

Delaware County Board of Elections

Election Process Overview

October 23, 2020

INTRODUCTION

This document provides an overview of the 2020 election process in Delaware County. The election in Delaware County will take place in accordance with the procedures set forth in the Pennsylvania Election Code under the direction and supervision of the Delaware County Board of Elections, as carried out by Board of Elections staff and other County Employees and vendors working in conjunction with the Board.

NEW THINGS TO EXPECT

There have been several recent changes to the election process, including new voting equipment (mandated by state law), several significant revisions to the Pennsylvania Election Code, and public safety procedures necessitated by the ongoing COVID-19 pandemic.

* **NEW VOTING EQUIPMENT:** in order to comply with state law, which now prohibits the use of voting equipment that does not generate a paper backup of each vote cast, Delaware County was required to replace its old voting machines. In their place, Delaware County will be using paper ballots. At the polling place on Election Day, voters will hand-mark their ballots (or electronically complete them using a machine called a ballot marking device designed to assist disabled voters). Voters will then feed their paper completed ballot into a scanner at the polling place that will read the ballot to capture the votes.

The polling place scanners are set to alert the voter if they have voted for too many candidates in a race (an “overvote”) or didn’t vote at all for a race (an “undervote”). The voter will have the option of correcting the overvote (by requesting a replacement ballot) or the undervote (by going back to the privacy table and completing the ballot) or of submitting their ballot as-is.

After passing through the scanner each ballot drops into a secure ballot box. At the conclusion of the day, the memory card from each scanner, together with the physical ballots from each ballot box, are returned by the Judge of Elections for each precinct (or the person designated by the Judge of Elections) to the Board of Elections. This same return process has been used for many years for the tapes from the old voting machines that contained the voting results from each machine. The only differences are: (1) that the information is now on a memory card rather than an analog tape, and (2) there are now paper ballots that are returned along with the memory card.

Votes are counted by Board staff using information downloaded from the memory cards. The paper ballots can be used to confirm the results from the memory cards if issues or problems arise.

* ELECTION CODE CHANGES: In the fall of 2019, the Pennsylvania state legislature passed, and the Governor signed into law, the most significant revisions to the Pennsylvania Election Code in many decades. Notable changes from this law including the elimination of “one button” or “one bubble” straight ticket voting (meaning the voter must fill in the bubble for each individual candidate they want to vote for), and the creation of no-excuse mail-in voting. The process for applying for and voting a mail-in ballot is identical to the process for applying for and voting an absentee ballot, other than that a voter does not need a special excuse to be able to receive a mail-in ballot, whereas a voter who wants to receive an absentee ballot must claim one of a limited list of justifications in order to qualify. Absentee ballots have been in use in Pennsylvania for many decades.

Voters who apply for and receive a mail-in or absentee ballot must return that ballot to the Board by the statutory deadline, which is 8 pm on Election Day; however, the Pennsylvania Supreme Court has ruled that mail-in and absentee ballots returned by mail and received by the Board by 5 pm on the Friday after Election Day are deemed to have been timely returned. This ruling is on appeal (for a second time) to the United States Supreme Court.

Board staff receive those returned ballots, secure them under lock and key until Election Day morning, review them beginning at 7:00 am on Election Day in the presence of authorized observers from the political parties and candidates, determine which ballots meet the statutory requirements, open those ballots, and then scan those ballots using scanners similar to those used in the polling places. The mail-in and absentee ballots scanned during Election Day (this process is called the “pre-canvass”) will be tallied after the polls close. The process of reviewing, assessing,

scanning, and tallying mail-in and absentee ballots (known as the “canvass”) will continue after the polls close on Election Day until the process is complete. The new code provisions regarding mail-in ballots do not permit the Board to begin counting mail-in or absentee ballots before Election Day.

* COVID-19 Changes: due to the pandemic, a number of polling places across the county have had to be moved to new locations because the prior location was unable or unwilling to continue to host a polling place. Voters in precincts where the polling place has been moved have been notified of the polling place location changes. All polling place locations for the 2020 General Election are posted on the Board of Elections website.

In addition, safety precautions are being taken at all polling places in the county in order to help prevent the transmission of the COVID-19 virus and to protect voters, poll workers, poll watchers, and others at the polling places.

BALLOT SECURITY

The Board is following all requirements of the Pennsylvania Election Code regarding ballot security.

Election Day ballots will be secured and handled as described above.

