

Uzoma N. Nkwonta\*  
Omeed Alerasool (PA 332873)  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Ave. NW,  
Suite 400  
Washington, DC 20001  
Telephone: (202) 968-4490  
Facsimile: (202) 968-4498  
unkwonta@elias.law  
oalerasool@elias.law

Timothy D. McNair (PA 34304)  
**MCNAIR LAW OFFICES, PLLC**  
821 State Street  
Erie, PA 16501  
Telephone: (814) 452-0700  
Facsimile: (814) 454-2371  
tmcnair@mcnairlaw.com

*\* Pro hac vice application  
forthcoming*

---

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

---

DSCC,  
120 Maryland Ave. NE,  
Washington, D.C. 20002,

Bob Casey for Senate, Inc.,  
PO Box 58746,  
Philadelphia, PA 19102,

*Petitioners,*

v.

Erie County Board of Elections,  
140 W. 6th Street, Rm. 112,  
Erie, PA 16501,

*Respondent.*

Civil Action

No. \_\_\_\_\_

Election Appeal

---

**PETITION FOR REVIEW  
IN THE NATURE OF A STATUTORY APPEAL**

---

## INTRODUCTION

1. On November 14, 2024, the Erie County Board of Elections (the “Board”) violated both federal law and the due process rights of voters when it decided not to count up to 98 provisional ballots in the November 5, 2024 General Election solely based on flaws that were the direct product of poll worker error.

2. These provisional ballots were rejected simply because the voter signed the provisional ballot envelope once, but failed to sign it a *second* time.<sup>1</sup>

3. Voters who cast provisional ballots do so in person, in a process that requires the express direction of poll workers. In this environment, procedural errors made by voters in casting their ballots are necessarily a result of a poll worker’s failure to provide required material or correct and accurate instructions to voters. Where election authority error leads a voter to make a mistake in voting, or election authorities have induced voters to vote in a manner that is unlawful, rejecting those votes violates the federal Due Process Clause. The Board’s ruling also violates the Help America Vote Act, which states that an individual’s provisional ballot “shall be counted . . . in accordance with state law” if election officials determine that the individual is eligible to vote. 52 U.S.C. § 21082(a)(2). Denying qualified voters the

---

<sup>1</sup> In providing the total number of ballots rejected for missing signatures, the Board did not distinguish between ballots with two or one missing signature. Petitioners’ challenge is limited to ballots with only one missing signature.

right to have their provisional ballot counted, even when election officials have determined that the voter is eligible, and the voter has signed a “written affirmation” confirming that they are properly registered, *id.*, would violate these federal protections of the right to vote; thus this Court should reverse the decision of the Erie County Board of Elections.

### **JURISDICTION**

4. The Court has jurisdiction over this statutory appeal pursuant to 25 P.S. § 3157(a).

### **PARTIES**

5. DSCC is the Democratic Party’s national senatorial committee, as defined by 52 U.S.C. § 30101(14). Its mission is to elect candidates of the Democratic Party across the country to the U.S. Senate. In Pennsylvania, among other states, DSCC works to accomplish its mission by assisting state parties and mobilizing and supporting voters. DSCC has spent millions of dollars in contributions and expenditures to persuade and mobilize voters to support U.S. Senate candidates who affiliate with the Democratic Party, including Senator Bob Casey Jr. If relief is not granted, DSCC will suffer injury both because Democratic voters will be disenfranchised and Senator Casey’s reelection efforts will be harmed.

6. Bob Casey for Senate, Inc. (the “Casey Campaign”) is the duly organized political campaign in support of the election of Bob Casey Jr. to the office

of U.S. Senator for Pennsylvania in the November 2024 general election. Senator Casey is the Democratic Party candidate for Senate in Pennsylvania and a sitting U.S. Senator in Pennsylvania. The Casey Campaign has a core interest in ensuring that its supporters' votes are counted and that Senator Casey is elected to the U.S. Senate. The Board's decision not to count provisional ballots where the purported deficiencies were the result of poll worker error harms the Casey Campaign because it unlawfully disenfranchises supporters of Senator Casey and impairs his electoral prospects.

7. Respondent, the Erie County Board of Elections, is a local government agency responsible for overseeing the conduct of all elections in Erie County. This function includes adjudicating provisional ballots in accordance with the Pennsylvania Election Code. *See* 25 P.S. § 3050(a.4)(5).

#### **DECISION OF THE BOARD AT ISSUE**

8. On November 14, the Erie County Board of Elections (the "Board") held a meeting to review provisional ballots cast for the November 5, 2024 General Election. At that meeting, the Board voted not to count 98 provisional ballots because the voter had not signed in both places indicated during the provisional voting process. Petitioners appeal from the Board's decision not to count these the provisional ballots containing one, but not both, signatures.

## FACTUAL BACKGROUND

9. In Pennsylvania, voters who appear ineligible to cast a standard ballot at a polling place may, in certain circumstances, cast a provisional ballot. Among those voters who may be required to cast a provisional ballot are those who requested an absentee or mail-in ballot but have not voted it, 25 P.S. §§ 3150.16(b), 3146.6(b)(2); those who claim to be registered but whose name does not appear on the list of voters, *id.* § 3050(a.4)(1); those who are unable to satisfy identification requirements, *id.*; and people who are voting pursuant to a court order such as one extending the hours of voting at a polling place, *id.*

10. The provisional voting process is initiated by a poll worker's determination that an in-person voter is not eligible to cast a standard ballot. 25 P.S. § 3050(a.4)(1). After making that determination, a poll worker must steer a provisional voter through a carefully choreographed set of steps starting by requiring the voter to sign an affidavit printed on the outermost of two envelopes that will eventually hold the ballot (the "provisional ballot envelope").<sup>2</sup> 25 P.S. § 3050(a.4)(2). The affidavit affirms (1) the voter's name, date of birth, and residence at the time of registration, and (2) that the provisional ballot is the only ballot the individual has cast in that election. *Id.*

---

<sup>2</sup> See *Pennsylvania Provisional Voting Guidance* at 3, Pa. Dep't of State (Oct. 24, 2024), <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2024-provisionalballots-guidance-v2.2.pdf>.

11. After the voter signs the affidavit, the poll worker then provides the voter with their provisional ballot.<sup>3</sup> Once the provisional ballot has been voted, it must be placed in a secrecy envelope provided by the poll worker, which must in turn be placed in the provisional ballot envelope bearing the signed affidavit.<sup>4</sup> Finally, the voter must sign that same provisional ballot envelope a second time “in front of the Judge of Elections and the Minority Inspector” (both statutory election officials).<sup>5</sup>

12. At the November 14 hearing, the Board reviewed various categories of ballots and determined whether they would be counted for the November 5, 2024 General Election. *See generally* Exhibit A (transcript of proceedings).

