

JAMES B. MARTIN
District Attorney



OFFICE OF THE DISTRICT ATTORNEY
LEHIGH COUNTY COURTHOUSE
455 WEST HAMILTON STREET
ALLENTOWN, PENNSYLVANIA 18101-1614
PHONE (610) 782-3100 FAX (610) 820-3323

MEMORANDUM

TO: Election Board of Lehigh County
FROM: James B. Martin, District Attorney 
RE: Report of the District Attorney regarding correspondence of the
Republican Committee of Lehigh County dated January 20, 2022
DATE: April 4, 2022

INTRODUCTION

Under date of January 20, 2022, the Lehigh County Republican Committee, acting through its Chairman, Joe Vichot, directed a letter to Sarah M. Murray, Esquire, Deputy Solicitor, County of Lehigh, Department of Law. The letter was captioned "Government Center Drop Box Surveillance." A copy of the letter is attached hereto as Exhibit "A."

In summary, the Chairman raises concerns as to "...obvious violations of our election laws in the 2021 General election." The letter further states, "First and foremost, there are serious violations of individuals submitting multiple ballots with, at least, one individual placing five or more into the drop box. This is very apparent by just reviewing the video. There are not certifications of authority in the County's possession for the period investigated which would validate anyone dropping off more than one ballot."

The letter goes on to state: "Furthermore, there is even a larger issue that must be addressed and investigated by your office. Our findings found a count discrepancy of over 300 ballots when comparing the number of individuals who came to the drop box between the times mentioned above and the vote count we were given by the Election Office for the period in question."

At the direction of the Election Board of Lehigh County (which is comprised presently of County Executive, Phillips M. Armstrong; Dr. Jennifer Allen; and Dennis Nemes) Deputy Solicitor Murray referred the matter to the District Attorney by email of Tuesday, February 1, 2022. Accompanying that email were video files previously provided by the Republican Committee.

Thereafter, I assigned the investigation of this matter to Chief County Detective Michael J. Millan. Chief Detective Millan was assisted by County Detectives Richard G. Heffelfinger, Steven C. Furlong, and Robert V. Egan.

APPLICABLE LAW

The Pennsylvania election code was amended with “omnibus amendments” by Act of Oct. 31, 2019 P.L. 552, No. 77, session of 2019 No. 2019-77. This is commonly referred to as Act 77.

Of interest in the definition section of Act 77, the following is provided: “The words ‘qualified mail-in elector’ shall mean a qualified elector who is not a qualified absentee elector.” This definition was later amended to read: “The words ‘qualified mail-in elector’ shall mean a qualified elector. The term does not include a person specifically prohibited from being a qualified absentee elector under section 1301.” See: Act of Mar. 27, 2020, P.L. 41, No. 12.

Act 77 provided for the first time, in addition to “absentee electors,” “mail-in electors.” This provision has become known as “no excuse mail-in voting.” See: 25 P.S. §2602 and 25 P.S. §3150.11

Under Section 1306, Voting By Absentee Electors, it is provided in part: “...the elector shall send same by mail, postage prepaid, except where franked or **deliver it in person** to said county board of election.” (Emphasis supplied.) 25 P.S. §3146.6

Similarly, under Section 1306-D Voting by Mail-in Electors, it is provided in part: “...the elector shall send same [the official mail-in ballot] by mail, postage prepaid, except where franked, or **deliver it in person** to said county board of election.” (Emphasis supplied.) 25 P.S. §3150.16

Clearly, either in the case of an absentee ballot or a mail-in ballot, a voter may send the ballot by mail, postage prepaid, or deliver it in person to the County Board of Election.

N.B., “...the elector shall send same by mail...or deliver it in person...”

Accordingly, a strict reading of the statute would **not permit** an elector to have someone other than himself/herself deposit the ballot in the U. S. mail. When delivering it to the County Board of Election, the elector must do it “**in person;**”

and, therefore, should not deposit any ballot other than his or her own in a drop-box!

On August 19, 2020, the Pennsylvania Department of State issued “**Pennsylvania Absentee and Mail-in Ballot Return Guidance.**” a copy of which is attached hereto as **Exhibit “B.”** By way of background, it is stated in said **Guidance** as follows:

“Under Pennsylvania law, in addition to using the mail, voters may return their own voted absentee or mail-in ballot in person. The ballot may be returned to each county elections board’s primary office, as well as to other offices and locations designated by the board to receive ballots (hereinafter referred to as “Ballot Return Sites”) including secure ballot return receptacles (commonly referred to as “drop-boxes”) that are easily identifiable.

The Lehigh County Election Board determined that five drop-boxes would be available in districts corresponding to the districts of the five County Commissioners elected by districts and with the days and hours of availability, as follows:

District 1: North Whitehall Township Building, 3256 Levans Road, Coplay, PA 18037. Open Monday through Friday, 7:30 a.m. to 4:00 p.m.

