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2023 Election

The Impact of Issues with the Administration of Elections in Northampton County



Pennsylvania House of Representatives

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“The biggest problem of the day arose in Northampton County....”
PennLive, November 8, 2023

Executive Summary

For the past three election cycles, the former chair of the House State Government Committee, Seth Grove, prepared three extensive reports outlining information regarding the administration of elections in this Commonwealth. According to Grove, the result of these reports is clear: *“Simply put, it became apparent that the Pennsylvania Election Code is out-of-date and elections in Pennsylvania suffer from continued process issues including a lack of internal controls and election timeline failures, as well as contradictions found within both the state statutes and the practices of election administrators at the state and county levels.”*¹

In the 2021-22 Legislative Session, two major legislative responses to the problems described in these reports emerged. The first was the introduction of Chairman Grove’s House Bill 1300, a comprehensive reform to the Election Code.² The bill was passed by the General Assembly with bipartisan support; unfortunately, former Gov. Tom Wolf vetoed this legislation.³

The second major response was the enactment of Act 88 of 2022, which established the Election Integrity Grant Program.⁴ Under the program, which received a \$45 million appropriation and is administered by the PA Department of Community & Economic Development (DCED), counties could apply for and receive state funding to administer elections, based on their share of the Commonwealth’s total number of registered voters.⁵

The program permits counties to use the funding for administrative efforts, such as: polling place staffing; secure transportation, storage and management of voting equipment and polling place materials; and ballot printing.⁶

By September 2023, eligible counties were awarded and in receipt of the second round of funding from the Election Integrity Grant Program.⁷

Despite this legislative effort and investment, election administration problems persisted with the 2023 General Election held in November. A significant and substantial flaw occurred with the voting machines in Northampton County, resulting not only in confusion and inconvenience for the day, but also uncertainty and mistrust in the electoral process thereafter.⁸

As a representative for Northampton County, I am extremely disappointed that election administration problems continue to occur. Like the past work of Chairman Grove, I wanted to look at the problems and assess how to respond.

¹ <https://www.repgrove.com/Display/SiteFiles/418/OtherDocuments/2022/Grove71922electiondoc.pdf>

² <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=h&type=b&bn=1300>

³ <https://www.legis.state.pa.us/cfdocs/legis/cl/public/ViewVetoMessage.cfm?sessyr=2021&sessInd=0&billbody=H&billtype=B&billnbr=1300&pn=1869&vetonbr=1>

⁴ <https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1937&sessInd=0&smthLwInd=0&act=320&chpt=16A>

⁵ <https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1937&sessInd=0&smthLwInd=0&act=320&chpt=16A>

⁶ <https://www.spotlightpa.org/news/2023/07/pennsylvania-election-grants-mail-voting-mark-zuckerberg/>

⁷ [Election Integrity grants awarded in Pennsylvania \(abc27.com\); Pennsylvania’s Act 88 election grants have become popular with the counties - Votebeat](https://www.abc27.com/news/pennsylvania-election-grants-awarded-in-pennsylvania)

⁸ <https://www.media.pa.gov/Pages/State-details.aspx?newsid=580>

This report provides background on issues with election administration in Northampton County, as well as minor problems that occurred on Election Day in other counties. It discusses the impact of the Election Integrity Grant in Northampton County.

The report also includes various ideas for how to address the concerns, based on takeaways in the following areas:

- **Voting machine equipment:** Ballot-marking devices serve no purpose and they can create expensive, time-consuming errors that would all be absent if they did not exist.
- **Paper is necessary:** We cannot continue to use “running out of paper” as an excuse for people being turned away at the polls. We must ensure all counties are prepared for emergency situations.
- **Election Integrity Grant Program accountability:** The Commonwealth should have more opportunities to ensure public funds are being used to the fullest extent appropriate and necessary to ensure the proper administration needed for free, fair and safe elections.

Recapping the 2023 General Election, the secretary of the Commonwealth stated: “the Commonwealth yet again held a free, fair, safe and secure election...and that the election went smoothly except for two isolated issues.”⁹

While it may be true the election went smoothly for most of PA’s 67 counties, I am not satisfied. Even one issue in one county is unacceptable, and enough to cause concern among voters about the integrity of our elections.

We cannot let that happen and we must work to ensure problems do not happen again.