13. The Board rejected 98 provisional ballots solely because the voter did not sign both Section 2 and Section 4 of the provisional ballot envelope. Exhibit A at 8:9–11, 11:9–12:3, 28:21–32:2.

14. No other reason was given for the rejection of these 98 ballots, nor did the Board contest that these ballots were otherwise valid.

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*; *see also* 25 P.S. § 3050(a.4)(3).

## GROUNDS FOR APPEAL

### **I. Denial of the franchise due to poll worker errors violates the Due Process clause of the U.S. Constitution.**

15. The Due Process Clause of the U.S. Constitution's Fourteenth Amendment protects voters from "state actions that induce voters to miscast their votes." *Ne. Ohio Coal. for Homeless v. Husted*, 696 F.3d 580, 597 (6th Cir. 2012) ("*NEOCH*"); *see also Griffin v. Burns*, 570 F.2d 1065, 1076 (1st Cir. 1978) (finding that voters' due process rights were violated when the state induced voters to use an invalid voting procedure).

16. When a poll worker's erroneous instruction causes a voter to cast a faulty provisional ballot, the voter's due process rights have been denied. *NEOCH*, 696 F.3d at 598; *Hoblock v. Albany Cnty. Bd. of Elections*, 487 F. Supp. 2d 90, 97 (N.D.N.Y. 2006) (finding that when voters relied on election officials' instructions when casting improper ballots "the election officials violate the constitutional rights of the voters"). Provisional ballots are cast under the direction of poll workers, and it can be presumed "as a matter of law" that mistakes that would invalidate a provisional ballot are the result of poll worker error because it would be "irrational and futile" for a voter to deliberately disregard correct instructions and cast a ballot that could not be counted. *NEOCH*, 696 F.3d at 594.

17. The voter's execution of the provisional voting process requires direct engagement by poll workers and procedural faults in that process almost certainly

reflect an error or omission by a poll worker, so the Board’s decision to reject ballots solely on those grounds violates the Due Process rights of the disenfranchised voters. The Pennsylvania Supreme Court’s decision in *In re Canvass of Provisional Ballots in 2024 Primary Election*, 322 A.3d 900 (Pa. 2024), does not mandate a contrary conclusion. While that court held that the requirement that a voter “shall” sign a provisional ballot’s outer envelope is mandatory under Pennsylvania law, the court’s decision was one of statutory interpretation and the court was not presented with the question of whether the refusal to count such ballots—where election officials have failed to ensure that the voter casting the provisional ballot at their direction completes this step—would violate federal law. *See id.* at 904–09.

18. Here, every step of the provisional voting process is mediated by poll workers thus procedural faults in that process are almost always attributable to poll worker error. For example, the requirement that “[p]rior to voting the provisional ballot” a voter “shall be required to sign an affidavit” inherently requires the poll worker to provide the affidavit and instruct the voter as to how to complete it. 25 P.S. § 3050(a.4)(2). Because a voter is required to “sign” the affidavit “[p]rior to voting” their ballot, it is definitionally poll worker error if the voter is allowed to start, much less complete, a ballot without having first signed the affidavit. *Id.*

19. The voter’s dependence on the poll worker continues throughout as only the poll worker can provide—and instruct the voter on the use of—the



provisional ballot envelope on which the voter is to apply the second signature. *See* 25 P.S. § 3050(a.4)(3). As courts should assume that a voter would not deliberately cast a defective ballot by refusing a poll worker's instructions, if a voter does not sign the provisional ballot envelope it indicates that the poll worker did not clearly instruct the voter on the necessity of doing so, or worse yet, saw the unsigned envelope and let the voter walk away. To find otherwise the Court must assume that, after going through the effort of voting in-person and bearing the additional burdens of voting provisionally, the voter has made the "irrational and futile" decision to cast a ballot that they know will not be counted. *See NECH, 696 F.3d at 594.*

20. That these voters were victims of poll worker error rather than people who dismissed proper instructions regarding signing is evidenced by the fact that they all complied with identical requirements elsewhere during the voting process. The voters with a signature fault were missing only one of the two signatures required, and the fact that they willingly signed elsewhere on the same envelope shows that they *were willing to sign* when properly instructed. In these cases, correct instruction led to willing and proper execution.

21. By rejecting the provisional ballots at issue here, the Board has punished voters for the errors of the poll workers who failed a statutory obligation to guide the voters. "To disenfranchise citizens whose only error was relying on poll-worker instructions" is "fundamentally unfair" and violates the Due Process Clause.

*NEOCH*, 696 F.3d at 597 (citation omitted); *see also Hoblock*, 487 F. Supp. 2d at 97–98 (holding voters’ rights were violated where they were “induced to vote” by county board via an invalid method).

**II. Federal law requires that the ballot of an eligible voter who has signed the provisional ballot affidavit must be counted.**

22. Among other things the Help America Vote Act (“HAVA”) establishes protections for provisional voters. 52 U.S.C. § 21802. The primary protection is the right to cast a provisional ballot and, once the voter’s eligibility has been confirmed, to have that ballot counted. *Id.* The only requirement a voter must satisfy to cast a provisional ballot under HAVA is that they sign a “written affirmation before an election official” that the voter is (1) registered to vote in that jurisdiction, and (2) eligible to vote in that election, *Id.* at 21802(a)(2); that requirement is satisfied when a Pennsylvania voter signs the pre-printed affidavit on the provisional ballot envelope in order to receive their ballot, 25 P.S. § 3050(a.4)(2). Having done so, a voter’s ballot “**shall** be counted” once election officials determine that the person was, in fact, eligible to vote. 52 U.S.C. § 21802(a)(4) (emphasis added). Only weeks ago, the Supreme Court of Pennsylvania recently confirmed that officials are required to count a provisional ballot cast under HAVA once “the individual is deemed eligible under state law to vote.” *Genser v. Butler Cnty. Bd. of Elections*, No. 26 WAP 2024, 2024 WL 4553285, \*11 (Pa. Oct. 23, 2024).

23. Because the only prerequisite HAVA allows for eligible voters to cast a provisional ballot under the law is the affidavit signature, any provisional ballots that were cast by an eligible voter who signed the affidavit must be counted, regardless of whether the voter applied the duplicative second signature.

\* \* \*

WHEREFORE, Petitioners respectfully request that this Honorable Court enter an order reversing the decision of the Erie County Board of Elections; declaring that the provisional ballots at issue here must be counted; and entering such other and further relief as provided by the Pennsylvania Election Code and Pennsylvania Constitution, or as this Court deems just and appropriate.

