

EXHIBIT 7

IN THE SUPREME COURT OF PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY,
et al.,

Petitioners,

v.

KATHY BOOCKVAR, et al.,

Respondents.

No. 133 MM 2020

AFFIDAVIT OF AMBER MCREYNOLDS

September 8, 2010

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I. INTRODUCTION AND QUALIFICATIONS

1. I am the Chief Executive Officer for the National Vote at Home Institute (NVAHI), a nonprofit, nonpartisan organization dedicated to making sure every American can vote in secure, safe, accessible, and equitable elections by expanding vote-at-home systems in all 50 states. NVAHI works with election officials around the country in optimizing their administration processes and governing laws for both mail ballot and in-person voting methods. NVAHI works to remove legislative and administrative barriers to vote-at-home systems and educate the public on the benefits of voting at home while still preserving the ability to vote in person for those who may want or need it.

2. I have more than 13 years of experience in administering elections. Between 2011 and August 15, 2018, I was the Elections Director for the City and County of Denver Colorado. Between 2008 and 2011, I was the Deputy Director of Elections for the City and County of Denver. Between 2005 and 2008, I served as an Operations Manager/Coordinator for the City and County of Denver. Denver has approximately 500,000 registered voters and conducts between 2 and 4 elections each year. Those elections include municipal general and municipal run-off, school board, special district, primary, general, and presidential elections. The State of Colorado conducts all federal and state elections by mail ballot.

3. During my tenure, the Denver Elections Division earned national awards from the Election Center and the National Association of Counties for Ballot TRACE (a first-in-the-nation ballot tracking, reporting, and communication engine), iAPP (iPad Accessibility Pilot Project), and eSign (a first-in-the-nation Digital Petition and Voter Registration Drive Application). Additionally, Denver Elections was also recognized with two International Electoral Awards by the International Centre for Parliamentary Studies for technology and innovation for both Ballot TRACE and eSign.

4. In 2013, the Colorado legislature passed a bill to mandate proactively sending mail ballots to all active registered voters before each election while preserving in-person voting options at vote centers for voters for wish to vote in-person. This system replaced a traditional system of voting paper ballots in the neighborhood precincts counted by precinct optical scanners or central count optical scanners, depending on the county. Denver has become a national leader in election management and innovation and officials from around the country and the world regularly visit to learn best practices.

5. I currently serve on the National Task Force for Elections Crises, Advisory Committee for the Massachusetts Institute of Technology (MIT) Election and Data Science Lab, Secure the Vote Advisory Board, Circle of Advisors for the Democracy Fund's Election Validation Project, Michigan Election Modernization Advisory Committee, and various statewide and national committees and working groups.

6. I have served as an expert witness on the administration of elections, assisted with legislative and policy development, and have been invited to participate with various national and state professional organizations to identify and implement best practices in election administration. I recently gave testimony in support of Kansas's SB 412, which would add a permanent absentee ballot choice for Kansas voters, testimony for the New York Senate and NYS Assembly Committees on Elections and Local Governments, for the House of Representatives Subcommittee on Cybersecurity, Infrastructure Protection, & Innovation, for the House of Representatives Committee on House Administration regarding voting safely in a pandemic (on August 29, 2020), and in support of legislation for various states in the past few years.

7. I have a Masters of Science in Comparative Politics from the London School of Economics & Political Science (2002) and a Bachelor of Arts in Political Science and Speech Communications from the University of Illinois (2001).

8. I also hold the following professional certifications, memberships, and affiliations:

- Certified Elections/Registration Administrator (CERA) from the Election Center (2010–Present)
- Certified Colorado Election Official (2007–2018)
- Advisory Committee, MIT Election Data and Science Lab
- The Election Center (National Association of Election Officials)
- Circle of Advisors, Democracy Fund, Election Validation Project
- Leadership Denver 2016-2017, Denver Leadership Foundation
- Women’s Foundation of Colorado
- Women’s Chamber of Commerce, Denver, Colorado
- Represent Women Board of Directors
- City Year Denver Board of Directors
- Alumni and Friends of the London School of Economics USA
- University of Illinois Alumni Association

9. Since the fall of 2018, in my capacity as CEO of NVAHI, I have been advising state and local election officials, including in Pennsylvania, regarding best practices for vote by mail programs.

10. A copy of my curriculum vitae is attached to this report as Appendix A.

II. ASSIGNMENT

11. I have been retained by counsel for amici curiae the League of Women Voters of Pennsylvania, Common Cause Pennsylvania, the Black Political Empowerment Project, Make the Road, PA, and individual voters Patricia M. DeMarco, Danielle Graham Robinson, and Kathleen Wise (collectively, “amici”) to provide expert testimony in the matter of *Pennsylvania Democratic Party v. Boockvar*, pending in the Pennsylvania Supreme Court, under Case No. 133 MM 2020.

12. I have been asked to provide testimony on: ballot drop-box use and implementation, ballot drop-box security, counting ballots lacking secrecy envelopes, curing mail-in ballot defects, and extending the deadline to receive mail-in ballots.

13. I am being compensated at a rate of \$225 per hour for my work on this case, including any testimony. My compensation is not contingent on the nature of my findings or the outcome of this litigation.

14. A complete list of the documents I have reviewed or considered appears in Appendix B.

15. I have previously testified regarding ballot access and voting security, including being accepted as an expert witness in several cases. A list of my prior testimony appears in Appendix C.

III. SUMMARY OF CONCLUSIONS

16. My opinions, which are explained in detail below, are:

- a) Ballot drop-boxes can be an important component of implementing expanded mail-in voting. Drop boxes provide an important option for voters to return their mail-in ballot to election officials. Drop boxes are generally more secure than putting a ballot in post office boxes. Drop boxes are managed by election

officials, are delivered to election officials more quickly than delivery through the U.S. postal system, and are secure.

- b) A secrecy envelope is an envelope provided in a voter packet with the return envelope and the ballot whose purpose is to provide the voter with additional privacy regarding how they have cast their votes. They are not designed to address voter fraud and do not serve that function. Some jurisdictions, including in Colorado, no longer use them. One of the challenges in requiring secrecy envelopes is that Pennsylvania does not audit its mailings to voters to ensure that secrecy envelopes are delivered to voters. Pennsylvania, therefore, currently has not implemented procedures to assure that secrecy envelopes have been delivered to voters, and should not disregard ballots returned without them.
- c) Many jurisdictions permit voters to cure defects in their mail ballots. The resources necessary to implement cure processes are minimal and are feasible to implement before the General Election. For example, a text-to-cure system, discussed more below, should cost around \$50,000 for the entire state. Evidence shows text-to-cure systems significantly increase the cure rates.
- d) The Secretary of State's support of extending the deadline for the receipt of mail-in ballots is consistent with best practices I have observed in other jurisdictions.¹ This change is needed for the November 2020 General Election in light of a number of unusual factual circumstances creating additional burdens to vote by mail. A large number of voters are expected to vote by mail in the Pennsylvania

¹ Præcipe to Withdraw Certain of Respondents' Preliminary Objections, *Crossey v. Boockvar*, No. 108 MM 2020 (Pa. Aug. 13, 2020).

General Election and this is in part because many voters have concerns about health risks from voting in person during the COVID-19 pandemic. Voting by mail may be more difficult in Pennsylvania because there is not a large infrastructure for drop boxes in most counties and there have been delays in the delivery of mail by the U.S. Postal Service. Jurisdictions that are trying to facilitate the counting of properly cast votes by registered voters could reasonably address these facts by extending the deadline to receive ballots so long as processes are designed to reflect that the ballot was cast before 8:00 PM on the date of the election.

17. My work and analysis are ongoing, and I reserve the right to supplement, make any necessary corrections or additions to this report and the topics covered therein in light of new information, additional discovery, or expert testimony and opinion in this case.

IV. PENNSYLVANIA'S ACT 77 AND ACT 12

18. In October 2019, the Pennsylvania General Assembly passed 2019 Act 77,² which reformed the state's Election Code. The Act provided for the introduction of no-excuse mail-in voting as an option for all qualified electors in Pennsylvania. It also created an option to permanently receive a ballot by mail. In implementing these changes, Pennsylvania joined 31 other states and Washington D.C., as jurisdictions that use a broad mail-in voting system. Pennsylvania also became the twelfth state to provide voters with a permanent option to receive ballots by mail.

² Press Release, *Governor Wolf Signs Historic Election Reform Bill Including New Mail-in Voting*, GOV. TOM WOLF (Oct. 31, 2019), <https://www.governor.pa.gov/newsroom/governor-wolf-signs-election-reform-bill-including-new-mail-in-voting>.

19. Act 77 improved voting access and options for Pennsylvania voters.

Pennsylvania now joins the majority of states in providing a no-excuse absentee option to voters so that they can vote in a safe, secure, and convenient way.

20. In the midst of the COVID-19 crisis, Pennsylvania Governor Tom Wolf signed Pennsylvania 2020 Act 12.³ Act 12 rescheduled the 2020 primary election and made further changes to the elections process, such as extending the deadline to apply for mail-in or absentee ballots and allowing counties to consolidate polling places.

21. Act 12 made additional improvements and addressed specific challenges related to the public health crisis. These changes are positive for voters and election officials alike and are consistent with laws that exist in other states.

22. Over 1.5 million Pennsylvania voters applied for and cast their ballots by mail in the June 2020 primary.⁴

V. OPINIONS

A. Ballot Drop-Box Use and Implementation

23. As the Director of Elections in Denver, my office helped to expand mail-in and drop box options in Colorado. I helped to craft the legislation in 2013 by providing my expertise and experience as an election official to ensure the legislation enacted would enact positive changes for voters and simultaneously improve the administration of elections. The Colorado

³ Press Release, *Nearly 1 Million Pennsylvanians Have Applied for a Mail-in Ballot for June 2 Primary Election*, GOV. TOM WOLF (May 4, 2020), <https://www.governor.pa.gov/newsroom/nearly-1-million-pennsylvanians-have-applied-for-a-mail-in-ballot-for-june-2-primary-election>.

⁴ *Pennsylvania 2020 Primary Election: Act 35 of 2020 Report*, PENN. DEP'T STATE at 4 (Aug. 1, 2020), <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

legislature determined the minimal number of drop boxes that should be used in counties, based on population size.

24. Colorado provided for accessibility standards, video surveillance, and the use of drop box wrapping information (information such as the election board's phone number and website provided on a decal wrapped around drop boxes). Denver rolled out its first drop-box near the Denver Election Board's office in 2012.

25. In Colorado, counties have physically placed drop boxes in areas designed to provide access to voters. These locations include libraries, public transportation hubs, elections offices, grocery stores, and other accessible locations.

26. Other jurisdictions have consulted with Colorado and NVAHI about the use of drop boxes. I have advised many states and counties on implementing mail-in and drop-box voting systems. NVAHI is currently working with approximately thirty states on how to implement mail-in voting and drop boxes.

27. For the June 2020 primary, some counties in Pennsylvania used ballot drop-boxes to allow voters to hand-deliver their mail-in ballots. I am familiar with the guidance issued on January 10, 2020 from Pennsylvania Secretary of State, Kathy Boockvar.⁵ The Secretary encouraged counties to enable maximum flexibility and convenience to voters by allowing ballots to be dropped off outside of normal business hours. For example, the guidance said that when choosing the location for a drop-box, "counties should consider, at a minimum" whether the "locations serve heavily populated urban/suburban areas, as well as rural areas." This

⁵ *Pennsylvania Applications and Balloting Guidance: Mail-in and Absentee Ballots and Voter Registration Changes*, PA. DEP'T STATE at 4–5 (Jan. 10, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_Act%2077_Absentee%20and%20Mail-in%20Guidance.pdf.

included “accessible locations near heavy traffic areas such as commercial corridors, large residential areas, major employers and public transportation routes” or “[i]n rural areas, locations . . . that are easily recognizable and accessible within the community.” The guidance also indicated counties should consider “select[ing] locations in areas in which there have historically been delays at existing polling locations, and areas with historically low turnout.” Generally, these recommendations are consistent with best practices, including the advice that NVAHI provides.

28. On May 6, 2020, Erie County Pennsylvania announced the purchase of Pennsylvania’s first mail-in ballot drop-box, to be placed in front of the Erie County Courthouse.⁶ Here is a picture from the cited press release:



⁶ Press Release, *A PA First! Ballot Drop Box Available to Voters in Erie County*, ERIE CTY. PA. (May 6, 2020), <https://eriecountypa.gov/wp-content/uploads/2020/05/media-release-ballot-drop-box-5-6-20.pdf>.

29. The Erie County ballot drop-box is similar to ballot drop-off boxes that have been implemented in other states and designed and constructed by a vendor that specializes in designing and creating secure ballot drop-off boxes. Below are some other photos of ballot drop-off boxes from around the United States.



30. In Southeastern Pennsylvania, Philadelphia, Bucks, Delaware, Chester, and Montgomery Counties, officials announced the addition of several ballot drop-boxes throughout the counties.⁷ Philadelphia County also implemented several temporary and mobile ballot drop-boxes in the days before the primary.

31. I have reviewed Philadelphia County's Interrogatory Responses from *Donald J. Trump for President, Inc. v. Boockvar*, No. 2:20-CV-966 (W.D. Penn.)⁸ regarding mobile drop boxes. See Exhibit 1. The security measures described, including that the election officials were involved in the operation of the mobile sites, and that the ballots were collected by election

⁷ Allie Miller, *Where to Find Ballot Drop-Boxes in Philadelphia and Surrounding Counties*, Philly Voice (May 30, 2020), <https://www.phillyvoice.com/voting-primary-election-mail-in-ballot-drop-boxes-june-2-philadelphia-delaware-chester-montgomery-bucks-counties>.

⁸ I have been retained as expert in this case as well.

officials in A. Rifkin secured ballot collection bags, are reasonably designed to provide voter access and ballot security. The mobile sites provide voter access (which is the goal of any election system). As explained *infra* in paragraph 62, Pennsylvania election officials engage in verification measures upon receipt of the ballot.

32. The ballot drop-boxes used in Philadelphia County were different in type than those used in Erie County. Philadelphia County used converted USPS mailboxes that were stamped with a ballot drop-off sticker and bolted to the ground.

33. The type of ballot drop-off boxes a county selects will depend on the jurisdiction's election plan and budget. Drop boxes come in several sizes and utilize different construction materials designed to withstand vandalism and inclement weather and to prevent removal. Generally, there are three types of ballot drop-off options: a 24-hour permanent box, a temporary indoor box, and a temporary drive-through ballot drop-off. A 24-hour ballot drop box mimics a USPS blue mailbox and has enhanced security options built into the design. It is a permanent metal structure accessible by vehicle or on foot in the public right-of-way, and should be well-secured to the ground. These can be installed on the jurisdiction's property, or can be installed at a partnering public agency or business and usually requires a written agreement with the property owners for installing and securing these drop boxes. Guidance that NVAHI provides to states includes:

- a. The drop box should be a permanent fixture or a temporary structure that is secured in place to prevent removal or tampering.
- b. The ballot drop box must have robust locking mechanisms for both the ballot slot and storage compartment. For best practices, procedures should be implemented

to ensure that the ballots cannot be tampered with while in the drop box, nor removed by anyone other than the authorized ballot retrieval team.

- c. The opening slot should be large enough to deposit ballot envelopes and ideally designed to keep anyone from pouring liquid into the drop box, or for rainwater to seep into it.
- d. Drop boxes should be easily recognizable by voters. Election officials should purchase or produce permanent, weather-proof decals to label the drop boxes with at least the agency name, logo, contact information and the words “Official Ballot Drop Box.” Consistent decals should be used on all 24-hour boxes.
- e. Additional language may include:
 - i. No Postage Required
 - ii. Closes at 8 p.m. on Election Day
 - iii. This Box Under Video Surveillance (if applicable)
 - iv. If required, list any statutory language, such as the number of ballots that can be dropped off by one person in any election.

34. 24-hour secure ballot boxes range in price and are contingent on the jurisdictions’ need. But they are an efficient and cost-effective solution to provide a drop-off solution that is secure and does not have to be staffed by election judges, which is expensive if available 24 hours a day. Ballot drop-off boxes range in price from \$1200 to \$5000 depending on the size. So, if a county offered the same service 24 hours a day for 8 days staffed with election judges, the cost would be approximately \$7,680. Additionally, logistical consideration to support election judges including chairs, cover from the elements, or access to the inside of a building would add additional costs. The cost would increase with more time. Thus, 24x7 permanent

ballot drop-off boxes are far more cost effective for counties struggling with budgets. Finally, there are vendors that have different solutions and the window is closing rapidly for counties to place orders and implement.

35. I have reviewed the Absentee and Mail-in Ballot Return Guidance issued on August 19, 2020 from Pennsylvania Secretary of State, Kathy Boockvar.⁹ The recommendations in this guidance include the location of ballot return sites (Section 1.2.1), types of ballot return sites (Section 2.1), secure receptacles (Section 2.2), signage (Section 2.3), and security (Section 2.5). The recommendations in these sections are all consistent with best practices and advice that NVAHI has provided across jurisdictions.

36. In contrast, some counties, like Allegheny County (with a population estimated over 1.2 million people¹⁰), did not provide any drop-boxes outside of the County Office Building.

37. To choose ballot drop-off box locations, election officials should consider these factors at a minimum: concentrations of population; concentrations of historically higher mail-voting populations; geographic distance and features; voter convenience; proximity to public transportation; community-based locations; and security, including lighting, visibility, and security cameras.

