



Butler County Election Review Commission
Final Report
Issued May 2021

EXECUTIVE SUMMARY

The 2020 Election, both in local and national terms, was unprecedented in many ways. Not in the modern history of our nation have we witnessed:

- The overall increase in the number of registered voters (20% in Butler County alone).
- The use of mail-in and early in-person voting as alternatives to precinct voting.
- The level of public scrutiny before, during, and after Election Day.
- The extent to which elections were contested and litigated before and after Election Day.
- The impact of a global pandemic on the election process.

In addition to these novel circumstances was Act 77 of 2019. This bipartisan legislative act was signed into law in October of 2019 and represented the most significant change to the laws governing elections in the Commonwealth of Pennsylvania in modern history. In addition, rulings by the Pennsylvania State Supreme Court, Supreme Court of the United States, and directives by the Governor of Pennsylvania as part of the declaration of emergency surrounding COVID-19, caused a cascade of interpretations about the new voting laws which resulted in many last-minute changes that created confusion among voters, and among election professionals across the Commonwealth.

In response to the 2020 General Election, the Commissioners of Butler County, Leslie Osche, Kimberly Geyer, and Kevin Boozel, began discussing the possibility of creating a commission of Butler County residents, the purpose of which would be to “review election processes and procedures pertaining to the 2020 election to be transparent and responsive to Butler County voters and taxpayers.”

At the January 20, 2021 Public Meeting, the Commissioners created the “Butler County Election Review Commission” with the stated purpose:

1. To review and understand the elections process in its entirety as presented by the Butler County Director of Elections and Voter Registration.
2. To identify the strengths and weaknesses in the current Pennsylvania Election Code, the changes brought about by Act 77, and Pennsylvania Department of State directives.
3. To issue a report with recommendations available to the public, elected officials, state associations, and to the Butler County Board of Elections.

Also in this announcement was a list of desired characteristics for those selected to serve as members of the Election Review Commission (hereafter referred to the “ERC”). They included:

- Three Community Representatives who have Judge of Election experience from a rural, suburban, and urban location of the county to provide an “in-person precinct voting” perspective.
- Two Representatives from both the Democrat and Republican Political Parties.
- One Representative from an Independent or Unaffiliated Political Party.
- One or two Internal Election Representative to provide both a “Mail-in Ballot” and “In-Person Early Voting” Perspective.
- Three Butler County Commissioners.

Those interested in filling these slots were asked to submit letters of application by February 11, 2021, for subsequent review by the Commissioners. From this applicant pool, eleven individuals were selected

who matched the categories in the above bulleted list. The names of the ERC members and a short background and experience of each one is included at the end of this document.

The ERC and Aaron Sheasley, Director of Elections and Voter Registration for Butler County, convened on Friday, February 12, 2021, from 9:00 am to 12:00 pm, in the Butler County Government Center. The ERC met a total of nine times through Monday, May 10, 2021.

During these meetings, the variety of backgrounds and experiences of the members of the ERC provided a robust and balanced conversation regarding the November 2020 election process, policies, and dynamics. Given that many members of the ERC had experience working as election officials in precincts throughout the county, these discussions included “real life” perspectives in terms of what they experienced during the November General Election. This added significant credibility to the insights gained, and the conclusions reached, by the ERC.

The meetings were facilitated by Commissioner Leslie Osche. During the initial sessions, the ERC listened and responded to presentations by Aaron Sheasley that described comprehensively and in great detail the policies and processes of voter registration, in-person voting, and mail-in voting methods used throughout the 2020 General Election. These presentations were very informative to the ERC and served as the basis for the majority of the discussion and debate that ensued.

Each meeting included a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis to capture the attitudes and perspectives of ERC members towards the content of the session presentations and discussion. These sets of SWOT responses, which focused on both Butler County and statewide issues, provided a rich data source that helped to shape the final recommendations of the ERC.

As a result of these meetings and deliberations, and following the stated outcomes for the ERC process, several wide-ranging recommendations that addressed concerns and areas for improvement were formed. The categories of recommendations included the following:

1. Voter registration
2. Voter list maintenance
3. Equipment security
4. Ballot chain of custody
5. Education and communication
6. Judge of Election and poll worker training
7. Election day support and communication
8. In-person voting and polling places
9. Application processes
10. Options for returning ballots and casting votes
11. Mail-in tabulation processes
12. Poll books
13. Post-election audits
14. Last minute changes

Under each of these categories are listed specific recommendations which are included in the body of both this Legislative Report, and the complete ERC Final Report.

Despite the unprecedented nature of the 2020 election, the ERC agreed that the response of the Butler County Bureau of Elections to these challenges was commendable. In no way was it suggested or implied that the election was perfectly executed. However, when faced with the challenges of a conducting a presidential election in a global pandemic, new methods of voting provided for in Act 77, and the many procedural changes, directives, and guidance outlined in this commission report, it was agreed that the Bureau of Elections responded in the best way possible given the circumstances. Prior to, during, and after election day, right through to the certification process, they remained committed to providing a fair and accessible election process for all Butler County voters. In addition, Aaron Sheasley provided extensive information about the Bureau's experience while remaining open to the feedback and concerns expressed by the ERC as a result of their participation as precinct officials. Some of the recommendations made by the ERC have already been set into motion within the county.

Nevertheless, the open and honest deliberation among the members of the ERC revealed that certain policies and procedures governing the November election were problematic. Election security and restoration of voter confidence were of primary concern to all. Discussing these issues was, at times, not an easy task. While the ERC agreed on many things, there were some areas where the discussions showed significant differences of opinions and perspectives. In some instances, the recommendations included in this report did not receive 100% support from ERC members. In yet another instance some members felt strongly about reinstating Voter ID and expressed dissent that this and other election security issues were not fully addressed. **Please note that members of the ERC who dissented are so identified in their biographies with an * (asterisk) at their request.**

The Commissioners of Butler County thank the members of the ERC for their time and commitment to this project. The hours spent in meetings, reviewing materials, debating issues, and contributing to this report are greatly appreciated.

The ERC thanks the Butler County Commissioners for their vision in creating this entity that included a balanced representation of voters. To our knowledge, the Butler County ERC is the only one of its kind in Pennsylvania.

It is our hope that the efforts of the ERC will result in positive changes to the laws that govern elections throughout the Commonwealth, specifically pertaining to voter registration, casting ballots, and the certification of election returns. The findings contained in this report can lead to a significant reduction in the confusion and ambiguities experienced by election officials and voters during the November 2020 General Election and increase confidence in the integrity of the voting experience both within Butler County, and throughout the Commonwealth of Pennsylvania.

IMPACTS ON THE 2020 ELECTION

I. IMPACT OF MAJOR CHANGES IN ELECTION MANAGEMENT

The following outlines the changes in election management that occurred in a two-year timeframe beginning in 2018 related to required election equipment, election law and the courts' interpretation of that law, election staffing, and election guidance.

A. Replacement of Election Equipment

When the current Board of Commissioners took office in 2016, they learned that they would need to begin planning for the replacement of election equipment that was at end of life. As such, they worked with the Election Director and staff to explore voting equipment and balloting options. Following the 2016 general election, an independent Blue Ribbon Commission recommended the state adopt voter-verifiable (paper) election systems. Butler County was already in the early stages of the procurement process, but planned for a 2021 launch to avoid implementing new equipment during a presidential campaign in 2020. Then, in November of 2018, Governor Wolf settled a lawsuit with Green Party Candidate Jill Stein's campaign by pledging to require counties to replace their voting machines before 2020's election. After interviewing and reviewing four different election system providers and inviting judges of elections and poll workers to test the machines and provide feedback, the County purchased ES&S's paper scan system. It was first used in the 2019 general election, just in time to allow election workers to become familiar with the equipment before the presidential election in 2020.

