

**MINUTES**  
**MEETING OF THE ALLEGHENY COUNTY**  
**BOARD OF ELECTIONS**

MONDAY, NOVEMBER 24, 2014, 10:00 A.M., IN CONFERENCE ROOM #1, FIRST FLOOR  
COURTHOUSE, PITTSBURGH, PENNSYLVANIA 15219.

---

---

**BOARD MEMBERS:** HON. JOHN P. DEFAZIO, CHAIR, BY TELEPHONE  
HON. RICH FITZGERALD, MEMBER  
HON. HEATHER S. HEIDELBAUGH, MEMBER

**IN ATTENDANCE:** JERRY TYSKIEWICZ–DIRECTOR, DEPT.OF ADMINISTRATIVE  
SERVICES  
MARK WOLOSİK – MANAGER, DIVISION OF ELECTIONS  
ALLAN J. OPSITNICK - ASST. COUNTY SOLICITOR, LAW DEPT.

- I. **CALL TO ORDER:** Meeting was called to order by John DeFazio, Chair, by telephone at 10:00 a.m.
- II. **PUBLIC COMMENT:** Audrey Glickman, Vote Allegheny. Ms. Glickman was a poll watcher in parts of the 14<sup>th</sup> and 15<sup>th</sup> wards. Judge of Elections did not show up in 14-20 Rover set-up the poll. Ms. Glickman presented a letter stating her concerns pertaining to: Judge not showing up, malfunctions with the PEB's, printers and voting machines. (See attached).  
David Eckhardt, Judge of Elections, Mt. Lebanon, Ward 4, District 2. Mr. Eckhardt had several concerns pertaining to irregularities. 1. Voter had trouble starting voting machine, screen said remove supervisor PEB, Judge was holding the PEB, and machine malfunction. 2. Closed the polls at 8:00 p.m. as determined by Verizon Wireless cell phone. (See attached). Mr. Wolosik responded.  
Ron Bades, Judge of Elections, Pittsburgh, Ward 14, District 1. Concerns pertaining to Voter ID and Judge signing voter certificates. (See attached). Mr. Wolosik responded.
- III. **CERTIFICATION OF NOVEMBER 4, 2014 GENERAL ELECTION RESULTS:** Motion to certify election results of the November 4, 2014 General Election. Mr. DeFazio, by phone, yes, Mr. Fitzgerald, yes, Ms. Heidelbaugh, yes.
- IV. **APPROVAL OF MINUTES – OCTOBER 21, 2014 MEETING:** Motion to certify minutes from previous board meeting, Mr. DeFazio, yes, Mr. Fitzgerald, yes, Ms. Heidelbaugh, yes.
- V. **NEW BUSINESS:** Ms. Heidelbaugh suggests that we look into the cost of replacing the voting machines, Ms. Heidelbaugh also stated for the record that all Board Members should be present at Board Meetings.
- VI. **ADJOURNMENT:** Moved by Mr. DeFazio, by phone, meeting was adjourned at 10:29.

Notes from the General Election, 11/4/2014  
Audrey N. Glickman, VoteAllegheny

I watched polls in parts of the 14<sup>th</sup> and 15<sup>th</sup> Wards, as an elected member of the Democratic Committee (15-2), but also as usual for VoteAllegheny, with the integrity of the election always in mind.

### **What to Do When There Is No Judge of Elections**

Precinct 14-20 (inside the Maxon Towers) spent the entire day with no Judge of Elections. As I understand it from the workers present, the Judge simply did not show up. Two persons in a van brought the box, the poll workers (two of whom were working only their second election) had the machines set up, and technician Jill helped them with the procedure. Jill later noted that they printed their zero tapes and did very much else by themselves. Voters arrived in a continuous flow, and one of the three poll workers present was trying desperately to read the binder for a quick education, rather than processing voters. It was apparent that a brief form of instructions would have been most helpful. After a long day of solving problems for others, rover Jill went to 14-20 to help them close out.

VoteAllegheny intends to post online some helpful tips for poll workers who are flying without a Judge of Elections. We already have tips and documentation for those who are serving as Judge of Elections. Of course, we are not an official site and do not pretend to be as much. But much like the League of Women Voters, we are trying to provide needed services.