Mail-in and absentee ballots returned by mail to the Board of Elections will be date stamped on the outside return envelope and logged in by the Board upon receipt and placed, unopened, under lock and key in a secure room in a building guarded by various layers of security and surveillance until they are ready to be opened and counted starting on Election Day.

Mail-in and absentee ballots returned to an official Board of Elections ballot drop box are collected daily by two person teams of Board staff and delivered to the Board where they are placed, unopened, under lock and key in a secure room in a building guarded by various layers of security and surveillance until they are ready to be opened and counted starting on Election Day. A written paper trail reflecting the collection and delivery of the ballots collected each day from each drop box is created to ensure that all such ballots can be accounted for and tracked.

Mail-in and absentee ballots returned to an official Board of Elections Voter Service Center are collected daily by Board staff and placed, unopened, under lock and key in a secure room in a building guarded by various layers of security and surveillance until they are ready to be opened and counted starting on Election Day. A written paper

trail reflecting the collection and delivery of the ballots collected each day at each Voter Service Center is created to ensure that all such ballots can be accounted for and tracked.

ELECTION FRAUD

Some people have expressed concerns about potential election fraud, particularly regarding the new mail-in ballot voting option. Election fraud, including mail-in and absentee ballot fraud, is exceedingly rare. Nevertheless, extensive measures have been built into the process in order to guard against such fraud. In most if not all instances, the concerns about fraud involving mail-in and absentee are the result of a lack of understanding of the process and appreciation of the fraud prevention safeguards in place.

As noted above, mail-in ballots work the same way that absentee ballots work, and absentee have been used in Pennsylvania for decades without significant incidents.

Each mail-in and absentee ballot has a unique bar code. If someone were to try to copy a mail-in or absentee ballot and fill out multiple copies in an effort to vote multiple times, that would be revealed by the bar code. Only the first ballot scanned in with that bar code would be counted. The others would be rejected by the system.

In addition, in order to vote multiple ballots a person would have to also have multiple security envelopes and return ballot envelopes. The return ballot envelopes also have unique bar codes that would prevent the successful submission of a photocopy of a return ballot envelope. The system would flag duplicate return ballot envelopes based on the fact that the copy (or copies) would have an identical bar code to the original.

The system also has safeguards to prevent a person from being able to vote twice: once by mail and a second time in person. The Election Day poll book at each polling place will identify every voter in that precinct who has been sent a mail-in or absentee ballot. The poll book explicitly instructs the local election board workers that such voters may only cast a provisional ballot. Provisional ballots are not reviewed until after all mail-in and absentee ballots are scanned in. Where someone has voted by mail-in or absentee ballot, if that person also votes a provisional ballot the system will not permit the person's provisional ballot to be counted.

REPORTING RESULTS

As explained above, the process of reviewing, opening, and counting mail-in and absentee ballots (which is called the "pre-canvass" and, once the polls close on

Election Day, the “canvass”) will begin on Election Day morning; it may not start before that under the law. Although mail-in and absentee ballots will be opened and scanned during Election Day, the results of the scanned ballots are not permitted to be tallied until after the polls close at 8:00 pm on Election Day. Once the polls close the mail-in and absentee ballots are permitted to be tallied in real time as they are scanned in and the scanners count the votes on those ballots.

As explained above, votes cast at the polling places on Election Day are captured on memory cards in the polling place scanners (as well as on the paper ballots that are scanned into the polling place scanners). Those memory cards from the polling place scanners are removed by the local election boards after the polls close at 8 pm on Election Day and they are returned to the Board that evening. The information from those memory cards is then downloaded into the system by Board of Elections staff under observation from the political parties and candidates.

Once a critical mass of ballots/memory cards have been counted, the Board will begin to report *unofficial* results on its website and will update those results periodically as additional ballots and memory cards are counted. Although the exact time that the initial unofficial results will begin to be reported cannot be known with certainty due to variables beyond the Board’s control, at this point in time Board staff is projecting that the first unofficial results will likely be reported at some point prior to 11 pm on Election Day.

As has always been the case, the Board will not have official results from the election for several days. This is because, even after all of the ballots cast on or before Election Day have been counted, a number of additional ballots will still need to be counted, including (i) ballots returned by overseas and uniformed military voters, which may be counted so long as they are received by the statutory deadline, which is several days after Election Day, (ii) mail-in and absentee ballots returned to the Board by mail and received by 5:00 pm on the Friday after Election Day, and (iii) provisional ballots cast on Election Day that are determined by the Board to be valid, which determination will not be made until several days after Election Day.