

**LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION**

**AGENDA**

**March 6, 2023 at 5:00 P.M.**

**Council Meeting Room**

**Luzerne County Courthouse**

**200 N. River Street Wilkes-Barre, PA 18701**

**And**

**Video/Teleconference via ZOOM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

**ROLL CALL**

**ADOPTION OF AGENDA**

**PUBLIC COMMENT ON AGENDA ITEMS**

This is an opportunity for members of the public to address the Board on matters listed on the agenda. (Limited to 3 minutes & one comment time per person) Please refer to the Board of Elections and Registration Online page of County's Website at <https://www.luzernecounty.org/1282/ABC-Meetings-Online> for information on how to participate in Public Comment via technology.

**APPROVAL OF MEETING MINUTES FROM:** January 18, 2023 Regular Meeting (pp. 3-9), January 25, 2023 Special Meeting on "Notification to Cure Procedure" (pp.10-11), February 3, 2023 Special Meeting for the Adjudication of Mail-in Ballots with Deficiencies & Provisional Ballots (pp.12-17), February 13, 2023 Special Meeting for the Certification of the January 31, 2023 Special Election (p.18).

**Bureau**

- 1. Electronic Poll Books – Status Update – RFP Bid** – Information from Bureau, Discussion, Possible "Support of Approval" or "Non-Support of Approval" Vote by Board
- 2. Mail-in Ballots & Ballot Printing – Status Update – RFP Bid-** Information from Bureau, Discussion, Possible "Support of Approval" or "Non-Support of Approval" Vote by Board
- 3. Election Integrity Grant – Status Update – Recommendation(s) of Bureau and Board for Remaining Balance** – Discussion
- 4. May Primary Election – Paper Ballots vs. Ballot Marking Devices** – Bureau Recommendation, Discussion, Possible "Support of Approval" or "Non-Support of Approval" Vote by Board
- 5. May Primary Election – Status Update**
- 6. May Primary Election – Ballot Drop Box Locations** – Information from Bureau, Discussion, Possible Vote by Board

## **Board**

1. **Memorandum of Understanding - "Best Practices for Cooperation between Election Bureau & Election Board for Budget Review, Election Equipment Purchases & Hiring Process Input** - Review of Memorandum of Understanding (p. 19-21), Discussion, Vote by Board
2. **Agenda Procedure Change - Proposed Motions Included with Agenda Items (AS):** Discussion, Vote by Board
3. **Board of Elections & Registration By Laws - Reconsideration of Procedure for Creation (DW):** Discussion, Board Vote
4. **Local Candidate/Committees/Individuals Campaign Finance Filing Requirements: Bureau Process for Accounting for all Forms Required to be Remitted, Verification of Proper Completion of Forms, Submission of Forms within Required Timeframe, Process in Place for Late Submission Penalties, Posting of Reports to Website (DW):** Discussion

## **COMMENT ON NON-AGENDA ITEMS**

This is an opportunity for members of the public to address the Board on matters not listed on the agenda but which must be within the subject matter jurisdiction of the Board. (Limited to 3 minutes & one comment time per person) Please refer to the Board of Elections and Registration Online page of County's Website at <https://www.luzernecounty.org/1282/ABC-Meetings-Online> for information on how to participate in Public Comment via technology.

## **MOTION TO ADJOURN**

## **ADJOURNMENT**

AND REGISTRATIONS MEETING MINUTES

LUZERNE COUNTY COURTHOUSE COUNCIL ROOM

JANUARY 18, 2023

CALL TO ORDER 5:00 PM

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes

APPROVAL OF AGENDA

Motion to approve Alyssa Fusaro 2nd Jim Mangan, unanimous

PUBLIC COMMENTS (3 minutes)

Jamie Walsh, Ross Township-the Bureau report has not been provided to the public and this is required by the Sunshine Act; provided Board members with a handout regarding a lawsuit against restricting public comments; attempted to summarize but was informed by the Chair that his time was up

Bob Kabluboski-wanted to know how to address the Board as a whole; how can we stop Jamie Walsh from speaking and limit comment time to 3 minutes; this is communism; Board doesn't have to pay for a lawsuit but taxpayers will; 3 minute limit is outrageous given what the voters were put through in the last election; lose rights a little at a time; what are we going to do about the provisionals that were rejected because of no JoE or minority inspector signature?