Any input the County has would be appreciated. Does the County have a pool of persons it can call in, in such an emergency, to fill such vacancies? Is there an official County website that poll workers can access on Election Day to find out exactly what the individual who did not show up was supposed to do? The workers in 14-20 called the County number, and were sent the floating technician, but what they needed was another worker.

In another instance, Precinct 14-35 (inside the JCC) was one worker short. It would have been two – one poll worker was murdered mere days before the election – but a mutual friend of one poll worker and the late poll worker joined the board at the last minute (she had previously completed the training).

### **PEBs Malfunctioning**

At Precinct 14-36 (at Shaare Torah), they had a defective master PEB. Technician Jill told me later that it was a bad power supply (battery?) in the PEB. The poll workers had opened one machine with it, then they could not open the others. The technicians brought another master PEB, and meanwhile they had the workers open the machines with a supervisor PEB. This took two technicians in addition to Jill. At the end of the voting, workers had to do an override of the machines which complained that it was a different PEB from opening. The first machine did have votes on it as opened on the original (bad) PEB.

There also were reports of machines not understanding that a PEB had been removed (and requesting removal of it).

As you know, the PEB is an individual computer itself, separate from the computer that is the voting machine. It runs separate software, and completes separate functions. It communicates with the voting machine computers by infrared technology, similar to our remote control or garage door opener.

### **Printers Malfunctioning**

Among the relatively small number of polls I was watching, I saw two precincts in which the printers did not function. That is a high percentage.

In 15-2 (New Life Church), the Judge of Elections simply borrowed the printer from 15-1, in the same room.

In 14-37 (at Shaare Torah), the Judge of Elections opened without printing a zero tape, and later the technician printed it. "They came and made one come out," the Judge later said.

### **Other Machine Malfunctions**

Precinct 14-39 (inside the JCC) started the voting day on paper ballots. Their "Last Machine" didn't work. It stalled in booting up. The technician "reset" the machine. She used a "reset" function. The Judge couldn't tell any more about the incident, except that after the technician left they were up and running on machines rather than on paper.

Other machines behaved strangely as well.

At Precinct 14-34 (Squirrel Hill Carnegie Library) the power went out, twice, due to use of the space heaters provided by the County tripping the breaker. The first time this happened, according to the Judge of Elections, two machines kept running on battery as they are supposed to, one machine died completely, and one malfunctioned. (I do not know the exact malfunction; what they described included blinking and flashing.) The summation was that the machine that had died simply had a bad battery, and once the power was on that machine functioned appropriately. The technicians had to take apart the one that malfunctioned. Floater Jill and three other individuals worked on it, and then two more technicians arrived. According to the Judge, they took the screen apart, and then put it back together. The Judge was not certain exactly what they did. The machine worked for the rest of the day, she said. Jill had told the Judge that she'd had to cancel a vote on it. (This seemed odd to the Judge, because no one had voted on that machine for an hour prior to the outage, and no one was voting on it at the time of the outage.) The Judge called me after the election to report that there were no votes missing, so there must not have been any canceled. The power went out more than once that day. The machine which malfunctioned when the power went out was S/N V5177178.

### **Reported Machine Malfunctions**

A representative of the Democratic Party said they had a fairly calm day in terms of people, but they did have reports of malfunctioning machines. One thing they heard more than once was that straight party votes were always going to REP rather than DEM, no matter which straight-party was selected. However, when they tried to replicate it in the same precincts by asking a Democrat to vote on that machine in the same manner, it never replicated. They tried this several times, the representative said.

There were also rumors floating on line that straight-party votes were switching *to* Democratic from Republican.

This *might* be simply a need for screen calibration, but we know that Allegheny County already pays attention to such things, so it is somewhat worrisome. *As machines age, calibration may be necessary more often, so training of poll workers may need to be increased.*

We *will* need new voting systems some time soon. The County may have to budget for this. VoteAllegheny emphasizes that Allegheny County should, and must, have a system which permits the voters' intent to be recounted by physical means: paper ballots verified or written by the voters, in a ballot box.

During this election, we have heard loudly about a lack of trust of paperless DRE machines loudly from members of all political parties – Tweets, blogs, and YouTubes aver that if we have machines that *could* be rigged, the presumption should be that they *will* be rigged. And ours can be rigged.