⁹ <https://www.pennlive.com/elections/2023/11/pa-secretary-of-state-reports-election-went-smoothly-except-for-two-isolated-issues.html>

“But the doubt is there. It’s beyond my comprehension that you allow this to go on.”
Northampton County Citizen, November 2023

Northampton County and the Administration of Elections

In the past five years, Northampton County has endured two major issues with its voting machines—one occurred in 2019, and the other in 2023.

2019

The PA Department of State (DOS), responding to both a 2018 directive from the Wolf administration as well as a settlement agreement as a result of litigation, mandated that counties ensure all of their voting machines provide a verifiable paper trail by the end of 2019.¹⁰

On Dec. 31, 2019, Gov. Tom Wolf announced all 67 counties took action toward complying with this DOS mandate, including acquiring new voting systems if necessary.¹¹ Forty-five counties used new systems in the 2019 General Election.¹²

Northampton County was one of these 45 counties, and it purchased new ES&S machines to comply with the state mandate.¹³ Reports indicated the \$2.88 million contract for 320 new ES&S ExpressVote XL machines included hardware, software, maintenance and support and firmware licensing.¹⁴

However, the use of the new machines was marred by problems and errors.¹⁵ There was a problem with the electronic tabulation, resulting in election officials counting ballots by hand for most of the night, as well as a delay in the announcement of the election results.¹⁶ There were also complaints about “hypersensitive screens”; for example, two machines initially recorded zero votes for a judicial candidate.¹⁷ A routine vote canvass done after the election found 219 votes not originally counted in one township and 193 votes not originally counted in another.¹⁸

Both the vendor and the county conducted a review of what happened. A random sampling showed “around 30% of the machines were improperly configured.”¹⁹ It was also determined the problems were unique to the machines used in Northampton County as it was ultimately related to “human error.”²⁰

¹⁰ [Election Report Nov 20.pdf \(pahousegop.com\)](#)

¹¹ [Election Report Nov 20.pdf \(pahousegop.com\)](#)

¹² [Election Report Nov 20.pdf \(pahousegop.com\)](#)

¹³ <https://www.lehighvalleylive.com/elections/2019/12/what-went-wrong-with-northampton-countys-voting-machines-the-analysis-is-done.html>

¹⁴ <https://www.lehighvalleylive.com/elections/2019/12/what-went-wrong-with-northampton-countys-voting-machines-the-analysis-is-done.html>

¹⁵ [What went wrong with Northampton County’s voting machines? The analysis is done. - lehighvalleylive.com](#)

¹⁶ [What went wrong with Northampton County’s voting machines? The analysis is done. - lehighvalleylive.com](#)

¹⁷ [What went wrong with Northampton County’s voting machines? The analysis is done. - lehighvalleylive.com](#)

¹⁸ [What went wrong with Northampton County’s voting machines? The analysis is done. - lehighvalleylive.com](#)

¹⁹ [Apologies offered, ‘human error’ blamed for Northampton County election problems - lehighvalleylive.com](#)

²⁰ [Apologies offered, ‘human error’ blamed for Northampton County election problems - lehighvalleylive.com](#)

Impact:

Despite the findings, the damage was done and errors in the system in 2019 resulted in litigation.

“The National Election Defense Coalition and Citizens for Better Elections filed a petition in January 2020 seeking a preliminary injunction requiring the state to decertify the ExpressVote XL electronic voting system for the primary and general election. It cited information from voters about security concerns and trouble using the machines and a “no confidence” vote by the Northampton County elections board and said there is “no way to restore voters’ trust in the machines.”²¹

In early 2023, a settlement was reached in this case.²² As part of the settlement, the DOS now requires counties to publicly report voting machine malfunctions and for the DOS to also provide the public with improved opportunities to examine the voting machine equipment examination process.²³ Finally, the settlement required those counties using the Express Vote XL machines (with ES&S as the vendor) to upgrade them with the latest software.²⁴

2023

Despite the terms of the settlement, the Northampton County voting machines yet again appeared to malfunction during the 2023 General Election. The issue was with paper ballots improperly recording votes relating to judicial retention:²⁵

“It appears that when a voter selects a ‘Yes’ or a ‘No’ for one of the candidates for retention to the Pennsylvania Superior Court, the selection is recorded on the paper ballot and on the machine for the other candidate ... The issue is limited to the retention of Superior Court Judges and is only an issue when recording the votes for when a voter selected a ‘Yes’ for one candidate and a ‘No’ for another candidate.”²⁶

Reports state this was due to “mislabeling” on the part of a county board of elections employee when backing up the paper ballots.²⁷ However, the county determined the digital record of each vote was accurate.²⁸

