REPORT AND RECOMMENDATIONS
CHESTER COUNTY VOTER SERVICES POLL BOOK ISSUE OF NOVEMBER 2025

I.   Executive Summary

This report examines the circumstances surrounding the production of incomplete Poll Books for the November 4, 2025 Municipal Election in Chester County, which resulted in the omission of independent, non-affiliated, and third-party voters from precinct Poll Books and necessitated widespread reliance on provisional ballots, supplemental Poll Books, and a court-ordered extension of polling hours. The report further evaluates a related election administration issue involving the failure to include the Office of Prothonotary on the May 2025 Municipal Primary ballot.

The investigation was conducted at the request of County leadership and was guided by key questions concerning root cause, internal controls, statutory compliance, contributing factors, and mitigation efforts. Investigation included reviewing documentation, interviewing relevant personnel, analysis of applicable Pennsylvania law, and evaluation of voter registration and election workflow. The key questions to be answered and required scope are found in the attached Request for Proposal issued by the County.

Findings – Poll Book Incident

The immediate cause of the Poll Book failure was the selection, during the Statewide Uniform Registry of Electors ("SURE") system Poll Book generation process, of an option limiting the content of the Poll Books to "**only voters from the major parties**". As a result, the Poll Books generated and printed for Election Day excluded independent and third-party voters. This configuration error was not detected prior to printing or distribution.

Importantly, our investigation found no evidence of intentional wrongdoing, misconduct, or bad faith on the part of any of the employees who generated the Poll Books. The error was inadvertent and occurred in the course of performing assigned duties under significant time constraints.

Although the initial selection constituted a human error, the investigation found that the error occurred within a system lacking in: (i) sufficient safeguards, (ii) training, (iii) sufficient supervision, and; (iv) verification controls. The SURE system permits exclusionary configurations, *without* mandatory confirmation screens or warnings, and the Poll Book training aid does <u>not</u> contain sufficient guidance distinguishing primary election settings from general election settings. Once the Poll Books were generated, no policy or procedure was in place that required a quality assurance check of the PDF files, or the printed books prior to printing, sealing, and delivery.

Staffing conditions further contributed to the failure. The Poll Book generation process was performed by two inexperienced employees with limited election experience, no formal SURE system training, and no direct supervision during a critical task performed under compressed statutory deadlines. Employee turnover, driven by high-pressure election cycles, has increased operational risk.

Election Day Impact and Response

The omission of independent voters was identified shortly before polls opened on Election Day. County leadership, with advice from the Department of State ("DOS"), determined that affected voters would vote by provisional ballot pending delivery of supplemental Poll Books, which were to be produced by DOS. However, DOS soon learned that the SURE system software did <u>not</u> permit the production of the necessary data. DOS contacted the SURE system software vendor, which re-wrote the software code and thereby modified the SURE system's code to permit the selection and export of Poll Books containing only the missing voters. DOS and the vendor then took steps to validate the query results through independent checks, and then exported the supplemental Poll Books to the County for local printing.

To mitigate voter disenfranchisement, the County printed provisional materials internally, secured additional provisional materials from neighboring counties, deployed supplemental Poll Books throughout the day, and ultimately obtained a court order extending polling hours countywide.

Legal Framework and Accountability

Pennsylvania law assigns responsibility for voter registration records and Poll Book accuracy to the county voter registration commission, which in Chester County consists of the County Commissioners. Our investigation found that the registration

commission did not operate as a distinct, documented body and did not formally comply with its statutory duties to compare and correct the General and District Registers prior to the election.

May 2025 Prothonotary Ballot Issue

Subsequent to our initial engagement, the County asked that we also investigate the omission of the Office of Prothonotary from the 2025 primary ballot. Our investigation found that the failure to include the Office of Prothonotary on the May 2025 Municipal Primary ballot resulted from an incorrect legal determination by the Chester County Solicitor's Office. Prior to the election, the Director of Voter Services correctly proposed the inclusion of the Office of Prothonotary on the ballot. However, the Director of Voter Services was shortly thereafter instructed by the Solicitor's Office that the position would be filled by appointment and the position was not to be included on the ballot. This legal determination was incorrect, as Title 16 of the Pennsylvania Statutes required the position to appear on the ballot due to the timing of the vacancy. The error was later acknowledged, but only after the ballots had been prepared for the primary election.

Conclusions

The Poll Book incident was not the result of a single isolated mistake, but rather simple human error occurring within a system characterized by inadequate training, insufficient safeguards, limited oversight, and structural staffing challenges. While staff acted in good faith and County leadership responded decisively once the issue was identified, the absence of formal controls and accountability mechanisms allowed the error to occur and remain undetected until Election Day.

Recommendations

This report sets forth detailed recommendations to improve oversight, accountability, and transparency, including:

