A regular meeting of the Northampton County Council was held on the above date with the following present: Ronald R. Heckman, President; Lori Vargo Heffner, Vice President (via telephone); John Cusick; Matthew H. Dietz; Margaret L. Ferraro; Kevin Lott; William B. McGee; Robert F. Werner (via telephone); Tara M. Zrinski; Linda M. Zembo, Clerk to Council and Christopher T. Spadoni, Solicitor to Council.

Pledge of Allegiance

Mr. McGee led County Council in the pledge of allegiance.

Approval of the Minutes – May 2, 2019

Mr. Cusick made the following motion:

Be It Moved By the Northampton County Council that the minutes of the May 2, 2019 meeting shall be approved.

Mr. Dietz seconded the motion.

The minutes were approved by voice acclamation.

Confirmation of Reappointments

Mr. McGee introduced the following resolution:

R. 48-2019 RESOLVED, by the Northampton County Council that the following individuals shall be confirmed in their reappointments as indicated hereafter:

AREA AGENCY ON AGING BOARD

Reappointments:
Joan Good
2285 South Delaware Drive
Easton, PA 18042

Term to Expire: 7/2/21
As there were no questions or comments, Mr. Heckman called for the vote.

The vote: McGee, "yes"; Ferraro, "yes"; Heckman, "yes"; Lott, "yes"; Vargo Heffner, "yes"; Werner, "yes"; Zrinski, "yes"; Cusick, "yes" and Dietz, "yes".

The resolution was adopted by a vote of 9-0.

**Courtesy of the Floor**

Mr. Tom Bruno, 719 Spring Garden Street, Easton, PA - read from the document he provided entitled, "Northampton County Council Meeting - May 16, 2019 - Remarks in Opposition to the Proposed Purchase of the ES&S Express Vote XL Voting Machine" (see Attachment #1).

Ms. Joanne Messenlehner, 40 Schoeneck Avenue, Nazareth, PA - stated the Election Systems & Software (ES&S) Express Vote XL Voting (XL) machine was a better system and would provide less cost for overtime. She further stated she had not heard a lot of discussion regarding the costs involved which would mean a big difference in taxes and while taxes were necessary it did not mean they should be inflated by people not doing their homework.

Ms. Messenlehner advised this Administration had clearly shown they did their homework and it was pretty obvious the decision should be for the XL machines.

Ms. Sandra Pizzolatto, 58 Oak Lane, Northampton, PA - stated she was Judge of Elections in Allen Township since 2001. She further stated she believed the XL machine was preferable to the hand-marked paper ballots for both the voters and polling place logistics.
Ms. Pizzolatto advised going to paper ballots seemed like a backward step in efficiency and accuracy as voters would have to complete the paper ballot by filling in the ovals and if it were two sided, some voters may forget the second side. She further advised there was also the potential for a voter to vote for more or less than the allowed candidates and since there was no enclosed space privacy would be an issue while voting and walking to the scanner.

Ms. Pizzolatto stated once the ballot had been successfully completed the voter may get confused and think the voting was done and not enter the ballot into the scanner. She further stated if a scanner rejected a ballot because there was an over or under vote, it would increase the voting time as the poll worker would have to explain the reason for the rejection and get another ballot.

Ms. Pizzolatto advised more poll workers would be required and the paper ballots weigh at least twice the amount of regular paper that had to be conveyed back and forth from the Election Office. She further advised in Primary Elections the ballots were specific regarding parties so the poll workers would have to pull the appropriate ballot for each voter thereby slowing down the sign-in process and any pre-printed ballots that were not used would be wasted.

Ms. Pizzolatto stated the XL machine was similar to the current machine, had a privacy curtain and would not allow an over vote and if a voter under voted, they would have the opportunity to choose additional candidates. She further stated the voter could view the completed printed ballot and confirm their choices before finalizing the process.

Ms. Pizzolatto advised any extra ballots could be used in the next election and they weighed a lot less than the paper ballots. She further stated she urged County Council to vote for the XL machine.

Mr. Charles Grabner, 97 Oak Lane, Northampton, PA - stated he was a Machine Operator at Allen Township and agreed with Ms. Pizzolatto. He further stated the XL machine seemed to be the choice of the County.

Mr. Norman Daniel, 5440 Towanda Drive, Bethlehem, PA - advised he was the Judge of Elections for East Allen Township for approximately 40 years. He further advised going to a paper ballot was going back in time.
Mr. Daniel stated there was a concern about the bar code, but everything today had a bar code and as far as tampering, the machines were not connected to anything.

Mr. Daniel advised he, along with other Judges of Elections, viewed the machines at the Lehigh County Expo. He further advised ES&S had approximately four machines, but most of the judges thought the XL machine would be the best choice because it was compatible to what was currently being used and was user friendly so he urged County Council to vote for it.

Ms. Carol Smith, 1045 Miller Road, Nazareth, PA stated she was the appointed Judge of Elections for Upper Nazareth Township East. She further stated for a local election it did not matter to her whether machines or paper ballots were used because they all did the job and the lines were short, but it was a different scenario for a Primary or General Presidential, Senate or Congressional election.

Ms. Smith advised the XL machine had all the candidates on one screen, created a paper ballot the voter could view and was similar to what was already being used so it would be the easiest for the voter to adapt to.

Ms. Smith stated she talked to people in Warren County, New Jersey, who had used this machine and they liked it. She further stated her concerns with the paper ballot were speed and privacy.

Mr. Rolf Treisner, 236 East Ettwein Street, Bethlehem, PA advised he was a Machine Operator and he knew how confused people were when they voted and he felt going to a paper ballot would be more complicated and would be taking the County back in time.

Mr. George Treisner, Chair of the Elections Commission stated the Elections Commission reviewed both machines and found them to be more economical because just printing ballots cost more than $100,000. He further stated Governor Tom Wolf indicated he would be giving money toward the machines so they would be saving even more money.

Ms. Maudeania Hornik, Elections Commission advised a few months ago the Elections Commission discussed and debated the XL machine versus paper ballots and voted and approved the XL machine so she was asking County Council to stand with their vote. She further advised trusted technology in every form of
their life so she did not think the County had to go backwards to a paper ballot voting system and she did not want intention to be ever be assumed.

Ms. Trudy Fatzinger, Lehigh Valley Council of the Blind stated she was almost totally blind and recently attended a demonstration of the voting machines and found the XL to be extremely user friendly. She further stated if they were to have paper ballots, they would need machines so that individuals such as herself could vote independently and privately.

Mr. Jim Luzader, 612 Bierys Bridge Road, Bethlehem, PA advised he was the Judge of Elections for Bethlehem 14-7 for two years. He further advised he and his Machine Operator went to Lehigh County to see what was being offered and the XL was their preferred choice, but thought it would not be affordable.

Mr. Luzader stated he believed over time this would be the most cost effective alternative because more poll workers would be required with paper ballots. He further stated this machine provided privacy, listed all the candidates on one screen and the easiest transition for the voters.

Mr. Tom Hoffman, 3035 Ludwig Lane, Bethlehem, PA advised he was a Machine Operator at Bethlehem 14-7 and he felt transitioning the voters to the XL machine would be easier because it was similar to what they were currently using.

Mr. Roger Dreisbach-Williams, 25 Tumble Creek Road, Easton, PA started to say the XL system worked fine, but there was always an opportunity and benefit to try and make a change inside the machine that could not be detected. He further stated at the end of the day only paper ballots could be gone through to verify the vote was accurate.

Mr. Kenneth Teske, 110 High Street, Easton, PA asked County Council to take a look at 124-126 Main Street, also known as the Glendon Hotel, which he understood the County owned. He advised the building was ready to collapse and was becoming a safety issue. He further advised he contacted Mr. Stephan Barron, Controller, on January 10, 2019, to express his concerns and was told the building was slated to be demolished in the spring.

Mr. Teske stated as he could not get a hold of Mr. Barron in the spring, he contacted Representative Robert Freeman’s assistant Dominic, who informed him the hotel was in repository.
He further stated he did not care if it was in repository, but it needed to come down.

