

**September 3, 2020 PRE GENERAL ELECTION MEETING OF THE
DELAWARE COUNTY ELECTION BOARD**

PRESENT: Gerald Lawrence, Chairman
Jim Byrne
Ashley Lunkenheimer

Also Present: Lauren Hagan, Bureau of Elections
William Martin, County Solicitor
Marianne Jackson, Bureau of Elections
Jim Savage, Voting Machine Warehouse

Pledge of Allegiance.

Public Comments. Mr. Lawrence explained that public comments received prior to the meeting were distributed for review in advance of the meeting and noted additional comments were received in the morning of the scheduled meeting. Mr. Martin was asked to review and summarize the comments, paying particular attention to whether the same questions were being raised. Mr. Lawrence indicated the most common question from the public related to collection of ballots and preventing voting after 8:00 P.M (on Election Day) should the County move forward with placing remote ballot boxes in municipalities. He explained, subject to Board approval of appropriate procedures, Election Board-authorized employees would collect ballots from boxes and place locks on them so that no one could deposit ballots to cast their vote after 8:00 P.M. in compliance with the law.

Mr. Martin summarized questions and comments relating to items on the agenda.

Will in-person delivered ballots be returned to Media or the new location in the City of Chester for processing?

Where will people pick up and drop off election day materials since the Election Board is being moved to the City of Chester? Ms. Jackson explained that arrangements for pick up and drop off of materials are still being worked out with consideration for the health safety and convenience of poll workers to carry out their responsibilities. Multiple drop off locations are under consideration to help people move through the process faster.

I saw a notice about a petition to change my polling location from the Drexelbrook Club. Is this legitimate since everyone is concerned about protecting voter rights? If so, this notification is insufficient. Will voters receive proper notification if the change occurs and how will they be notified beyond having a sign on a tree? Why is there a petition to change the polling place? Mr. Lawrence said Drexelbrook notified the Election Board of their decision to no longer host a polling place due to operating cost pressures they've experienced during the pandemic. The law requires that a sign be posted at the location when a polling place is being relocated. Voters will receive a postcard with information on where to vote once the poll is relocated. Signs will also be posted at Drexelbrook before and during the election advising voters of the new poll location.

When will poll workers get training on scanners and new close of poll reports and procedures? Poll worker recruitment will be a focused effort in September to ensure adequate staffing at precincts with both in-person hands-on and online training to follow in October, according to Ms. Jackson. Polls workers will receive information about available training in September. In response to Mr. Byrne's question about poll worker recruitment, Ms. Jackson explained this

involves learning where poll workers may or not be able to serve and to explain the process for vetting and appointing people to potentially be added to the County's poll worker list. Mr. Byrne noted that judge of elections and minority inspectors are elected positions. Mr. Martin explained the intent in reaching out to elected poll workers is to ascertain the availability to serve considering the covid-19 outbreak and, in cases where they can't, to identify people willing to serve in accordance with appropriate appointment procedures. A discussion ensued between Mr. Byrne and Mr. Lawrence about the legality and fairness of the County recruiting and vetting people to serve at the polls. Mr. Byrne maintained that the County should only get involved with filling polls worker vacancies only if assistance is requested by local election boards. Mr. Lawrence detailed four options for filling vacancies that have historically been followed and are consistent with the law:

1. County publishes vacancy lists and enables those so interested to apply for a court appointment
2. Political parties and community groups help identify potential poll workers
3. Board of Elections clerk can make emergency appointments to fill vacancies with recommended people
4. Voters present at a poll on election day at 7:00 A.M. can make curbside appointments to fill vacancies

Will the temporary poll location for Havertown – 3 be changed because the location was unprepared for the 2020 primary using paper ballots without electronic submissions?

Statement made in opposition to a hard print station in the City of Chester, claiming that one-stop voting should not be in Mayor Kirkland's hands, who (allegedly) is no stranger to voter intimidation and insulting voters, and opens the door to an election recount. Ms. Lunkenheimer asked Mr. Savage to comment but he was unable to do so before the system had to be rebooted to correct transmission problems that some members of the public brought to the Board's attention during the meeting.

What is being done to avoid a repeat on November 3rd of long primary election day car lines for people trying to drop off ballots at the courthouse? Why was the Medical Response Corps working the election drop off? Mr. Lawrence explained that Ms. Jackson addressed the first question earlier in the meeting. Civic-minded Medical Response Corps members helped the Board of Elections, according to Mr. Lawrence, by volunteering to assist poll workers with their return of ballots and election materials.

