

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA**

DONALD J TRUMP FOR PRESIDENT INC, <i>et al.</i>	No. 2020-18680
v.	
MONTGOMERY COUNTY BOARD OF ELECTIONS	

STIPULATED FACTS

Petitioners Donald J. Trump for President Inc., Republican National Committee, Heidelbaugh for Attorney General, Inc., Garrity for PA, and Daniel J. Wissert, Respondent Montgomery County Board of Elections and Intervenors Democratic National Committee, by and through their undersigned counsel, hereby stipulate to the following facts as follows:

1. Electors of the Commonwealth of Pennsylvania may choose to cast their vote in any primary or election by absentee ballot or by mail-in ballot.
2. In both instances, the elector who desires to cast a vote either by absentee ballot or mail-in ballot must request such a ballot from the county board of elections, in this case, Respondent.
3. Upon application to, and approval of that application by Respondent, the elector is provided balloting materials that include: 1) instructions as to how the elector is to complete and return the ballot; 2) the ballot; 3) an inner secrecy envelope into which the ballot is to be placed; and, 4) an outer envelope into which the secrecy envelope containing the ballot is to be placed and returned to Respondent.
4. When the balloting materials are sent to the elector by Respondent, pre-printed on the reverse side of the outer envelope is a voter's declaration.

5. Underneath the voter's declaration is a place for the voter to sign, date, and print their name and address.

6. Also pre-printed on the same side of the outer envelope as the voter's declaration is a unique nine-digit bar code that links the outer envelope to the voter's registration file contained in the Statewide Uniform Registry of Electors ("SURE") system. Also, in most cases, the elector's name and address is pre-printed on that side of the envelope.¹

7. On the front side of the outer envelope is preprinted the Respondent's address where the ballot is to be sent as well as a place in the upper left-hand corner where the elector may indicate his or her return address by writing it thereon or affixing a label.

8. The Board has received 592 absentee and mail-in ballots where electors have signed the voter's declaration and provided a date, but have not printed their complete address in the space provided below the Declaration on the outer envelope.

9. Respondent has segregated and not yet opened nor counted these 592 ballots.

10. When Respondent brought the existence of this group of unopened ballots to the attention of Petitioners' counsel, an objection was verbally lodged.

11. Respondent has verbally overruled that objection and intends to open and count these ballots subject to a ruling of this honorable Court.

12. A true and correct copy of the instructions to absentee and mail-in electors contained in the ballot packages is attached hereto as Exhibit "A."

¹ Of the 592 ballots at issue, 509 of those ballots have the voter's address pre-printed on the outer envelope to the right of the voter's declaration. This was done by the Board when it sent the ballot materials to the elector who had requested them. Of these 509 "pre-printed address" ballots, 266 voters also affixed their address in the space provided for return addresses on the front of the envelope. So, for 266 of these ballots, the voter's address actually appears twice. For the remaining 83 ballots, the pre-printed address was blacked-out in order to facilitate the delivery of the ballot materials by the USPS. In 47 of these "blacked-out ballots," the voter wrote their address on the space provided for a return address on the front of the outer envelope. 36 out of 592 ballots have an outer envelope with no easily discernable voter address. However, all 592 ballots contain the bar code that links each one to the SURE system and the specific voter's information -- including address -- is visible when scanned.

13. True and correct copies of examples of unopened absentee and mail-in ballots (front and back) that are part of, and indicative of, the 592 ballots at issue before this Court are attached as Exhibits “B” through “E” respectively.

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Wissert*

Dated: November 9, 2020

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*Attorneys for Respondent
Montgomery County Board of Elections*

Dated: November 9, 2020

[SIGNATURES CONTINUED ON NEXT PAGE]

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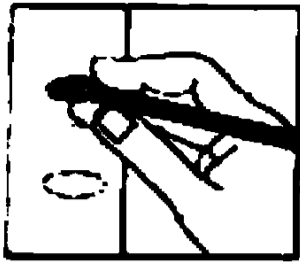
And

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*Counsel for Intervenor Democratic National
Committee*

Dated: November 9, 2020

EXHIBIT A



MARK YOUR BALLOT

Follow the instructions on the enclosed ballot selections carefully. **DO NOT** sign your ballot; be counted.



