

DUANE MORRIS LLP

J. Manly Parks (74647)
Nicholas M. Centrella, Jr. (326127)
30 South 17th Street
Philadelphia, PA 19103
Tel.: (215) 979-1000
JMParks@duanemorris.com
NMCentrella@duanemorris.com

David McCormick, et al.

Petitioners

**COURT OF COMMON PLEAS,
DELAWARE COUNTY**

v.

NO: 2024-10084

**Delaware County Board of
Elections**

Respondent

MEMORANDUM OF LAW IN OPPOSITION TO PETITION FOR REVIEW

Respondent Delaware County Board of Elections (“Board”), by and through its undersigned counsel, hereby files its Memorandum of Law in Support of its Opposition to the Petition for Review filed by David McCormick, the Republican National Committee, and the Republican Party of Pennsylvania (“Petitioners”), and states as follows.

I. INTRODUCTION

This Petition concerns two categories of provisional ballots: 1) ballots missing the signature of a Judge of Elections or Minority Inspector, which the Board voted to count; and 2) ballots missing address information or the reason for voting provisionally, which the Board voted to count.

The Board respectfully requests that the Court deny the Petition, overrule the challenges, and affirm the vote of the Board as to each category of voters. As to ballots missing the

signature of an election official, long-standing Pennsylvania precedent holds that voters may not be disenfranchised solely due to poll worker error, especially where the voter themselves complied with all of the requirements of the Election Code. As to ballots missing an address or reason for voting provisionally, the Election Code does not prohibit counting these ballots, and Petitioners supply no authority to suggest those voters should be disenfranchised, particularly where the Bureau of Elections uses other means to confirm the voter's identity.

Accordingly, the Board asks that this Court deny the Petition, overrule the challenges, and affirm the vote of the Board.

II. BACKGROUND

This challenge arises from the Board's vote to count 82 provisional ballots which were missing the signature of an election official, and 53 ballots where the voter failed to provide either their address or reason for voting provisionally on their voter affidavit. At the provisional ballot hearing held on November 14, 2024, the Board voted to count these ballots because they were not prohibited from doing so by law (and arguably were required to do so), and because no argument or evidence was presented that these errors on the ballots were the result of fraud or error.

Director of Elections James Allen testified at the hearing about the process for voting provisionally in Delaware County and the requirements for doing so. Allen noted that "[i]f there's a question about a voter's eligibility, such as they're not registered at all, they're registered in another county, they're canceled...Or [] the poll pad indicates that the voter applied for a mail-in ballot and [] has not returned it...the protection that's been provided for 20 years now, plus, is the provisional ballot." See Excerpted Hearing Transcript attached as **Exhibit A**, at 2:17-3:12. Poll workers "issue that [ballot] either by preparing a provisional ballot on the Touch Writer or, in some cases, taking an Election Day ballot and converting that to a provisional

ballot.” *See id.* at 3:13-17. The ballot “is then not entered into the scanner but instead returned via a provisional ballot envelope where there are various blanks that the voter is instructed to complete, the judge of elections and the minority inspector are instructed to complete.” *See id.* at 3:18-24. The ballots are then “returned at the end of the day...in this large envelope that has all of the provisional voting return and then is signed by the judge and the minority inspector.” *Id.* at 3:23-4:2.

After Election Day, the voter registration staff began “going through them one by one, looking through the SURE system, checking other available records...checking whether the...vote-by-mail ballot was returned or not.” *See id.* at 4:3-9. Bureau staff also check “whether there is a valid registration perhaps in a neighboring precinct or if they’re registered in a situation that we cannot count their ballot,” such as “[i]f they’re registered in Erie or Lancaster or whatever,” or “if they totally did not respond to a HAVA letter,” or “their driver’s license or PennDOT state ID did not match.” *See id.* at 4:10-22.

Following the presentation of argument and evidence, the Board made the following determinations:

- For a blanket challenge to all “full count” ballots on the basis that there was allegedly no proof the voters were qualified to vote, lodged by candidate representative Gregory Stenstrom, the Board voted to overrule the challenge and count the ballots because the challenge had no legal basis. *See Ex. A* at 37:7-38:24.
- For one voter who appeared and testified that he destroyed his mail-in ballot and voted provisionally, the Board voted to count his vote after the challenge to the vote was withdrawn. *See id.* at 48:9-21.
- For one voter whose residency was challenged due to supposedly insufficient data in the publicly-available version of the SURE system, the Board voted to count the ballot. *See id.* at 56:16-57:10.
- For a group of voters’ whose votes were recommended “no count” because their registration was not able to be confirmed, the Board voted to overrule a challenge

by the campaign for Bob Casey for U.S. Senate (“Casey Campaign”) that such votes should be counted. *See id.* at 77:6-78:4.

- For a group of voters whose ballots lacked a secrecy envelope and were recommended “no count,” the Board voted to overrule a challenge by the Casey campaign that such votes should be counted. *See id.* at 78:10-18, 144:13-24, 147:17-24.
- For a group of voters whose votes were recommended “no count” because they did not sign the outer provisional ballot envelope or the voter affidavit, the Board voted to overrule a challenge by the Casey campaign that such votes be counted. *See id.* at 111:12-24, 113:12-20, 115:13-18.
- For a group of voters whose ballots were recommended “full count” although they were missing the signature of a judge of election or minority inspector, the Board voted to overrule a challenge by the campaign for David McCormick for U.S. Senate (“McCormick Campaign”) that such votes not be counted. *See id.* at 156:12-157:2, 159:13-19.
- For a group of voters whose ballots were recommended “full counts” because they contained signatures on the outer envelope and voter affidavit, but did not contain the voter’s address or reason for voting provisionally on the outside of the envelope, the Board voted to overrule a challenge by the McCormick Campaign that such votes not be counted. *See id.* 160:2-14, 161:13-25, 168:1-8.
- For a group of voters who voted at the wrong precinct and refused to go to the correct precinct, the Board voted to overrule a challenge by the McCormick Campaign that such votes be partially counted. *See id.* at 197:13-198:10.