Why is a satellite office being established in the City of Chester that is difficult to get to without using public transportation and that would disadvantage senior citizens with compromised immune systems? Will 24-hour security be provided for the drop boxes? Who will be assigned to the satellite office since a constable must be present for counting ballots, per state law? Will there be an "R" or "D" on the outside envelope of mail-in ballots? Why hasn't Delaware County cleaned the voter registration rolls, as per Court Order. Mr. Martin explained there is a pending lawsuit regarding voter registration rolls and the Court has deferred activity in the matter until after the election. Mr. Lawrence added that the voter rolls have been reviewed and adjusted as the law requires.

Statement of concern that consolidation of polling places requires greater attention being given to adequate ingress and egress to the facility and allowing for enough space to ensure proper social distancing and voter privacy as a greater number of voters are expected to appear. Mr. Lawrence directed that Mr. Savage should receive a copy of the comments for further review.

CTCL grant. Ms. Jackson explained the County has accepted and approved a grant from the Center for Tech and Civic Life (CTCL) in the amount of \$2.2 million to ensure a safe election. Ms. Jackson requested approval for a walk-in satellite voting service center in the City of Chester that would be in addition to the standard voting services center in Media, which will continue to operate as it always has. The Board approved a second walk-in center in Upper Darby at their August 20, 2020 meeting. The satellite centers would be established using grant funds and at no cost to county taxpayers. Mr. Byrne moved to continue a vote since he had not received requested information regarding the cost and need for the Chester location, claiming it was tantamount to operating in the dark, and there was no second. Ms. Lunkenheimer moved to vote on the second satellite location and Mr. Lawrence seconded. Mr. Byrne claimed it was irresponsible to spend money without the availability of adequate information. He added that minutes must be taken at every public meeting and none have been available since the Board's April 16, 2020 meeting. Mr. Byrne challenged Mr. Martin's assertion that a video record of the meeting suffices as a meeting record. A discussion ensued between all Board members and Mr. Martin. Mr. Lawrence commented that Ms. Jackson outlined the need for operational space for the processing of ballots separate and apart from the need for retail space proposed in Chester to directly serve voters. He added that technology that allows for the live streaming and an option for playing back recordings has enabled greater transparency and public participation compared meetings held in previous years where members of the public had to travel to Media to participate in person. Mr. Lawrence and Ms. Lunkenheimer voted to approve a motion for establishing a walk-in satellite voting service center in the City of Chester with Mr. Byrne abstaining due to having insufficient information to decide.

Ms. Lunkenheimer moved a motion seconded by Mr. Byrne to direct Solicitor Manly Parks to provide a formal review of Sunshine law requirements regarding meeting minutes and/or recordings of public meetings.

Mobile mail-in ballot voting. Ms. Jackson explained the concept behind these centers is maximize voter access particularly in areas with low voter turnout. The plan calls for equipping a secure truck for transporting equipment and network capabilities that could be set up in secure community locations daily. The aim is to minimize the spread of covid-19 by reducing long lines of voters at election day polling locations. Ms. Lukenheimer moved a motion authorizing further exploration of a mobile voting option to address underserved communities, particularly senior centers, with Mr. Byrne seconding for discussion. A discussion ensued regarding the cost, operational details, and site selection for offering the proposed mobile voting service. Mr. Byrne requested information regarding how much has been approved for spending election-related activities by the Board of Elections and County Council since January 2020 and what is anticipated for approval through November 2020. Mr. Martin suggested that Ms. Jackson total expenses for 2020 detailed in previous meetings.

Training participation compensation. Ms. Hagan reviewed current compensation for poll workers: judge of elections paid \$150/precinct worked for up to two precincts, and all other positions (i.e. majority inspector, minority inspector, clerk, and machine operators) paid \$140/precinct worked for up to two precincts, constables paid \$90/day, polling locations paid \$90/room, \$20 paid to one person picking up supplies and \$20 paid to one person returning supplies, and \$30 paid for attending training. Ms. Hagan added that training participants

received an additional \$25 (\$55 total) in preparation for the June primary and a proposal is on the table to increase the training participation incentive to \$100 for the November general election.

Ms. Jackson proposed training participants receive an \$100 paid in \$50 installments for completing both all training modules and working on election day or otherwise no amount of money is paid. Ms. Lunkenheimer moved the motion for a vote and Mr. Byrne seconded. Board members voted unanimously to approve the motion.

Ms. Lunkenheimer moved a motion authorizing the Chief Clerk to appoint machine inspectors, where necessary and Mr. Byrne seconded for discussion. Ms. Hagan confirmed Mr. Lawrence's understanding that that Board has historically authorized her to fill machine operator vacancies. The motion carried with the unanimous vote of Board members to approve it.