Mr. Teske advised when he approached Glendon Borough Council about the situation they informed him they were going to try and get a grant. He further advised there was no time for a grant as the second floor already collapsed down to the first floor.

Ms. Janis Hobbs-Pellechio, 1010 Benlark, Doylestown, PA – provided several documents reflecting costs and concerns (see Attachment #2). She stated the Administration claimed the cost for the XL system for ten years was $3,375,787 and was more than $5 million for Clear Ballot, but when she relooked at all the numbers she determined Clear Ballot was $2.5 million. She further stated in the Administration’s calculations the Help America Vote Act grant was reflected twice so the real figure would be $3,717,787.

Ms. Hobbs-Pellechio advised she had worked in the polls for more than eleven years and had been involved in the Voting Integrity Movement, whose purpose was to research issues such as this, for more than fourteen years.

Ms. Deborah Hunter, 901 Frost Hollow Road, Easton, PA – stated the only undisputed issue regarding these machines was they were going to be easy to use. She further stated she personally talked to Director of Elections from Chester and Lancaster Counties who had been using paper ballots for years and the process was fast and efficient and she had no doubt that if this County’s poll workers were properly trained they would be just as fast and efficient.

Ms. Hunter advised in 2006, a system was selected for the County that was decertified two years later and the last line of a current House Bill read as follows: “For purposes of this subclause, the term individual, durable, voter-verified paper ballot means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a non-tabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand.”

Ms. Hunter stated as a member of the Elections Commission she was told by the Administration they had no control over the personnel in the Elections Office. She further stated they were informed that a third party was going to set up everything for the Primary Election because there was no custodian.
Ms. Hunter advised no matter what system was picked training would have to be done, but she did not know if there was going to be an Acting Registrar in charge of it or was the Registrar, who had more experience, going to return.

Ms. Sandy O'Brien, 705 Paxinosa Avenue, Easton, PA - stated poll workers put in a very long day so she could understand them wanting to get a system close to what the County currently had. She further stated there were Senate and House Bills asking for paper ballots so she was concerned the County was going to spend money on these machines and in two years have to replace them. She noted other Counties that have used paper ballots have indicated the process went very smoothly.

Ms. O'Brien advised Attorney General Eugene DePasquale had concerns about which Counties had taken gifts from vendors selling these machines and the last she saw, Northampton County had not reported to him about whether anyone had or not.

Mr. Lamont McClure, County Executive, interjected no one had received any gifts.

Ms. Susan DeLandon, 113 Forest Line Road, Easton, PA - advised she was a Judge of Elections in Lower Saucon Township 3 and a close colleague of Mr. Alan Jennings of Community Action Committee of the Lehigh Valley (CACLV). She further advised she agreed with all of the statements made by the other Judges of the Elections.

Ms. DeLandon read a statement from Mr. Jennings that indicated Americans had no greater privilege than participating in its democracy through the power of voting and any obstruction that kept any voter away from the polling place called into question the legitimacy of that election.

Ms. DeLandon further read there was the technology even though it may not be perfect to make sure every single individual could exercise their privilege to vote. She further read County Executive McClure and his Administration were proposing a system that had every element needed to ensure those who needed the government the most were able to be proud participants in this democracy.

Ms. DeLandon stated on behalf of the CACLV and herself she urged County Council to approve the system being proposed.
Mr. Kevin Skoglund, Citizens for Better Elections – provided a letter from Professor Juan Gilbert, Ph.D. that corrected a recent Morning Call article that indicated he vouched for the XL machine, because he had never seen it, but he was concerned that it sent a cast ballot back through the printer providing the ability for it to be marked on after it was cast (see Attachment #3).

Mr. Skoglund advised County Council’s job was to make sure the selection process by the Election Commission was done fairly and to decide if the County wanted to enter into a contract. He then provided a County Comparison: Monroe, Northampton, Lehigh relating to cost (see Attachment #4).

Mr. Skoglund provided information regarding the results of the Delaware School Board election (see Attachment #5). He stated County Council indicated they were waiting for this election to be held before voting, which surprised him because this was a small turnout election and most of the ballots were single issue.

Mr. Skoglund provided an e-mail from Ms. Jennifer Hill, Executive Director of Common Cause Delaware, indicating her concerns about this election (see Attachment #6). He advised one voter reported that both machines were not working in her polling place. He further advised there was a lag time in receiving New Castle County results.

Mr. Skoglund stated there were under votes reported, which meant for a single issue election some voters showed up at the polls and voted, but did not cast a vote and that was a concern.

Mr. Skoglund advised Senator Ron Wyden (D-Oregon) introduced a bill that would require hand-marked paper ballots and disallow XL.

Mr. Kenneth Kraft – stated he was a former Chairman of the Elections Commission and eleven years ago when the County was purchasing new voting machines he heard the same type of arguments. He further stated if he was a member of the current Elections Committee, he would urge County Council to purchase this machine.

Mr. Kraft advised this machine had a paper trail that would show a voter their selections before it was cast. He further advised if there was an anomaly in the bar codes it would show
up immediately because the selection would be seen on the paper trail.

Mr. Kraft urged County Council to pass the resolution that would concur with the Elections Commission's choice.

Mr. James Tarback - stated last year was the first year he voted and it appeared that everyone wanted to go with the more technological voting machine. He further stated from what he heard from the experts was that the XL would be the best choice.

Mr. Tarback advised he did not want another occurrence of what happened in 2000 or have the County's election decided by the Supreme Court.

Mr. Greg Simpson, 410 Wyandotte Street, Bethlehem, PA - stated he was also a young voter and he felt the most important consideration was that people had to trust the system and it was hard to trust a technological box made by a third party company. He further stated his father was an Information Technology professional and he always indicated computers would never be infallible.

Mr. Simpson advised there were problems with paper and electronic systems, but he preferred paper.

**County Executive Report**

Mr. McClure stated Ms. Hobbs-Pellechio was wrong with her calculations and there were no double deductions. He further stated he could not address Professor Gilbert's comments in the Morning Call.

Mr. McClure advised the XL was more secure than hand-marked paper ballots and it was Americans with Disabilities Act compliant. He further advised as of 2016 people with disabilities counted for 25% of the eligible electorate and it had been shown segregating members of this community to an alternative voting system resulted in voter turnout that remained under 50%.

Mr. McClure stated Disability Rights PA advocated against hand-marked ballots because the law required people with disabilities be able to mark, verify and cast a ballot privately and independently. He further stated Philadelphia's Commissioners were confident in their selection and looked
forward to implementing their new machines in the November election.

Mr. McClure advised this system was not more expensive than the hand-mark ballot system given the cost of privacy booths, additional scanners and paper. He further advised the upfront costs of the hand-marked system was higher in the first year and remained more expensive over the course of ten years.

Mr. McClure stated Senate Bill 48 would not pass in time to have any effect on the Court-mandate to replace the machines and would likely result in a Gubernatorial veto.

Mr. McClure advised an e-mail was received from Mr. Jonathan Marks, who was the Deputy Secretary for Elections and Commissions, Pennsylvania Department of State, (see Attachment #7) wherein he presented observations about how their voting system standards were applied.

Mr. McClure asked the Delaware State of Elections Elaine Manlove, who was on the telephone, to explain how their election went yesterday.

Ms. Manlove stated they held their first election on the XL for a State-wide School Board Election as it usually had a low voter turnout and to say it was a success was an understatement.

Ms. Manlove advised they put out a Request for Proposals (RFP) and seven vendors submitted bids. She further advised all twelve people who reviewed the proposals not only chose the same vendor, but the same machine.

In answer to Mr. McGee’s question as to whether they faced resistance when they approved these machines, Ms. Manlove stated there were some advocacy groups that wanted only paper. She further stated their RFP was not restricted to any system and the twelve individuals who chose this machine ranked them individually and then after another three days of demonstrations individually re-ranked them resulting in them all selecting this machine.