- Implementation of system-level safeguards within SURE;
- Formal documentation of the voter registration commission and the delegation of duties under its jurisdiction;
- Dual-signature approval and multi-level verification for Poll Book generation;
- Mandatory audit checklists and spot-checks of Poll Books by supervisory personnel, with appropriate reporting to the registration commission;
- Comprehensive training and knowledge-retention programs;
- Improved Election Day contingency planning and intergovernmental coordination.
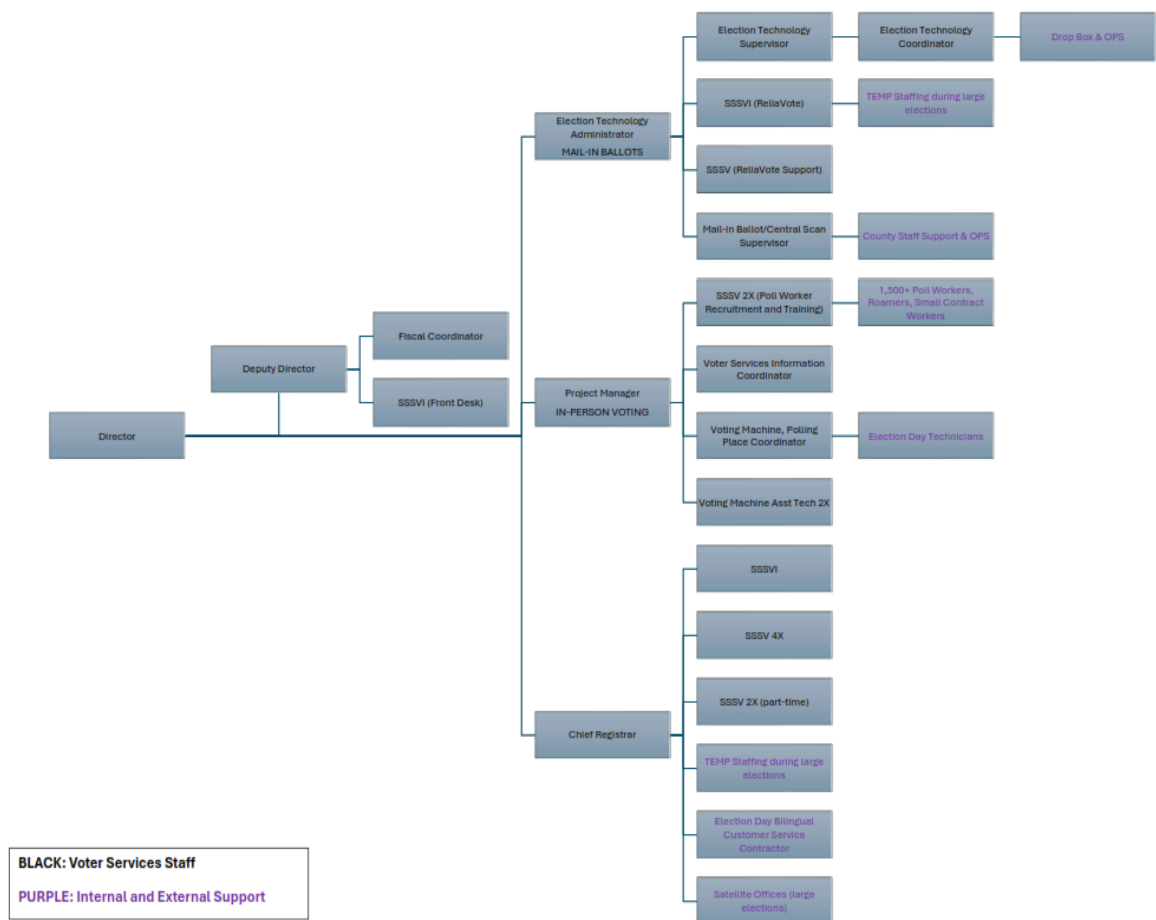
II.   Key Personnel

For security reasons, the names of employees working under Director Karen Barsoum have been omitted from this report.

Karen Barsoum, Director of Voter Services March 29, 2021

Ms. Barsoum serves as the Director of Voter Services. Her prior employment includes with the City of Reading and the County of Berks. Her background includes overseeing election administration functions, voter registration processes, and operational compliance in jurisdictions with significant voter populations.

The remaining Voter Services employees interviewed by this office are identified herein as Employee #1, Employee #2, Employee #3 and Employee #4.

III. Applicable Pennsylvania Law[1]

A. County Responsibility for Voter Registration and Elections

Title 25 of Pennsylvania Consolidated Statutes is titled "Elections", and the provisions of this title are relevant to the inquiry at hand.

Title 25 established a voter registration commission in each county ("registration commission") with jurisdiction over voter registration within the county. 25 Pa.C.S.A. §1203(a). In counties of the third class, the county commissioners serve as the registration commission.[2] 25 Pa.C.S.A. § 1203(b)(1).

The registration commission is responsible for maintaining voter registration records and is required to keep permanent records of its proceedings. 25 Pa.C.S.A. § 1203(e). The registration commission may make regulations consistent with the statute that permit the efficient administration of its duties, and may delegate duties to staff to carry out its responsibilities. 25 Pa.C.S.A. § 1203(f). The registration commission is *required* to appoint a chief clerk, who may be the chief clerk of the County, along with registrars or clerks, and inspectors of registration. 25 Pa.C.S.A. § 1204(b)(1);(b)(3)(ii)(A),(B).

The Pennsylvania Election Code requires that there also be a county board of elections ("board of elections") in each county, which has jurisdiction over the conduct of elections. 25 P.S. § 2641(a). In most counties, including Chester County, the board of elections consists of the county commissioners serving by virtue of their elected position as county commissioners, and not through a separate appointment. 25 P.S. § 2641(b).

The board of elections shall perform its duties under the Election Code, including the appointment of employees, the issuance of any necessary rules or regulations, and the instruction of election officers in their duties. 25 P.S. §§ 2642(d),(f),(g). The board of elections may appoint a chief clerk. 25 P.S. § 2643.

The Solicitor's Office of Chester County is required to serve as counsel for both the registration commission, and the board of elections, and advise both bodies of their powers and duties. 25 Pa.C.S.A. § 1204(b)(4); 25 P.S. § 2646.

---

[1] The Pennsylvania statutes cited in this report are included in the attached Appendix of Pennsylvania Statutes.

[2] As of the date of this report, Chester County is a County of the Third Class.

B. <u>The Statewide Uniform Registry of Electors (SURE)</u>

Pennsylvania law requires the Department of State to develop and maintain a centralized voter registration database known as the Statewide Uniform Registry of Electors ("SURE"). 25 Pa.C.S.A. § 1222(a). All county registration commissions are required to be electronically connected to the SURE system and must maintain their voter registration records within that system. 25 Pa.C.S.A. § 1222(c). Counties are responsible for ensuring that the voter registration data they maintain in SURE is accurate and complete.