District 2: Lehigh County Authority (LCA), Lobby, 1053 Spruce Road, Allentown PA 18106. Open Monday through Friday, 8:15 a.m. to 4:45 p.m.

District 3: Fountain Hill Borough Building, 941 Long Street, Fountain Hill PA 18105. Open Monday through Friday, 8:30 a.m. to 4:30 p.m.

District 4: Lehigh County Government Center, 17 South Seventh Street, Allentown PA 18101. Open 24/7.

District 5: Emmaus Borough Office, 28 South 4th Street, Emmaus PA 18049. Open Monday to Friday, 8:00 a.m. to 4:00 p.m.

The availability of drop-boxes began on October 18, 2021, during the hours shown and were open until Election Day, November 2, 2021. However, only the Government Center drop-box was open until 8:00 p.m. on Election Day. The Board of Elections issued instructions for voting by mail, a copy of which is attached hereto as **Exhibit “C.”** Note that it is provided that it may be returned by mail or “In person—Drop your ballot off at your county board of elections, or another drop-off location designated by the board.” It is also stated: “**Remember:** If you plan to

deliver your ballot in person, **you must deliver it yourself**. If you have a disability that prevents you from delivering your ballot yourself, contact us right away.” (Emphasis supplied.)

If it is difficult or impossible to deliver a ballot in person, there is an authorization to provide a designated agent to help obtain and/or return a mail-in or absentee ballot. See: **Exhibit “D”** attached.

INVESTIGATION

Each of the ballot box locations were under video surveillance. Reviewing the video was a tedious and time-consuming job. An attempt was made to observe the video for the entire time period between October 18 and November 2 for the drop-box located at the Lehigh County Government Center (District 4). (One detective spent eight (8) full work days doing this.). During that time, the detective observed **2,756** persons dropping ballots and was able to “confirm” **186** instances where more than one ballot was dropped by an individual. However, the detective reviewing the video indicates that this was not “exact science” and **in many cases, it was impossible to determine whether more than one ballot was being dropped**.

It would appear obvious that such was the case, because the number of ballots retrieved by count of the Voters Registration Office at the Government Center drop-box was **3,695** over the entire period. Although the count by the detective of **2,756** persons dropping ballots may be off by a bit, if it is near accurate, it would appear that **939** more ballots were deposited than were the number of people appearing to do so on the video. **(3695 – 2756 = 939)**

Because of the time-consuming nature of the task and the results observed, the video at the locations of Emmaus, North Whitehall and Lehigh County Authority were reviewed by sampling. Therefore, there can be no correlation between the total of ballots dropped at those locations (as noted by the Voters Registration Office) and the number of people noted by the reviewing detective dropping ballots. However, at Emmaus, the detective reviewing the video noted **278** people dropping off ballots during the time frame November 1 to November 2 and found **29** confirmed cases of multiple ballots being deposited. During that same time period Voters Registration noted that **388** ballots were deposited and retrieved.

At North Whitehall the detective over a significant period of days noted **593** people dropping ballots, with **43** confirmed cases of multiple ballots being dropped.

At Lehigh County Authority over a six-day period **399** persons were observed dropping ballots, with **30** confirmed cases of multiple ballots being dropped.

The location at Fountain Hill was very difficult to review by video because the video captured 90 second increments—each of which would have to be downloaded separately to be viewed. An attempt was made to extract data from that video, but it was just too tedious and too time-consuming. **Moreover, it was determined that an adequate sample had been obtained from the other four locations to reach a conclusion.** However, the figures recorded by the Voters Registration Office for Fountain Hill indicated **227** ballots deposited at that location during the period October 18 through November 2.

Although it cannot be determined with precision by review of the video surveillance, it can be stated with a high degree of certainty that a large number of voters deposited more than one ballot in the drop-boxes. By count of the detectives at the four locations, there were a total of **4,026** voters observed, and **288** are confirmed as having been observed dropping more than one ballot. **Thus, at least 7.1% of the voters observed deposited (“dropped”) more than one ballot.**

The consensus of the detectives reviewing the video was that very few persons could be positively identified with certainty because many were wearing facial masks (due to COVID) and the video quality was not such that would lend itself to employing existing facial recognition software. However, it can be noted that in several instances, persons whose identity is known to the detectives were observed dropping ballots—and in some of those instances more than one.

According to information provided by Timothy A. Benyo, Chief Clerk to the County Election Board, a total of **7,196** ballots were retrieved from the various drop-boxes. For the location at the government center, the retrieval was made by representatives of the Voters Registration Office. For the other locations Lehigh County Deputy Sheriffs retrieved the ballots and delivered them to the Voters Registration Office.

In the 2021 municipal election there were a total of **22,029** votes recorded from absentee and mail-in ballots. Since, as stated, **7,196** were retrieved from the drop-boxes, **14,833** represent ballots returned via mail or, by estimate in a small number of cases, delivered personally to the Voters Registration Office. Thus, it can be stated with certainty that the vast majority of absentee and mail-in ballots were in fact mailed through the U.S. postal service.