B. Changes in Election Law

On October 30, 2019 the legislature passed Act 77, signed by the Governor, which created:

- **no excuse mail-in voting,**
A new option to vote by mail without providing an excuse, which is currently required for voters using absentee ballots. Pennsylvania joins 31 other states and Washington, D.C. with mail-in voting that removes barriers to elections.
- **a 50-day mail-in voting period,**
All voters can request and submit their mail-in or absentee ballot up to 50 days before the election, which is the longest vote-by-mail period in the country.
- **a permanent mail-in and absentee ballot list,**
Voters can request to receive applications for mail-in or absentee ballots for all primary, general and special elections held in a given year. Counties will mail applications to voters on the list by the first Monday of each February. Voters who return an application will receive ballots for each election scheduled through the next February. Pennsylvania is the 12th state to provide voters with the automatic option.
- **15 more days to register to vote,**
The deadline to register to vote is extended to 15 days from 30 days before an election. Cutting the current deadline by half enables more people to participate in elections. The new more flexible and voter friendly deadlines provide more time to register to vote than 24 other states.
- **ballot on demand,**
A voter presenting an application for mail-in or absentee ballot in person at the county

board of elections may request said ballot at the same time.

****Note: While the law makes no specific reference to the following, the Governor issued subsequent guidance noting that these voters must be provided an opportunity to privately and secretly mark their ballot at or in the proximity of the election bureau.***

- **and extends mail-in and absentee submission deadlines.**
Voters can submit mail-in and absentee ballots until 8:00 p.m. on Election Day. (Later extended to three days post-election day). The current deadline is 5:00 p.m. on the Friday before an election, which is the most restrictive in the country. Pennsylvanians submitted 195,378 absentee ballots in 2018, but 8,162 – more than four percent – missed the deadline and were rejected. The national average is only two percent.
- The law also authorizes the governor to pursue a \$90 million bond to reimburse counties for 60 percent of their actual costs to replace voting systems. The new systems have enhanced security to help guard against hacking and produce an anonymous paper record so voters can verify their ballot is correctly marked when casting it. Paper records also allow officials to conduct the most accurate recounts and audits of election results.

In March of 2020 against the backdrop of Emergency Stay at Home orders due to the pandemic, the Legislature passed Act 12, that provided for:

- in-person, same day voter registration,
- surrendering mail-in ballots at the polls to be spoiled, then allowing the elector to vote in-person having signed a statement subject to the penalties relating to unsworn falsification to authorities,
- the prohibition of challenges to applications for mail-in ballots on the grounds the applicant used an absentee ballot application and conversely challenges to absentee applications based on the grounds that the applicant used a mail-in in application,
- pre-canvassing of mail-in ballots beginning at 7 a.m. on election day but prohibiting the publishing or recording of votes prior to closure of the polls,
- establishing an election law advisory board,
- adding a temporary emergency provision to allow for consolidation of polling places by not more than a 60% reduction; relieving the requirement that election officers (poll workers) be electors of the election district in which appointed but instead simply an elector of the county; addressing technicalities and deadlines due to the postponement of the primary from April 28 to June 2, 2020. ***These provisions expired July 3, 2020.***

B. Changes in Butler County Election Staff

On April 22, 2020, approximately one month prior to the rescheduled primary of June 2nd, the Butler County Director of Elections resigned, not unlike many Counties in PA whose directors also resigned due to fast-moving changes and building pressures. The Board of Elections immediately divided the duties among remaining staff who with the assistance of temporary workers, the Solicitor, the Chief Clerk and other county staff, were able to carry out the primary with few issues.

C. Unclear Election Guidance

On August 19, 2020, the Department of State issued Absentee and Mail-In Ballot Return Guidance that:

- said County Boards “should” establish a plan and adopt procedures for the return of mail-in ballots and “should” submit it to the Department of State at least 45 days prior to the election,
- said County Boards “may” establish multiple ballot return locations where a secure ballot return receptacle “drop box” may be located. In defining security of said receptacles, the language said the board “must” ensure a list of procedures all of which then used the word “should.”

D. Supreme Court Rulings

On September 17, 2020, the Supreme Court of PA issued several rulings in a suit brought by the PA Democratic Party that:

- extended the receipt of mail-in ballot deadline by three days to November 6 for ballots postmarked by 8 p.m. on election day,
- held that Election Code permitted the use of drop boxes,
- agreed that poll watchers must live in the County where they serve,
- ruled election boards did NOT have to notify mail-in or absentee voters whose ballots contained minor defects to allow them to cure the errors,
- removed Green Party candidate Howie Hawkins from the ballot clearing the way for a ballot to be certified and printed by counties.

Note: THE BALLOT WAS NOT CERTIFIED UNTIL LATE ON SEPTEMBER 17, THEREFORE COULD NOT BE PRINTED UNTIL AFTER THAT DATE. CONSEQUENTLY, BUTLER COUNTY DID NOT RECEIVE ITS BALLOTS FROM THE PRINTER (MANY COUNTIES USE THE SAME SPECIALIZED PRINTING COMPANY) UNTIL SEPTEMBER 25, JUST A LITTLE MORE THAN ONE MONTH FROM THE ELECTION. THIS, ALONG WITH A MAIL-IN/ABSENTEE BALLOT APPLICATION DEADLINE OF OCTOBER 2, MADE IT EXTREMELY DIFFICULT TO MAIL AND ACCEPT RETURN OF 40,000 BALLOTS IN SUCH A COMPRESSED TIMEFRAME. THE SAME PROBLEM IS OCCURRING IN THE 2021 PRIMARY. THE BALLOT WAS CERTIFIED ON APRIL 16, WITH BALLOTS ARRIVING FROM THE PRINTER ON APRIL 22, LESS THAN FOUR WEEKS PRIOR TO THE MAY PRIMARY.

II. IMPACT OF THE PANDEMIC

The pandemic alone created intense challenges. Many judges of elections and poll workers chose not to work the polls in 2020, leaving the County staff and Board of Elections (County Commissioners) rushing to fill poll worker positions in both the primary and general elections. Further, many polling places either would not or could not confirm use of their facilities. A total of nine (9) polling places had to be relocated requiring compliance inspections, public notices including mailers to all affected voters, and extensive logistics coordination. Training was adapted to include management of election sites under CDC and PA Department of Health COVID-19 mandates and guidelines. This was done against the backdrop of processing the high volume of mail-in ballot requests.

III. IMPACT OF AN INTENSE PRESIDENTIAL RACE IN A SWING STATE

The intensity of the 2020 presidential campaign produced hypersensitivity in voters. Election workers, county commissioners, their staff, and the solicitor fielded thousands of calls and emails. Many believed that their ballots were being deliberately delayed in processing and delivery. Some claimed they were sent a mail-in ballot they did not request or received multiple ballots. Others accused the

County of voter suppression. And still others believed their ballots were stolen. *(Note: If they were stolen and voted, it would be difficult to track or prove except by signature match, however the county was ordered to stop matching signatures on mail-in/absentee ballots)*

THIRD PARTY MAILERS issued by candidates and political action committees included mail-in ballot applications displaying the Butler County Bureau of Elections return address. These mailers caused great concern and confusion, not only because they were political in nature, but because they led to voters submitting multiple applications and consequently receiving denial letters.

DISRUPTIONS by foreign countries and social media alerts also occurred. For instance, on Saturday, October 31, the Election Bureau received a package from Tehran, Iran and alerted officials, which disrupted ballot processing as the FBI and police descended on the building. The package was later deemed safe and contained “gifts” such as perfume, candy, and a necktie. On Monday, November 2, a Facebook post from Progress PA showed a map published by Ben Forstate that erroneously showed Butler County would not count mail ballots until November 4th. It accused Butler County of trying to make it look like Trump won PA on election night. It urged readers to call the Republican Commissioners and the Solicitor resulting in many more calls to the Commissioners’ office.

POLL WATCHERS were deployed like never before in the 2020 General Election. Judges of Elections were not adequately prepared for the number of active poll watchers at their election sites. The Department of State issued guidance on poll watchers and authorized representatives on October 28th, 2020, after Butler County’s poll worker training had taken place. Poll watchers reported being treated differently from poll to poll. Both parties lodged multiple complaints and concerns about procedures at the polls and at times interfered with judges and voters, contrary to guidelines.