C. <u>The General Register and the District Register</u>

Counties are required to prepare and maintain two related voter lists: the General Register; and the District Register.

    a. The General Register

The General Register is defined as the list of registered electors prepared by the county registration commission. 25 Pa.C.S.A. § 1102. A "registered elector" is the official term for a person who is legally registered to vote. 25 Pa.C.S.A. § 1102. The SURE system serves as the General Register for county registration commissions. 25 Pa.C.S.A. § 1222(c)(6). The General Register must contain seven categories of identifying information for each registered elector, including the voter's election district/ward, street address, and SURE identification number. 25 Pa.C.S.A. § 1401(a).

    b. The District Register (the "Poll Book")

The District Register, commonly known as the "Poll Book", is the list of registered electors prepared by the registration commission for use at polling places on Election Day. 25 Pa.C.S.A. §§ 1102, 1402. The District Register is created from the General Register. 25 Pa.C.S.A. § 1402(b)(2). For each election district, the District Register shall contain the names of all registered electors in alphabetical order, the county name and election district, the date and time the list was prepared, a legible digitized or electronic signature, and the political party (if any) of each registered elector. 25 Pa.C.S.A. § 1402(b)(2).

The SURE system shall "Permit the timely printing and transmission by [registration] commissions of [D]istrict [R]egisters and all other information contained in the system as may be necessary for the operation of the polling places on election days." 25 Pa.C.S.A. § 1222(c)(13).

D. Duty to Verify and Correct Poll Books Before the Election

"It is the duty of the [registration] commission to compare and correct the General Register and District Registers to ensure their accuracy." 25 Pa.C.S.A. § 1402(c). The statute further requires that, by noon of the third day preceding an election, the District Register for each election district must be corrected to be consistent with the General Register. 25 Pa.C.S.A. § 1402(c).

These provisions are intended to ensure that Poll Books used on Election Day accurately reflect all eligible registered voters whose registrations were finalized before the statutory registration deadline.

E. Preparation, Sealing, and Delivery of District Registers

Pennsylvania statute also dictates how District Registers are to be handled once they are finalized. The District Registers are required to be enclosed within a case or container, locked and sealed by the registration commission, which shall then deliver them to the election officers for use on Election Day. 25 Pa.C.S.A. § 1402(d),(e).

F. Provisional Ballots

The law provides a safeguard for voters whose names do not appear in the District Register at the polling place. If the voter's name is missing and the registration cannot be otherwise confirmed, the voter must be permitted to cast a provisional ballot. 25 P.S. § 3050(a.4)(1). Before doing so, the voter must execute an affidavit confirming the accuracy of his or her information and attesting that the provisional ballot is the only ballot that was cast in that election. 25 P.S. § 3050(a.4)(2). After the provisional ballot has been cast, the voter shall place it in a secrecy envelope, place the secrecy envelope in the provisional ballot envelope, and sign the provisional ballot envelope. 25 P.S. § 3050(a.4)(3).

G. Registration and Voting Deadlines

Pennsylvania law establishes deadlines governing voter eligibility. An individual must be registered to vote no later than fifteen (15) days before Election Day in order to be eligible to vote in that election. 25 P.S. § 3071.

For mail-in voting, a voter's application for a Mail-in Ballot must be received by the county board of elections no later than **5:00 p.m. on the Tuesday prior to Election Day,** i.e., one week before Election Day. 25 P.S. § 3150.12a(a) (emphasis added). Applications received after that deadline may not be accepted, and the voter must instead vote in person.

Chronology

In order to capture all registered voters, and identify those that have applied for a Mail-in Ballot, the production of Poll Books cannot commence until all of the timely applications for Mail-in Ballots (received no later than 5:00 p.m. on the Tuesday prior to the election as set forth above) have been processed and entered into SURE. Once those applications have been entered into SURE, the Chief Registrar can begin the process of requesting the Poll Book export in SURE. This typically commences around 6-7 p.m., depending upon the number of Mail-in Ballot applications that must be processed.

Voter Services has published a detailed Procedures Manual governing registration and election operations. The Procedures Manual does not include any reference to or directions for the generation of Poll Books.

The Department of State ("DOS") did publish and distribute instructions, as well as a guide to the SURE system for production of Poll Books, titled the **Poll Books training aid** ("Training Aid"). The Training Aid is dated March 2024. The Training Aid was sent via email to the counties on several occasions prior to the election, including at 4:19 p.m. on October 20, 2025. This email was received by Ms. Barsoum, who forwarded it to Employee #1 and Employee #2 at 4:58 p.m. Additional instructions were published by DOS and similarly forwarded by Ms. Barsoum on October 23, 2025.
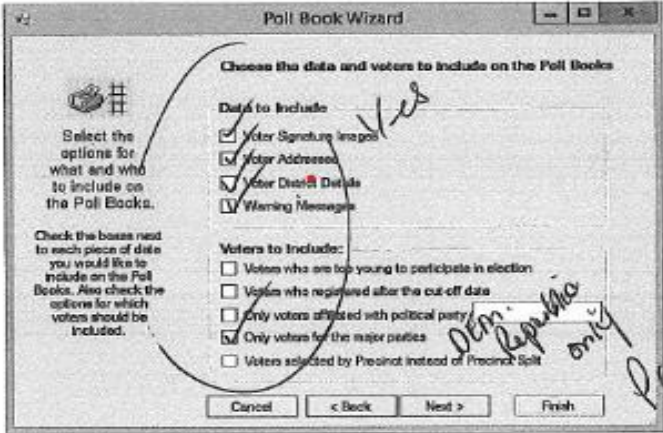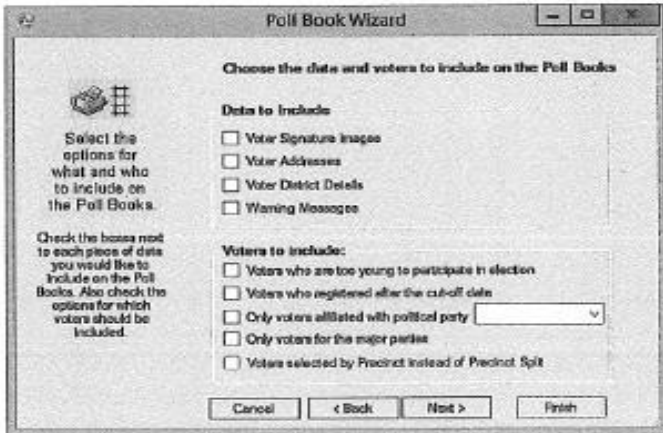
Within the County, Voter Services provides no structured, formalized training on the use of the SURE system. Staff members typically learn the system through informal, on-the-job instruction, observation of colleagues, and reference to the Training Aid. Voter Services has produced a SURE manual for its operators, however, the County SURE Manual does not contain reference to the Poll Books.