Voting machine warehouse report. Following up on the public comment about a Havertown polling location read earlier in the meeting, Mr. Savage confirmed that for Haverford 3-2, voters will use their normal location at the American Legion. Mr. Savage responded directly to the person posing a question about the notice of a poll location change from Drexelbrook that was prompted by the business impact of covid-19.

Mr. Savage detailed proposed poll location changes prompted through bipartisan agreement or recommendations from the Voting Machine Department.

Proposed poll location changes as a result of bipartisan agreement:

1. All six (6) Glenolden precincts to vote at Glenolden Elementary School
2. Yeadon 2 and 3 to move to William B. Evans Computer Magnet School; Yeadon 8 & 9 to move to Pennwood East Junior High School
3. Edgmont 2 to move to Gradyville United Methodist Church
4. Upper Darby 1-1 proposed to move Upper Darby High School
5. Upper Darby 1-8 to move from Drexelbrook Club to Drexelbrook Community Center
6. Upper Darby 2-1 to move to Aldan Elementary School
7. Upper Darby 1-1, 1-8, 2-1, and 3-3 proposed to move to Upper Darby High School

Ms. Lunkenheimer move a motion to approve proposed poll location moves as detailed by Mr. Savage and Mr. Byrne seconded. The motion carried with the unanimous vote of Board members to approve it.

Additional proposed poll location changes recommended by the Voting Machine Department:

1. Folcroft 1 to move to Folcroft Municipal Building. Mr. Byrne moved a motion to vote on proposed move, pending discussion, and Ms. Lunkenheimer seconded. The motion carried with the unanimous vote of Board members to approve it.

2. Upland 1 and 2 to move to join Upland 3 at Upland Borough Hall. Ms. Lunkenheimer moved a motion to vote on proposed moves and Mr. Byrne seconded. The motion carried with the unanimous vote of Board members to approve it.
3. Chester City 2-3 and 4 to remain at Days Inn; Chester City 1-6 move to Stetser School; Chester City 1-7 to remain at Voting Machine Warehouse; Chester City 6-1 to remain at Chester City Municipal Building; Chester City 6-2 to remain at Chester High School; Chester City 7-1 and 7-4 to move to Chester High School. Ms. Lunkenheimer moved a motion to vote on proposed moves and Mr. Byrne seconded. The motion carried with the unanimous vote of Board members to approve it.

Public comments. Mr. Martin read comments received about non-agenda items, excluding those highlighting audio problems experienced earlier in the meeting.

Can wording be added to the November ballot for a voter to indicate they don't wish to vote for any candidate? Mr. Lawrence queried whether such wording that formerly appeared on voting machines should be added to the paper ballot.

What happens to ballots deposited in drop boxes after 8:00 P.M. on election day? Mr. Lawrence referred to comments expressed earlier in the meeting that the drop boxes will be secured so voters won't be able to do that.

Will there be a person at each drop box to remove ballots at 8:00 P.M. Mr. Lawrence said that point was previously addressed.

Multiple concerns expressed regarding the absence of scanners at polling locations for the primary election; box in which ballots were deposited was under the sole control of one person and the potential for one person to remove ballots out of sight of others; and a myriad of concerns regarding the integrity, receipt, processing, and counting of paper ballots. Mr. Lawrence commented that scanners will be deployed at polling places for the November election and the law assigns chain of custody responsibilities for the ballots to the judge of election in a precinct and permits observation of that person's activities throughout the day; there's a scan of ballots as they are inserted into the machine as a double-check against the actual physical ballots that are collected by the machine. Signatures on the envelopes for absentee and mail-in ballots are compared and verified against signatures on file. All the procedures described are dictated by the law that the Board of Elections follows and is outside of the Board's control or discretion to change.

What process will be followed for collecting ballots on election night; will someone monitor the boxes; what happens to ballots without postmarks that are discovered in the boxes after 8:00 P.M. on election night?

Request for extra equipment and workers to be supplied at a Morton precinct to handle anticipated heavy turnout for a presidential election. Mr. Lawrence indicated Mr. Savage will investigate the matter. Mr. Savage commented that high registration precincts get a maximum of two scanners given a finite inventory and Morton does get two scanners.

Suggestion to contact state legislators to request that local election officials be allowed to start processing ballots as they are received rather than waiting until election day. Voters should be notified of errors in their ballots so they can make corrections. Urge legislators to oppose any restrictions on the use of dropboxes.

What safeguards will be in place to ensure people choosing to vote at polls won't be harassed by violent groups? Mr. Lawrence explained the Election Code imposes strict penalties for criminal felony offenses committed by anyone attempting to disrupt the voting process. Constables are placed throughout the county on election day to ensure order at the polls. If judges of elections observe things out of order or the threat of immediate harm or violence, they follow a process of contacting the Board of Elections or the local police to respond, as necessary.