U.S. mailboxes and post offices are not under any surveillance specifically designed to capture the mailing of absentee or mail-in ballots. Thus, it is not possible to determine whether any one individual dropped into the U.S. mail more than his own or her own ballot. That fact provides further justification for not

charging anyone observed actually dropping more than one ballot at a drop-box as captured by surveillance video. Incidentally, there is no determination made by the Voters Registration Office as to whether those ballots received through the mail were from absentee voters or mail-in voters. **Absentee ballots and mail-in ballots** are labeled differently; and it is possible for the Voters Registration Office to note in their count which were mail-in and which were absentee from the information provided. However, it is not possible to determine the number of each type which were mailed. It would appear that **20,221** mail-in ballots were counted and **1,808** absentee ballots were counted, totaling the **22,029** total votes recorded from these two type ballots.

CONCLUSION

Clearly the provisions of the Election Code provide that an absentee ballot or a mail-in ballot shall be delivered either by depositing the same in the United States Mail or by delivering it in person. Further, it is clear that each voter shall mail his or her own ballot himself or herself and deliver only his or her own ballot in person.

It is also abundantly clear that those provisions of the law are being breached by large numbers of voters.

I will note parenthetically that the Governor of Pennsylvania Tom Wolf admitted that his wife dropped off a mail-in ballot for him. See: Spotlight PA/Nov. 4, 2021. To my knowledge, she has not been prosecuted. Interestingly, HB 1300 which Governor Wolf vetoed in June 2021, among other amendments, would have allowed members of the same household to return each other's ballots.

Based upon this investigation, I decline to prosecute any persons who can be identified dropping multiple ballots. It is clear that most people using drop-boxes cannot be identified and many of those (at least 288) did the same thing. Many others (over 14,800) returned ballots through the U.S. mail without surveillance to capture any such violations and, therefore, would never be subject to prosecution. Accordingly, prosecuting those few who are or can be identified would not be fair or just. Moreover, the vast majority of people observed dropping off multiple ballots dropped no more than two ballots, likely a spouse or other household member's ballot.

I will note further, that there was no "smoking gun" uncovered during this investigation. The most egregious example seen by the detectives is the one person who dropped four or five ballots at the Government Center drop-box and who was

captured on the video provided first by the county to the Committee and, in turn, a copy of which was submitted by the Republican Committee with its correspondence to Solicitor Murray. That person has not been identified and cannot be identified beyond a reasonable doubt. Facial recognition is not feasible in this instance. There is no showing on any of the video examined of large numbers of ballots being deposited in the drop-boxes at any given time. It appears in the usual case, as stated, that at most two (2) ballots were deposited by any individual.

This investigation was limited to drop-boxes. Each of those employed in Lehigh County were under video surveillance. However, **anyone employing the United States Mail as a method of delivery to the Voters Registration Office was under no surveillance at all.** Those persons were simply depositing their ballots in the prescribed envelope in a mail box. As stated, about 14,833, minus a small number hand delivered to Voter Registration, were returned via U.S. mail.

As is obvious from the foregoing, the opportunity to violate the statutory requirement of mailing or dropping off only one's own ballot is abundant! It would appear that the only way to ensure that the statute is not violated in this manner is to require that an election official receive the ballot directly from the elector. This of course would end "no excuse mail-in voting" and would erase the necessity of drop-boxes, a measure I would personally support but over which I have no control.

The same safeguards are in place for mail-in ballots as with absentee ballots, both are carefully scrutinized prior to issuance of a ballot and both include the same type of barcodes to track their status and record their return. Although the process to obtain a regular absentee ballot is a bit more cumbersome than a mail-in ballot, once approved, everything is exactly the same for both types of ballots. Both absentee and mail-in ballots are mailed to the voter and returned through the mail, the use of a drop-box, or hand delivery. Therefore, the same concerns that exist regarding the return of mail-in ballots exist with respect to absentee ballots. However, it is to be noted that regular absentee ballots returned in the November, 2021, election totaled 1808. Accordingly, there are comparatively few such ballots within the total vote count.

Based upon the findings of this investigation, it is very clear that the concerns of the Republican Committee of Lehigh County, as set forth in the letter of its Chairman, Mr. Vichot (Exhibit "A"), are legitimate and well-founded. Obviously, there were wholesale violations of the Election Code provisions, which require that

voters mail-in, drop-off, or deliver, in-person, **only one ballot, and only their own ballot.**

James B. Martin

JBM:mjs

xc: Joe Vichot, Chairman
Sarah Murray, Deputy Solicitor
Timothy A. Benyo, Chief Clerk

January 20, 2022

Sarah M. Murray, Esquire
Deputy Solicitor
County of Lehigh
Department of Law



RE: Government Center Drop Box Surveillance

Dear Ms. Murray,

I want to first thank you and the Lehigh County Election office for helping to provide the data and video surveillance of the drop box at the Government Center for the 2021 General Election.