Dated: November 18, 2024

Respectfully submitted,

/s/ Timothy D. McNair

Uzoma N. Nkwonta\*  
Omeed Alerasool (PA 332873)  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Ave. NW, Suite 400  
Washington, DC 20001  
Telephone: (202) 968-4490  
Facsimile: (202) 968-4498  
unkwonta@elias.law  
oalerasool@elias.law

Timothy D. McNair (PA 34304)  
**MCNAIR LAW OFFICES, PLLC**  
821 State Street  
Erie, PA 16501  
Telephone: (814) 452-0700  
Facsimile: (814) 454-2371  
tmcnair@mcnairlaw.com

*\* Pro hac vice application  
forthcoming*

*Counsel for Petitioners DSCC and Bob Casey for Senate, Inc.*

**CERTIFICATE OF COMPLIANCE WITH CASE RECORDS PUBLIC  
ACCESS POLICY**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Timothy D. McNair  
Timothy D. McNair (PA 34304)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 18, 2024, I caused a true and correct copy of this document to be served on all counsel of record via email upon:

Kathleen A. Gallagher  
Brian M. Adrian  
THE GALLAGHER FIRM, LLC  
436 Seventh Avenue, 30th Floor  
Pittsburgh, PA 15219  
kag@gallagherlawllc.com  
bma@gallagherlawllc.com  
*Counsel for David McCormick, Republican National Committee, and  
Republican Party of Pennsylvania*

Erie County Board of Elections  
c/o Thomas Talarico, Esq.  
SOLICITOR FOR THE ERIE COUNTY BOARD OF ELECTIONS  
Erie County Courthouse  
140 West Sixth Street, Room 112  
Erie, PA 16501  
ttalarico@nwpalawyers.com  
*Counsel for Erie County Board of Elections*

/s/ Timothy D. McNair  
Timothy D. McNair (PA 34304)

RETRIEVED FROM DEMOCRACYDOCKET.COM

## VERIFICATION

I verify that the fact averments made in the foregoing Petition for Review in the Nature of a Statutory Appeal are true and correct to the best of my knowledge, information, and belief. I understand that false statements made therein are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification and authorities.

*Christie Roberts*  
\_\_\_\_\_  
Christie Roberts  
Executive Director, DSCC

Dated: November 18, 2024

RETRIEVED FROM DEMOCRACYDOCKET.COM

## VERIFICATION

I verify that the fact averments made in the foregoing Petition for Review in the Nature of a Statutory Appeal are true and correct to the best of my knowledge, information, and belief. I understand that false statements made therein are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification and authorities.

Tiernan Donohue  
Tiernan Donohue  
Campaign Manager, Bob Casey for Senate, Inc.

Dated: November 18, 2024

RETRIEVED FROM DEMOCRACYDOCKET.COM

# Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM



1 ERIE COUNTY BOARD OF ELECTIONS HEARING

2 November 14, 2024

3 2: 00 p. m.

4  
5  
6  
7  
8 Held in Room 114-A of the Erie County Courthouse

9 140 West Sixth Street

10 Erie, PA 16501

11  
12  
13  
14  
15 APPEARANCES:

16 Andre Horton, Chair man

17 Christopher Drexel , Vi ce Chai rman

18 Rock Copel and

19 Terry Scutella

20 Charlie Bayle

21 Ellen Schauerma n

22 Thomas Talari co, Soli ci tor

23  
24  
25 Reported by Sonya Hoffman, Offi ci al Reporter

## P R O C E E D I N G S

1  
2  
3 MR. HORTON: Erie County Board of Elections  
4 is now called to order. Roll call, please.

5 MS. CHILLCOTT: Mr. Bayle.

6 MR. BAYLE: Here.

7 MS. CHILLCOTT: Mr. Drexel.

8 MR. DREXEL: Here.

9 MS. CHILLCOTT: Mrs. Schauerman.

10 MS. SCHAUERMAN: Here.

11 MS. CHILLCOTT: Mr. Scutella.

12 MR. SCUTELLA: Here.

13 MS. CHILLCOTT: Mr. Copeland.

14 MR. COPELAND: Here.

15 MS. CHILLCOTT: Mr. Winarski. (No response.)

16 Chairman Horton.

17 MR. HORTON: Here. Thank you all for coming  
18 out. We'll move right along with it. I'd like to  
19 turn it over to our Chief Clerk and get an update on  
20 the information.

21 MS. CHILLCOTT: The staff from the Elections  
22 Department has researched the eligibility of the  
23 voters associated with the provisional ballots. A  
24 number of voters were found to not be registered at  
25 all or were registered in another state or county and

1 would not have an opportunity for registration  
2 pending in Erie County.

3 The Elections Department received 2,728  
4 provisional ballots. 419 of those were rejected by  
5 the office due to the voter not being registered to  
6 vote. That represents 15.4 percent the total number  
7 of provisional ballots issued on election day. 1,953  
8 were deemed eligible for a full count, meaning they  
9 were registered to vote and voted their provisional  
10 ballot in the right precinct. 71.6 percent of the  
11 provisional ballots voted fall into this category.

12 355 were deemed eligible for a partial count,  
13 meaning they were registered to vote, but voted in a  
14 different precinct than where they were registered.  
15 Some races, such as the race for President, United  
16 States Senate, United States House of Representatives  
17 will be counted, but the races for Pennsylvania State  
18 Representative, State Senator and any local  
19 referendum will not be counted based on the precinct  
20 where they chose to vote their provisional ballot.  
21 This represents 13 percent of the provisional ballots  
22 voted. And I have that in Exhibit A here.

23 As we appear here today of the 2,728  
24 provisional ballots, 1,953 will be deemed eligible  
25 for a full count and 355 being ineligible for a

1 partial count and 419 -- actually that's 418 being  
2 rejected by the Election's Department, 805 have been  
3 challenged by the parties. And that's going to be  
4 Exhibit B on the Excel spreadsheet that I passed  
5 around.

6 1,503 provisional ballots have not been  
7 challenged and are currently being canvassed by the  
8 staff from the Election's Department. The 805  
9 challenged -- the 805 challenged provisional ballots  
10 have been sorted into categories by challenges  
11 issued. 16 categories have been created. There's  
12 1,503 provisional ballots not challenged but there's  
13 805 that are challenged.

14 Those 805 are in 16 categories. One, ballot  
15 was scanned at the polls, one person. Two, envelope  
16 not sealed, 31. Three, incomplete name, two of  
17 those. Missing ballot was one. No address, four.  
18 No date, 171. No ID affixed, 36. No municipality,  
19 seven. No poll worker date, 65. No poll worker  
20 signature, 160. No printed name, 32. No signature,  
21 98. Wrong address, two. Wrong date, 367. Wrong  
22 poll worker date, three. And wrong signature, one.