Robin Kosin, Dallas Township-read last meeting minutes -finds use of prior workers disconcerting; there was a procedural manual; waste of time writing a new manual when there was one; no faith in Emily Cook doing the manual; there is not enough training; pushing the procedures manual off is not good; 6 PM would be a better start time for meeting as more responsive

Walter Griffith-best practices for budget review, etc.; important for the Board to discuss and collaborate with county prior to submitting the budget; should be in the bylaws; Board needs to know how the money is spent; Board has never had bylaws since 2012; committee to craft in 6 months

Cindee Deluca-filed a complaint in April 2022; asked DA recuse and was handed to AG; AG never contacted her; told case has been closed; Board needs to request records of AG's attempts to contact her

Dino Ninoti, Wilkes Barre-email read into comment by Chair; she apologized for not reading it during the last meeting-wanted to know the procedure for sealing and deploying the machines;

who check? Who seals? Have all supplies been ordered? Ink checked?

## MINUTES

Motion to approve minutes of January 4, 2023 meeting Alyssa Fusaro 2nd Danny Schramm,

unanimous

## BUREAU OF ELECTIONS REPORT

Special Election-Beth McBride reported that the mail in ballots are going out; the Hazleton drop box has been placed; poll worker training has started; rovers will be going to precinct where about 8 JoE's have not attended training

Alyssa Fusaro was assured that the polls have been staffed and that paper ballots will be used

## BOARD OF ELECTIONS REPORT

Denise Williams discussed 3 matters that would outline procedures which should be posted to the election web page:

Budget Review-Denise Williams proposed that a copy of the budget be given to the Board prior to its being submitted so that the Board can provide input; it should be a cooperative back and forth

Alyssa Fusaro agrees; feels that Board has been cut out of our Title 25 responsibilities which requires the Board approve the budget

Paula Radick-best practice recommended by the Office of Law; conforms to the Home Rule Charter

Equipment Procedure-anything over \$25,000 goes to the county Council but must be presented to the Board first which would vote to approve or not; this applies to large, not small, purchases; prior Boards did this; gives Council some information prior to their voting on these issues

Hiring-the Board should be added to the hiring process for the 3 managers of the Bureau; perhaps the chair and vice-chair or a bi-partisan team selected by the Board if both the chair and vice- chair are the same party?

Alyssa Fusaro-agrees, we were cut out of everything which led to an aggressive climate

Paula Radick-the Board can't do resolutions because we can't give ourselves powers we don't have; can agree to accept these best practices, stating what these best practices are; need to work within the Charter

Jen Pecora-memorandum of understanding between management and the Board which can be redone if leadership is changed

Complaint by Cindee DeLuca-witnessed a person entering and remaining in a polling place for at least 15 minutes, person should not have been there; complaint passed to AG's office who investigated and closed without charges; AG office advised Ms Deluca did not respond to contacts. Ms Deluca says she was not contacted; Paul Radick advised her to contact the AG's

office

Drop Boxes for the Primary-Denise Williams suggested that county owned sites in the east and north areas be investigated

Jen Pecora advised that the housing authority would have to be contacted regarding one site in Wright Township

Alyssa Fusaro-Wright Township banned drop boxes

Denise Williams-actually the resolution passed mirrored the one passed by County Council and just requested the PA legislature ban them and eliminate mail in voting

Alyssa Fusaro-why the secrecy; didn't receive any emails; asked the Board be included in any future emails

Bylaws-Paula Radick advised that the Board can create their own bylaws but they must comply with the Admin Code and Charter

Alyssa Fusaro-County Council's has how to conduct meetings and themselves, how and why it's done that way, gives new members a blueprint; envisions everyone working together

Jim Mangan moved to create bylaws for the Board of Elections

Denise Williams-suggested committee of , not work sessions, monthly meetings during the day; in cooperation with the Office of Law; start and stop times for the meetings; present the to the Board for discussion and a vote

