Pennsylvania Voter Deficit

Verity Vote

One Vote for Every Qualified Elector

An underlying principle of a free and fair election is that the number of ballots cast cannot exceed the number of voters who participate in the election. Contrary to this basic tenet, the number of ballots cast exceeds the number of voters who participated in Pennsylvania's 2020 General Election. In PA, the Statewide Uniform Registry of Electors (SURE) System is intended to provide a safeguard to the election because it tracks the identity and voting participation of all PA voters. This allows voters to cast anonymous votes with oversight on the number of ballots that produce those votes. Election law in the Commonwealth specifically requires reconciliation of the number of qualified voters who participate in the election with the number of ballots cast. In violation of Pennsylvania law, several counties failed to reconcile their ballots to voters who voted prior to certifying the results, and the Department of State chose to ignore — and continues to ignore — the outcome-determinative voter deficit. Analysis of the Official Voter History Files from the SURE System reveals that Pennsylvania received more than 121,000 ballots that cannot be attributed to a voter.

Legal Requirements for Precinct Reconciliation

Reconciliation of the number of voters with the number of ballots cast is required at every precinct polling place (25 Pa. § 3031.13). Prior to Act 77, absentee ballots were tabulated in the precinct on Election Day which allowed the reconciliation of the in-person ballots and absentee ballots to the number of voters in a precinct after the close of the polls. Prior to certification, county elections boards are required to compare the number of voters who participated in the election to the number of ballots cast in every precinct. If there are more ballots than voters who participated in a precinct, the discrepancy must be investigated. No votes can be recorded from that precinct until the board completes the investigation.

The Computation of Returns and Certification are discussed in 25 Pa. § 3154:

> *"If, upon consideration by said return board of the returns before it from any election district and the certificates aforesaid, it shall appear that the total vote returned for any candidate or candidates for the same office …exceeds the total number of persons who voted in said election district or the total number of ballots cast therein, …in any such case, such excess shall be deemed a discrepancy and palpable error, and shall be investigated by the return board, and no votes shall be recorded from such district until such investigation shall be had …"*

Precinct reconciliation was complicated by the use of central tabulation for mail and absentee ballots. Prior to 2020, precinct poll workers reconciled the numbered lists, the signatures in the poll books, and the absentee ballot envelopes with the ballots cast for the entire precinct — Act 77 shifted the burden of precinct reconciliation to the election board. In November 2020, mail ballot envelopes were not routed to the precincts but instead remained at the county's central tabulation facility. Precinct poll workers could only reconcile the in-person voters to the election day ballots cast, leaving a gap in the reconciliation procedure. With no guidance on how to manage this new task, many counties failed to properly reconcile.

Election Day

Every Election Day voter in the Commonwealth must sign the precinct pollbook. Most counties use paper pollbooks but some have adopted ePollbooks. The SURE System is the official compilation of registered voters also known as the general register. Pollbooks and ePollbooks, also known as "district registers", are populated using data from the SURE System. After the election, the data from the pollbooks must be transferred to the SURE System to properly capture updates to voter history. This is required by §1222(c)20 which states that SURE must "identify registered electors who vote in an election and the method by which their ballots were cast." In counties where paper pollbooks are used, the barcode next to each signature must be scanned into the SURE system to record the in-person voting method for each Election Day voter. There should be no delay in the review of the pollbook signatures as the law says "immediately following each election, the commission …shall compare the signature of each elector on each voter's certificate with his signature in the district register" (25 Pa. § 1402(f)).

When the polls close on Election Night, the precincts can only report how many in-person signatures are present in the pollbooks (paper or electronic). The precinct lacks access to mail and absentee ballots cast by voters registered in their precinct because not all of them have been processed. However, §3154 requires reconciliation of all ballots cast in each precinct regardless of the method of voting.

