

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

**NICOLE MISSINO, GREGORY
STENSTROM, and LEAH HOOPEs**

Plaintiffs,

v.

**DELAWARE COUNTY BOARD OF
ELECTIONS
and
DELAWARE COUNTY BUREAU OF
ELECTIONS**

Defendants.

No.: CV-2022-008091

CIVIL ACTION

**PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
PENDING HEARING FOR PRELIMINARY INJUNCTION**

During Election Day, November 8th, and since, Defendants have committed serious violations of the Pennsylvania Election Code (Act 320 of 1937; 25 P.S. § 101, *et seq.*) over and above the pre-election violations already demonstrated in this Court.

Of immediate concern, Defendants have breached their statutory and fiduciary duties:

(A) by mailing official ballots to unverified voters — a fact that Defendants have already admitted in this Court; (B) by deleting at least 2,778 records of requests for mail-in ballots; (C) by deleting, after Election Day, at least 194 voter registration records of individuals whose mail-in ballots were counted in the vote totals; (D) by permitting a partisan third-party to control and tabulate mail-in ballots; and (E) by adulterating the chain of custody by detouring the election-night journey of the county's physical ballots and v-drives for six hours into a closed building, where poll watchers were prohibited from entering, before continuing the delivery to the centralized counting center at the Wharf Building in Chester.

In support of this Motion, Plaintiffs aver as follows:

1. Only a “registered elector” may vote in an election. Election Code § 1301(b), (“No individual shall be permitted to vote at any election unless the individual is registered under this subsection.”).

2. An individual can be a “registered elector” only if the individual:

- a. “will be at least 18 years of age on the day of the next election;”
- b. “has been a citizen of the United States for at least one month prior to the next election;”
- c. “has resided in this Commonwealth . . . for at least 30 days prior to the next ensuing election;”
- d. “has resided in . . . the election district where the individual offers to vote for at least 30 days prior to the next ensuing election;” and
- e. “has not been confined in a penal institution for a conviction of a felony within the last five years.”

Election Code § 1301(a).

3. The individual must meet all five conditions to be a registered elector. *Id.*

4. A “registered elector” is a “qualified elector” if the elector still meets the above five requirements at the time of the relevant election. Election Code § 701 (Qualifications of Electors).

5. Second in time, the “qualified elector” must submit an application for a mail-in ballot.

6. Third, the county board of elections must verify the applicant’s identification and, fourth, must verify that the application information matches the applicant’s voter registration information:

(a) Approval process.-- The county board of elections, upon receipt of any application of a qualified elector under section 1301-D, shall determine the qualifications of the applicant by *verifying* the *proof of identification* and

comparing the information provided on the application with the information contained on the applicant's permanent registration card.

Act 12 of 2020 § 1302.2-D(a) (Approval of application for mail-in ballot) (emphasis added).

7. The fifth step — approval of the application — comes *after* the verifications are complete: “If the board is satisfied that the *applicant is qualified to receive an official mail-in ballot*, the application shall be marked ‘*approved.*’” *Id.* at (a)(1) (emphasis added).

8. The sixth and final step — delivery or mailing of the ballot to the applicant — can only happen after the approval of the application:

The county board of elections, upon receipt and *approval* of an application filed by a qualified elector under section 1301-D, shall commence to deliver or mail official mail-in ballots as soon as a ballot is certified, and the ballots are available.

Act 77 of 2019 § 1305-D (emphasis added).

9. Thus, in order to approve an application for a mail-in ballot, the board of elections must verify the qualifications of the applicant. Only after approving the application for a mail-in ballot can the board of elections deliver an official ballot to the applicant. *Id.*

10. Defendants, in their previous arguments, have conflated the law requiring that while anyone may reasonably register to vote with the law requiring that mail in ballots ONLY be sent to verified “qualified electors” – which are not the same. An example being that while virtually anyone who applies for a Pennsylvania driver’s license may register to vote in Pennsylvania (including unqualified electors), a mail in ballot cannot be lawfully sent to them until they have been verified as a “qualified elector” and resident of Delaware County to vote in Delaware County. Hence, the entire purpose of Pennsylvania Department of State databases indicating that over 265,000 “registered” voters remained “unverified” prior to the election (approximately 25,000 of which were listed in Delaware County), and both Pennsylvania

election law, and Secretary of the Commonwealth Directives that provide procedures for verifying a qualified elector that must occur prior to the Delaware County Board of Elections sending a mail in ballot.

11. Defendants previously admitted in this Court, through counsel, that they sent approximately 500 mail-in ballots to applicants before verifying that they were “qualified electors,” as required by § 1302.2-D(a).

