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September 12, 2022

Phillips M. Armstrong, County Executive, Chair  
And Members of the Election Board  
Lehigh County Government Center  
17 S. Seventh Street  
Allentown PA 18101-2400

RE: May 2022 Primary Election and Drop Boxes

Dear Mr. Armstrong, Dr. Allen and Mr. Nemes:

As you will recall, on April 4, 2022, I issued a report concerning an investigation that was performed by County Detectives regarding drop boxes in use in the November, 2021, election. Further, on April 26, I sent a letter to you requesting, among other things, that an additional warning regarding the return of only one's own ballot be placed at the five drop box locations.

I am pleased that you followed that suggestion and created much better conspicuous signage at the drop box locations. Thank you. And, I believe that it helped.

I also advised in April that I intended to notice voters that drop boxes and surveillance video of drop box locations would be monitored "from time to time" by County Detectives during the May, 2022, primary. That was done.

For your easy reference, a total of 64,049 votes were cast at the May Primary. 44,182 plus 258 provisional ballots were entered at the poles. 14,888 mail-in ballots were deposited in the U.S. mail. 4,721 mail-in ballots were deposited in the five drop boxes. There were 59 designated agent forms filed during the primary season. The 4,721 ballots deposited at the five drop box locations and the number deposited at each are shown on **Exhibit 1** attached.

I am pleased to report that although there were some questionable incidents where it appeared on video that more than one ballot was deposited, those incidents were very few; and, it could not be determined with 100%

certainty that such was the case. **I also report that on those instances when County Detectives physically were present at drop box locations, there were zero instances observed of more than one ballot being deposited.** However, I hasten to add that it was truly a “from time to time” in-person monitoring at the various locations and at various times.

As you are no doubt aware. I received some criticism with respect to having County Detectives monitor drop box locations. However, that appeared to dissipate substantially when *The Morning Call* published a photo of two, uniformed, armed Deputy Sheriffs monitoring a drop box location in Berks County. I believe that photo presented a nice contrast to my plain clothes detectives. In any case, my view is that neither County Detectives nor Deputy Sheriffs should monitor drop box locations. **I strongly recommend that all five drop box locations be monitored by employees of the Voters Registration Office. It is my understanding that the County has received approximately \$1.2 million to assist with mail-in voting; so money to accomplish this monitoring should not be a problem.**

In my April letter I also suggested that the operational hours of the drop box located at the Government Center be restricted to “normal” business hours (8:00 a.m. to 5:00 p.m.) as is the case with the other drop box locations.

In support of this suggestion, I will make these observations: I have attached a schedule (**Exhibit 2**) prepared by a County Detective reviewing video and showing use of the Government Center drop box after 9:00 p.m. between May 3 and May 17, 2022. During that period a total of 29 people deposited ballots, after 9:00 p.m. 19 of those ballots were deposited May 15 into 16 and May 16 into 17. As the chart shows, 16 of the 29 ballots were deposited between the hours of 9:00 and 10:00 p.m., 5 between the hours of 10:00 and 11:00 p.m., and a total of 8 in the other time frames. It seems more than reasonable that closing that drop box at 5:00 p.m. will not be an inconvenience to Lehigh County voters.

My principal objections to having it open 24/7 can be stated as follows:

First, keeping that drop box open after dark (as it will be in November) is an unwarranted invitation to would-be criminals and, in my opinion, presents a danger to public safety. Those utilizing that drop box are parking on South Seventh Street and walking in darkness to the slot in the wall and returning to their vehicles. And, because Sheriffs are absent from the lobby after 5:00 p.m., there will be no one to whom an alarm could be raised.

Second, and perhaps of equal concern in the times within which we live, you are providing an open receptacle into the Government Center between the hours of 5:00 p.m. and early a.m. in which no one is present in the lobby. There are no Sheriffs in the lobby; and it is an open invitation to anyone who would choose to do harm, to deposit, for example, an incendiary device or something else of a harmful nature into the receptacle. That risk will also exist

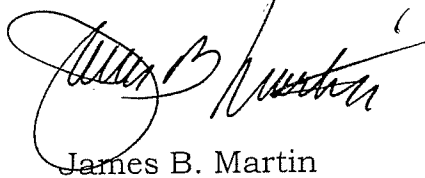
if the location is open on the weekend with no one present! **This relates to facility safety and is a concern to Mr. Molchany as well.**

Given the small number of voters who took advantage of the night hours, these are unwarranted risks to take. The Sheriff of Lehigh County, Joseph Hanna, joins me in these observations, comments and suggestions. Accordingly, I hope you will heed our advice and close this receptacle at 5:00 p.m. during week days when the Sheriffs stationed in the lobby go off duty, and also on weekends when no sheriff is present.