Alyssa Fusaro-committee of 3 excludes 2 Board members

Denise Williams-committee does the leg work

Alyssa Fusaro 2nd Jim Mangan's motion to create bylaws

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes, unanimous

Denise Williams moved to form a bylaw committee that will include 3 members of the Board who will meet once a month and present their work to the Board for approval

2nd Danny Schramm

Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes,  
Denise Williams yes, unanimous

Denise Williams moved that the committee would be Alyssa Fusaro as Chair, Denise Williams, and Audrey Serniak 2nd Alyssa Fusaro

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes,  
Denise Williams yes, unanimous

Board's Clerk-Alyssa Fusaro-Title 25 requires we officially name our clerk; Jen Pecora should be the clerk, if she needs to she can delegate the responsibility for the day; spoke to people involved with t\writing the Charte and this was done to remove the burden from the Director of the Bureau

Jen Pecora said she would do it

Alyssa Fusaro moved to officially name Jen Pecora as the Board's clerk 2nd Danny Schramm

Audrey Serniak no Alyssa Fusaro yes, Jim Mangan abstain (no reason given),

Danny Schramm yes, Denise Williams no, 2 yes, 2 no, 1 abstain; motion fails

Chain of Custody-Alyssa Fusaro-concerns about the chain of custody for the Hazleton area ballots on election night;

Beth McBride-the JoE's take the ballots to a central location in Hazlton; sheriffs deputies, 2 people from buildings and grounds and a Bureau employee take the ballots to Penn Place; employees have been sworn

Alyssa Fusaro moved to table until the Office of Law can be sure it is legal

2nd Audrey Serniak, unanimous

Procedures Manual-Alyssa Fusaro-necessary and Board responsibility

Denise Williams-this is a Bureau responsibility

Audrey Serniak-would like to see what the Bureau has

Jen Pecora-contains sensitive information but open to the Board coming in the look at it

Danny Schramm-they prepare but we can look at it

Jim Mangan-is there a manual?

Jen Pecora-yes but every election has been different so it is continually being updated

Alyssa Fusaro-are we using the seals and signature card for the blue and red bags? Is the procedure voted on by the Board being followed? The point being the procedures the Board has voted on must be followed

Beth McBride-there are seal and sign off sheets; the procedure is being followed

Alyssa Fusaro moved form a policy and procedure committee of the Board

no second, motion failed

Voting Machine Check List-Alyssa Fusaro-need to have a sheet where people who complete tasks sign off on them as they are done; wants to know if the machines can be breached as claimed; need to prevent something from happening

Alyssa Fusaro moves to review current security on machines and machine enclosures to insure they can't be tampered with

Jim Mangan-explain machine process; can Mr. Granteed demonstrate how the machines can be breached?

Jen Pecora-bipartisan team goes to the warehouse and prepares and seals the machines;there is a check list and also printed reports; another team scans the tags; the machines go into trucks and are delivered; tags need to be cut off; machines can be damaged in transit and this is to be reported immediately

Pual Radick-advised against a demonstration of the machine breach at this time

Alyssa Fusaro motion on table 2nd Jim Mangan

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,  
Denise Williams yes; unanimous

Provisional Ballots-Alyssa Fusaro-Alyssa Fusaro-advises the public to make sure that when filling out the outer envelope of a provisional ballot that either the JoE or minority inspector signs the envelope; the Board must reject a provisional ballot that is not signed by the JoE or minority inspector;

Curing-mail in ballots can come in deficient in some way; the current procedure allows them to be fixed by voting a provisional ballot at the polls; some of these ballots were challenged and t he Board did vote to accept them; there is an affidavit on the provisional that must be signed stating that the voter hasn't cast a prior ballot; law is clear that if a ballot has been received in a timely manner the provisional cast at the poll is invalid

Denise Williams-this is an opinion that has to be decided in a court of law

Audrey Serniak-guidance says it's ok to do this

Alyssa Fusaro-not questioning curing, but doing it provisionally is illegal

Paula Radcik-allowed to cure; guidance permits; compensating for flaws in the law

