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## **DISTRICT ATTORNEY JIM MARTIN ANNOUNCES CHARGES FILED AGAINST JUDGE OF ELECTIONS**

I am announcing today that charges have been filed against the elected Judge of Elections in the 3<sup>rd</sup> Ward of Allentown, Everett Edward Bickford, also known as Erika Bickford, also known as Reverend Everett E. Bickford.

(At the hearing before the Board of Elections Ms. Bickford stated her preferred pronoun of address to be, "she or they." I will refer to her here in the feminine case.)

Everett/Erika Bickford, has been charged under the Pennsylvania Election Code with the following offenses: Insertion and Alteration of entries in documents, etc., 25 P.S. §3505 and Prying into ballots, 25 P.S. §3526. These offenses are ungraded misdemeanors.

The Pennsylvania Election Code was adopted in 1937. Although amended in part over the years, its language is somewhat obtuse when applied to current election process. Therefore, I have paraphrased the two statutory sections at issue here, and have attached them as Appendix "A," as an aid to understanding the charges.

A Complaint was filed earlier today in District Court 31-1-04, the office of Magisterial District Judge David M. Howells, Jr. Everett/Erika Bickford voluntarily surrendered to detectives today, she has been arraigned and released on her own recognizance (ROR).

On June 2, 2020, a Primary Election was held in Pennsylvania and Ms. Enid Santiago was a candidate on the Democrat ticket for State Representative of the 22<sup>nd</sup> District. Her opponent in the Democrat Primary was Peter Schweyer, the incumbent State Representative of the 22<sup>nd</sup> District. Bickford is the Elected Judge of Elections in the City of Allentown, 3<sup>rd</sup> Ward. The voting location of the 3<sup>rd</sup> Ward is the Lehigh County Government Center, 17 South 7<sup>th</sup> Street. The vote totals in the 3<sup>rd</sup> Ward were: Santiago 95; Schweyer 52, a

difference of 43 votes in Santiago's favor. Throughout the 22<sup>nd</sup> District, the vote totals were: Schweyer 2197; Santiago 2142, a difference of 55 votes in Schweyer's favor. That vote was certified on June 22, 2020.

Following the June 2<sup>nd</sup> primary, if a challenge was to be made it must have been filed in writing by Petition in the Court of Common Pleas by at least twenty registered electors within twenty days, i.e. June 22<sup>nd</sup>. 25 P.S. §3456. No such petition was filed. After the votes have been computed, a petition for a recount must be filed in the Court of Common Pleas by at least three qualified electors within five days, i.e. June 27<sup>th</sup>. 25 P.S. §3263. No such petition was filed.

However, despite the certification of the votes, Ms. Santiago notified the County Board of Elections of Lehigh County of alleged irregularities at the voting location of the 3<sup>rd</sup> Ward which she contended were violations of the Election Code of Pennsylvania.

Acting pursuant to 25 P.S. §2642(i), on Wednesday, July 29, 2020, the Board of Elections held a public hearing on Ms. Santiago's complaint. The Board of Elections of Lehigh County is comprised of Phillips M. Armstrong, Jane Ervin and Doris Glaessman.

Following that hearing, the Board found, **"...that the actions of Everett Bickford on June 2, 2020, in the City of Allentown, Lehigh County, Pennsylvania, are in fact suspicious and merit a referral to your office."** That decision was rendered and a transcript of the hearing was supplied with a letter to me from the Board dated August 13, 2020. A similar referral was also made to the Attorney General of Pennsylvania, Josh Shapiro, by letter of the same date.

**The Board did not identify the specific actions of Everett Bickford which were found to be "suspicious."**

Upon receipt of the transcript of the hearing which ran to 261 pages, I began a review of the matter and read the complete transcript. Thereafter, I assigned the matter for further investigation to Chief County Detective Michael J. Millan and County Detective Richard Heffelfinger. The two detectives interviewed Timothy A. Benyo, Chief Clerk—Registration and Elections of the Voter Office of Lehigh County; the candidate Ms. Enid Santiago; and, the subject of the investigation, who voluntarily appeared, Everett/Erika Bickford.

Although Ms. Santiago had alleged several different complaints about the conduct of the election generally, **the Board of Elections forwarded for my review only the "suspicious" actions of Everett Bickford.**

Ms. Santiago stated that while inside the poll at the Government Center, she noticed that Bickford had two ballots in her hand, one apparently voted

ballot and one blank ballot. Ms. Santiago alleges that she saw Ms. Bickford writing on a blank ballot. Mr. Benyo was present at the time, and according to Ms. Santiago, Mr. Benyo admonished Ms. Bickford telling her that she had to stop and that her actions were not permissible.

While Mr. Benyo was at the poll in the Government Center, he stated that he questioned Ms. Bickford about pens and removed them from a table. While speaking with her, Benyo noticed that Bickford had election ballots and a pen in her hand. Benyo described them as one blank ballot and one voted ballot, and it appeared that Bickford was marking the ballots. When questioned, Ms. Bickford said that she was “darkening the bubbles” because the machine couldn’t read them. Benyo stated that he told Bickford to stop, that she can’t do that. Benyo asked Bickford where the voter was, and Bickford said that the voter had left, or that she didn’t know.

In her testimony before the Board of Elections, Bickford testified that she assisted approximately ten voters by darkening the bubbles on their ballots (so that the machine could read the ballot). She also indicated that she “trimmed” ballots so that the machine would accept them.

On interview with the two detectives, Ms. Bickford indicated that she had been Judge of Elections for approximately ten to twelve years. **She said that she altered no ballots.** However, when asked how many ballots she thought she handled in trimming the jagged edge so that it would be accepted by the scanning machine, “she indicated ten or twenty, I’m not sure.”

With regard to darkening of the bubbles on ballots, Bickford said that all she did was darken the dots that the voter chose. **She said she did not alter any ballots, i.e. she did not change the voter’s choice.** When asked how many ballots she thought she darkened, **Ms. Bickford said “not many, about thirty, maybe if that.”** She was asked this question several times by the detectives and each time **she estimated that she darkened voter’s bubbles “around thirty times.”**

The detectives examined all of the ballots from the 3<sup>rd</sup> Ward and found no evidence of tampering on the ballot, i.e. no erasure marks, whiteout, etc. Further there were no indications of a double vote in any of the races listed on the ballot. And, there were no “spoiled” ballots in the 3<sup>rd</sup> Ward.

I have concluded that it cannot be determined or proven beyond a reasonable doubt, that Judge of Elections Everett Bickford, also known as Erika Bickford, altered or changed a vote to favor one of the candidates. However, based upon the observations of Mr. Benyo and Ms. Santiago and her own testimony before the Board of Elections and her statements to the county detectives, it appears clear beyond a reasonable doubt that Ms. Bickford “colored in” or “darkened” marks or “bubbles” on the ballots of about thirty voters. Thus, she has been charged accordingly.

**As in every criminal case, the fact that a warrant has been issued or an arrest has been made is merely an accusation; and the defendant Everett Bickford, also known as Erika Bickford, is presumed innocent until and unless proven guilty.**

Allentown  
(end)

## **APPENDIX "A"**

### **Insertion and alteration of entries in documents; etc.**

“Any...judge...of election...who knowingly inserts...any...false figure or other fraudulent entry on or in any...ballot...authorized or required to be made...in connection with any primary or election; or who materially alters...any entry which has been lawfully made therein...shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month or more than two (2) years, or both, in the discretion of the court.”  
25 P.S. §3505

### **Prying into ballots**

“Any judge, ...who, before any ballot is deposited...shall unfold, open or pry into any such ballot...shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.”  
25 P. S. §3526