12. Thus, Defendants have already admitted in testimony, via counsel, that they violated that Election Code requirement - and their fiduciary duties. During the hearing on Thursday, November 3rd, 2022, Defendant’s indicated there were no (zero) mail in ballots that had been sent to unverified, registered voters, and then in the hearing on Friday, November 4th, 2022, Defendant’s counsel stated that 500 mail in ballots had been mailed. The number could not possibly go up, and it is reasonable to assume, given that the requested relief was not considered as a matter of standing, that up to, and including 25,000 mail in ballots may have been sent to unverified, unqualified electors, despite Defendant’s counsel’s assurances that they could remedy this within six (6) days of Election Day. Small comfort given that certified poll watchers were denied their right to determine if these unverified ballots had been segregated from those ingested into the counting process, with each ballot essentially being an unrecoverable fired bullet and cast vote that could not be distinguished, or segregated post-election.

13. More troubling than failing to verify the qualifications of mail-in voters, Defendants have inexplicably deleted at least 2,778 records of applications for mail-in ballots.

14. In her attached affidavit (Exhibit A, hereto), Joan Weber explains that on November 4, 2022, she downloaded the County’s publicly available dataset stating the number

of mail-in ballots requested by individuals and the number of mail-in ballots distributed to individuals.

15. On November 10, 2022, she downloaded the same dataset.

16. The November 4 dataset stated that total requests were 67,928.

17. The November 10 dataset stated that total requests were 67,192.

18. Thus, the number of mail-in ballots that Defendants assert were requested DECREASED by 736 over the course of six days.

19. It is impossible for requests to decrease in number at a later date.

20. Next, the November 4 dataset stated that Defendants distributed 67,803 mail-in ballots.

21. But the November 10 dataset stated that Defendants distributed 67,063 mail-in ballots.

22. Thus, the number of mail-in ballots that Defendants assert they distributed DECREASED by 740 over the course of six days.

23. Again, it is impossible for the number of mail-in ballots distributed to have decreased in number at a later date.

24. Worse yet, on Election Day, November 8, 2022, Defendants published the number of mail-in ballots requested as 65,150. *See* Exhibit B.

25. That is a DECREASE of 2,778 requests from the number stated by Defendants just four days earlier.

26. This enormous decrease in the number of mail-in ballot applications reported by Defendants defies logic.

27. Defendants have a statutory and fiduciary duty to maintain meticulous records of election proceedings, especially mail-in ballots that are requested and distributed.

28. Defendants have violated those duties to the point of destroying the citizenry's confidence in Delaware County's electoral process.

29. In her attached affidavit (Exhibit A hereto), Joan Weber explains that she downloaded another publicly available dataset that identified mail-in ballot requesters by birthdate, voting precinct, and party affiliation.

30. Ms. Weber was able to correlate those metrics with another publicly available dataset that lists the names of individual voters along with the above-three data points.

31. From there, she was able to determine that, in the three days following the election, Defendants had deleted the records of 194 individuals whose mail-in ballots were actually counted in the returns of this election. In other words, Defendants counted mail-in ballots for voters that do not exist.

32. At the close of the polls on November 8, 2022, the Judges of Elections for all voting precincts in the county delivered their voted ballots, unused ballots, tabulating machines, and v-drives to the Media Voter Services Center at 201 West Front Street, as instructed by Defendants.

33. Defendants are required to audit, reconcile, and certify the election results by Tuesday, November 22nd, 2022.

34. Defendants designated the Wharf Building in Chester, Pennsylvania, as the location for the audit, reconciliation, and certification of the election results.

35. Thus, all of the items the Judges of Elections returned to the Voter Services Center had to be transported to the Wharf Building.

36. Because confidence in the integrity of elections is of paramount importance to the stability of our society, these election items must be strongly protected and a strict chain of custody of these election items must be well documented.

37. As detailed in the attached affidavit of Julie Yu (Exhibit C, hereto), who was tasked with observing the closing of Drop Boxes on Election Eve at 8pm and their subsequent transport to the Wharf Building, as was the practice for all previous Drop Box pickups and drop offs, the Springfield Drop Box ballots were inexplicably brought to an intermediate waypoint at the Flagship Building in Media, PA, where there was a break in the chain of custody. In a process that Defendant's counsel stated was "transparent" and "fail safe" there is no mention of the Flagship Building in any public notice, nor any procedure that would explain why these ballots from only 40 drop boxes entered a building with no observation, no cameras, blocked off by police vehicles and police – who themselves were not permitted entry into the building – and at least some of the bags appear to have been brought in or brought out to other undisclosed waypoints before they presumably made it to the Wharf Building for ingestion into the counting process, completely contrary to Defendant's counsel's assurances of a "strict chain of custody" and "transparent" handling of ballots during election day.