Jim Mangan-not happy with this; we are in possession of flawed ballots and suggests people come into the Bureau to cure the outer envelopes and we can then process the ballot

Denise Williams-hurdle for voters from outlying areas to come into the Bureau; not illegal

Alyssa Fusaro moved that ballot curing be done by visiting the Bureau of Elections and not by

provisional ballot at the polls in order to comply with PA Election Code Title 25 2nd Jim Mangan

Jim Mangan yes, Danny Schramm yes, Audrey Serniak no, Alyssa Fusaro yes,

Denise Williams no; 3 yes, 2 no, motion passes

Items in Judges Bags-Alyssa Fusaro-witnessed voters lists being thrown into the regular waste;

these lists are public records but should be shredded; asks the Bureau to do this and to make sure that all inexperienced workers be paired with experienced workers

Beth McBride agreed to look into it

PUBLIC COMMENTS (3 minutes)

Bob Kabluboski, Wilkes Barre-how much is Paula Radick being paid per hour and why isn't she here in person; how did we get into this mess with the voting system and are we going to be ready for the primary; how can you cut a citizen off and can we extend the time

Nina Ropa, Kingston Township-40 years ago she had to step up when the JoE didn't show; was helped by poll workers from both parties, had to drive ballots a long distance in herself; Alyssa Fusaro shouldn't apologize because she is speaking to the law

Robin Kosin, Dallas Township-thanked some Board members for addressing her concerns; has questions but not getting any answers; wants same working relationship with citizens as with the Bureau, Administration and Council; why is the manual constantly being rewritten; no confidence in elections

Joe Granteed, Plains Township-second time he heard comments about not eliminating drop boxes so voters are not disenfranchised; no sympathy for people who have to come to Bureau to vote; faze out drop boxes because they are unequal, not credible; unreliable; need to reenfranchise the people who were disenfranchised; Board members should take a polygraph test to state we had no prior knowledge of the paper problem to restore public confidence; bylaw committee should meet after working hours

Walter Griffiths-Board meeting less than 2 weeks from Special Election and has not asked if enough paper is ordered, for the L&A report,are poll books ready to go; Admin code has conflicts, get Council to fix the code

Denise Williams-we are using paper ballots for this election; L&A machine testing was successfully completed; poll books will be set up beginning next we



MOTION TO ADJOURN Alyssa Fusaro 2nd Audrey Serniak, unanimous  
ADJOURNED 7:37 PM

LUZERNE COUNTY BOARD OF ELECTIONS  
AND REGISTRATIONS SPECIAL MEETING MINUTES  
COURTROOM A, PENN PLACE  
JANUARY 25, 2023  
CALL TO ORDER 9 AM  
PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

## ROLL CALL

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes

## APPROVAL OF AGENDA

Motion to adopt Audrey Serniak 2nd Danny Schramm, unanimous

## PUBLIC COMMENTS (3 minutes)

Claudia Glennan, Salem Township-not an attorney but plays one on the Board; can't agree with people who don't know the law; this was a step backwards and need to recover; need to base votes on legal advice and discussions; system is set up to prevent double votes

Alisha Hoffman-Mirilovich, Fairview Township-has worked with the ACLU for a number of years; agrees with their statement and helped draft it; with Action Together

## BOARD OF ELECTIONS

Alyssa Fusaro-votes can be cast for any reason but they can't be counted for any reason; law is clear that these ballots can't be counted; this skips the step of challenging ballots; created a situation so probably not the best decision; According to Title 25 they shouldn't count; HAVA, etc. leaves it up to interpretation and a court decision is needed

Danny Schramm-looked at things; presented part way not looked at entirely; finding the law is difficult on the computer; how do you get a copy of the election code? focusing on one thing and not the whole is half truth; difficult coming here and problems with parking parking; 25 miles drive is not necessary, his mail in was not received and it was convenient for him to come here to get a duplicate ballot; there are checks in the system; provisional is not counted if mail in is deemed good