ACT 77

1. Act 77 was implemented too quickly, leaving County Election Boards with little time to plan for management of three separate elections or to anticipate the extreme demand for high touch voter customer service driven by extensive promotion of mail-in and early-voting by the Department of State and by aggressive media and social media calls to action. There was no opportunity for what could be termed “soft launch”.
2. Each new communication and deadline pivoted staff to managing voter requests or demands, but led to delays in processing mail, scanning returned ballots, and responding to needs of judges of elections and poll workers.
3. Act 77 treated voter types differently particularly related to voter signature challenges and ballot curing. The in-person voter is required to sign the poll book at the polls at which time their signature may be challenged by a poll watcher. Mail-in or absentee voters are required to sign an affidavit on the outside envelope, but the court ruled that a ballot may not be rejected based on a signature mismatch. An in-person voter whose ballot is rejected by the scanner for defect has the opportunity to spoil the ballot and complete a new ballot if they choose. The PA Supreme Court ruled that election boards did NOT have to notify a mail-in/absentee voter whose ballot had a minor defect to allow them to cure it.
4. Act 77 meant that the County went from implementing a single in-person election, with limited processing of absentee ballots, to implementing essentially three separate elections:

- in-person involving the recruitment and training of poll workers; logistics of securing poll sites and the preparation and delivery of equipment and supplies including additional pandemic supplies.
- no excuse mail-in and absentee, requiring election officials to:
 - process as many as 52,000 applications, received both on-line and by mail. **(Note: while there were only 40,000 single applicants, the county received 12,000 duplicate applications because of third party applications mailed to voters),**
 - tediously prepare, sort, and stuff according to precinct (and party for the primary) the same 40,000 ballots with privacy envelopes, checking for accuracy,
 - receive and scan more than 33,000 returned ballot,
 - cancel first ballots and resend as many as 10,000 second ballots due to voters calling in to say they had not yet received their ballot. **(Note: On October 26, the Director of Elections was copied on an email from Jonathan Marks at the Department of State to the USPS indicating there were ballot delivery delays being reported in Butler and York Counties. This launched a postal investigation in particular around ballots mailed on October 13.)**
 - respond to the newly launched on-line ballot tracking system that was often riddled with errors in dates,
 - print poll books less than 48 hours prior to the election, **(Note: The state changed the poll book format between the primary and general election. Instead of incorporating mail and absentee voters in alphabetical order with in-person voters, they were listed in the back of the poll book, which slowed down the process at the polls as clerks tried to discern voter's eligibility to vote in-person. Further, the poll books were not formatted for printing correctly which led to voter names being dropped off the page and not included in the poll book. Voters reported being denied the opportunity to vote at their poll as a result.)**
- early in-person voting at the Election Bureau requiring election officials to:
 - Respond to voters coming to the counter at the Election Bureau to apply for a mail-in ballot and receive and vote the ballot; in the Election Bureau office when ballots are available. **(Note: On Sept 3, at the Public Meeting, Elections Director announces early in-person voting and on Oct. 9th Secretary Boockvar gets extensive press coverage by voting early in-person. Lines begin to form at the Butler County Election Bureau. On October 22, the Department of State issued a press release reviewing how to vote early and in person by mail ballot at county election offices. Lines form in the Butler County Government Center that stretch down the hall and up the stairway nearly two floors.)**

In response to Act 77, the Butler County Board of Elections:

- ordered additional equipment to open mail and straighten folds to prepare ballots for scanning in order to expedite the pre-canvassing process,
- hired 20 full-time temporary staff,
- authorized overtime with many staff working up to 16-hour days,
- established a ballot return station in the Government Center lobby,

- set up a call center to meet the call demands. The County received over 30,000 calls in October and on one day in October, the center took over 2000 calls in a 4-hour period,
- extended the weekday hours and added weekend hours to accommodate voters,
- sent out press releases, did countless media interviews, and ran ads to make voters who had not received their ballots due to mail issues, aware of the many options to return their ballot,
- deployed Sheriff deputies to hand deliver ballots across the County,
- used overnight mail to re-send ballots to those out of county reporting not having received their ballot.

ACT 12 CHALLENGES

Act 12 allowed voters to surrender their mail-in ballots at the polls and vote in-person. If the poll book showed them having already cast a ballot, they had to vote provisionally. This caused major confusion for judges of elections as the guidelines changed between the training and election day and were inconsistent. Therefore, judges were inconsistent in carrying out surrender procedures. It also created the opportunity for duplicate votes as a voter who received multiple ballots due to having a first ballot cancelled and a second reissued, could actually surrender the cancelled ballot at the polls (judges cannot identify a cancelled ballot), vote regularly, then deliver the active ballot to the election bureau where it would be canvassed and the vote logged before the surrendered ballots were returned from the polls, leaving no time to scan and cross check the surrendered ballots.

ELECTION DAY CHALLENGES

The Board of Elections anticipated election day challenges given the heightened attention and potential security issues. As such the Board:

- held advance meetings with the District Attorney, emergency management, the Sheriff and police chiefs to pre-plan responses to any problems at polling places,
- established an emergency operations center in the Commissioner's offices, staffed by Steven Bicehouse, Director of Emergency Management, District Attorney Richard Goldinger, Sheriff Michael Slupe, and the Commissioners as Board of Elections. This team monitored police fusion center reports, took and responded to calls from judges who were unable to get through to elections, trouble shooting issues at polling places.
- had Cranberry Township's professional communications staff person, Tina Fedko, on-site at the County to respond to the media who were both on-site and contacting the election bureau and county for information and updates and provided a separate email and phone by which she could be reached.

Problems encountered on election day:

- The County's new DS-850 high speed scanner that was tested just a few days prior to the election, failed, with ES&S citing a broken clutch as the reason. We were not able to get a replacement machine from Ohio until the next day. Pre-canvassing and scanning continued using only the ES&S DS-450 scanner. Because staff had been working since 6 a.m. and in some cases round the clock for the previous two days, the Board of Elections under guidance from the

solicitor, made the decision to discontinue county at 11 p.m. Tina Fedko, Communications Specialist, released the details of this to the media at 8 p.m.

- Many precincts reported running low or running out of ballots because so many voters who requested mail-in ballots actually went to the polls so ballot supply estimates were proving inaccurate. This meant that additional ballots had to be individually printed at the County and delivered to various polling locations by rovers or others deployed from the emergency operations center.
- One of the rovers for Cranberry Township became ill and had to be sent home prior to the noon-time hour leaving that end of the County with longer response times until others could be deployed.
- Late in the day, the Department of State requested that the Board of Elections consider allowing the political parties to contact their respective voters who had minor ballot defects to their mail-in/absentee ballots to allow them the opportunity to cure them. As the list was considerably long making it impossible to reach **all affected voters**, the collective decision was made not to do it.
- In the early evening, the Governor’s office contacted the Board of Elections demanding that deputies be made available to deliver emergency ballots to voters who may be quarantined due to COVID-19. The Board requested documentation that indicated this was mandated by law and questioned the risk of exposure this would bring to the deputies. The documentation provided from Act 77 indicated that deputies “may” be deployed as opposed to “shall.” This was exercised only if all other options had been exhausted.

PRIORITY RECOMMENDATIONS

While the Commission submitted many recommendations, the following are the most significant.