Ms. Zrinski advised the Safe Commission listed critical cybersecurity risks for voting systems and it recommended paper ballots. She further advised there have been numerous statements and reports from other agencies and groups that strongly recommended hand-marked paper ballots.
Ms. Manlove stated these machines were not connected to the internet so there was no way anyone could hack them. She further stated she worked with Homeland Security all the time and had them do penetration tests on all their systems.

In response to Ms. Zrinski’s question as to what the procedure was to void a ballot, Ms. Manlove advised after the voter voted, they reviewed their ballot before casting it and if necessary, they could go back to the ballot to make changes. She further advised after the ballot was printed there was an option to quit that would trigger a light and the poll worker would then come in, put in a code that would void that vote and provide another ballot for a re-vote.

In answer to Mr. Dietz’s question as to what the paper trail looked like after the election, Ms. Manlove stated the machine printed out every ballot so they could be scanned.

In response to Mr. Cusick’s question as to whether they used the ES&S system for absentee ballots, Ms. Manlove advised they did and the process worked very well.

In answer to Mr. Werner’s question as to whether there was ever a discussion regarding “flipping” where the machine would cast a vote for someone other than who the voter voted for with ES&S, Ms. Manlove advised that issue did not come up in discussions nor in their testing.

In response to Mr. Werner’s question as to whether there was ever a discussion regarding recalibrating machines, Ms. Manlove stated they did not talk to her about that, but could have talked to their Information Technology individuals.

When Mr. Werner advised the reason he was bringing these issues up was because when there was a problem with “flipping” the reason provided was recalibrating machines, Ms. Manlove indicated they never saw it in their testing.

In answer to Mr. Dietz’s question as to whether she was aware that there were 114 under votes in this single issue election, Mr. Cusick stated this was not a single issue election, noting there was more than one candidate on a ballot in several districts.

Ms. Amy Cozze, Clerical Specialist, advised she observed the election in Delaware at a number of polling places and spoke to a lot of poll workers and voters who were thrilled with the
system. She further advised one machine malfunctioned because a woman tried to cast a blank ballot, but that situation was quickly remedied.

In response to Ms. Zrinski’s questions as to whether she had seen the screen and was there anything that might attract a voter to vote a certain way, Ms. Cozze stated they looked identical to the ballots the County currently used.

In answer to Ms. Zrinski’s question as to whether there would be a third party setting up the County’s election, Ms. Cozze advised the County’s Operations and Maintenance staff would set up the machines and there would be on site support from ES&S.

In response to Mr. Lott’s question as to whether the machine had the ability to erase the marks the voter entered, Ms. Cozze stated it did not nor did it have the ability to make additional marks. She further stated if someone under voted, it would write “no selection made” so there was no opportunity for the machine to fill in a selection.

Ms. Cozze advised there was a lot of talk about HR 1 and hand-marked ballot system, but because 35% of the electorate was disabled they would never pass a bill in Congress that disenfranchised them.

Mr. McClure stated ES&S representatives appeared at the Finance Committee and were here again tonight along with their security expert.

Consideration of an Article XIII Contract Resolution: Election Systems and Software

Mr. Heckman advised the following resolution was introduced by Mr. McGee at the April 18, 2019 meeting and was then tabled:

R. 49-2019 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the
contract must be considered when determining if Council approval is necessary"; and

WHEREAS, on April 5, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving a contract, in the estimated amount of $2,879,377 with Election Systems & Software for Express Vote XL Voting Machines, Hardware Maintenance, Software License, Maintenance and Support, Firmware License, Maintenance and Support and Third Party Computer Hardware for the warranty term of one (1) year from equipment delivery.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation to approve a contract with Election Systems & Software for Express Vote XL Voting Machines, Hardware Maintenance, Software License, Maintenance and Support, Firmware License, Maintenance and Support and Third Party Computer Hardware.

Mr. Cusick made a motion to remove this resolution from the table.

Mr. Dietz seconded the motion.

Mr. Heckman called for the vote on the motion.

The vote: Cusick, "yes"; Dietz, "yes"; Lott, "yes"; McGee, "yes"; Vargo Heffner, "yes"; Werner, "yes"; Zrinski, "yes"; Ferraro, "yes" and Heckman, "yes".

The motion was passed by a vote of 9-0.

In answer to Mr. Dietz's question as to whether they would honor the $20,000 discount if this resolution was adopted tonight, Mr. Mike Goetz, Vice President of Product Management and Software Development, BS&S, replied they would.

In response to Ms. Zrinski's request to address the issues brought up today, particularly with regard to security of the machine, Mr. Goetz stated they encouraged everyone to do risk limit audits as that would highlight any problems that might emerge. He further stated they had a staff that worked with the Department of Homeland Security and Federal Bureau of Investigation on a regular basis with regard to security.
Mr. Goetz advised this machine did not use ink so there was no opportunity for smearing. He further advised the selections were printed on the ballot as well as the bar code for accuracy.

Mr. Goetz stated if there were any issues with the bar codes, it would be discovered during the audit. He further stated when the card passed back through the printer the print head was raised so it would not come in contact with it and as the card went back much faster if it did print anything, it would be easily noticeable.

Mr. Goetz advised calibration issues occurred several years ago with older equipment, but the calibration mechanisms in these machines were such that they would not need to be recalibrated on a regular basis. He further advised software read the bar codes just like they would read hand-marked paper ballots.

In answer to Ms. Zrinski’s question as to what would occur if the machine had to be unplugged and moved, Mr. Goetz replied it would run on a battery until it was plugged back in. A representative from Election Systems and Software indicated the battery would run for seven hours on a standard battery, but there was an extended battery that would run for 14 hours.

In response to Mr. Lott’s question as to whether the machine could change the original vote, Mr. Goetz stated the machine had no erase capabilities so the original votes would be reflected.

In answer to Mr. McGee’s question as to how his support team would operate if a problem occurred, Mr. Goetz advised different jurisdictions had different use cases with their software and hardware. He further advised if there was a problem in one jurisdiction it could probably occur in another one.

Mr. Goetz stated they had an extensive 24/7 support arm, noting on election day they sent people everywhere and brought in their most senior personnel to man the help desk. He further stated if an issue was discovered in testing they would focus on that and determine if it was isolated or broader and if it was broader, they would scramble to get it fixed.

In response to Mr. Werner’s question as to whether it was normal for them to bring in 15 technicians into an area where there were 10,000 people voting, Mr. Goetz advised they paid
special attention to first time users of any of their machines and that was what occurred in Delaware.

In answer to Mr. Werner's question as to whether there were any discussions about touch screen concerns, especially issues with "flipping" and calibration, Mr. Goetz stated XL went through extensive testing and there were no issues.

In response to Mr. Werner's question as to whether it happened, Mr. Goetz replied not with the XL.

In answer to Mr. Werner's question as to whether it happened on any touch screen system or an ES&S system, Mr. Goetz advised he was not aware of any, but it would have shown up in their logic and accuracy testing and certification testing.

In response to Mr. Werner's question as to whether these machines had to be recalibrated, Mr. Goetz replied not the XL.

Mr. Dietz stated if there truly was a separation of powers, County Council should honor the vote of the Elections Commission.

Mr. Heckman advised in his research he did not find anything with regard to "flipping" and if the machine could be hacked, it would have to be done on each individual machine and the amount of work would be extremely involved. He further advised it also revealed that the fraud and/or error rates were less than 1%.

Mr. Lott stated this should not be a partisan issue because everyone wanted a fair election and his understanding of the Home Rule Charter was the Elections Commission selected the voting machines and County Council approved the contract.

Mr. Cusick advised it was incumbent upon County Council to respect the decision of the Elections Commission, but he made the motion to table the resolution because there was a lack of a track record for this machine and he wanted to see what would happen in Delaware and from what he heard it turned out to be successful.