⁹ *Pennsylvania Absentee and Mail-in Ballot Return Guidance*, PA. DEP'T STATE (Aug. 19, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_BallotReturn_Guidance_1.0.pdf.

¹⁰ *Quick Facts: Allegheny County, Pennsylvania*, CENSUS BUREAU, <https://www.census.gov/quickfacts/alleghenycountypennsylvania>.

38. King County, Washington produced a ballot drop-off expansion plan.¹¹ The Center for Tech and Civic Life (CTCL) created a Ballot Drop-off Location Criteria Planner to help jurisdictions evaluate potential ballot drop-off locations.¹²

39. Often, voters in rural counties in jurisdictions with widespread mail-in voting tend to send their ballots back through the postal service since they have larger distances from the city or town. However, many rural communities utilize drop-box locations at city halls, existing government buildings such as libraries, or grocery stores to ensure the options are available to the public.

40. While voters like to receive their unvoted ballot via the postal service, large numbers of voters prefer to drop-off their voted ballot in-person. There are a few reasons for this but often it is to ensure they meet the deadline for returning the ballot. As an example, over 70% of voters in Colorado consistently drop-off their ballots in person, which demonstrates the customer-driven use. *E.g.*, Derek Draplin, *Colorado Secretary of State Touts State's Ballot Drop Box System* (Aug. 12, 2020), https://www.thecentersquare.com/colorado/colorado-secretary-of-state-touts-state-s-ballot-drop-box-system/article_d4b18db6-dcf3-11ea-adc8-97c58c84fa19.html. Providing the option so that voters can choose to drop-off or mail the voted ballot is important to supporting vote by mail programs in every state.

41. With USPS boxes, collection happens at specific times on specific days and that is managed by the U.S. Postal Service. 24-hour drop-off boxes are managed by election officials

¹¹ *Ballot Drop Off Locations: A Plan to Improve Voter Access*, KING CTY. ELECTIONS, available at <https://kingcounty.gov/~media/depts/elections/about-us/reports/bdol-expansion-plan.ashx?la=en> (last visited Sept. 4, 2020).

¹² *Organizing Ballot Dropoff Locations*, CTR. FOR TECH. & CIVIC LIFE, <https://www.techandciviclelife.org/wp-content/uploads/2020/06/Organizing-Ballot-Dropoff-Locations.pdf> (last visited Sept. 4, 2020).

and thus, they can decide when they will empty the ballots and increase the frequency closer to Election Day as more ballots come in. This also eliminates the turnaround time for the ballot to be mailed so it reaches the election officials daily and more directly than the trip through USPS, which adds time.

42. I have reviewed the Trump Campaign's complaint captioned *Donald J. Trump for President, Inc. v. Boockvar*, Case No. 2:20-cv-00966 (W.D. Penn.) ("Trump Campaign complaint"). It includes allegations about drop box uniformity.¹³ In particular, the Trump Campaign complaint states that there is a "lack of statewide standards governing" drop-boxes.¹⁴ There is no logical reason why ballot receptacles such as drop boxes must be uniform across different counties; particularly because the verification of the voter is determined by election officials upon receipt of the ballot. Counties vary in size and need. Across the country, best practices dictate that counties determine what type of box and size works for them. The needs of a large county are very different from the needs of a smaller county.

B. Ballot Drop-Box Security

43. I have more than 13 years of experience in managing elections in Denver that used drop boxes. During this period, Denver pioneered many drop-box security measures.

44. Drop-boxes do not create an increased opportunity for fraud. Drop-boxes provide for more rapid receipt of ballots by the county boards of elections than U.S. postal boxes. Drop-boxes for utility payments, tax payments, or to return library books have been used by state and local governments for decades without issue.¹⁵

¹³ *E.g.*, Amended Complaint (Dkt. 232) ¶¶ 124-126, 130, 164, 192, 201, 211.

¹⁴ *Id.* ¶ 164.

¹⁵ *See, e.g.*, *Utility Billing/Payment*, Penn. Municipal Service, <http://www.pamunicipalservice.com/utility-billing-payment> (last visited Sept. 3, 2020) ("Outside

45. In all my work as an election official and a consultant, I am unaware of any incident of tampering with ballot boxes.

46. I have reviewed the Trump Campaign complaint's allegations about drop box security. In particular, the complaint alleges that "Permitting absentee and mail-in ballots of non-disabled electors to be collected at locations other than the offices of the county boards of elections and/or through 'drop boxes' ... allows illegal absent and mail-in voting, ballot harvesting, and other fraud to occur and/or go undetected, and will result in dilution of validly cast ballots."¹⁶ These allegations are not consistent with my experience with drop box security, particularly given the strong voter verification procedures that are followed by election officials throughout the country and in Pennsylvania (*see infra* paragraph 62).

47. A drop-box provided by a county board of elections is secure, and has additional safeguards that are not available through a United States Postal Service mailbox. Regardless of the receptacle used for acceptance of the ballot (drop box versus USPS mailbox), ballot validation occurs when the ballot is received by the county board of elections. The validation is the same regardless of how the ballots are collected or who delivers the ballot, even where that delivery contravenes state law.

48. Reconciliation procedures adopted by election officials – including in Pennsylvania – protect against the potential risk of double voting. Pennsylvania's balloting system requires that those who request a mail-in vote and do not return the ballot (or spoil the

mail slot for payment or correspondence drop off."); *Treasurer Office*, Delaware Cty. Penn., <https://www.delcopa.gov/treasurer/index.html> (last visited Sept. 3, 2020) ("A secure drop box has been installed at the Government Center (201 W. Front St., Media, PA) and the Courthouse lobby designated 'Tax Claim Bureau Payments' for residents to deliver delinquent tax payments by check.").

¹⁶ Amended Complaint at ¶ 202, Dkt. 232.

mail-in ballot at their polling place), can only vote a provisional ballot. Poll workers are provided with poll books and supplemental poll books that indicate which voters received a mail ballot. The provisional ballots are not counted until all the mail and absentee ballots are canvassed. If a mail-in or absentee ballot was submitted by an individual, their provisional ballot is not counted. These systems ensure that a voter casts only one vote.

49. Accessible drop boxes also reduce the risk of mass collection of ballots or ballot harvesting. When voters are given more options to return their ballots directly to elections officials such as via drop boxes, they are less likely to seek or accept an intermediary's assistance with returning their ballots.

50. Drop-boxes are designed to reduce ballot tampering. The ballot drop-boxes created by Vote Armor, for example, are made of several-inch thick steel and are durable. The ballot insertion slot is designed to reduce the number of ballots that can be inserted at once. They are fire proof and designed so that fluids cannot easily be dropped into the box. There are many different types of drop boxes, and they all offer security measures.

51. To enhance voter access, drop-boxes should be placed in visible areas. Boxes can be wrapped to include additional information, including contact information for the county elections office and such other information as the county of elections prescribes, including statements about continuous monitoring. County election officials should also determine optimal collection of ballots from drop boxes. In Denver, bi-partisan ballot security teams typically emptied ballot drop-boxes once a day in the weeks before election day, and multiple times on election day, and sometimes more frequently depending on volume.

52. Best practices will vary by county based on the county's available resources, population, needs, and assessment of risk. Some counties may implement video surveillance of

drop boxes. Other counties may conclude that such features are not required. Colorado, for example, allows rural counties with small populations to opt-out of video monitoring (if feasibility was a challenge) in favor of other surveillance methods, such as placing the drop-box near a sheriff's office or government building and wrapping the drop-box in a decal warning of monitoring. Larger urban populations with greater resources may use video surveillance. County boards of election have the information necessary to assess the risks in their communities.

53. Counties with drop boxes have developed many approaches to surveillance and security of drop boxes. There are numerous cost-effective approaches to security, often by using existing security infrastructure. Counties have placed drop-boxes in the line of sight of existing surveillance infrastructure. Video surveillance owned by private businesses have been used for this purpose, by entering agreements with the businesses to gain access to the video surveillance feeds. Existing cameras have been temporarily repositioned to observe the drop-boxes during the election. In Denver, a traffic camera outside of the election office was temporarily repositioned during elections to observe the drop-box stationed there. Police departments may also have temporary video surveillance equipment with built-in servers that they can lend to the election office for use during elections. Some counties, including small counties, may conclude that video surveillance is not necessary.

54. Although purchasing a ballot drop-box from a vendor like Vote Armor provides several security advantages, counties with less resources have other secure options for receiving ballots. For example, counties in Minnesota are considering the use of utility payment drop-boxes as temporary ballot drop-boxes. Counties have also reconditioned old postal service boxes as secure ballot drop boxes.

55. Some counties have established drive-thru ballot drop-off locations. Denver has used drive-thru ballot drop-off locations since 2008. Denver now has 30 drive-thru ballot drop-off locations. In Denver, drive-thru drop-off locations are located outside of polling places or satellite locations. Voters do not need to exit their car to drop off their ballot. The locations are often put in the middle of a street so that drivers can approach in either direction. These drive-thru locations are monitored by elections judges who directly collect the ballot on site. Drive-thru locations are accessible not only by motor vehicles, as voters can also walk or ride a bicycle to the drop-off location. Denver also has a mobile voting center that functions like a pop-up store.

56. Drop boxes are merely receptacles for ballots. Safeguarding against fraud primarily occurs in the election office when the ballots are pre-canvassed and canvassed. Those fraud prevention measures are identical regardless of whether the ballots were mailed from someone's home, placed in a postal box, dropped off at an election's office, or placed in a drop box.

57. When drop-off boxes are implemented, an important and final step at the close of polls at 8 p.m. is to have election judges at the location just before to be prepared to lock the box just like closing the polls. Similar to polling locations, voters in line to drop-off their ballot should be allowed to do so and then the box is locked. Bi-partisan election judge teams then empty the ballot drop-off boxes into secure transfer cases and move the ballots to the main office for counting and processing.

58. The security measures discussed here are relatively simple and can easily be implemented before the November General Election.

C. Counting Ballots Lacking Secrecy Envelopes

59. As Election Director, I was involved in finalizing ballot design and each item that was included in mail-in ballot packets that were sent to eligible voters. Denver transitioned to a combined instruction sheet/secrecy sleeve with mail-in ballots in 2015, when it began using automated ballot extraction equipment. Additionally, Colorado law was modified to not require a full secrecy sleeve. And Colorado never rejected a ballot due to a lack of a secrecy sleeve.

60. The purpose of a secrecy envelope is to provide extra ballot privacy to the voter so that their voting selections are private. Secrecy envelopes have no other function. Many jurisdictions, like Denver, discontinued the use of secrecy envelopes when they invested in ballot extraction equipment.

61. Pennsylvania mail-in and absentee ballots are usually delivered to electors with a secrecy sleeve as well as a return envelope. The outside of the return envelope is where the voter provides all the necessary information so that election officials can verify the voter's identity and eligibility to vote. The secrecy sleeve or envelope is a second envelope where the voter can place their actual ballot and then place both in the return envelope, providing the voter with additional privacy when the election officials removes their ballot from the return envelope after verification.

62. Secrecy envelopes are not part of ballot integrity procedures. Ballot extraction occurs in two steps. First, the eligibility and identity of the voter to cast a ballot is examined by an election judge who reviews and confirms all the personal identify information provided on the outside envelope. A ballot will advance to the second step only if it is determined that it is an eligible ballot. Once voter eligibility is confirmed, the ballot is extracted and separated from the outside envelope to ensure the ballot remains secret. During this step, election judges confirm that there is only one ballot in the envelope and checks for potential defects, such as tears in the

ballot. A secrecy envelope helps with anonymity from the election official removing the ballot at this stage, but it is not necessary.

63. Lack of a secrecy envelope is not typically a reason to exclude the ballot. Although some jurisdictions have procedures to assure that the voter received a secrecy envelope with their ballot, Pennsylvania currently does not have sophisticated printers, with auditing of bar codes, to confirm that secrecy envelopes were even delivered to voters.

64. For this and other reasons, states generally count ballots that do not contain a secrecy envelope. I am not aware of any state that has a policy of rejecting ballots that lack secrecy envelopes. Some states, such as Washington and Oregon, provide a secrecy envelope along with their ballot instruction packages, but make returning the ballot within the secrecy envelope optional.

65. I have reviewed the Trump Campaign complaint's request that the court "bar county election boards from counting absentee and mail-in ballots that lack a secrecy envelope."¹⁷ Such a demand for an unnecessary piece of paper adds an additional burden to the goal of crediting the votes cast by eligible voters. The purpose of a secrecy envelope is to provide the voter with confidentiality (to the extent the voter wants confidentiality) on his or her candidate choice. It is not essential to counting a mail ballot or protecting the integrity of the election.

66. The secrecy envelope/sleeve is not even necessary to help maintain anonymity when processing ballots. Some counties use equipment to extract the ballots from the envelopes and this is designed to ensure anonymity. Some counties extract ballots from the envelopes using a process that does not involve any machinery and is designed to protect voter's privacy,

¹⁷ Amended Complaint at ¶ 5, Dkt. 232.

including procedures such as placing the envelopes with the name face down on the table so that as election judges separate the ballot from the envelope, they cannot see the name of the voter.

67. In Colorado, ballots are removed from envelopes with a high speed envelope opener/extractor.¹⁸ Opex makes an envelope extraction desk:

https://www.youtube.com/watch?v=Z3J8qlj_2mw. This equipment is relatively inexpensive compared to the return on investment and savings in staff time for this task. There is still time for counties to procure this equipment but the time to order is closing.

68. Using equipment such as the Opex model above or other extraction equipment can significantly speed up the process for extraction while also ensuring voter privacy. Absent equipment, the jurisdiction should set up efficient processes and procedures that include privacy protection protocols to ensure voter's choices are protected.

D. Curing Mail-In Ballot Defects

69. Many jurisdictions have procedures to notify voters of defects in their ballot and allowing voters to cure those defects. I have experience with these processes, both as a former election official and through my work at NVAHL.

70. In Pennsylvania's June 2020 Primary, voters who requested absentee or mail-in ballots but did not vote those ballots or were otherwise unsure whether their ballot was delivered on time were allowed to vote only a provisional ballot in-person on Election Day. I further understand that in the upcoming November General Election, voters will be allowed to spoil their mail-in or absentee ballots by surrendering them at a polling place and vote a regular ballot in person. This process aligns with other states' practices around the country that can vary based on individual laws and the check-in process at polling stations.

¹⁸ A video of this machine can be found at: <https://youtu.be/uQhQr4JZZSY>.

71. The following are the types of “defects” that numerous jurisdictions permit to be cured: signature discrepancies (signatures commonly change as voters age), missing signature, or to satisfy identification requirements that exist for first-time voters in some states.

72. Jurisdictions that notify voters of potential defects have done so by letter, e-mail, and a text-to-cure system. In a text-to-cure system, a voter is notified of any defect in their ballot by text message and is provided with instructions on how to cure the defect. This system also allows for the correction of defects by text message, including allowing voters to sign an affidavit and return a picture of the signed affidavit and their identification via text message. The text-to-cure system is relatively inexpensive and grants from nonprofits to purchase the system in advance of the November election are available for this purpose.

73. Data shows that the text-to-cure system increases the cure rate. *See* Exhibit 2.

E. Counting Ballots Cast Before the Close of the Election But Received After Election Day

74. Numerous jurisdictions have implemented reasonable processes for accepting ballots that are cast by Election Day, but which are received after Election Day. I have personal experience with such processes, both as the Elections Director in Denver and in my work as an election consultant.

75. I have reviewed the Secretary of State’s recent withdrawal of objections against extending the deadline by which mail-in ballots should be counted.¹⁹ The Secretary of State stated that she withdrew those objections because a letter from the Postal Service “indicated the likelihood of widespread, continuing, multiple-day mail-delivery delays presenting an overwhelming, statewide risk of disenfranchisement for significant numbers of voters utilizing

¹⁹ *Præcipe to Withdraw Certain of Respondents’ Preliminary Objections, Crossey v. Boockvar*, No. 108 MM 2020 (Pa. Aug. 13, 2020).

mail-in ballots.”²⁰ The Secretary of State has stated that ballots should be counted if they are postmarked by 8:00 PM on Election Day or if ballots lacking a postmark or other indicia are received before the third day following Election Day (because they would be presumed to have been mailed by 8:00 PM on Election Day). Now, fourteen states plus the District of Columbia accept ballots that are postmarked by election day, an additional four states accept ballots that are postmarked by the day before election day but received after.²¹

76. In my professional opinion, this change is needed for the November 2020 General Election in light of the unusual factual circumstances creating additional burdens to vote by mail and follows best practices I have observed in other states and that NVAHI has recommended.

77. Pennsylvania currently accepts ballots that are received by 8 pm on Election Day. The animating purpose behind this requirement is to ensure that ballots are properly voted by Election Day. Should ballots be allowed to be mailed by 8 pm on Election Day in light of COVID and mail delays, there are several methods that can be used as indicia of the time of mailing. Postmarks are one indicia, but this is not an exclusive evidentiary basis of mailing because they are not used universally and are not always legible. Another method to assess mailing time is an intelligent mail barcode electronic scan, which tracks the ballot’s movements and uses more precise timestamps. Some jurisdictions apply a two-day rule, meaning that ballots received up to two days after an election are presumed to have been deposited by the date of the election. Kansas applies a three-day rule and Alaska has a ten-day rule. Ohio accepts ballots for seven days post-election if the ballot was postmarked by the day before Election Day. In my

²⁰ *Id.* at 3.