38. As detailed in the attached affidavit of Gavin Lawn, (Exhibit D, hereto), who was a certified poll watcher, the grey and green bags full of ballots from both precincts voting locations and drop boxes that were brought to the Wharf Building and hung on racks around the perimeter of the room, the bags were inexplicably moved, and apparently inexplicably removed, or replaced, from five (5) box trucks, outside of any required observation inside a locked building, again introducing a break in the chain of custody, when they reasonably should have

remained in place and intact for this current weeks reconciliation by the Return Board which is mandated by law for certification.

39. Gregory Stenstrom, who in addition to being a Petitioner / Plaintiff, and was both Wharf “observer” and “certified poll watcher” continuously present at the Wharf from 7am Election Day until 7:30am the following morning, was denied his rights as a “certified poll watcher” along with the rights of all other “certified poll watchers” and candidates “attorneys-in-fact) who were present to observe pre-canvassing, the most egregious of which was the purposeful obfuscation to observe or otherwise ascertain the origin and pedigree of approximately 24,000 mail in ballots which were pre-sorted, pre-staged, and only moments after the commencement of “Election Day” were immediately inserted into the ballot extraction and counting process. As also accurately predicted in Plaintiff’s complaint, and previously dismissed injunctions, and again contrary to Defendant’s counsels assurances during previous hearings, a large number of ballots were sliced in half, mangled, and would not scan as the result of unlawfully sending out mail in ballots before conducting Logic and Accuracy testing in accordance with law.

40. Almost as egregious was the presence of volunteers who were wearing “Voter Protection” identification on lanyards around their necks and whom are partisan third parties who were brought in from outside the County, that moved around freely, handling, culling and “curating” ballots, while Delaware County residents and certified poll watchers were surrounded by a dozen police and sheriff’s officers and forced to remain in “observer” pens, some using binoculars straining to see what the Defendant’s counsel described during previous hearings as a “fully transparent” counting process.

41. Defendants have a statutory and fiduciary duty to prevent partisan third parties from controlling and tabulating all ballots.

42. Beyond the breaks in chain of custody and a forensically destructive process, most concerning were the incongruencies in time observed by petitioner and certified poll watcher Stenstrom between when ballots and vDrives were turned in to the Government Center and the Flagship Building, and when they arrived and were counted at the Wharf Building. Notwithstanding the loss of six (6) vDrives and the tabulation servers rejecting at least three (3) – which is an admitted improvement from 2020 and the May 22, 2020 primary, given that the bulk of the approximate 950 vDrives were received at the Media, PA Government Center and placed in a special bin by Judges of Elections inside paper envelopes for transport to the Wharf Building, while the first 151 were immediately opened and counted, the rest were brought in over a period of six (6) hours, incongruent with the time they received. In context with the other election law violations, secretive procedures, breaks in chain of custody of election materials, and incongruencies from Defendant’s counsels previous assurances, the time lapses and lags, and post-election handling of ballots prior to Return Board reconciliation and certification are remarkable, significant, and until fully investigated and resolved, the certification of the election for Delaware County cannot be lawfully concluded in accordance with Pennsylvania Election code and derived Secretary of the Commonwealth directives.

43. Defendants denied Petitioners Stenstrom and Hoopes their rights as certified poll watchers on Election Day, contrary to emphatic assertions by Defendants in two previous public hearings guaranteeing full transparency of the procedures they used to execute their (quote) “fail safe” election procedures, and have denied candidate and petitioner Missino equal protection, and her rights to proactively ensure a lawful, transparent, observable, “fair” election.

44. Plaintiffs Stenstrom and Hoopes remind the Court that Defendants emphatically argued against their standing first as “qualified electors,” and then as “certified poll watchers,” stating that they “only had standing on Election Day” – when the aforementioned and subsequent violations of law occurred. Defendant’s counsel also argued against Missino’s standing as a candidate for the 165th because it was not a county wide election, and segregation of ballots to challenge voter applications and identities would place undue financial burden on the County and Board of Elections prior to the election, and then abridged her rights for challenge by unlawfully conducting pre-canvassing out of public observation, as they had done with voter verification and the “special” private L&A testing conducted privately by Jim Allen, Director of Election Operations – providing no surface area before or during the election to meaningfully exert her rights as a candidate either directly, or via her attorney-in-fact, or via her certified poll watchers right to intervene.

45. In summary, Plaintiffs Missino, Stenstrom and Hoopes remind the Court that they took every available lawful action to warn and remedy the consequences of the documented election violations - before AND during the election - which Defendant’s counsel insisted and swore before the Court were of no consequence, and could not occur – but did occur. Scanning problems occurred at both polling locations and the Wharf resulting in culling and “curation” of those ballots by unknown partisan third parties as described herein, mail in ballots were pre-canvassed outside of the observation of poll watchers and also handled by unknown parties, chain of custody was broken in multiple instances, mail in ballots were sliced and “curated” by partisan third parties, vDrives were again missing post-election, and there are significant, unexplained time lapses (hours) from when ballots, vDrives, and other election materials made it from the Board of Elections offices in the government center to the centralized counting center at

the Wharf, and the Defendants failed to mention at all, in both hearings before this Court and in any public announcement or procedure, that the Flagship Building was an intermediate stop, among other intermediate stops still being investigated, that created breaks in chain of custody of election materials that Defendants insisted and swore could not happen before, during, and after Election Day – but did.