The below chart summarizes the categories of adjudications, the Bureau of Elections’ recommendation, the Board’s vote, and any challenges:

Category	Recommendation	Vote	Challenge at Hearing (if any)
Alleged lack of evidence that all “full count” voters were qualified	Full counts to all challenged ballots	Full counts to all challenged ballots	Candidate representative
Voter who surrendered mail ballot	Full count	Full count	Candidate representative
Voter whose residence was challenged	Full count	Full count	Candidate representative

Voters whose registration could not be confirmed in SURE	No count	No count	Democratic Party/Casey Campaign
Ballots lacking a secrecy envelope	No count	No count	Democratic Party/Casey Campaign
Ballots lacking signatures on voter affidavit or outer envelope	No count	No count	Democratic Party/Casey Campaign
Ballots lacking signature by Judge of Elections or Minority Inspector	Full count	Full count	Republican Party/McCormick Campaign
Ballots containing signatures in affidavit and on envelope but missing address or reason for voting provisionally in affidavit	Full count	Full count	Republican Party/McCormick Campaign
Voters who voted in the wrong precinct	Partial count	Partial count	Republican Party/McCormick Campaign

The Petitioners, including the McCormick campaign, now appeal the Board's decision to overrule the challenges to only two of the above categories: ballots missing an election official's signature, and ballots missing address information or the reason for voting provisionally in the voter affidavit.

For the reasons discussed below, the Board respectfully requests that this Court deny the Petition and affirm the rulings of the Board.

III. ARGUMENT

A. Pennsylvania Law Prohibits Disenfranchisement Due to Poll Worker Error

First, provisional ballots lacking a signature by a judge of elections or majority inspector must be counted because longstanding Pennsylvania precedent bars a county board of elections from invalidating a ballot because of errors committed by a poll worker.¹

The Pennsylvania Supreme Court has held that “the invalidation of a ballot where the voter has complied with all instructions communicated to him and in the absence of any evidence of improper influence,” would “necessarily amount to an unreasonable encroachment on the franchise.” *In re Recount of Ballots Cast in General Election on November 6, 1973*, 325 A.2d 303, 309 (Pa. 1974). “To rule otherwise would unnecessarily condition the right to vote upon the proper discharge of the responsibility of an election official over whom the voter has no control.” *Id.* This rule follows the Pennsylvania “policy of protection of the franchise when the voter’s intent can be determined and where any minor non-compliance with statutory requirements is not the fault of the voter.” *In re Contest of 1979 Gen. Election for Off. of Dist. Atty. of Washington Cnty.*, 489 Pa. 404, 412, 414 A.2d 310, 314 (Pa. 1980).

Here, votes lacking a signature by one or more election officials should still be counted because there is no evidence of improper influence or fraud, and because these errors are not the fault of the voter. There is no allegation whatsoever that these ballots are fraudulent and their veracity is undisputed even by the challenger. *See generally* Petition. Under Pennsylvania law, then, the decision turns on whether the “voter has complied with all instructions communicated

¹ The Pennsylvania Department of State has also issued guidance in connection with the 2024 General Election advising that counties should count ballots missing one or more election official signatures, along the same rationale provided here.

to him,” and whether “non-compliance with statutory requirements is not the fault of the voter.”
See In re Recount, 352 A.2d at 309; *In re Contest of 1979*, 414 A.2d at 314.

The answer to both questions is unambiguously yes. For this category of challenged ballots, the sole basis for the challenge is that the envelopes do not contain the signature of the relevant election officials. *See generally* Petition. This fact means that each challenged voter has completed the voter affidavit by signing the outside of the envelope and has enclosed their ballot in the secrecy envelope as required by statute. *See* 25 P.S. § 3050(a.4)(5)(ii). This fact also means that the voter is properly registered to vote and voted in the correct election district, as required by statute. *See* 25 P.S. § 3050(a.4)(5)(i). If the voter did everything in their power to vote, and did all of these things correctly, then Pennsylvania law requires that their ballot be counted. *See In re Recount*, 352 A.2d at 309; *In re Contest of 1979*, 414 A.2d at 314.

Because the statutory non-compliance is the fault of the election officials and not the voters, this challenge should be rejected.

B. The Election Code Does Not Require a Complete Affidavit and the Information is Irrelevant to Determining the Voter’s Identity and Eligibility

Petitioners’ challenge to a second category of provisional ballots – those with incomplete voter affidavits – should also be overruled, because the Election Code does not contain language mandating that such ballots do not be counted.²

Petitioners contend that the Board erred in voting to count 53 provisional ballots in which the voters signed both the envelope and affidavit but failed to include such information as their address or the date. *See* Petition at p. 2. Petitioners contend that because the “Election Code

² Although the Petition does not specify the nature of the “incomplete voter affidavits” group of challenges, the Board voted to count provisional ballots that did not have the voter’s address or their reason for voting provisionally noted on the envelope. The Board believes these two issues are being challenged by Petitioners. Notably, the Board voted not to count ballots missing one or both signatures on the affidavit and does not believe that decision is being challenged.

directs that individuals ‘shall’ sign a completed affidavit,” the requirement is “mandatory such that noncompliance renders a ballot invalid and ineligible to be recounted.” *See id.* at ¶ 3.

Petitioners assert that this requirement is present because it “confirm[s] the voter’s identity and ensure[s] that election officials supervised the casting of provisional ballots.” *See id.* at ¶ 17.

Petitioners’ argument ignores the plain language of the Election Code, which provides both for invalidating defective ballots and also verifying a provisional voter’s identity.

The Election Code prohibits counting a provisional ballot under five circumstances for facial defects: 1) where either the provisional ballot envelope or affidavit do not contain the voter’s signature; 2) where the affidavit or envelope are signed but are forgeries; 3) where the ballot lacks a secrecy envelope; 4) where the voter cannot produce identification on Election Day and fails to provide it within six days after the election; and 5) where a voter’s mail-in or absentee ballot is timely received by the county board of elections. *See* 25 P.S. § 3050(a.4)(5)(ii). Additionally, if a voter is not registered at all or is not a resident of the county, their ballot cannot be counted. *See* 25 P.S. § 3050(a.4)(6)-(7). The statute does not provide for any other disqualifying attributes if a provisional voter is registered to vote and eligible to vote in the district where the ballot is cast.

Nowhere in this criteria does the Code require that a county board of elections invalidate a provisional ballot for failing to include an address or reason for provisional voting, and the Board has not located any decisions squarely addressing the issue. Petitioners do not point to any case law in support of their position either. For example, Petitioners quote Justice Wecht in saying that if “the Election Code unambiguously requires a signature on balloting materials, then such requirements are not directives but rather mandates.” *See* Petition at ¶ 18. But the quoted language refers to the voter’s signatures on the provisional ballot envelope, not to an address or

reason for voting provisionally. *See In re Canvass of Provisional Ballots in 2024 Primary Election*, 322 A.3d 900, 913-14 (Pa. 2024) (“...the appellant, Jamie Walsh, argues that the Luzerne County Board of Elections should be required to count the provisional ballot cast by Timothy Wagner, even though Wagner did not sign the outer envelope...”) (Wecht, J., concurring). The Board voted **not to count** any ballots missing voter signatures. *See* Ex. A at 111:12-24, 113:12-20, 115:13-18. And Petitioners’ quoted language from Justice Wecht says nothing about a voter’s address, or their reason for voting provisionally, being a mandatory requirement, which is the actual thrust of their challenge.³ *See* Petition at ¶ 18.