Poll Books for an upcoming election are generated through the *Poll Book Wizard* resident in the SURE system. On the evening of Tuesday, October 28, 2025, Employee #3 conducted a demonstration for Employee #2 outlining the procedures for generating Poll Books. In doing so, Employee #3 relied on the Training Aid. Employee #3 had used this same Training Aid during the May 2025 primary election and had annotated it with handwritten notes.

The Poll Book Wizard requires the user to answer a series of prompts designed to capture voter registration data for each precinct. The relevant screen seeks input as to the *data to include* and the ***voters to include***. The user is instructed to select the first four options respecting data to include in the Poll Book Wizard. The *voters to include* section, however, contains several additional selections that should **not** be used in generating Poll Books for general elections. Among these selections is "Only voters for the major parties." Employee #3's notes referenced this option with the notation "Dem - Republican Only – Presidential do not select." However, the handwritten notes reflect the selection of that
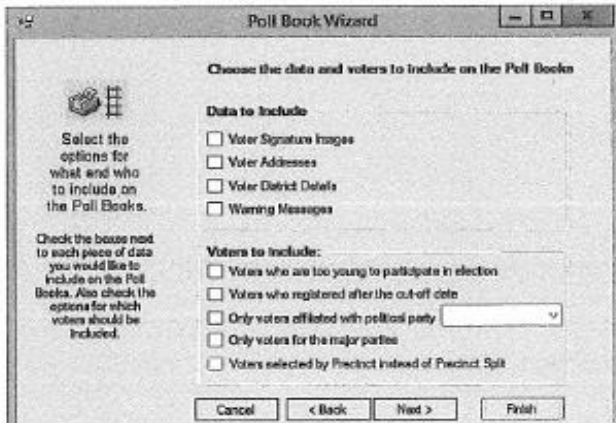
box, which is explained because Employee #3's introduction to the SURE system took place in the context of the 2025 Municipal Primary, when such a selection was appropriate.

Steps	Actions
8.	The **Choose the data and voters to include on the Poll Books** screen will display.
9.	Select all four checkboxes in the 'Data to Include' section.

This option was selected during the Poll Book generation process on the evening of October 28, 2025. The Training Aid does contain a comment on the following page which states: "Note: The 'Only voters for the major parties' option will print Poll Books with only major parties and will exclude other parties. This option can be used in primary

elections." SURE does not provide any embedded guidance directing users as to which options to select for general versus primary elections.

Steps	Actions
	✓ Voter Signature Images: will print the voter's signature as it appears on the voter record. ✓ Voter Addresses: will display address information as it appears on the voter record. ✓ Voter District Details: will display precinct district details. ✓ Warning Messages: will display the appropriate watermarks in the signature block of the poll book. Associated watermarks would indicate: if a voter requested an absentee or mail-in ballot and if it was returned or not returned, voters requiring to provide ID due to voting in the polling place for the first time and voters of inactive status which will require the voter to complete an Affirmation of Elector form prior to voting.
10.	Select desired options in the 'Voters to Include' section. Most users will leave these fields blank. Note: The 'Only voters for the major parties' option will print poll books with only major parties and will exclude other parties. This option can be used in primary elections.

After making these selections, Employee #3 proceeded through the remaining steps required by SURE to generate the Poll Books. The system does not provide any pop-up window or other confirmation prompt to verify the user's selections *before* generating the Poll Book files. At the end of the process, the user is required to choose an output format, either PDF or MDB (Microsoft Database).

At some point in the process, Employee #3 and Employee #2 became concerned with the selection of output formats. They immediately brought this concern to Employee #1, who together with Ms. Barsoum, obtained telephone contact with Department of State Employee #1, Division Chief, who was able to determine that the MDB output format had been inadvertently selected, and the Poll Books should have been generated in PDF format. Department of State Employee #1 was able to back-out the MDB election, and allowed Employee #1 to re-select the correct PDF option. The full Poll Book export generation process was <u>not</u> repeated from the beginning.

Once the files were selected and formatting corrected, the Poll Book export consisting of PDF files was generated overnight. On the morning of Wednesday, October 29, 2025, 230 Poll Book files were available for download. Voter Services downloaded the files from DOS and uploaded them to the vendor responsible for printing. To ensure timely delivery by the Friday preceding the election, this upload is typically required to be completed by noon on the Wednesday before Election Day. While the SURE system permits viewing of PDF files that have been exported, no policy or procedure has been identified that required this to be done, and no spot checks were performed before transmitting the files to the vendor.

Printed Poll Books were delivered to Voter Services by the vendor on Friday October 31, 2025, at approximately 3:00 p.m. The books were assembled with precinct materials, including walking lists, and were then sealed for pickup by the Judges of Election ("JOE") on Saturday. Although it is technically possible to spot-check the printed Poll Books before sealing, the time between delivery and sealing is limited, and no such review occurred.

On Election Day, Tuesday November 4, 2025, shortly before the opening of the polls, Voter Services received a call from a JOE reporting that independent and third-party voters were not included in the Poll Books. The judge had unsealed the precinct materials in preparation for voting and discovered that neither their own name nor the names of other registered independents appeared in the Poll Book. Voter Services reviewed the PDF files immediately and confirmed that independent and third party voters were <u>not</u> included in the PDF files uploaded to the vendor.

Ms. Barsoum suggested an initial mitigation plan that would allow registered independents and third-party voters to sign the Poll Book manually near their appropriate alphabetical position and then to vote as normal. Shortly thereafter, with input from DOS and the Chester County Solicitor, the decision was made to alter that original mitigation plan due to concerns such voting could enable ineligible voters to cast ballots that could not be identified or removed once tabulated, nullifying the entire election. The revised plan provided that voters whose names did not appear in the Poll Book would vote by provisional ballot pending the preparation and export of

supplemental Poll Books by DOS. These files would then be printed internally at the Government Services Center and distributed to all precincts.