²¹ *VOPP: Table 11: Receipt and Postmark Deadlines for Absentee Ballots*, NAT’L CONFERENCE OF STATE LEGISLATURES (Aug. 17, 2020), <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx> (last visited Sept. 7, 2020).

professional opinion, and given the postal service's expressed delivery concerns, I would recommend aligning the receipt date with the date already required for UOCAVA ballots, which is seven days.²² I understand the Secretary has taken the position that ballots received by the county boards of election by November 6, 2020 "that lack a postmark or other proof of mailing, or for which the postmark or other proof of mailing is illegible, should enjoy a presumption that they were mailed by Election Day." In my professional opinion, this is also a reasonable approach in the current circumstances.

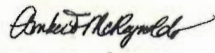
78. A change to the receipt deadline is needed for November 2020 Election because a large number of voters are expected to vote by mail in the Pennsylvania General Election. Concerns about the health risks during in-person voting created by the COVID-19 pandemic is part of the reason that voters will choose to vote by mail. Moreover, there is not currently a large infrastructure for drop boxes in most counties in Pennsylvania, and there have been delays in the delivery of mail by the U.S. Postal Service and warnings from the U.S. Postal Service about future delays. Jurisdictions trying to ensure that all votes by eligible registered voters cast on or before Election Day are counted could reasonably address these additional barriers by extending the deadline to receive ballots so long as the processes are designed to reflect that the ballot was cast before 8:00 PM on the date of the election.

²² *Information for Military and Overseas Voters*, VOTES PA, <https://www.votespa.com/Voting-in-PA/Pages/Military-and-Overseas-Voters.aspx> (last visited Sept. 7, 2020).

* * *

I hereby certify that the foregoing statements are true and correct to the best of my own personal knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Executed this 7th day of September, 2020 in Denver, Colorado.



Amber F. McReynolds

APPENDIX A



Amber McReynolds

Denver, Colorado, USA

amber@voteathome.org

 [@AmberMcReynolds](https://twitter.com/AmberMcReynolds)

 medium.com/@ambermcreeynolds

 linkedin.com/in/ambermcreeynolds

Co-Author [When Women Vote](#), January 2020

ABOUT ME

Democracy Entrepreneur | Election Administration Expert & Innovator
Author | Speaker | Civic Engagement Enthusiast

I believe in designing voter-centric processes that put the voter first. As an experienced election official and former Director of Elections for the City and County of Denver, I know how to improve systems to make them more responsive and effective for voters and customers. Under my leadership, Denver Elections was transformed to become one of the top election offices in the country, earning international and national recognition for various technical innovations. We created systems to better serve voters such as Ballot TRACE and eSign and increased transparency and accountability in the process. I also played an integral role in the 2013 Election Modernization Reforms that have made Colorado one of the top states for security, voter registration, and voter engagement.

Elections are about people and process. I believe we must continually improve the entire election system which will lead to higher engagement, increased public confidence in elections and in government, and more effective service for the public.

Experience

Chief Executive Officer | National Vote at Home Institute & Coalition | VoteAtHome.org | [@VoteAtHome](https://twitter.com/VoteAtHome)

The Vote at Home Institute is a non-profit non-partisan 501(c)(3), created to increase voter engagement by supporting and encouraging the effective implementation of Vote at Home systems, policies, and laws across the United States. Vote at Home systems provide for convenient, secure, and accessible voting processes.

Principal and Consultant | Strategy Rose LLC

Provide strategic consulting and expertise on election administration, technical innovation, and strategic advice on election policy.

Election Official | Director of Elections
City and County of Denver, CO (2005-2018)
DenverVotes.org | [@DenverElections](https://twitter.com/DenverElections)

As Director of Elections, I was responsible for a large and diverse team, oversaw pivotal elections, and developed innovative techniques in election administration which earned the office numerous awards.

Regional Project Manager, New Voters Project, Iowa
(2004-2005)

Program Director, 14th Judicial Circuit, State of Illinois, (2002-2004)

Parliamentary Research Associate, United Kingdom Parliament - UK Solicitor General, Rt. Hon. Harriet Harman, QC MP, London, England (2000-2002)

Education

Masters of Science | Comparative Politics | London School of Economics & Political Science | 2002

Bachelor of Arts | Political Science and Speech Communications | University of Illinois | 2001

Skills

Executive Leadership
Public Speaking
Election Official
Innovator
Strategy
Data Analytics
Policy Innovation
Project Management
Strategic Communication

Boards

National Task Force on Election Crises
MIT Election Data Science Lab
Advisory Board
Represent Women Board of Directors
Vot-ER Advisor
City Year Denver Board of Directors
NANR Board of Directors
Empowerment Council, Women's
Foundation of Colorado
Colorado Women's Chamber of
Commerce Public Policy Committee

Awards

2020 Top 25 Women in Business –
Colorado Women's Chamber of
Commerce
2018 Public Official of the Year –
Governing Magazine
ICPS – International Center for
Parliamentary Studies - 2017
ICPS – International Center for
Parliamentary Studies - 2015
EAC Clearie Award - 2017
Election Center Eagle's Award for
Technology – 2017
Election Center Democracy Award for
Innovation – 2015, 2013
NACO Achievement Award - 2013
Michelle Burton Excellence in Election
Service Award - 2015

Publications/Speeches

[TedEx Mile High 2020 Speaker – Link to come soon.](#)

[Voter-Centered Approach to Election Administration](#)

Medium.com | June 2018

[Opinion: Amendments Y and Z let us do what's right instead of fighting about who's right](#)

Colorado Sun | October 2018

[View It from a Different Angle – How to Improve Efficiency While Serving Voters Better](#)

U.S. Elections Assistance Commission | December 2015

[Innovating the Voter Experience](#)

RepresentUS | March 2018

[Governing by the Numbers – Pew and Route Fifty](#)

Pew/Route Fifty Event | October 2016

News

[Meet the Leading Lady of Vote by Mail](#)

Ozy | April 2020

[How to Run Mail Ballot Elections](#)

Washington Monthly | April 2020

[Inside the Fight to Save November's Elections](#)

Mother Jones | April 2020

[Revolutionizing the Voting Process](#)

Comcast NBC Newsmakers | January 2019

[How Treating Voting Like a Business Could Actually Improve It](#)

Colorado Biz Magazine | September 2019

[Model City: Denver Cleaned Up Its Voter Rolls & Boosted Turnout, Too](#)

NBC News | August 2017

[Denver Wins Another International Election Administration Award](#)

City and County of Denver | January 2017

[Denver Elections Division Honored With a "Clearie" For Innovation](#)

U.S. Election Assistance Commission | November 2017

[Illinois Elections Officials Explore Vote by Mail Programs](#)

Block Club Chicago | October 2018

[Denver Elections Director & CIO Share Advice to Secure Elections](#)

Efficient Gov | October 2018

[Cybersecurity and Elections](#)

NPR | February 2018

[Increasing Voter Turnout for 2018 and Beyond](#)

New York Times | June 2017

[How other states have modernized elections offers lessons for Florida](#)

Miami Herald | January 2016

[Amber to Leave Denver Elections](#)

Colorado Politics | August 2018

APPENDIX B

Appendix B: Documents Reviewed

Allie Miller, *Where to Find Ballot Drop-Boxes in Philadelphia and Surrounding Counties*, PHILLY VOICE (May 30, 2020), <https://www.phillyvoice.com/voting-primary-election-mail-in-ballot-drop-boxes-june-2-philadelphia-delaware-chester-montgomery-bucks-counties>.

Ballot Drop Off Locations: A Plan to Improve Voter Access, KING CTY. ELECTIONS, <https://kingcounty.gov/~media/depts/elections/about-us/reports/bdol-expansion-plan.ashx?la=en> (last visited Sept. 4, 2020).

Ballot Preparation, DENVER ELECTIONS DIVISION (June 25, 2020), <https://youtu.be/uQhQr4JZZSY>.

Defendants' Verified Amended Complaint for Declaratory & Injunctive Relief, *Donald J. Trump for President, Inc. et al. v. Boockvar et al.*, Case No. 2:20-cv-00966 (W.D. Pa. July 27, 2020), ECF No. 232.

Derek Draplin, *Colorado Secretary of State Touts State's Ballot Drop Box System*, CENTER SQUARE (Aug. 12, 2020), https://www.thecentersquare.com/colorado/colorado-secretary-of-state-touts-state-s-ballot-drop-box-system/article_d4b18db6-dcf3-11ea-adc8-97c58c84fa19.html.

Information for Military and Overseas Voters, VOTES PA, <https://www.votespa.com/Voting-in-PA/Pages/Military-and-Overseas-Voters.aspx> (last visited Sept. 7, 2020).

Organizing Ballot Dropoff Locations, CTR. FOR TECH. & CIVIC. LIFE, <https://www.techandciviclife.org/wp-content/uploads/2020/06/Organizing-Ballot-Dropoff-Locations.pdf> (last visited Sept. 4, 2020).

Pennsylvania 2020 Primary Election: Act 35 of 2020 Report, PENN. DEP'T STATE (Aug. 1, 2020), <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

Pennsylvania Absentee and Mail-in Ballot Return Guidance, PENN. DEP'T STATE (Aug. 19, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_BallotReturn_Guidance_1.0.pdf.

Pennsylvania Applications and Balloting Guidance: Mail-in and Absentee Ballots and Voter Registration Changes, PENN. DEP'T STATE (Jan. 10, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_Act%2077_Absentee%20and%20Mail-in%20Guidance.pdf.

Philadelphia County's Interrogatory Responses, *Donald J. Trump for President, Inc. v. Boockvar*, No. 2:20-CV-966 (W.D. Pa. Aug. 5, 2020).

Præcipe to Withdraw Certain of Respondents' Preliminary Objections, *Crossey v. Boockvar*, No. 108 MM 2020 (Pa. Aug. 13, 2020).

Press Release, *A PA First! Ballot Drop Box Available to Voters in Erie County*, ERIE CTY. PA. (May 6, 2020), <https://eriecountypa.gov/wp-content/uploads/2020/05/media-release-ballot-drop-box-5-6-20.pdf>.

Press Release, *Governor Wolf Signs Historic Election Reform Bill Including New Mail-in Voting*, GOV. TOM WOLF (Oct. 31, 2019), <https://www.governor.pa.gov/newsroom/governor-wolf-signs-election-reform-bill-including-new-mail-in-voting>.

Press Release, *Nearly 1 Million Pennsylvanians Have Applied for a Mail-in Ballot for June 2 Primary Election*, GOV. TOM WOLF (May 4, 2020), <https://www.governor.pa.gov/newsroom/nearly-1-million-pennsylvanians-have-applied-for-a-mail-in-ballot-for-june-2-primary-election>.

Quick Facts: Allegheny County, Pennsylvania, CENSUS BUREAU, <https://www.census.gov/quickfacts/alleghenycountypennsylvania>.

The OPEX Model 72 Mail Extraction Desk with Milling Cutter, OPEX CORP. (Mar. 13, 2014), https://www.youtube.com/watch?v=Z3J8qlj_2mw.

Treasurer Office, DELAWARE CTY. PENN., <https://www.delcopa.gov/treasurer/index.html> (last visited Sept. 3, 2020).

Utility Billing/Payment, PENN. MUNICIPAL SERV.,
<http://www.pamunicipalservice.com/utility-billing-payment> (last visited Sept. 3, 2020).

VOPP: Table 11: Receipt and Postmark Deadlines for Absentee Ballots,
NAT'L CONFERENCE OF STATE LEGISLATURES (Aug. 17, 2020),
<https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx> (last visited Sept. 7, 2020).

APPENDIX C

APPENDIX C: PRIOR TESTIMONY

Gessler v. Johnson, 2011-cv-6588 (Colo. Dist. Ct. 2013)

United to Protect Democracy v. Presidential Advisory Comm. on Election Integrity, No. 17-cv-02016 (D.D.C. 2017)

Martin v. Kemp, 18-cv-04776 (N.D. Ga. 2018)

EXHIBIT 1

TO AFFIDAVIT OF AMBER M^cREYNOLDS

DONALD TRUMP FOR PRESIDENT, INC.; <i>et al.</i> ,	:	
	:	Civil Action
	:	
Plaintiffs,	:	
	:	No.: 2:-20-CV-966
v.	:	
	:	
KATHY BOOCKVAR; <i>et al.</i> ,	:	
	:	Judge J. Nicholas Ranjan
Defendants.	:	
	:	

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34 and the Court’s July 17, 2020 Scheduling Order, Defendant the Board of Elections of Philadelphia County (the “Board of Elections”) serves the following Objections and Responses to the First Set of Interrogatories and Requests for Production of Documents (collectively the “Requests”) Directed to County Boards of Elections by Plaintiffs Donald J. Trump for President, Inc., Glenn Thompson, Mike Kelly, John Joyce, Guy Reschenthaler, the Republican National Committee, Melanie Stringhill Patterson, and Clayton David Show (“Plaintiffs”).

1. Please identify all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the processing, verification, acceptance, and/or rejection of applications for absentee and/or mail-in ballots, including without limitation whether You mail applications to all qualified electors within Your county and/or whether You frank or prepay the postage for any or all completed and returned applications, and if there are any differences, please identify the reasons why You are making a change in such Procedures, Practices, Rules, Regulations, and/or Instructions for the November 3, 2020 General Elections.

RESPONSE: The Board of Elections objects to this Interrogatory No. 1 because information relating to the “processing, verification, acceptance, and/or rejection of applications for absentee and/or mail-in ballots” falls outside the scope of the Court’s July 17, 2020 Scheduling Order (ECF 124). The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to ballot applications. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning ballot applications is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of expedited discovery, should not be permitted. For the reasons stated above, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of discovery concerning Plaintiffs’ new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 1 to the extent it requests information contained in the report issued by the Pennsylvania Department of State (the “Department”) on August 1, 2020 pursuant to 71 P.S. § 279.6 (the “Act 35 Report”) and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further object to this Interrogatory No. 1 to the extent that the information sought is publicly available from the Counties, the Office of the Secretary of the Commonwealth (the “Secretary”), the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 1 because it should more properly be

directed to the Secretary to the extent it requests Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections further objects to this Interrogatory No. 1 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

2. Please identify all correspondence, memoranda, email messages, postings, or other communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation (i) any political party or body, political committee, political action committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rule, Regulations, and/or Instructions identified in Your answer to the preceding Interrogatory, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Interrogatory No. 2 because documents relating to the “processing, verification, acceptance, and/or rejection of applications for absentee and/or mail-in ballots” fall outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to ballot applications. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs’ original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For the reasons stated above, the Board of Elections also objects to this Request as untimely, unduly burdensome, and

disproportional. The burden and expense of discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 2 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 2 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 2 because it should more properly be directed to the Secretary to the extent it requests identification of materials related to Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Board of Elections further objects to this Interrogatory No. 2 to the extent that it seeks disclosure of any information other than 1) the policies and rules that were in effect for the June 2, 2020 Primary Election and 2) the policies and rules that will be in effect for the November 3, 2020 General Election (to the extent these have been established), and to the extent that it seeks communications beyond official Board of Elections communications to the public, because this information is irrelevant, disproportional to the needs of the case, and not narrowly tailored in accordance with the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 2 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

3. Please identify all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Elections, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and /or communicate in the November 3, 2020 General Election,

concerning or relating to the return or delivery by electors of voted absentee and/or mail-in ballots, including without limitation whether You frank or prepay the postage for any or all absentee ballots and/or mail-in ballots and/or whether third parties may deliver in person absentee and/or mail-ballots cast by non-disabled electors, and if there are any differences, please identify the reasons why You are making a change in such Procedures, Practices, Rules, Regulations, and/or Instructions for the November 3, 2020 General Election.

RESPONSE: The Board of Elections objects to this Interrogatory No. 3 as overly broad, not narrowly tailored, and disproportional because it calls for “all Procedures, Practices, Rules, Regulations, and/or Instructions” relating to “the return or delivery by electors of voted absentee and/or mail-in ballots,” without limitation to the specific allegations and relief requested in Plaintiffs’ Complaint. Indeed, this Interrogatory No. 3 specifically seeks information about the prepayment of postage “for any and all absentee and/or mail-in ballots,” but Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, any such prepayment of postage. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 3 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 3 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 3 because it should more properly be directed to the Secretary to the extent it requests Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections further objects to this Interrogatory No. 3 to the extent it requests information that is protected by the attorney-client privilege, work product

doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections states that it followed the Pennsylvania Election Code, 25 Pa. Stat. Ann. §§ 2600 *et seq.* (the “Election Code”), and guidance issued by the Secretary and the Department concerning the return or delivery of absentee and mail-in ballots for the June 2, 2020 Primary Election, including the prohibition of third-party delivery of absentee and/or mail ballots cast by non-disabled electors.

The Board of Elections plans to follow the Election Code and such guidance concerning the return or delivery of absentee and mail-in ballots for the November 3, 2020 General Election, including concerning whether third-parties are permitted to deliver absentee and/or mail ballots cast by non-disabled electors. In making determinations about which policies to implement as the General Election approaches, the Board of Elections will consider all developing conditions that might affect Philadelphians’ ability to vote safely and securely. Important considerations may include the spread of the COVID-19 pandemic, public health recommendations, availability of poll workers, transit and transportation issues, and potential security concerns. At all times, the Board of Elections will strive to administer an orderly election while protecting the franchise for all Philadelphians.

In the week before the Primary Election, the Board of Elections established and administered three categories of drop-off locations, at which voters who had received an absentee or mail-in ballot could return their ballots in person: (1) 24/7 Drop-Off Locations at the two County Board of Elections Offices, City Hall and 520 N. Columbus Blvd.; (2) Mobile Drop-Off Locations, open between May 30, 2020 and June 1, 2020; and (3) Election Day Drop-Off Offices, open on June 2, 2020 only.