23 Upon reviewing the types of challenges with  
24 our Solicitor, the Election Department agrees that  
25 ballots with incomplete voter names, no voter

1 signature, the wrong voter signature should not be  
2 counted. Therefore, in accordance with the advice of  
3 our Solicitor of the 805 challenges, the Election  
4 Department is prepared to count 701 provisional  
5 ballots and not count 101 provisional ballots.

6 MR. HORTON: Thank you, Ms. Chilcott. At  
7 this point, I'd like to hear from our Solicitor about  
8 what is going to transpire here.

9 MR. TALARICO: Thank you, Mr. Chairman.  
10 First, I'd like to compliment the office for doing an  
11 incredibly great job over the last week and a half to  
12 two weeks.

13 So I did review everything with them,  
14 including everything that you've heard from Karen,  
15 and I reviewed the Election Code as far as it applies  
16 to the challenging process of provisional ballots.  
17 And they're really -- under the Election Code,  
18 there's really only a couple of challenges that the  
19 Election Code permits and they have to -- they have  
20 to do simply with whether the voter when he completed  
21 the provisional ballot did not sign the ballot or did  
22 not sign the affidavit that you're supposed to sign  
23 that allows you and permits you to vote  
24 provisionally.

25 Another test would be if the voter wasn't --

1 if the voter wasn't registered to vote in the first  
2 place, then, of course, you would not be permitted to  
3 vote provisionally. The Election Board has already  
4 gone through all of those. And as she spoke, she  
5 advised you that there were more than -- about 450  
6 that were not registered to vote and so those votes  
7 were not counted. Those provisional ballots were not  
8 counted.

9 Of the challenges that have been made, most  
10 of the challenges that have been made have been  
11 cosmetic challenges or challenges of errors that may  
12 have been made either by the officers, by the Judge  
13 of Elections and the Minority Inspector and Majority  
14 Inspector, errors that might have been made by them  
15 or errors made by the voter himself.

16 And those would consist of, as we have here,  
17 an envelope is not sealed. The Election Board has  
18 decided in accordance with the law to accept those  
19 ballots because the voter has substantially done  
20 everything possible to vote and we would not want to  
21 disenfranchise many of the voters. An incomplete  
22 name would have to be thrown out because you have to  
23 sign your full name, and so those will be thrown out.

24 One had a missing ballot, obviously that had  
25 to be thrown out. But as far as the provisional

1 ballots that would challenge for no address or no ID  
2 affixed to the ballot, which is a stamp, it doesn't  
3 relate to the identification of the voter, but it's  
4 an internal -- it's an internal procedure that tracks  
5 the provisional ballot with the register, so for all  
6 intents and purposes, those will be counted.

7 Some have been challenged because the voter  
8 failed to -- failed to list his municipality. Well,  
9 we understand that that voter has to be -- we have to  
10 count that vote. Why would he be in that particular  
11 municipality in the first place. Just because the  
12 voter does not adequately or correctly state his  
13 municipality, the correct one, you still have to  
14 count his vote because he is otherwise eligible to  
15 vote based on his residence and ID that he's already  
16 accomplished.

17 In 65 instances a poll worker did not date  
18 the provisional ballot. Now, we can't sustain those  
19 challenges because there can only be one date to sign  
20 a provisional ballot. You wouldn't be able to do  
21 that before the election and you wouldn't be able to  
22 do that after election day. So of course we're not  
23 going to throw those ones out. We have to count  
24 those.

25 Also, in the same category would be a poll

1 worker failed to sign the provisional ballot.  
2 There's a -- there's a place there on the ballot  
3 itself for the poll worker to sign. And in about 160  
4 instances, the poll worker did not sign. We -- the  
5 board is not in a position to disenfranchise or  
6 punish a voter for the mistakes made by the  
7 election -- by the poll workers. So those will --  
8 those will come in.

9 98 did not have a signature of the voter on  
10 either the affidavit or the ballot. Those will not  
11 be counted. Those will be thrown out.

12 MR. COPELAND: Mr. Chair.

13 MR. HORTON: Yes.

14 MR. COPELAND: Can I -- can I request a point  
15 of clarification?

16 MR. HORTON: Go ahead.

17 MR. COPELAND: I believe that the Solicitor  
18 intends to give his legal opinion as to whether each  
19 of these categories are to be counted. But the  
20 actual determination as to whether those categories  
21 get determined is a matter before this Board for a  
22 vote. Correct?

23 MR. HORTON: Partially. I think he prefaced  
24 his remarks by saying that he had statutes to support  
25 it and so --



1 MR. TALARICO: I -- I am just giving you the  
2 law. And I'm also explaining what Karen and the  
3 Election office used to determine whether challenges  
4 should be sustained or rejected. You're right, the  
5 Election Board does vote on that. I'm just briefly  
6 trying to help the crowd out so that they understand  
7 the process of what's going on.

8 MR. COPELAND: Okay.

9 MR. HORTON: And did that answer it?

10 MR. COPELAND: Sure. The intention is for us  
11 to have a roll call vote on each of the categories  
12 based off of the legal guidance provided.

13 MR. HORTON: Yes. And what the purpose is of  
14 his commentary, as he stated, and then my request to  
15 him to let the public know what's transpiring and  
16 what's transpiring here -- what will happen here this  
17 afternoon.

18 Ultimately, you're absolutely correct. This  
19 Board will make that ultimate determination and  
20 certify it, but I so very much appreciate the fact  
21 that what he's giving us is supported by law and I  
22 appreciate that opinion.

23 MR. TALARICO: Thank you, Mr. Chairman. Just  
24 a couple more. There were 367 provisional ballots  
25 that were not dated -- or rather -- yes, they had the

1 wrong date. Excuse me. So, again, the Election  
2 office is recommending that those be refused, the  
3 challenges be refused, and the votes will be counted.  
4 So -- and those are the various categories.

5 Now, Karen had advised you of the total  
6 number then of ballots that the Election office  
7 recommend not be counted. What number was that,  
8 Karen?

9 MS. CHILLCOTT: There would be 101 that fall  
10 into those categories.

11 MR. TALARICO: And basically, that 101 figure  
12 represents the one -- the 98 to 100 instances in  
13 which the voter who voted the provisional ballot did  
14 not sign the ballot. So those would be rejected.

15 MR. HORTON: So just for clarification for  
16 the public, so out of the 16 categories, Item 12, no  
17 signature, 98 the ones that will not be counted and  
18 there are probably another three with that 101  
19 figure --

20 MR. TALARICO: Yeah. The 101 figure are --  
21 go ahead.

22 MS. CHILLCOTT: Some of them also are --  
23 there's some overlaying ones that have multiple  
24 issues as well. So these numbers were -- we're  
25 looking at we subtracted No. 3, No. 12, No. 16

1 because those were the categories where there's a  
2 missing signature or an incomplete name.