The key distinction between the signature and the rest of the affidavit (rendering Petitioners’ analogy inapt) is that the signature is unambiguously and specifically mentioned in the statute as a reason a vote cannot be counted. The Election Code is clear that “[a] provisional ballot shall not be counted if...either the provisional ballot envelope under clause (3) or the affidavit under clause (2) is not signed by the individual.” 25 P.S. § 3050(a.4)(5)(ii)(A). By contrast, the Code does not say a ballot must be disqualified for a missing address or a missing reason for voting provisionally.

Moreover, the address and “reason for voting provisionally” portions of the voter affidavit are not necessary to establish a voter’s identity, as Petitioners claim. If a voter is not in a poll book at a specific precinct, they are required to show identification to a judge of elections and be given a provisional ballot (the validity of which is determined later at the hearing). *See* 25 P.S. § 3050(a). If the voter is unable to produce identification at that time, they can still vote provisionally, and that vote can count so long as the voter appears at the Bureau of Elections

³ As to the missing election official signatures, the Board contends as noted in Section I, *supra*, that the quoted language applies only to a voter’s signature, because long-standing Pennsylvania case law clearly prohibits disenfranchising a voter if an election official made an error.

within six calendars days of the election and presents valid identification and an affirmation that they are the same voter who appeared on Election Day and voted provisionally. *See* 25 P.S. § 3050(a.4)(5)(D), § 3050(a.4)(5)(E). If the voter is, at any time, found not to be registered or not entitled to vote in the precinct where the ballot was cast, there are explicit statutory provisions mandating how their votes are handled (such as no-counts or partial counts). *See* 25 P.S. § 3050(a.4)(6), 3050(a.4)(7).

Under that scheme, there are numerous safeguards to ensure a voter's identity and that the voter was in the right precinct, all without making any reference whatsoever to the address requirement on the provisional ballot envelope. In fact, the Election Code does not even direct the county board of elections to examine the address on the envelope to determine the voter's residence for the purpose of counting their provisional ballot. *See generally* 25 P.S. § 3050. Instead, Bureau of Elections staff looks up the voter's registration in the SURE system (to confirm the voter is eligible to vote in the first place), uses the information from SURE to confirm the voter voted in the correct precinct, and uses the voter's identification to confirm that the voter in SURE is the same voter who appeared on Election Day. *See Ex. A at* 162:23-163:15. 167:13-22. That process does not require the voter's address on the envelope to be complete.

The "reason for voting provisionally" on the affidavit is similarly unnecessary due to the above procedure. A voter is typically only voting provisionally because they are not in the poll book when they arrive at a precinct. If a voter is not voting in the correct precinct, they cast their ballot, and then this error is caught using SURE data when the ballot is processed (leading to a recommendation of a partial count). *See id.* at 163:4-15. If the voter is not registered at all and casts a ballot, this is again shown in SURE and the ballot is recommended as a "no count." *See id.* at 163:4-164:7. If the voter is registered in another county but demands to vote provisionally

in Delaware County, that will also show up in SURE and the voter's ballot is recommended as a "no count." Thus, the "reason for voting provisionally" on the voter affidavit is unnecessary to determining a voter's identity or the validity of their vote.

Because the voter affidavit is not a basis for disqualification under the Election Code, and because it is unnecessary in determining a voter's eligibility to vote provisionally, the challenge should be overruled and the Board's decision to count these ballots should be affirmed.

C. The Board's Vote Does Not Violate the Equal Protection Clause or Fair and Free Elections Clause

The Board's decision to count such ballots also does not violate either the Equal Protection Clause of the U.S. Constitution or the Fair and Free Elections Clause of the Pennsylvania Constitution, as Petitioners claim, because the Board is not discriminating between groups of voters. Instead, the Board is relying on the plain language of the Election Code, which sets sensible guidelines for counting valid ballots and has repeatedly been recognized to be constitutionally sound by numerous courts.

First, Petitioners' claim that the vote violates the Equal Protection Clause of the U.S. Constitution is without merit because the U.S. Supreme Court and Pennsylvania courts have long recognized that the state has a legitimate interest in promulgating rules to regulate its elections, so long as those rules are enforced in a non-discriminatory manner. "The state may enact substantial regulation containing reasonable, non-discriminatory restrictions to ensure honest and fair elections that proceed in an orderly and efficient manner." *Banfield v. Cortes*, 110 A.3d 155, 176-77 (Pa. 2015) (citing *In re Nader*, 905 A.2d 450, 459 (Pa. 2006)). To that end, "when a state election law provision imposes only reasonable, nondiscriminatory restrictions upon the First and Fourteenth Amendment rights of voters, the State's important regulatory interests are generally sufficient to justify the restrictions." *Burdick v. Takushi*, 504 U.S. 428, 434 (1992).

Petitioners' claim that the Board has violated the Equal Protection Clause fails because there is no showing, nor even an allegation, that it has applied the Election Code in a discriminatory manner. The Commonwealth of Pennsylvania clearly has authority under both federal and state law to enact the Election Code. *See Burdick*, 504 U.S. at 434; *Banfield*, 110 A.3d at 176-77. For Petitioners to succeed on their claim, they must show, then, that the Board has somehow discriminated against a certain group of voters in its application of the Code, or else that the Board interpreted the Code in an unreasonable way to burden the rights of voters. *See Burdick*, at 504 at 434. There is no allegation that the Board has discriminated against any group whatsoever or that the Board is unreasonably interpreting the Election Code to burden a certain class of voters. *See generally* Petition. The Board is in fact doing the opposite: the Board is interpreting the Election Code in a non-discriminatory fashion to **relieve** a potential burden on the right to vote. *See id.* This course of action does not violate the Equal Protection Clause.

Moreover, numerous Pennsylvania courts have held that the Election Code's provisions regarding which ballots may count do not violate the Fair and Free Elections Clause of the Pennsylvania Constitution. "While the Pennsylvania Constitution mandates that elections be 'free and equal,' it leaves the task of effectuating that mandate to the Legislature." *Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 374 (Pa. 2020). The Free and Fair Elections Clause does not mandate that every single vote in every single county be counted the same way; rather, it "speaks of uniformity with respect to the laws that regulate elections in the Commonwealth," which, in other words, is the Election Code. *See Kuznik v. Westmoreland County Board of Commissioners*, 902 A.2d 476, 490 (Pa. 2006). The Election Code itself actually delegates implementation of its provisions to the county boards of elections. *See generally* 25 P.S. § 2642.