Though this review, in all honesty, should have been accomplished by either the Law Department or the Election Office, the LCRC was willing to give their time to serve in any way we could to protect and ensure the integrity of our elections in Lehigh County.

We think that all parties should share in the goal of the County election office for fair elections in which every legitimate vote is counted. We appreciate the fact that in the 2021 election, your office stood firm in support of the statutory requirements for ballot submission, and the guidance provided to you by the Department of State.

I am submitting our findings on probable as well as obvious violations of our election laws in the 2021 General election.

The unavailability of timely data may preclude using the information that follows to challenge the 2021 election results, so instead we will be requesting serious changes moving forward. Given the counting difficulties the election office now faces with drop boxes and mail-in ballots that cannot be tallied or at least sorted in advance, we don't think it is likely that the information needed to challenge an election on the grounds that are outlined below will meet the statutory time frame for a challenge, so we implore the County to take new and effective measures to preclude the problems we will present. Only by being proactive and investing in prevention can the violations be avoided, and voters can be assured that the vote tallied is truly correct.

However, specific violations by certain individuals must still be taken seriously, thoroughly investigated, and justice served.

Our findings only entail the activity at the County Government Center drop box between 12:30 pm Saturday, October 30th 2021 through 8 pm Tuesday, November 2nd, 2021. It is safe to assume, through these findings, that much more illegal activity can have occurred during the previous days the drop box was available as well as at the other four remote drop boxes which were not monitored or videotaped at all.

First and foremost, there are serious violations of individuals submitting multiple ballots with, at least, one individual placing five or more into the drop box. This is very apparent by just reviewing the video. There are no certifications of authority in the County's possession for the period investigated which would validate anyone dropping off more than one ballot.

Furthermore, there is even a larger issue that must be addressed and investigated by your office. Our findings found a count discrepancy of over 300 ballots when comparing the number of individuals who came to the drop box between the times mentioned above and the vote count we were given by the Election Office for the period in question.

121 N. CEDAR CREST BLVD. ALLENTOWN, PA 18104 - LEHIGHCOUNTYGOP@GMAIL.COM

EXHIBIT "A"

According to the records provided to us by Tim Benyo, he confirmed with us that the ballot count for the period mentioned above was 1,587. We observed during that time frame only 1,280 individuals who presented themselves to deposit ballots.

That is a 20% error for this sample. If we are to extrapolate for the entire drop box count for all drop boxes for the total time they were available, the total number of undocumented or probable illegal votes could be as high or higher than 1,439 votes! (20% of 7,196 ballots from all the drop boxes)

This could be an egregious failure in the prevention of election fraud and confidence in our election system, and could have serious ramifications for past and future elections.

Therefore, multiple serious questions must be answered.

If the discrepancy cannot be completely confirmed to be multiple ballots that some individuals are placing in the box, where, how and when are the remaining ballots getting added to the count?

What is the protocol for ensuring no election fraud or negligence occurs during the extraction, transporting, and storing of drop box ballots?

What records are maintained about the chain of custody, and may we request to see them? Are the individuals who are in the chain of custody identified so that they can be interviewed?

Since many of the violations occurred during normal work hours, the same hours that the remote drop boxes are open, and since remote drop boxes have no surveillance, how could we ever know the extent of fraud at those boxes?

If there is no way of separating the illegal ballots once dropped into the drop box from the validly deposited ballots, should all the ballots remitted to drop boxes in future elections be disqualified unless additional security protocols are implemented?

These are just a few of the many problems we have identified.

I am requesting a formal investigation from your office on this matter and will submit these findings in this letter as well as the results from any investigation that the County does be submitted to the District Attorney's office for their review in regards to the illegal submission of ballots.

In the meantime, until this investigation is complete and safeguards are put in place to ensure election integrity, I respectfully request the recommendation of the Solicitor's office that the County **suspend** all use of drop boxes.

It is clear that the election law does not either address nor authorize the use of drop boxes. The understanding was that drop boxes were only invented by the Governor's office for use by local authorities as an ad hoc temporary plan to address the high turnout of the first ever presidential election with mail-in balloting during the height of the covid pandemic which explains its poor implementation and security.

With that in mind, if the current administration continues their use. I am requesting on the behalf of all Lehigh County voters that significant election security and identification protocols are put in place prior to their use in any future elections.

TLP: WHITE



Pennsylvania Absentee and Mail-in Ballot Return Guidance

Date: August 19, 2020
Version: 1.0

TLP: WHITE

BACKGROUND

Under Pennsylvania law, in addition to using the mail, voters may return their own voted absentee or mail-in ballot in-person. The ballot may be returned to each county election board’s primary office as well as to other offices and locations designated by the board to receive ballots (hereinafter referred to as “Ballot Return Sites”), including secure ballot return receptacles (commonly referred to as “drop-boxes”) that are easily identifiable.