The Northampton County elections director stressed all votes would be counted.²⁹ However, he expressed his frustration that the mistake wasn’t caught during pre-election testing and stated: "I'm livid at the election folks and

²¹ <https://www.mcall.com/2020/01/13/voting-security-advocates-seek-to-block-use-of-northampton-countys-machines/>

²² <https://www.mcall.com/2023/08/18/pa-will-track-voting-machine-malfunctions-under-new-settlement-with-election-security-groups/>; see also Directive attached-Appendix I

²³ [Voting machine malfunctions in Pennsylvania will be tracked through new state system - Votebeat](#); see also Directive attached-Appendix I

²⁴ [Voting machine malfunctions in Pennsylvania will be tracked through new state system - Votebeat](#); see also Directive attached-Appendix I

²⁵ [Election 2023: Northampton County executive 'livid' at voting machine trouble but confident in accurate count | LehighValleyNews.com](#)

²⁶ <https://www.spotlightpa.org/news/2023/11/pennsylvania-election-2023-northampton-county-voting-machine-ballot-issue/>

²⁷ [Election 2023: Northampton County executive 'livid' at voting machine trouble but confident in accurate count | LehighValleyNews.com](#)

²⁸ [Election 2023: Northampton County executive 'livid' at voting machine trouble but confident in accurate count | LehighValleyNews.com](#)

²⁹ [Election 2023: Northampton County executive 'livid' at voting machine trouble but confident in accurate count | LehighValleyNews.com](#)

ES&S.”³⁰ After the election, ES&S indicated the voting machines could not be reprogrammed to fix the problem on Election Day, saying it was “logistically impossible.”³¹

Despite these problems occurring in polling places throughout the county, a judge ruled on Election Day that the county could continue to use the machines.³²

Impact: Election Day and Beyond

Election Day

The error caused problems with the administration of the election. Reports show 2,400 voters were required to use paper ballots, with 35 provisional ballots cast and 2,160 emergency ballots cast for a total of 2,395 paper ballots cast.³³

Post-Election Complaints

Post-election accounts of what happened on Election Day show that while the problem related to one question on the ballot, that error impacted every race because it hindered voters and their ability to vote. Northampton County’s local Republican Campaign Committee received complaints from at least 100 voters saying they were turned away at the polls due to the error and/or their precinct ran out of paper ballots, and others expressed concern their votes were not registered securely.³⁴ The precincts were only provided with 25 emergency ballots each.³⁵

It is unclear why alternatives were not provided so every citizen would be able to vote. For example, rather than just telling voters they could not vote because there were no more paper ballots, voters should have been notified to go to other polling sites in the same school district and same municipality if possible and when turned down due to not being in the poll book, demand provisional ballots.

Certification outcry and resignation

Concerns were enough for over 100 citizens to attend the county’s elections board meeting to certify the results.³⁶ The board heard over two and a half hours of testimony from citizens outlining their experiences and concerns.³⁷ Voters spoke about their distrust of the election process, chaos at some polling places, contradictory instructions from poll workers, a shortage of emergency paper ballots, a lack of privacy when filling out ballots and reports

³⁰ [Election 2023: Northampton County executive 'livid' at voting machine trouble but confident in accurate count | LehighValleyNews.com](#)

³¹ [Northampton County certifies election results despite opposition from large crowd \(substack.com\)](#)

³² [Election 2023: Northampton County executive 'livid' at voting machine trouble but confident in accurate count | LehighValleyNews.com](#)

³³ <https://www.lehighvalleylive.com/news/2023/11/more-than-2000-northampton-county-voters-were-forced-to-use-paper-ballots-tuesday-officials-say.html>

³⁴ [Close to 100 complaints - and counting - from Northampton County voters, Republicans say - lehighvalleylive.com](#)

³⁵ <https://www.politico.com/news/2023/11/25/voting-machine-trouble-pennsylvania-00128554>

³⁶ <https://www.lehighvalleylive.com/elections/2023/11/close-to-100-complaints-and-counting-from-northampton-county-voters-republicans-say.html>

³⁷ <https://www.lehighvalleylive.com/elections/2023/11/close-to-100-complaints-and-counting-from-northampton-county-voters-republicans-say.html>

that some people were told to leave their polling place and return later to vote.³⁸ There were reports that one polling place was locked for more than an hour.³⁹

*“We cannot know if this was benign confidence or malignant malfeasance,” said Thomas Little, a Williams Township poll worker. “Do not accept this travesty,” he told the five-member board. “Send this back to the County Executive and County Council and get this right.”*⁴⁰