1. Provide voters with a “Right to Know” guide explaining all four methods of voting in detail: Election Day, Mail-In, Early In-Person, and Provisional along with the potential consequences associated with each method
2. Change the deadline for mail-in and absentee ballots from 7 days prior to the election to at least 14 days prior.
3. Reverse the provision in Act 12 that allows for surrendering mail-in/absentee ballots at the polls. The Commission recommends only the use of provisional ballots if this act is allowed.
4. Format the poll books as was done in the 2020 Primary using grayed out boxes and no signature lines for voters whose ballots had been returned by mail.
5. Complete a more standard and transparent audit using third parties rather than election staff. Audit a select number of precincts, representative of voter demographic profile, from registrations through tabulation.
6. Adopt legislation that governs changes in election procedure and/or code during a state of emergency that requires approval of both executive and legislative branches with well-defined communication guidelines.
7. Develop a statutory disaster and business continuity plan for elections during a public emergency. The plan should be widely shared and implemented.
8. Adopt and audit a security framework and compliance standards for technology.

9. Implement more robust testing of tabulation software in particular as it relates to the use of data USB flash drives, as Butler County officials experienced a tabulation error that could have affected tabulation totals had the reconciliation process not identified the problem prior to certification of results.

BUTLER COUNTY 2020 GENERAL ELECTION DATA

Total Adult Population of Butler County (2020 census estimates)		149,097
Total Registered Voters		143,205
Total Ballots Cast		113,899
Ballots Cast at the Polls		79,183
Total Mail-In Ballots Cast		33,215
(Includes 308 military the 215 late ballots shown below)		
<i>Ballots Received 11/4-11/6</i>	<i>264</i>	
<i>Ballots Disallowed (late postmark/no postmark/naked)</i>	<i>49</i>	
<i>Total Ballots Received 11/4-11/6 Counted</i>	<i>215</i>	
Total Provisional Ballots Returned	1,766	
Provisional Ballots Disallowed	265	
Total Provisional Ballots Counted		1,501

*Note: A total of 3702 ballots were surrendered at the polls and are reflected either in ballots cast at the polls or in the provisional ballots.

COMMISSION RECOMMENDATIONS

APPLICATION PROCESS

The Commission recommends the following to the Butler County Board of Elections:

- Scan and attach applications for mail-in ballots to the voter's record for verification and reference purposes.
- **Provide voters with a "Right to Know" guide explaining all four methods of voting in detail: Election Day, Mail-In, Early In-Person, and Provisional along with the potential consequences associated with each method.**

The Commission recommends the following to Legislative Representatives:

- Change the deadline for application of mail-in and absentee ballots from 7 days prior to an election to at least 14 days to ensure timely ballot delivery, and time for election bureaus to scan and prepare voted mail ballots for tabulation.
- Address the definition, or lack thereof, of a no-excuse mail-in voting vs. absentee voting. This is confusing to voters. Because only absentee voting is defined in the Constitution, they should not be considered the same.
- Clarify the statement on the application for mail-in ballots that indicates that the voter is applying one time per year for ALL elections in that year. Voters did not realize they were consenting to receive a mail-in ballot for both elections in 2020 and caused both significant stress on the system, and human resources, when later demanding proof.
- Restrict the practice of third party use of voter lists for the distribution of mail-in ballot applications. This created heavy additional workload for election staff who received as many as fifteen applications from the same person, all of which must be processed to the point of determining duplication, thus slowing the entire process and confusing voters. Recipients of said applications also mistook them for ballots. They contained political information and used the non-partisan Bureau of Election's return address (and in some cases the name of the Bureau Director), implying that the bureau was endorsing a specific party, political position, or an individual candidate.
- Require court approval for Emergency Absentee Ballot Applications submitted after the mail-in ballot application deadline. The implementation of a new emergency form in the days leading up to the 2020 General Election essentially negated the mail-in application deadline, and in doing so treated voters inequitably and put additional stress on an already overloaded system.
- **Provide voters with a "Right to Know" guide explaining all four methods of voting in detail: Election Day, Mail-In, Early In-Person, and Provisional along with the potential consequences associated with each method.**

OPTIONS FOR RETURNING BALLOTS / CASTING VOTES

The Commission recommends the following to Butler County Board of Elections:

- The Commission supports the County’s decision not to use drop boxes because of statutory requirements that indicate a voter may only return “their own” ballot in order to verify the “one person/one vote” process, and to prevent ballot harvesting.
- Continue the use of a ballot drop-off station in the Government Center lobby and consider the use of staffed Satellite Election Offices in high density areas which provide a more convenient location for returning a ballot.
- Continue the use of Election Bureau extended hours leading up to the election to allow voters more options for returning their ballot.
- Establish a procedure for counting Mail-In ballots received in the Bureau of Elections on election day in order to avoid a duplicate vote by a voter who may have surrendered an “inactive” ballot at the polls and voted regularly.

The Commission recommends the following to Legislative Representatives:

- As noted above, the Commission supports the County’s decision not to use drop boxes because of statutory requirements that indicate a voter may only return “their own” ballot in order to verify the “one person/one vote” process, and to prevent ballot harvesting.
- Print and include a disclaimer on mail-in ballot applications, or on the mail-in ballot envelopes, notifying voters of what the Bureau of Elections CANNOT be responsible for (e.g., lost or stolen ballots).
- The Commission **IS NOT** in favor of surrendering mail-in ballots at polling locations in order to vote in-person on Election Day due to the potential for duplicate votes. The Commission recommends the use of provisional ballots for all voters who surrender mail-in ballots at their designated polling location.
- If the above change is not made, clarify how a Judge of Election should handle an already completed mail-in ballot if surrendered at the polls. According to election code, once a completed ballot is handed to an election official, it is considered a cast ballot.

MAIL-IN TABULATION PROCESS

The Commission recommends the following to the Butler County Board of Elections:

- Make the mail-in vote tabulation process more accessible / visible to the public through use of observation windows and or live video feed.
- Identify clearly on the website whether the posted results are complete and / or certified.

The Commission recommends the following to Legislative Representatives:

- Allow counties to begin pre-canvassing (but not tabulating) mail-in ballots two to three days prior to Election Day to ensure uncertified results can be posted on election night. Clear guidance should be provided based on the experience and best practices from states.

POLL BOOKS

The Commission recommends the following to the Butler County Board of Elections:

- Convene an advisory group to investigate and consider the use of electronic poll books for accuracy, efficiency, and voter verification purposes.
- Sufficient staff must be trained and available to print and proof poll books in the compressed timeframe that ensures that voters who requested and / or returned a mail-in ballot are recorded and easily identified.

The Commission recommends the following to Legislative Representatives:

- Format the poll books as was done in the 2020 Primary. The Department of State changed the formatting of poll books (generated by the SURE system) between the primary and general elections. In the Primary Election, voters were listed in a manner where those who requested mail-in ballots, but had not returned them, had their signature line grayed out. Those who requested and returned mail-in ballots had no signature line at all. In the General Election, mail-in voters were listed separately in the back of the poll book. Further, there were poll book formatting issues resulting in voters names being dropped off the end of pages and not added to the beginning of the next page. Some voters were forced to vote provisionally, or even turned away from polling places, as a result. Judges of Election prefer to see the listing of their precinct voters in order as it allows them to better audit/reconcile their precinct returns, as well as address voters who requested a mail-ballot but then appear at the polls. There were fewer issues in the Primary Election with the identification of mail-in voters than in the General Election.

POST-ELECTION AUDIT

The Commission recommends the following to the Butler County Board of Elections:

- Complete a more standard and transparent audit using third parties rather than election staff to improve voter confidence. Audit a select number of precincts representative of voter demographic profile from registrations through tabulation to allow for identification of irregularities and recommendations for procedural improvements that protects the integrity of the election. This does not preclude participation in Risk Limiting Audits, or the statutory two percent audit, but rather enhances the local audit process.
- Provide an expanded analysis of election results; historical data comparisons; or a Bureau of Elections Annual Report as a tool to improve trust.

The Commission recommends the following to Legislative Representatives:

- Post-election audits as outlined above should be completed prior to the certification of results.

LAST MINUTE CHANGES

The Commission recommends the following to Legislative Representatives:

- Legislation that governs changes in election guidance during a state of emergency that requires approval of both the executive and legislative branches with well-defined communication.