Mail and Absentee

All mail and absentee ballots are scanned daily into the SURE System as they are received. According to the DoS Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes dated September 11, 2020, all returned envelopes had to be recorded in the SURE System daily to prevent the acceptance of multiple ballots from a single voter[1]

> "County boards of elections should record the receipt of absentee and mail ballots daily in the SURE system. To record a ballot as returned, the staff should scan the correspondence ID barcode on the outside of the envelope. The correspondence ID on the envelope is unique to each absentee or mail-in voter and each issuance of a ballot to a voter. Once a correspondence ID has been returned in the SURE system, it cannot be returned again."

VERITY VOTE

Process of Reconciliation

To create a definitive list of the persons who voted in a precinct, it is necessary to combine the list of voters who returned an absentee or mail ballot with a list of voters who voted in person on Election Day. The SURE System is expected to have a complete record of every voter who voted by mail before any ballot is ever removed from an envelope. The list of in-person voters is stored in a separate system, a pollbook — either the paper or the electronic version. It would be impossible to determine all of the voters who voted in a precinct without combining the two lists. This could be done in two ways:

- **Paper method**: converting the electronic list to paper which would be inefficient, time consuming, and prone to errors.

- **SURE electronic method**: combining by scanning the paper lists into the SURE system to get the complete list of persons who voted in each precinct.

The Department of State provided no guidance on how to complete the required precinct level reconciliation with the complications created by the new central tabulation requirement. However, the law requires the transfer of the pollbook records to the SURE system to record the official voter history for every voter.

More Ballots Cast than Voters Who Participated

Each registered voter has the right to cast only a single ballot. To demonstrate a well-run election, a precinct must show that there are enough voters who voted to cover the number of ballots cast in that jurisdiction. For this analysis, the total number of voters who voted from the Full Voter Export (FVE) was compared to the total ballots cast, as reported by the county. Numerous discrepancies were found. The chart below (Table 1) shows ten counties that did not follow the law and did not reconcile the voters to the ballots cast.

Table 1: Counties with largest voter deficits

County	Ballots Cast County Canvass	Voters	Voter Deficit	Voters	Voter Deficit
		SURE-FVE at close-out[1]		SURE-FVE at max. voters[2]	
Philadelphia	749,317	741,373	7,944	742,481	6,836
Allegheny	726,720	720,280	6,440	720,328	6,392
Montgomery	513,395	508,748	4,647	508,889	4,506
Luzerne	154,134	144,739	9,395	149,877	4,257
Delaware	330,150	326,228	3,922	326,228	3,922
Chester	316,586	313,977	2,609	313,977	2,609
Washington	119,139	117,156	1,983	117,486	1,653
Bucks	398,797	397,346	1,451	397,346	1,451
Lancaster	282,538	281,127	1,465	281,128	1,410
York	239,665	238,878	787	238,879	786

In a statement on December 28, 2020, the Pennsylvania Department of State acknowledged that the SURE system could be used to check for a voter deficit, but held out hope that the numbers would match, once the larger counties finished uploading their data into SURE. In a statement released on December 28, 2020, the Department of State acknowledged that reconciliation with SURE is a valid method after all counties have uploaded the records to SURE.

> "But the only way to determine the number of voters who voted in November from the SURE system is through the vote histories. At this time, there are still a few counties that have not completed uploading their vote histories to the SURE system."[3]

Despite the legal requirement for immediate review of the pollbooks, several counties did not complete the process of scanning the pollbook barcodes until 2021. FVEs were purchased from the Department of State every week from the 2020 GE through February 1, 2021. The records were used to determine how many voters in each county participated in the 2020 General Election. When a county closed the election in SURE, the county election map became available in the FVE. Prior to closing the election, the county FVE was reviewed to determine the number of voters with a last vote date of 11/3/2020.

After the close of the election, the individual voters' histories were used to determine the total number of voters in each county who voted in the 2020 General Election. On December 29, 2020, Secretary Boockvar noted that four counties had not finished uploading voter histories in the SURE System. Yet, she had certified the election on November 24, 2020 despite a significant voter deficit. While she claimed that the counties—not DOS—certify the votes, she knew that many large counties had not yet completed their SURE uploads. Her statement in December 2020 that the voting would reconcile, once the counties completed their SURE uploads, was incorrect. When the final county finished uploading their voter histories and closed the election in SURE, it was February 1, 2021 which was the same day that Boockvar announced her resignation. At the time that Philadelphia closed the election in SURE, the voter histories showed that the county accepted at least 7,944 ballots that could not be associated with a registered voter (Table 1).