*“Voters are already losing confidence in the integrity of our election system,” said Frank DeVito of Bath. “When machines malfunction and appear to be switching votes, confidence is undermined. Yes, the authorities apparently clarified that only those two retention races were affected ... But when people vote one way and see a different result appear on their receipt, they are right to doubt the accuracy of the system.”*⁴¹

Despite the large amount of concern, the county solicitor stated that the board had “no choice” but to certify.⁴² The board voted 4-to-1 to certify the election results.⁴³

After certification, the county conducted its risk-limiting audit; however, more problems with the voting machines were discovered:

*“The bottom line is the audit trail report and the barcode report do not match. By definition, they do not match and therefore the audit trail does not indicate what the voter’s intent was and therefore the audit itself cannot be properly conducted. The audit must be auditable, that’s why it exists.”*⁴⁴

Shortly after the audit, the director of administration for the county board of elections in Northampton County resigned.⁴⁵

Post county certification and resignation

Even after certification, the county continues to investigate what happened on Nov. 7.⁴⁶ While county officials do not expect their investigation to be completed until the end of the year, the DOS also plans to conduct its own investigation.⁴⁷

According to the secretary of the Commonwealth: *“It is important that the county and the vendor continue to be transparent after the election so that voters have confidence that a similar issue will not occur in the future.”*⁴⁸

³⁸ [Northampton County certifies election results despite opposition from large crowd \(substack.com\)](#)

³⁹ [Election-machine company ES&S is “on the clock,” Northampton County Executive McClure says | Lehigh Valley Regional News | wfmz.com](#)

⁴⁰ [‘Do not accept this travesty’: Normally routine election certification draws objections after Northampton County voting machine problems \(msn.com\)](#)

⁴¹ [Northampton County certifies election results despite opposition from large crowd \(substack.com\)](#)

⁴² [Northampton County election investigation will take weeks \(mcall.com\)](#)

⁴³ [Northampton County certifies election results despite opposition from large crowd \(substack.com\)](#)

⁴⁴ [Northampton County top election official resigns after audit \(mcall.com\)](#)

⁴⁵ <https://www.mcall.com/2023/11/24/software-issues-persist-during-northampton-county-election-audit-county-gop-calls-for-ending-contract-with-machine-vendor/>

⁴⁶ [Northampton County election investigation will take weeks \(mcall.com\)](#)

⁴⁷ [Northampton County election investigation will take weeks \(mcall.com\)](#)

⁴⁸ [Secretary of State Reports Smooth Election Day Across Commonwealth, With Limited Number of Isolated Issues \(pa.gov\)](#)

Several voting rights groups have also called for an investigation into the problems in Northampton County with the voting machines.⁴⁹

However, it is unclear what the end result of this second round of problems with the ES&S voting machines will be.

"ES&S is on the clock," the elections director stated recently.⁵⁰

"Since 2019, the theory has been well, that was a big mistake, but we caught it and we've implemented new processes to make sure nothing like that would ever happen again," Matthew Munsey, chair of the Northampton County Democratic Party, told POLITICO.

But after the latest incident, "I don't know how we can restore trust with these machines."⁵¹

⁴⁹ <https://www.penncapital-star.com/blog/voting-rights-groups-call-for-investigation-of-election-day-problems-in-northampton-county/>

⁵⁰ [Election-machine company ES&S is "on the clock," Northampton County Executive McClure says | Lehigh Valley Regional News | wfmz.com](https://www.wfmz.com/news/2023/11/25/election-machine-company-es-s-is-on-the-clock-northampton-county-executive-mcclure-says-lehigh-valley-regional-news/)

⁵¹ <https://www.politico.com/news/2023/11/25/voting-machine-trouble-pennsylvania-00128554>

Northampton County and the Election Integrity Grant

The COVID-19 pandemic, the 2020 election and the implementation of mail-in ballots (via Act 77 of 2019) highlighted the need for providing counties with assistance with election administration. Poll workers were overburdened, understaffed and undertrained. At one of the election hearings Chairman Grove held in 2021, Patricia Nace, election consultant for Northumberland and Snyder counties, testified that: “poll workers are constantly coming and going, due to the overwhelming atmosphere of the job, and not having the proper training to handle unique situations that may arise.”⁵²

The burden was even worse for county elections directors. After the 2020 election, at least 21 elections directors in 67 counties either had retired or would soon retire.⁵³