WHEREFORE, Plaintiffs respectfully request that the Court:

- a. enter a temporary restraining order prohibiting Defendants from certifying the Delaware County results of the November 8, 2022, general election;
- b. permit Plaintiffs and Plaintiffs’ representatives to observe and document, by video, audio, and photographic recording, all election-related activities undertaken by Delaware County until further order of this Court;
- c. schedule a hearing for a preliminary injunction on certification of the election results at which Plaintiffs may present further evidence gathered after observing and documenting the remaining election-related activities; and
- d. order Defendants and their agents to preserve all physical and electronic records and items without alteration or destruction for Plaintiffs’ inspection and discovery in this civil action, with clear penalties for defiance of such preservation order.
- e. within 24 hours, or 72 hours before certification, produce the following to either prove or refute identification of “qualified electors” against the Pennsylvania SURE voter registration database and other Department of State databases.
 - i. The outside envelope images of each mail in ballot that was run through the BlueCrest mail sorter, and the envelope count maintained by the sorter for the period of October 7th to present, via readable, exported electronic file on SSD media.
 - ii. The complete system logs for the BlueCrest sorter for the period of October 7th to present via readable, exported electronic file to determine when pre-canvassing occurred prior to public observation, also provided via readable, exported electronic file on SSD media.
 - iii. (Note: These are defined and designed functions for the BlueCrest sorter and easily performed by a system administrator that can be easily performed in less than an hour)

- f. within 24 hours, observer and volunteer sign in logs for the Wharf Building for November 4th, 2022, to present
- g. produce vDrive Cast Vote Record (CVR) and ballot images all machines that scanned or otherwise tabulated or counted ballots for the 165th District, at a minimum, and the County as a whole (which can be easily and readily produced from the vDrives as a designed and defined function of the Hart Verity Election Management System (EMS) in less than a day by a single system administrator)

Signatures Next Page

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Respectfully submitted:



NICHOLE MISSINO

Date: 15NOV2022

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nicholemissino@gmail.com

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LEAH HOOPEs

Date: 15NOV2022

241 Sulky Way
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leahfreedelcopa@protonmail.com



GREGORY STENSTROM

Date: 15NOV2022

1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

ORDER

AND NOW, this _____ day of November, 2022, upon consideration of the preliminary objections of all Defendants¹ to Plaintiffs Complaint and Plaintiffs' response(s) thereto, the Court finds as follows:

The Defendants have committed serious violations of the Pennsylvania Election Code (Act 320 of 1937; 25 P.S. § 101, et seq.) over and above the pre-election violations already demonstrated in this Court.

WHEREFORE, this court hereby enters the following immediate EMERGENCY INJUNCTION:

AND NOW, this _____ day of November, 2022, upon consideration of the preliminary objections of all Defendants, and Plaintiffs' response(s) thereto, it is hereby ORDERED and DECREED that:

- h. enter a temporary restraining order prohibiting Defendants from certifying the Delaware County results of the November 8, 2022, general election;
- i. permit Plaintiffs and Plaintiffs' representatives to observe and document, by video, audio, and photographic recording, all election-related activities undertaken by Delaware County until further order of this Court;
- j. schedule a hearing for a preliminary injunction on certification of the election results at which Plaintiffs may present further evidence gathered after observing and documenting the remaining election-related activities; and
- k. order Defendants and their agents to preserve all physical and electronic records and items without alteration or destruction for Plaintiffs' inspection and discovery in this civil action, with clear penalties for defiance of such preservation order.
- l. within 24 hours, or 72 hours before certification, produce the following to either prove or refute identification of "qualified electors" against the Pennsylvania SURE voter registration database and other Department of State databases.

