

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

AGENDA

April 19, 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: April 5, 2023 Regular Meeting (pp.3-8)

Bureau

1. **2023 Primary Election Polling Place Locations:** Information, Vote of Approval by Board
2. **2023 Primary Election Status Update:** Information

Board

1. **2023 Primary Election - Curing of Absentee & No-Excuse Mail-in Ballots by Bureau and Board:(DW)** Board Curing Procedure (pp. 9 & 10), Information, Discussion, Vote by Board
 - a. Proposed Motion: "Mail-in Ballot Voters will be able to cast a provisional ballot at the polls or cure their mail-in ballot at the Bureau if notified by either the Board or Bureau that their mail-in ballot won't be counted."
2. **Pre-Canvassing- Mail-in Ballot Envelopes with "Inner & Outer' Seal Issues: (DW)** Information, Discussion, Votes by Board
 - b. Proposed Motion: Mail-in Ballot Outer Envelopes that present during the pre-canvassing process that appear to have been opened and re-sealed (with or without tape) will continue forward through the process of pre-canvassing.

- c. Proposed Motion: Mail-in Ballot Inner Envelopes that present during the pre-canvassing process that do not appear sealed will continue forward through the process of pre-canvassing.
- 3. **Board of Elections & Registration Meeting Start Time Change to 6:00 PM (DW):** Information, Discussion, Board Vote
- 4. **Memorandum of Understanding Between Board of Elections & Registration and Administration related to Documents that Require Board Member Signatures (Old Business) (pp.11 & 12):** Information, Discussion, Possible Board Vote
 - d. Proposed Motion: A Memorandum of Understanding between the Board & Administration be created and posted on the Board of Elections & Registration M.O.U. Webpage stating: "Any documents received by the Administration that require Board of Elections & Registration member signatures must be presented to and signed only by the Board members. These documents will also be presented in a timely manner in order to provide ample time for the Board members to review prior to signing."
- 5. **Municipal Resolutions Banning Ballot Drop Boxes Passed by Lehman Township & Dallas Township (DW):** Information, 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.

ADJOURNMENT

LUZERNE COUNTY BOARD OF ELECTIONS
AND REGISTRATIONS MEETING MINUTES
LUZERNE COUNTY COURTHOUSE COUNCIL ROOM
APRIL 5, 2023

CALL TO ORDER 5:00 PM

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

Alyssa Fusaro yes (virtual), Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes,
Denise Williams yes

EXECUTIVE SESSION

Denise Williams advised there was an executive session on March 9, 2023, 10:01-10:13 AM, to discuss ongoing litigation.

APPROVAL OF AGENDA

Motion Jim Mangan 2nd Danny Schramm, unanimous

PUBLIC COMMENTS (3 minutes)

Walter Griffith-Re: Bureau-hope there is a budget in place for completely using the Election Integrity Grant to save taxpayers money; re: paper ballots-BMD should be used, EIG money would pay for programming and deployment, monumental task to count the paper ballot vote; re: online finance campaign reports are a travesty, no labels, wrong orientation

Robin Kosin, Dallas Township-Her community is not in favor of drop boxes, election integrity cannot be guaranteed if they are placed in private venues; poll workers need to be properly trained for more than one hour; how much research into the paper ballot decision? Who orders the supplies?

Bob Kadluboski, Wilkes Barre-5 PM is too early for meetings, people can't attend; where are the people from Penn Place? If Dominion are the best machines why not use them? 3 minutes not enough time for comments; old machines always worked

Denise Williams-need to take county workers into consideration

Ben Herring, Duryea-need to answer questions; Dominion machines cost \$3.6 million

Michael Susek, Laflin-speaking to newspaper reports of Steve Urbans' and others concerns, the BMDs are only needed for ADA compliance; this does eliminate but scales down procedures

Jim Bogert, Hazle Township-wants to hear from the Board what steps have been taken to standardize procedures if paper shortage happens again; people did not attend the congressional hearing; need answers, noconfidence in the Board or Ms. McBride; embarrassment that still no answers have been provided

Ronald Knapp, Nanticoke-concurs with Walter Griffith and Jim Bognet

TJ Fitzpatrick, Nanticoke-Bureau set up for failure, need a meeting first thing in the morning to discuss issues; staff should be staying until 7 PM some nights to check things; no plans, get act together;good government requires we all act together to correct

MINUTES

Danny Schramm moved to approve the minutes from the March 6, 2023 general meeting

2nd Jim Margan; unanimous

BUREAU OF ELECTIONS REPORT

Election Poll Books-Eryn Harvey reported that 8 electronic poll books were being sent out for repair; the rest are good to use in the primary

Audrey Serniak moved to approve use of the electronic poll books for the primary

2nd Danny Schramm; unanimous

Bids for New Poll Books-need to do this after the primary; new iPad type poll books are available

Election Integrity Grant-Eryn Harvey advosed that the Bureau is looking into using the money for improved security at the warehouse and at Penn Place; upgrades are needed for the canvassing room as it is being moved from Courtroom A to Courtroom 301 (sheriff's department has moved into courtroom A); researching how other counties are using their EIG

Alyssa Fusaro-new space is much smaller than Courtroom A; other space available?

