



**PENNSYLVANIA  
STANDS UP**



November 14, 2023

Sharon Gavin-Levy, Chair  
Daniel Lopresti, Vice-Chair  
Margie DeRenzis  
Scott Hough  
Vicki Evert  
Northampton County Election Commission

% Christopher Commini, Registrar (*via email ccommini@norcopa.gov*)  
669 Washington St., Lower Level  
Easton, PA 18042

RE: Follow up regarding Electronic voting system issues on Election Day  
November 7, 2023

Dear Members of the Northampton County Election Commission,

The undersigned organizations are writing to follow-up on the unfortunate and preventable incident with the ES&S ExpressVote XL voting systems during Tuesday's election. What is clear as of this writing is that unacceptable errors occurred on multiple layers. As we learn more about what happened, it has become apparent that a programming error caused the problem. Ample processes exist that, when followed properly by trained staff, would detect these kinds of errors and allow them to be corrected before Election Day. Moreover, it appears that additional preparation and contingency planning would be beneficial to allow the county to react quickly and mitigate any harm should problems arise during future elections. The lack of contingency planning prevented Northampton County from offering an alternative to voting on the machines.

We request that the Northampton County Election Commission do the following to increase trust in elections and foster transparency and accountability for its administration of elections.

1. Conduct a full investigation of the voting system failure and publish a written report of the investigation so that all stakeholders may understand what happened. We request that this investigation and report occur within the 60 day timeline required under “Directive regarding the Uniform Reporting of Voting System Malfunctions to the Department of State” dated September 22, 2023.
2. Evaluate its current logic and accuracy testing process and adjust as necessary so that errors of the kind that occurred in Tuesday’s elections can be detected beforehand. We urge that you consider bringing in an outside consultant to assist with logic and accuracy testing, at least through the 2024 elections. The logic and accuracy testing should be conducted by multi-partisan teams; and should include visual examination of the “voted” ballot cards to ensure that the printout matches the selections on the touchscreen, not just confirm the test totals. Additionally, all possible vote combinations should be tested.
3. Comply with Section § 1110-A, 25 P.S. § 3031.10(d) and provide written notice of the logic and accuracy testing so that the testing can be meaningfully observed by observers. Please be advised that one of our coalition partners will be filing a notice with the Commission pursuant to this section of the Election Code to receive notice of, and attend, the logic and accuracy testing in the future.
4. Supply each polling precinct with an adequate number of emergency paper ballots, and train poll workers on the use of such ballots, emphasizing that they are not to be treated the same way as provisional ballots. The current supply of 25 ballots per precinct is woefully inadequate in the event of a voting system failure. We recommend, consistent with best practices, that counties using ballot marking devices keep a supply of pre-printed emergency paper ballots on hand equal to at least 50% of the number of registered voters.
5. In the alternative to providing emergency paper ballots, supply each precinct with a ballot-on-demand printer that can print enough ballots for the entire precinct if the ExpressVote XL machines are not working. Appropriately-sized blank paper must also be provided, in sufficient quantities to print ballots for the entire precinct as well as all peripheral equipment.
6. In addition, the County should create and be able to quickly implement a back up plan for printing ballots and a system for delivering paper ballots to precincts in the event of a voting system failure. This plan should include the ability to print a large number of scannable ballots in a short period of time, and a rapid response team that could deliver ballots to all precincts if necessary.

We understand the amount of work and attention to detail that running a smooth election requires. That said, we urge the Northampton County Election Commission to take every precaution against future recurrences of these errors to foster trust in election administration in the county.

Please feel free to contact any of us if you have any questions. We are available to assist you in any way should you wish.

Very truly yours,

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