It became clear funding for training, as well as other election administration needs, was a must.⁵⁴

In 2022, the General Assembly gave counties that opportunity with the Election Integrity Grant.⁵⁵ All but three counties applied for (all but four applied in 2023) and received funding from the \$45 million appropriation.⁵⁶

Northampton County was awarded funding in 2022 and 2023. In 2022, the county was awarded \$1,136,683.89.⁵⁷ Their 2023 grant award was a slight increase, with \$1,155,437.27 as the award.⁵⁸

The county used this award to address its election administration needs. According to their 90-day post-election report for the 2023 primary election (as required in Act 88), Northampton spent \$723,474.20 in total grant funds.⁵⁹ When detailing the specific grant use, the county stated: “We were able to utilize the vast majority of these funds to enhance the security and preparation for all aspects of current and future elections.”⁶⁰

From that total, the county spent the most on polling place staffing; secure transportation, storage and management of voting equipment and polling place materials; and ballot printing.⁶¹ The total for these expenses was \$358,487.78.⁶²

Despite this investment, all of the problems in the 2023 General Election in Northampton County can be classified as related to the “management of voting equipment.”⁶³ Many believe the problems with the ES&S machines could and should have been resolved during the pre-election testing of the machines.⁶⁴

Moreover, it wasn't the first time there was a problem:

⁵²<https://www.repgrove.com/Display/SiteFiles/418/OtherDocuments/2021/Election%20Oversight%20Hearing%20Final%20Report.pdf>

⁵³<https://www.spotlightpa.org/news/2020/12/pennsylvania-election-2020-officials-retiring-nightmare/>

⁵⁴<https://www.repgrove.com/Display/SiteFiles/418/OtherDocuments/2021/Election%20Oversight%20Hearing%20Final%20Report.pdf>

⁵⁵<https://www.spotlightpa.org/news/2022/07/pa-election-funding-private-donation-ban-budget-deal/>

⁵⁶<https://www.inquirer.com/politics/election/pa-state-funding-election-integrity-grants-20220819.html>

⁵⁷<https://www.votebeat.org/pennsylvania/2023/7/28/23810643/pennsylvania-act-88-election-budget-grants-mail-ballot-counting/>

⁵⁸<https://www.votebeat.org/pennsylvania/2023/7/28/23810643/pennsylvania-act-88-election-budget-grants-mail-ballot-counting/>

⁵⁹ See Post-Election Report Attached. -Appendix II

⁶⁰ See Post-Election Report Attached.-Appendix II

⁶¹ See Post-Election Report Attached-Appendix II

⁶² See Post-Election Report Attached-Appendix II

⁶³ [Voting machines in Northampton County misprinted votes on paper ballots - Votebeat](#)

⁶⁴ [Voting machines in Northampton County misprinted votes on paper ballots - Votebeat](#)

*If you've never had this issue before, perhaps you'd be forgiven for being a little lax on your pre-election testing," said Pam Smith, CEO of Verified Voting, a nonpartisan elections technology organization.*⁶⁵

To have the same issue plague two elections despite infusions of taxpayer money designed to prevent such issues requires a more forceful response. While the 90-day post-election report required under Act 88 for the General Election is not yet available, it remains unclear and somewhat inconceivable how with a funding focus on voting equipment, the error was not caught sooner.⁶⁶ Furthermore, the question also remains whether that funding was truly used to "enhance the security and preparation for all aspects of current and future election."⁶⁷

⁶⁵ [Voting machines in Northampton County misprinted votes on paper ballots - Votebeat](#)

⁶⁶ See Post-Election Report Attached-Appendix II

⁶⁷ See Post-Election Report Attached-Appendix II

Takeaways from Northampton County

Between 2019 and 2023 elections, here is what we learned, based on the problems with the voting machines in Northampton County:

- All election machines used in Pennsylvania should be ballot ***scanning*** devices, rather than ballot ***marking*** devices, as are currently used in Northampton and some other counties. This would completely resolve the issues seen in Northampton—the paper ballot record would, by nature, always accurately reflect the intent of the voter who completed that ballot. Any machine errors in the scanning or tabulation of votes could be corrected by post-election audits and review- which is not possible for the errors seen in Northampton’s machines.
- This change would have the secondary benefit of allowing the ballots utilized with our election machines to appropriately serve as emergency ballots in the event machines are malfunctioning or unavailable. That way, it would be impossible for polling places to run out of emergency ballots, or to have to turn voters away as they did in Northampton. Without the need for a large amount of emergency ballots, the transition to ballot scanning would also be a cost saving mechanism for counties as well.
- Finally, counties must be held accountable for their mistakes, and required to do better in the future. Northampton’s experience of largely the same administrative errors in both 2019 and 2023, despite years of additional experience and a significant infusion of state money, is unacceptable. The Election Integrity Grant Program should be updated to require dollars provided to counties which have experienced severe errors be specifically used to resolve those errors, with the penalty of losing ongoing funding if they fail to do so.