Finally, to the extent that I received feedback on the publication of my letter indicating that I would have County Detectives monitoring the drop boxes to ensure compliance with the return of only one ballot per voter, I received several inquiries from members of the community who are disabled. They indicated that they would not be able to get to a drop box location to deposit their ballots personally and were concerned as to how their ballots could be returned legally. There is a provision in the Election Code that permits the appointment of an authorized representative to pick up and to return ballots for people who are unable to do so personally. I suggest that the Election Board publicize the process for authorizing a representative and do so repeatedly in the weeks leading up to Election Day. A copy of the form approved by the Department of State is attached as **Exhibit 3**.

Thank you for your consideration of these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "James B. Martin", with a large, stylized flourish at the end.

James B. Martin

JBM:mjs

Enc.

2022 General Primary Drop Box Totals

Date	Whitehall	LCA	Fount Hill	Govt Ch	Macungie	
5/3/2022				5		
5/4/2022				42		
5/5/2022	42	23	13	85	58	
5/6/2022	29	16	6	73	16	
5/7/2022	14	26	5	85	27	
5/9/2022				149		
5/10/2022	88	59	13	112	61	
5/11/2022	37	44	16	182	53	
5/12/2022	62	46	10	178	60	
5/13/2022	65	47	18	180	50	
5/14/2022	84	83	27	225	107	
5/16/2022				489		
				206		
5/17/2022	215	223	81	230	200	
				132		
				141		
				183		
Total	636	567	All Ballots 189	4721	2697	632

Date	9 to 10	10 to 11	11 to 12	12 to 1	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6
5/3-5/4	0	0	0	1	0	0	0	0	0
5/4-5/5	0	0	0	0	0	0	0	0	1
5/5-5/6	0	0	0	0	0	0	0	0	0
5/6-5/7	0	0	0	0	0	0	0	0	0
5/7-5/8	0	0	0	0	0	0	0	0	0
5/8-5/9	0	0	0	0	0	0	0	0	0
5/9-5/10	3	0	0	0	0	0	0	0	0
5/10-5/11	0	0	0	0	0	0	0	0	1
5/11-5/12	0	0	0	0	0	0	0	0	0
5/12-5/13	0	2	0	0	0	0	0	0	0
5/13-5/14	0	1	0	0	0	0	0	0	0
5/14-5/15	0	0	0	0	1	0	0	0	0
5/15-5/16	3	1	1	0	1	0	0	0	0
5/16-5/17	10	1	1	0	0	0	0	0	1
	<u>16</u>	<u>5</u>	<u>2</u>	<u>1</u>	<u>2</u>				<u>3</u>
									<u>Total</u>
									<u>+ 29</u>

# Authorize a Representative to Pick up and/or Return Emergency Absentee Ballot



If you are unable to pick up and/or return your emergency absentee ballot yourself, this form allows you to authorize a representative to do it for you.

The voter or authorized representative must return this form and the ballot to the County Board of Elections by 8:00 p.m. on election day.

Visit [vote.pa.gov/mailballot](http://vote.pa.gov/mailballot) or call 1-877-868-3772 for more information.

**I authorize a representative to pick up and/or return my emergency absentee ballot to my County Board of Elections.**

**Voter's name and address**

Voter's Full Name

Street Address

City/Town

State

County

Zip Code

**Voter's Signature**

I hereby authorize the representative designated below to pick up and/or return my emergency absentee ballot. I agree that:

- My representative is only allowed to pick up and/or return my completed ballot that I have sealed in the required envelopes addressed to my County's Board of Elections.
- My completed ballot must be returned to the Board of Elections by 8:00 p.m. on election day.

Voter Signature X

Date

**Representative's name and address**

Representative's Full Name

Street Address

City/Town

State

County

Zip Code

**Representative's Signature**

I hereby agree to serve as the designated representative for the above-named voter. I agree that:

- I am only this voter's designated representative for the purposes of obtaining and/or returning their emergency absentee ballot.
- If returning the voter's ballot, I will do so only after it has been completed by the voter and sealed in the required envelope.

Representative's Signature X

Date