3 MR. TALARICO: Correct. So there's 101. The  
4 other three are incomplete signatures.

5 MR. HORTON: Okay. And state law mandates  
6 that we do not count those for clarification.

7 MR. TALARICO: Correct.

8 MR. HORTON: Mr. Copeland.

9 MR. COPELAND: Yeah. I'm not sure whether  
10 this should be made as a motion or a general  
11 statement, but under the category for no signature  
12 there are two places on the provisional ballot to  
13 provide your signature. One is the affidavit form  
14 and another further down, I think, may be to certify  
15 that it's your ballot or something along those lines.

16 And if the purpose of those signatures is to  
17 certify that that is that person, that this is -- you  
18 know, I am this person, this is my provisional  
19 ballot, I'm affirming that I have not filed another  
20 ballot, I'm not sure whether not signing in both  
21 signature places is entirely disqualifying. That if  
22 they signed the affidavit, but not necessarily  
23 further down on the form, I think it's enough to  
24 prove identity and to affirm the reasons for which  
25 they're submitting a provisional ballot.

1                   And I do think it would be important to  
2                   consider cases where one signature was provided  
3                   separately from no signature provided.

4                   MR. TALARICO: Mr. Chair.

5                   MR. HORTON: Please, sir.

6                   MR. TALARICO: Under the Election Code, Title  
7                   25, Section 3015(a)(i)(i), a provisional ballot shall  
8                   not be counted if either the provisional ballot  
9                   envelope or the affidavit is not signed by the  
10                  individual.

11                  MR. HORTON: So it's considered a fatal --

12                  MR. TALARICO: Correct.

13                  MR. HORTON: A fatal flaw.

14                  MR. TALARICO: That's correct.

15                  MR. HORTON: And there is no legal remedy to  
16                  allow for them to come and fix that.

17                  MR. TALARICO: That's correct.

18                  MR. COPELAND: Thank you for the  
19                  clarification.

20                  MR. HORTON: Any other members of the Board  
21                  have questions at this point? (No response.) Okay.  
22                  So just to recap, out of all 16 categories, 101 of  
23                  the 800 absolutely will not be counted and the  
24                  remainder by law should be counted. So what's next?

25                  MR. TALARICO: Well, I think we have to have

1 a vote by the Board. Before the Board votes, if they  
2 want to discuss it, surely they can. And if there  
3 are any lawyers or representatives of any party here  
4 that object to the recommendation of the Election  
5 office, you're certainly welcome. They should be  
6 here to speak and complain.

7 MR. HORTON: Let's hear from the Board first  
8 and then we'll open it up to those who -- I'll start  
9 to my left. Any thoughts? How do you feel about it,  
10 any of it?

11 MR. SCUTELLA: I feel that we're not going to  
12 count all according to law. I'm agreeable to that.

13 MR. HORTON: Do you need further  
14 clarification from Mr. Talarico and Ms. Chilcott on  
15 any of the numbers or categories?

16 MR. BAYLE: I understand the law. My opinion  
17 is I think there's a lot of assumption and a lot of  
18 thinking we know someone's intent or don't know their  
19 intent is my concern. And even that perception, to  
20 me, is, you know, that's an issue.

21 To say that -- you know, to me we should be  
22 following all of those rules, that those should be  
23 true and correct, absolutely, especially when you do  
24 it in person with the provisional. There's very  
25 little opportunity to not have it be the way it's

1           supposed to be and that's concerning to me.

2                       When -- I don't see those issues when I come  
3 in, I present my ID, I get my ballot, I go back to  
4 the machine, I feed the machine -- or I complete my  
5 ballot, I feed the machine and it clicks over. It  
6 just concerns me that there are so many issues within  
7 this process that it gives the air or the appearance,  
8 you know, of a problem. And that started  
9 unfortunately because -- mostly because of the  
10 mail-in ballots. We wouldn't have this number of  
11 issues if we didn't have the mail-in ballots in the  
12 first place.

13                      I don't want to disenfranchise any voters. I  
14 want everybody to vote. I want everybody's vote to  
15 count. I think that we need to seriously look at our  
16 process. I think that having our polls open for an  
17 extended period of time, maybe more days, whatever,  
18 is a better option than what we're doing here. I  
19 think we're going to disenfranchise more people by  
20 doing it this way.

21                      Why can't the poles be open multiple days?  
22 You know, with the comments and the questions that  
23 have been made here, why isn't Election Day a  
24 national holiday? I think it should be a national  
25 holiday. I think all those things. I think to be

1           there and to complete this in person and still have  
2           this many mistakes and issues, it's a problem.

3                     MR. HORTON:   Ms. Schauerman.

4                     MS. SCHAUERMAN:  I just want to thank the  
5           office for the incredible work that you've done  
6           through this very difficult election, and to thank  
7           our Solicitor for keeping us up-to-date on all the  
8           changes as they happened and looking into the letter  
9           of the law for us.  Thank you.

10                    MR. HORTON:  I'll say this before I open it  
11           up, first and foremost, Mr. Bayle brings up some  
12           things I happen to agree with.  If it were up to me  
13           we'd be voting around here a week early and we'd be  
14           counting them.  We wouldn't be waiting on Election  
15           Day to count.  I actually agree with him on that, but  
16           unfortunately it's not a decision that we as an  
17           Election Board can make.

18                    It's the State House and both assemblies have  
19           that opportunity to look at the election polls and  
20           see how we do things.  I have always welcomed a  
21           discussion of improving or extending or expanding  
22           opportunities for qualified registered voters to  
23           vote.

24                    So we are going to try this and see how it  
25           goes.  We're in unchartered territory and I realize

1           it's the stakeholder, that's all of us, because we  
2           didn't realize. So I'll extend it to any lawyer. I  
3           think the call went out from our Solicitor if the  
4           lawyers or watchers might have something they wanted  
5           to say first and foremost. Just say your name and  
6           who you are.

7                         MR. INGRAM: Thank you. Brian Ingram on  
8           behalf of the McCormick campaign. So on behalf of  
9           the campaign, we agree obviously that we don't want  
10          to disenfranchise voters. We also support free and  
11          fair elections. I guess where the distinction and  
12          how we're approaching this comes from is that we  
13          firmly believe that elections require rules, and  
14          rules are there for a reason. They're there to  
15          support the fact that the election is valid in order  
16          to prevent potential fraud.