- i. The outside envelope images of each mail in ballot that was run through the BlueCrest mail sorter, and the envelope count maintained by the sorter for the period of October 7th to present, via readable, exported electronic file on SSD media.
- ii. The complete system logs for the BlueCrest sorter for the period of October 7th to present via readable, exported electronic file to determine when pre-canvassing occurred prior to public observation, also provided via readable, exported electronic file on SSD media.
- iii. (Note: These are defined and designed functions for the BlueCrest sorter and easily performed by a system administrator that can be easily performed in less than an hour)
- m. within 24 hours, observer and volunteer sign in logs for the Wharf Building for November 4th, 2022, to present
- n. produce vDrive Cast Vote Record (CVR) and ballot images all machines that scanned or otherwise tabulated or counted ballots for the 165th District, at a minimum, and the County as a whole (which can be easily and readily produced from the vDrives as a designed and defined function of the Hart Verity Election Management System (EMS) in less than a day by a single system administrator)

BY THE COURT

VERIFICATION

We, Nichole Missino, Leah Hoopes and Gregory Stenstrom, hereby verify the statements made in the foregoing pleadings are true correct to the best of our knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted:



NICHOLE MISSINO

Date: 15NOV2022

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LEAH HOOPEES

Date: 15NOV2022

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GREGORY STENSTROM

Date: 15NOV2022

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EXHIBIT A

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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

**NICOLE MISSINO, GREGORY
STENSTROM, and LEAH HOOPES,**

Plaintiffs,

v.

**DELAWARE COUNTY BOARD OF
ELECTIONS
and
DELAWARE COUNTY BUREAU OF
ELECTIONS**

Defendants.

No.: CV-2022-008091

CIVIL ACTION

**AFFIDAVIT OF JOAN WEBER IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER PENDING HEARING FOR PRELIMINARY INJUNCTION**

I, Joan Weber, hereby depose and say:

1. I am an adult resident and registered elector of Delaware County, Pennsylvania.
2. I am an accountant by trade and a concerned citizen by choice.
3. I have personal knowledge of the facts stated in this affidavit.
4. I make this affidavit in support of the above-entitled Motion.
5. On November 4, 2022, I downloaded Delaware County, Pennsylvania's publicly- available dataset stating the number of mail-in ballots requested by individuals and the number of mail-in ballots distributed to individuals for the November 8, 2022, general election.
6. On November 10, 2022, I downloaded the same dataset.
7. The November 4 dataset stated that the total requests for mail-in ballots

were 67,928.

8. The November 10 dataset stated that the total requests for mail-in ballots were 67,192.

9. Thus, the number of mail-in ballots that Delaware County reported as requested DECREASED by 736 over the course of six days.

10. It is impossible for the number of requests to decrease over time.

11. The November 4 dataset stated that Delaware County distributed 67,803 mail-in ballots.

12. The November 10 dataset stated that Delaware County distributed 67,063 mail-in ballots.

13. Thus, the number of mail-in ballots that Delaware County distributed DECREASED by 740 over the course of six days.

14. Again, it is impossible for the number of mail-in ballots distributed to have decreased over time.

15. The datasets include a record of each mail-in ballot requested identified by birthdate, state house district, and party affiliation.

16. As provided by 25 Pa.C.S. Section 1404(b)(1) (relating to Public Information Lists), as well as the SURE Regulations at 4 Pa. Code Section 184.14(b) (relating to Public Information Lists), the Department of State will provide the Full Voter Export List to requestors. On November 10, 2022, I downloaded the Full Voter Export List which also identifies each voter with many identifying data points including county, birthdate, state house district, and party affiliation. I was able to match the individual voter identity to the using those metrics with the above-three data points from the mail-in ballots requested

dataset.

17. From there, I was able to determine that, in the three days following the election, Delaware County had deleted the records of 194 individuals whose mail-in ballots were actually counted in the returns of this election.

18. I make this affidavit subject to 49 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: November 14, 2022

Joan Weber

JOAN WEBER

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EXHIBIT B

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Nov 8th election day 10:11 am

VOTER NUMBERS: HAVERFORD & DELCO

REGISTERED VOTERS:	<u>HAVERFORD</u>	<u>DELCO</u>
TOTAL NUMBER:	<u>39,203</u>	<u>413,523</u>
DEMOCRATS:	52%	50%
REPUBLICANS:	35%	36%
ALL OTHER:	14%	14%

MAIL BALLOT REQUESTS:		
	7,603	65,150

Hang in there, folks!
Lots of voters. Lots of mail ballots. Lots to count.
We will get results when the ballot count is complete.

All data as of Nov. 1, 2022
Source: Pennsylvania Department of State

Paid for by the Haverford Township Democratic Party.



EXHIBIT C

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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

**NICOLE MISSINO, GREGORY
STENSTROM, and LEAH HOOPES,**

Plaintiffs,

v.

**DELAWARE COUNTY BOARD OF
ELECTIONS
and
DELAWARE COUNTY BUREAU OF
ELECTIONS**

Defendants.