This document provides guidance on how each county should establish a ballot return and collection plan for their county prior to each election.

Guidance Contents	
1	Establishing a Ballot Return and Collection Plan 3
1.1	Ballot Return Sites..... 3
1.2	Location of Ballot Return Sites..... 3
1.2.1	Location of Ballot Return Sites..... 3
1.2.2	Hours of Operation 3
1.3	Providing Notice of Location of County Election Offices and Ballot Return Sites 4
1.4	Confirmation of Plan Readiness..... 4
2	Ballot Return Site Design and Requirements..... 4
2.1	Types of Ballot Return Sites 4
2.2	Secure Receptacles (“Drop-Boxes”)..... 5
2.3	Signage 5
2.4	Accessibility of Ballot Return Sites 6
2.5	Security 6
3	Ballot Collection and Chain of Custody Procedures..... 7
3.1	Ballot Collection at Ballot Return Sites 7
3.2	Transport and Receipt of Retrieved Ballots to the Board of Elections 7
3.3	Election Day and Post-Election Procedures 8
4	Processing of Collected Ballots 8

TLP: WHITE

1 ESTABLISHING A BALLOT RETURN AND COLLECTION PLAN

1.1 BALLOT RETURN SITES

For each election, county boards of elections should establish a plan and adopt procedures for how voters in their county may return their own voted absentee and mail-in ballots to the county board of elections. The initial plan should be submitted to the Department of State on or before 45 days prior to the election.

County boards of elections may establish multiple ballot return locations where voters may return their own voted ballot. At these sites, the county may provide voters with access to a secure ballot return receptacle for this purpose.

1.2 LOCATION OF BALLOT RETURN SITES

1.2.1 Location of Ballot Return Sites

Sites may include, but are not limited to, city and municipal facilities, public libraries, county facilities, or other locations designated by the board to receive ballots. When choosing a location, counties should consider, at a minimum, the following:

- locations that serve heavily populated urban/suburban areas, as well as rural areas.
- locations near heavy traffic areas such as commercial corridors, large residential areas, major employers and public transportation routes.
- locations that are easily recognizable and accessible within the community.
- locations in areas in which there have historically been delays at existing polling locations, and areas with historically low turnout.
- proximity to communities with historically low vote by mail usage.
- proximity to language minority communities.
- proximity to voters with disabilities.
- proximity to communities with low rates of household vehicle ownership.
- proximity to low-income communities.
- access to accessible and free parking.
- the distance and time a voter must travel by car or public transportation.

1.2.2 Hours of Operation

Business hours for sites do not have to be limited to weekdays or normal business hours. Counties are encouraged to offer business hours outside of these time frames, including weeknights or weekend hours to enable maximum flexibility and convenience to voters.

TLP: WHITE

1.3 PROVIDING NOTICE OF LOCATION OF COUNTY ELECTION OFFICES AND BALLOT RETURN SITES

A list of the ballot return sites and county election offices, including the dates and hours they are open, should be made public as early as possible. At least 7-10 days after submission of the plan to the Department of State, the county board of elections should provide notice of the county's ballot return plan by posting a notice in the county elections office and in a highly visible location on the county's website. The board may also post copies of the notice at such other locations it deems appropriate for the efficient notification of voters. The notification should also be included in absentee and mail-in voting materials sent to voters. At a minimum, the notice should include the following:

- ballot return deadline.
- list of county election offices and ballot return sites, including building names and street address.
- days and hours of operation, including election day hours.
- contact information for the county board of elections.
- accessibility information.

The list posted on the county's website should be in a format that is accessible for people with disabilities. In the event of any changes to site location operations, the county board of elections should post the updated information on the official election website within 24 hours.

1.4 CONFIRMATION OF PLAN READINESS

A county's initial absentee and mail-in ballot return plan should be submitted to the Department of State, Bureau of Election Security and Technology ("BEST") no later than 45 days before an election. If the Bureau of Election Security and Technology requests modifications to a plan, the county election office should submit a modified plan within 7 days of the request. If the county board of elections determines that it is in the best interest of their voters to alter their plan or increase/decrease the number of ballot return sites they may submit a supplemental plan to BEST no later than 25 days before the election with notice to the public within 5 days of submission.

2 BALLOT RETURN SITE DESIGN AND REQUIREMENTS

2.1 TYPES OF BALLOT RETURN SITES

County boards of elections may establish sites where voters may return their own voted ballot. The site should provide voters access to a ballot return receptacle that is secure.

All return sites should be accessible at least during regular business hours beginning not less than 30 days before the day of the election, and on the day of the election. Return sites should have the same features, and be of substantially similar design, color scheme, and signage to facilitate identification by the public.