DOS initially advised the County that the supplemental Poll Books could be generated quickly based on prior experiences involving a small number of voters. In this instance, however, the excluded voter population was substantially larger—approximately 76,000 voters—and the standard process could not produce supplemental Poll Books at that scale.

To resolve the issue, DOS worked with the SURE software vendor to re-write sections of the SURE software code to allow for the generation of supplemental Poll Books that only contained independent and third party voters. Once the code had been re-written and run, DOS and the vendor validated the results through testing and independent review, and then released the supplemental Poll Books to the County at approximately 12:30 p.m. Numerous County employees and volunteers assisted with printing and binding the 230 supplemental Poll Books. Distribution followed, using park police, Department of Emergency Services (DES), and various county and Voter Services personnel. All supplemental Poll Books were out for delivery by approximately 3:45 p.m..

Once a precinct had its supplemental Poll Book, it could resort to normal voting procedures and dispense with the use of provisional ballots.

There was also concern that certain precincts might exhaust their supply of provisional ballots before the supplemental Poll Books could be delivered. In response, County personnel contacted neighboring counties, including Delaware County and Philadelphia County. Both jurisdictions promptly provided the requested provisional ballot materials, ensuring that all independent voters could continue to vote using a provisional ballot without interruption.

At approximately 4:45 p.m., the County Solicitor petitioned the Chester County Court of Common Pleas to extend voting hours from 8:00 p.m. to 9:00 p.m. The Court granted the request and on its own initiative extended voting hours by an additional hour to 10:00pm. By law, all voters who were in line by 8:00 p.m. were allowed to vote by regular ballot. All voters, regardless of party affiliation, who were not in line by 8:00 p.m. were required to vote by provisional ballot.

As of the publication of this report, the County has counted 12,335 provisional ballots.

Election Day Timeline

Time	Event	Action / Communication
6:48 a.m.	Poll Book issue identified	Telephone reports that Poll Books include only Democratic and Republican voters; Independents, non-affiliated, and third-party voters are missing.
7:15 a.m.	State Notified	County notifies DOS of Poll Book issues via hotline.
7:40 a.m.	Interim response determined	After conferring with DOS, County decides to utilize provisional ballots and print supplemental Poll Books.
7:53 a.m.	Ready ChesCo Alert issued	JOEs instructed: voters not in Poll Book must vote provisionally; supplemental Poll Books forthcoming.
8:05 a.m.	Logistics mobilized	Rangers and DES staff requested to assist with printing and delivery of supplemental Poll Books.
8:09 a.m.	Public notice issued	County website and social media updated to notify voters of Poll Book issue.
8:23 a.m.	Initial DOS ETA	DOS initially estimates one hour to create and export supplemental poll data.
8:45 a.m.	Staffing assistance requested	Additional County employees asked to assist with delivery of supplemental Poll Books.
9:53 a.m.	Public Statement	County issued first public statement to media. No timeline provided.
10:05 a.m.	Delay communicated	DOS revises estimated readiness of supplemental books to midday based on number of missing voters, coding difficulties, and internal due diligence processes to ensure the new data was accurate and complete.
10:53 a.m.	Public statement	Commissioner Maxwell advises media that supplemental Poll Books should be ready by noon.
12:30 p.m.	Supplemental Poll Books Created	DOS finishes generation of new supplemental Poll Books and provides updated data to County.
12:40 p.m.	Printing begins	Supplemental Poll Books begin printing; first deliveries dispatched.
12:41 p.m.	Ready ChesCo Alert issued	JOEs instructed on use of full or partial supplemental Poll Books and requirement to check both books for each voter.
2:33 p.m.	Distribution update	Supplemental Poll Books delivered or enroute to approximately 75% of precincts.

Time	Event	Action / Communication
3:05 p.m.	Provisional ballot guidance	JOEs instructed to contact Voter Services if running low on provisional materials.
3:45 p.m.	Full deployment underway	All supplemental Poll Books delivered or enroute to precincts.
3:45 p.m.	Public Statement	County website and social media updated to notify voters that all supplemental Poll Books have been deployed. Issued statement to media as well.
4:58 p.m.	Court intervention	Court orders countywide extension of voting hours by two hours.
5:21 p.m.	Court order communicated	Alert informs JOEs that polls open until 10:00 p.m.; provisional ballots required between 8:00–10:00 p.m.
6:00 p.m.	Ready ChesCo Alert issued	Alert announces to public that polls are open until 10:00 p.m., and that provisional ballots are required for all voters between 8:00–10:00 p.m.
6:15 p.m.	Enforcement warning issued	JOEs advised compliance is mandatory; law enforcement authorized to enforce Court order.
7:05 p.m.	Voting procedures clarified	Regular ballots permitted for voters in line by 8:00 p.m.; provisional ballots required after 8:00 p.m.; machine instructions provided.
7:55 p.m.	Equipment guidance	JOEs instructed not to shut down DS200 machines until 10:00 p.m. due to tape printing.
10:00 p.m.	Polls close	Extended voting period ends pursuant to Court order.
11/14/25 6:09 p.m.	Ready ChesCo Alert issued	Alert sent advising that all provisional ballots will be set aside for review by Board of Elections at a hearing on November 17, 2025.

IV. Department of State Poll Book Generation and Election Day Response

In the course of our investigation, we met with and interviewed the following DOS employees:[3]

- Jonthan Marks - Deputy Secretary of Election and Commissions;
- Department of State Employee #1, Division Chief

A. The SURE system and Poll Book Generation

SURE is an older system—approximately twenty years old—with its last major update occurring in or around 2010. When a county user generates a Poll Book in SURE, the system captures and permanently saves the data set at the moment the user completes the process. Once generated, the Poll Book data is locked and cannot be altered, edited, or amended. Any correction—whether due to an error or changed circumstances— requires the user to generate an entirely new Poll Book. SURE includes optional filters that allow a user to limit which voters are included in a Poll Book. One such option, "Only voters for the major parties," intentionally excludes independent and third-party voters. DOS explained that this option was added to SURE at the request of counties in or around 2010 to facilitate Poll Book generation for primary elections.