Pennsylvania case law recognizes that the Free and Fair Elections Clause, while requiring uniformity in the law, does not mean every board of elections may have their votes overruled because another board in another county voted a different way (a process that would plainly violate numerous principles of state law). For example, in *Boockvar*, the Pennsylvania Supreme Court held that the county boards of elections “are not required to implement a notice and opportunity to cure procedure for mail-in and absentee ballots,” because such a decision must be made by the legislature. *See* 238 A.3d at 374. But the Pennsylvania courts have also held that even though counties are not required to enact such a procedure, counties are permitted to do so. *See, e.g., Republican National Committee v. Chapman*, 2022 WL 16754061, at * 18 (Pa. Cmwlth. Sept. 29, 2022) (“[O]ur Supreme Court has held that [] the absence of any provisions in the Election Code...reflected the legislature’s deliberate choice to leave such matters to the informed discretion of County Boards, who are empowered by Section 2642(f) of the Election Code to make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of elections officers.”) (quoting *In re Canvassing Observation*, 241 A.3d 339, 350 (Pa. 2020)). While some counties have enacted notice and cure procedures, others have not; yet this practice has not been held to violate the Free and Fair Elections clause because the clause requires uniformity in the law itself, not in the decisions of the county boards. *See id.*

The same rationale applies here – the Board is not bound by the decisions of other counties, and its interpretation of the Election Code and corresponding vote does not violate the Free and Fair Elections Clause simply because another board in another county voted differently. Accordingly, Petitioners’ argument is without merit and should be rejected.

Because the Board's vote violates neither the Equal Protection Clause nor the Free and Fair Elections clause, the challenge should be overruled.

IV. CONCLUSION

Based on the foregoing, the Board respectfully requests that the Petition be denied.

Dated: November 19, 2024

Respectfully submitted,

/s/ J. Manly Parks, Esq.

J. Manly Parks (74647)
Nicholas M. Centrella, Jr. (326127)
30 South 17th Street
Philadelphia, PA 19103
Tel.: (215) 979-1000
JMParks@duanemorris.com
NMCentrella@duanemorris.com

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EXHIBIT A

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In Re: Provisional Ballot Challenge Hearing 11/14/24

Delaware County, PA

Thursday, November 14, 2024

12:00 P.M.

County Council Room

201 W. Front Street

Media, PA 19063

Reported By:

Alison Salley, RPR

Court Reporter and Notary Public

1 MS. LUNKENHEIMER: Good afternoon. I'd
2 like to call to order the Delaware County board of
3 elections provisional ballot hearing of
4 November 14th, 2024.

5 Please stand to say the Pledge of
6 Allegiance.

7 (Whereupon, the Pledge of Allegiance was
8 said.)

9 MS. LUNKENHEIMER: All right.
10 Mr. Allen, would you please present the agenda for
11 today's meeting -- or hearing.

12 MR. ALLEN: So this is the hearing to
13 decide objections that have been filed against
14 individuals' provisional ballots. In short, a
15 provisional ballot is issued. It's a nonstandard
16 ballot.

17 So if you check in and everything
18 appears to be in order based on your registration
19 information, and if you need to show ID, you showed
20 ID, or if there's some other affirmation that you
21 need to sign as an inactive voter, what have you,
22 you get a standard ballot and you scan that into the
23 precinct scanner.

24 If there's a question about a voter's
25 eligibility, such as they're not registered at all,

1 they're registered in another county, they're
2 cancelled -- their registration was cancelled
3 because of return mail, and then two federal
4 election cycles had passed and there was no action
5 by the voter to respond or -- there are a variety of
6 other situations.

7 Or they -- the -- the poll pad indicates
8 that the voter applied for a mail-in ballot and
9 either has not returned it, but we don't know that
10 they haven't returned it on Election Day, so their
11 backstop -- the protection that's been provided for
12 20 years now, plus, is the provisional ballot.

13 So the provisional ballot, the poll
14 workers issue that either by preparing a provisional
15 ballot on the Touch Writer or, in some cases, taking
16 an Election Day ballot and converting that to a
17 provisional ballot.

18 It is then not entered into the scanner
19 but instead returned via a provisional ballot
20 envelope where there are various blanks that the
21 voter is instructed to complete, the judge of
22 elections and the minority inspector are instructed
23 to complete. And then they are returned at the end
24 of the day, all those green and white envelopes, in
25 this large envelope that has all of the provisional

1 voting return and then is signed by the judge and
2 the minority inspector.

3 So from there, the voter registration
4 staff has been busy since last Wednesday initially
5 assembling all of these and then going through them
6 one by one, looking through the SURE system,
7 checking other available records, whether it's
8 vote-by-mail records or checking whether the ballot
9 was -- the vote-by-mail ballot was returned or not.

10 And whether there's -- whether there is
11 a valid registration perhaps in a neighboring
12 precinct or if they're registered in a situation
13 that we cannot count their ballot. If they're
14 registered in Erie or Lancaster or whatever, they're
15 not eligible to vote in Delaware County.

16 Or if there's -- if they totally did not
17 respond to a HAVA letter. In other words, they
18 registered maybe close to the deadline and they
19 received a notification that their matching
20 information, whether it was the Social Security
21 number or their driver's license or PennDOT state
22 ID, did not match.

23 And if they did not respond to that, the
24 registration is -- is not complete. That's --
25 that's a matter of federal and state law.

1 MR. PARKS: Folks, this is not a
2 sporting event. This is a judicial proceeding and
3 if people continue to treat it like a sporting
4 event, they will be asked to be removed. And if
5 they will not cooperate, then the Park Police will
6 remove them as well. Thank you.

7 MS. LUNKENHEIMER: All right. Now, do
8 we have a motion related to Mr. Stenstrom's
9 objections?

10 I think we should restate it, if you
11 don't mind, Mr. Alberts.

12 MR. ALBERTS: State --

13 MS. LUNKENHEIMER: The -- since it was
14 not --

15 MR. ALBERTS: The motion, you mean?

16 MS. LUNKENHEIMER: Yes.

17 MR. ALBERTS: I move to dismiss this
18 objection.

19 MS. LUNKENHEIMER: Is there a second for
20 the purpose of conversation?

21 MR. MCBLAIN: Second.

22 MS. LUNKENHEIMER: Is there any -- I've
23 already made some comments when discussing this with
24 Mr. Stenstrom, but, Mr. McBlain, do you have any
25 comments you'd like to make regarding this

1 objection?