24/7 Drop-Off Locations

The Board of Elections created two 24/7 Drop-Off Locations for voters to return their absentee and mail-in ballots in person. Each 24/7 Drop-Off Location consisted of a converted mail box, bolted to the ground. The front of each box bore signage stating the following: “NO U.S. MAIL. BALLOT DROP OFF ONLY. VOTERS MUST DROP OFF THEIR OWN BALLOT DROP OFF DEADLINE IS ELECTION DAY JUNE 2ND AT 8PM.” The signage also included the same information in Spanish. Both 24/7 Drop-Off Locations were under 24-hour video surveillance.

At each 24/7 Drop-Off Location, ballots were collected at least daily, with more frequent ballot collections closer to Primary Day. On Primary Day, Board of Elections personnel made the last ballot collection at each location at 8:00 p.m. During ballot collection, Board of Elections personnel maintained custody of returned absentee and mail-in ballots at all times. Immediately after collection, Board of Elections personnel transported returned ballots directly to the Board of Elections for verification and processing. The Board of Elections’ procedures thus ensured the chain of custody of all ballots returned at 24/7 Drop-Off Locations.

The two Drop-Off Locations were:

- City Hall – installed on the south side of City Hall on May 22, 2020 and moved slightly to another location also on the south side of City Hall on May 29, 2020.
- Board of Elections Office at 520 N. Columbus Blvd (Spring Garden entrance) – installed on May 28, 2020

Mobile Drop-Off Locations

The two 24/7 Drop-Off Locations were both located in the central part of Philadelphia. At the best of times, residents of Philadelphia’s far-flung neighborhoods would have a time-consuming journey to reach these locations; because of the pandemic, road closures stemming

from civil unrest, and the inaccessibility of public transportation, cross-city travel during the days before the election was difficult, dangerous, and, at points, impossible. The City Commissioners therefore approved establishing, for ten “zones” of Philadelphia,¹ a two-hour Mobile Drop-Off Location at which voters could return their absentee and mail-in ballots in person before Primary Day.

Mobile Drop-Off Locations were staffed by City Commissioner Al Schmidt and/or three members of his staff: Chief Deputy Commissioner Seth Bluestein, Deputy Commissioner Michelle Montalvo, and Election and Voter Registration Clerk 2 Darrylisha Flippen (collectively the “Mobile Drop-Off Location Personnel”). Commissioner Schmidt and Deputy Commissioner Bluestein each attended part or all of each Mobile Drop-Off Location. Mobile Drop-Off Location Personnel provided for the security of ballots returned at each Mobile Drop-Off Locations by, *inter alia*, using secured ballot bags manufactured by A. Rifkin Co. specifically for ballot collection purposes. The A. Rifkin Co. secured ballot bags were chosen because they could fit the number of ballots that were anticipated and were able to be sealed. There were two types of secured ballots bags: a smaller and larger version. Each secured ballot bag features a double-sealing mechanism which, once employed, prevents the removal of ballots from the secured ballot bag or addition of ballots to the secured ballot bag without breaking the seals.

Mobile Drop-Off Location Personnel used two secured ballot bags at each Mobile Drop-Off Location. When a secured ballot bag was filled, Mobile Drop-Off Location Personnel would

¹ For the June Primary, Philadelphia Polling Places were divided into ten “zones.” Center City, Far Northeast; Lower Northeast; North; Northwest; River; South; Southwest; Upper North; and West. The Board of Elections did not provide a Mobile Drop-Off Location in Center City because Center City already had two 24/7 Drop-Off Locations. The Board of Elections also provided two Mobile Drop-Off Locations in the “North” zone, to ensure access to Spanish speaking residents via Spanish language outreach and instructions.

seal the secured ballot bag, and Commissioner Schmidt or Deputy Commissioner Bluestein would personally bring it to the Board of Elections for verification and processing, and then return to the Mobile Drop-Off Location with the emptied secured ballot bag. At the same time, other Mobile Drop-Off Location Personnel remained at the Mobile Drop-Off Location using the second secured ballot bag. At the end of the day, Commissioner Schmidt or Deputy Commissioner Bluestein would return both secured ballot bags to the Board of Elections for verification and processing of their contents.

Only Mobile Drop-Off Location Personnel handled secured ballot bags at each Mobile Drop-Off Location. Mobile Drop-Off Location Personnel maintained possession of each secured ballot bag up to and including bringing each sealed, secured ballot bag to the Board of Elections for verification and processing. The Board of Elections' procedures thus ensured the chain of custody of all ballots returned at Mobile Drop-Off Locations. The Board of Elections partnered with a nonprofit, nonpartisan group, the Committee of Seventy, in implementing the Mobile Drop-Off Locations. The Committee of Seventy helped advertise the locations and provided a vehicle, the "votesmobile," that carried a table and canopy and served as a prop at the locations. The "votesmobile" was not used to collect or transport ballots, and the Mobile Drop-Off Location Personnel did not ride in it.

Mobile Drop-Off Location Personnel did not authorize third parties to return ballots unless they were in possession of a declaration from a disabled elector. In the event a third-party attempted to return a ballot without the appropriate declaration authorizing the third-party to act as the agent of a disabled elector, Mobile Drop-Off Location Personnel instructed the third party that he or she could not return a ballot on any other voter's behalf, unless the third-party (1) was acting on behalf of a disabled voter, (2) secured a declaration from the disabled voter, and (3)

returned with the executed declaration along with the disabled voter's ballot. Each Mobile Drop-Off Location had available copies of a form declaration provided by the Department.

The Mobile Drop-Off Locations were:

Region	Location	Address	Date	Time
West	Boys Latin of Philadelphia Charter High School	5501 Cedar Ave Philadelphia, PA 19143	Saturday, May 30, 2020	9:00 AM- 11:00 AM
Southwest	John Bartram High School	2401 S 67th St Philadelphia, PA 19142	Saturday, May 30, 2020	12:00 PM- 2:00 PM
South	South Philadelphia High School	2101 S Broad St Philadelphia, PA 19148	Saturday, May 30, 2020	3:00 PM-5:00 PM
Far Northeast	George Washington High School	10175 Bustleton Ave Philadelphia, PA 19116	Sunday, May 31, 2020	8:00 AM- 10:00 AM
Lower Northeast	Rising Sun Plaza Shopping Center	Rising Sun & Adams Aves Philadelphia, PA 19120	Sunday, May 31, 2020	11:00 AM- 1:00 PM
North (East of Broad)	25th District PAL Center	3199 D Street Philadelphia, PA 19134	Sunday, May 31, 2020	2:00 PM-4:00 PM
River ²	Fishtown Crossing Shopping Center	2401 Aramingo Ave Philadelphia, PA 19125	Sunday, May 31, 2020	5:00 PM-7:00 PM
Northwest	Shawmont Elementary School	535 Shawmont Ave Philadelphia, PA 19128	Monday, June 1, 2020	9:00 AM- 11:00 AM
Upper North	Central High School	1700 W Olney Ave Philadelphia, PA 19141	Monday, June 1, 2020	12:00 PM- 2:00 PM
North (West of Broad)	Tanner Duckrey Public School	1501 W Diamond St Philadelphia, PA 19121	Monday, June 1, 2020	3:00 PM-5:00 PM

² The Board of Elections canceled the Fishtown Mobile Drop-Off Location because of security concerns arising from social unrest in the area.

Election Day Drop-Off Offices

As Election Day approached, the City Commissioners approved establishing, for each council district in Philadelphia, one Election Day Drop-Off Office for voters to return their absentee and mail-in ballots in person on Primary Day.

Each Election Day Drop-Off Office was operated by city employees who, in accordance with the City's usual practice for election day staffing, were temporarily designated as Board of Elections staff for Primary Day only (the "Election Day Drop-Off Office Personnel") Election Day Drop-Off Office Personnel were trained on the proper procedures for the return of absentee and mail-in ballots, including that voters could only return their own ballots unless they possessed completed forms regarding their designation as an agent to deliver the ballot of a disabled voter.

Election Day Drop-Off Office Personnel provided for the security of ballots returned at each Election Day Drop-Off Office by, *inter alia*, using secured ballot bags manufactured by A. Rifkin Co. specifically for ballot collection purposes. Each secured ballot bag features a double-sealing mechanism which, once employed, prevents the removal of ballots from the secured ballot bag or addition of ballots to the secured ballot bag without breaking the seal.

Each Election Day Drop-Off Office received one secured ballot bag to collect ballots. Election Day Drop-Off Office Personnel were instructed to (1) maintain custody of the secured ballot bag at all times, (2) stop accepting ballots and seal the secured ballot bag at 8 p.m. on Primary Day, and (3) return the secured ballot bag to the Board of Elections after 8 p.m. on Primary Day to allow for ballot verification and processing.

Election Day Drop-Off Office Personnel were instructed not to authorize third parties to return ballots unless they were in possession of a declaration from a disabled elector.

The Election Day Drop-Off Offices were:

Council District 1	Philadelphia City Commissioner's Office	520 N. Columbus Boulevard	19123
Council District 2	Tilden Middle School	6601 Elmwood Avenue	19142
Council District 3	Lucien Blackwell Library	52nd and Sansom Streets	19139
Council District 4	Hillside Recreation Center	203 Fountain Street	19128
Council District 5 ³	Council President's District Office	2815 Ridge Ave, Ste B	19121
Council District 6	Councilperson Henon's District Office	6730 Torresdale Avenue	19135
Council District 7	Harrowgate PAL Center	851 E Tioga Street	19134
Council District 8	Councilperson Bass District Office	4439A Germantown Avenue	19144
Council District 9	West Oak Lane Library	2000 Washington Lane	19138
Council District 9	Wadsworth Library	1500 Wadsworth Avenue	19150
Council District 10	Councilperson O'Neill's District Office	Bustleton Ave and Bowler Streets	19115

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

4. Please identify all correspondence, memoranda, email messages, postings, or other communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, political action committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions identified in Your answer to the preceding Interrogatory, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Interrogatory No. 4 as overly broad, not narrowly tailored, and disproportional because it calls for “all correspondence, memoranda,

³ Because of damage to the Council President's District Office, the Council District 5 Election Day Drop-Off Office was moved to a location in the parking lot of the Council Office. Election Day Drop-Off Office Personnel operated the secured ballot bags pursuant to the above-listed procedures. The “votesmobile,” was parked in the parking lot to provide additional signage.

email messages, postings, or other communications” that “were made by, to, and/or between You and any other person,” concerning the information requested in Interrogatory No. 3, which was not limited to the specific allegations and relief requested in Plaintiffs’ Complaint. As noted in response to Interrogatory No. 3, Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, prepayment of postage “for any and all absentee and/or mail-in ballots.” Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 4 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 4 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 4 because it should more properly be directed to the Secretary to the extent it requests identification of materials related to Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Board of Elections further objects to this Interrogatory No. 4 to the extent that it seeks disclosure of any information other than 1) the policies and rules that were in effect for the June 2, 2020 Primary Election and 2) the policies and rules that will be in effect for the November 3, 2020 General Election (to the extent these have been established), and to the extent that it seeks communications beyond official Board of Elections communications to the public, because this information is irrelevant, disproportional to the needs of the case, and not narrowly tailored in accordance with the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 4 to the extent it requests information that is protected by the attorney-client

privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections identifies the following information concerning the June 2, 2020 Primary Election:

- The Board of Elections website page entitled “Mail-In and Absentee Ballots” <https://www.philadelphiavotes.com/en/voters/mail-in-and-absentee-ballots>
- The Board of Elections website page entitled “Mobile Drop Off Locations for Mail-In-Ballot” https://www.philadelphiavotes.com/en/home/item/1814-mobile_drop_off_location_for_mail_in_ballot
- The Board of Elections website page entitled “Election Day Drop-Off Offices” https://www.philadelphiavotes.com/en/home/item/1815-election_day_drop-off_offices
- Communications regarding procurement of secured ballot bags and images of secured ballot bags
- Training materials provided to Election Day Drop-Off Office Personnel
- Transcripts/Minutes of City Commissioners’ resolutions regarding Mobile Drop-Off Locations and Election Day Drop-Off Offices
- A copy of the instructions/signage affixed to the drop boxes at the 24/7 Drop-Off Locations
- Screenshots of the City Commissioners’ social media pages, including Facebook, Twitter, and Instagram
- Copies of the declarations that were available to any individual who attempted to return an absentee or mail-in ballot on behalf of someone other than him or herself

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

5. Please identify all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the use, type, number, location, security, monitoring, advertisement, funding, and other factors or best practices for using drop boxes, mobile ballot collection centers,

polling places, or other collection/drop-off locations for the return or delivery of voted absentee and/or mail-in ballots, including without limitation documenting security and chain of custody of such delivered ballots, and if there are any differences, please identify the reasons why You are making a change in such Procedures, Practices, Rules, Regulations, and/or Instructions for the November 3, 2020 General Election.

RESPONSE: The Board of Elections objects to this Interrogatory No. 5 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 5 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 5 because it should more properly be directed to the Secretary to the extent it requests Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections further objects to this Interrogatory No. 5 as duplicative of Interrogatory No. 3.

The Board of Elections further objects to this Interrogatory No. 5 to the extent it calls for information regarding the return of ballots to “polling places,” because such information falls outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to return of ballots to polling places. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs’ original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus

unilaterally expand the scope of discovery, should not be permitted. For these reasons, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 5 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections states that it followed the Election Code and guidance issued by the Secretary and the Department concerning the return or delivery of absentee and mail-in ballots for the June 2, 2020 Primary Election, including the prohibition of third-party delivery of absentee and/or mail ballots cast by non-disabled electors.

The Board of Elections plans to follow the Election Code and such guidance concerning the return or delivery of absentee and mail-in ballots for the November 3, 2020 General Election, including concerning whether third-parties are permitted to deliver absentee and/or mail ballots cast by non-disabled electors.

By way of further response, the Board of Elections incorporates its response to Interrogatory No. 3.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

6. Please identify all correspondence, memoranda, email messages, postings, or other communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, political action committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other

representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions identified in Your answer to the preceding Interrogatory, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Interrogatory No. 6 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 6 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 6 because it should more properly be directed to the Secretary to the extent it requests identification of materials related to Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Boards of Elections further object to this Interrogatory No. 6 as overly broad, not narrowly tailored, and disproportional because it calls for “all correspondence, memoranda, email messages, postings, or other communications” that “were made by, to, and/or between You and any other person,” concerning the information requested in Interrogatory No. 5, which was not limited to the specific allegations and relief requested in Plaintiffs’ Complaint. As noted in response to Interrogatory No. 5, Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, return of ballots to polling places. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 6 to the extent that it seeks disclosure of any information other than 1) the policies and rules that were in effect for the June 2, 2020 Primary Election and 2) the policies and rules that will be in effect for the November 3, 2020 General Election (to the extent these have been established), and to the extent

that it seeks communications beyond official Board of Elections communications to the public, because this information is irrelevant, disproportional to the needs of the case, and not narrowly tailored in accordance with the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 6 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections incorporates its response to Interrogatory No. 4.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

7. Please identify all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Elections, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the pre-canvassing, canvassing, counting, and/or tabulation of voted absentee and/or mail-in ballots, including without limitation (a) the timing of when such pre-canvassing, canvassing, and/or counting shall occur; (b) whether absentee and/or mail-in ballots that have been (i) cast either without inner secrecy envelopes, with inner secrecy envelopes with marks, text, or symbols, or without the outside envelope's declaration being filled out, dated, and signed, and/or (ii) delivered in-person by someone other than the electors who voted the ballots should be processed, handled, counted, or disallowed; and (c) whether poll watchers can be present during any such pre-canvassing, canvassing, and/or counting, and if there are any differences, please identify the reasons why You are making a change in such Procedures, Practices, Rules, and/or Instructions for the November 3, 2020 General Election.

RESPONSE: The Board of Elections objects to this Interrogatory No. 7 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 7 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 7 because it should more

properly be directed to the Secretary to the extent it requests Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Board of Elections further objects to this Interrogatory No. 7 to the extent it calls for information regarding the return of ballots that cast without “the outside envelope’s declaration being filled out, dated, and signed,” because such information falls outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to the return of ballots cast without the outside envelope’s declaration being filled out, dated, and signed. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs’ original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For these reasons, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning Plaintiffs’ new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 7 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections states that it followed the Election Code, guidance issued by the Secretary and the Department, Executive Orders of Governor Tom Wolf concerning pre-canvassing, canvassing, counting, and/or tabulation of voted absentee and/or mail-in ballots in the June 2, 2020 Primary Election.

The Board of Elections plans to follow the Election Code and such guidance concerning pre-canvassing, canvassing, counting, and/or tabulation of voted absentee and/or mail-in ballots in the November 3, 2020 General Election.

With regard to the June 2, 2020 Primary Election, Philadelphia County implemented the following procedures, as set forth on the Philadelphia Votes website page for “2020 Primary Absentee and Mail-in Canvas Procedures and XL Pre-Canvass Ballot Procedure”:

- Beginning on the evening of June 2, 2020 through the completion of the canvass, returned ballots shall be guarded overnight by a Philadelphia police officer.
- Pre-canvass activities for the alternative, absentee, mail-in, and provisional ballots will begin early as 7:00 a.m. on Wednesday, June 3, 2020 at 520 Columbus Blvd, 6th Floor. All staff and those assisting in the pre-canvass and ballot scanning shall be sworn-in.
- All alternative, absentee, and mail-in declaration envelopes received by the board prior to the sending of the electronic files for the printing of the poll books shall be reviewed and opened and the ballot (unless there is no ballot inside said envelope) scanned, with the best efforts taken to process ballots from contested primary elections for State Senate and State House with the largest number of submitted ballots first.
- All absentee, and mail-in ballots received by the board after the sending of electronic files for the printing of the poll books shall be checked against the poll book to ensure that the voter did not cast a provisional ballot in-person on June 2nd. If a voter who cast a provision ballot is found to have cast an absentee or mail-in ballot, their provisional ballot shall not be opened. If the voter did not cast an in-person ballot, then their declaration envelope shall be reviewed and opened and the ballot scanned, with the best efforts taken to process ballots from contested primary elections for State Senate and State House with the largest number of submitted ballots first.