Audrey Serniak-my understanding is that this procedure came from the Department of State to all PA election bureaus; not from the Bureau and not from the Board; State takes precedent over the Charter and Administrative Code

Jim Mangan-no intention to disenfranchise anyone; everyone was here when the ballots were challenged; legality has to be settled; his intent was for the voter to come in and reify the problem and expedite the process; no intent to disenfranchise; Board is caught in the middle

Paula Radick-look at all curing law, there are decisions to be made; should err towards enfranchising the voter; if contacted it is not successfully cast; provisionals are all painstakingly reviewed by this Board; can use a replacement ballot at the Bureau or a provisional at the polls

Alyssa Fusaro-skipping over Title 25: received in a timely manner; gets enfranchising but the law is the law; she is trying in a sense to enfranchise the voter

Denise Williams-in fairness people should not have to come all this way to vote; our job is to determine ballots not make things easier for the Board; no doubt that if decision regarding curing by provisional stands there would be a lawsuit costing the taxpayers money; Board members need to do their due diligence

Paula Radick-ruling can come down at any time; this may not impact this election but can impact future elections

Danny Schramm moved that voters will be able to cast a provisional ballot at the polls in addition to curing at the Bureau if notified by the Board/Bureau that their ballot won't be counted. 2nd Audrey Serniak

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro no, Jim Mangan yes,

Denise Williams yes; 4 yes 1 no, motion passes

PUBLIC COMMENTS (3 minutes)

Jim Mangan-asked for the press's help in educating the public so that they can correctly create a ballot

Alisha Hoffman-Mirilovich-executive director of Action together NEPA a non-profit for voter advocacy; have been making phone calls for the last two election cycles to mail in voters asking them if they received their ballot and educating them on how to complete it correctly; doesn't tell them how to vote; will continue

Denise Williams-has noticed the press has been helping; hopes other organizations and parties will help as well

Alyssa Fusaro-reports that nursing home residents were not receiving their ballots

Alisha Hoffman-Mirilovich-people have received calls but are unable to cure; can the Board consider giving organizations besides the political parties the curing lists? AT NEPA can provide transportation; full disclosure she holds and elected Democratic position

Denise Williams-it's a strong allegation that someone is voting ballot for nursing home resident; the Bureau can check if a ballot has been voted

Beth McBride-the Bureau can do a better job of voter outreach; using the Visitors Bureau FB page and looking into their own FB page; Board members can help by attending community education meetings

MOTION TO ADJOURN

Alyssa Fusaro 2nd Jim Mangan

ADJOURNED 9:37 AM

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

SPECIAL MEETING FOR ADJUDICATION OF MAIL-IN BALLOTS WITH DEFICIENCIES & PROVISIONAL BALLOTS

February 3, 2023 at 8:30 A.M.

3rd Floor, Courtroom A

Penn Place Building

20 N. Pennsylvania Ave., Wilkes-Barre, PA 18701

CALL TO ORDER 8:38 AM

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes

ADOPTION OF AGENDA

Motion Jim Mangan 2nd Danny Schramm, unanimous

PUBLIC COMMENT ON AGENDA ITEMS

None

AGENDA ITEMS - BOARD OF ELECTIONS & REGISTRATION

Denise Williams explained the process the Board will use and introduced the Republican representative Deborah Jordan; the Democrats did not have a representative

ADJUDICATION

A. Mail-in Ballots Set Aside Due to Death of Voter Prior to Opening of Polls-1

B. Outer Envelope Deficiencies

-No Outer Envelope-zero

-No Signature-2

Paula Radick advised that the signature is required, do not count

Board and party rep-do not count

Alyssa Fusaro moved to reject the 2 ballots without a voter signature 2nd Jim Mangan

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes,

Denise Williams yes; motion passes unanimously

-Bad Affirmation (Wrong Name, No Witness for X )-19

Paula Radick-reject

Denise Williams-need to sign as registered

Jim Mangan-situation where spouses switched outer envelopes; if have a corresponding envelope we don't want to disenfranchise spouses

Alyssa Fusaro-not a stretch to count them if we have a match of last names and addresses but if we don't then we don't know whose ballot we have

