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LINDA A. KERNS (PA, NJ, LL.M. IN TAXATION)

September 18, 2024

*Via Email to commissioners@montgomerycountypa.gov
And Facsimile to 610-278-5943 and 610-292-4527*

Neil K. Makhija, Chair
Jamila H. Winder, Vice Chair
Thomas DiBello, Commissioner
Montgomery County Board of
Commissioners

Frank Dean
Director of Elections
425 Swede Street, Suite 602
PO Box 311
Norristown, PA 19404

Re: Logic and Accuracy Testing

Dear Commissioners and Director of Elections Dean:

As the Republican National Committee's Pennsylvania's Election Integrity Counsel, I write concerning the commencement of mail and absentee ballot voting in Montgomery County yesterday without statutorily required Logic and Accuracy Testing pursuant to 25 P.S. §3031.10(d) and in defiance of the March 7, 2024 Directive¹ on Logic & Accuracy Testing from the Pennsylvania Secretary of State, including the notice requirements.

The Secretary's Directive notes that counties "**must** conduct pre-election logic and accuracy testing." It defines such testing as "a series of pre-election steps intended to ensure that ballots, scanners, ballot-marking devices, and all components of a county's certified voting system are properly configured and in good working order **prior to being used** in an election." [emphasis added].

The Republican National Committee demands the following:

- (1) Montgomery County Election Officials immediately cease the distribution of all mail and absentee ballots until the satisfactory completion of all mandated testing.

¹chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2024-Directive-on-Logic-Accuracy-Testing-3.0.pdf

(2) Any and all mail and absentee ballots distributed thus far must be immediately segregated upon return so that arrangements can be made to count these ballots by hand.

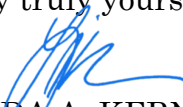
The Republican National Committee seeks a free and fair election for all voters in this Commonwealth. Montgomery County's defiance of mandatory testing undermines confidence and trust in the integrity of the election. Our proposed remedy—to segregate and count by hand the affected ballots—protects the rights of voters who, through no fault of their own, received ballots that the county distributed in violation of law.

We have already lodged a complaint with the Montgomery County Election Tip Line (610-292-2024) established by District Attorney Kevin Steele, as he publicly disavowed “anyone thinking about disrupting this election in any way...”

I look forward to confirmation that Montgomery County Election officials will immediately comply with the requested relief of cessation of voting prior to completed Logic and Accuracy testing and segregation of ballots already distributed in defiance of the law. Innocent voters should not be harmed due to the apparent eagerness of Commissioner Makhija to be the “first 2024 General Election ballot in the Commonwealth of Pennsylvania!!” according to his post on X today.

We will pursue all legal remedies available if your office does not act immediately to protect the integrity of the election.

Very truly yours,


LINDA A. KERNS
Pennsylvania Election Integrity Counsel
Republican National Committee