The Bureau of Elections rather than political parties should be communicating directly with locally elected poll workers (e.g. judges, inspectors) about people intending to work at polls. Severing the connection between local election boards and the Bureau of Elections does not motivate poll workers to continue their duties. Mr. Lawrence commented that the Election Bureau has made comparatively greater efforts in 2020 to establish direct communications with poll workers such as by collecting their contact information. He added political parties can be helpful in facilitating communication with poll workers active in a political party.

Can voters bring their mail-in ballots to the poll without filling them out, have them spoiled, and then be given a regular ballot to vote with rather than a provisional ballot? Mr. Lawrence said his understanding is that, as a result of a change in the law, that voters in the November general election can bring their mail-in ballots to the poll, have them spoiled and be allowed to vote in person. Mr. Martin concurred that was his understanding too.

What's being done to ensure the security of the dropboxes and that people are only depositing their ballots. Mr. Lawrence commented that security was previously addressed. Video surveillance will be provided at each dropbox and other than being able to see who is dropping off a ballot there is no way to verify the identity of a person depositing a ballot anymore than there would be if someone dropped off a ballot in person at the Election Bureau. Mr. Byrne requested that information be provided to answer questions about the location of dropboxes and security that will be employed.

Will people who requested months ago that a mail-in ballot be sent to them for the November election be the first to receive them once they're available to be sent out? For those who previously requested mail-in ballots be automatically sent, where can they confirm they're in line to receive them and that there's no need to re-apply? Mr. Lawrence explained as soon as ballots are finalized, the Election Bureau will send out ballots based on applications received and to people who indicated in the spring that they wanted to receive a ballot for the November election. People can confirm whether they requested a November ballot by visiting www.votespa.com.

Will PPE be available at each polling place and, if so, will it be delivered prior to the 7:00 A.M. poll opening? Mr. Lawrence answered "yes" to both questions. Plans call for delivering PPE along with voting equipment and materials to the polls in advance of the election.

Where will the ballots be counted, how will they be verified, and will a live feed be available? Counting will take place at the Election Bureau's new space in the City of Chester. Verification will follow the Election Code by checking the signature on the outside of the envelope to ensure it matches the voter's signature on file. A live feed of activities will be provided again as it was in the spring and political parties may have representatives in the room as observers.

When will ballots that have been applied for be mailed out to voters? Mr. Lawrence expects ballots to start going out around mid-September, pending a decision in a court case involving whether a Green Party candidate will appear on the ballot?

How long will it take for a ballot to be mailed out after an online application has been completed? Mr. Lawrence explained the County's hope and intent is that ballots can be sent out in a couple of days. Therefore, the County has significantly invested in bringing on additional equipment and staff to improve the system.

If a voter applied for a mail-in ballot in the spring and wants to vote in person (in November), how can they do that? Mr. Lawrence explained voters can bring an unvoted (blank ballot) ballot to the polling place and vote in person. He believed a voter could change their designation online but didn't have the details in front of him.

Will poll locations be consolidated? Mr. Lawrence explained there would be consolidation of polls and voters will be notified accordingly and as is required.

Will voters be allowed to drop their mail-in ballots at the polls like they did in the spring? Mr. Lawrence said "no".

Will the dropped off ballots and in-person ballots be scanned at each polling place versus in Media? Mr. Lawrence explained there would be no dropped off mail-in ballots, but the in-person ballots will be scanned at the poll location on election night.

If a person doesn't receive a mail-in ballot, will there be enough provisional ballots for voters to use at the polls? How will they be recorded so people don't vote twice? Mr. Lawrence believed there would be a sufficient quantity of provisional ballots at each poll location based on learnings from the primary election. People appearing at poll location who've requested a mail-in ballot won't appear in the poll book but will be included in supplemental lists after the books have been produced. These people would not be allowed to vote with a regular ballot but would be offered a provisional ballot if they insist on voting at the poll. A provisional ballot would be counted after the election if it's determined that the voter did not return a completed mail-in ballot.

When will the candidates get the list of mail-in ballots applied for? Mr. Lawrence explained the statute provides details on this question that he did not have in front of him. Information will be forthcoming about making lists publicly available as the Board has historically done at regular intervals.

Mr. Martin summarized comments received since the start of the meeting relating to -- transparency, selection of Chester City Hall is an excellent choice, questioning why people can't just use the mail, and suggesting reconsideration of voting placement in Chester.

Mr. Lawrence adjourned the meeting after stating there was no other business.