Audrey Serniak- accept the 'matches' and reject singles

Danny Schramm-two together yes, single no

Emily Cook-no provisional were used to cure a ballot

Deb Jordan-voting should be absolute in accordance with the rules; Board relies too much on the human factor; follow the absolute of the law

Jim Mangan moved to reject 11 with wrong signatures 2nd Danny Schramm

Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes,

Denise Williams yes; motion passes unanimously

Jim Mangan moved to accept the 8 with corresponding last names and addresses

2nd Audrey Serniak

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes; motion passes unanimously

-No Date-24

Paula Radick advised that current litigation says not to count ballots that are not dated; they should be segregated in case this changes

Board discussion-reject and segregate; follow the law

Denise Williams-on record that she doesn't think a date is necessary but will follow the law

Alyssa Fusaro moved to reject the 24 ballots with no date 2nd Jim Mangan

Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes,

Denise Williams yes; motion passes unanimously

-Wrong Date (Date Out of Range)-36

Range is 1/6-1/31

Paula Radick advised that current litigation says not to count ballots that in which the dates are out of range; they should be segregated in case this changes

Denise Williams-dates are not material; it bothers her to reject peoples votes for this reason

Alyssa Fusaro moved to reject the 36 ballots with date out of range 2nd Jim Mangan

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes,

Denise Williams yes; motion passes unanimously

-Seal Issue(s) with Outer Envelope-zero

C. Inner (Secrecy) Envelope Deficiencies

-No Secrecy Envelope (Naked Ballot)-10

Paula Radick-reject

Board discussion and Party rep-reject

Alyssa Fusaro moved to reject the 10 ballots without secrecy envelopes

2nd Danny Schramm

Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes,

Denise Williams yes; motion passes unanimously

-Identifying Marks on Inner (Secrecy) Envelope (Name, Party or Candidate Preference)-2

Paula Radick-reject

Alyssa Fusaro moved to reject the 2 with ID marks 2nd Jim Mangan

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes; motion passes unanimous

-Partially Naked Ballots - (Fully enclosed in Secrecy Envelope but not Fully Sealed)-zero

Break 9:56 AM-10:13 AM

-Damaged Ballots-9

Paula Radick-can be transposed and counted

Emily Cook-damaged due to glue issues; transposed and a label affixed to the original so that it will not scan

Board and Party Rep reviewed and agreed that the copies were accurate

Jim Mangan moved to accept the 9 transposed ballots 2nd Danny Schramm

Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes,

Denise Williams yes; motion passes unanimous

-Ballots with Identifying Marks-zero

D. Other

-I.D. Not Verified Mail-in Ballots Total Number-3

Paula Radick-6 calendar days to provide ID; through 2/6/2023

Board will be notified if any ID's are received

-No Signature on File Mail-in Ballots Total Number-)-zero

-Undeliverable Mail-in Ballots Total Number-123

Emily Cook-ballots returned by the post office are date and time stamped; the SURE system is updated and voters are notified; ballots cannot be forwarded

Marks on secrecy envelopes that are not ID marks-11, ballots can be scanned

#### E. Provisional Ballots

Each of these categories also need to be checked for: Outer Envelope, Voter Signature on Envelope, Judge /Inspector Signatures on Envelope, identifying marks on Secrecy envelope, identifying marks on ballot

-No Outer Envelope-zero

-Mail-in Ballot Voter -Voted Provisionally - Deemed Voted Already by Mail-in Ballot in S.U.R.E. System-zero

-Voter was issued but did not successfully vote an absentee or mail-in ballot and ballot was not surrendered at the polling place to be spoiled. (Confirmed in SURE Registry)-32

Paula Radick-can count if voter did not vote twice; one voter signature is ok per previous Board determination

Jim Mangan-one signature-voter did sign, judges signed

Alyssa Fusaro-ok with left half not being signed, right half contains the affidavit

Deborah Jordan-ok since verified

Jim Mangan moved to accept the one ballot with one voter signature 2nd Audrey Serniak