VOTER REGISTRATION

The Commission recommends the following to the Butler County Board of Elections

- Conduct periodic outreach to all Butler County voter registration sites; political parties; schools; and other voter advocacy groups to be sure they are using the most current voter registration forms consistently.
- Provide the judges of elections with their respective voter registration updates and changes at predetermined intervals during the year as a supplementary means to proof for errors.
- Implement staff training requirements (certifications) for registration processing along with periodic third-party audits of registration processing and procedures.
- Make the public aware of the means used to certify a person's identity and citizenship, especially if they are not appearing in person, consistent with the law of the Commonwealth.

The Commission recommends the following to Legislative Representatives:

- Maintain the current deadline for voter registration, 14 calendar days prior to the election.
- The Commission acknowledges challenges with same day registration and voting.
- Develop standards for voter eligibility confirmation guided by county election bureaus using the highest or best standards currently in practice. Registration processing and confirmation appears to be inconsistent from County to County.
- Develop a certification program for elections staff and the use of a third-party audit or accreditation to improve accuracy and integrity.
- The integrity and capacity of the SURE (state unified registry for elections) system was challenged in 2020. Errors generated by programming at the Department of State led to voter confusion and lack of voter confidence and hindered Local Election Bureaus' ability to complete tasks timely and accurately. As the system is replaced, users must be integrally involved in the design and implementation process and there must be multiple levels of checks and balances with each system change and/or update made by DOS before being finalized.

VOTER LIST MAINTENANCE

The Commission recommends the following for the Butler County Board of Elections:

- Assign at least one election clerk to voter list maintenance dedicated to timely updates.
- Prioritize staff training on voter list maintenance preferably provided by a third-party.
- Incorporate segregation of duties with defined security parameters into list maintenance procedures for multi-level checks and balances.
- Make better connections with the Coroner, Register of Wills, Veterans Affairs, etc. to obtain death records for voter roll updates.

- Sort voter lists by address as a means of checking for potential duplicates or mistakes.
- Provide for periodic review of precinct voter registration updates and changes by Judges of Elections, as discussed above, to assist in identifying those who may have moved or died, consistent with the laws of the Commonwealth. Verification by election bureau must follow.

The Commission recommends the following to Legislative Representatives:

- Standardize voter list maintenance procedures across all Counties to eliminate the inconsistencies that currently exist.
- Certify election bureau staff on list maintenance.
- Conduct periodic third-party audits to improve confidence both internally and publicly.
- Seek or standardize better use of the national tool (Electronic Registration Information Center, ERIC) to ensure that voters are not voting in two states.
- The Social Security Administration should notify the Commonwealth of PA of voter deaths on a rolling basis with the Commonwealth providing the rolling updates to County Election Bureaus.
- Maintain the current election code “5-year inactive” process that calls for the removal of a voter from the “active” list if they have not responded or voted in the previous two presidential elections. The voter may still vote at the polls with a signed affidavit.

EQUIPMENT SECURITY

The Commission recommends the following to the Butler County Bureau of Elections:

- Review in detail, during training, the process and procedures for transferring and returning equipment and supplies prior to each election to be sure that procedures for judges, inspectors, and clerks are clear and ballot custody and transfer is as secure as possible.
- Send voter machine passwords to judges in an encrypted method or by phone call. Plain text is a threat.
- Advertise and make widely known the date and time for Logic and Accuracy testing of election equipment so that it may be witnessed by all parties concerned.

The Commission recommends the following to Legislative Representatives:

- Adopt and audit a security framework and compliance standards for technology.
- Improve the transparency of audits and the certification of election equipment process by engaging a statewide committee of data and technology security experts.

BALLOT CHAIN OF CUSTODY

The Commission recommends the following to the Butler County Board of Elections

- Implement a more defined process for tracking paper ballots (number of ballots issued and number of ballots returned). In the Primary Election paper ballots were on numbered tear off sheets. In the General Election they were packaged and sealed in unnumbered lots of 100.

The Commission recommends the following to Legislative Representatives:

- The state’s online voter management system (SURE) must have a more robust and effective ballot tracking feature. There were significant issues with the SURE system related to incorrect

dates being posted that caused confusion for voters and led to mass numbers of phone calls to election staff, which slowed down the entire election process an scanning of mail-in ballots to confirm receipt.

- Conduct a full review of the SURE system’s management, programming, and integrity during the 2020 election.

EDUCATION AND COMMUNICATION

The Commission recommends the following to the Butler County Board of Election:

- Prioritize public education and communication, especially through digital formats, especially as it relates to process, procedures, eligibility to vote, voter rights, etc. in order to improve voter confidence. This could include wide use of on-line videos; advertising; website; voter information seminars or sessions, etc.
- Invest in professional support to develop educational materials if they are not widely available.
- Voters generally DO NOT understand the County’s role is elections. This should be more widely made known by tools/campaigns developed by the County Commissioners Association of PA.
- Invest heavily in the recruitment of poll workers.
- Provide historic and current certified election results with analytics on the website for review in a transparent manner.

JUDGE OF ELECTIONS AND POLL WORKER TRAINING

The Commission recommends the following to the Butler County Board of Election:

- Coordinate with other Counties to develop a more standardized training module and manual for judges of elections and poll workers.
- Improve poll worker training and make it virtually accessible through a secure pathway.
- Invest in reimbursing ALL poll workers for attending training including judges, inspectors, AND clerks. Clerks have not been included in the past.
- Conduct poll watcher training and provide education materials that clearly define the rules and roles for all poll watchers, election staff, judges, poll workers, parties and candidates.
- Apply consistent treatment and enforcement of poll watcher rules.
- Focus training on the provisional ballot use and procedures to ensure consistent treatment of voters. Advocate for the option to assign provisional ballot duties to the inspectors.
- Develop a localized elections emergency/continuity of business plan for disasters or other public health emergencies. In particular, the emergency created challenges in recruitment, retention, and training of poll workers and in confirming polling places which created inconsistency in process and procedure at the polls.

The Commission recommends the following to Legislative Representatives:

- Work with Counties to develop a standardized training module and manual for judges of elections and poll workers.
- Develop a statutory disaster and business continuity plan for elections during a public emergency. The plan should be widely shared and implemented.

ELECTION DAY SUPPORT AND COMMUNICATION

The Commission recommends the following to the County Board of Elections:

- Improve critical election day “real-time” support for judges and poll workers through use of radios, a call center, or other means.
- Add more election day rovers or change deployment strategies to improve response times to equipment failures or supply needs.
- Review and revise the process for determining ballot supplies for precincts, anticipating the surrender of mail-in ballots in higher numbers. Some precincts ran short of ballots due to higher-than-expected numbers of voters surrendering their mail ballots at the polls and voting by paper ballot at the polls. Anticipate these issues in the future in establishing ballot supplies for polls.

IN-PERSON VOTING / POLLING PLACES

The Commission recommends the following to the County Board of Elections:

- Review precincts that have continuous turnout of less than 100 voters for possible consolidation with contiguous precincts to reduce the number of poll workers needed.
- Provide better signage indoors and out at all polling places to identify disability access for entrances and voter assisted machines; improve traffic flow and provide notice of voter rights and poll watcher rules.
- Restore the use of colored cards to identify party during the primary or a similar means to ensure that voters receive an appropriate ballot. The cards were proof that the voter had signed the poll book or checked-in at registration. This process must be given greater attention and definition going forward especially if mail ballots are able to be surrendered at the polls.
- Prepare to respond to re-districting by adapting polling places so as not to have multiple Congressional Districts in the same precinct, consistent with the laws of the Commonwealth.

COMMISSION MEMBERS

Patrick M. Casey

Butler City
Precinct Butler City 4-1 / Republican Attorney practicing Civil, Labor & Employment, Criminal Traffic and DUI; Republican Committeeman; Faculty Member, University of Pittsburgh

Donald Alan Cunningham

Cherry Township
Precinct Cherry Township / Democrat
PA State Inspection Garage Owner/Operator (retired); Auto & Heavy Equipment Mechanic
50+ years; Judge of Elections for 12 Years
"As a third generation Veteran, I feel privileged to serve this Commission."