As we see from this election, these machines and their various parts can malfunction. And with no actual physical ballot to recount, there is no way to reconstruct the votes as they were intended to be cast.

A couple years ago, Venango County conducted a forensic audit of its very close election. The end result was simply proof that a forensic audit cannot be accomplished with these machines. All of this information is on our website. Councilwoman Heidelbaugh was testifying alongside us back in 2005, I believe she understands the issue. Her predecessor Councilman Fawcett understood the issue, too.

Philadelphia this month has an RFI out for new machines, a \$26 million contract. Philadelphia Commissioner Stephanie Singer is eager to get a system with paper ballots into place, with mandatory audits of a certain percentage of the votes, of course. Ms. Singer is a mathematician by profession, and will insist on the audit of a statistically significant percentage of ballots cast.

<http://www.philadelphiavotes.com/en/about-us/commissioner-stephanie-singer>

VoteAllegheny remains eager to work with the Board of Elections on the looming need for new voting systems.

### **Need for Accessibility in Machinery**

When it comes time for the County to choose new voting technology, accessibility is an absolute priority. For blind voters to use the iVotronics, they must reserve 45 minutes to spend in voting even just a simple ballot independently. There is no way for them to move through the recording at varying rates of speed, or to skip portions, as they may be accustomed to doing with other equipment in their lives. And casting a write-in vote is an exceedingly grueling process. (We have been told that the vision-impaired voters in 2005 had been in favor of AccuPoll machines, and I could not resist noting that here.)

### **Accessibility in Polling Places**

We appreciate the County's increased attention to accessibility. Along that line, Precincts 15-1, 15-2, and 15-3 were formerly housed in the Church of the Brethren. When there, 15-3 had the accessible entrance, while 15-1 and 15-2 had to stick out a ramp over the four steps into the precincts. Now, the three precincts are housed at the New Life Church on Greenfield Avenue. Again, Precinct 15-3 has the accessible side of the building, while there are steps up and then down into the room housing Precincts 15-1 and 15-2. For accessibility, voters from 15-1 and 15-2 have to walk through the middle of 15-3 to the other side of the building.

If all things were equal, this would just be the luck of the draw.

But all things are *not* equal. Precinct 15-1 contains all the residents of Charles Morris, the Center for Jewish Seniors (previously known as the Jewish Home for the Aged), and the assisted living high-rise Riverview Apartments. And those residents like to go out to vote. Additionally, Precinct 15-2 has two blind voters who have to navigate the stairs or navigate through the middle of 15-3. *Please see the drawing on the next page.*