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes,

Denise Williams yes; motion passes unanimous

31 provisionals reviewed

Alyssa Fusaro moved to accept the 31 ballots voted provisionally where the mail in was not spoiled and no other ballot was cast 2nd Jim Mangan

Audrey Serniak yes, Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes

Denise Williams yes; motion passes unanimous

-Voter s Mail-in or Absentee Ballot was rejected/cancelled within SURE System Voter Voted Provisionally at Poll to Cure Ballot-zero

-Voter s Name was not in Poll Book or Supplemental Poll Book Voted in Wrong Precinct-zero

-Voter s Name was not in Poll Book or Supplemental Poll Book Voter did not report a recent change in residence to county Election Office-zero

-Voter s Name was not in Poll Book or Supplemental Poll Book But was found in SURE Registry by Election Bureau Staff-zero

-Voter Not Registered or Canceled Registration-zero

-Voter Registered Out of County-zero

Voter Required to Show I.D. and not able to Show I.D.-zero

-Voter Eligibility Challenged by an Election Official-zero

-Special Court Order with Respect to Voter s Status-zero

-Special Court Order Related to Extending the Hours of Voting-zero

-Voter Refused to Vote on Voting Machines Requested Voting Provisionally-zero

#### PUBLIC COMMENT

Deb Jordan, Sugarloaf Township-thanked the Board; has 2 questions; who job is it to categorize the ballots? why are the wrong date ballots segregated?

Beth McBride-Bureau leadership did the mail ins and the Bureau Admins did the provisionals; the ballots that are segregated may come under court order to be counted at a later date

#### MOTION TO ADJOURN

Alyssa Fusaro 2nd Danny Schramm, unanimous

The Board of Elections & Registration will continue through the adjudication process, including write-in adjudication, until finished.

#### ADJOURNMENT 11:17 AM

Photo needed of ballot to send to the vendor regarding the ink bleed issue

Paula Radick advised an undelivered ballot be used

2% Audit conducted by Denise Williams, Jim Mangan and Danny Schramm; exact result

1 military ballot transposed and scanned

4 bags needed to be scanned for reconciliation

Write Ins-14- Board determined they would be scattered

12:25 PM- Board started review of write-ins, over votes and ambiguous marks

1:12 PM Lunch, Alyssa Fusaro out

2:20 PM-Board resumes Denise Williams, Jim Mangan, Danny Schramm and Audrey Serniak in

2:28 PM finished for the day, resuming 2/8/2023 at 10 AM

February 8, 2023



10:06 AM- Alyssa Fusaro, Jim Mangan, Audrey Serniak and Denise Williams present

ID Not Verified Ballots-zero

Military/Overseas Ballots-zero

Reconciliation

Board discussed differences and requested Wright Townships 1 & 2 and Sugarloaf 1 be rescanned

Break 10:30 AM; Danny Schramm present

Executive Session 10:30-10:44 AM to discuss personnel matters

Resume 10:02 AM

Rescann results-Sugarloaf 1 at 113, Wright township 1 at 93 and Wright Township 2 at 111

Board requested the voter sign in sheets from those precincts

There were no ballots that needed to be adjudicated from the rescans

There were no voter lists in the envelopes from Wright Township 1 and Sugarloaf 1;

Sugarloaf 1 rescanned at the 3 mark discrepancy benchmark the Board was using

Wright Township 2's voter list number was 111 which matched the number of ballots scanned at the poll

The Bureau will look for the missing lists but it's possible the lists weren't done at the polls; reconciliation report good for now; Bureau will get the totals from the numbers voter lists and email them to the Board prior to Monday's certification meeting

Proceedings stopped at 11:18 AM to be resumed if needed

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

SPECIAL MEETING TO CERTIFY THE JANUARY 31, 2023 - SPECIAL ELECTION FOR THE

27TH SENATORIAL DISTRICT

February 13, 2023 at 10:00 A.M.