PACK AND SEAL YOUR BALLOT FOR DROP-OFF

1. Put your ballot in the "Official Election Ballot" envelope. **Do not write anything** on the "Official Election Ballot" envelope.
2. Put the "Official Election Ballot" envelope in the ballot-return envelope and seal the envelope.

Please Note: For your ballot to be counted, you must seal your ballot in the "Official Election Ballot" envelope, which must be sealed inside the larger ballot-return envelope, whether you return the ballot by mail, to a Board of Elections Office.



SIGN AND DATE THE RETURN ENVELOPE

1. Fill in the Voter's Declaration on the ballot.
2. Be sure that you **sign** and **date** your envelope.

Please Note: Your ballot cannot be counted without a signature on the return envelope.



RETURN IT

- By mail—No postage necessary
- In person—Drop your ballot off at a secure location at the Board of Elections Office

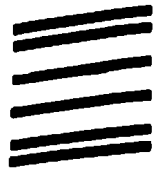
Remember: You may mail or drop off only your own ballot. Do not place anything in the ballot box that prevents you from mailing or delivering your ballot.

If you receive an absentee or mail-in ballot and return your voted ballot by the deadline, you may only vote a provisional ballot at your polling place on Election Day. If you are unable to return your voted ballot by the deadline, you may only vote a provisional ballot at your polling place on Election Day. If you do not return your absentee or mail-in ballot and the envelope with the Voter's Declaration, your absentee or mail-in ballot and the envelope with the Voter's Declaration at your polling location to be voided and you will be permitted to vote at your polling place on Election Day.

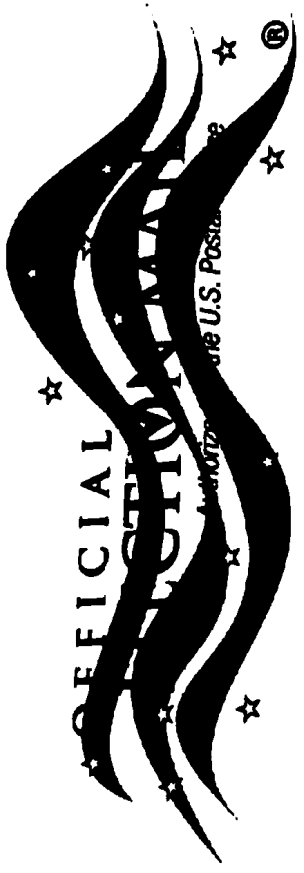
You can find the most up-to-date information regarding office locations as well as hours of operation and frequently asked questions at <https://montcopa.org/voterservices>.

EXHIBIT B

Montgomery County Prothonotary on 11/09/2020 1:10 PM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the
Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



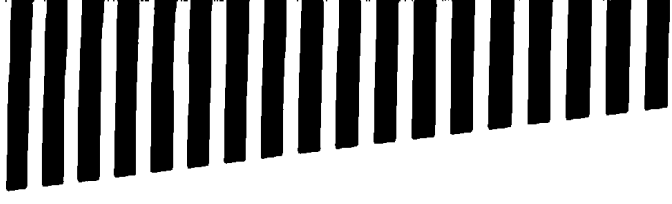
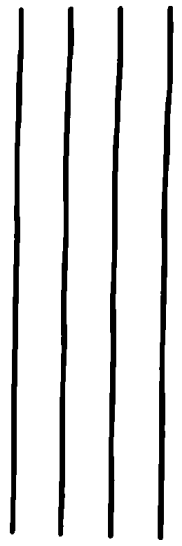
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 7026 HARRISBURG PA

POSTAGE WILL BE PAID BY ADDRESSEE

MONTGOMERY COUNTY BOARD OF ELECTIONS
1430 DEKALB ST REAR
NORRISTOWN PA 19401-9902



A

Did you...