Dayle Ferguson*

Adams Township
Precinct Adams Township 1 / Republican Committeewoman; Republican Women of Butler County; Tabulations Board; Mars Area School Board; Professional Services Marketing/Operations
"Prioritize election integrity over voter convenience. Need voter ID."

Patrick LeMay

Butler Township
Precinct Butler Township 5 / Democrat
Project Manager for Construction of Large Multi-Family Developments; 16 Years as Judge of Elections or Inspector, ran multiple campaigns.

Mark Mann

Center Township
Precinct Center Township 2/Democrat
Journalist, Public Affairs
Past Judge of Elections and 50 year voter

Carol S. Mills McCarthy

Jefferson Township, Jefferson Center
Precinct Jefferson Township 1 / Democrat
Attorney practicing family law; Co-Counsel for Butler County Democratic Party

Erma Mowry

Penn Township
Precinct Penn Township East / Republican
Former Supervisor, Dept. of Commerce Census Bureau; Former President, South Butler School Board; Former Trustee, BC3; Former Commissioner, Housing and Redevelopment Authority of Butler County; Judge of Elections, also served as Inspector, Clerk, Watcher, and Committee Woman

"Act 77 is severely flawed. Voter ID is necessary."

Edward R. Natali

Butler Township
Precinct Butler Township 1-2 / Republican
Electrical Engineer / Project Manager in the Steel Industry; Former Chairman of the Butler County Republican Committee; Former Majority Inspector and Judge of Elections.

"With rights comes responsibility. We need voter ID now!"

Renea Pomeroy*

Mars Borough
Precinct Mars Borough / Republican
Tax Collector; Self Employed; Judge of Elections for 2020 Primary & General Election. ***"Mail-in ballots create risk of uncounted, lost, or stolen votes."***

Sharon Russell

Cranberry Township
Precinct Cranberry West 3 / Republican
Advertising and Marketing; Judge of Elections for 8 years, Poll worker for 5 years prior ***"Ballot surrendering at polls is not secure; doesn't protect voters."***

Tony Stagno

Butler Township
Precinct Butler Township 1-1 / Democrat
Retired Teacher; Active in Democratic
Committee; Conducted Elections in College and
through PSEA

Jason Yasment

Mercer Township
Precinct Mercer Township / Republican Party
Cyber Security Architect, 25-year voter

Commissioner Leslie A. Osche

Butler Township
Precinct Butler Township 4 / Republican
Journalism / Communications, Non-Profit
Management; Board of Elections

Commissioner Kimberly D. Geyer

Adams Township
Adams Township 3/Republican
Government Research & Retrieval Service;
Former Chairman, Mars School Board;
Board of Elections
***“Voter inequity via Act 77 legislation. Voters
know your pathway.”***

Commissioner Kevin E. Boozel, MS

Mercer Township
Mercer Township / Democrat
Organizational Leadership; Education; Non-
Profit-Human Services Management; Board of
Elections
***“The people’s government is because they did
or didn’t vote”.***

*** Dissents from overall content and
recommendations of the ERC report.**

APPENDIX: ELECTION TIMELINE

PRIMARY ELECTION

March 2020

March 6 – Emergency Declaration & COVID-19 Directives

Governor Wolf issues by executive order an COVID-19 Emergency Declaration. Daily COVID-19 announcements/directives from PA Department of Health begin, including stay-at-home recommendations affecting schools and businesses.

March 17 – Special Election for State Legislative District 8

Butler County Election Bureau holds special election to replace State Representative Ted Nesbitt. Tim Bonner defeats Phil Heasley. Act 77 did not apply to this special election.

March 23 – Election Bureau Furloughs

Election Bureau Director Shari Brewer furloughs all staff due to COVID-19 restrictions.

March 27 – Primary Election Postponed, Rescheduled

Governor Wolf signs Senate Bill 422, postponing Pennsylvania’s primary election from April 28 to June 2 due to the COVID-19 emergency.

April 2020

April 14 – Precinct Venues, Poll Workers Uncertainty

Election Bureau Director Shari Brewer communicates to Butler County leadership uncertainty regarding availability of precinct venues and poll workers due to COVID-19 restrictions.

Precinct Sites -

- 51 of 89 precinct venues confirm availability (57%)
- 16 of 89 precinct venues cite uncertainty of availability (18%)
- 1 of 89 precinct venues decline availability (1%)
- 21 of 89 precinct venues do not respond to inquiry (24%)

Poll Workers –

- 50 of 89 judges of elections confirm adequate staffing (56%)
- 2 of 89 judges of election cited inadequate staffing (2%)
- 4 of 89 judges of elections are uncertain of staffing commitments (5%)
- 33 of 89 judges of elections do not communicate their own or their precinct staff’s willingness to participate (37%)

April 22 – Pennsylvania on Lockdown

Governor Wolf locks down the Commonwealth except for life-sustaining businesses. Stay-at-home orders are issued, including the closing of schools and childcare facilities.

April 22 – Election Bureau Director Resigns

Shari Brewer resigns. Two tenured Election Bureau staffers are deputized to lead the Bureau and share its responsibilities, just over a month before a presidential primary election. The permanent director position is to be posted after the primary election.

April 28 – PADOS Guidance Begins

The PA Dept. of State (PADOS) begins to communicate to all PA counties guidance related to COVID-19 and primary election processes and procedures.

May 2020

May 1 – Albert Sensors Pilot Declined

All PA counties are invited by the PADOS to participate in the Albert sensors program, an intruder detection system, that would promote multi-state information sharing and analytics about hacking attempts. Butler County declined participation in the pilot program, relying instead on recent investments in technology security enhancements. PADOS repeated its invitation in the fall.

May 7 – Stay-at-Home Order Extended

Governor Wolf extends stay-at-home order until June 4, two days after the June 2 primary election. This extension challenges county commissioner's poll worker recruitment efforts.

May 12 to May 14 – Poll Worker Training

Election Bureau offered four training sessions each day at venues where proper safety precautions were possible and enforced. Training content to capture the enormous volume of legal and procedural changes from the PADOS.

May 20 – Primary Election Prep

Feverish effort to fully house, equip, train and staff 89 Butler County precincts. Preparations include securing alternate venues and supplying PPE due to COVID-19 concerns. Butler County proactively purchased PPE/hand sanitizer/plexiglass for all precincts. Despite promises from the state to supply, deliveries were late.

Mid-May – Drop Boxes Declined

PADOS guidance allows counties to provide drop boxes and drop locations for mail-in ballots. Butler County declines due to security issues, including local protests related to the George Floyd event in Minnesota.

May 29 – ADA-Compliant Mail-In Ballots

PADOS requires all counties to arrange for ADA-compliant accessible mail-in ballots and to modify mail-in ballot privacy envelope procedures. Now, just days before the primary election, time is short to inform and retrain precinct teams on the details of these and other new expectations.

May 29 – No Voter ID Required for Ballot Drop Off

PADOS informs all counties that voter identification was not required at mail-in ballot drop boxes. While there were no drop boxes in Butler County, the Election Bureau ceases to require voter identification for ballots submitted to the Bureau office.

June 2020

June 1 – Deadline for Mail-In Ballots Extended

Just twelve hours before the June 2 presidential primary election, Governor Wolf issues an executive order to extend the deadline for receiving mail-in ballots. Now, mail-in ballots are to be postmarked by June 2 though they may be received through June 9 in some, but not all, counties. He also orders the placement of additional drop boxes in just six of 67 counties.

GENERAL ELECTION

June 2020

June 3 – First Renewal of Emergency Declaration (90 Days)

June 5 – Butler County to Yellow COVID-19 Status

June 10 – PA General Assembly Resolution

PA General Assembly passes a concurrent resolution directing the Governor to end the statewide Emergency Declaration. In response, the Governor ignores the request, citing the necessity for his approval of legislative concurrent resolutions. No additional action was taken.