Ms. Zrinski stated everyone did their due diligence on these machines, but one of the things that bothered her was she was not sure the voting by the Election Commission was publicized before it occurred.
As there were no further questions or comments, Mr. Heckman called for the vote.

The vote: Werner, "no"; McGee, "yes"; Vargo Heffner, "yes"; Zrinski, "yes"; Cusick, "yes"; Dietz, "yes"; Ferraro, "yes"; Heckman, "yes" and Lott, "yes".

The resolution was adopted by a vote of 8-1.

Public Hearing on the Ordinance Entitled, "AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,990 SQUARE FEET OF OFFICE SPACE IDENTIFIED AS 301 BROADWAY, BETHLEHEM, PENNSYLVANIA FROM SYCAMORE HILL FARM DEVELOPMENT LP" (District Court 3-2-10)

Mr. Heckman advised the following ordinance was introduced by Ms. Vargo Heffner and Ms. Zrinski at the May 2, 2019 meeting:

AN ORDINANCE OF THE NORTHAMPTON COUNTY COUNCIL AUTHORIZING THE COUNTY OF NORTHAMPTON, EASTON, PENNSYLVANIA, TO LEASE APPROXIMATELY 2,990 SQUARE FEET OF OFFICE SPACE AND SIX (6) PARKING SPACES WITHIN THE BUILDING IDENTIFIED AS 301 BROADWAY, BETHLEHEM, PENNSYLVANIA AND TWO (2) PARKING SPACES IN A NEARBY SURFACE LOT FROM SYCAMORE HILL FARM DEVELOPMENT LP, BETHLEHEM, PENNSYLVANIA

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section b. Sealed Appraisals, provides, "The County shall not purchase, sell, or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers."; and

WHEREAS, Northampton County Administrative Code Article XIII, Section 13.15 Purchase, Sale and Lease of Real Estate Section c. (1) Purchase/Sale/Lease of Real Estate, provides, "The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council, and no such contract shall bind the County nor shall any conveyance be lawful, until County Council approves of the terms of the purchase/sale/lease."; and
WHEREAS, Northampton County Home Rule Charter Article 602 (a)(6) provides that the Northampton County Council shall enact an ordinance for any act which "purchase, conveys, leases or authorizes the purchase, conveyance or lease of any real property of the County".

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by Northampton County Council that it does hereby authorize the County of Northampton, Easton, Pennsylvania, to lease, from Sycamore Hill Farm Development LP, Bethlehem, Pennsylvania, approximately 2,990 square feet of office space and six (6) parking spaces within the building identified as 301 Broadway, Bethlehem, Pennsylvania and two (2) parking spaces in a nearby surface lot for an initial rent of $5,250 per month. The terms and conditions of the lease shall be in accordance with the lease agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Effective Date - This ordinance shall become effective thirty days after the date of enactment.

Public Hearing

Mr. Heckman asked if there were any questions or comments from the public.

There were no respondents.

As there were no questions or comments, Mr. Heckman called for the vote.

The vote: Vargo Heffner, "yes"; Zrinski, "yes"; Heckman, "yes"; Lott, "yes"; McGee, "yes"; Werner, "yes"; Cusick, "yes"; Dietz, "yes" and Ferraro, "yes".

The ordinance was adopted by a vote of 9-0.

Consideration of Personnel Request Resolutions: a) Department of Human Services - Gracedale; b) Department of Human Resources

Department of Human Services - Gracedale

Mr. McGee introduced the following resolution:
R. 50-2019  **IT IS HEREBY RESOLVED** by the Northampton County Council that three (3) full time vacant per diem positions of Nursing Supervisor, pay grade CS-29A, salary $36,192, shall be eliminated and one (1) part time position of Clerical Technician 3, pay grade CS-15-1A, salary $16,562, shall be created in the Department of Human Services - Gracedale Nursing Home Division, effective May 16, 2019.

As there were no further questions or comments, Mr. Heckman called for the vote.


The resolution was adopted by a vote of 9-0.

**Department of Human Resources**

Mr. McGee introduced the following resolution:

R. 51-2019  **IT IS HEREBY RESOLVED** by the Northampton County Council that one (1) full time position of Recruitment Specialist, pay grade CS-17, salary $36,320, shall be eliminated and one (1) full time position of Employee Recruiting & Onboarding Administrator, pay grade CS-25, salary $52,493, shall be created in the Department of Human Resources, effective May 16, 2019.

As there were no questions or comments, Mr. Heckman called for the vote.


**Consideration of Acceptance of an Anonymous Donation of a Canine and Training to the Sheriff’s Department Resolution**

Ms. Zrinski introduced the following resolution:

R. 52-2019  **WHEREAS**, Northampton County Home Rule Charter Section 202 (10) provides that County Council shall have, among others, the following powers: “to accept on behalf of
the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;" and

WHEREAS, two Northampton County residents would like to anonymously donate a canine and its required certification training to the Northampton County Sheriff’s Department to establish a County Canine Deputy; and

WHEREAS, the anonymous donors agree to enter into a contract, valued at $12,000.00, with a local K-9 Academy to obtain the appropriate canine and to train the canine and its deputy sheriff handler to meet national certification standards; and

WHEREAS, the canine to be donated will be a male chocolate Labrador Retriever and will be trained in explosive detection and tracking and will augment the Sheriff’s Department building security practices with greater expertise and would be a resource to our community if a person of special needs went missing.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Council that it does hereby accept the donation of a canine and its required certification training on behalf of the Northampton County Sheriff’s Department.

As there were no questions or comments, Mr. Heckman called for the vote.

The vote: Zrinski, "yes"; Cusick, "yes"; Dietz, "yes"; Ferraro, "yes"; Heckman, "yes"; Lott, "yes"; McGee, "yes"; Vargo Heffner, "yes" and Werner, "yes".

The resolution was adopted by a vote of 9-0.

Consideration of an Article XIII Contract Resolution: Wrenchtec; Jeff’s Automotive; Alex’s Tire Center, Inc.; Koch 33 Ford

Mr. Lott introduced the following resolution:

R. 53-2019 WHEREAS, Northampton County Administrative Code Article XIII Procurement and Disposition of County Property, Section 13.15 Contracts and Agreements c. (1) requires approval of County Council for "...any contract exceeding $100,000, which was awarded using the Competitive Negotiation,
Negotiation After Competitive Sealed Bidding, and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary"; and

WHEREAS, on April 16, 2019, the Northampton County Council received a request from the County Executive for County Council to adopt a resolution approving contracts with Wrenchtec, Jeff’s Automotive, Alex’s Tire Center, Inc., and Koch 33 Ford for Vehicle Maintenance for a price to be determined based on actual services provided as per rate sheets included in contracts.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Council does hereby concur with the recommendation of the County Executive, as set forth in the attached documentation to approve contracts with Wrenchtec, Jeff’s Automotive, Alex’s Tire Center, Inc., and Koch 33 Ford.

As there were no questions or comments, Mr. Heckman called for the vote.


The resolution was adopted by a vote of 9-0.

Energy, Environment and Land Use Committee Report

Ms. Zrinski stated the Energy, Environment and Land Use Committee met earlier and discussed the prospect of bringing industrial hemp production to Northampton County. She further stated there were 14 people who attended the first Industrial Hemp Ad Hoc meeting and those present, including some farmers, showed tremendous interest in this endeavor.

Ms. Zrinski advised the Energy, Environment and Land Use Committee would be meeting at 5:00 p.m. instead of 4:00 p.m. on the third Thursday of every month.
Adjournment

Mr. Cusick made a motion to adjourn the meeting.

Mr. Dietz seconded the motion.

The motion to adjourn passed unanimously by acclamation.

__________________________________________
Linda M. Zembo
Clerk to Council
Northampton County Council Meeting
May 16, 2019
Remarks in Opposition
To the Proposed Purchase
of the ES&S ExpressVote XL Voting Machine

By: Tom Bruno
719 Spring Garden St.
Easton, PA 18042-3444
Good Evening.