DOS confirmed that SURE does not contain in-system alerts, pop-ups, or warnings that evaluate the appropriateness of user selections. Selecting the "Only voters for the major parties" option does not trigger any notice to the user that the selection may be inconsistent with the type of election being conducted, nor does it generate a back-end alert to DOS.

DOS confirmed that it does not provide formal training or certification programs for county personnel on the operation or functionality of SURE. Instead, counties are expected to rely on written materials, limited technical support, and internal practices developed over time. DOS does provide counties with election administration training and the Training Aid. However, DOS advised that the trainings do not focus on the mechanics of Poll Book generation or on which specific SURE options should be selected to pull the correct voter universe for different types of elections.

B. Confirmation of How the Error Occurred

DOS confirmed that the County employee who generated the Poll Books selected the "Only voters for the major parties" option. As designed, that selection excluded independent and third-party voters from the Poll Books. DOS stated that this option is

---

[3] Chief Counsel for DOS Carolyn DeLaurentis and Executive Deputy Chief Counsel for DOS Kathleen Mullen were present during the interview

commonly used by counties, including Chester County, when generating Poll Books for primary elections. Our review of the appropriate XML file does show that a County employee selected the "Only voters for the major parties" on October 28, 2025, and as a result, the data set produced did exclude independent and third-party voters.

The Poll Books were generated and exported prior to Election Day, and because SURE locks the data set upon completion, the error was embedded in the final output. DOS confirmed that on October 28, 2025 it assisted the County with a technical request related to exporting the Poll Book data from an MDB format to a PDF format. That assistance involved formatting only; neither DOS nor the County evaluated or reviewed the underlying voter universe at that time. DOS indicated that the request did not require substantive review of the data and that, had the content been reviewed, the omission likely would have been detected earlier.

Because SURE does not provide warnings or validation checks based on election type, the system did not flag the selection of "Only voters for the major parties" for a general election. No automated mechanism existed to alert the user or DOS that the Poll Books omitted a substantial category of eligible voters.

C. <u>DOS Response on Election Day</u>

DOS received a hotline call from the County at approximately 7:15 a.m. on Election Day reporting that the Poll Books excluded non-major-party voters. DOS advised the County to utilize provisional ballots for affected voters until corrected Poll Books could be generated.

The County had initially proposed to allow unaffiliated or third-party voters to write their names into the Poll Book and vote on the voting machines. DOS explained that this approach could permit ineligible voters—such as individuals registered in another county—to cast ballots that would be indistinguishable once tabulated. Because votes cast on the machine cannot later be removed, DOS advised that this option posed unacceptable risk to election integrity and advised the County to rely on provisional ballots instead. The County chose to follow this advice.

DOS initially believed and communicated to the County that the supplemental Poll Books could be generated quickly. That estimate was based on past situations where supplemental Poll Books had to be generated to deal with issues such as voter deaths, newly eligible voters, or limited emergency changes. All prior supplemental Poll Book generation experiences therefore involved a small number of voters.

In this instance, however, the excluded voter population was significantly larger—approximately 76,000 voters. When DOS attempted to generate supplemental Poll Books at that scale, the system was unable to produce the output using the standard process.

To address the issue, DOS worked with the SURE software vendor to modify the SURE's software code. DOS generated a new Poll Book containing all voters and then created a supplemental data set by removing Democratic and Republican voters to isolate the previously omitted voters. DOS stated that it had not previously encountered a situation requiring code modification of this nature and described the response as involving revisions to, and validation of, an older software system within a compressed timeframe.

After confirming the revised method functioned as intended, DOS undertook validation steps, including independent replication of the data pull by a separate analyst and review by multiple staff members. DOS conducted testing and verification to ensure the accuracy of the data before releasing the supplemental Poll Books to the County. DOS provided the updated supplemental Poll Books to the County at approximately 12:30 p.m.

V.   Analysis

Statutory Framework and Compliance with Title 25

A. Structure and Operation of the Registration Commission

Based on our review, the County is not in compliance with Title 25 of the Pennsylvania Consolidated Statutes with respect to the operation of the registration commission.[4]

Pennsylvania law mandates the existence and operation of a county voter registration commission and assigns it specific duties. See 25 Pa.C.S.A. § 1203(a). In Chester County, the county commissioners are required to serve as the voter registration commission. 25 Pa.C.S.A. § 1203(b)(1).

Compliance in this area is sometimes obscured by the overlap in functions between the registration commission and the county board of elections, particularly because in most counties the same individuals serve in both capacities. See 25 P.S. § 2641(b). However, despite this overlap, the two bodies are distinct legal entities with separate statutory duties.

That distinction becomes particularly important in circumstances where the composition of the two bodies diverges. For example, when a county commissioner is a candidate on the ballot, that commissioner is prohibited from serving on the board of elections during that election cycle. 25 P.S. § 2641(c). There is no comparable statutory prohibition preventing that same commissioner from continuing to serve on the

---

[4] We were not requested to investigate the practices of all counties within the Commonwealth; however, it is our understanding that other counties address Title 25 in a similar manner as Chester County.

registration commission under 25 Pa.C.S.A. § 1203. This statutory structure confirms that the General Assembly intended the registration commission to operate independently of the board of elections when necessary, and not merely as an interchangeable or informal subset of it.

B. Jurisdiction over Poll Book Production

With respect to the issues surrounding the production of Poll Books, Pennsylvania law places these responsibilities within the jurisdiction of the registration commission.

Under 25 Pa.C.S.A. §§ 1401 and 1402, the registration commission is responsible for:

- Maintaining the General Register of registered electors;
- Generating the District Registers (Poll Books) from the General Register; and
- Ensuring that those registers are accurate and complete.

The registration commission has an affirmative duty to compare and correct both the General Register and the District Registers to ensure accuracy. 25 Pa.C.S.A. § 1402(c).