17          Further, as your solicitor pointed out, there  
18          are in fact various provisions of the Election Code  
19          were drafted for the specific purpose of preventing  
20          that. So while we certainly agree with you that any  
21          votes which were cast which were not signed by the  
22          voter can't be counted, that's something we applaud,  
23          but we think needs to go beyond that.

24                         We think that the reason these ballots were  
25          created is they do need to be filled out completely.



1           So those objections that were -- have been denied, we  
2           would raise -- just for the record, we believe they  
3           have to be signed by both parties. We believe that  
4           they have to be dated. We believe that the voter has  
5           to provide their address. All those requirements are  
6           on the ballot for a reason, and we think if those  
7           requirements are ignored, then the legitimacy and the  
8           accuracy of the election is potentially thrown into  
9           question.

10                   Now, specifically, as your solicitor pointed  
11           out, obviously Section 3050 of the Election Code  
12           expressly provides the voter has to sign. So that's  
13           something no one has the authority, for lack of a  
14           better term, to change. We ask that you recognize  
15           that.

16                   But I think what I'd like to point out is the  
17           section goes on to say that the provisional ballot  
18           shall sign an affidavit and also be signed by the  
19           Judge of Elections and Minority Inspector. That's  
20           also in the statute. That's why we objected to  
21           those.

22                   In our view, there's no ambiguity and frankly  
23           there's no discretion that you can simply ignore  
24           that. We think that's something that's in the  
25           Election Code and it's expressly required by the

1 Election Code, and therefore if it's not in there,  
2 those are rightfully invalid votes, which cannot be  
3 counted.

4 I would point out that there's been  
5 significant litigation over many of these issues in  
6 the months leading up to the election. And I would  
7 like to point out specifically that the authority and  
8 the Pennsylvania Supreme Court has noted that when  
9 the election requires signature on ballot materials  
10 that such a requirement is not a directive, it is  
11 rather a mandate. In other words, shall means shall  
12 is what Justice -- the Supreme Court has noted. And  
13 we think that it should apply to all of these  
14 categories.

15 MR. HORTON: Who noted that?

16 MR. INGRAM: That was Justice Wecht. And  
17 that was in In Re: Canvass Provisional Ballots of  
18 2024 Primary Election 322 A.3d 900.

19 MR. HORTON: So just to be clear, that was  
20 not the entire board, it was just one of the  
21 Justice's statement, his opinion.

22 MR. INGRAM: Yeah. No. No. Yeah. There's  
23 definitely no question that the Court as a whole has  
24 concluded that ballots which are not signed and which  
25 are therefore incomplete, cannot be counted.

1                   And I would point the Board to the recent  
2                   decision of the Supreme Court in In Re: CA  
3                   Provisional Ballots in the 2024 Primary Election, an  
4                   appeal of Jamie Walsh. And that's at No. 55 MAP  
5                   2024. That was decided by the Court on September  
6                   13th of 2024, which held to that.

7                   MR. TALARICO: Wasn't that the mail-in  
8                   ballots?

9                   MR. INGRAM: Yeah.

10                  MR. TALARICO: We're not dealing with mail-in  
11                  ballots.

12                  MR. INGRAM: No. The same rationale should  
13                  apply to both because of the underlying Code  
14                  requirements.

15                  MR. TALARICO: They're completely different  
16                  provisions. The mail-in ballots is a lot different.  
17                  And the Court might look at mail-in ballots with a  
18                  different viewpoint than a provisional ballot.  
19                  Mail-in and provisional are two different things  
20                  completely.

21                  MR. INGRAM: We read the Court's opinion as  
22                  any requirement under the Election Code which  
23                  requires a signature that says it shall be signed is  
24                  exactly that. That seems to be the approach of the  
25                  Court and that's the basis of our objections, so

1           that's how we would --

2                       MS. GALLAGHER: Excuse me, if I may, this is  
3 Kathleen Gallagher also on --

4                       MR. INGRAM: That's Kathleen Gallagher,  
5 who's also on the campaign.

6                       MR. HORTON: So are you yielding your time to  
7 her?

8                       MR. INGRAM: Yes.

9                       MS. GALLAGHER: If I may, the appeal of  
10 Walsh, which Mr. Ingram just cited dealt with  
11 provisional ballots. That was a provisional ballot  
12 case, not a mail ballot case. It dealt exactly with  
13 the issue of the signature on the provisional ballot.

14                      And, again, in that case, Justice Wecht also  
15 expressed his frustration -- and I don't mean to  
16 paraphrase, but his frustration with the continuing  
17 attempts to litigate what is required in the Election  
18 Code. So I just wanted to clarify, because I wasn't  
19 sure and I apologize to my colleague, that it is  
20 not -- we're not dealing with two different types of  
21 voting franchise here. That case dealt specifically  
22 with the requirements of a provisional ballot and  
23 dealt with the signature required on the provisional.

24                      We all understand the difficulty and we hear  
25 the frustration, but it's not up to, respectfully,

1 this Board to decide what the law should be. And on  
2 this issue with respect to signatures and the  
3 completeness of what is required on a provisional  
4 affidavit -- and I remind everyone respectfully, that  
5 affidavit serves a very important purpose because at  
6 its heart, it is about addressing whether or not a  
7 voter has previously cast a ballot and along with --  
8 and that's what the voter is attesting to, the  
9 truthfulness. And that affidavit is required  
10 independent of the actual ballot. It just happens to  
11 appear on our envelope.

12 So I would caution the Board and that's all I  
13 would say on that.

14 MR. HORTON: Okay. Thank you.

15 MR. TALARICO: Kathy, I think you're getting  
16 far away from the subject. And Justice Wecht was  
17 giving an opinion that's consistent with what has  
18 been recommended to the Board, namely that the voter  
19 has to sign the affidavit and the ballot. We have --  
20 the Board has taken that into consideration and is  
21 not counting those ballots. So --

22 MS. GALLAGHER: I just want to --

23 MR. TALARICO: -- I don't want to -- we  
24 could --

25 MS. GALLAGHER: I apologize if there's a

1 delay. I don't think we disagree. I agree with your  
2 recommendation that it had to be signed. I was only  
3 trying to address the question as to the case cited.

4 MR. HORTON: Let's get this back. Let me get  
5 this back. Thank you so much. You've got about 30  
6 seconds. Do you want to back that up?

7 MR. INGRAM: Yeah. I think we made our  
8 point. I mean, obviously, it's our position that the  
9 requirements on the provisional ballot should be  
10 completed. If they're not completed, they're not  
11 valid. And that would be our basis for objecting to  
12 the ones which lacked either a signature or a date or  
13 an address.