Let me get right down to business. I have previously provided you with a plethora of issues from around the country of problems with ES&S and their machines. Tonight, I’d like to look at a few other facets although some items deserve repeating.

The ES&S ExpressVote XL uses a barcode to actually tally the vote. Barcodes are extremely sensitive to ink contrasts, improper reading positions and to violations of the so-called “dead zone” ... the area on either side of the barcode where no numbers, text, or stray marks are allowed. Any ink markings at all in that area will lead to mis-reads or no-reads. Likewise, improper positioning of the barcode could prevent the scanner from reading the barcode. Ink contrasts such as low ink issues or poor substrate background noise all impact on the scanner’s ability to properly read the barcode.

ALL cyber security experts agree that end-to-end verifiability (E2E-V) MUST be the goal. The XL tabulates a barcode, NOT what the printed ballot says in readable text. The fact that the ballot passes in front of the print heads a second time AFTER the voter reviews the ballot summary before being deposited into the secure storage area is a problem since a missing bar or an additional bar could be added after the visual inspection. Additionally, if the print head has ink build up that smudges the dead zone or the bars, the vote is unreadable meaning a voter’s intent was clear, but the machine’s was not.

Those problems are significant in and of themselves, but the biggest problem is NOT the quality of the machine’s security but the character of the manufacturer. This company has been embroiled in bribes and kickback schemes dating back decades. They have almost half the market share of sales in the U.S., but they have 10 times the problems with improper vote counts.

In a recent newspaper Op-Ed written by Charles Dertinger on behalf of the County, he referenced the University of Pittsburgh’s Blue Ribbon Commission Study and Recommendations on Pennsylvania’s Election Security. While he used a portion of the report to advocate for the XL machine, he failed to include the main thrust of the study and it’s recommendation. To quote it, “Ensuring that voting systems provide a paper record that the voter reviews (a “software-independent record”) ‘provides an important security redundancy that should act as a deterrent to cyberattacks and should provide voters with more confidence that their votes have been counted accurately.’”


That same report goes on to say that EVERY system has a vulnerability and that a determined adversary can hack anything that is software dependent, but that a robust accountability audit using paper ballots that are readable without the use of an electronic device assures the integrity of the vote. In that vein, a barcode reader does NOT meet the recommendation. That is not to say the electronic device can’t be employed during the voting, but to ensure that the votes read are the votes cast, the ballot must be able to be independently verified WITHOUT the use of a software reliant device.
More recently, Juan Gilbert from the University of Florida and inventor of the Prime III voting machine, the forerunner of the ES&S XL machine, wrote a comment in a Princeton University blog that the ES&S ExpressVote machine is “poorly designed”. [https://freedom-to-tinker.com/2018/12/03/why-voters-should-mark-ballots-by-hand/](https://freedom-to-tinker.com/2018/12/03/why-voters-should-mark-ballots-by-hand/)

The overwhelming majority of cyber experts have all said that there can be NO security of anything that relies on software. Experts like Andrew Appel of Princeton University, Richard DeMillo of Georgia Institute of Technology and Philip Stark University of California Berkley in an Abstract they wrote on April 21, 2019 stated that Risk-limiting Audits cannot detect “whether errors in how BMDs (Ballot Marking Devices) record expressed votes altered election outcomes.” They further postulate that their research “identifies two properties of voting systems, contestability and defensibility, that are necessary conditions for any audit to confirm election outcomes. **No commercially available EAC-certified BMD is contestable or defensible.**” (Bold and italics emphasis added).

The ONLY way to mitigate the risk is to use a paper ballot that is readable by a human and is software independent.

Last meeting, I included the Report by Homeland Security’s Office of the Inspector General. Tonight, I’ve included a link to the University of Pittsburgh’s Blue-Ribbon Commission’s Recommendation and to the Abstract written by Andrew Appel, et al. These Reports represent months of research by some of the foremost scientists and cyber-security experts in America. Who should we put our faith in??? Think carefully because this is the security and integrity of our voting system, and we won’t get a do over for another 10 or more years if you blow it.

In closing, I feel I would be remiss if I didn’t call into question the interference in the Election Commission’s statutory autonomy. Someone has had their thumb on the scale long before this Council’s deliberations. This Council has an obligation to allow the EC to fulfill its obligation under the Home Rule Charter to run its affairs without the influence of the Administration. Hiring and firing of their Machine Custodians is THEIR job, not the County Administration’s job. Just as selection of the voting machines... not simply a selection between the two that are presented to them to pick from, but the complete and open process of their own due diligence in initial screening, through selection with input from all stakeholders, and ultimately, the transparent decision of the winning model. That is what the voters need, and it is what the Home Rule Charter demands. This body should not be made party to this process by following some arbitrary deadline. Give this matter back to the EC and allow them to their jobs unencumbered by Administration influence and fully transparent to the public they serve.

Tom Bruno, Inspector of Elections (Majority) - Easton Ward 4
719 Spring Garden St.
Easton, PA 18042
609-731-0333 (cell)
Final Negotiated Cost:

- Paper & Printing: $9,000
- Ballot Bags: $34,000
- Equipment/Software/Support: $2,879,377
- HAVA Grant: -$342,000

New Negotiated Vendor Proposal

$9,000
$34,000
$2,879,377
$2,922,377 (negotiated reduction of $22,000 from original vendor proposal of $2,944,371)

- 342,000 HAVA grant

+$1,137,410 (add in 10 year legacy costs)

$3,717,787 2019 total cost over 10 years

Not the $3,375,787 listed.

$3,717,787 - 342,000 = $3,375,787

HAVA grant was deducted twice in their missing calculations.

2019 Total cost: $2,580,377

Total cost over 10 years: $3,375,787
Poll worker’s Expressed Concerns

ES&S

- Proprietary supplies
- Largest machines to move
- Touchscreen may confuse some voters

- Weight and mobility of paper ballots to be transported by Judge of Elections back to Courthouse at the end of the evening
- Privacy during transfer of ballot to scanner
- Human error/misinterpretations of voter intent
- Spatial issues in polling locations for multiple voting stations
- Multiple language ballots will be overwhelming
- Worried about a drastic change in voting procedure causing frustration
- Missed races due to long and/or double sided ballots
- Will need additional poll workers
- Cumbersome check-in procedure
- Poll workers will have to police voters to ensure no one leaves with a ballot
- Ballot rejections at scanning station will cause backup
- Large polling locations are concerned over the transport of 2500-4000 ballots, which amounts to about 50-80lbs
- Massive paper waste in low turnout elections due to state mandated printing of 110% of precinct voters
- People leaving with pens
- Sequentially numbered ballots eliminate voter anonymity
- No wheels on ballot bags
First of all, if any or all of these criticisms were actually valid, ES&S would have the same criticisms of its own voter hand-marked voting systems using their DS200 scanner and ExpressVotes or ExpressVotes XL as the ADA device. They’ve been selling this scanner for the past 10+ years and are still selling them right now to other counties in PA.

**POLLWORKER’S EXPRESSED CONCERNS ABOUT CLEAR BALLOT (Admin PowerPoint)**

*Weight and mobility of paper ballots being transported.* Explained in Cost Projections Report.

*Privacy during transfer of ballot to scanner.* Voters use privacy sleeves to carry ballot in.

*Human error/misinterpretations of voter intent.* Today’s newer digital scanners are highly accurate in determining voter intent. Auditing software and ability to see images of total ballot can easily resolve problems: https://www.youtube.com/watch?v=R3tIkDNG-No. Not an issue.

*Spatial issues in polling locations for multiple voting stations.* Multi-booth units or putting 4 voting booths back to back leave a small footprint. No need for more than 4 or 5 booths or shields in small precincts.

*Multiple language ballots will be overwhelming.* Clear Ballot can print out hand-markable paper ballots on their precinct BMD.

*Worried about a drastic change in voting procedure causing frustration.* Using the ExpressVotes XL will introduce more technology that may prove a barrier for some voters and would not be accessible for everyone. It also requires extra steps for a voter to verify his own vote in small print from a paper summary of his choices under a glass pane; it is not like the ballot image from the touchscreen.