2 MR. MCBLAIN: No comments.

3 MS. LUNKENHEIMER: Okay. Mr. Alberts?

4 MR. ALBERTS: No comments other than to
5 say I thank you, Ms. Winterbottom, and your team for
6 the work you've done to prepare for this meeting and
7 for all these challenges and all these provisional
8 ballots.

9 Thank you for the work you do to make
10 sure that, you know, our voter registration rolls
11 are clean and that the people who are eligible to
12 cast votes are able to do so.

13 MS. LUNKENHEIMER: Thank you.

14 All right. Then if there's nothing
15 further, Mr. Parks, from the solicitor, then we can
16 move this to a vote.

17 Okay. Then all those in favor of
18 overruling the objection by Mr. Stenstrom, please
19 say "aye."

20 MR. ALBERTS: Aye.

21 MS. LUNKENHEIMER: Aye.

22 MR. MCBLAIN: Aye.

23 MS. LUNKENHEIMER: None opposed. That
24 motion passes. Thank you.

25 We will move to the next -- oh, I think

1 be the time to do it.

2 MR. MCBLAIN: My only point is
3 Mr. Mahalo is here. So that he doesn't have to
4 suffer through the rest of this meeting --

5 MS. LUNKENHEIMER: Let's vote on
6 Mr. Mahalo's ballot.

7 MR. MCBLAIN: So that he knows his vote
8 counts.

9 MS. LUNKENHEIMER: Is there a vote to
10 accept the recommendation to count -- fully count
11 the vote of Mr. Mahalo?

12 MR. MCBLAIN: Yes. Moved.

13 MR. ALBERTS: Seconded.

14 MS. LUNKENHEIMER: All those in favor
15 say "aye."

16 MR. MCBLAIN: Aye.

17 MS. LUNKENHEIMER: Aye.

18 MR. ALBERTS: Aye.

19 MS. LUNKENHEIMER: None opposed. That
20 motion carries. Thank you very much for attending
21 and sorry for the confusion.

22 Thank you.

23 We're going -- we have a lot to get to.

24 MS. MAHALO: I'll take one minute.

25 MS. LUNKENHEIMER: Go ahead. As a

1 way because if you don't have the same
2 spreadsheet --

3 MS. WAGNER: I don't.

4 MS. LUNKENHEIMER: So why don't we not
5 proceed that way with these eight. We'll get to
6 them.

7 MS. WAGNER: That's fine.

8 MS. LUNKENHEIMER: And if you want to
9 proceed orderly -- in a way for the objections as
10 you intended to present them, we'll just need to
11 make sure we match them up with what we understand
12 to be the voters.

13 MS. WAGNER: That's perfect.

14 MS. LUNKENHEIMER: All right. So we'll
15 get back to that, Ms. Winterbottom.

16 MR. ALLEN: The next objection is
17 similar to the one -- the blanket umbrella objection
18 that was dismissed and that was filed by John Child
19 about the SURE system and proving residency. That
20 was to one voter, Betty Olivero.

21 MS. LUNKENHEIMER: Is Mr. Child here to
22 present the objection?

23 A VOICE: I think he left.

24 MR. MCBLAIN: I vote to dismiss the
25 objection.

1 MS. LUNKENHEIMER: Yeah. If no one is
2 here to present the objection, then -- do we have a
3 motion to dismiss? Is that motion seconded?

4 MR. ALBERTS: Seconded.

5 MS. LUNKENHEIMER: All those in favor
6 say aye.

7 MR. MCBLAIN: Aye.

8 MS. LUNKENHEIMER: Aye.

9 MR. ALBERTS: Aye.

10 MS. LUNKENHEIMER: That motion passes.

11 MR. ALLEN: The third item is an
12 objection that the JOE failed to select a reason.
13 That was filed by Laura Lewis against the vote --
14 the provisional ballot by Patrick Turbit (phonetic).

15 MS. LUNKENHEIMER: Is Ms. Lewis here to
16 present the objection or is somebody presenting on
17 her behalf?

18 Ms. Lewis, you are here? Please come
19 forward and state your reason for objecting to
20 Patrick Turbit's ballot, which is listed as number
21 3.

22 MS. LEWIS: When I was at the
23 provisional --

24 MS. LUNKENHEIMER: Sorry. Can you
25 introduce yourself for the record, even though I

1 first spreadsheet and ignore the second and the
2 third for your purposes.

3 MR. ALBERTS: Okay.

4 MS. CANTOR: So they were follow-up
5 evaluations done looking at other databases.

6 MR. MCBLAIN: So, therefore, would it
7 be, as I understand it, a motion to dismiss any
8 objections to the determinations made on these three
9 sheets?

10 MS. LUNKENHEIMER: Dismiss or overrule.

11 MR. MCBLAIN: Dismiss or overrule,
12 whichever you like.

13 MS. LUNKENHEIMER: We've been using the
14 other one.

15 MR. MCBLAIN: Okay.

16 MS. LUNKENHEIMER: Okay. Is that --
17 that is where we're at, Ms. Cantor. Yes.

18 Mr. Parks, did you have anything you
19 wanted to say?

20 MR. PARKS: No.

21 MS. LUNKENHEIMER: Okay.

22 MR. ALBERTS: I'll second that motion.

23 MS. LUNKENHEIMER: Okay. Is there any
24 other questions or comments on that? From anyone.

25 Then all those in favor say "aye."

1 MR. MCBLAIN: Aye.

2 MS. LUNKENHEIMER: Aye.

3 MR. ALBERTS: Aye.

4 MS. LUNKENHEIMER: That motion passes.

5 Thank you.

6 Now, I think at this point in time,
7 though, you did have three categories of objections
8 that you would -- you will retain and you would like
9 to present on.

10 MS. CANTOR: That is correct. So we
11 have -- these are all work based on poll worker
12 error. Not based on voter error.

13 So what we have are provisional ballots
14 that were rejected because there was no secrecy
15 envelope. That's clearly a poll worker issue. If
16 the person wasn't given a secrecy envelope, they
17 wouldn't have known to put one in the outer
18 envelope.

19 And there were many, many that fell into
20 that category. And, again, I would argue that that
21 was poll worker error.

22 MS. LUNKENHEIMER: Can we focus on that
23 for a little bit?

24 MS. CANTOR: Sure.

25 MS. LUNKENHEIMER: Are you going to move

1 MR. ALBERTS: Could we see those
2 presented now so we could consider them?

3 MS. LUNKENHEIMER: Or is there -- is
4 there --

5 MR. ALLEN: We do have them sorted by
6 precinct, so if you could repeat that list, we do
7 have the ability to pull those precincts out.