No.: CV-2022-008091

CIVIL ACTION

**AFFIDAVIT OF JULIE L. YU IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
PENDING HEARING FOR PRELIMINARY INJUNCTION**

I, Julie L. Yu, hereby depose and say:

46. I am an adult resident and registered elector of Chester County, Pennsylvania.

47. I have personal knowledge of the facts stated in this affidavit.

48. I am making this affidavit in support of the above-entitled Motion.

SUMMARY

49. On Election Eve, November 8th, 2022, during the period of approximately 8:00 pm to 11:00 pm, I observed multiple deliveries of what I believe to be Delaware County's voted ballots collected from mail in ballot "Drop Boxes" to the Flagship Building located at 2 W Baltimore Pike, in Media, PA contrary to procedures that I had been informed of in poll watcher training that were derived from Board of

Elections instructions that they would be delivered to the “Wharf Building” in the city of Chester.

50. After I arrived, I spoke to one law enforcement officer who was waiting outside the Flagship Building to ask if I could enter the building to observe the situation with the election materials and was denied access.

51. In summary I was not allowed, nor otherwise able, to determine the chain of custody and trajectory of the mail in ballots from the Drop Boxes after they were delivered to the Flagship Building, nor the apparent transfer of ballots and election materials between the Government Center, Flagship Building, and Wharf Building. They did not appear to be following any of the set procedures that had been provided to me in advance, or any procedures that they may have been independently using. It was also physically not possible for me to determine the origin, destination, pedigree, or chain of custody for the mail in ballot bags and election materials that I had been asked to observe.

DETAIL

52. On Nov 8th, 2022, I volunteered to help watch drop boxes at the end of election night to ensure all boxes were locked at 8pm, and then follow them to ensure they arrived at the Wharf Building in Chester, as had been the procedure prior to Election Evening.

53. My assigned drop box location was in Springfield, PA for the Delaware County elections.

54. I arrived and began videotaping the process, as I had been instructed, I was permitted to do, of two county workers gathering the ballots and locking the box, who were

wearing yellow, reflective safety vests, and who identified themselves by their first names, Cameron and Melissa.

55. Cameron and Melissa seemed to have difficulty closing and sealing the bag of mail in ballots they had collected from opening the Drop Box and struggled for approximately four (4) minutes to close and seal the bag with a security tag.

56. I did not have the procedures available to me for locking the drop boxes on Election Eve, or how or where they would be transported, but had been informed they would be taking the ballots to either the Government Center in Media, or Wharf building in the city of Chester, as they had done previously.

57. I then followed them with the ballots in their vehicle towards Media, PA in a meandering, circuitous route and drove into and out of several residential neighborhoods.

58. I do not know if they got lost several times, or were possibly attempting to evade me, but nevertheless remained in contact with their vehicle, recorded their license plate, and recorded the transit.

59. When they deviated from course from the Wharf Building, I thought they might be heading to the Bureau of Elections offices at the Government Center at 201 W Front street, but instead followed their vehicle to the Flagship Building at 2 W Baltimore Ave, in Media, PA, where they stopped and entered the garage connected to the building.

60. I was still rather confused as it was not the official drop off location that our party had been informed about by the BOE.

61. The entrance was guarded with two police units and two police officers who were directing multiple, other vehicles, also into the large, connected parking garage for the building.
62. At first, I thought perhaps they had changed the location at the last moment and not being sure, and unable to follow them, I drove to what I had been told would be the official drop off location at the Government 201 W Front Street, in Media, PA.
63. The Information provided via email for observers at this site said that cars would go behind the building and enter into the parking lot on 3rd street.
64. Upon arriving I saw a large sign at the crossroad of 3rd and Olive Street saying Ballot drop offs with an arrow that was directing traffic down third street into the garage, and saw that it was actively operating with a police officer outside directing traffic for the Judges of Elections (JOE's) to bring in their ballots and election materials.
65. I parked my car and approached an officer standing at his post outside of the Government Building at 201 W Front street, Media Pa and had the following conversation with him. To the best of my ability, it is as accurate as I can remember.
- a. Julie Yu: "Hi "
 - b. Officer: "How are you?"
 - c. Julie Yu: "I'm good" I have a question I don't know if you can answer or not, if you can't, I understand.
 - d. Officer: " Hmmm hum"

- e. Julie Yu: "I'm from one of the political parties and we had observers to be on site at this site and our BOE told us about one site, but we noticed there's a second site so did you guys have two different drop off sites"?
- f. Officer, " No, I can't answer that, I don't know
- g. Julie Yu: " Alright"
- h. Officer: "There could be maybe the wharf ?
- i. Julie Yu: "Yeah because I followed two county employees over to Baltimore ave and they're all going in over there
- j. Officer: " I know, I know people that actually came and got the ballots from here, they left and went somewhere else too so I (interrupted by observer)
- k. Julie Yu: " Yeah well , Well I know they go down to the wharf, like I know thats the drop off place
- l. Officer: " ok, it didn't, they didn't um, they didn't, they were back pretty quick, so I KNOW THEY DIDN'T GO TO THE WHARF. Would you like to go in and ask?
- m. Julie Yu: "Oh I see what you're saying, maybe because we were thinking maybe they had two, one for just like the the drop box, um, drop off and then one for maybe the precinct.
- n. Officer: "I, I like I said won't be able to answer that for you, I mean if you like you can go into the vote of reg and ask them
- o. Julie Yu: "Would they...Ok where's that, where would I go"
- p. Officer: "it's, it's if you go to the government center, you'll go, when you go through the double doors, they might be a little busy right now "