C. Statutory Deadlines and Uniform Application

The statutory deadlines governing voter registration, register verification, and Poll Book preparation apply uniformly to all counties in Pennsylvania.

By noon on the third day preceding the election, the District Register for each election district must be corrected to be consistent with the General Register. 25 Pa.C.S. § 1402(c).

In addition, once Poll Books are finalized, the registration commission is required to package the District Register and other election supplies in sealed packages and deliver them to the judges of election no later than the day prior to Election Day. 25 Pa.C.S.A. § 1402(d),(e).

These statutory requirements establish an operational timeline that governs:

- The generation of Poll Books,
- The distribution of election materials, and
- The verification of voter eligibility at polling places on Election Day.

D. Poll Book Generation Timing Creates Risk of Error

In order to capture all necessary voter data without the need for issuing supplemental Poll Books, the Poll Books cannot be generated until after the SURE system updates, reflecting the entry of Mail-in Ballot applications, which must be received by 5:00 p.m. on the Tuesday prior to any election. Some counties address this timing constraint by generating preliminary Poll Books before the statutory deadline and then issuing supplemental Poll Books after the Tuesday evening deadline.

While this approach alleviates certain time pressures associated with the current process, it introduces the potential for significant errors. For example, if preliminary Poll Books are used, election staff must manually annotate the books to identify voters who have applied for Mail-in Ballots since the time of original printing. This manual process inherently increases the risk of human error and may compromise the accuracy of the voter lists provided to precincts.

Training

Voter Services does not have a formal training program for the Chief Registrar position. It should be noted that DOS is required to issue regulations with respect to periodic training directed to the registration commissions and their staff. 25 Pa.C.S.A. §1222 (f)(2). There is no such training available from DOS. The lack of formalized training, both at the state and county levels resulted in inconsistent system usage, gaps in user understanding, and increased risk of error during critical election processes such as the generation of Poll Books.

Department Turnover

Employment turnover within Voter Services also contributes to operational vulnerabilities, though it is not necessarily reflective of a cultural or managerial deficiency. The cyclical nature of elections, with two high-pressure periods each year, creates a challenging work environment that can make recruitment and retention difficult. Surrounding counties offer significantly higher pay for comparable positions, which has contributed to staff turnover.

We have been advised of concerns raised by certain employees and former employees within Voter Services relating to Ms. Barsoum's leadership and management styles, with many complaints about micro-management. The employees that were the subject of our investigation did not share any such concerns with our team, and were generally supportive of the culture in the department. Moreover, the various causes of the Poll Book issue that we have identified do not appear to have any causal nexus with the types of concerns raised.

Supervision

The task of Poll Book production was left to Employee #2 and Employee #3. Employee #3 was only in a responsible role overseeing voter rolls for a brief period, and only during the 2025 municipal primary. Employee #2 was only in a responsible role overseeing voter rolls for about five weeks prior to the 2025 municipal election, with no prior election or voter services experience. While we are under the impression that Employee #1 and/or Ms. Barsoum were readily available to address questions as they arose and to provide assistance as requested, there was a lack of direct supervision for two inexperienced people who had been provided with little on the job training and no formal training, while they were performing a critical task – generating the Poll Books.

When combined with a lack of formal training on the SURE system, a lack of adequate direct supervision, no quality assurance checks, and the compressed time frames imposed in large part by the Mail-in Ballot application deadline, these staffing difficulties increase the likelihood of user error during the production of Poll Books.

VI. Recommendations

The purpose of this review is to develop findings that establish causation, identify contributing factors, and clearly distinguish between instances of human error and broader systemic deficiencies. Based upon those findings, this report further sets forth recommendations designed to improve oversight, accountability, and transparency in election operations.

As a threshold matter, DOS should be requested to implement system-level safeguards within the SURE system to prevent similar errors from occurring in future elections. These safeguards should include a mandatory confirmation screen summarizing all Poll Book selections prior to generation; a clear warning prompt when the "Only voters for the major parties" option is selected, or the removal of the "Only voters for the major parties" selection as an available option during general elections; and revisions to the Poll Book Training Aid to include direct, highly visible, and attention-grabbing warnings during the "voters to include" selection process. In addition, DOS should be encouraged to implement audit logging and reporting features that flag atypical Poll Book configurations and generate automated alerts to both county staff and DOS support personnel during the pre-election period.

At the County level, the activities of the registration commission should be formally documented, including written designation of the personnel assigned by the commission to carry out voter registration and Poll Book responsibilities. Each designee should receive a written letter of appointment specifying the scope of their assigned duties. Commissioners, or their designees, should be required to ensure that the General Register and District Registers have been compared and corrected in accordance with 25

Pa.C.S.A. §§ 1402(c), and that Poll Books accurately reflect SURE data as of the applicable statutory deadline (at least three days prior to the election). To reinforce accountability, any action affecting the entire electorate, such as Poll Book creation, should require dual-signature approval from both a staff administrator and a supervising official charged with oversight responsibility.

Oversight and verification processes should be further strengthened by implementing a mandatory multi-level review of Poll Book settings. At least two trained staff members, including a supervisor, should independently verify SURE Poll Book generation selections prior to finalization. Written certification of this review should be logged and retained. Before transmitting files to the print vendor, staff should also be required to complete a mandatory audit checklist certifying to the commission that randomly selected precincts have been spot-checked and that Poll Book files include all required data and all required voter categories.

Improving training, professional standards, and capacity building is equally critical. The County should advocate for DOS to implement a formal and mandatory SURE training program, including Poll Book generation. Internally, the County should develop standardized training for all new hires and cross-training for existing staff. Training should address SURE navigation, legal requirements under Title 25, and emergency procedures and Election Day contingencies.

Additional operational improvements should be considered, including the development of clearer communication channels between County staff, DOS support, and Judges of Election, and predefined contingency plans for rapid deployment of provisional ballots and supplemental materials. The County should also evaluate staffing levels and compensation structures relative to surrounding counties, as competitive compensation and temporary staffing support during peak election periods may materially reduce error risk by stabilizing experienced personnel during critical windows.