- Sign the voter's declaration in your own handwriting?
- Put your ballot inside the secrecy envelope and place it in here?

DE 1114

Voter's declaration

I hereby declare that I am qualified to vote from the below stated address at this election; that I have not already voted in this election; and I further declare that I marked my ballot in secret. I am qualified to vote the enclosed ballot. I understand I am no longer eligible to vote at my polling place after I return my voted ballot. However, if my ballot is not received by the county, I understand I may only vote by provisional ballot at my polling place, unless I surrender my balloting materials, to be voided, to the judge of elections at my polling place.

Voter, sign or mark here

[Signature]

Date (MM/DD/YYYY)
11/01/2020

Voter, print name

Voter, address (street)

Voter, address (city, zip code)

To be Completed by Voter Unable to Sign their Declaration Because of Illness or Physical Disability:

I hereby declare that I am unable to sign my declaration for voting my ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

Voter, mark here

Date (MM/DD/YYYY)

Witness, address (street)

Witness, address (city, zip code)

Witness, sign here



110352247-46 560005-1
CHRISTOPHER
904 [redacted] DR
LANSDALE, PA 19446



EXHIBIT C

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A

OF 84

Did you...

- Sign the voter's declaration in your own handwriting?
- Put your ballot inside the secrecy envelope and place it in here?

Voter's declaration

I hereby declare that I am qualified to vote from the below stated address at this election; that I have not already voted in this election; and I further declare that I marked my ballot in secret. I am qualified to vote the enclosed ballot. I understand I am no longer eligible to vote at my polling place after I return my voted ballot. However, if my ballot is not received by the county, I understand I may only vote by provisional ballot at my polling place, unless I surrender my balloting materials, to be voided, to the judge of elections at my polling place.

To be Completed by Voter Unable to Sign their Declaration Because of Illness or Physical Disability:

I hereby declare that I am unable to sign my declaration for voting my ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.



006078697-46 52
 ELIZABETH
 551
 GLENSIDE, PA 190

Voter, sign or mark here

X Elizabeth

Voter, mark here

X



MONA

16 / 2 2 / 2 0 2 0
 Date (MM/DD/YYYY)

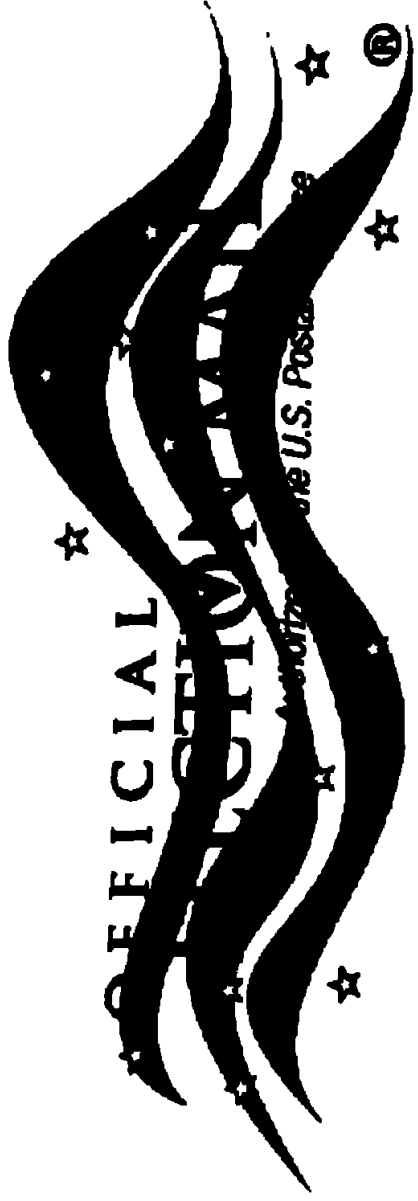
Date (MM/DD/YYYY)

Voter, print name

Witness, address (street)

EXHIBIT D

Carol [redacted] St
20 [redacted] St
Hatfield, PA 19440



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 7026 HARRISBURG PA

POSTAGE WILL BE PAID BY ADDRESSEE

**MONTGOMERY COUNTY BOARD OF ELECTIONS
1430 DEKALB ST REAR
NORRISTOWN PA 19401-9902**

M

Did you...