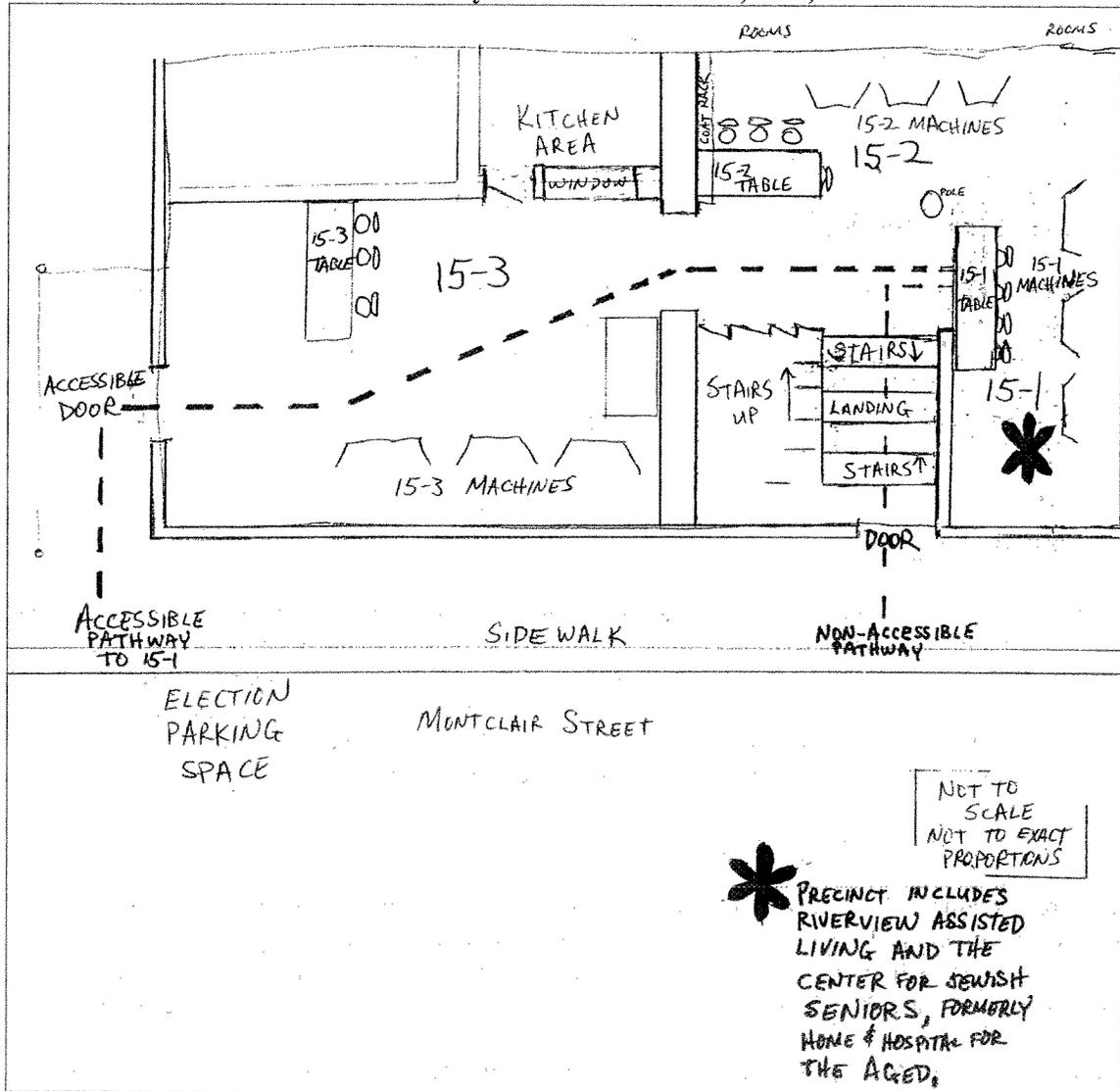
The rooms are of approximately equal size – one room holding Precincts 15-1 and 15-2, and one room holding Precinct 15-3. There is no reason why Precinct 15-3 should have a room all to itself, and no reason it should have the accessible side of the building to itself. In fact, it makes much more sense to put Precinct 15-1 into the accessible side of the building. Having escorted a blind person who had recently had back surgery, with guide dog, through the middle of 15-3 during voting, I can report that the walk can be gruelingly long for someone with a disability.

Please consider changing the layout of the precincts in the New Life Church. Neither prior claim nor political influence should decide where a precinct is located. The precincts moved there recently enough that there should be no great increase in confusion as to where to vote if the move is made soon. Of course, an alternative would be to move Precinct 15-1 to Riverview Apartments or to the Charles Morris facility.

Thank you very much.

Audrey N. Glickman  
 Secretary / Treasurer, VoteAllegheny. www.voteallegheny.org

Sketch of Current Layout of Precincts 15-1, 15-2, and 15-3



330 Jefferson Dr.  
Pittsburgh, PA 15228

November 23, 2014

The Honorable John P. DeFazio, chair, Board of Elections  
The Honorable Rich Fitzgerald, member, Board of Elections  
The Honorable Heather S. Heidelbaugh, member, Board of Elections  
Mark Wolosik, Director, Elections Division, Department of Administrative Services  
County Office Building  
542 Forbes Ave.  
Pittsburgh, PA 15219

Ladies and Gentlemen:

I am writing today to inform you of two voting-machine irregularities I observed while serving as the Judge of Elections in the 4th ward, 2nd district of Mt. Lebanon during the November 4, 2014 general election.