We note that the very recent appointment of Megan Moser as Chief Experience Officer, with oversight over Voter Services, is an important and positive improvement, based upon her high levels of experience and background in system improvement.

Finally, the findings and recommendations outlined above should be evaluated in conjunction with other identified election-related issues, including the Office of Prothonotary ballot issue, to ensure a comprehensive and coordinated approach to election administration reform.

VII.   May 2025 Prothonotary Ballot Issue

Subsequent to the start of our engagement, we were asked to expand the scope of our work to include the failure to include the Office of Prothonotary on the primary ballot for the May 2025 Municipal Election.

Background

Deborah Bookman, who was serving a four-year term as the Chester County Prothonotary that was set to expire at the end of 2027, resigned her office in October 2024.

By email on January 9, 2025 at 11:30 a.m., Karen Barsoum contacted David Byerman and the County Solicitor (Colleen Frens) to confirm the list of county offices that were to be placed on the May 2025 primary ballot. Ms. Barsoum did include the prothonotary position as a ballot position for that primary in her confirmatory email.

From: Barsoum, Karen ▮▮▮▮▮▮▮▮▮▮▮
Sent: Thursday, January 9, 2025 11:30 AM
To: Byerman. David A. ▮▮▮▮▮▮▮▮   Frens. Colleen M. ▮▮▮▮▮▮▮▮▮
Cc: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮   Walschburger, Erik ▮▮▮▮▮▮▮▮▮▮
Subject: County Offices - To confirm with Chief Clerk

Good Morning Chief Clerk and County Solicitor,

We would like to confirm the County Offices to be placed on this year's ballot.
The listing is as follows-

POSITION	TOTAL POSITIONS	REG TERM	SHORT TERM	BALLOT YEAR	NEXT	END DEC	PETITION FILING	MUNICIPALITY/AREA	DISTRICT	FIRST NAME	MIDDLE	LAST NAME
Clerk of Courts	1	4		2025	2026	2029	CHESTER	County Wide		Yolanda u		Van De Krol
Controller	1	4		2025	2026	2029	CHESTER	County Wide		Margaret		Reif
Coroner	1	4		2025	2026	2029	CHESTER	County Wide		Sophia		Garcia-Jackson
Treasurer	1	4		2025	2026	2029	CHESTER	County Wide		Patricia		Maisano

In addition, we would like to confirm a two-year term for the following office-

POSITION	TOTAL POSITIONS	REG TERM	SHORT TERM	BALLOT YEAR	NEXT	END DEC	PETITION FILING	MUNICIPALITY/AREA	DISTRICT	FIRST NAME	MIDDLE	LAST NAME
Prothonotary	1	4		2023	2024	2027	CHESTER	County Wide		Debbie		Bookman

Thanks,
Karen Barsoum

On the same date, Chief Operating Officer (Erik Walschburger) inquired of the County Solicitor via email as to whether the Office of Prothonotary belonged on the primary ballot. The County Solicitor responded on the same date, via emails at 12:12 p.m. and 12:16 p.m., advising Ms. Barsoum and others that the Office of Prothonotary must be filled by appointment and that position should not go onto the May 2025 primary ballot. Consequently, the Office of Prothonotary was not placed onto the ballot.

However, the determination by the County Solicitor to exclude the Office of Prothonotary from the May 2025 primary ballot was in error. Title 16 of the Pennsylvania Statutes governing Counties provides that the Office of Prothonotary is an elected position. 16 Pa.C.S.A. § 14101 ("Election of prothonotary, clerk of courts, clerk of orphans' court, register of wills and recorder or deeds"). Although § 12309 of Title 16 ("Vacancies") provides that the Governor shall appoint a suitable individual to fill a vacancy in a county office, this provision applies *only* when the vacancy occurs **less than ninety (90) days** before a municipal election. 16 Pa.C.S.A. § 12309. If the vacancy occurs ninety (90) days or more before a municipal election, the vacant office *should* be placed on the ballot for the balance of the unexpired term. 16 Pa.C.S.A. § 12309. Here, as the vacancy for the Office of Prothonotary occurred in October 2024, the office should have been placed on the May 2025 ballot for the balance of the unexpired term, as originally proposed by Ms. Barsoum.

On April 17, 2025, at 8:49AM , the Pennsylvania Department of State contacted Ms. Barsoum to inquire about the prothonotary position not being on the ballot for the May 2025 primary election. By email dated April 17, 2025 at 10:40 a.m., Ms. Barsoum reported this to the Solicitor's Office, which upon further review and research into the issue and

the provisions of Title 16 relating to county officers, determined that the Office of Prothonotary should have been placed on the May 2025 ballot.

From: Barsoum, Karen ████████████████
Sent: Thursday, April 17, 2025 10:40 AM
To: Frens, Colleen M. ██████ ████████ ████████
Cc: ████████ ████████
Subject: RE: County Offices - To confirm with Chief Clerk

Good Morning,

I received a phone call from Jonathan Marks (DOS) inquiring about this position.
The Governor's Office inquired with the Legislative Director who inquired with Jonathan.

I did tell Jonathan that we investigated this prior to ballot prep with our legal team and that this position must be filled by appointment.
In addition, I told Jonathan that I will let you know about this inquire and provide any additional information if applicable.

Thanks,
Karen

However, by that time, it was too late to include that office vacancy on the primary ballot. The Solicitor's Office notified David Byerman of the situation on April 17, 2025.

Pursuant to an email from David Byerman to Erik Walschburger on April 23, 2025 at 5:35 p.m., the County Commissioners were notified of the situation, which resulted in a telephone conference between County officials and the chairpersons of the Republican and Democrat parties at 3:00 p.m. Ultimately, the Republican and Democratic Party Committees in the County selected their candidates for the prothonotary position that would appear on the ballot for the general election in November 2025.

Conclusion

We conclude by noting that all County personnel we interviewed as well as the staff at the Department of State were, at all times, cooperative, responsive, and professional. We are available to address any further questions, and we appreciate the opportunity to be of service.

Dated: December 19, 2025   **Fleck Eckert Klein McGarry LLC**