Eryn Harvey-only space currently available at Penn Place

Jen Pecora advised Courthouse can't be used because the ballots can't be transported

Denise Williams-first she's heard of this; questions the timing, couldn't this have waited one month until after the primary?

Audrey Serniak- a lot of Courtroom A is not usable space; Courtroom 301 may be easier to configure

Jen Pecora-this is the situation we have

Denise Williams requested to be able to review the EIG submission in a timely manner

Jim Mangan-requested a spreadsheet of the funds currently used

Jen Pecora-advised we can reimburse the general fund for EIG moneys not used

Bids for Moving Machines-Eryn Harvey advised that Mattesen had reduced their price for the election machine transport due to fewer BMD; Alicia Fusaro objected to Mattesan because the DA had not issued his report; Jen Pecora asked her for her suggestions because Matteson was the only bidder; Alissa Fusaro said she was just saying

Denise Williams moved to accept the Bureau's accepting the contract at reduced cost

2nd Jim Mangan; Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro no, Jim Mangan yes,

Denise Williams yes; 4 yes 1 no motion passes

Paper Ballots-Eryn Harvey-nothing changes with the scanners; if there is an overvote a voter can either void the ballot and redo it or cast it; the voters need to pay attention

Alyssa Fusaro-the JoEs need to be trained in privacy matters; they are not allowed to review a ballot Eryn Harvey-that is how they are always trained

Denise Williams-first time she has heard about this setting; what errors can come up and how does the voter override the scanner Jim Mangan suggested a demonstration and Eryn Harvey said it could be done at L&A testing

Denise Williams asked about chain of custody of the ballots Beth McBride advised that the polling places are allowed the statutory limit; more ballots will be available if they are running short; ballots are in shrink wrapped packages of 50; JOEs are advised not to open a package until they are ready to use; JoEs will be advised to count the ballots in the package when it is opened; there is a standardized process and a log sheet; the poll worker will verify that the correct party ballot is given out and the voter is encouraged to double-check; JoEs will be instructed to keep all ballots secured and to insure voter privacy; the Bureau will help to educate JoEs who don't attend training and will send them the training manual

Mail In Ballots- Eryn Harvey advised that the mail in ballots should start going out the week of 4/26/23; the initial drop will be from the Lehigh Valley Post Office which will save mailing time Beth McBride advised ballots can be received anytime after 4/26/23; demand voting may start earlier

Ballot Status-Eryn Harvey-municipalities have been confirmed and deadlines met

Drop Boxes-Eryn Harvey-all are confirmed and will be installed; Wright Manor's security will be installed, others are good; sites will be on the website and included in mail in instructions

Alyssa Fusaro opposes drop boxes; the DA investigations for elections in 2021 & 2022 have not been completed

Poll Worker Status and Training-Beth McBride-poll worker training will begin 4/17/23; JoEs

and other poll workers will be trained separately; poll book training will be in May; the team is working to adequately staff the polls, there are no vacancies for JoE at this time; encourages people to work

Alyssa Fusaro-can there be a pool of workers to pull from if needed?

Beth McBride-that's a great idea; confirmation letters, text blasts and emails will be going out

Denise Williams-do the JoEs fill their boards? Should be encouraged to embrace their role

Beth McBride-it's a team effort between the Bureau and the JoEs

Supplies-Eryn Harvey-all supplies have been ordered; inventory done on pens and memory cards; tables will be done next week; 4 privacy screens have been ordered and should arrive in 3 weeks, they are pop-ups and possibly a few can be available to view at L&A

Logic & Accuracy Testing-begin 4/17/23 at 10 AM at the warehouse; opened to the public and will be advertised; the central scanners are done by Bureau leadership with Dominion support; Agilis is done by Bureau leadership

Third Party Nominating Packets-Eryn Harvey-the first packet was given out today; call ahead or make an appointment as it takes time to pull the packets together

Campaign Finance Reports-Beth McBride reported that campaign finance reporting has not been handled properly in years; they are establishing and working to streamline a process, a lot of data entry is required; and every file needs to be reviewed manually; the election takes priority

Denise Williams-2021 reports were user friendly, 2022 reports aren't; need to label the different reports; does the Bureau send reminder letters to the candidates

Beth McBride-working to get the data in first and then will institute letters; candidates receive campaign finance information in their petition packets; system is being created to track forms and collect fines

BOARD OF ELECTIONS REPORT

Memorandum of Understanding-Audrey Serniak moved to approve the memorandum of understanding regarding best practices for budget review and equipment purchases

2nd Danny Schramm, Audrey Serniak yes, Alyssa Fusaro no, Jim Mangan yes, Danny Schramm yes, Denise Williams yes, 4 yes 1 no, motion passess

2023 Primary Ballot-Debise Williams-ballot has been reviewed and any minor corrections made

Denise Williams moved to approve the 2023 Primary Ballot 2nd Danny Schramm Alyssa Fusaro yes, Jim Mangan yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes; unanimous

By Laws-Audrey Serniak-reported that Danny Schramm and she were working on a general outline and reviewing bylaws from county committees and some boards of elections out of the county

Documents Requiring Board Member Signatures-Denise Williams-the Bureau has signed for the Board in the past and this is not acceptable; a procedure in seeded for continuity

Alyssa Fusaro-notice for the need for signature needs to be in a timely manner

Paula Radick-this needs to be discussed with the county manager first since the Board can't unilaterally do a memorandum of understanding; suggests emailing the manager stating the issue and go from there

Board Mail and Email-Denise Williams-hat happens to mail addressed to the Board? Is it opened to determine if it belongs to the Board, Bureau or Office of Law and distributed?