- q. Julie Yu: "right"
- r. Officer: "but there should be someone to answer your questions."
- s. Julie Yu: "ok because we just knew about one place because we want to be able to have observers at both place."
- t. Officer: "ok excuse me a second" (incoming call over Mic)
- u. Officer: "yeah just go, when you go through the double doors, the revolving doors, just let them know you want to go to the vote of registration."
- v. Julie Yu: "what?"
- w. Officer: "the vote of registration"
- x. Julie Yu: "Vote of registration "
- y. Officer: " yeah vote of registration"
- z. Julie Yu: " Ok, yeah because we just want to be able to have observers at both places"
- aa. Officer: "sure"
- bb. Julie Yu: "so we can observe and make sure because we, neither, I don't believe either party has ever had observers until today"
- cc. Officer: " I know there's an observer here today because he actual, um"
- dd. Julie Yu: "ok"
- ee. Officer: "hold on one second., yeah cause I told him where he could park because he came in and he said he was told he could park in the garage, but the garage wasn't open at the time, so I said well come around and just hit the buzzard and we'll let you in . He said he was an observer when he came up and talked to me."

- ff. Julie Yu: "ok so that's good, we, I, were just confused because I did follow them from the drop off box over to the other place on Baltimore."
- gg. Officer: "Yeah like you said, the drop off boxes could be going somewhere else."
- hh. Julie Yu: "So maybe they're bringing over that way."
- ii. Officer: "It's possible"
- jj. Julie Yu: "that way just for..." (interrupted by officer).
- kk. Officer: "cause I think the only people coming here are the people that are in person voting (meaning from the precinct) These aren't from the drop boxes."
- ll. Julie Yu: "These are from the precincts?"
- mm. Officer: "Yes, yes, they're here from the precinct."
- nn. Julie Yu: "And that's what I was thinking. Maybe that's just designated for the um..."
- oo. Officer: "that's possible. I don't because they're going around getting the drop boxes, tonight, all the drop boxes."
- pp. Julie Yu: "Yeah. And that's what the lady told me. She said, we're from the county and I said do you guys work in teams?,"
- qq. Officer: interrupts "should be more than one person"
- rr. Julie Yu: "She was like, two in a team. So, it kind of sounds like that's what they're doing. But just for like in future elections we'd like to have observers at both places."
- ss. Officer: " I guess that's uhhhh"
- tt. Julie Yu: " Yeah"

22. The officer steps away and deals with Ballot carrier trying to park and I then walked up to the government building.
23. Once inside I spoke to a police officer sitting at a kiosk to my right, I asked him if he knew about a second drop off location, and his response was that he was not aware of a second one.
24. I then returned back to the original officer outside to thank him and leave but we spoke again and he confessed that last year they did the drop off at the Wellness center but couldn't remember the name of the township, he then said but they do it here every year so I apologized and told him I was confused, and asked him if he had just told me they did it at the Wellness center last year and he said yes but they do it here every year too so I said "oh so there's always been two places in the past?" and he said. "yes!"
25. During the course of my conversation with him, I found several things concerning:
- uu. He could not respond, or perhaps would not respond, to my questions about the secondary transition site, and seemed to know nothing about it, making it difficult for me to figure out where I should go to continue to observe the processing of the Drop Box ballots after the workers I had followed earlier (Cameron and Melissa) unexpectedly stopped and entered the Flagship Building.
 - vv. The officer stated he had witnessed ballots being taken out of the facility and those people coming back too quickly to have enough time to go to the Wharf, with neither of us knowing if they were going back to the Flagship building, or someplace else, again leaving me in a quandary as to where to go and watch,

and wonder why ballots would first go into the Government Center, then out, and then back in again after some indeterminate, intermediate stop.

- ww. The officer stated he witnessed two people in yellow vests, presumably peers of the workers I had been following. I couldn't figure out why if only JOE's were coming from precinct polling locations to the Government Center, and presumably only the county workers I followed to the Flagship center from the Springfield Drop Box were wearing yellow safety vests, why would they be at both the 201 Government Center, and the Flagship Building carrying election materials. While with the officer, and afterwards when I watched the Government Center trying to figure out the process, and where I should go next to observe, I saw many people dropping off ballots at the front street location and none were wearing vests.
- xx. The officer had informed me with great certainty in his voice that only ballots from the precincts were coming to the Government Center 201 W Front Street / 3rd Street garage location, and I was uncertain as to where to go to observe the arrival of Drop Box ballots, and whether to stay there and watch for county workers in yellow vests, or head back to the Flagship Building, or even head to the Wharf to see if Drop Box grey bags were arriving there from whereabouts unknown. There was no repeatable process – no instructions or procedures – and officers tasked with guarding election material waypoints, nor any county workers I spoke with could, or would, inform me where to go to observe.

