made this Municipal Election a Success: my staff, county employees, poll workers, student poll workers, roamers, technicians, volunteers, polling places and the residents of Chester County.**

Karen Barsoum, Director, Chester County Voter Services