

[In Re: Canvassing Observation](#) (2020). Judge Tsai authored the opinion.

Holding: The Court denied Donald J. Trump for President, Inc.’s petition to allow closer inspection of the ballot canvassing process, finding that the Board of Elections had complied with the requirements of 25 P.S. § 3146.8. Observers were permitted to be present, and the statute does not require the “meaningful access” the campaign sought.

Analysis: The Court explained that the Election Code only entitles watchers to *be present* when envelopes are opened and ballots are counted and recorded—it does not authorize auditing, signature verification, or close inspection of individual ballots. The campaign’s observer testified that he could see the canvassing process, including ballot opening and sorting, even if not the fine details. The Court reasoned that safety and voter privacy considerations, particularly under COVID-19 protocols, justified the distance barriers. It emphasized that “meaningful access” is not a statutory requirement, and Courts had consistently rejected efforts to let observers audit or second-guess canvassing. Minor irregularities in ballot handling do not justify disenfranchising voters.

Background: The case arose after the Trump campaign petitioned the Philadelphia Election Court for closer access to observe mail-in and absentee ballot canvassing at the Convention Center. Observers were placed behind barriers about 15–18 feet from canvassing tables. The campaign argued this prevented meaningful observation. The Court heard testimony from campaign observer Jeremy Mercer, who described the setup and acknowledged he could view the process, though not markings on ballots. The Board designed the layout according to CDC guidelines, balancing observation rights with voter privacy. The Court concluded the statutory requirements were met and denied the petition.