The summary of the first irregularity is as follows. At approximately 10:00 a.m. there was a minor rush of voters. I admitted several voters to voting machines in a back-to-back fashion. After several minutes, one voter asked for assistance. He reported that he "was having trouble getting started." I asked what he saw on the screen and he reported that it said "Please remove Supervisor PEB." This was surprising to me, because I was holding one of our Supervisor PEBs in my hand and the other was in the possession of our Minority Inspector. After obtaining permission from the voter, I looked at the screen, which was indeed displaying that message. I called the Minority Inspector over to observe the situation and he agreed with me that we were observing something that should not have been happening. He suggested re-inserting the PEB to see what would happen, and I did that. The machine then offered us the ballot-cancellation menu, as if it had been allowing the voter to vote, though it had not been doing so. We cancelled the ballot, selecting "machine problem" as the reason. The machine in question was V5182006 and the PEB that had been used to activate it was PS0207176. If I were to speculate, this sequence of events might be explained by a temporary failure of the magnetic-field sensor in that voting terminal.

The summary of the second irregularity is as follows. We closed the polling place at 8:00 p.m. as determined by the agreement of two Verizon Wireless cellular phones. After discussing with the members of the election board who would tally the absentee ballots, I began closing the voting machines. I stored the two red-banded Supervisor PEBs in the PEB/flash-card binder, removed the yellow-banded Master PEB from the binder, and inserted it into the "first" machine (V5177995). To my great surprise, it displayed the "Please remove Supervisor PEB" message even though I had inserted the *Master* PEB. Again I called the Minority Inspector over to observe, and requested that he verify the band color of the PEB I was holding and also verify that both Supervisor PEBs were in the binder, which he did. Not seeing many options available, I removed the Master PEB and the machine displayed the pre-voting instruction screen. Again we cancelled the ballot, again specifying "machine problem" as

the reason. The second time I tried to close the machine it behaved as expected. This sequence of events was perplexing for two reasons. First, it appeared as if the iVotronic was unable to distinguish between the two types of PEB. Second, even though the time was well after 8:00, the iVotronic *did not* display the "Close the polls?" dialog. If this situation is not due to a genuinely rare anomaly it would probably be wise for the "step by step" instructions to provide guidance for poll workers.

I am bringing these events to your attention in the hope that it will support your efforts to track and report on anomalies and to improve poll-worker education as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Eckhardt". The signature is fluid and cursive, with a small "E" at the end.

Dr. David A. Eckhardt  
Judge of Elections, Mt. Lebanon 4-2, 1997-present  
330 Jefferson Dr.  
Mt. Lebanon, PA 15228

# Initialing the Voter Certificate and the District Register

**Election Board Entries:** After the voter is found qualified, the board member who compared the signatures initials the voter's certificate and writes in the voter's number of admission to the voting machine.

From *Procedures for the Conduct of Elections* page 7  
Allegheny County 2/08

In Act No. 97 of 2004, the Pennsylvania General Assembly amended the Pennsylvania Election Code to add a new requirement for elections officials. For elections conducted in November 2005 and thereafter, every election officer who during Election Day examines the identification of an elector required by law to present proper identification must sign an affidavit stating that he or she has done so.

To comply with this requirement of the law, the county board of elections has implemented two procedures:

- When an election officer has examined an elector's identification, found it satisfactory, and permitted the elector to sign the voter certificate and vote, the election officer must sign his or her initials in the appropriate space next to the name of the elector.
- The board of elections has supplied the district board of elections with an Affidavit that must be signed, after the close of the polls, by all election officers who examined voters' identifications any time during the course of Election Day. In signing the Affidavit, the election officer is swearing under oath that he or she examined the required identification presented by the voters beside whose names in the poll book the election officer has affixed his or her initials.

From INSTRUCTIONS RE: VOTER IDENTIFICATION Revised 2/13/14

Although the INSTRUCTIONS RE: VOTER IDENTIFICATION is ambiguous about whether the election official who examines a voter's identification should initial the voter certificate or the district register, it is clear which one is intended by combining information from this document with the *Procedures for the Conduct of Elections*. Since the latter document specifies that initials on the voter certificate indicate that the voter's signature was examined, it must be the case that it is the initials in the district register that indicate that the voter's identification was examined. Also, since the election official is swearing under oath by signing the Affidavit that these initials indicate that voter identification was examined, it follows that election officials must not initial the district register for voters whose identifications are not examined.