- Results shall be uploaded at least twice daily, or more if determined practical by the staff conducting the canvass, to results.philadelphiavotes.com. One time shall be around noon and the other shall be at the conclusion of canvass activities for the day.
- Due to the COVID-19 pandemic and the need to keep the staff conducting the canvass safe, those permitted to be present for the canvass will be limited per 25 P.S. § 2650 and 25 P.S. § 3146.8 of the Pennsylvania Election Code to candidates and watchers. Through a partnership with the Committee of 70, the canvass of the alternative, absentee, mail-in, and provisional ballots will be streamed live online for those unable to attend in person. Watcher certificates for the canvass will be issued as follows:
 - Any party or political body or body of citizens which now is, or hereafter may be, entitled to have watchers at any registration, primary or election may appoint watchers who are qualified electors of Philadelphia or attorneys representing said party or body. The number who may be present at any one time shall be limited to not more than three for each party, political body or body of citizens.
 - Every candidate may be present in-person. Candidates may appoint a watcher who is an attorney representing them. Either the candidate or the attorney may be present at one time. Or candidate may appoint one authorized representative to be a watcher for the canvass of the absentee and mail-in canvas.
- Those entitled to watchers must email vote@phila.gov with the name of each appointed watchers, the watcher's addresses, and if the watcher is their attorney. To the extent the number of watchers requesting to be present at any given time exceeds the number consistent with social distancing guidelines, the Board of Elections will limit in-person viewing by endeavoring to allow watchers to view in-person on a rotating basis.
- Any candidate, attorney, or watcher present may raise objections to ballots, which will be decided by the Philadelphia County Board of Elections at a later date.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

8. Please identify all correspondence, memoranda, email messages, posting, or other communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions identified in Your answer to the preceding Interrogatory, including without limitation any

incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Interrogatory No. 8 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 8 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 8 because it should more properly be directed to the Secretary to the extent it requests identification of materials related to Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Boards of Elections further object to this Interrogatory No. 8 as overly broad, not narrowly tailored, and disproportional because it calls for “all correspondence, memoranda, email messages, postings, or other communications” that “were made by, to, and/or between You and any other person,” concerning the information requested in Interrogatory No. 7, which was not limited to the specific allegations and relief requested in Plaintiffs’ Complaint. As noted in response to Interrogatory No. 7, Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, the return of ballots cast without the outside envelope’s declaration being filled out, dated, and signed. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 8 to the extent that it seeks disclosure of any information other than 1) the policies and rules that were in effect for the June 2, 2020 Primary Election and 2) the policies and rules that will be in effect for the November 3, 2020 General Election (to the extent these have been established), and to the extent

that it seeks communications beyond official Board of Elections communications to the public, because this information is irrelevant, disproportional to the needs of the case, and not narrowly tailored in accordance with the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 8 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections identifies the following information concerning the June 2, 2020 Primary Election:

- The Board of Elections website page entitled “Pre-Canvass”
<https://www.philadelphiavotes.com/en/home/item/1817-pre-canvass>
- The City Commissioners Office Election Board Training for the 2020 Primary Election https://files7.philadelphiavotes.com/election-workers/2020_PRIMARY_ELECTION_PP.pdf#_ga=2.76375829.1442739614.1596492241-451378711.1596323331
- The City Commissioners Guide for Election Board Officials in Philadelphia County
https://files7.philadelphiavotes.com/election-workers/Primary_2020_Election_Board_Training_Guide.pdf#_ga=2.76375829.1442739614.1596492241-451378711.1596323331
- The Board of Elections website page entitled “2020 Primary Absentee and Mail-in Canvas Procedures and XL Pre-Canvas Ballot Procedure”
<https://www.philadelphiavotes.com/en/home/item/1819-pre-canvass-procedure>
- The Board of Elections Pre-Canvass Ballot Procedure
https://files7.philadelphiavotes.com/announcements/Pre-Canvas_Ballot_Procedure.pdf#_ga=2.113010820.1442739614.1596492241-451378711.1596323331
- Transcripts/Minutes of City Commissioners’ meetings regarding pre-canvassing and canvassing

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

9. Please identify all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to ensuring that electors who voted via absentee or mail-in ballot do not vote again in-person on Election Day, or if they do, they do not have more than one of their votes counted, including without limitation notifying the District Elections Boards which voters are entitled to vote on Election Day, either by way of a paper ballot, on a machine, or via a provisional ballot and making or supplementing the poll books that are delivered to the District Election Boards with such information, and if there are any differences, please identify the reasons why You are making a change in such Policies, Practices, Rules, Regulations, and/or Instructions for the November 3, 2020 General Election.

RESPONSE: The Board of Elections objects to this Interrogatory No. 9 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 9 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 9 because it should more properly be directed to the Secretary to the extent it requests Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Board of Elections further objects to this Interrogatory No. 9 to the extent it calls for information regarding the ability of voters who applied for but did not vote their mail-in or absentee ballots to spoil those ballots at polling places and vote in-person on Election Day, because the statutory provision allowing for the spoiling of mail-in and absentee ballots was not in force during the June 2, 2020 Primary Election, and because such information falls outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs' original Complaint (ECF 4), which did not seek relief related to the spoiling of mail-in and absentee ballots at polling places. Plaintiffs served their discovery pursuant to the

Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs' original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs' attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For these reasons, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 9 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections states that it followed the Election Code and guidance issued by the Secretary and the Department in order to prevent the casting and counting of two votes by a single voter in the June 2, 2020 Primary Election.

The Board of Elections plans to follow the Election Code and such guidance concerning the casting and counting of two votes by a single voter in the November 3, 2020 General Election.

With regard to the June 2, 2020 Primary Election, the Guide for Election Board Officials in Philadelphia County provided the following instructions to Election Board Officials, to be followed for each voter who arrived at the polls to vote on Primary day:

- Check the poll book. The Election Board officer in charge of the poll books must locate the voter's name in the poll book and call out the person's name so that others in the polling place can hear it
 - If the person's voter registration record is listed in the Division's poll book, then they are registered and eligible to vote.
 - Check supplemental poll book pages (if any). Election Officials must check any supplemental poll book pages. Supplemental poll book pages are located in a manila envelope that was provided along with the Election Materials Box. If you cannot locate the supplemental poll book pages, call 215-686-1530. If the person's voter registration record is listed in the supplemental poll book pages, then they are registered and eligible to vote.
 - If the person's voter registration record is not listed in the Division's poll book:
 - Re-check the poll book and supplemental poll book sheets (if any) carefully to ensure that the voter's name is not listed. If the voter's name is not listed in the Division's poll book or on the supplemental sheets, Election Board Officials should do the following:
 - Ask for the voter's Voter Registration Card. Election Board Officials should ask to see the voter's Voter Registration Card to ensure that the voter is at the right Division polling place.
 - Check under the voter's prior last name or alternate spellings. If the voter was recently married or has otherwise had his or her name changed, Election Board Officials should check the poll book to see if the voter is listed under a prior last name. If the voter has a hyphenated last name, or has more than one last name, check all variations of the name, (i.e., for Smith-Doe, check both Smith and Doe). Check first name last and last name first.
 - Call the voter registration office. If the voter's name cannot be located in the poll book or supplemental poll book pages under any variation of the voter's name, an Election Board Official or the voter should call the Voter Registration office. Department staff will check the central computer files to determine the voter's eligibility and to inform the voter of his or her correct polling place.
 - If the person has requested a Mail-in or Absentee Ballot, Provide the Voter with a Provisional Ballot. If Election Board Officials are unable to locate the voter's name in the poll book or supplemental poll book pages under any

variation of the voter's name, and the Voter Registration office cannot locate the voter's record in the central computer files or that person applied for a Mail-in or Absentee Ballot, then the person MUST be afforded the opportunity to vote by Provisional Ballot.

Election Board Officials were explicitly instructed that they were not permitted to grant an individual the right to vote on the Voting Machines if the voter's name is not listed in the poll book or supplemental sheets, or if they applied for a Mail-in or Absentee Ballot as indicated in the poll book or Mail-in and Absentee List, even if the Election Board Officials believe the registration records to be in error.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

10. Please identify all correspondence, memoranda, email messages, posting, or other communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions identified in Your answer to the preceding Interrogatory, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Interrogatory No. 10 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 10 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 10 because it should more properly be directed to the Secretary to the extent it requests identification of materials

related to Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Board of Elections further object to this Interrogatory No. 10 as overly broad, not narrowly tailored, and disproportional because it calls for “all correspondence, memoranda, email messages, postings, or other communications” that “were made by, to, and/or between You and any other person,” concerning the information requested in Interrogatory No. 9, which was not limited to the specific allegations and relief requested in Plaintiffs’ Complaint. As noted in response to Interrogatory No. 9, Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, the ability of voters to spoil their mail-in and absentee ballots at polling places and to vote in-person on Election Day. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 10 to the extent that it seeks disclosure of any information other than 1) the policies and rules that were in effect for the June 2, 2020 Primary Election and 2) the policies and rules that will be in effect for the November 3, 2020 General Election (to the extent these have been established), and to the extent that it seeks communications beyond official Board of Elections communications to the public, because this information is irrelevant, disproportional to the needs of the case, and not narrowly tailored in accordance with the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 10 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections identifies the following information concerning the June 2, 2020 Primary Election:

- The City Commissioners Guide for Election Board Officials in Philadelphia County
https://files7.philadelphiavotes.com/election-workers/Primary_2020_Election_Board_Training_Guide.pdf#_ga=2.76375829.1442739614.1596492241-451378711.1596323331
- The City Commissioners Office Election Board Training for the 2020 Primary Election
https://files7.philadelphiavotes.com/election-workers/2020_PRIMARY_ELECTION_PP.pdf#_ga=2.76375829.1442739614.1596492241-451378711.1596323331
- The City Commissioners Office Primary 2020 Election Board Checklist
https://files7.philadelphiavotes.com/candidates/Primary_2020_Election_Board_Checklist.pdf#_ga=2.46564391.1442739614.1596492241-451378711.1596323331
- The City Commissioners Office 2020 Primary Election Training Seminar Schedule
https://files7.philadelphiavotes.com/election-workers/2020_Primary_Seminar_Schedule.pdf#_ga=2.88475803.1442739614.1596492241-451378711.1596323331

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

11. Please identify all incidents known or reported to You from the June 2, 2020 Primary Election of: (a) electors who applied for and/or voted an absentee or mail-in ballot and also voted in-person, either on a voting machine or via a paper or provisional ballot, on Election Day at a polling place; (b) electors who received and/or voted more than one absentee or mail-in ballot; (c) non-disabled electors whose absentee or mail-in ballots were mailed or delivered in-person by a person other than the non-disabled electors who voted the absentee or mail-in ballots; and/or (d) electors who claimed that someone had impersonated them and/or cast either in-person, absentee, and/or mail-in ballots for them without their knowledge, consent, or authorization, and for each such incident, state what review or investigation was undertaken by You in response to the incident, including all determinations made on the incident, legal actions filed, and referrals to law enforcement.

RESPONSE: The Board of Elections objects to this Interrogatory No. 11 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 11 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections further objects to this Interrogatory No. 11 to the extent it calls

for the Board of Elections to “identify all incidents known or reported to You from the June 2, 2020 Primary Election” relating to “electors who claimed that someone had impersonated them and/or cast either in-person, absentee, and/or mail-in ballots for them without their knowledge, consent, or authorization.” Such information falls outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to electors who claimed that someone had impersonated them and/or cast either in-person, absentee, and/or mail-in ballots for them without their knowledge, consent, or authorization. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs’ original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For these reasons, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning Plaintiffs’ new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 11 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, with regard to the four categories of voters described above for the June 2, 2020 Primary Election, the Board of Elections states:

- a) The Board of Elections is aware of instances of electors who applied for and/or voted an absentee or mail-in ballot and also voted in-person, either on a voting machine or via a paper or provisional ballot, on Election Day at a polling place. Election Board Officials were instructed not to allow any voter to vote in person if a poll book or supplemental poll book reflected that the voter had already cast an absentee ballot or mail-in ballot, and not to allow any voter to vote via voting machine if a poll book or supplemental poll book reflected that the voter had already applied for an absentee ballot or mail-in ballot. Nonetheless, approximately 40 voters whose absentee or mail-in ballots were counted also cast in person votes. Of those 40 votes, approximately four votes were actually counted. The Board of Elections evaluated these incidents and concluded that they resulted from a human error, which can be attributed to the challenges of administering mail-in balloting for the first time in any Pennsylvania election and during a pandemic. Additionally, some voters who applied for an absentee or mail-in ballot but did not actually cast that ballot were permitted to vote in person using a voting machine rather than via provisional ballot. This also resulted from human error arising from the unique circumstances of the primary election. As in any election, human error is largely preventable but not entirely avoidable. That is especially true when administering new voting procedures for the first time.
- b) The Board of Elections is not aware of any electors who received and voted more than one absentee or mail-in ballot. The Board of Elections is aware that a small number of voters received, separately, two absentee or mail-in ballots because of a glitch in the SURE system.
- c) The Board of Elections is not aware of any non-disabled electors whose absentee or mail-in ballots were mailed or delivered in-person by a person other than the non-disabled electors who voted the absentee or mail-in ballots, and counted. However, the Board of Elections is aware of at least two such voters whose ballots were not counted. During the social unrest in Center City Philadelphia, one voter who was unable to access a 24/7 Drop-Off Location because of protests approached a police officer with two absentee or mail-in ballots. The police officer took receipt of those ballots and relayed them to another police officer, who delivered them to Board of Elections staff. Because the ballots were not properly delivered to the Board of Elections, the Board of Elections did not count the two ballots.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

12. Please identify all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the accreditation of poll watchers, the issuance and verification of poll watcher's certificates, and whether poll watchers are permitted to monitor the issuance, return,

casting, and counting of all ballots, including without limitation absentee and/or mail-in ballots, and if there are any differences, please identify the reasons why You are making a change in such Procedures, Practices, Rules, Regulations, and/or Instructions by the November 3, 2020 General Election.

RESPONSE: The Board of Elections objects to this Interrogatory No. 12 as overly broad, not narrowly tailored, and disproportional because it calls for “all Procedures, Practices, Rules, Regulations, and/or Instructions” relating to “the accreditation of poll watchers, the issuance and verification of poll watcher’s certifications, and whether poll watchers are permitted to monitor the issuance, return, casting, and counting of all ballots,” without limitation to the specific allegations and relief requested in Plaintiffs’ Complaint. Plaintiffs’ Complaint requests very narrow relief concerning poll watchers – the ability to poll watchers to serve in counties outside their county of residence and to observe and participate in the pre-canvass of ballots. Thus, the burden and expense of this proposed discovery outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 12 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Interrogatory No. 12 because it should more properly be directed to the Secretary to the extent it requests Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections further objects to this Interrogatory No. 12 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections states that it followed the Election Code and guidance issued by the Secretary and the Department concerning the accreditation of poll watchers, issuance and verification of poll watcher’s certifications,

whether poll watchers are permitted to monitor the issuance, return, casting, and counting of all ballots in the June 2, 2020 Primary Election.

The Board of Elections will follow the Election Code and guidance issued by the Secretary and the Department concerning these matters in the November 3, 2020 General Election.

With regard to the June 2, 2020 Primary Election, the Guide for Election Board Officials in Philadelphia County provided the following instructions to Election Board Officials regarding Poll Watchers: Poll Watchers are issued Watcher Certificates by the City Commissioners, as requested by candidates or political parties, after a review of the potential Poll Watchers' voter registration files. Watchers do not have to live in the Division in which they watch, but they must be registered electors in Philadelphia.

During the Primary election, each candidate is entitled to request two (2) Watcher Certificates per Division for his or her district. Parties may not request Watcher Certificates during the Primary Election.

Watchers are only permitted to be issued one Certificate for one Election District, but are permitted to use that Certificate to watch in any Ward/Division in Philadelphia. Each Watcher Certificate has the Watcher's name, address, and the Ward and Division in which the Watcher has requested to work listed on the certificate. Certified Watchers are permitted to be present in any polling place during Election Day and during the tabulation of results after the polls close at 8:00 PM.

