

MILOU MACKENZIE, MEMBER
131st LEGISLATIVE DISTRICT

COMMITTEES
CHILDREN AND YOUTH
EDUCATION
HUMAN SERVICES

STATE CAPITOL
PO BOX 202131
HARRISBURG, PA 17120-2131
PHONE: 717-783-1673



House of Representatives
Commonwealth of Pennsylvania
WWW.REPMILOUMACKENZIEPA.COM

NORTHAMPTON COUNTY
1425 MOUNTAIN DR N
BETHLEHEM, PA 18015
PHONE: 610-965-5830

MONTGOMERY COUNTY
56 WEST FOURTH ST
RED HILL BOROUGH BLDG
RED HILL, PA 18076
PHONE: 215-679-3152
WEDNESDAY 9:00AM UNTIL 4:30PM
OR BY APPOINTMENT ANYDAY

December 5, 2023

Governor Josh Shapiro
508 Main Capitol Building
Harrisburg, PA 17120

Secretary Al Schmidt
401 North Street, Rm 302
Harrisburg, PA 17120

Dear Governor Shapiro and Secretary Schmidt,

As a State Representative and longtime voter of Northampton County, I was deeply concerned to learn about the failures experienced by fellow voters during the municipal elections on November 7th, 2023. Due to the lack of proper testing of the voting machines ahead of Election Day in Northampton County¹, when a voter selected "yes" or "no" on a retention race for Pennsylvania Superior Court, the printout that was provided to voters from the machine improperly switched their vote to the opposite of what they had selected. County officials have assured voters that their intent was recorded correctly on the machine, but at a time in which election confidence is at an all time low, I contend that this issue deserves heightened scrutiny.

This error sowed confusion not only with voters in the county, but with poll workers as well. According to a statement made at Northampton County's recent Election Commission meeting, one polling place was even locked for over an hour². There should be no circumstance in which any voter should be locked out and turned away from casting their vote, not anywhere in the United States and most certainly not in my home county. In addition, there were several instances reported from voters that electronic poll books did not work and in some cases, there were not enough emergency ballots printed for voters to be able to cast their votes, as only 20 are printed per polling place.³

It is of the utmost importance to note that this is the second time that Northampton County has encountered issues with the machines that they utilize, ES&S ExpressVote XL, which were first purchased by the county ahead of the municipal elections in 2019. On Election Day of 2019, many of the touchscreens on the machines were not calibrated correctly, making it difficult for voters to select their desired candidates. In addition, there were no electronic votes saved at all

¹ [Northampton County Elections Commission to meet; McClure says ballot printout errors had no material effect on races | Lehigh Valley Regional News | wfmz.com](#)

² [Election-machine company ES&S is "on the clock," Northampton County Executive McClure says | Lehigh Valley Regional News | wfmz.com](#)

³ [Northampton County Election Commission certifies Nov. 7 results over many objections | Lehigh Valley Regional News | wfmz.com](#)

for one county judge candidate. That race was salvaged because county officials said that the print receipts had accurately recorded the count.

As the old saying goes, "Fool me once, shame on you. Fool me twice, shame on me." Twice now have the voters of Northampton County been failed not only by the incompetencies of the ES&S machines, but also by the lack of accountability taken by County Executive Lamont McClure. Recently, Mr. McClure has doubled down on the fact that he does not yet intend to get rid of the improperly operating machines, but simply told ES&S that they are "on the clock."⁴ Well, my clock says that time is up, and that Northampton County needs to reevaluate who they contract with for their voting machines.

Mr. McClure has not provided any meaningful actions that he plans to take as County Executive to correct the situation. I wonder if it is possible that the Department of State could help Mr. McClure come up with specific directions to prevent these flaws from happening in the future. We cannot have the threat of possible dysfunction hanging over the heads of voters every election season, as it is damaging to both the candidates and the voters. Voters need the assurance that their votes are recorded properly, both on the machine and on all paper receipts.

Before my concern is dismissed as a political vendetta meant to "sow discontent with the electoral process⁵," I would like to remind you that this issue effects everyone, Republicans, Democrats, Independents, and all other parties alike. Leaders from both the Republican and Democratic county parties⁶, some members of Northampton County Council, and countless Northampton County voters have expressed a lack of faith in these machines. In the near future, I intend to introduce legislation to help alleviate some of the miscommunication between the Commonwealth and counties during the electoral process, as well as try to restore some confidence in what has shown to be a broken system. In addition, I would love to open a discussion between myself, my colleagues, and your agencies on how we can prevent widespread failures of this nature in the future.

Thank you in advance for your consideration on this matter and I hope that we can once again restore faith in our Commonwealth's electoral process.

Sincerely,



MILOU MACKENZIE

State Representative, 131st Legislative District

⁴ [Election-machine company ES&S is "on the clock," Northampton County Executive McClure says | Lehigh Valley Regional News | wfmz.com](#)

⁵ [State lawmaker again calls on Northampton County exec to resign over voting machine failures | LehighValleyNews.com](#)

⁶ [Voting machine trouble in Pennsylvania county triggers alarm ahead of 2024 - POLITICO](#)