Mid-June – Counties Move to Green Phase

Many counties, including Butler, qualify for Green status, as the number of reported COVID19 cases decline. The Governor announces state grants for businesses to help offset COVID-19 losses. Also, the School Safety & Security Committee requires commitments from public school to adhere to COVID-19 protocols to continue to provide in-school instruction and continue extra-curriculars and athletics.

July 2020

July 1 – Masks Mandated

Governor Wolf mandates the wearing of masks at all times.

Mid-July – Governor’s Executive Orders

Governor Wolf signs executive orders that prevent renter evictions or mortgage foreclosures, that require state agencies to continue administrative proceedings/hearings remotely, and that provide federal CARES funding relief to counties compliant with Red/Yellow/Green phase status. Lebanon County’s share was withheld because it opened earlier than permitted.

July 16 – Election Bureau Hire

Aaron Sheasley is hired as Butler County Election Bureau Director.

July 31 – Prepaid Postage on Mail-In Ballots

PADOS announces that CARES funding will pay for prepaid postage on all mail-in ballots. Notably, envelopes with pre-paid postage are not automatically postmarked, which impacts the verification of mail-in ballot deadlines.

August 2020

August 27 – Funding for Election Systems

PADOS affirms second round of federal funding for election system equipment through \$90 million bond amortization via Act 77 reimbursements.

August 31 – Second Renewal of Emergency Declaration

Governor Wolf signs a second renewal of his 90-day disaster for the Covid-19 pandemic that would extend beyond the November 3, 2020 election.

September 2020

September 2 – Center for Tech & Civic Life Grant and Election Innovation & Research Grant Declined

All counties are informed by PADOS that a private COVID-19 response grant is expanded to all local election jurisdictions in US to support staffing, training, and equipment for upcoming election. The grant expansion is funded by a \$250 million Mark Zuckerberg donation. Zuckerberg's wife Pricilla Chan also made a \$50 million contribution through the Center for Election Innovation & Research grant. Butler County declines these funds to protect the integrity of the election by rejecting influence from a private/public entity.

September 4 – Barbara Smotherman Assigned

Butler County Election Bureau Director informs county leadership that Barbara Smotherman is assigned to Butler County as the state election liaison. Deputy Smotherman is the Deputy Chief of Staff to PADOS Secretary Kathy Boockvar.

September 11 – Mail-In Ballots Envelopes

PADOS issues guidance regarding return envelopes and signatures (no signatures) for mail-in ballots.

September 14 – Signature Verification

PA Supreme Court rules that signature verification – comparing signature on the ballot to voter's signature on file – is irrelevant.

September 16 – PA Attorney General Reverses Judicial Decision

PA Attorney General issues a stay on the federal court's decision, essentially supporting Governor Wolf's business closure position.

September 17 – PA Supreme Court Decisions (PA Democratic Party v Boockvar; Crossey v Boockvar)

PA Supreme Court announces the following decisions:

- Mail-in ballots without secrecy envelopes (naked ballots) cannot be counted in general election.
- Election Code permits hand-delivered mail-in ballots to be accepted at other locations (including drop boxes) than the county’s Election Bureau’s office.
- Adopts a three-day extension of mail-in ballots to be tabulated if postmarked by 8pm on Election Day. Upheld in Crossey case.
- Holds that voters are not entitled to notice or opportunity to cure minor ballot defects per mail-in ballot requirements. Note that the PADOS sought this option for counties that reported receipt of naked ballots.
- Holds that a mail-in ballot voter’s failure to properly use the secrecy envelope renders the ballot invalid.
- Finds that the poll watcher residency requirement does not violate the state or US Constitutions.
- Dismisses the request that prepaid postage be provided for and on mail-in and absentee ballots.
- Denies the request that voters be permitted to obtain third-party assistance in return of mail-in ballots.
- Green Party’s candidate did not follow procedures to appear on November 2020 ballot. DOS certifies ballot.

Note: Until the PA Supreme Court’s decision, no county was able to produce ballots, as its legal certification was pending. Election Bureaus now scramble to print, receive, and process thousands of mail-in ballots.

September 24 – Switzerland Inquiry

A voter with dual citizenship in Switzerland and Butler County, affiliated with a group called PA Abroad, reports that she did not receive her emailed ballot. The investigation discovers a “glitch” in the state SURE system related to delivery of secured emails. The voter claimed that only similarly situated voters in Butler and Cumberland Counties did not receive their ballots. In time, the voter received her ballot, though her vocal concerns triggered others to question the status of their mail-in ballots.

September 28 – Mail-In Ballots Mailed

Butler County begins to fulfill mail-in ballot requests. The staff works seven days a week to process the mail-in requests while simultaneously continuing to accept mail-in ballot applications and voter registrations. Butler County hired temporary staff and extended service hours to keep up with the workload, changes, and timelines.

October 2020

October 1 & 8 – Governor Wolf Amends and Reamends Mitigation Orders

October 8 – SURE System Status Error

An error, originating from the antiquated SURE System, indicates that some voters’ mail-in ballots were sent in early September, dates prior to the legal certification and production of any ballots. This same error occurred in the Primary Election too. The Butler County call center received a high volume of calls from concerned voters as a result. The Election Bureau Director communicated a number of SURE System glitches to county leadership.

October 13 – Columbus Day Weekend Mail Drop Prep

Butler County mailed more than 10,000 mail-in ballots over the long holiday weekend. Another 7,000 were mailed out the following week.

October 13 – Albert Sensors Pilot – Second Invitation to Pilot

The Governor’s Southwest Regional Director strongly encourages Butler County to participate in the Albert Sensors pilot program. Again, Butler County declines.

October 19 – Call Volume Escalates

Call volume significantly increases to the Butler County Election Bureau. The public is concerned that mail-in ballots are not received yet. Election Bureau staff shares the delay in ballot certification, which caused the delay in distribution.

October 19 – SURE System Issue with Permanent Mail-In Voters

Another SURE System issue is identified. There is no way to know how many voters were affected. It was discovered that a permanent mail-in voter did not have a general election mail-in ballot application, thus did not receive a mail-in ballot. It was later understood that the voter’s record was created after the mail-in applications were processed.

October 22 and beyond – Call Center Established

Butler County hires six additional temporary workers and creates a dedicated call center to field the ten thousand incoming phone calls over the weeks leading up to the election. The call center primarily responded to concerned voters who did not receive mail-in ballots. Working 18-hours per day, the team worked to ensure every citizen would be able to vote.

Remediations included:

- Canceling the first mail-in ballot and sending a new one
- Using overnight delivery of mail-in ballots to out-of-state voters
- Personal deliveries by sheriff deputies disabled and shut-in voters.
- Invited voters to come directly to the Election Bureau office to cast a mail-in ballot in person. To accommodate the “counter voters,” office hours were extended into the evenings and weekends.
- Going to the polls to vote provisionally.

October 23 – Safety Plan

Butler County Commissioners meet with the Sheriff, District Attorney, and Emergency Services Director to finalize security plan and review the safety plan.

October 23 – ACLU Cease & Desist Order

Butler County is served with a cease-and-desist order from the ACLU. Butler County Election Bureau staff were requiring voter ID to hand deliver a mail-in ballot at the office counter.

October 23 – PA Supreme Court Decisions

PA Supreme Court rules that a voter's absentee or mail-in ballot cannot be rejected based solely on a comparison of the signature on the ballot with the voter's signature on his/her registration form. Also, President Trump/RNC's challenge of the interpretation of the election code was rejected.

October 26 – PADOS Receives Complaints

PADOS reports complaints to Butler County and York County regarding mail-in ballot delays. Used as an example, PADOS shared that Governor Wolf's and his wife's ballots were received a week apart via the York County mail system. Within the hour of that phone call, the Western PA USPS manager called to discuss the issue and an investigation begins.