Studies have shown that many voters are either unable to or simply do not verify the summary before casting it into scanner. A hand-marked ballot voting system only requires a voter to intuitively fill in bubbles on a paper ballot with a pen (like an SAT test) and thus easily verifying his own vote at the same time. We are confident that the change in voting procedure to a hand-marked system will much less frustrating than sticking with “familiar”.

*Missed races due to long and/or double sided ballots.* Practicing good ballot design should be the number one goal in any election. Missing races can happen just as easily on a bad ballot marking device touchscreen layout. The scanner will alert voter if he misses any races so he has a chance to fix.

*Will need additional poll workers.* There is no reason any additional poll workers would be needed for a hand-marked paper ballot voting system.
*Cumbersonme check-in procedures.* The entire process is simple, similar to what is used now. The voter signs in, is given a ballot to mark in a privacy booth, then casts it into the scanner. ES&S even has a short video explaining how simple this is for their own hand-marked ballot system, on right side of screen: [http://www.ncnewsonline.com/news/county-oks-buying-voting-booths/article_43251ba3-f32f-5f93-999d-82bd1f44fa3f.html](http://www.ncnewsonline.com/news/county-oks-buying-voting-booths/article_43251ba3-f32f-5f93-999d-82bd1f44fa3f.html).

*Poll workers will have to police voters to ensure no one leaves with a ballot.* This should not be a problem any different than catching a “fleeing voter” (someone who does not hit “Vote Cast” on a touchscreen machine). There is nothing to be gained for a voter to leave with his paper ballot; it could not be proof of how he voted because it would not be tallied. All votes cast on a paper ballot are retained in the locked scanner.

*Ballot rejections at scanning station will cause backup.* Scanners returning a ballot to a voter is a good feature because it alerts her that she undervoted (left races blank or did not vote for all available candidates or positions). She either returns ballot to scanner right away to indicate that she intended to vote that way (scanner will now accept the ballot), or she goes back to a privacy booth to correct and then rescans when ready.

Scanners reject overvotes too, in which case the voter leaves scanner with ballot to give to poll worker, who will issue her a new ballot to fill out. Visits at the scanner take mere seconds. This is not true if any problems arise on the XL machine. All the corrections must take place at the XL because it is both the marking device and scanner, and this is where lines will form.

*Large polling locations are concerned over the transport of 2500-4000 ballots, which amounts to about 50 – 80 lbs.* This is the same concern as first one at top, answered in the Cost Projections Report.

*Massive paper waste in low turnout elections due to state mandated printing of 110% of precinct voters.* Explained in Cost Projections Report.

*People leaving with pens.* Really? This is a big concern?

*Sequentially numbered ballots eliminate voter anonymity.* The sequential numbers are on stubs that are removed from the ballots before they are cast. This requirement has been mandated in the PA Election Code for decades (Article 10, Section 1004), so this concern is obviously not true.

*No wheels on ballot bags.* Clear Ballot has a prototype bag with wheels and telescoping pull handle in the works. Full or nearly full bags will weigh in the 30-35 lbs. range, also explained in the Cost Projections Report.
The ExpressVote XL is a Bad Choice

There are many problems with having all voters use touchscreens and more problems with the ES&S ExpressVote XL in particular. In our opinion, the ExpressVote XL is the worst voting system choice available in Pennsylvania and all counties should avoid it.

Ultra-expensive and fiscally irresponsible
Choosing touchscreens for all voters requires more hardware to be purchased and more expense for maintenance, storage, set up, and delivery. The ExpressVote XL is the most expensive voting machine on the market.

Can modify a cast ballot
The ExpressVote XL has a critical design flaw: After a paper ballot is verified and cast by the voter, the ballot travels past the print head that marked the ballot again before it is tabulated. Either through hacking or malfunction, the XL is capable of printing additional marks on the ballot after verification and before tabulation. This serious flaw could change election results or affect the auditability of the ballots. It is common sense that ballots should not pass any marking device again before tabulation.

Barcodes
On all ExpressVote systems, ballot selections are printed on paper as barcodes. The barcodes are the votes counted by the system, but voters cannot read them to verify that they are correct. Below the barcodes will be a human-readable summary which voters will have to trust matches the barcode, with nothing added or omitted. Hacking or malfunction could modify the content of the barcode and the voter would not know.

Ballot summary
All ExpressVote systems print a ballot summary instead of a full ballot with all candidates listed. The ballot summary is printed in small, faint-text which is difficult to read through the partially-occluded, glass window of the ExpressVote XL. It is likely it will become more difficult to read over time as the glass window experiences wear. Studies have shown that voters do not verify ballot summaries carefully and do not detect errors. Summaries can be difficult for a voter to verify, Risk-limiting audits cannot detect or correct incorrect election results if voters cast unverified ballots.

Poor accessibility
All touchscreens can be a problem for voters who are not comfortable with technology or with screen sensitivities (concussions, autism). Long lines are challenging for voters with physical limitations. The ExpressVote XL is even less accessible to voters with disabilities than other touchscreens. The Pennsylvania certification of the ExpressVote XL lists major accessibility flaws that make it an unacceptable choice for voters with vision, hearing, cognitive, and mobility challenges. It got harsh reviews, more than any other voting system.
Long lines
Long lines frustrate voters and depress voter turnout. When all voters use a touchscreen to vote, it creates the longest lines. If a polling place has two machines, then only two voters can vote at a time. A slow voter holds up the line for everyone else. An audioballot voting session can occupy a machine for 30-40 minutes.

Not resilient to problems
Touchscreens are vulnerable to hardware malfunction, vote flipping, power outages, and hacking. It puts vulnerable technology between voters and their ballots. If machines fail, all voting stops—lines get long and voters leave.

No flexibility to scan hand-marked paper ballots
The ExpressVote XL can only scan ballots which have proprietary barcodes printed on a 4"-wide strip of paper. It is the only voting system on the market with this limitation. Its inability to scan any hand-marked ballots has several important consequences.

- It cannot scan absentee ballots.
- It cannot scan emergency paper ballots.
- It cannot scan hand-marked paper ballots required by pending and future state and federal legislation.

Counties that purchase separate optical scanners are able to scan hand-marked, emergency, and absentee ballots quickly when the polls close. Counties that purchase the ExpressVote XL are the only counties that must hand-count them.

No track record
The ExpressVote XL is a new voting system. It was federally certified for use in July 2018.

Large and heavy, but fragile
It is the largest and heaviest voting system available. Most are 1/3 the size. It would require the most storage space and be the most difficult to deliver and store securely at polling locations. It is the most fragile of all the choices. There are many breakable parts, especially the large touchscreen. A complicated, all-in-one voting machine means more points of failure that can break and take the machine out of service.

For more information, go to www.CitizensForBetterElections.org or www.SAVEBucksVotes.org.
May 14, 2019

In a Morning Call article on May 6, "Security expert vouches for Northampton County voting machines," several of my statements may have been misunderstood. Therefore, I am writing to clarify my position on this matter.

I believe ballot-marking devices can be used securely and can improve elections. I am very proud of my work on the Prime III voting machine which is used in New Hampshire. I hope future voting machines will adopt many of its usability and security features.

However, I have not seen or evaluated the ES&S ExpressVote XL. I was informed of the research of Professor Appel at Princeton that suggests the ExpressVote XL sends a cast ballot through a printer before it is tabulated. If this is the case, this presents the possibility of the printer making marks on the ballot prior to being deposited in the ballot box. For example, if the printer malfunctions and prints a blob on the ballot, this may not be detected and could render the ballot unreadable by the machine and/or human auditors. If this is true, I would recommend the ballots are taken from the printer and placed directly into the ballot box or scanner. This would eliminate the vulnerability described by Professor Appel.

Again, I believe ballot-marking devices can be used securely and can improve elections. They have some advantages over hand-marked paper ballots and these should be considered when selecting an appropriate BMD.