TLP: WHITE

2.2 SECURE RECEPTACLES (“DROP-BOXES”)

Each ballot return site should have a secure receptacle that permits voters to return their own voted ballot. A postage stamp is not needed on the return envelope when depositing a ballot at a ballot return site. The receptacle should be designed to function as follows:

- hardware should be operable without any tight grasping, pinching, or twisting of the wrist.
- hardware should require no more than 5 lbs. of pressure for the voter to operate.
- receptacle should be operable within reach-range of 15 to 48 inches from the floor or ground for a person utilizing a wheelchair.

Other design requirements include:

- The drop-box should provide specific points identifying the slot where ballots are inserted. The drop-box may have more than one ballot slot (e.g. one for drive-by ballot return and one for walk-up returns).
- To ensure that only ballot material can be deposited and not be removed by anyone but designated county board of election officials, the opening slot of a drop-box should be too small to allow tampering or removal of ballots.
- The opening slot should also minimize the ability for liquid to be poured into the drop-box or rainwater to seep in.

The county boards of election should determine receptacle size based on the use and needs of the location. The receptacle should be securely fastened to a stationary surface, to an immovable object, or placed behind a counter.

2.3 SIGNAGE

In determining the design and functions of ballot return sites, county boards of elections should design them in such a way that they are official and secure. To this end, the county board of elections must ensure each return site is marked with official signage (“Official Ballot Return Site” or “Official Ballot Return.”) Counties should not display traditional “Vote Here” signs at designated ballot return sites. Signage should adhere to the following:

- Signage should be in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).
- Signage should display language stating that counterfeiting, forging, tampering with, or destroying ballots is a second-degree misdemeanor pursuant to sections 1816 and 1817 of the Pennsylvania Election Code (25 P.S. §§ 3516 and 3517).
- Signage should also provide a statement that third-party return of ballots is prohibited unless the person returning the ballot is rendering assistance to a disabled voter or an emergency absentee voter. Such assistance requires a declaration signed by the voter and the person rendering assistance.

TLP: WHITE

- Signage should provide a statement requesting that the designated county elections official should be notified immediately in the event the receptacle is full, not functioning, or is damaged in any fashion, and should provide a phone number and email address for such purpose.

2.4 ACCESSIBILITY OF BALLOT RETURN SITES

County boards of elections should ensure that ballot return sites are accessible to voters with disabilities, and should also ensure the following:

- If a site has only one ballot return receptacle, the design and placement of that site should meet the accessibility requirements.
- At a site with multiple drop-boxes, if not all drop-boxes meet the accessibility requirements outlined in this subdivision, then each inaccessible return site should have directional signage indicating the location of an accessible drop-box.

2.5 SECURITY

County boards of election must ensure the following when establishing ballot return sites:

- Only personnel authorized by the county board of elections should have access to the ballots inside of a drop-box.
- Drop-boxes should be secured in a manner to prevent their unauthorized removal.
- All drop-boxes should be secured by a lock and sealed with a tamper-evident seal. Only authorized election officials designated by the county board of elections may access the keys and/or combination of the lock.
- Drop-boxes should be securely fastened in a manner as to prevent moving or tampering, such as fastening the drop-box to concrete or an immovable object.
- During the hours when the staffed return site is closed or staff is unavailable, the drop-box should be placed in a secure area that is inaccessible to the public and/or otherwise safeguarded.
- The county boards of election should ensure adequate lighting is provided at all ballot return sites when the site is in use.
- When feasible, ballot return sites should be monitored by a video security surveillance system, or an internal camera that can capture digital images and/or video. A video security surveillance system can include existing systems on county, city, municipal, or private buildings. Video surveillance should be retained by the county election office through 60 days following the deadline to certify the election.
- To prevent physical damage and unauthorized entry, the drop-box at a ballot return site located outdoors should be constructed of durable material able to withstand vandalism, removal, and inclement weather.

TLP: WHITE

3 BALLOT COLLECTION AND CHAIN OF CUSTODY PROCEDURES

The county board of elections should develop ballot collection and chain of custody procedures for ballots returned to a county election office or a ballot return site. These procedures may not be inconsistent with Pennsylvania law or Department of State directives.

3.1 BALLOT COLLECTION AT BALLOT RETURN SITES

- Ballots should be collected from ballot return sites only by personnel authorized by the county board of elections and at times determined by the board of elections, at least every 24 hours, excluding Saturdays and Sundays.
- The county board of elections should designate at least two election officials to collect voted ballots from a ballot return site. Each designated election official should carry identification or an official designation that identifies them as an election official authorized to collect voted ballots.
- Election officials designated to collect voted ballots by the board of elections should sign a declaration declaring that he or she will timely and securely collect and return voted ballots, will not permit any person to tamper with a ballot return site or its contents, and that he or she will faithfully and securely perform his or her duties.
- The designated election officials should retrieve the voted ballots from the ballot return site and place the voted ballots in a secure ballot transfer container.
- The designated election officials should note on *Ballot Return Site Collection Forms* the site and unique identification number of the ballot return site and the date and time of retrieval.