Council Meeting Room

Luzerne County Courthouse

200 N. River Street Wilkes-Barre, PA 18701

CALL TO ORDER-10:17 AM

Denise Williams announced that adjudication and reconciliation have been completed

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL

Alyssa Fusaro yes, Danny Schramm yes, Jim Mangan yes, Audrey Serniak yes,

Denise Williams yes

ADOPTION OF SPECIAL MEETING AGENDA

Alyssa Fusaro moved to adopt the agenda 2nd Danny Schramm, unanimous

PUBLIC COMMENT ON AGENDA ITEMS-none

AGENDA ITEM

There being no comments from the Board, Audrey Serniak moved to certify the special election for the 27th senatorial district 2nd Danny Schramm

Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,

Denise Williams yes, motion passes

PUBLIC COMMENT ON NON-AGENDA ITEMS-none

ADJOURNMENT

Alyssa Fusaro moved to adjourn 2nd Danny Schramm, unanimous

Adjourned-10:21 AM

## **Memorandum of Understanding**

**Between**

**Luzerne County**

and

## Luzerne County Board of Elections and Registration

This Memorandum of Understanding (MOU) sets forth the terms and understanding between Luzerne County and the Luzerne County Board of Elections and Registration for Best Practices between Luzerne County and the Luzerne County Board of Elections and Registration.

### **Background**

The Election Board recently brought three issues to the Office of Law regarding Bureau and Board cooperation in matters where the Board is seeking to have more input. The following is the Memorandum of Understanding which includes the best practices for cooperation between the Luzerne County Bureau of Elections and Administration and the Board of Elections and Registration within the existing Luzerne County Home Rule Charter and Administrative Code.

### **Purpose**

This MOU will establish best practices between the Luzerne County Administration and the Luzerne County Board of Elections and Registration operating within the existing Luzerne County Home Rule Charter and Administrative Code.

The above goals will be accomplished by following the procedures outlined below:

### **Budget review:**

In accordance with the Luzerne County Charter and Administrative Code, the responsibility for determining and presenting the yearly Election Bureau budget falls to the Director of Elections. The Election Board does not have a budget. This process generally takes place at the end of November every year.

As a best practice, the Bureau will provide a copy of the budget to the Board for their review and input in a reasonable amount of time before the budget has to be presented to County Council. The Board will have the opportunity to review the budget and make suggestions to the Bureau Director. The Bureau will review and take into consideration the suggestions of the Board. The Bureau will provide feedback to the Board on the feasibility of the suggestions.

**Election equipment purchases:**

The Election Bureau often purchases equipment for use in elections. Some election equipment purchases are over \$25,000.00 which must be presented to Luzerne County Council. The purchases under \$25,000.00 fall under the purview of the Bureau. The Election Board wants to have the opportunity to review the purchases of the Election Bureau for election equipment used for the voters of Luzerne County in the elections and provide feedback to the Bureau.

As a best practice, the Bureau will update the Board on the voter equipment purchases it intends to purchase or present to County Council for vote on purchase. The Board could choose to discuss at a public meeting and vote on whether to support or decline the purchase by the Bureau. The Bureau will take the Board’s recommendation into consideration when it presents the resolution for purchase to County Council.

**Hiring Process input:**

The Luzerne County hiring process is a merit based hiring program which is referenced in the Luzerne County Personnel Code. The Human Resources Department certifies a list of candidates received with the highest rankings to the hiring manager who selects the top three (3) candidates to be interviewed.

The Election Board will be added to this process as part of the interview process for the Election Director, Deputy Director and Operations Director. The best practice is to allow the Election Board Chairperson and Vice Chairperson participate in the interviews for the finalists that are chosen by the Administrative Services Head.

As a best practice, the Election Board will be added to this process as part of the interview process for the Election Director, Deputy Director and Operations Director by allowing the Election Board Chairperson and Vice Chairperson to participate in the interviews for the finalists that are chosen by the Administrative Services Division Head.

LUZERNE COUNTY

By: \_\_\_\_\_

Brian Swetz, Acting County Manager

By: \_\_\_\_\_

Jennifer Pecora, Administrative Services Division Head

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

By: \_\_\_\_\_

Denise Williams, Chair

\_\_\_\_\_  
James F. Mangan, Jr., Vice-Chair