Juan E. Gilbert, Ph.D.
Andrew Banks Family Preeminence Endowed Professor & Chair
Computer & Information Science & Engineering Department
Herbert Wertheim College of Engineering
University of Florida
P.O. Box 116120
Gainesville, FL 32611
juan@ufl.edu
Twitter: @DrJuanGilbert
http://www.juangelbert.com/
## County Comparison: Monroe, Northampton, Lehigh

### ORIGINAL VERSION

Using budget amendment ($2,580,000)

<table>
<thead>
<tr>
<th>County</th>
<th>Precincts</th>
<th>Reg. Voters</th>
<th>Voting system</th>
<th>Cost</th>
<th>$/precinct</th>
<th>$/reg. voter</th>
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</thead>
<tbody>
<tr>
<td>Monroe</td>
<td>52</td>
<td>108,165</td>
<td>Clear Ballot ClearCast w/ClearAccess</td>
<td>$762,566</td>
<td>$14,665</td>
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<tr>
<td>Northampton</td>
<td>153</td>
<td>209,535</td>
<td>ES&amp;S ExpressVote XL</td>
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<td>232,934</td>
<td>ES&amp;S DS200 w/ExpressVote</td>
<td>$1,729,000</td>
<td>$10,806</td>
<td>$7.42</td>
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### CORRECTED VERSION

Using Final Negotiated Cost: 2019 total cost ($2,580,377) + Federal HAVA funds ($342,000)

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<tr>
<th>County</th>
<th>Precincts</th>
<th>Reg. Voters</th>
<th>Voting system</th>
<th>Cost</th>
<th>$/precinct</th>
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<td></td>
<td>Norman A. Abrams, Jr.</td>
<td>Laura B. Hummel</td>
<td>Leland R. Kent, Sr.</td>
<td>Dawn Lentz</td>
<td>George F. Maniatis</td>
<td>Keonna McKnight</td>
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<td>38</td>
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<td>1</td>
<td>40</td>
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<td>4</td>
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| Totals                   | 249                   | 14              | 247                 | 12         | 53                | 31             | 606             | 0         | 0          | 606           |
### Nominating District F - Term expires June 30, 2024

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<th>Location</th>
<th>Jeanette Bailey</th>
<th>Deborah T. Zarek</th>
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<th>Undervotes</th>
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<tr>
<td>Absentee</td>
<td>3</td>
<td>6</td>
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<td><strong>Totals</strong></td>
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</tbody>
</table>
## Christina School District - School Board Election 2019

**May 14, 2019**

### Nominating District D - Term expires June 30, 2024

<table>
<thead>
<tr>
<th>School</th>
<th>Catherine S.R. Hegedus</th>
<th>John M. Young</th>
<th>Total Votes Cast</th>
<th>Overvotes</th>
<th>Undervotes</th>
<th>Contest Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bancroft Elementary School</td>
<td>53</td>
<td>13</td>
<td>66</td>
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<td>0</td>
<td>66</td>
</tr>
<tr>
<td>Bayard Middle School</td>
<td>21</td>
<td>5</td>
<td>26</td>
<td>0</td>
<td>0</td>
<td>26</td>
</tr>
<tr>
<td>Brookside Elementary School</td>
<td>27</td>
<td>21</td>
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<td>0</td>
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<td>48</td>
</tr>
<tr>
<td>Christiana High School</td>
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<td>32</td>
<td>76</td>
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<td>0</td>
<td>76</td>
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<tr>
<td>Downes Elementary School</td>
<td>342</td>
<td>121</td>
<td>463</td>
<td>0</td>
<td>1</td>
<td>464</td>
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<tr>
<td>Elbert-Palmer Elementary School</td>
<td>5</td>
<td>4</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Gallaher Elementary School</td>
<td>20</td>
<td>11</td>
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<td>0</td>
<td>31</td>
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<tr>
<td>Glasgow High School</td>
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<td>48</td>
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<td>Jones Elementary School</td>
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<tr>
<td>Keene Elementary School</td>
<td>33</td>
<td>21</td>
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<td>54</td>
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<tr>
<td>Maclary Elementary School</td>
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<tr>
<td>Marshall Elementary School</td>
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<td>Mcvey Elementary School</td>
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<tr>
<td>Quaker Hill Place Apartment</td>
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<tr>
<td>Shue-Medill Middle School</td>
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<tr>
<td>Wilson Elementary School</td>
<td>67</td>
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<td>77</td>
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<tr>
<td>Absentee</td>
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<td>2</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>9</td>
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**Totals**

| Total   | 1,013 | 491 | 1,504 | 0 | 2 | 1,506 |
## Nominate District D - Term expires June 20, 2020

<table>
<thead>
<tr>
<th>Location</th>
<th>Christopher A. Piecuch</th>
<th>Rosemary Wolfe</th>
<th>Total Votes Cast</th>
<th>Overvotes</th>
<th>Undervotes</th>
<th>Contest Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware City Library</td>
<td>11</td>
<td>22</td>
<td>33</td>
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<td>19</td>
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<td>Eisenberg Elementary School</td>
<td>12</td>
<td>21</td>
<td>33</td>
<td>0</td>
<td>14</td>
<td>47</td>
</tr>
<tr>
<td>Howard Weston Senior Center</td>
<td>8</td>
<td>11</td>
<td>19</td>
<td>0</td>
<td>5</td>
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</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Pleasantville Elementary School</td>
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<td>80</td>
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<td>20</td>
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<td>39</td>
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<td>Absentee</td>
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<td>6</td>
<td>7</td>
<td>0</td>
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<td>8</td>
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<td><strong>Totals</strong></td>
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<td><strong>114</strong></td>
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<tr>
<td>Location</td>
<td>Robin A. Crossan</td>
<td>Tanya R. Kerns</td>
<td>Total Votes Cast</td>
<td>Overvotes</td>
<td>Undervotes</td>
<td>Contest Total</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------</td>
<td>----------------</td>
<td>------------------</td>
<td>-----------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Delaware City Library</td>
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<td>1</td>
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<td>0</td>
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<td>1</td>
</tr>
<tr>
<td>Pleasantville Elementary School</td>
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<td>Southern Elementary School</td>
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<td>63</td>
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<td>150</td>
<td>0</td>
<td>4</td>
<td>154</td>
</tr>
<tr>
<td>Absentee</td>
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<td>0</td>
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<td>0</td>
<td>2</td>
<td>8</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>280</strong></td>
<td><strong>137</strong></td>
<td><strong>417</strong></td>
<td><strong>0</strong></td>
<td><strong>32</strong></td>
<td><strong>449</strong></td>
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### Member At Large Capital School District

<table>
<thead>
<tr>
<th>Name</th>
<th>Total</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>John C. Martin, Jr.</td>
<td>233</td>
<td>222</td>
<td>11</td>
</tr>
<tr>
<td>Dewitt Peterkin III</td>
<td>22</td>
<td>22</td>
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</tr>
<tr>
<td>Total Votes Cast</td>
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<td>244</td>
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### Member At Large Lake Forest School District

<table>
<thead>
<tr>
<th>Name</th>
<th>Total</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kimberly L. Hurd</td>
<td>20</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Wendy Omans</td>
<td>165</td>
<td>165</td>
<td>0</td>
</tr>
<tr>
<td>Sarah Starkey</td>
<td>417</td>
<td>414</td>
<td>3</td>
</tr>
<tr>
<td>Total Votes Cast</td>
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<td>599</td>
<td>3</td>
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### Member At Large Caesar Rodney School District

<table>
<thead>
<tr>
<th>Name</th>
<th>Total</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Buckson</td>
<td>157</td>
<td>156</td>
<td>1</td>
</tr>
<tr>
<td>Joyce S. Denman</td>
<td>414</td>
<td>407</td>
<td>7</td>
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<tr>
<td>William C. Victory, Sr.</td>
<td>354</td>
<td>350</td>
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<td>Total Votes Cast</td>
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<td>913</td>
<td>12</td>
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### Member At Large Cape Henlopen School District