3.2 TRANSPORT AND RECEIPT OF RETRIEVED BALLOTS TO THE BOARD OF ELECTIONS

- Ballots collected from any ballot return site should be immediately transported to the county board of elections.
- Upon arrival at the office of the county board of elections, the county board of elections, or their designee(s), should note the time of arrival on the same form, as described above.
- The seal number should be verified by a county election official or a designated representative.
- The county board of elections, or their designee(s), should inspect the drop-box or secure ballot transfer container for evidence of tampering and should receive the retrieved ballots by signing the retrieval form and including the date and time of receipt. In the event tampering is evident, that fact must be noted on the retrieval form.
- The completed collection form should be maintained in a manner prescribed by the board of elections to ensure that the form is traceable to its respective secure ballot container.
- The county elections official at the county election office or central count location should note the number of ballots delivered on the retrieval form.

TLP: WHITE

3.3 ELECTION DAY AND POST-ELECTION PROCEDURES

- The county board of elections should arrange for authorized personnel to retrieve ballots on election night and transport them to the county board of elections for canvassing of the ballots.
- Authorized personnel should be present at ballot return sites immediately prior to 8:00 p.m. or at the time the polls should otherwise be closed.
- At 8:00 p.m. on election night, or later if the polling place hours have been extended, all ballot return sites, and drop-boxes must be closed and locked.
- Staff must ensure that no ballots are returned to ballot return site after the close of polls.
- After the final retrieval after the closing of the polls, the drop-box must be removed or locked and/or covered to prevent any further ballots from being deposited, and a sign shall be posted indicating that polling is closed for the election.

4 PROCESSING OF COLLECTED BALLOTS

Any ballots collected from a return site should be processed in the same manner as mail-in ballots personally delivered to the central office of the county board of elections official by the voter and ballots received via the United States Postal Service or any other delivery service.

###

Version History:

Version	Date	Description	Author
1.0	8.19.2020	Initial document release	Bureau of Election Security and Technology

Voting by mail is *easy* and *secure*!



Return your ballot as early as possible. Your ballot must be received by your county board of elections by 8 p.m. on Election Day, NOVEMBER 2, 2021.



Mark your ballot

Verify your selections carefully.

FOR YOUR BALLOT TO BE COUNTED:



1. Pack and seal it properly

- Put your ballot in the white secrecy envelope that says “**Official Election Ballot**” and seal it. Do not place any mark, text or symbol on the inner secrecy envelope.
- Put the secrecy envelope in the pre-addressed return envelope and seal it.



2. Sign and date the return envelope

- **Sign** and write **today’s date** in the Voter’s Declaration section.



3. Return it

- By mail—Remember to include postage.
- In person—Drop your ballot off at your county board of elections, or another drop-off location designated by the board. Check the county website for times and locations.

If you do not follow these instructions, your ballot will be rejected.

Remember: If you plan to deliver your ballot in person, you must deliver it yourself. If you have a disability that prevents you from delivering your ballot yourself, contact us right away.

If you lose your ballot or make a mistake, contact us right away.

If you receive an absentee or mail-in ballot and return your voted ballot by the deadline, you may not vote at your polling place on election day. If you are unable to return your voted absentee or mail-in ballot by the deadline, you may only vote a provisional ballot at your polling place on election day, unless you surrender your absentee or mail-in ballot and the return envelope containing the Voter’s Declaration to the judge of elections to be voided to vote by regular ballot.

Contact Information

Lehigh County Voter Registration
17 South Seventh Street
Allentown, PA 18101-2401
Phone 610-782-3194
Fax 610-770-3845
Hours 8:00 am to 4:00 pm Monday through Friday

¡Votar por correo es fácil y seguro!

Devuelva su papeleta lo antes posible. La junta electoral de su condado deberá recibir su papeleta antes de las 8 p.m. del día de las elecciones, el 2 de noviembre.



Marque su papeleta

Verifique sus selecciones cuidadosamente.

PARA QUE SU PAPELETA CUENTE:



1. Empaque y selle su papeleta correctamente.

- Introduzca su papeleta en el sobre de confidencialidad blanco que dice “papeleta electoral oficial” y séllelo. No ponga ninguna marca, texto o símbolo en el sobre de confidencialidad interior.
- Meta el sobre de confidencialidad en el sobre de devolución ya preparado con la dirección de envío, y séllelo.



2. Firme y feche el sobre de devolución

- Firme y ponga la fecha de hoy en la sección de Declaración del Votante.



3. Devuélvalo

- Por correo: Recuerde colocar estampilla postal.
- En persona: Deje su papeleta en la junta electoral de su condado o en otro sitio de entrega designado por la junta. Consulte el sitio web del condado para conocer los horarios y los lugares.

Si no sigue estas instrucciones, su papeleta será rechazada.

Recuerde: Si tiene previsto entregar su papeleta en persona, deberá hacerlo usted mismo. Si tiene una discapacidad que le impide entregar su papeleta personalmente, póngase en contacto con nosotros inmediatamente.