14 And then finally with regard to -- the voter  
15 ballot number or they're unsealed, those are  
16 obviously security issues. So that was our basis for  
17 objecting to those. We don't know what's happened to  
18 that ballot that's been opened. There's no basis for  
19 it to be opened, it shouldn't have been opened, but  
20 the fact that it was raises troubling security  
21 concerns.

22 MR. HORTON: Now, you're going down another  
23 track on me.

24 MR. INGRAM: Thank you.

25 MR. HORTON: Thank you. And is there other

1 Counsel that has comments? Attorney McNair.

2 MR. MCNAIR: Thank you, Mr. Horton. Timothy  
3 McNair representing the Pennsylvania state Democratic  
4 Party, the Robert P. Casey for Senate campaign.

5 What I'd like to point out to the Board of  
6 Elections is that there is one provision that permits  
7 disqualification of provisional ballots. That is  
8 3050 A.452. It says a provisional ballot shall not  
9 be counted if -- and then there's a list. And if  
10 they make a list, you cannot go beyond the list.

11 And the list says if it's not signed -- and  
12 we're not contesting that, unsigned ballots cannot be  
13 counted. If the signature is not genuine, that's not  
14 an issue that's been raised as far as I know in any  
15 of the challenges that have been put forth. Or the  
16 provisional ballot envelope does not contain the  
17 secrecy envelope. And, again, I don't believe that  
18 is an issue here.

19 There's another provision if the person fails  
20 to show up within five days and present  
21 identification if it was challenged for  
22 identification at the poll, couldn't produce it, or  
23 that there is any other issue that the voter doesn't  
24 cure within that period of time.

25 Also, a provisional ballot is to be rejected

1 if an absentee or mail-in ballot is received and that  
2 is not, I think, that the Board of Elections is --  
3 not the Board of Elections, the Voter Registration  
4 Office has dealt with that.

5 So I think that these remaining challenges  
6 are all niggling challenges about whether the date is  
7 right or not. And that's not a security issue.  
8 There is one day where a provisional ballot can be  
9 filled out. Why would you have to date it at all,  
10 you know, because they're filled out at the polls and  
11 turned in that night? There's no other -- I mean, so  
12 the date is immaterial.

13 The address is immaterial. That's not listed  
14 as a reason to disqualify the ballot. They say,  
15 yeah, it should be there. Yeah, maybe it should be  
16 there. That would make bookkeeping easier, it would  
17 make Karen's job a lot easier. But it's not listed  
18 as a reason to disqualify the ballot.

19 And I submit to this Board that the only  
20 provisional ballots that can be rejected are the ones  
21 listed in that section, hold on, 3050 A.452. And  
22 that's a limited list, it's a complete list, and  
23 there's no -- the statute does not provide any other  
24 reason for disqualification of a provisional ballot.  
25 Thank you.



1 MR. COPELAND: Mr. Chair.

2 MR. HORTON: Yes.

3 MR. COPELAND: Mr. McNair, could you list  
4 again those -- the reasons in that list.

5 MR. MCNAIR: Okay. The disqualifying reasons  
6 are either it's not signed. We all agree on that.  
7 The signature is not genuine, it doesn't match. And  
8 there's case law actually limiting that pretty  
9 severely. The envelope -- the provisional ballot  
10 envelope doesn't contain the secrecy envelope, which  
11 is not at issue here.

12 Where a voter was challenged for  
13 identification fails to appear and present  
14 identification or where a voter who is disqualified  
15 for some other reason fails to appear before the  
16 Board of Elections and cure that issue within the  
17 specified time, or if they've already voted by  
18 mail-in ballot or absentee ballot.

19 Those are the only reasons listed in that  
20 section of the statute for rejecting a provisional  
21 ballot. And I submit that the Board is limited to  
22 those and that you can't reject ballots for any of  
23 these other reasons, even if they are improperly  
24 filled out, just as long as the voter can be  
25 identified and they are eligible to vote.

1 MR. TALARICO: The list goes by quickly.

2 MR. HORTON: To my colleagues, if you have --  
3 any of the attorneys have anything that you want to  
4 ask -- I will acknowledge it. Is there anything that  
5 you have for Mr. McNair or the prior attorney? (No  
6 response.)

7 Okay. So at this point, I'll entertain a  
8 motion to accept the recommendations as put forward  
9 by our Chief Clerk and our Voter Registration  
10 Director. I'll entertain the motion now.

11 MR. COPELAND: Just for the record, can part  
12 of the motion be which specific categories we are not  
13 counting and then counting the ballots?

14 MR. HORTON: And I would say make the motion  
15 to the best verbiage that you can and we'll work that  
16 verbiage to make sure that it includes everything  
17 that you intended for the motion to contain.

18 MR. COPELAND: What would be the category  
19 besides wrong signature?

20 MR. HORTON: Wrong signature. No signature,  
21 wrong signature, incomplete name would not be  
22 counted. So all of the categories at the  
23 recommendation of the Voter Registration office went  
24 through and pared it all the way down to those 16  
25 categories.

1 MR. DREXEL: Mr. Chair, I have a question.  
2 (Court reporter interrupts proceeding.)

3 MR. DREXEL: I said, Mr. Chair, I have a  
4 question for the Solicitor, if I may. With regards  
5 to the no signature by the poll worker, is your  
6 interpretation based upon that that's not a signature  
7 requirement that we're looking at?

8 MR. TALARICO: I'm sorry, say that again.

9 MR. DREXEL: The poll workers not signing,  
10 right, we're not considering that part of the no  
11 signatures.

12 MR. TALARICO: No. No. Because the law  
13 doesn't mention anything about the poll workers as  
14 far as a challenge.

15 MR. DREXEL: And, yeah, I saw it in the list  
16 so I'm just making sure. It mentioned that in a  
17 different space, so I was just making sure I  
18 understood that.

19 MR. TALARICO: So the Election office would  
20 recommend a motion to approve all of the ballots as  
21 countable as represented by them, except for 101  
22 exceptions.

23 MR. HORTON: And our colleague had requested  
24 that those exceptions be made part of the record in  
25 that motion.

1 MS. SCHAUERMAN: Could you read those 16  
2 categories again, please.

3 MR. HORTON: Can I send it around, so.

4 MS. SCHAUERMAN: We didn't get it over here.

5 MR. HORTON: Maybe if you don't mind reading  
6 them since you're so close to the recorder that she  
7 can have it in the record.

8 MS. SCHAUERMAN: Of the 16 categories, the  
9 first one is the ballot was scanned at the poll. The  
10 envelope not sealed. Incomplete name. Missing  
11 ballot. No address. No date. No ID affixed. No  
12 municipality. No poll worker date. No poll worker  
13 signature. No printed name. No signature.

14 Now, is there a difference in the no  
15 signatures? Oh, never mind. The first one is an  
16 incomplete. Wrong address, wrong date, wrong poll  
17 worker date and wrong signature.