8 MR. ALBERTS: Like, if there is a
9 pattern, I just want to be able to see it or not.

10 MS. LUNKENHEIMER: Why don't we -- we
11 don't have a motion on the table.

12 Are we in a position -- is everybody
13 comfortable considering and voting on the voter's
14 signature not in 2 or 4 or the no judge of elections
15 minority inspection signature issues?

16 MR. MCBLAIN: I'll break it down. I'll
17 make a motion to dismiss or what do we call it?

18 MS. LUNKENHEIMER: Overrule.

19 MR. MCBLAIN: Overrule any of the
20 objections based upon the lack of a voter signature
21 in either box 2 or 4.

22 MR. ALBERTS: Of the voter signature.

23 MS. LUNKENHEIMER: Yes.

24 MR. MCBLAIN: Voter signature.

25 MS. LUNKENHEIMER: That's the one we are

1 to understand what -- I will second the motion. But
2 I do want to -- I mean, I am frustrated by the
3 confusion here --

4 MS. LUNKENHEIMER: With the list.
5 That's fair.

6 MR. ALBERTS: -- with the list and what
7 we have in front of us or not.

8 So just to be clear, let me make sure
9 I'm clear on the motion that I'm prepared to second.

10 Mr. McBlain, would you please restate
11 it?

12 MR. MCBLAIN: Certainly. I would move
13 to dismiss any objections to no-counts based upon
14 the lack of the voter's signature on the outer
15 envelope in our boxes 2 and 4.

16 MR. ALBERTS: And so that's -- okay.
17 And there's -- and that corresponds with the
18 universe of ballots that you've objected to?

19 MS. CANTOR: Correct.

20 MR. ALBERTS: Okay. I will second that.

21 MS. LUNKENHEIMER: Okay. Any additional
22 discussion?

23 Would you -- I want to make sure that
24 you're comfortable -- any additional discussion or
25 questions? I mean, we --

1 purposes, I would like to see a world where we're
2 not bound by those -- by these court orders, but we
3 are not a court of appeals, so...

4 MS. LUNKENHEIMER: Well, if you succeed
5 on the appeal, you'll have two people that are
6 relatively happy about that, but at this point in
7 time I think -- maybe three.

8 MR. MCBLAIN: This is the law.

9 MS. LUNKENHEIMER: No, no. I mean -- we
10 had that long hearing about it and it was
11 unfortunate, I think, where the court ended on that
12 one.

13 So with that, all those in favor of the
14 motion as presented by Mr. McBlain say "aye."

15 MR. MCBLAIN: Aye.

16 MS. LUNKENHEIMER: Aye.

17 MR. ALBERTS: Aye.

18 MS. LUNKENHEIMER: That motion passes.

19 The second one, I think, we can talk
20 about and potentially vote on without maybe another
21 recess is the issue of the no judge of elections
22 and/or no minority inspector signature.

23 MR. PARKS: Again, I do not believe that
24 there are actually any ballots in this category. I
25 think we --

1 You know, just for the record, to the
2 extent it matters, I would have been inclined,
3 absent the prior court ruling and particularly the
4 point about the equities, to have counted the UD
5 7-10 votes if they were not otherwise excluded.

6 I understood some of them were excluded
7 on secondary bases but -- from being counted based
8 on the fact that there seemed to be a systemic
9 pattern of no secrecy envelopes used in that
10 particular precinct, but I am ready to vote. And I
11 don't -- I feel compelled to follow the court's
12 decision.

13 MR. MCBLAIN: Well, if I didn't, I would
14 make a motion that the cache of cases where the
15 challenge was to the lack of a secrecy envelope
16 be -- that the objection be upheld and dismissed, or
17 upheld, I guess. I keep getting that wrong. I'm
18 sorry.

19 MS. LUNKENHEIMER: Don't confuse me.

20 MR. ALLEN: Dismissed and overruled.

21 MR. MCBLAIN: Overruled. I'm sorry.

22 MS. LUNKENHEIMER: I can second that, if
23 you want. Do you have any -- I'll second that
24 motion.

25 MR. ALBERTS: Thank you.

1 I decline to second that motion. And
2 I'll just say a few words about that. I don't
3 usually cast the symbolic protest vote on the board.
4 I think I try to get to the conclusion that we need
5 to get to.

6 And I understand and I respect,
7 absolutely, my colleagues' reasons for voting the
8 way they're voting. And I'm not even saying they're
9 wrong, given the advice from our solicitor and the
10 current state of the law.

11 I will say, however, that any judge that
12 says there's no room for equitable consideration,
13 why do we even have courts? Why are you serving as
14 a judge if there's no room for equitable
15 consideration? I think that's an egregious thing to
16 say in a ruling.

17 I think that based on Jim's explanation
18 of the process, my understanding of the process,
19 based on the pattern we see in the 7-10, based on
20 the active observations of anyone who's observed a
21 judge of elections walk a voter through the
22 provisional ballot process, I think there's clearly,
23 clearly a barrier to enfranchisement at several
24 points along the line that I think need to be
25 considered.

1 We're talking about someone's right to
2 vote. I think the preponderance of the evidence
3 certainly in the 7-10 is that there was a poll
4 worker error. And there are Supreme Court rulings
5 that say people should not be held accountable for
6 poll worker errors, then it's sort of irrelevant to
7 my thinking.

8 Again, not an attorney. I respect that
9 you guys know this stuff better than I do. It's
10 sort of irrelevant to me that Commonwealth Court
11 opinion says something different that contradicts
12 this overriding principle that a Supreme Court case
13 has upheld.

14 So for my purposes and specifically with
15 Manly's bad faith example, what is the protection --
16 right? -- from a judge of election who doesn't get
17 caught doing something nefarious but is slyly doing
18 something nefarious?

19 If we can observe this indirect evidence
20 and make logical, reasonable conclusions from the
21 patterns of what we're seeing and we cannot make
22 equitable considerations, again, why do we even have
23 a legal system if we're not trying to get equitable
24 considerations? What's the point?

25 So that's my reason and totally respect

1 where you guys are coming from. I get it. But I'm
2 just going to have to dissent on this one.

3 MS. LUNKENHEIMER: All right. And
4 before I vote, we do have in the room our poll
5 worker trainer. I would appreciate if any of these
6 precincts that had no secrecy ballots applied,
7 including particularly UD 7-10, if they would -- the
8 workers would be retrained and we can find a way to
9 reemphasize -- you do a great job at training poll
10 workers, so we're not talking about a lot of ballots
11 here, but just reemphasize with all poll workers
12 that -- the need, if they do provisional ballots, to
13 use a secrecy envelope because I think this is an
14 unfortunate result.