Eryn Harvey-mail is put aside and Board informed it's there

Beth McBride-rarely received; most mail is solicitations from vendors which goes to the Bureau; legal documents go to the Office of Law

Paula Radick-correspondence can come in all forms: filing, emails, served; the Office of Law addresses it immediately and contacts the Board with a plan; many times an immediate response is required

Denise Williams-please advise the Board in a timely manner of any mail

PUBLIC COMMENTS (3 minutes)

Walter Griffith-emailed yesterday regarding number of machines being transported, not accurate; no election integrity because money is being moved around; don't hear from 3 members of the board regarding election integrity; with paper ballots no opporntny to correct over votes; why not us the BMD or give a reason not to use them;poll books

weren't working now they are working, what changed? Can use the Controller's office for canvassing; can't mix general funds with EIG; candidates should be scared

TJ Fitzgerald-never saw Walter so angry; hope there are no glitches; leadership team is sharing responsibility so there is no accountability; shielding themselves; there should be a flowchart with delegated duties and responsibilities; Eryn Harvey is in charge; impressed with the Chair, proud of her, found mistakes on the ballot; hope things go well, can say I told you so if they do

Mark Rabo, Hazleton-wants to know how out-of-state and out-of-county contributors report; this has been going on since Home Rule; state is over Bureau and Charter; suggests that the Department of State be a presence here so that everything is addressed; should request a liaison

Ronald Knapp-JoEs should be told to show up at 6 AM to set up so that voting can start at 7 AM; imperative that calls to the Bureau be recorded and that there be a protocol for the employee to clearly state their name; this would be for everyone's protection; appreciates everyone's time and effort but wants no black eyes

MOTION TO ADJOURN

Danny Schramm 2nd Alyssa Fusazro, unanimous

ADJOURNED 7:28 PM

Ballot Curing

The general objective of ballot curing by election officials and political party leaders is to help voters fix mail-in ballots that would otherwise be disqualified because of technical mistakes in completing them.

Policy guidelines for Curing Ballots, Luzerne County

Objective:

To set a standard operational procedure (SOP) to be followed by the Bureau of Elections (BOE) and the Board of Elections and Registration (BOER) of Luzerne County, whenever the BOER votes to “Cure”

Mail-In Ballots.

Process:

6. Prior to the BOER meeting immediately preceding election day, a Democratic member and a Republican member of the BOER will attempt to get a commitment from the respective political party leaders of Luzerne County via phone or email that they will pick up the lists of voter names and addresses from the BOE at specified times on Election Day and attempt to contact those voters their respective party with flawed mail-in ballots.
7. Prior to any election day, regardless if it is a primary, municipal or general election or Special Election, the BOER will decide via majority vote whether or not mail-in ballots will be cured for the next immediate election.
8. **If the BOER votes not to cure**, no further action is necessary and any mail-in ballot with one or more clear flaws or, is deemed to be flawed after review and agreement by a Republican and Democratic member of the BOER conducting the review shall be canceled.
9. **If the BOER votes to cure**, the following process is recommended:

2. The review of flawed the mail in ballots shall be started no earlier than 7:00 AM on Election Day.
3. A ballot shall be considered flawed if there is no signature, no date, the deadline date for post mark is out-of-range, if the secrecy envelope is missing (naked ballot), if the secrecy envelope is not sealed, identifying marks on secrecy envelope or if the mail-in ballot is designated "I.D. Not Verified" by Election Bureau.
4. Two members of the BOER (one Republican and one Democrat) will construct a list of names and addresses of those voters with flawed ballots. The BOER members will contact the party leaders/representatives to notify them of the times and location for pick up of the lists. That list will be provided to the Director of the BOE or his/her representative at 12 PM & 3 PM (times are approximate) on Election Day and copies will be made and left for the party leaders. Party leaders are encouraged to contact the voters with flawed ballots and encourage them to report to their polling location and complete a provisional ballot prior to polls closing and advise them that failure to do so will result in their vote being canceled. (Or, for "I.D. Not Verified" mail-in ballots, bring proof of identification to the Election Bureau prior to the 6th calendar day following the election. These voters will not be able to "cure" their ballot by voting provisionally at the poll.)
5. The lists constructed by the BOER shall be retained by the BOE for the same period as ballots are retained as required by law.

Initial Draft, October 24, 2021

This SOP is subject to change from time to time to meet the changing needs of the voters and the BOE

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 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.

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