18 MR. TALARICO: Why don't we just mark that as  
19 Exhibit 3. We have two other exhibits and we can  
20 make that Exhibit 3.

21 MR. DREXEL: I would like to make a motion  
22 for the Board to accept the challenge, minus 101 and  
23 the 418 that were originally rejected. So that  
24 leaves a final count of, what, 704? Am I correct?

25 MS. CHILLCOTT: The original ones that were

1 rejected. They weren't up for a challenge because  
2 they were --

3 MR. DREXEL: So those aren't -- the 418  
4 aren't -- so it's 805 minus 101. So we should accept  
5 the 704. I would like to motion for that.

6 MR. HORTON: I'll entertain a second.

7 MR. COPELAND: I second.

8 MR. HORTON: Is there a discussion?

9 MS. SCHAUERMAN: I'm just wondering if we  
10 should break these out instead of doing them all at  
11 once.

12 MR. TALARICO: 16 votes?

13 MR. HORTON: What would be the effect of  
14 breaking them all out?

15 MR. COPELAND: Do you have a specific  
16 separation that you'd like to make a motion for?

17 MS. SCHAUERMAN: What is your -- the full  
18 thing filled out on the provisional, the dates, the  
19 municipalities, the address as far as the law because  
20 we heard different things.

21 MR. TALARICO: Well, yeah, the law is, and I  
22 just handed it over there, that the only -- the only  
23 objection that applies in this set that we're doing  
24 now would be the failure of the voter to sign either  
25 the affidavit or the envelope. There's a secrecy

1 envelope issue, but that doesn't come into play.

2 MS. SCHAUERMAN: There was discrepancies  
3 about the dates.

4 MR. TALARICO: Pardon.

5 MS. SCHAUERMAN: There was discrepancies  
6 about the dates.

7 MR. TALARICO: About the dates?

8 MS. SCHAUERMAN: Dates.

9 MR. TALARICO: Oh, the dates. Yeah. That  
10 would -- you know, those are clerical errors that  
11 really don't go to the substance of it.

12 MR. HORTON: I'm going to interrupt both of  
13 you, respectfully. We have a motion before us. If  
14 it's something pertinent to that motion because the  
15 separation would be a material change to the motion,  
16 you're certainly able to make that motion after they  
17 voted. But if there's discussion, it should be  
18 limited to the motion that's before us.

19 And respectfully, if you want to come back in  
20 and you -- if you're asking to amend that or for an  
21 amendment, we probably can do that but the question  
22 would be which ones would you like to see separated  
23 out?

24 MS. SCHAUERMAN: I wanted clarification from  
25 the Solicitor on the dates as far as the poll workers

1 putting the date on, the voters putting the date on,  
2 the address not being there before I vote on the  
3 whole thing as a whole.

4 MR. TALARICO: As I said earlier, those are  
5 clerical errors. And under the law, literally, not  
6 just the spirit of the law, but literally the only  
7 objections that are listed under the law that apply  
8 to this situation in which the Election Board would  
9 be required to accept a challenge and not count the  
10 votes is where the voter does not sign either the  
11 affidavit or the ballot at the -- the provisional  
12 ballot.

13 Otherwise, all of the clerical things as far  
14 as the failure of a Judge of Elections or a Minority  
15 Inspector, their failure to sign the ballot does not  
16 change the vote. It does not disqualify the voter  
17 and his vote. Not having the date is a silly  
18 requirement, especially if you balance --

19 MS. SCHAUERMAN: It is. Even though it's  
20 silly is it --

21 MR. TALARICO: It's not in the law. It's not  
22 in the statute.

23 MR. BAYLE: But they're components of the  
24 ballot.

25 MR. TALARICO: It says under what

1           circumstances it shall be -- that is not included.  
2           None of those are included.

3                     MS. SCHAUERMAN: Thank you.

4                     MS. PEZZINO: Chairman Horton, are we allowed  
5           to ask questions?

6                     MR. HORTON: Not at this time. You may make  
7           comments afterwards, but we have a motion before us  
8           we're going to vote on. I'll certainly entertain a  
9           question that you have, but I'm not going to open a  
10          floodgate.

11                    MS. PEZZINO: No. No. No. Not for that at  
12          all.

13                    MR. HORTON: I'll determine what for  
14          respectfully. So unless there's any other comments  
15          from my colleagues, I'll call for the question.

16                    MS. CHILLCOTT: Mr. Drexel.

17                    MR. DREXEL: Yes.

18                    MS. CHILLCOTT: Mrs. Schauerman.

19                    MS. SCHAUERMAN: Yes.

20                    MS. CHILLCOTT: Mr. Scutella.

21                    MR. SCUTELLA: Yes.

22                    MS. CHILLCOTT: Mr. Copeland.

23                    MR. COPELAND: Yes.

24                    MS. CHILLCOTT: Mr. Bayle.

25                    MR. BAYLE: No.



1 MS. CHILLCOTT: Mr. Horton.

2 MR. HORTON: Yes.

3 MS. CHILLCOTT: So the motion carries by a  
4 vote of 5 to 1.

5 MR. HORTON: Okay. What's your question?  
6 Who are you?

7 MS. PEZZINO: I'm --

8 (Court reporter interrupts proceeding.)

9 MS. PEZZINO: Linda Pezzino, P-E-Z-Z-I-N-O.

10 MR. HORTON: Would you slow down because this  
11 is a record.

12 MS. PEZZINO: Absolutely. I listened to  
13 everything and I believe there was 160 that did not  
14 have poll worker signatures. That was in the  
15 neighborhood --

16 MR. HORTON: What's your question?

17 MS. PEZZINO: The question is isn't that a  
18 chain of custody when the Judge of Elections and the  
19 Minority Inspector does not sign that?

20 MR. HORTON: No.

21 MS. PEZZINO: It's not.

22 MR. HORTON: No.

23 MS. PEZZINO: Okay. And I was going to give  
24 kudos to Sue because she taught such a great --

25 MR. HORTON: Do you have another question?

1 MS. PEZZINO: No. And that was it. And I do  
2 think that --

3 MR. HORTON: Thank you so very much. Thank  
4 you so very much. Is there anything else for my  
5 colleagues for the good of the order? Seeing none,  
6 hearing none, this meeting is adjourned.

7

8 (Hearing concluded at 2:48 p.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

RETRIEVED FROM DEMOCRACYDOCKET.COM

## C E R T I F I C A T I O N

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me of the above cause and that this is a correct transcript of the same.

---

Sonya Hoffman

Official Court Reporter

November 18, 2024

RETRIEVED FROM DEMOCRACYDOCKET.COM