

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHY BARNETTE, individually and as a	:
candidate for Pennsylvania's 4 th Congressional	:
District and on behalf of all citizen electors of	: Civil Action No. 2:20-cv-05477
Berks County, Pennsylvania, et al.	:
	:
Plaintiffs,	:
	:
v.	:
	:
KENNETH E. LAWRENCE JR., Chair of the	:
Montgomery County Board of Elections and	:
Vice Chair of the Montgomery County Board of	:
Commissioners, in his official capacity, et al.	:
	:
Defendants.	:

DECLARATION OF DANIEL LEWIS COX

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Daniel Lewis Cox, and I am a representative for the Montgomery County Republican Committee at the pre-canvass on Tuesday, November 3, 2020.
2. On Sunday, November 1, 2020, I went to the Montgomery County Human Services Building, 1430 DeKalb Street, Norristown, PA, where we received a tour of the facilities where pre-canvassing and canvassing is supposed to occur beginning at 7:00 a.m. on Election Day.
3. Kenneth E. Lawrence, Jr., and Frank Dean were present with us.
4. When we first walked into the building, I observed a cart with mail-in ballots in the lobby hallway. These mail-in ballots were organized by the type of defect. For example, some of the mail-in ballots were placed behind a sign that stated "incomplete declaration." Additionally, there were signs that stated "wrong envelope" and "no secrecy envelope," and other mail-in ballots were placed behind these signs.

5. Anyone who walked into the lobby of the building could see the cart, and they were exposed to public view.
6. When we asked about the mail-in ballots in the cart, Mr. Dean explained that Montgomery County regularly inspects and reviews mail-in ballots.
7. Mr. Dean further stated that Montgomery County identifies ballots with errors and contacts the voters and notifies them that they can fix their defective ballots.
8. Mr. Dean acknowledged that he and his staff allowed voters to add a signature to a mail-in ballot after it was submitted and also to add a secrecy envelope to a mail-in ballot after it was submitted.
9. On information and belief, adding a secrecy envelope to a mail-in ballot requires breaking the seal of the mail-in ballot and then resealing mail-in ballots or potentially providing a new declaration for the outer envelope.
10. On Tuesday, November 3, 2020, I went to the Montgomery County Human Services Building, 1430 DeKalb Street, Norristown, PA, as a representative of the Montgomery County Republican Party. I observed a bin of ballots, which appeared to be mail-in or absentee or absentee ballots because they had envelopes and declarations with some sort of deficiency.
11. These rejected mail-in or absentee ballots were set aside, but at some point a Montgomery County elections personnel began handwriting the name of the voter and SURE ID of each rejected ballot. This employee eventually provided a copy of the pages on which the name of the voter and SURE ID of each rejected ballot was written, to representatives from the Democrat Party and as well as to me and Jacob Glenn Daniels.

12. I noticed that a number was written in red ink on the upper left-hand corner of the rejected mail-in ballot or rejected absentee ballot.
13. The Montgomery County employee later instructed the personnel making the list stated in paragraph eleven, above, to add those numbers in addition to the name of the voter and SURE ID of each rejected ballot on the list. It is unclear what the number written in red ink on the upper left-hand corner of each rejected mail-in ballot or rejected absentee ballot represents, but there are at least two sets of numerical code or sequence of "SE" or "OE" and numbers.
14. I also observed that individuals who were sitting inside the Elections Office lobby near the voter room door had a copy of the names of voters and SURE ID of rejected ballots that the Montgomery County employee provided. These individuals had cellular phones and appeared to be contacting voters whose mail-in ballots or absentee ballots were rejected.

I, Daniel Lewis Cox, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 3, 2020


Daniel Lewis Cox