- Sign the voter's declaration in your own handwriting?
- Put your ballot inside the secrecy envelope and place it in here?

OE 833

Voter's declaration

I hereby declare that I am qualified to vote from the below stated address at this election; that I have not already voted in this election; and I further declare that I marked my ballot in secret. I am qualified to vote the enclosed ballot. I understand I am no longer eligible to vote at my polling place after I return my voted ballot. However, if my ballot is not received by the county, I understand I may only vote by provisional ballot at my polling place, unless I surrender my balloting materials, to be voided, to the judge of elections at my polling place.

Voter, sign or mark here

X *Carol* [Redacted]

10-25-2020

Date (MM/DD/YYYY)

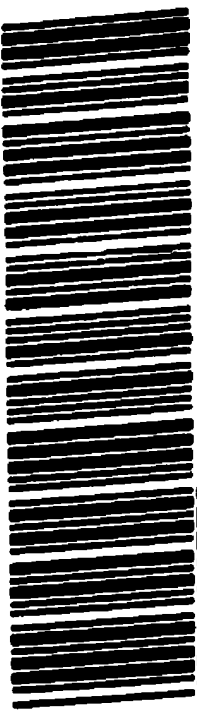
Voter, print name

Voter, address (street)

Voter, address (city, zip code)

To be Completed by Voter Unable to Sign their Declaration Because of Illness or Physical Disability...

I hereby declare that I am unable to sign declaration for voting my ballot with because I am unable to write by reason of physical disability. I have made or received my mark in lieu of my signature.



191384779
CAROL

006135565-46 000001-1

[Redacted] CAROL TOMPKINS

Voter, mark here

X



Date (MM/DD/YYYY)

Witness, address (street)

Witness, address (city, zip code)

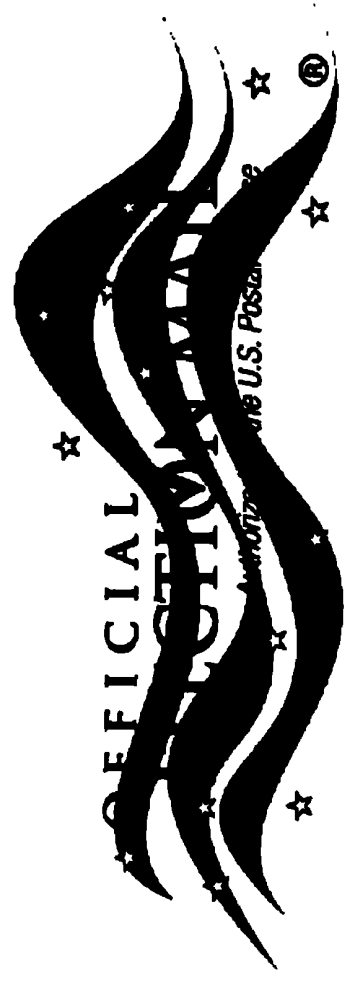
Witness, sign here



Case# 2020-18680-23 Docketed at Montgomery County Prothonotary on 11/09/2020 1:10 PM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Frank [REDACTED] ST
660 [REDACTED] ST
Norristown PA 19446

PHILADELPHIA PA 19101
28 OCT 2020 PM 7 L



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 7026 HARRISBURG PA

POSTAGE WILL BE PAID BY ADDRESSEE

MONTGOMERY COUNTY BOARD OF ELECTIONS
1430 DEKALB ST REAR
NORRISTOWN PA 19401-9902



M

OE 831

Did you...

- Sign the voter's declaration in your own handwriting?
- Put your ballot inside the secrecy envelope and place it in here?