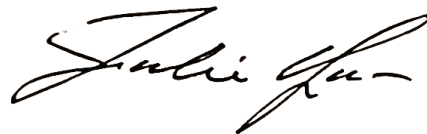
yy. The officer told me that every year they have two locations designated for a “transition site,” yet he did not know about the second site at the Flagship center, or where any other “transition sites” there might be.

zz. Why when the BOE was asked about the location “transition site,” did they not disclose both locations so observers would know where to go, and allow me to fulfill my duties to publicly observe the way the BOE handled voter’s ballots and their trajectory and chain of custody?

25. Having attended the public hearing the previous Friday on November 4th, 2022, for the case to which this affidavit is attached to, and Solicitor Manly Parks statements and testimony touting a highly tuned, “fail safe” process, that was fully transparent, I did not find that to be the case at all, and was denied my rights to meaningfully observe the handling and chain of custody for Drop Box ballots.

26. I have reported my observations in this affidavit with the expectation that the chain of custody issues noted, and what appears to be intentional and purposeful actions by the BOE, and it’s appointed officials to act deceptively and actively prevent observation, particularly in posting officers around the Flagship Building and denying any access by observers as to what took place there, and where Drop Box ballots went after they arrived there.

27. I make this affidavit subject to 49 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.



Date: November 14, 2022

Julie L. Yu

EXHIBIT D

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**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA**

**NICOLE MISSINO, GREGORY
STENSTROM, and LEAH HOOPES,**

Plaintiffs,

v.

**DELAWARE COUNTY BOARD OF
ELECTIONS
and
DELAWARE COUNTY BUREAU OF
ELECTIONS**

Defendants.

No.: CV-2022-008091

CIVIL ACTION

**AFFIDAVIT OF GAVIN LAWN IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER PENDING HEARING FOR PRELIMINARY INJUNCTION**

I, Gavin Lawn, hereby depose and say:

1. I am an adult resident and registered elector of Delaware County, Pennsylvania.
2. I have personal knowledge of the facts stated in this affidavit.
3. I am making this affidavit in support of the above-entitled Motion.
4. On the night of Tuesday Nov. 8, 2022, I was a poll watcher at the Wharf in Chester PA. My poll watching shift started at approximately 11:45pm-12:00am. I actually rode the elevator up to the 1st floor with a guy who was bringing up a rack with a bunch of those green bags on it. That rack was pushed inside the room and left behind the mail-in ballot sorter. There were already some racks with bags on them in this same area. At

approximately 1:30am is when there was a whole bunch of those same racks were wheeled in and left in the same area as previously mentioned. I never saw them go into a secure room or anywhere to store them. I was also watching the V-drives being opened up, checked in and put into a basket. From there a gentleman picked them up and brought them to tabulation. I watched only a couple be removed from the machine one at a time and walked into a back room. The last time I seen him come out of the back room he plugged a V-drive into tabulation and once loaded, was put into a basket. From there they went to the glass case. Most of the V-drives never went to the back room but instead went right to the glass case. I remember seeing workers in the room with no lanyards or identification on while others did have green lanyards on, but I couldn't see what the badges said.

5. The next night, Wednesday Nov. 9, 2022, I was due to start my poll watching at 9pm. As I got up to the room the door was locked, there were no guards in the room to check in with and there was a sign taped to the door saying "they had to step away and would return in 5-10min. I could see the workers were still in there at the tables but there wasn't a single observer in the room. I waited about 20-30 minutes at which point I went back outside to my truck and began watching the cameras. I noticed on the camera that the racks with those green bags were all over the room and no longer behind the sorting machine like the night prior. While watching the camera I noticed approximately 5 box trucks pulling up and into the building. I stayed and tried watching the cameras until the workers had all left for the night which was at approximately 12:00am or so.

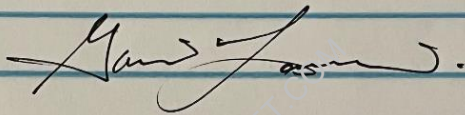
6. I make this affidavit subject to 49 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Respectfully submitted,

15 November 2022

Signature facsimile below
Gavin Lawn

I GAVIN LAWN AM SIGNING THIS
AS PART OF MY AFFIDAVIT TO GO ALONG
WITH THE INFORMATION I HAVE
PROVIDED VIA EMAIL ON TUESDAY
NOV. 15TH 2022.



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