Miscellaneous Election Process Issues in the 2023 General Election

While this report highlights the issues in the 2023 General Election in Northampton County, there were election administration issues reported in other counties as well, including for example:

- **Delaware County:** An apparent bomb threat at Radnor High School caused problems with election administration. Fortunately, the threat was unsubstantiated, but it did result in voters having to switch polling place locations, as the high school served as one of the township’s polling places.⁶⁸:
- **Luzerne County:** There were several administrative issues, including the omission of a school board candidate from the ballot, as well as voters receiving incorrect mail in ballots (some without secrecy envelopes).⁶⁹ The local elections board, however, was not aware of these issues, and demanded quicker notice of problems so they could resolve them: *“Decisions that must involve the board are not being referred to the board or even brought to our attention,” said Election Board Chairwoman Denise Williams....* *“This must stop now.”*⁷⁰

Post election issue with certification

While Northampton County certified its election results, several counties did not due to litigation, in particular Berks County.⁷¹

A recent federal ruling determined that mail-in ballots could not be rejected due to failure to include accurate hand-written dates on the outer envelope.⁷²

Because Berks County had 432 ballots impacted by this ruling, they did not certify their election results for the 2023 General Election.⁷³

Reports indicate that other counties opted to delay due to the ruling as well.⁷⁴

NOTE : On Dec. 7, 2023, Berks County certified its results for the 2023 General Election.⁷⁵

⁶⁸ [Bomb threat at Radnor High School forces voters to another polling location \(msn.com\)](#)

⁶⁹ [Luzerne County Election Board calls for more notice when problems occur | The Sunday Dispatch \(psdispatch.com\)](#)

⁷⁰ [Luzerne County Election Board calls for more notice when problems occur | The Sunday Dispatch \(psdispatch.com\)](#)

⁷¹ <https://www.readingeagle.com/2023/11/27/berks-delays-election-certification-following-federal-court-ruling/#:~:text=A%20federal%20court%20ruling%20directing,election%20results%20in%20Berks%20County.>

⁷² <https://www.readingeagle.com/2023/11/27/berks-delays-election-certification-following-federal-court-ruling/#:~:text=A%20federal%20court%20ruling%20directing,election%20results%20in%20Berks%20County.>

⁷³ <https://www.readingeagle.com/2023/11/27/berks-delays-election-certification-following-federal-court-ruling/#:~:text=A%20federal%20court%20ruling%20directing,election%20results%20in%20Berks%20County.>

⁷⁴ <https://www.readingeagle.com/2023/11/27/berks-delays-election-certification-following-federal-court-ruling/#:~:text=A%20federal%20court%20ruling%20directing,election%20results%20in%20Berks%20County.>

⁷⁵ [Berks officials certify 2023 general election results \(readingeagle.com\)](#)

Conclusion

2024 will bring a major election not just to Pennsylvania but nationwide. We cannot allow election administration problems in Pennsylvania to continue.

While we can propose new solutions that specifically address the ongoing failures of election administration in Northampton County, we would be remiss not to remind Pennsylvanians that Republicans in the General Assembly have already acted to comprehensively reform Pennsylvania's Election Code and prevent these and other issues seen in election after election across our state.

House Bill 1300, which I supported when it passed the General Assembly in bipartisan fashion, would have enacted national best practices in machine accuracy and logic testing requirements prior to every election—the precise type of precautions that could have caught Northampton's issues before they ever impacted a single voter. That bill was a comprehensive effort to address wide-ranging deficiencies in our elections system that are sapping the trust of everyday Pennsylvanians in their democracy. Pennsylvania continues to pay the price for former-Gov. Tom Wolf's veto of House Bill 1300.

Despite the loss of House Bill 1300, I remain committed to ensuring that not just the citizens of the county I serve, but all Pennsylvanians have confidence in the administration and integrity of our elections.

Therefore, as a result of all that I learned from the failures in Northampton County. I, and several of my colleagues, plan to try and solve these issues legislatively in advance of the 2024 election.

