



COUNTY OF NORTHAMPTON

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NORTHAMPTON COUNTY EXECUTIVE

December 18, 2023

The Honorable Bryan Steil
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Representative Steil,

Northampton County's first priority is to ensure fair, accurate, and legal elections. We are extremely confident that we delivered on that priority during the Municipal General Election held on Tuesday, November 7th.

Investigate this voting machine error

As soon as the Northampton County Elections Office became aware of the issue on the morning of November 7th, Election Systems & Software (ES&S) and the Elections Office identified the problem, which was a clerical labeling error committed by an employee of ES&S. Specifically, while naming the titles for the Superior Court judicial retention ballot questions, the ES&S employee caused the ballot question titles containing the names of the two Superior Court Judges up for retention to be reversed on the printed ballot summary card. As a result, if a voter selected "no" for retention of Panella on the screen and "yes" for retention of Stabile, the ballot summary card appeared to show "no" for Stabile and "yes" for Panella. And if the voter selected "no" for retention of Stabile on the screen and "yes" for retention of Panella, the ballot summary card appeared to show "no" for Panella and "yes" for Stabile. If a voter voted "yes" in both races or "no" in both, this error would not have been apparent.

This was a critical error and should have been caught before the Municipal General Election. However, this clerical labeling issue attributable to human error did not impact either the voters' selections or the tabulated results for the Superior Court judicial retention ballot questions. Because the ExpressVote XL tabulators utilize the voters' selections summarized in the barcode and printed beneath the ballot question titles on the ballot summary card, which correspond to the selections of the voters on the ExpressVote XL summary screen, the selections printed on the ballot summary card accurately reflected the voters' intent. It was the contest titles for these two retention election ballot questions – not the voters' selections – that were reversed.

Release your findings to the public

Once the Northampton County Elections Office and ES&S identified the problem the morning of November 7th, the Elections Office followed guidance from the Pennsylvania Department of State.

The County has 156 cell phones solely for use at the precincts during Election Day. This allows the Elections Office to send text messages in the event of an emergency. The precincts were advised via text message to permit voting to continue. Poll workers were instructed to give voters the opportunity to vote by emergency ballot or provisional ballot.

The Elections Office also received a Court Order allowing each precinct to go back to voting on the machines because it was understood that votes would tabulate correctly at the end of Election Day.

To address the public and members of the media, County officials and a representative from ES&S held a [press conference](#) on the afternoon of November 7th. Northampton County is committed to transparency, integrity, and accountability. In order to keep the public informed, County officials sent press releases and communicated with members of the media on November 7th and the days following.

Ensure this voting machine malfunction does not repeat itself during next year's federal elections

ES&S has identified and accepted responsibility for their clerical error. Every year following the certification of votes, an audit is conducted to ensure the elections are 100% accurate. Thus far, Northampton County has not had any issues with our elections. This year's audit took place on Friday, November 24, 2023, at 10:00 a.m. The audit was open to the public and the media to attend. As expected, the audit results did not change. The results of both audits (the 2% Statistical Sample Audit and the Risk-Limiting Audit) matched the election results.

Northampton County has already begun evaluating its poll worker training and other pre-election processes to address issues that arose during the November 7, 2023 Municipal Election. The County is working diligently to implement stronger controls for our Logic & Accuracy Testing and our process with respect to emergency paper ballots are available at each precinct.

It is important to keep in mind that the issue that occurred during the November 7, 2023, Municipal Election was caused by a human error with respect to the programming of the contest title label on the paper record produced for the voter. The issue was not with the ES&S Express Vote XL voting system itself. A record was still created of the voter's selection, and that selection was adequately recorded.

The ES&S Express Vote XL voting system has been examined several times by the Pennsylvania Department of State and has been certified and recertified. Northampton County satisfied its obligation to select a voting system that is certified in conformity with the Pennsylvania Election Code and complies with the Help America Vote Act (HAVA).

Sincerely,



Lamont G. McClure
County Executive

cc: The Hon. Al Schmidt, Secretary of the Commonwealth