Additionally, poll watchers are not permitted to monitor the issuance, return, casting, or counting of absentee or mail-in ballots. Rather, under 25 P.S. § 3146.8 and as per guidance issued by the Secretary and Department, each campaign and political party is permitted to

designate watchers to attend the pre-canvass and canvass of absentee and mail-in ballots. The number permitted to be present at any one time was limited to not more than three for each party, political body or body of citizens. During the Primary Election, Plaintiff Donald Trump For President, Inc. designated one such watcher in Philadelphia County, who was permitted to monitor the pre-canvass and canvass of absentee and mail-in ballots.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

13. Please identify all correspondence, memoranda, email messages, postings, or other communications, whether in writing or made orally, that (a) were made by, to, and/or between You any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions identified in Your answer to the preceding Interrogatory, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Interrogatory No. 13 as overly broad, not narrowly tailored, and disproportional because it calls for “all correspondence, memoranda, email messages, postings, or other communications” that “were made by, to, and/or between You and any other person,” concerning the information requested in Interrogatory No. 12, which was not limited to the specific allegations and relief requested in Plaintiffs’ Complaint. As noted in response to Interrogatory No. 12, Plaintiffs’ Complaint requests very narrow relief concerning poll watchers – the ability to poll watchers to serve in counties outside their county of residence and to observe and participate in the pre-canvass of ballots. Thus, the burden and expense of this proposed discovery outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 13 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to

Plaintiffs. The Board of Elections also objects to this Interrogatory No. 13 because it should more properly be directed to the Secretary to the extent it requests identification of materials related to Procedures, Practices, Rules, Regulations and/or Instructions that have been or will be promulgated or established by the Secretary or the Department.

The Board of Elections further objects to this Interrogatory No. 13 to the extent that it seeks disclosure of any information other than 1) the policies and rules that were in effect for the June 2, 2020 Primary Election and 2) the policies and rules that will be in effect for the November 3, 2020 General Election (to the extent these have been established), and to the extent that it seeks communications beyond official Board of Elections communications to the public, because this information is irrelevant, disproportional to the needs of the case, and not narrowly tailored in accordance with the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 13 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, the Board of Elections identifies the following information concerning the June 2, 2020 Primary Election.

- The City Commissioners Guide for Election Board Officials in Philadelphia County https://files7.philadelphiavotes.com/election-workers/Primary_2020_Election_Board_Training_Guide.pdf#_ga=2.76375829.1442739614.1596492241-451378711.1596323331
- The City Commissioners Office Election Board Training for the 2020 Primary Election https://files7.philadelphiavotes.com/election-workers/2020_PRIMARY_ELECTION_PP.pdf#_ga=2.76375829.1442739614.1596492241-451378711.1596323331
- The City Commissioners Office Primary 2020 Election Board Checklist https://files7.philadelphiavotes.com/candidates/Primary_2020_Election_Board_Checklist.pdf#_ga=2.46564391.1442739614.1596492241-451378711.1596323331

- The City Commissioners Office 2020 Primary Election Training Seminar Schedule https://files7.philadelphiavotes.com/election-workers/2020_Primary_Seminar_Schedule.pdf#_ga=2.88475803.1442739614.1596492241-451378711.1596323331

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

14. Please identify from the June 2, 2020 Primary Election:

- (a) The total number of absentee and mail-in ballots that were returned to You by mail and of this total, the number of mail-returned ballots that were (i) pre-canvassed and counted; (ii) pre-canvassed and not counted; (iii) challenged and counted; (iv) challenged and not counted; (v) canvassed and counted; (vi) canvassed and not counted; and (vii) not canvassed and not counted;
- (b) The total number of absentee and mail-in ballots that were returned to You in person at Your official registered office, and of this total, the number of in-person/office-returned ballots that were: (i) pre-canvassed and counted; (ii) pre-canvassed and not counted; (iii) challenged and counted; (iv) challenged and not counted; (v) canvassed and counted; (vi) canvassed and not counted; and (vii) not canvassed and not counted; and
- (c) The total number of absentee and mail-in ballots that were returned to You in person to a drop-box, mobile ballot collection center, polling place, or other collection/drop-off location other than inside Your official registered office, and of this total, the number of in-person/office-returned ballots that were: (i) pre-canvassed and counted; (ii) pre-canvassed and not counted; (iii) challenged and counted; (iv) challenged and not counted; (v) canvassed and counted; (vi) canvassed and not counted; and (vii) not canvassed and not counted.

RESPONSE: The Board of Elections objects to this Interrogatory No. 14 to the extent it requests information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Interrogatory No. 14 to the extent that the information sought is publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Counties further object to this Interrogatory No. 14 as overly broad, not narrowly tailored, and disproportional because it requests that the Counties differentiate between the

number of ballots returned to different locations under their control, some of which were closed or had restricted access due to the COVID-19 pandemic, and thus the burden and expense of the proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Interrogatory No. 14 because documents relating to the return of ballots to “polling places” fall outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to the return of ballots to polling places. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs’ original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For the reasons stated above, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of discovery concerning Plaintiffs’ new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit. The Board of Elections further objects to this Interrogatory No. 14 to the extent it requests information that is protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges or protections from disclosure.

Subject to and without waiving these objections, with regard to categories (b) and (c), the Board of Elections rejected absentee and mail-in ballots as follows:

- Returned after Deadline: 5,695 (includes both non-postmarked ballots returned between 6/4 and 6/9 and all ballots returned 6/10 or later)
- No Signature: 1,051
- Not in Declaration Envelope: 137
- Other (as described in Interrogatory Response 11(c)): 2

The Board of Elections did not keep records of the methods by which these rejected ballots were delivered.

Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION

1. Please produce all documents You referenced, relied upon, reviewed, or consulted when answering the above Interrogatories.

RESPONSE: The Board of Elections objects to this Request No. 1 as overly broad, not narrowly tailored, and disproportional because it calls for “all documents relied upon, reviewed, or consulted when answering” any of the Interrogatories, without limitation to the specific allegations and relief requested in Plaintiffs’ Complaint, and thus the burden and expense of this proposed discovery outweighs its likely benefit. The Board of Elections further objects to this Request No. 1 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Board of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 1 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also object to this Request No. 1 because it calls for documents

that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 1 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will conduct a reasonable search for non-privileged, responsive documents relied upon, reviewed, or consulted when answering the Interrogatories the places where such documents are most likely to be found, and the Board of Elections will produce non-privileged documents that are responsive to this Request No. 1 located after a reasonable search that are sufficient to show the following:

- Board of Elections public statements, including statements on County or Board of Elections websites and social media accounts, and press releases, regarding ballot collection point locations, dates and hours of availability, instructions for use, and restrictions on who may return ballots.
- Signage at ballot collection point locations provided by the Boards of Elections to the public;

- Information concerning who could make use of ballot collection points provided by the Boards of Elections to the public;
- Official policies and procedures, if any, regarding the maintenance, monitoring, and collection of ballots from ballot collection points;
- The kinds of ballot collection receptacles used;
- Instructions mailed to each voter that requested an absentee or mail ballot;
- Board of Elections public statements, including statements on County or Board of Elections websites and social media accounts, and press releases, regarding pre-canvassing, canvassing, counting, and/or tabulation of voted absentee and/or mail-in ballots;
- Official Board of Elections training manuals, guidance, and handbooks, if any, for pre-canvassing, canvassing, counting, and/or tabulation of voted absentee and/or mail-in ballots.
- Official instructions, if any, provided to poll workers concerning poll watchers, supplemental poll books, and the casting of provisional ballots;
- Information sufficient to show the poll watcher certifications issued and verified by each County, the person or entity that requested the poll watcher certifications, and the polling places for which those certifications were issued; and
- Official Board of Elections training manuals, guidance, and handbooks, if any, for determining whether a voter who had cast a provisional ballot had returned an absentee or mail ballot, and whether the provisional ballot should be counted or not counted.

Investigation is ongoing, and the Board of Elections reserves the right to supplement this Response.

2. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the receipt, storage, review, delivery, collection, and counting of paper ballots, including but not limited to absentee, mail-in, provisional, and alternative emergency ballots, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 2 as overly broad, not narrowly tailored, and disproportional because it calls for “all Procedures, Practices, Rules, Regulations, and/or Instructions” relating to “the receipt, storage, review, delivery, collection, and counting of paper ballots,” without limitation to the specific allegations and relief requested in Plaintiffs’ Complaint. Indeed, this Request No. 2 specifically seeks information about “alternative emergency ballots,” but Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, any such emergency ballots. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Request No. 2 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 2 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 2 to the extent that the documents sought are publicly

available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 2 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 2 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

3. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the pre-canvassing, canvassing, and/or counting of absentee and/or mail-in ballots, including without limitation (a) the timing of when such pre-canvassing, canvassing, and/or counting shall occur; (b) whether absentee and/or mail-in ballots that have been (i) cast either without inner secrecy envelopes, with inner secrecy envelopes with marks,

text, or symbols, or without the outside envelope's declaration being filled out, dated, and signed, and/or (ii) delivered in-person by someone other than the electors who voted the ballots should be processed, handled, counted, or disallowed; and (c) whether poll watchers can be present during any such pre-canvassing, canvassing, and/or counting, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 3 to the extent it calls for information regarding the return of ballots cast “without the outside envelope’s declaration being filled out, dated, and signed,” because such information falls outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to the return of ballots cast without the outside envelope’s declaration being filled out, dated, and signed. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs’ original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs’ attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For these reasons, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning

Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit

The Board of Elections further objects to this Request No. 3 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 3 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 3 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 3 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 3 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

4. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the use, type, number, location, security, monitoring, advertisement, funding, and other factors or best practices for using drop boxes, mobile ballot collection centers, polling places, or other collection/drop-off locations to receive voted absentee and/or mail-in ballots, including without limitation documenting security and chain of custody of such delivered ballots, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 4 as overly broad, not narrowly tailored, and disproportional because it calls for “all Procedures, Practices, Rules, Regulations, and/or Instructions” relating to “the receipt, storage, review, delivery, collection, and counting of paper ballots,” without limitation to the specific allegations and relief requested in Plaintiffs’ Complaint. Indeed, this Request No. 4 specifically seeks information about the “funding” of drop boxes, but Plaintiffs’ Complaint includes no allegations concerning, and requests no relief regarding, the funding of drop boxes. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Request No. 4 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 4 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to

be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 4 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 4 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 4 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

5. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election,

concerning or relating to the circumstances under which a person other than the non-disabled elector may return or deliver an absentee or mail-in ballot for that non-disabled elector, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 5 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 5 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 5 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 5 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of

Elections would be duplicative. The Board of Elections further objects to this Request No. 5 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure. Furthermore, the Board of Elections objects to this Request No. 5 because it presumes the fact that there “are circumstances under which a person other than the non-disabled elector may return or deliver an absentee or mail-in ballot for that non-disabled elector.”

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

6. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the processing, verification, acceptance, and/or rejection of applications for absentee and/or mail-in ballots, including without limitation whether to mail applications to all registered voters or qualified electors within Your county without a signed written request or application, and whether to frank or prepay the postage for any or all completed and returned applications, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 6 because information relating to the “processing, verification, acceptance, and/or rejection of applications for absentee and/or mail-in ballots” falls outside the scope of the Court’s July 17, 2020 Scheduling Order (ECF 124).

The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original

Complaint (ECF 4), which did not seek relief related to ballot applications. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning ballot applications is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs' attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of expedited discovery, should not be permitted. For the reasons stated above, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit.

The Board of Elections further objects to this Request No. 6 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 6 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 6 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations

and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 6 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

7. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the issuance of absentee and/or mail-in ballots to registered voters, including without limitation sending absentee or mail-in ballots to all registered voters or qualified electors in Your county without a signed written request or application form from such voters or electors, and/or franking or pre-paying the postage for voted absentee and/or mail-in ballots, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 7 because information relating to the “issuance of absentee and/or mail-in ballots to registered voters” falls outside the scope of the Court’s July 17, 2020 Scheduling Order (ECF 124). The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs’ original Complaint (ECF 4), which did not seek relief related to ballot applications. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and

seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning ballot applications is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs' attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of expedited discovery, should not be permitted. For the reasons stated above, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit.

The Board of Elections further objects to this Request No. 7 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 7 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 7 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be

promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 7 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

8. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election, concerning or relating to the accreditation of poll watchers, the issuance and verification of poll watcher's certificates, and whether poll watchers are permitted to monitor the issuance, return, casting, and counting of all ballots, including without limitation absentee and/or mail-in ballots, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 8 as overly broad, not narrowly tailored, and disproportional because it calls for "all Procedures, Practices, Rules, Regulations, and/or Instructions" relating to "the accreditation of poll watchers, the issuance and verification of poll watcher's certifications, and whether poll watchers are permitted to monitor the issuance, return, casting, and counting of all ballots," without limitation to the specific allegations and relief requested in Plaintiffs' Complaint. Plaintiffs' Complaint requests very narrow relief concerning poll watchers – the ability to poll watchers to serve in counties outside their county of residence and to observe and participate in the pre-canvass of ballots. Thus, the burden and expense of this proposed discovery outweighs its likely benefit.

The Board of Elections further objects to this Request No. 8 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 8 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 8 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 8 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

9. Please produce all Procedures, Practices, Rules, Regulations, and/or Instructions You implemented, used, followed, and/or communicated in the June 2, 2020 Primary Election, and all Procedures, Practices, Rules, Regulations, and/or Instructions that You intend to implement, use, follow, and/or communicate in the November 3, 2020 General Election,

concerning or relating to how You ensure that electors who voted via absentee or mail-in ballot do not vote again in-person on Election Day, or if they do, they do not have more than one of their votes counted, including without limitation how You notify or inform the District Election Board which voters are entitled to vote on Election Day, either by way of a paper ballot, on a machine, or via a provisional ballot, and how You mark or supplement the poll books that are delivered to the District Election Boards with such information, and all correspondence, memoranda, email messages, postings, or other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: (i) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, explain, or justify the Procedures, Practices, Rules, Regulations, and/or Instructions, including without limitation any incidents, complaints, concerns, changes, modifications, or supplementation to such Procedures, Practices, Rules, Regulations, and/or Instructions.

RESPONSE: The Board of Elections objects to this Request No. 9 to the extent it calls for information regarding the ability of voters who applied for but did not vote their mail-in or absentee ballots to spoil those ballots at polling places and vote in-person on Election Day, because the statutory provision allowing for the spoiling of mail-in and absentee ballots was not in force during the June 2, 2020 Primary Election, and because such information falls outside the scope of the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs' original Complaint (ECF 4), which did not seek relief related to the spoiling of mail-in and absentee ballots at polling places. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs' original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs' attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For these reasons, the

Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit.

The Board of Elections further objects to this Request No. 9 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 9 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 9 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 9 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 9 to the extent it calls for the production of documents protected by the attorney-client privilege,

work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

10. Please produce all documents concerning or relating to all incidents known or reported to You during the June 2, 2020 Primary Election and involving either:

- a. Electors who applied for and/or voted an absentee or mail-in ballot and also voted in-person, either on a voting machine or via a paper or provisional ballot, on Election Day at a polling place;
- b. Electors who received and/or voted more than one absentee or mail-in ballot;
- c. Non-disabled electors whose absentee or mail-in ballots were mailed or delivered in-person by a person other [than] the non-disabled electors who voted the absentee or mail-in ballots; and/or
- d. Electors who claimed that someone had impersonated them and/or cast either in-person, absentee, and/or mail-in ballots for them without their knowledge, consent, or authorization;

including without limitation all investigative or case files, law enforcement or other civil, criminal, or administrative referrals or proceedings, notes, memoranda, correspondence, email messages, and other documents reflecting communications, whether in writing or made orally, that (a) were made by, to, and/or between You and any other person, including without limitation: i)) any political party or body, political committee, non-profit organization, or other body of citizens; (ii) any voter/elector in the Commonwealth of Pennsylvania; (iii) any other County Election Board; (iv) any District Election Board; (v) any of Your employees, agents, or other representatives acting on Your behalf; and/or (vi) Secretary Boockvar and/or the Elections Department; and (b) concern, relate to, describe, or explain such incidents and the determinations made about such incidents.

RESPONSE: The Board of Elections objects to this Request No. 10 to the extent it calls for the Board of Elections to produce “all documents concerning” “electors who claimed that someone had impersonated them and/or cast either in-person, absentee, and/or mail-in ballots for them without their knowledge, consent, or authorization.” Such information falls outside the scope of

the Scheduling Order. The Scheduling Order provides only for discovery narrowly tailored to Plaintiffs' original Complaint (ECF 4), which did not seek relief related to electors who claimed that someone had impersonated them and/or cast either in-person, absentee, and/or mail-in ballots for them without their knowledge, consent, or authorization. Plaintiffs served their discovery pursuant to the Scheduling Order on July 24, 2020 and filed an Amended Complaint adding significant new allegations and seeking additional relief on July 27, 2020 (ECF 234), but Plaintiffs have not sought an amendment to the Scheduling Order to expand or otherwise alter the scope of discovery. Any discovery concerning allegations or relief that were not part of Plaintiffs' original Complaint is therefore not authorized by and outside the scope of the Scheduling Order, and Plaintiffs' attempt to circumvent the expedited timeline that Plaintiffs themselves requested, and thus unilaterally expand the scope of discovery, should not be permitted. For these reasons, the Board of Elections also objects to this Request as untimely, unduly burdensome, and disproportional. The burden and expense of the discovery concerning Plaintiffs' new allegations, especially on the expedited schedule requested by Plaintiffs, outweighs its likely benefit.

The Board of Elections further objects to this Request No. 10 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 10 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 10 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections

also objects to this Request No. 10 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request as more properly directed to law enforcement agencies, courts, or other public entities. The Board of Elections further objects to this Request No. 10 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure. The Board of Elections further objects to this Request No. 10 to the extent that it calls for the creation of documents not already in existence. The Board of Elections further objects to this Request No. 10 to the extent that it purports to seek production of absentee or mail-in ballots or ballot applications.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

11. To the extent not produced by Secretary Boockvar and/or the Elections Department, please produce all data submitted by You to the Pennsylvania Department of State under 71 P.S. § 279.6(c).