One problem is too many, and it cannot happen again.

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APPENDICES

APPENDIX I



Directive Regarding the Uniform Reporting of Voting System Malfunctions to the Department of State

Date: September 22, 2023

Directive 2 of 2023

Directive 2 of 2023

The following Directive is issued September 22, 2023, by the Secretary of the Commonwealth (Secretary) pursuant to authority contained at Sections 201(e) and 1105-A(a) of the Pennsylvania Election Code, 25 P.S. §§ 2621(e), 3031.5(a):

- 1) All counties must report no later than 60 days after every election (this includes all primary, general, municipal and special elections) any electronic voting system malfunction reported to the county by any source or otherwise known to the county which either:
 - a. prevented or delayed any voter from casting a vote; or
 - b. prevented or delayed the tabulation or reporting of results.

Malfunctions shall be reported to the Secretary in the Election Equipment malfunction form attached as Appendix A to this Directive.

NOTE: Any system errors or anomalies observed during testing or outside the voting or tabulation process may be reported to the Secretary. The form prescribed herein should not be used for such a report.

- 2) For purposes of this Directive, voting system malfunctions include any anomaly that indicates a voting system component is not operating per system specifications. This does not include irregularities resulting from human error, except where the voting system is designed to correct that human error but did not. Malfunctions within the scope of this Directive include:
 - a. Recurring scanning, printing, or ballot marking errors that indicate a voting system component is not operating correctly.
 - b. Tabulation errors that, after reasonable investigation during post-election reconciliation, cannot be conclusively attributed to human error.
 - c. Equipment failures that require reconfiguration of voting system settings, such as touchscreen recalibration.

Counties shall report on the attached Voting System Malfunction Report: (1) a description of each type of malfunction and nature thereof; (2) source(s) for the report; (3) time span the malfunction occurred; (4) location (including precincts affected); (5) voting system component(s) affected; (6) number of voters/ballots affected; and (7) any actions taken to resolve the malfunction and whether resolution was achieved. For the purposes of reporting, each malfunction may be grouped by type, with the number of voters affected accumulating across instances of the same malfunction. For example, if a touchscreen needed

recalibration five times, affecting two voters each time, this would be reported as one malfunction, occurring multiple times, affecting an aggregate of ten voters.

- 3) For reporting to the Secretary, voting system malfunctions DO NOT include:
 - a. Isolated paper jams in printers and other voting system peripherals.
 - b. Isolated paper jams in precinct and central scanners/tabulators.
 - c. Scanner errors where local election officials have determined that the ballot was incorrectly inserted into the scanner.
 - d. Scanner errors where local election officials have determined that the ballot was incorrectly or inadequately marked. This is a system feature and is not considered a system anomaly.
 - e. Power failures resulting from misuse. For example, the battery or battery backup is not properly installed by county or local election official(s).
 - f. Physical damage caused by misuse. For example, a voting system component is dropped and damaged during transit or setup.

NOTE: The Department of State (Department) strongly recommends that the events listed in section 3 be reported to the county board of elections for purposes of training and quality control. They may be reported to the Secretary, but county election officials should not use the form prescribed herein.

- 4) If no voting system malfunctions occurred in a given election, the county must submit a declaration to the Department no later than 60 days after that election that it has no malfunctions to report by completing the final section of the form attached as Appendix A to this directive.
- 5) Voting system malfunctions or the declaration of no malfunctions must be reported to the Secretary on the attached Voting System Malfunction Report.
- 6) To effectively carry out the requirements of this Directive, counties must have a mechanism in place for voters, watchers, and other election observers to report malfunctions to local polling place officials or to county officials, when applicable. Counties must also have a formal mechanism for polling place officials to report voting system malfunctions to the county board of elections.
- 7) The Department will post all received Voting System Malfunction Reports on its website within 105 days after each respective election, redacted as necessary for purposes of election security, confidentiality, and preventing misinformation.