Voter's declaration

I hereby declare that I am qualified to vote from the below stated address at this election; that I have not already voted in this election; and I further declare that I started my ballot in secret. I am qualified to vote in the enclosed ballot. I understand I am no longer eligible to vote at my polling place after I return my voted ballot. However, if my ballot is not received by the county, I understand I may only vote by provisional ballot at my polling place, unless I surrender my balloting materials, to be voided, to the judge of elections at my polling place.

To be Completed by Voter Unable to Sign their Declaration Because of Illness or Physical Disability:

I hereby declare that I am unable to sign my declaration for voting my ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

Voter, signor mark here



Voter, mark here



0081-49671-46 110202-1
 FRANCISCO



Date (MM/DD/YYYY)
 10/27/2020

Voter, print name
 FRANCISCO


Date (MM/DD/YYYY)

Witness, address (street)

Voter, address (street)

Witness, address (city, zip code)

Voter, address (city, zip code)

Witness, sign here

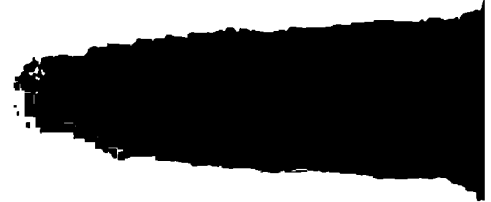
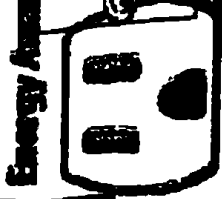
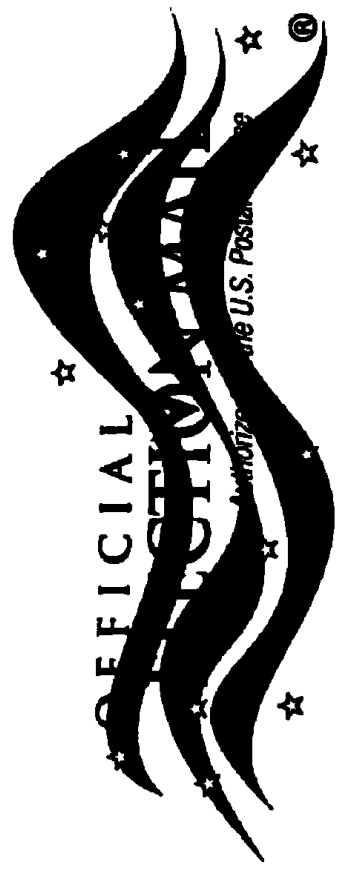


EXHIBIT E



PHILADELPHIA PA 19101

26 OCT 2020 PM 5 L



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 7026 HARRISBURG PA

POSTAGE WILL BE PAID BY ADDRESSEE

**MONTGOMERY COUNTY BOARD OF ELECTIONS
1430 DEKALB ST REAR
NORRISTOWN PA 19401-9902**

0E83

M

Did you...

- Sign the voter's declaration in your own handwriting?
- Put your ballot inside the secrecy envelope and place it in here?

Voter's declaration

I hereby declare that I am qualified to vote from the below stated address at this election; that I have not already voted in this election; and I further declare that I marked my ballot in secret. I am qualified to vote on enclosed ballot. I understand I am no longer eligible to vote at my polling place after I return my voted ballot. However, if my ballot is not received by the county, I understand I may only vote by provisional ballot at my polling place, unless I surrender my balloting materials, to be voided, to the judge of elections at my polling place.

Voter, sign or mark here

Joyce D.

Date (MM/DD/YYYY)

10/24/2020

Voter, print name

Joyce D.

Voter, address (street)

Voter, address (city, zip code)

To be Completed by Voter Unable to Sign their Declaration Because of Illness or Physical Disability:

I hereby declare that I am unable to sign my declaration for voting my ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

Voter, mark here

Date (MM/DD/YYYY)

Witness, address (street)

Witness, address (city, zip code)

Witness, sign here



000257380-46 520101-1



MONM