RESPONSE: The Board of Elections objects to this Request No. 11 because the Scheduling Order provides that the Act 35 Report and data submissions under 71 P.S. § 279.6(c) “should be produced” by the Secretary” and any additional discovery must “not be duplicative of materials received in connection with the report.” The Board of Elections further objects to this Request No. 11 as overly broad, not narrowly tailored, and disproportional because it calls for “all data” submitted by the Boards of Elections to the Department under 71 P.S. § 279.6(c), without limitation to the specific allegations and relief requested in Plaintiffs’ Complaint and the scope of discovery provided in the Scheduling Order, and thus the burden and expense of this proposed discovery outweighs its likely benefit. The data submitted to the Department by the Board of Elections includes data that are not connected to any of the allegations made or relief sought in Plaintiffs’ Complaint, including *inter alia* data on incidents encountered with electronic voting systems, the number of election officers appointed, and the consolidation and location of polling places. The Board of Elections further object to this Request No. 11 because the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections also objects to this Request No. 11 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request No. 11 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 11 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 11 to the extent that the documents sought are

publicly available from the Counties, the Secretary, the Department, and/or other entities, and thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 11 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

12. For all absentee and mail-in ballots identified in Answer to Interrogatory No. 14 that were not counted, please produce all documents which identify the reasons for why such ballots were not counted.

RESPONSE: The Board of Elections objects to this Request No. 12 to the extent it is duplicative of Request No. 1. The Board of Elections further objects to this Request No. 12 to the extent it requests documents and/or information contained in the Act 35 Report and thus is not required to be produced by the Boards of Elections under the Scheduling Order. The Board of Elections further objects to this Request No. 12 to the extent that the documents sought are publicly available from the Counties, the Secretary, the Department, and/or other entities, and

thus equally accessible to Plaintiffs. The Board of Elections will not produce documents that are generally publicly available and accessible, such as the Election Code. The Board of Elections also objects to this Request No. 12 because it calls for documents that are in the possession, custody, or control of entities other than the Board of Elections, including but not limited to the Secretary or the Department.

The Board of Elections further objects to this Request as more properly directed to the Secretary because it requests documents concerning procedures, practices, rules, regulations and/or instructions that have been or will be promulgated or established by the Secretary or the Department. The Board of Elections will not produce documents that have been or will be promulgated by the Secretary or the Department, as the Secretary is a party to this Action and is able to produce those documents, and any production of such documents by the Boards of Elections would be duplicative. The Board of Elections further objects to this Request No. 12 to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine, deliberative process privilege, and/or other applicable privileges and protections from disclosure. The Board of Elections further objects to this Request No. 12 to the extent that it calls for the creation of documents not already in existence. The Board of Elections further objects to this Request No. 12 to the extent that it purports to seek production of absentee or mail-in ballots or ballot applications.

Subject to and without waiving these objections, the Board of Elections will produce the documents discussed in their Response to Request No. 1. The Board of Elections also incorporates its response to Interrogatory No. 14 here by reference. Investigation remains ongoing, so the Board of Elections reserves the right to supplement this Response.

Respectfully submitted,

**HANGLEY ARONCHICK SEGAL PUDLIN
& SCHILLER**

Dated: August 5, 2020

By: /s/ Mark A. Aronchick

Mark A. Aronchick

Michele D. Hangle

John B. Hill*

One Logan Square, 27th Floor

Philadelphia, PA 19103

Telephone: 215-496-7050

Email: maronchick@hangle.com

*Counsel for Defendants Bucks, Chester,
Montgomery, and Philadelphia County Boards
of Elections*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant Philadelphia County Board of Elections' Objections and Responses to Plaintiffs' First Set of Interrogatories and Requests for Production Directed to County Boards of Elections has been served upon the following counsel of record and all other parties via e-mail this 5th day of August, 2020, addressed as follows:

Ronald L. Hicks, Jr., Esquire
Jeremy A. Mercer, Esquire
Porter Wright Morris & Arthur LLP
6 PPG Place, Third Floor
Pittsburgh, PA 15222

/s/ Mark A. Aronchick
Mark A. Aronchick

VERIFICATION

I, Chief Deputy Commissioner Seth Bluestein, state that I am authorized to make this verification on behalf of Defendant Philadelphia County Board of Elections, that I have read Defendant Philadelphia County Board of Elections' Objections and Responses to Plaintiffs' First Set of Interrogatories and Requests for Production Directed to County Boards of Elections, and that I believe, based on reasonable inquiry, that the facts set forth therein concerning the Philadelphia County Board of Elections are true and correct to the best of my knowledge, information, and belief. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



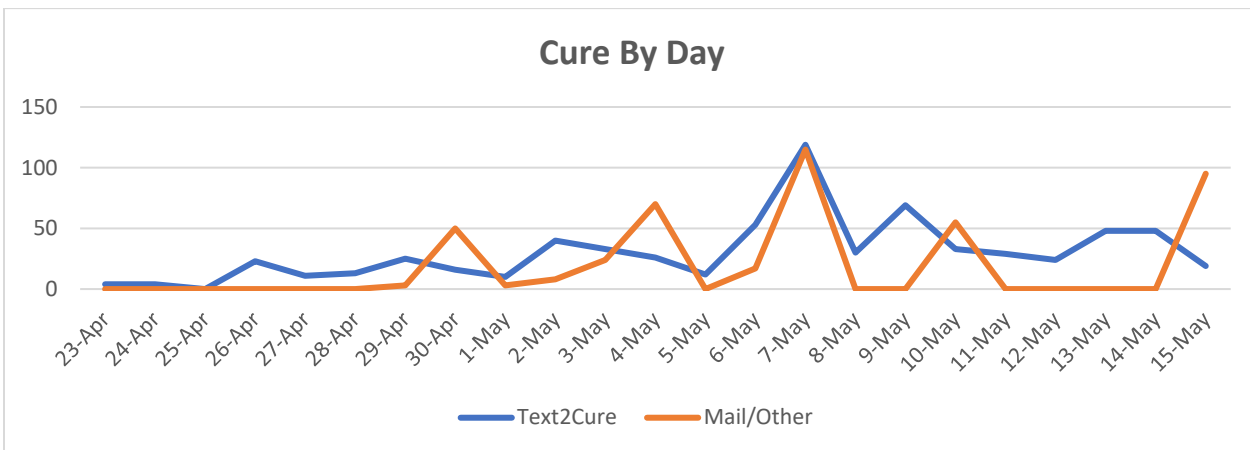
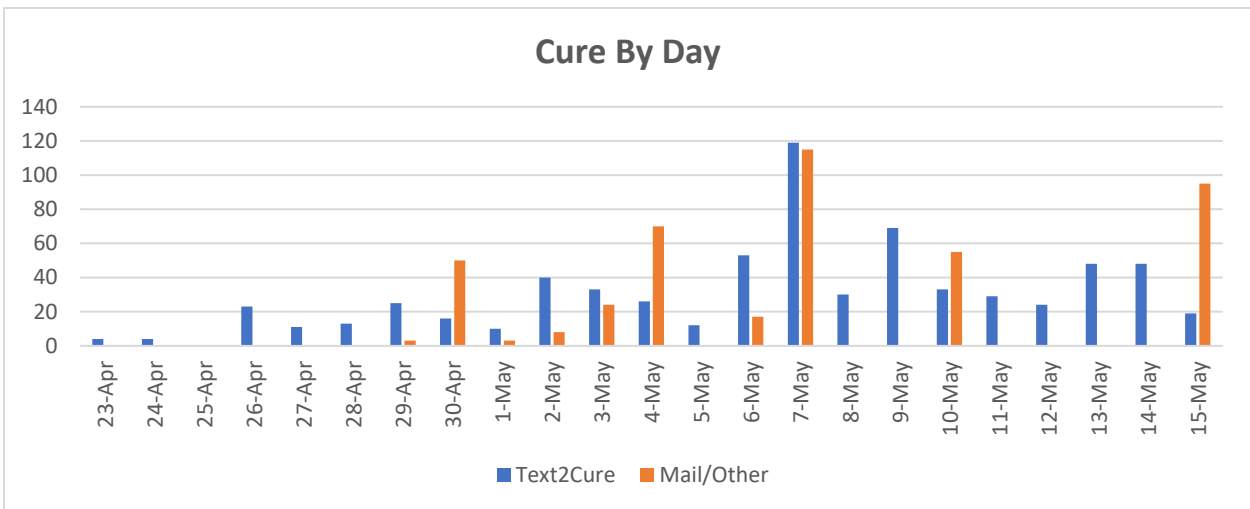
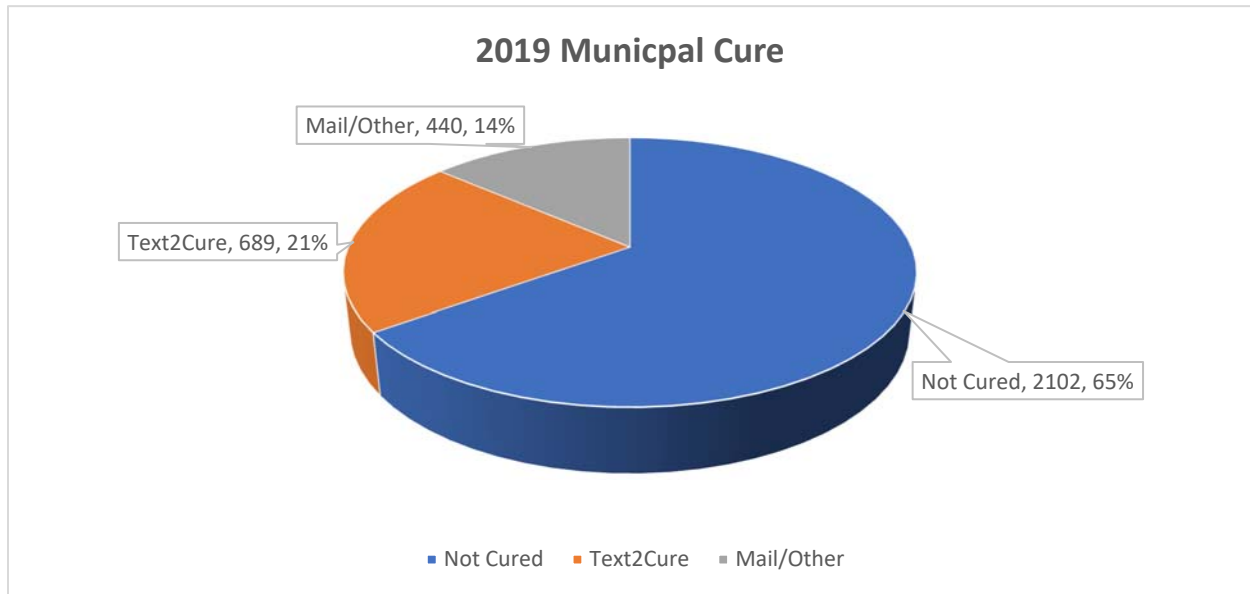
Dated: August 5, 2020

Seth Bluestein
Chief Deputy Commissioner for
Commissioner Al Schmidt

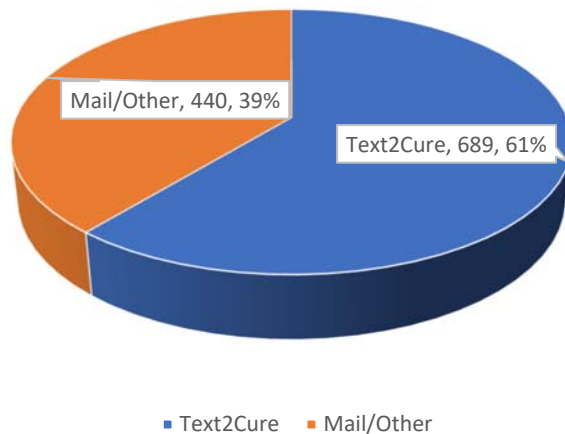
EXHIBIT 2

TO AFFIDAVIT OF AMBER M'REYNOLDS

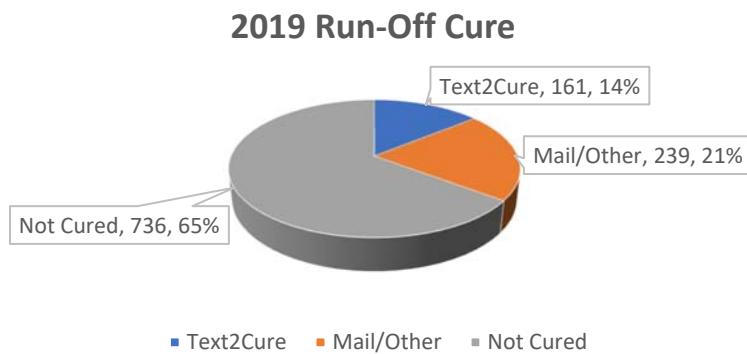
2019 Municipal Election Cure



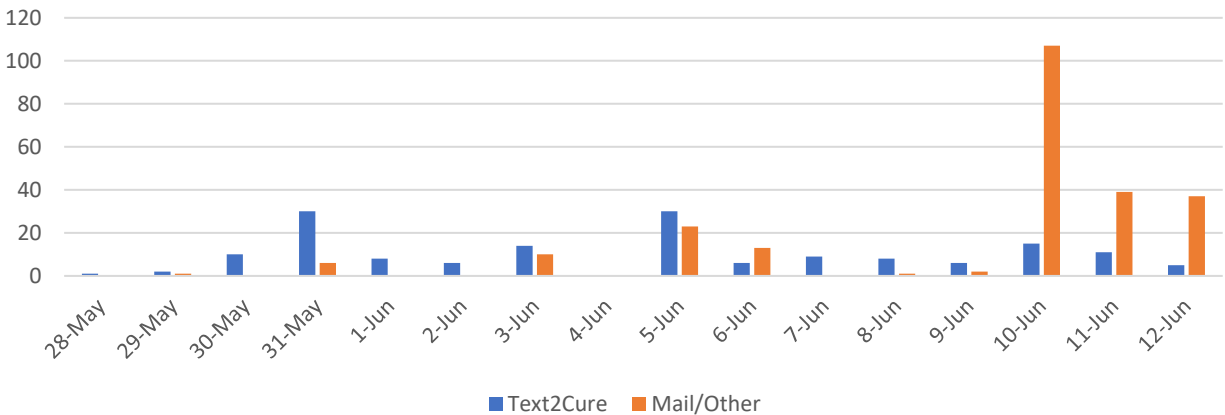
Total Cures 2019 Municipal



2019 Municipal Run-Off Cure



2019 Run-Off -- Cure By Day



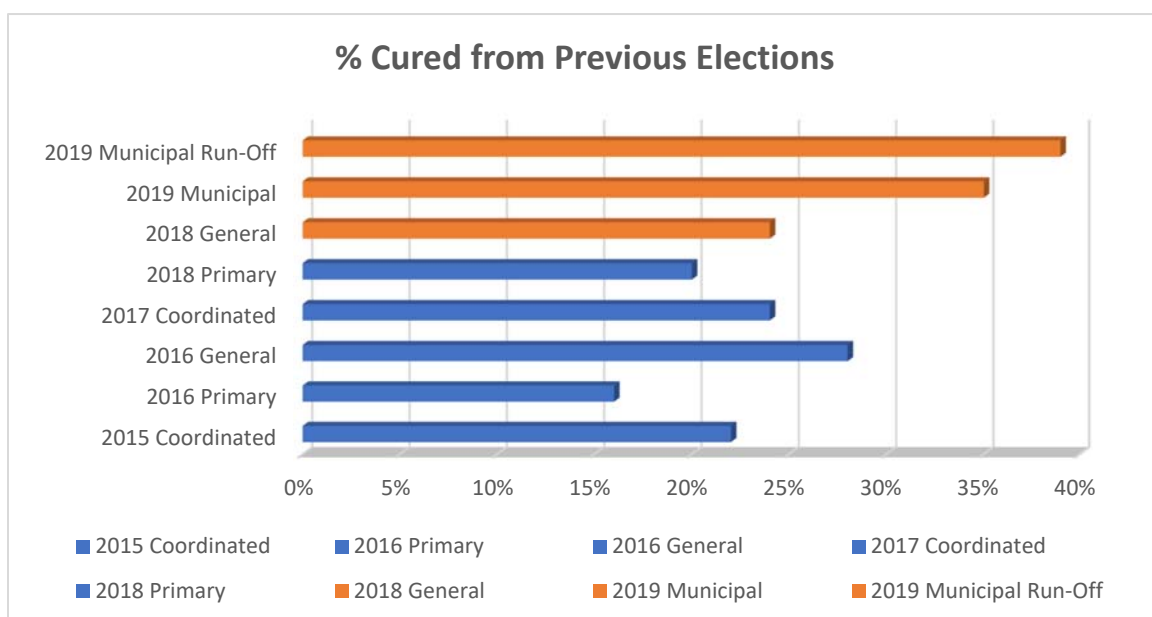
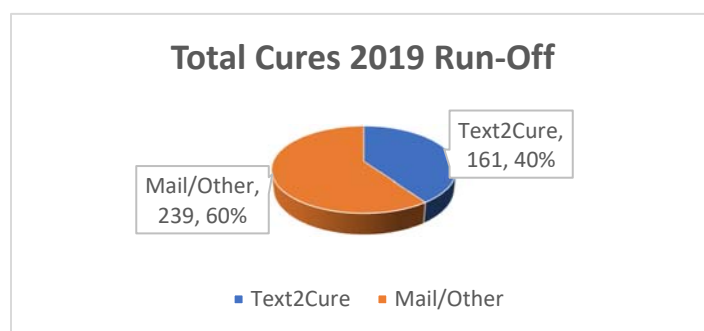
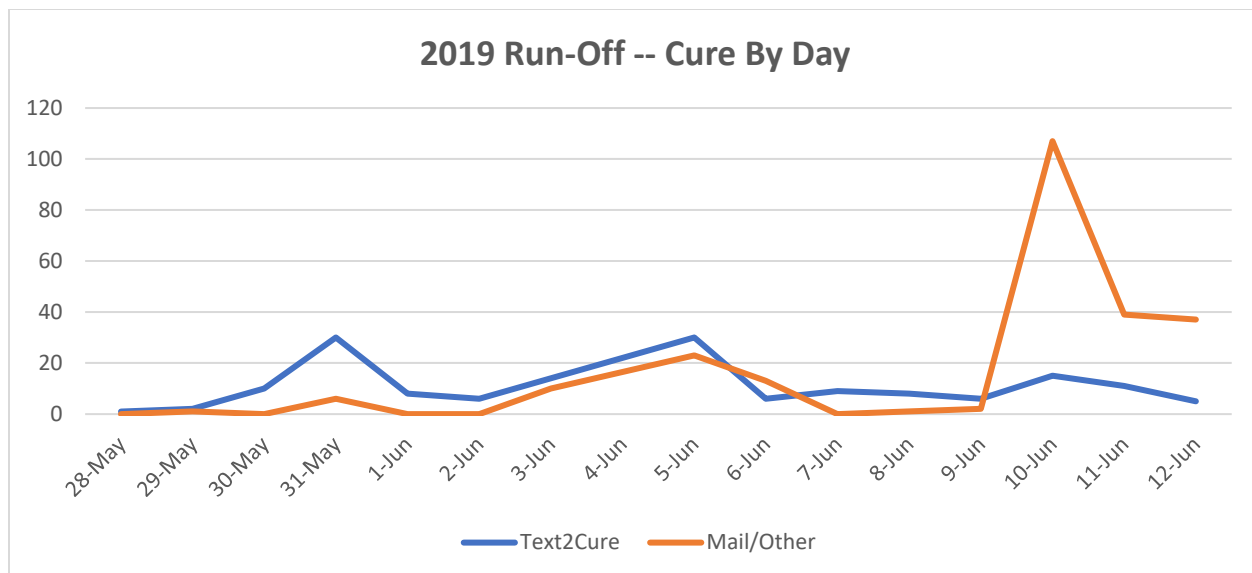


EXHIBIT 8

IN THE SUPREME COURT OF PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC
PARTY, et al.,

Petitioners,

v.