Si pierde su papeleta o comete un error, póngase en contacto con nosotros inmediatamente.

Si recibe una papeleta de voto en ausencia o de voto por correo y devuelve su papeleta con su voto antes de la fecha límite, no podrá votar en su centro de votación el día de las elecciones. Si no puede devolver su papeleta de voto en ausencia o de voto por correo antes de la fecha límite, sólo podrá votar con una papeleta provisional en su centro de votación el día de las elecciones, a menos que entregue su papeleta de voto en ausencia o de voto por correo y el sobre de devolución que contiene la Declaración del votante al juez de elecciones para que sea anulada y así pueda votar con una papeleta normal.

Información de contacto

Lehigh County Voter Registration
17 South Seventh Street
Allentown, PA 18101-2401
Teléfono 610-782-3194
Fax 610-770-3845
Horas 8:00 am hasta las 4:00 pm, De Lunes a Viernes.

**AUTHORIZE A DESIGNATED AGENT TO HELP
YOU OBTAIN AND/OR RETURN YOUR MAIL-IN
OR ABSENTEE BALLOT**



**To be
Completed
by the
Voter:**

*First name: _____ *Last name: _____
Middle name or initial: _____ Jr Sr II III IV
*Address Line 1: _____
Address Line 2: _____
*County _____
*City/Town _____ *State _____ *Zip Code _____

I affirm that I am a voter with a disability as defined in the Americans with Disabilities Act. As such, I hereby authorize _____ (name of designated agent) to do any or all of the following on my behalf: submit a completed paper ballot application to my County Board of Elections, pick up a ballot for me to complete, and deliver or mail the completed ballot to my County Board of Elections. I affirm that I am an eligible voter in the above County and that my signature and name are as shown on this form.

If returning with voted ballot:

I affirm that I have not attempted and will not attempt to submit more than one ballot in this election, and that my ballot has been or will be delivered in accordance with the applicable provisions of the Pennsylvania Election Code.

I make this unsworn statement with the knowledge that any false statement made herein is punishable under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Signature of Voter _____ Date _____

**To be
Completed
by the
Designated
Agent:**

*First name: _____ *Last name: _____
Middle name or initial: _____ Jr Sr II III IV
*Address Line 1: _____
Address Line 2: _____
*County _____
*City/Town _____ *State _____ *Zip Code _____

I agree to serve as the designated agent for _____ (printed name of voter), who requires assistance because of a disability as defined under the Americans with Disabilities Act, and who authorized me to do any or all of the following on his or her behalf: submit a completed ballot application to the County Board of Elections, pick up a ballot for the above-named voter to complete, and deliver or mail the completed ballot to the Board of Elections after the ballot has been completed in accord with the applicable provisions of the Pennsylvania Election Code. I certify that I have not altered or marked the application, ballot, or return envelope in any manner. Furthermore, I certify that I am not acting as a designated agent during this election for any person who does not live in the same household as the above-named voter. I make this unsworn statement with the knowledge that any false statement made herein is punishable under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Signature of Designated Agent _____ Date _____

AUTHORIZE A DESIGNATED AGENT TO HELP YOU OBTAIN AND/OR RETURN YOUR MAIL-IN OR ABSENTEE BALLOT



Who can use this form?

You can use this form if you have a disability, as defined by the Americans with Disabilities Act, and it prevents you from doing any of the following:

- Submitting a paper application for a mail-in or absentee ballot.
- Obtaining your mail-in or absentee ballot in person.
- Returning your voted mail-in or absentee ballot.

What can I do with this form?

Use this form to authorize a designated agent to submit a paper application for, obtain, and/or return your mail-in or absentee ballot on your behalf. Visit vote.pa.gov/mailballot or call 1-877-868-3772 for more information.

Who can be a designated agent?

The person you designate as your agent is only allowed to serve as a designated agent for ONE voter, unless the additional voter(s) live in the same household as you (the voter named in this form).

How do I use this form?

If you have not yet requested your ballot:

- You and the designated agent must complete page 2 of this form.
- **The DESIGNATED AGENT SHOULD RETAIN A COPY of the form - they may need to have it on hand when delivering your balloting materials.**
- Return this completed Authorize a Designated Agent Form along with your completed mail-in or absentee ballot application to the county board of elections in person.
- If you mail the Authorize a Designated Agent form to the county board of elections with your completed mail-in or absentee ballot application, the county will mail the balloting materials to the address provided on the mail-in or absentee application.
- Then, either you or your designated agent may return your voted ballot to the board of elections by mail or in-person.

If you have already requested your ballot:

- You and the designated agent must complete page 2 of this form.
- **The DESIGNATED AGENT SHOULD RETAIN A COPY of the form and keep it on hand when delivering your balloting materials.**
- Contact your county election office for information about how and where to return the completed Authorize a Designated Agent form.
- **DO NOT** insert the Authorize a Designated Agent form in the white inner secrecy envelope that contains your voted ballot.