15 And maybe it'll get appealed and maybe
16 you'll prevail, Ms. Cantor.

17 So all those in favor of the motion as
18 presented by Mr. McBlain say "aye."

19 MR. MCBLAIN: Aye.

20 MS. LUNKENHEIMER: Aye.

21 All those who dissent say "aye."

22 MR. ALBERTS: Nice try.

23 MS. LUNKENHEIMER: All right. That
24 motion passes 2 to 1. Thank you.

25 All right, Ms. Wagner.

1 the provisional ballots in the voting booths or at
2 the polls.

3 I think the board is aware and
4 understands my position on that. So I don't think I
5 need to go any further but I -- you know, I'm
6 confident that you understand that.

7 The other two issues that I, again, will
8 be brief on these.

9 MS. LUNKENHEIMER: Should we -- should
10 we vote on those just to do it systematically?

11 MR. ALBERTS: These are the ones --

12 MS. LUNKENHEIMER: These are the ones
13 that are missing a judge of election or a minority
14 inspection signature on the outer -- the provisional
15 envelope.

16 MR. ALLEN: Or both.

17 MS. LUNKENHEIMER: Or both. One or
18 both.

19 Okay. Is there a motion to overrule the
20 objection of Ms. Wagner on --

21 MR. ALBERTS: So moved.

22 MS. LUNKENHEIMER: I second that.

23 Any further discussion?

24 MR. MCBLAIN: I'll just indicate, again,
25 this is not one of the categories that, you know,

1 under 5, subsection 2, where provisional ballots
2 shall not be counted if.

3 However, I -- you know, before you
4 just -- we just -- in my mind, before we just simply
5 dismiss it, to be consistent with what I did before,
6 I think we should hear evidence, you know, of -- you
7 know, from that judge of election or from the voter
8 that like -- like there was presented, you know,
9 with the last one relating to the person who didn't
10 sign, that, you know, there was some explanation for
11 it.

12 I didn't -- and maybe I just missed it,
13 but I know Mr. Parks referred to there was some
14 directive or recommendation from the Department of
15 State, which, sometimes, the opinion I respect and
16 sometimes not.

17 I mean, was that based on any court case
18 or -- I'm aware of any -- of any court case that has
19 dealt with this issue?

20 MR. PARKS: So no. The Department of
21 State recommendation was principally based -- and
22 I'm just recalling it, so there may have been a
23 footnote citing a case as well, but the principal
24 basis was the structure of the statute and the fact
25 that the statutory provision that we've been

1 Commonwealth sent that out but it, of course, is not
2 binding on this board. So -- and it is part of the
3 statute, so I just want to make that clear for the
4 record.

5 MS. LUNKENHEIMER: No, and I -- in
6 fairness, I'm not persuaded by that. I'm persuaded
7 by the process and how -- the fact that we don't
8 have crime fraud here --

9 MS. WAGNER: Understood.

10 MS. LUNKENHEIMER: -- voter and it's a
11 mistake -- all the reasons that we said about the
12 process.

13 So all those in favor, say "aye."

14 MR. ALBERTS: Aye.

15 MS. LUNKENHEIMER: Aye.

16 All those in dissent say "nay."

17 MR. MCBLAIN: Nay.

18 MS. LUNKENHEIMER: All right. That
19 motion passes 2 to 1.

20 Now, Ms. Wagner, I don't -- I think we
21 only ruled on -- oh, no. Okay. Never mind. Sorry.
22 All the rest -- I'm going to stop. Go to your next
23 one, please.

24 MS. WAGNER: The last, I think,
25 challenge we have that has not been resolved is the

1 wrong precinct.

2 MS. LUNKENHEIMER: Okay. Is that
3 because the affidavit is incomplete but we have the
4 signature? Has that been --

5 MS. WAGNER: I'm sorry. You are
6 correct. The lack of info in box one or two I can
7 move onto text.

8 MS. LUNKENHEIMER: Okay. Oh, I have
9 that as separate from the affidavit incomplete but
10 have signature.

11 MS. WAGNER: I have grouped them all
12 together, the affidavit not complete or something
13 incomplete or missing information is all the same --
14 is all the same issue.

15 And I'm going to argue that basically
16 under the same part of the statute that I argued the
17 last one from, which was 8.42, which is, again,
18 where they put in there, you know, the current
19 address, that that's part of the statute that they,
20 you know, want to see.

21 And it's obviously on the ballot.
22 Again, why is it on there if we don't need it, if
23 it's not necessary?

24 So for all of those reasons, I do
25 believe that the ballot should be filled out

1 completely and, again, I believe that the statute
2 provides for that.

3 So I will leave that to the board at
4 this point.

5 MS. LUNKENHEIMER: Yup.

6 MR. MCBLAIN: What's the factual basis
7 for this one? I'm sorry.

8 MS. LUNKENHEIMER: Oh, no. That's fair.

9 MR. ALLEN: It's on page 9. It's items
10 286, 287, and 288.

11 MS. WAGNER: It's a lot. It's not just
12 them.

13 MS. LUNKENHEIMER: Yeah, it's -- the
14 signatures are there in 2 and 4, but other
15 information is not completed in boxes 1 and 2.

16 MS. WAGNER: Correct. If you --

17 MR. PARKS: Something like this could be
18 an example. See how box 2 doesn't have the address?

19 MR. MCBLAIN: Okay.

20 MS. WAGNER: If you want, I can --

21 MR. MCBLAIN: So the voter omitted the
22 address in either box -- in box 2 or box 3.

23 MS. WAGNER: Or box 1.

24 MS. LUNKENHEIMER: You're not objecting
25 to box 3, obviously.

1 MS. WAGNER: No. It's mainly just box 1
2 and 2.

3 MR. MCBLAIN: Ms. Winterbottom, did your
4 crew confirm that they live in that precinct where
5 they cast it?

6 Are they registered to vote in that
7 precinct where it was cast?

8 MS. WINTERBOTTOM: There might
9 be some -- I don't know if we deemed them all full
10 counts or partial counts. I believe they are full
11 counts.

12 MR. MCBLAIN: So there's three of these?

13 MS. WAGNER: No, there's a lot of these.

14 MR. ALLEN: So here's the registration
15 information.

16 MR. PARKS: The SURE system information
17 is going to be clipped to the ballot in each
18 instance. I just pulled one off the top.

19 MS. LUNKENHEIMER: I think that we're
20 not sure that they're all -- there's the possibility
21 that some were not done in the right district. So
22 they're partial counts.