KATHY BOOCKVAR, et al.,

Respondents.

NO. 133 MM 2020

AFFIDAVIT OF LORI A. MARTIN

I, Lori A. Martin, am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, and counsel for amicus curiae Common Cause Pennsylvania; The League of Women Voters of Pennsylvania; The Black Political Empowerment Project (“B-PEP”); Make the Road Pennsylvania, a project of Make The Road States (“Make the Road PA”); Patricia M. DeMarco; Danielle Graham Robinson; and Kathleen Wise in the above-captioned litigation. I am familiar with the facts set forth herein, and, if called as a witness, would testify competently to those facts I affirm as follows:

1. Attached as Exhibit 1 is a true and correct copy of e-mail correspondence from Jonathan Marks, Deputy Secretary for Elections and Commissions, to County Boards of Elections dated May 28, 2020. The document was produced by the Pennsylvania Secretary of State in *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-cv-966 (W.D. Pa.) as PADOS000539.000001 - PADOS000539.000004.
2. Attached as Exhibit 2 is a true and correct copy of the Preliminary Report of Ronald Stroman, Deputy Postmaster General of the United States Postal Service, entered in *Crossey v. Boockvar*, Case Nos. 108 MM 2020 and 266 MD 2020, Commonwealth Court of Pennsylvania, dated August 29, 2020.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Executed: September 8, 2020

Respectfully submitted.

/s/ Lori A. Martin

Lori A. Martin (PA No. 55786)

WILMER CUTLER PICKERING

HALE & DORR LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

Telephone: (212) 230-8800

Facsimile: (212) 230-8888

Lori.Martin@wilmerhale.com

EXHIBIT 1

TO AFFIDAVIT OF LORI A. MARTIN

From: "Marks, Jonathan" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/4A8ED908653B41ED939420A5160F46C3-JMARKS>

Sent: 5/28/2020 11:44:22 PM +0000

To: "Marks, Jonathan" <jmarks@pa.gov>

BCC: "Adams - Crouse, Angie" <acrouse@adamscounty.us>; "Allegheny - Voye, David" <David.Voye@AlleghenyCounty.US>; "Armstrong - Bellas, Jennifer B." <jbbellas@co.armstrong.pa.us>; "Beaver - Mandity, Dorene" <dmandity@beavercountypa.gov>; "Bedford - Brown, Debra" <DBrown@bedfordcountypa.org>; "Bedford - Ferguson, Andrea" <aferguson@bedfordcountypa.org>; "Berks - Barsoum, Karen" <KBarsoum@countyofberks.com>; "Berks - Olivieri, Deborah" <dolivieri@countyofberks.com>; "Blair - Clapper, Virginia" <vclapper@blairco.org>; "Blair - Seymour, Sarah" <sseymour@blairco.org>; "Bradford - Smithkors, Renee" <smithkorsr@bradfordco.org>; "Bucks - Freitag, Thomas" <tfreitag@buckscounty.org>; "Bucks - Gale, Kelly E." <kegale@buckscounty.org>; "Bucks - Giorno, Deanna M." <dmgiorno@buckscounty.org>; "Bucks - Miller, Jennifer" <JLMiller@buckscounty.org>; "Butler - Herrit, Melissa" <mherrit@co.butler.pa.us>; "Butler - McCurdy, Chantell" <cmccurdy@co.butler.pa.us>; "Cambria - Crawl, Shirley" <scrawl@co.cambria.pa.us>; "Cameron - Lupro, Misty" <mlupro@cameroncountypa.com>; "Cameron - Munz, Brenda" <brenda@cameroncountypa.com>; "Carbon - Dart, Lisa" <LisaDart@carboncounty.net>; "Carbon - Elections Account" <carboneylections@carboncounty.net>; "Centre - McKinley, Joyce" <jemckinley@centrecountypa.gov>; "Centre - Neidig, Jodi" <jlneidig@centrecountypa.gov>; "Centre - Stefanko, Tisha" <lmstefanko@centrecountypa.gov>; "Chester - Barsamian, Alexis" <abarsamian@chesco.org>; "Chester - Burke, Sandy" <Sburke@chesco.org>; "Clarion - Callihan, Cindy" <ccallihan@co.clarion.pa.us>; "Clearfield - Bumbarger, Donna" <voterreg@clearfieldco.org>; "Clearfield - Graham, Dawn E." <elections@clearfieldco.org>; "Clinton - Boileau, Maria J." <MBoileau@ClintonCountyPA.com>; "Columbia - Repasky, Matthew" <mrepasky@columbiapa.org>; "Crawford - Chatfield, Gina" <gchatfield@co.crawford.pa.us>; "Crawford - Little, Rebecca" <rlittle@co.crawford.pa.us>; "Cumberland - Orris, Megan" <morris@ccpa.net>; "Cumberland - Salzarulo, Bethany" <bsalzarulo@ccpa.net>; "Dauphin - Feaser, Gerald" <jfeaser@dauphinc.org>; "Dauphin - Roach, Taryll" <troach@dauphinc.org>; "Delaware - Hagan, Lauren" <haganLT@co.delaware.pa.us>; "Delaware - Winterbottom, Crystal" <WinterbottomC@co.delaware.pa.us>; "Elk - Frey, Kim" <kfrey@countyofelkpa.com>; "Erie - Fernandez, Tonia" <tfernandez@eriecountypa.gov>; "Erie - Smith, Doug" <Dsmith@eriecountypa.gov>; "Fayette - Blosser, Larry" <lblosser@fayettepa.org>; "Fayette - Guthrie, Billie Jo" <bguthrie@fayettepa.org>; "Forest - Hitchcock, Jean Ann" <jahitchcock@co.forest.pa.us>; "Franklin - Aines, Jennie M." <jaines@co.franklin.pa.us>; "Franklin - Aines, Jennie M." <voter@co.franklin.pa.us>; "Franklin - Hart, John A." <commissioners@co.franklin.pa.us>; "Fulton - Beatty, Lisa" <lbeatty@co.fulton.pa.us>; "Fulton - Hann, Karen" <khann@co.fulton.pa.us>; "Greene - Kiger, Tina" <tkiger@co.greene.pa.us>; "Huntingdon - Fellman, Heather" <hfellman@huntingdoncounty.net>; "Huntingdon - Thompson,

Tammy" <tthompson@huntingdoncounty.net>; "Indiana - Maryai, Robin"
<rmariyai@indianacountypa.gov>; "Indiana - Streams, Debra"
<dstreams@indianacountypa.gov>; "Jefferson - Lupone, Karen"
<klupone@jeffersoncountypa.com>; "Juniata - Weyrich, Eva"
<eweyrich@juniataco.org>; "Lackawanna - Medalis, Marion"
<medalism@lackawannacounty.org>; "Lancaster - Skilling, Diane"
<dskilling@co.lancaster.pa.us>; "Lancaster - Wenger, Randall"
<rwenger@co.lancaster.pa.us>; Lawrence - Ed Allison
<lcvote@co.lawrence.pa.us>; "Lebanon - Anderson, Michael L."
<manderson@lebcnty.org>; "Lebanon - Sohn, Jo-Ellen" <jsohn@lebcnty.org>;
"Lehigh - Benyo, Timothy A" <TimothyBenyo@lehighcounty.org>; "Lehigh -
Harkins, Terry" <TerriHarkins@lehighcounty.org>; "Luzerne - Parsnik, Dave"
<David.Parsnik@luzernecounty.org>; "Luzerne - Steininger, Mary Beth"
<Marybeth.steininger@luzernecounty.org>; "Luzerne - Watchilla, Shelby"
<shelby.watchilla@luzernecounty.org>; "Lycoming - Lehman, Forrest"
<flehman@lyco.org>; "Lycoming - Shuman, Jill" <jshuman@lyco.org>; "McKean
- Frey, Linda" <lfrey@mckeancountypa.org>; "McKean - Pratt, Lisa M."
<Impratt@mckeancountypa.org>; "Mercer - Greenburg, Jeff"
<jgreenburg@mcc.co.mercer.pa.us>; "Mifflin - Powell, Pamela"
<ppowell@mifflinco.org>; "Mifflin - Swanger, Zane" <zswanger@mifflinco.org>;
"Monroe - May-Silfee, Sara" <SMay-Silfee@monroecountypa.gov>;
Montgomery - John Marlatt <jmarlatt@montcopa.org>; "Montgomery -
Macekura, Matt" <mmacekur@montcopa.org>; "Montgomery - Proietto, Sharon"
<sproiett@montcopa.org>; "Montgomery - Sisler, Karley"
<KSisler@montcopa.org>; "Montgomery - Soltysiak, Lee"
<LSoltysi@montcopa.org>; "Montour - Brandon, Holly A."
<hbrandon@montourco.org>; "Montour - Dyer, Darlis"
<ddyer@montourco.org>; "Montour - Woodruff, Theresa"
<twoodruff@montourco.org>; "Northampton - Cozze, Amy "
<acozze@northamptoncounty.org>; "Northampton - Hess, Amy"
<ahess@northamptoncounty.org>; "Northumberland - Harter, Jessica"
<jessica.harter@norrycopa.net>; "Northumberland - McCarthy, MaryRose"
<maryrose.mccarthy@norrycopa.net>; "Perry - Delancey, Bonnie L."
<bdelancey@perryco.org>; "Perry - Shrawder, Deb "
<dshrawder@perryco.org>; "Philadelphia - Ayers, Jenne"
<Jenne.Ayers@phila.gov>; "Philadelphia - Bluestein, Seth"
<Seth.Bluestein@phila.gov>; "Philadelphia - Custodio, Nick"
<Nick.Custodio@Phila.gov>; "Philadelphia - Deeley, Lisa"
<Lisa.deeley@phila.gov>; "Philadelphia - Dietz, Garrett"
<Garrett.Dietz@phila.gov>; "Philadelphia - Dowling, Tim"
<Tim.Dowling@phila.gov>; "Philadelphia - Irving, Greg"
<Gregory.Irving@phila.gov>; "Philadelphia - Lynch, Joe"
<Joseph.j.lynch@phila.gov>; "Philadelphia - Richardson, Kevin"
<Kevin.Richardson@phila.gov>; "Philadelphia - Schmidt, Al"
<Al.Schmidt@phila.gov>; "Philadelphia - Vito, Richard"
<Richard.Vito@phila.gov>; "Pike - Manzoni, Nadeen" <nmanzoni@pikepa.org>;
"Potter - Lewis, Sandra" <slewis@pottercountypa.net>; "Schuylkill - Brennan,
Frannie" <fbrennan@co.schuylkill.pa.us>; "Schuylkill - Matz, Connor"
<cmatz@co.schuylkill.pa.us>; "Snyder - Bilger, Debbie"
<dbilger@snydercounty.org>; "Snyder - Guyer, Stacy"
<sguyer@snydercounty.org>; "Snyder - Nace, Patricia"
<pnace@snydercounty.org>; "Somerset - Pritts, Tina"
<voter@co.somerset.pa.us>; "Sullivan - Doyle, Francine"
<fdoyle@sullivancounty-pa.us>; "Sullivan - Verelst, Hope"
<hverelst@sullivancounty-pa.us>; "Susquehanna - Rudock, Macy"

<mrudock@susqco.com>; "Tioga - Whipple, Penny"
<pwhipple@tiogacountypa.us>; "Union - Katherman, Gregory A"
<gkatherman@unionco.org>; "Union - Radel, Glenda" <gradel@unionco.org>;
"Union - Zerbe, Kim" <kzerbe@unionco.org>; "Venango - Backer, Sabrina"
<sbacker@co.venango.pa.us>; "Venango - Kirkwood, Jamie"
<Jkirkwood@co.venango.pa.us>; "Warren - Rivett, Lisa" <lzuck@warren-
county.net>; "Washington - Ostrander, Melanie R."
<melanie.ostrander@co.washington.pa.us>; "Wayne - Furman, Cindy"
<CFurman@waynecountypa.gov>; "Westmoreland - Lechman, Beth"
<blechman@co.westmoreland.pa.us>; "Westmoreland - Wright, Shari"
<swright@co.westmoreland.pa.us>; "Wyoming - Kellett, Florence"
<fkellest@wycopa.org>; "York - Kohlbus, Sally"
<swkohlbus@yorkcountypa.gov>; "York - Ulrich, Steve"
<sfulrich@yorkcountypa.gov>; "Boockvar, Kathryn" <kboockvar@pa.gov>;
"CCAP - Sage, Michael" <msage@pacounties.org>; "Datesman, Breanna"
<bdatesman@pa.gov>; "Degraffenreid, Veronica" <vdegraffen@pa.gov>;
"Farrell, Marc" <marcfarrel@pa.gov>; "Gates, Timothy" <tgates@pa.gov>;
"Hartzell, John" <johhartzel@pa.gov>; "Kotula, Kathleen" <kkotula@pa.gov>;
"Latanishen, Steve" <slatanishe@pa.gov>; "Lawson, Tiffany"
<tclawson@pa.gov>; Lisa - CCAP Schaefer (lschaefer@pacounties.org);
"Moser, Michael" <micmoser@pa.gov>; "Murren, Wanda" <wmurren@pa.gov>;
"Myers, Jessica" <jessimyers@pa.gov>; "Neely, Samantha - CCAP"
<SNeely@pacounties.org>; "Robinson, Samuel" <sdrobinson@pa.gov>; ST-
BCEL <ST-BCEL@pagov.onmicrosoft.com>; "Stevens, Sari"
<sarstevens@pa.gov>; "Walls-Lavelle, Jessica" <jeslavelle@pa.gov>; "Weis,
Laura" <lweis@pa.gov>; "Wills IV, Victor" <vicwills@pa.gov>

Subject:

Important DOS Email re: Absentee/Mail-in Ballot Canvass

To all county election officials.

I hope you are all safe and well.

The department has received some questions from county officials in recent days regarding the proper disposition of absentee or mail-in ballots cast by voters who did not enclose their voted ballots in the official election ballot envelope ("secrecy" or "inner" envelope).

Though the Election Code requires county boards of elections to set aside absentee or mail-in ballots enclosed in official election ballot envelopes that contain "any text, mark or symbol which reveals the identity of the elector," there is **no statutory requirement, nor is there any statutory authority**, for setting aside an absentee or mail-in ballot solely because the voter forgot to properly insert it into the official election ballot envelope. See 25 P.S. § 3146.8(g)(4)(ii).

To preserve the secrecy of such ballots, the board of elections in its discretion may develop a process by which the members of the pre-canvass or canvass boards insert these ballots into empty official election ballot envelopes or privacy sleeves until such time as they are

ready to be tabulated.

Please consult with your solicitor about your plans to deal with such instances should they occur during the pre-canvass or canvass.

Thank you for everything you are doing to administer the 2020 Primary while coping with the unique challenges presented by COVID-19.

Kind regards,

Jonathan M. Marks

Deputy Secretary for Elections & Commissions

Pennsylvania Department of State

302 North Office Building | Harrisburg, PA 17120

☎717.783.2035 📠717.787.1734

✉ jmarks@pa.gov



EXHIBIT 2

TO AFFIDAVIT OF LORI A. MARTIN