###

Version	Date	Description
1.0	9/23/23	Initial Document Release

Appendix A

Voting System Malfunction Report

Reported Pursuant to Directive 2 of 2023

Note, if you require additional space for any field, please attach a separate document to this Report

County:	Election Date:	Date Incident Identified:
Person Completing Report	<i>Name & Title</i>	<i>Phone/Email</i>
Voting System Name:		
Equipment Malfunction Description <i>(summarize and describe the nature of the incident here):</i>		
Time span of the malfunction:	Source(s) who reported the malfunction to the county:	
Location <i>(note all affected precincts):</i>	Voting System Component(s) and Model(s) affected:	
Impact of the malfunction <i>(check and provide numbers for all that apply):</i> <ul style="list-style-type: none"> <input type="checkbox"/> Prevented the casting of ballots by ____ voters <input type="checkbox"/> Delayed the casting of ballots by ____ voters <input type="checkbox"/> Prevented the tabulation of ____ ballots <input type="checkbox"/> Delayed the tabulation of ____ ballots 		
Action taken to resolve the malfunction/ensure continued voting <i>(this section must describe all actions that the county has taken to resolve the malfunction and/or ensure continued voting; describe the level of success achieved with any of these attempts):</i>		
Declaration of no reportable malfunction (only complete if you have nothing to report under Directive 2 of 2023)		
<input type="checkbox"/> <i>By checking this box, I hereby declare and report to the Secretary of the Commonwealth that county of [] has experienced no known voting systems malfunctions under Directive 2 of 2023 affecting the casting or tabulating of any ballots for the election held on the date specified above.</i>		

**Signature of Chief Clerk
or Authorized Representative**

**Name of Chief Clerk
or Authorized Representative**

Date

APPENDIX II



ELECTION INTEGRITY GRANT PROGRAM POST-ELECTION REPORT

Submitted pursuant to Pennsylvania Election Code Section 1602-A(h) (25 P.S. § 3260.2-A(h)).

This report documents use of Election Integrity Grant Program funds and **must be submitted within 90 days** following a general, municipal, or primary election. Each county receiving funds shall record use by category for the preceding election cycle and provide a short summary. A zero (\$ 0) should be entered where no funds were expended.

Northampton _____ Report for <input type="checkbox"/> general <input checked="" type="checkbox"/> municipal <input checked="" type="checkbox"/> primary election for <u>2023</u> <small>(Insert County) (Insert Year)</small>		
SECTION I: GRANT USE BY EXPENSE CATEGORY		
Eligible Expense Uses	Amount Expended	
1. Payment of staff needed to pre-canvass and canvass mail-in ballots and absentee ballots.	\$ 26,313.18	
2. Physical security and transparency costs for centralized pre-canvassing and canvassing.	\$ 108,196.58	
3. Post-election procedures required under the Pennsylvania Election Code.	\$ 3,747.10	
4. List maintenance activities under the voter removal program for (a) the national change of address program, and (b) five-year nonvoter mailings (25 Pa. C.S. §§ 1901(b)(1) and (3)).	\$ 20,222.42	
5. The printing of ballots.	\$ 12,967.51	
6. Training costs for district election officials.	\$ 4,300.00	
7. Payment of staff at polling places on election day.	\$ 152,018.00	
8. Secure preparation, transportation, storage and management of voting apparatuses, tabulation equipment and required polling place materials.	\$ 359,487.78	
9. Costs of County Board of Election duties related to processing of voter registration applications.	\$ 36,221.63	
TOTAL EXPENDITURES (for all categories for this report):	\$ 723,474.20	
SECTION II: DETAILED DESCRIPTION OF GRANT USE		
Provide a free-form description below of the different election expenses funded under the eligible expense categories.		
Northampton County made a concerted effort to follow the categories provided when deciding how to allocate monies for the 2023 Municipal Primary Election.		
Secure preparation, transportation, etc. (#8) took up the largest amount of these funds, costs for polling place staff (#7) and physical security & transparency costs (#2) came in as the next highest amounts. The remaining categories are hopefully self-explanatory, please do not hesitate to ask for any clarifications you may need to complete your review. We were able to utilize the vast majority of these funds to enhance the security and preparation for all aspects of current and future elections.		
SECTION III: CERTIFICATION OF ACCURACY AND COMPLETENESS BY BOARD OF ELECTIONS		
Please have the form signed and dated by the Board of Elections, or the body fulfilling those responsibilities under your home rule or optional form of government. This Grant Report is a true and accurate report of the expenses incurred.		
1A. NAME: <i>Vicki Evert</i>	1B. SIGNATURE: <i>Vicki Evert</i>	1C. DATE: <i>8/7/23</i>
2A. NAME: <i>Margie DeRenzis</i>	2B. SIGNATURE: <i>Margie DeRenzis</i>	2C. DATE: <i>8/7/23</i>
3A. NAME: <i>Sharon Levy</i>	3B. SIGNATURE: <i>Sharon Levy</i>	3C. DATE: <i>8/7/23</i>