Late October – Notables

High volume of requests for mail-in ballots continues to be received, though many of them are duplicate requests due to third-party mailers to county residents. The delay in receipt of requested mail-in ballots contributed to the duplicate requests as well. Staff time and attention are consumed to navigate these issues and to verify that the proper precinct ballot is going to the voter. Additional temporary staff is hired to support this process.

Butler County Commissioners are informed of Butler County ballots lost in the mail due to USPS carrier trucks being misrouted to wrong locations and sorting facility issues in Pittsburgh. These issues were investigated by both the State Attorney General's office and U.S. Postal Inspectors. The USPS did ultimately accept responsibility for the issue, but not until after the election. Once this incident was reported, ballots were kept at the Butler Post Office and not routed to Pittsburgh for sorting and processing.

A package from Tehran, Iran, arrives at the Election Bureau addressed to the Election Bureau. Law enforcement bomb squad and FBI are called in to investigate the package and determines it to be filled with gift items.

October 26 – Voter Intimidation Guidelines Received from Governor Wolf's Office

October 26 – Butler County Receives Harassing Phone Calls Butler County receives hundreds of intimidating phone calls demanding that "all votes count." Calls were tracked to call centers in Pittsburgh and northeastern PA. A campaign led by PA Progress, Ben Forstate, and others used social media to encourage a flood of calls to publicly named elected officials, county solicitor, and office staff. Those groups promoted a "take no prisoners" approach to the tone and messaging. There is no recourse for distributing misinformation.

October 28 – Another PA Supreme Court Decision

PA Supreme Court rules that the timeframe for submitting ballots is extended to three days after the election, provided there is a postmark. Additionally, if any mail-in ballot arrives post-election without a postmark, it should be assumed that ballot was cast on time.

October 28 & 30, November 1 – PADOS Directives

PADOS communicates and/or clarifies guidance related to:

- Examination of Absentee and Mail-In Envelopes and ID Verification for Ballot Requests
- Voter ID Not Required for Verification for mail-in ballots delivered to polling sites and drop boxes.
- Voter ID Requirements
- PA Election Day Communication
- Important Election Day Reminders
- Canvassing and Segregating Ballots Received Post Election Day

November 2020

November 2 -- Butler County Hosts Poll Worker Training

November 2 – Mock Election Results

PADOS requests mock election results be imported as a test. Butler County declines.

General Election Day, November 3 – PADOS Issues Guidance Regarding Voters in Quarantine

November 3 – PADOS Questions Naked Ballot Remedy

PADOS asks if Butler County wishes to work with political party leaderships to contact same party voters who submitted naked ballots, which are to be disqualified, to correct the errors. Pennsylvania is the only state to disqualify mail-in ballots without secrecy envelopes, giving voters no recourse to fix the mistake. Some PA counties agreed, and others did not. It was not consistent statewide. Butler County did not implement this course of action by a majority vote.

November 3 – ES&S High Speed Scanner Breaks Down

Butler County's brand new 850 ES&S High-Speed Scanner breaks down and cannot be repaired by a state certified technician that day. This \$100,000 capital investment was used once before, during the 2020 primary election in June. The smaller, slower scanners were employed instead.

November 3 – PADOS Seeks Early Results

PADOS called throughout the day seeking early election result snapshots and voter turnout information. Butler County declines to share early data, though informs PADOS of the scanner malfunction.

November 3 – Precincts Need More Ballots

Butler County is informed that many voting precincts were out of ballots, as many voters came to surrender mail-in ballots. Materials were provided to precincts by designated election bureau rovers throughout voting day. The Board of County Commissioners also known as the County Board of Elections made the decision to stop counting at midnight due to both a broken scanner and a tired staff who had an 18 hour day, in order to avoid mistakes and inaccuracies. Election staff returned six hours later at 6am the following morning to complete counting.

POST-ELECTION DAY

November 4 – Why Did Butler County Stop Counting?

Angry voters call and demand to know why vote tabulation stopped on election night. Threats to call the ACLU and police were made.

November 4 & 5 – Segregate Post-Election Day Ballots

Butler County announces that mail-in ballots received after Election Day would be segregated until further guidance is received from PADOS. That guidance was promised earlier but not received. PADOS guidance was received the next day. The segregated ballots required ID verification.

November 5 – PA Commonwealth Court Order Regarding Provisional Ballots

PA Commonwealth Court orders that all provisional ballots cast on Election Day by voters who also submitted a mail-in ballot be segregated.

November 6 – Justice Alito Makes Order US Supreme Court Justice Alito issues an order that any mail-in ballots received after 8pm on Election Day be segregated and secured. Opposing arguments due the next day.

GLOSSARY OF TERMS

State Associations

In this report the term “State Associations” is used to refer to a group of people officially charged with a particular function.

Judge of Election

In this report “Judge of Election” is used to describe an official who oversees voting at local precincts and are primarily responsible for ensuring that everyone who is eligible to vote at a polling station is able to do so.

Early In-Person Voting

In this report “Early In-Person Voting” is “As soon as ballots are ready, you can request, receive, vote and cast your mail-in or absentee ballot all in one visit to your county election board or other designated location.” Source: www.votespa.com/Voting-in-PA/Pages/Early-Voting

Voting Precinct

In this report this term is used defined as “One of several districts into which a city or town is divided for voting; each contains one polling place.”

Source: www.thefreedictionary.com/voting+precinct

Poll Watcher

In this report the term “Poll Watcher” is defined as “A person assigned (as by a political party or candidate) to observe activities at a polling place to guard against illegal voting, fraudulent counting of ballots, and other violations of election laws”.

Source: www.merriam-webster.com/dictionary/pollwatcher

Provisional Ballot

In this report, the term “Provisional Ballot” is understood to be used to record a vote when there are questions about a given voter’s eligibility that must be resolved before the vote can count.

Standardized Training Module

In this report, the above term refers to an established standard of a specific training program created and designed to be an element of a training or form of education required to perform a specific role. Source: www.dictionary.com

Statutory Disaster and Business Continuity Plan

In this report the above term broken down means a business continuity plan limits operational downtime, whereas an effective disaster recovery plan limits abnormal or inefficient system function. By combining the two plans, the County can comprehensively prepare for elections during a public emergency. Source: www.ucf.edu/online

Election Day Rovers

In this report the term “Election Day Rovers” refers to election day workers appointed to provide support at various polling places throughout the day.

Re-Districting

The term “re-districting” is used in this report to refer to the process of revising or giving new boundaries to administrative or election districts. Source: www.thefreedictionary.com

S.W.O.T. Analysis

In this report, S.W.O.T. is defined as: S=Strength, W=Weaknesses, O=Opportunities and T=Threats. This process was used to summarize the current state of our Elections Department by helping to devise a plan for the future, one that employs existing strengths, redresses existing weaknesses, exploits, opportunities and defends against threats.

Source: mcafee.cc/classes/bem116/pdf/swot.pdf

Voter List Maintenance

In this report the above term refers to maintaining an accurate and updated list of any changes a voter may have made to their voter registration information.

Mail-In Tabulation Process

Mail-in ballots were counted on election day (also known as canvassing). Outside envelope is opened and saved by canvasser; privacy envelope is opened by a separate canvasser; ballot is removed from envelope and folds are straightened to prepare for scanning. Finally ballot is scanned as part of a batch and tabulated by the scanner. Tabulation results are stored on the machine then loaded into the tabulation software. All outside envelopes and ballots are filed and stored should they be needed for a hand recount or other challenge.

Blue Ribbon Commission

In this report, “Blue Ribbon Commission” refers to an independent and exclusive commission of nonpartisan statesmen and experts formed to investigate some important governmental issue – i.e. voter-verifiable paper ballot election systems.

Source: www.vocabulary.com/dictionary/blueribboncommission.

Poll Book

In this report, the term “Poll Book” is defined as an official register of persons entitled to vote at an election.

Pre-Canvassing

In this report, the term “Pre-Canvassing” is defined as the process of removing mail-in ballots from envelopes, checking them for eligibility, sorting them by voting district and preparing them to be scanned.

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