23 MR. MCBLAIN: Okay. So I guess let's
24 take it one step -- Ms. Winterbottom, did we
25 confirm -- for people without -- that they didn't

1 put their address, did we confirm that they're
2 registered to vote?

3 MS. WINTERBOTTOM: Yes, yes.

4 MR. MCBLAIN: And for the ones that are
5 registered to vote and we checked their address to
6 ensure if they were in that precinct, it's a full
7 count?

8 MS. WINTERBOTTOM: Correct. Or if they
9 weren't in that precinct, if it was a partial count
10 or if everything was in common.

11 MR. MCBLAIN: Okay. And none of the
12 ones that are subject to the ones here today are --
13 the people were registered out of county?

14 MS. WINTERBOTTOM: No. That would have
15 been a no-count.

16 MR. ALBERTS: And on this one, just this
17 example that was pulled out, just -- I mean, we
18 have -- the voter information is filled out with
19 their name, they give their date of birth, they've
20 given their phone number and e-mail. They filled
21 out section 3, the current address where the voter
22 lives. And they have not filled out section 2, just
23 the address part of it. They have signed in
24 section 2 and they have signed in section 4.

25 The information they would have filled

1 out in section 2 is included in section 3, which is
2 somewhat redundant apart from the voter municipality
3 and voter county.

4 But we've confirmed that this person is,
5 in fact, registered and eligible to vote at this
6 address, that this person is a registered, qualified
7 elector. There's no confusion here, right?

8 MR. ALLEN: Mr. Edwards, if I could just
9 tell you that's probably a bad example because we
10 weren't objecting when they -- well, box 3 is for
11 when you live at a different place than you're
12 registered at.

13 MR. ALBERTS: Understood. Thank you.
14 Thank you for the -- I was like, this makes no --

15 MS. WAGNER: Box 2 is where you're
16 actually registered and box 3 is used for when you
17 don't currently live at that address.

18 MR. ALBERTS: Ms. Winterbottom, I'm done
19 with this ballot. I don't want to just lay it down.

20 MR. MCBLAIN: If I could just ask
21 Ms. Wagner, it's -- not having the address is not
22 one of the reasons to not count it.

23 What would be the argument that, you
24 know, again, our overall arching issue is, you know,
25 are we -- do we want to make sure that this person

1 line here or a line there and, you know, when the
2 voter fills out an address on one section, maybe
3 they shrug and say I don't really -- I've already
4 provided that address, so I don't need to provide it
5 over here.

6 So it's -- there are a number of
7 barriers. And I would add to Mr. McBlain's remarks
8 about the place to settle this is possibly another
9 court case as well as with the legislature.

10 I mean, you can make, you know, a valid
11 case with a lot of these things, the secrecy
12 envelope, the date, you know.

13 MR. MCBLAIN: That's where it all
14 exists. And I'm prepared, Madam Chair, that, again,
15 this -- this category where I -- I understand why
16 the objection was raised to begin with, but
17 Ms. Winterbottom has confirmed that these folks are
18 registered in that precinct and they are full
19 counts, are not registered in the precinct and
20 they're only partial counts, and none of them live
21 outside the county, which is really the only
22 prohibition regarding address there.

23 So I'd be prepared to move to -- for
24 this category of challenges, to deny the objection
25 and uphold the counts.

1 MS. LUNKENHEIMER: Is there a second?

2 MR. ALBERTS: I'll second that.

3 MS. LUNKENHEIMER: All those in favor
4 say "aye."

5 Aye.

6 MR. MCBLAIN: Aye.

7 MR. ALBERTS: Aye.

8 MS. LUNKENHEIMER: That motion passes.

9 MS. WAGNER: The last real, I guess,
10 objection we have that has not been resolved is the
11 wrong precinct issue.

12 And I want to make it clear that when it
13 came to wrong precinct, we only objected if we felt
14 it was willful. And I can give you some examples.

15 Ones we objected to where they actually
16 wrote on the ballot that they went to school in
17 Aston and lived in Chester, so they refused to go to
18 Chester to vote and voted in Aston because that's
19 where their college was. Things like that, I felt
20 were willful.

21 We also saw some where it was actually
22 written on there "refused to go to actual or correct
23 polling location."

24 The only other time we objected, feeling
25 that it was willful, was when the polling places

1 MR. ALBERTS: First, for the sake of
2 efficiency, I'll move to overrule the objection to
3 all of the -- all the ballots.

4 MS. LUNKENHEIMER: I think you may
5 want -- Mr. McBlain may want to put on the record
6 the nuanced view that he's taking.

7 MR. ALBERTS: I move to overrule that.

8 MS. LUNKENHEIMER: You can put these
9 two --

10 MR. ALBERTS: I'll move to overrule --
11 why don't we -- the one we have consent on, why
12 don't we --

13 MR. MCBLAIN: No, make the motion to
14 overrule.

15 MR. ALBERTS: All right. Then I make
16 the motion to overrule all five of -- the objection
17 to all five of the ballots where the additional
18 notation was made as described.

19 MR. PARKS: Well, there's six.

20 MS. LUNKENHEIMER: Because I added the
21 one in here.

22 MR. ALBERTS: All right. So yes, then
23 the motion includes Markeya Johnson, Danielle
24 Freeman, Tonique Lariche (Phonetic), Shamille Green,
25 Michael Kelly, and Stephanie Bernard.

1 MS. LUNKENHEIMER: Okay. I second that
2 motion.

3 Any further discussion?

4 All those in favor say "aye."

5 MR. ALBERTS: Aye.

6 MS. LUNKENHEIMER: Aye.

7 All those opposed say "nay."

8 MR. MCBLAIN: Nay.

9 MS. LUNKENHEIMER: That motion passes, 2
10 to 1.

11 Now we have this batch. Is there a
12 motion to overrule the objection of Ms. Wagner to
13 the remaining -- should -- I'll read them into the
14 record. Is that --

15 Amari Gibbs (phonetic), Jacob Santigelo
16 (phonetic), Ashley Shotton (phonetic), Thomas
17 Gibbons, Rocco Inervale (phonetic), Nadia Moss
18 (phonetic), Ray Harr (phonetic), Maureen Harris,
19 Alexander Molitor (phonetic), Emily Walker, Harry
20 Weldon, Amy Hoyt (phonetic), Diana Ruzot (phonetic),
21 Ronya Moore (phonetic), Tamara Bagarbob (phonetic),
22 Mohammed Imron (phonetic), Nahid Aktar (phonetic),
23 Heather Childress, Dylan Green, and Unique Gaines
24 (phonetic).

25 MS. WAGNER: Just so you know, there's