

**PRE-ELECTION MEETING OF THE
DELAWARE COUNTY BOARD OF ELECTIONS
2024 Primary Election Certification Meeting – May 7, 2024**

Present:

Ashley Lunkenheimer, Chair, Board of Elections
John P. McBlain, Member, Board of Elections
Scott Alberts, Member, Board of Elections
Jim Allen, Director of Elections
J. Manly Parks, Solicitor
Jackie Dunn, Voting Machine Warehouse
Crystal Winterbottom, Voter Registration
Public Comment:

Meeting called to order

Pledge of Allegiance

Consideration of Agenda.

Mr. Allen listed the items on the agenda.

Public comment

Carris Kocher spoke on: the Return Board process; use of an Election Board staff member; reports on the Return Board; chain of custody; and drop boxes.

Joy Schwartz spoke on: drop boxes; the Return Board; equipment software; rules for authorized representatives; and mail-in processing.

Laura Lewis spoke on a case involving voting equipment in Louisiana.

Chair Lunkenheimer expressed satisfaction with the work and advances the Board of Elections and staff have made starting in 2020 and since then. In 2020, there was no budget for mail-in ballots. There was a tremendous shifting of staff, with persons like Crystal Winterbottom stepping into supervisory/management roles. We worked collaboratively in 2020 to build one of the one of the best election operations in the country. The Board has received feedback that isn't constructive and feedback that is constructive, and when it was constructive, we have incorporated it. We have received positive feedback from both political parties' leaders, and all varieties of voters.

Mr. Allen asked questions to Mary Jo Headley (Rep.) and Jennifer Booker (Dem.), the leaders of the Return Board, about the processes that they and other members followed and completed to review the numbered lists of voters, the quantities of ballots supplied to each precinct prior to Election Day, the quantities ballots printed in the precinct on the Touch Writer on Election Day, the ballots cast, the provisional ballots printed, the ballots that were spoiled, the mail/absentee ballots that were remitted and the number of unused ballots that the poll workers returned in each precinct. Ms. Headley and Ms. Booker commented that there have been steady improvements in the accuracy and completeness of the precinct poll workers' paperwork, and that precincts

reconciled well. They also commented on the improved system of performing hand counts that verified the results in the 2% retabulation. Ms. Headley also noted that the Return Board had begun using 10-sided dice to help ensure the random selection of precincts for the 2% retabulation. Chair Lunkenheimer asked whether there were any findings of error or fraud that the Return Board discovered that would cause them to not recommend certifying of the election. Ms. Headley and Ms. Booker said there were no such issues.

Mr. Allen commented that there were two new members of the Return Board (one Democratic voter and one Republican voter) who also were experienced precinct poll workers. Both remarked to Mr. Allen that going through the Return Board exercise of hand-counting the ballots and reviewing the marks made by voters affirmed their trust in the accuracy of the ballot scanners.

Board member McBlain inquired on whether the Return Board could begin to incorporate mail/absentee ballots in the future. Mr. Allen discussed the challenges with identifying batches, and making sure to include all of the ballots from a given precinct. Mr. Allen said there would be a recommendation to incorporate one or two precincts of mail/absentee ballots in the 2% retabulation in the fall.

Member Alberts made a motion to certify the election results, and Member McBlain seconded the motion. Mr. Allen then went through the list of write-in candidates who also should be certified, in addition to the results presented to the Board. These write-in candidates either received adequate write-in votes in one version of their name or received adequate write-in votes through cumulating various spellings of their names on different ballots. Member McBlain asked questions about the 10-vote threshold for the office of committeeman and committeewoman. Mr. Allen said in the Primary, the Board is certifying the results, and it is then up to the Republican Party or Democratic Party to accept whether candidates for delegate, alternate delegate, committeeman or committeewoman met party rules and bylaws. However, the write-in totals for the one candidate for State Senate and one candidate for State House were sufficient for them to file with the Department of State to be on the November ballots.

Ms. Lunkenheimer then asked the Director if there were any reasons that the Board should not certify the results. Mr. Allen discussed the accuracy of the systems, the testing of the system ahead of the election, and the findings of the Return Board. Mr. Allen also described the hash-testing process that the County performs to verify that the software is a perfect match to the software certified by the federal government. Although not required by law, Delaware County performs this test before and after the election on randomly selected scanners and touch writers from 2% of the County's precincts, similar to the 2% randomly selected in the Return Board's retabulation. The Board voted unanimously to certify the April 23, 2024 Primary Election results for Delaware County.

Legal report:

Solicitor J. Manly Parks reported on plans to move ahead with filing of the Radnor Township re-districting plan with the Court of Common Pleas for implementation, if possible, this summer. Board member Alberts said there were concerns expressed by Radnor Township, but that Mr. Allen had met with officials and assured them that various efforts to inform voters of any

changes would be made. Mr. Allen expressed appreciation for the willingness of the Township to assist in the outreach and communication effort that will be necessary if and when the Court approves the re-districting plan.

Mr. Parks also reported on the federal Third Circuit Court of Appeals issuing a decision that mail/absentee ballot-return envelopes that are not dated by the voter or improperly dated by the voter cannot be processed. Mr. Parks noted that the Board already was working under those rules in this election and the Nov. 2023 election. Mr. Parks said that Delaware County developed a protocol in the absence of state guidance, and later the Department of State then issued a protocol that was identical to Delaware County's.

If necessary, the next meeting will be on May 28, 2024.

Meeting was adjourned.