**Vote For 1**  

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calvin D. Jackson</td>
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</tr>
<tr>
<td>Jason J. Myers</td>
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<td>1,495</td>
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<td><strong>Total Votes Cast</strong></td>
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<td><strong>2,092</strong></td>
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</table>

### Member At Large Delmar School District

**Vote For 1**  

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>ason R. CoCo</td>
<td>45</td>
<td>43</td>
<td>2</td>
</tr>
<tr>
<td>William D. Mills</td>
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<td>163</td>
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</tr>
<tr>
<td><strong>Total Votes Cast</strong></td>
<td><strong>209</strong></td>
<td><strong>206</strong></td>
<td><strong>3</strong></td>
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</tbody>
</table>

### Member At Large Seaford School District

**Vote For 1**  

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>awn T. Garrahant</td>
<td>37</td>
<td>37</td>
<td>0</td>
</tr>
<tr>
<td>ra L. Savage</td>
<td>329</td>
<td>327</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total Votes Cast</strong></td>
<td><strong>366</strong></td>
<td><strong>364</strong></td>
<td><strong>2</strong></td>
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### Member Area C Cape Henlopen School District

**Vote For 1**  

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>rew W. Lewis</td>
<td>609</td>
<td>589</td>
<td>14</td>
</tr>
<tr>
<td>net E. Maul-Martin</td>
<td>1,571</td>
<td>1,520</td>
<td>51</td>
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<tr>
<td><strong>Total Votes Cast</strong></td>
<td><strong>2,174</strong></td>
<td><strong>2,109</strong></td>
<td><strong>66</strong></td>
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</table>
## Member At Large Cape Henlopen School District

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>Machine Votes</th>
<th>Absentee Votes</th>
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</thead>
<tbody>
<tr>
<td>William W. Collick</td>
<td>1,762</td>
<td>1,704</td>
</tr>
<tr>
<td>Charles A. Mowll</td>
<td>444</td>
<td>437</td>
</tr>
<tr>
<td>Total Votes Cast</td>
<td>2,206</td>
<td>2,141</td>
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</table>

## Member District 4 Indian River School District No 4

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>Machine Votes</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Donald G. Hattler</td>
<td>230</td>
<td>222</td>
</tr>
<tr>
<td>Scott W. Smith</td>
<td>60</td>
<td>58</td>
</tr>
<tr>
<td>Total Votes Cast</td>
<td>290</td>
<td>280</td>
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</table>

## Member District 5 Indian River School District No 5

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Derek E. Cathell</td>
<td>65</td>
<td>62</td>
</tr>
<tr>
<td>J. Scott Collins</td>
<td>58</td>
<td>55</td>
</tr>
<tr>
<td>Jeffrey W. Evans</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Total Votes Cast</td>
<td>158</td>
<td>152</td>
</tr>
</tbody>
</table>
Dear Kevin,

I'm still reaching out to contacts to find out about potential issues in Tuesday's Delaware school board elections.

Some of these issues were observed personally, others were communicated by members of the community.

1. Observed that the voting process was not a seamless transition. Voters had to be coached all the way through the steps including and not limited to election officials entering the booth to help voters finish voting. One voter described it as "bafflement", others noting it took more time to vote.
2. Undervotes were recorded. In one school district there were 114 undervotes. There was one undervote at my polling place. Each districts unofficial results are listed on the New Castle County Elections website.
3. On screen instructions both confusing and contradictory. After you make the choice there is a print message that states you can't change once a selection is made, the next message say's make sure this is your choice and if it is not push cancel. That is probably causing the undervotes.
4. Lack of secure perimeter - there was plenty of space all around the machines and a large number of poll workers with access.
5. One voter reported both voting machines were not working at her polling place at Mt. Pleasant High school in north wilmington right around 4pm.
6. Lag in reporting time in New Castle County. The polls close at 8pm and there were 4,120 votes but results were not posted until after 10:30pm. The aggregation time seems excessive, and we would like to know if there were any problems.
7. Printout text too small. Voters are not used to having to use reading glasses to vote, and it is a very small font.
8. Accessibility for disabled overstated. These are large heavy machines and set up for ambulatory folks, one voter with disabilities mentioned mobility issues could make it difficult to read the ballot, which is not at eye level and behind plexiglass.

We don't yet know if there were other problems but plan to investigate the extent of these issues.

Thanks,

Jen

Jennifer Hill
Program Director/Lobbyist
Common Cause Delaware
302-293-8682
Good afternoon Amy.

It was good to talk to you yesterday afternoon.

As we discussed during our phone conversation, I am sending along some thoughts regarding recent concerns about the ExpressVoteXL related to the fact that its ballot marking printer is integrated with the ballot scanner.

It is important to note upfront that no voting system is entirely immune to tampering. Every voting method, including old-fashioned hand-marked paper ballots and hand-marked optical scan ballots, is made more vulnerable when recommended practices for security, testing and auditing are not followed. Every element of security, including voter and poll worker education, proper chain of custody, password management, air-gapping, and rigorous pre and post-election testing and auditing, must be working to prevent and detect fraud. If any one of these elements is ignored, the risk that a vulnerability can be exploited grows substantially.

The Department has discussed internally and with our voting system examiner the concerns about the potential vulnerabilities of a voting system like the ExpressVoteXL. Below is a summary of some of our observations.

**Observations about how our voting system standards are applied:**

- **The Autocast option that allows voters the option to skip manual verification is not certified in Pennsylvania.** Voters will not have the option to cast their ballot without reviewing their selections. Thus, the Autocast option concerns are not applicable to systems fielded in Pennsylvania.

- **The election management system used to create ballots and manage election results cannot be connected to the internet** at any point during its lifecycle. Fielding conditions in Pennsylvania require that these systems must be maintained without the ability to connect to an external network. It can only interface with other components of the voting system via dedicated memory storage devices or a dedicated closed network.

- **Remote access software cannot be installed on the election management system.** Fielding conditions in Pennsylvania require that only certified system software can be installed on voting systems. Counties must also verify system integrity by doing trusted build validations as part of the election preparation and post-election canvass activities.

- **It is asserted that virtually no penetration testing is conducted on voting systems.** This is not true of the voting systems recently certified in Pennsylvania. In accordance with the new voting system standard published by the Department last year, the Department conducts security testing beyond what is required by the Election Assistance Commission (EAC). **Pennsylvania’s testing includes a penetration test by our examiner.**
Additional Observations about the ExpressVoteXL system:

- The system implements controls to prevent the printer from marking or printing on already marked ballots. Our examiner also noted that the software design includes error handling in relation to all functions and has sufficient audit logging.

- The tabulator functionality is designed to tabulate marked ballots or to write and tabulate voter selections on a blank ballot only.

- The system has been subjected to rigorous functional, hardware and security testing requirements per the federal and PA state requirements.

- All data input into the universal voting system is validated using digital signatures, all media that isn’t validated through digital signature is rejected.

The complexity and resources required to reprogram the devices in such a way as to add or alter cast votes and simultaneously alter corresponding barcodes and scanned images would most likely require the threat to be an insider threat with thorough understanding of the system internals, so the attack vector is a low risk/high impact vulnerability.

I hope this information is helpful. Please let us know what we can do to assist you over the coming months.

Kind regards,

Jonathan M. Marks  
Deputy Secretary for Elections & Commissions  
Pennsylvania Department of State  
302 North Office Building | Harrisburg, PA 17120  
Phone: 717.783.2035 | Fax: 717.787.1734  
Email: jmarks@pa.gov

From: Amy Cozze <ACozze@northamptoncounty.org>  
Sent: Thursday, May 16, 2019 10:14 AM  
To: Marks, Jonathan <jmarks@pa.gov>  
Subject: [External] RE: e-introduction

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Good Morning Jonathan,

Thank you again for calling yesterday. We really appreciate your support in this process.

Amy Cozze  
Northampton County Government Center