All counties should have reconciled the ballots cast to the voters who participated prior to certifying the results of their county. The Secretary of State did not provide guidance for precinct reconciliation of the large number of no excuse mail ballots. Some counties waited until February 2021 to close the election and update all voter histories in SURE. When the late mail ballots are included, it shows that Pennsylvania received over 121,000 ballots that do not have a corresponding voter in SURE.

A voter deficit can only be explained in two ways: one, ballots were accepted that were not legally cast or, two, these counties failed to record voter participation in the official voter history. Either of these would be a violation of Pennsylvania law.

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[1]county close-out is marked by an update to the Election Map in FVE

[2]determined when the voter count reaches a maximum on the weekly Full Voter Export (FVE)

[3]https://wjactv.com/news/local/pa-republican-lawmakers-analysis-finds-presidential-election-numbers-dont-add-up

Late Mail Ballots

The Department of State claimed that no ballots received after 8:00PM on Election Day were included in the vote totals for President and Representative in Congress. When the late mail ballots were scanned, the SURE System records vote history of MB for the corresponding voter. Records received from the Department of State in response to a Right-to-Know request reveal that 71,893 ballots were received on or after November 4th (Fig. 1).
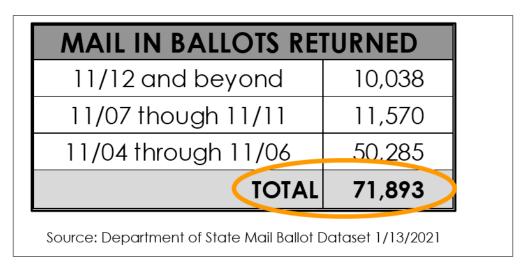

Figure 1: Late ballots, received after Election Day.

These are voters who voted but not ballots counted. When reviewing the FVE for each county, these late mail voters were counted as a voter who participated but the ballots cast for the county did not increase. Therefore, the late mail voters increase the discrepancy between the number of voters and the number of ballots cast (Fig. 2).
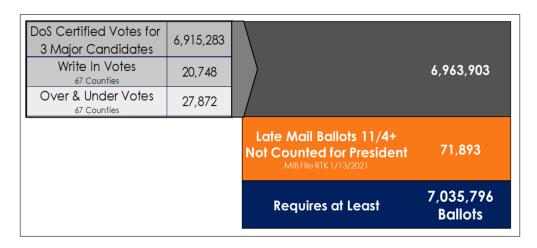

Figure 2: Conservation of ballots in the Commonwealth.

For the 2020 General Election, Pennsylvania requires a count of 7,035,796 ballots to explain their election results. This includes ballots with votes for one of the three major presidential candidates, all write-in votes, all over-votes, all under-votes (as reported by the 67 counties), and the 71K late mail ballots. After all counties closed the election in SURE, only 6,914,556 voters were credited with participation in the 2020 General Election. This reveals a voter deficit of 121,240.
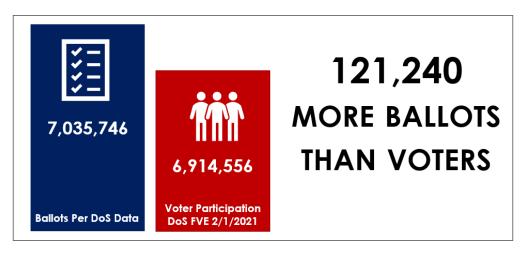

Figure 3: Voter Deficit as of Feb. 1, 2021

End of Report
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Verity Vote
1451 Quentin Rd Ste 232
Lebanon, PA 17042-7562
717.220.8683
verityvote.us

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[3]One could wonder if legitimate late UOCAVA ballots might change this analysis. Comparing the Election Day Mail Ballot Report with a Mail Ballot Report from 01-13-2021 limits this impact to less than 700.