

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

AGENDA

May 11, 2022 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

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 4 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 27, 2022 Board of Elections & Registration Regular Meeting (pp. 3-8)

AGENDA ITEMS – BOARD SOLICITOR

- 1. Request by Board Member Williams – if Protocols for SURE System Use by Election Board Members can be Established and Voted on - Law/Information**
- 2. Minimum Number of Write-in Votes Required for Local Party Office Committee Persons – Law / Information**

AGENDA ITEMS - BUREAU OF ELECTION

- 1. Harveys Lake Borough Request for Poll Change – Information, Discussion, Possible Vote by Board**
- 2. May 2022 Primary Election Status/Overview- Information**

3. **May 2022 Primary Ballot Drop Boxes** – Status – Information
4. **Nursing Home/Personal Care Home Administrator Letter** – Status/Update
5. **Review of and Eligibility of Government Employees, Elected Officials & Candidates on Ballot to be Poll Workers-** Information
6. **Daily Mail Receival During Mail-in Ballot Receiving Times / Mail-in Ballot Chain of Custody** – Update, Possible Board Vote

AGENDA ITEMS - BOARD OF ELECTIONS & REGISTRATION

1. **May 2022 Primary Election – Polling Site Approval by Board** – Information, Vote by Board
2. **Letter to Party Chairs on Polling Sites Survey/Political Sign Removal After Election Day** (DW) - Information
3. **Complaint: Re: Disclaimer on Candidate Signs** – Information
4. **Cost Proposal Request – The Election Group Consulting Firm** - (DW) - Information
5. **Employee Entrance Doorway to Election Bureau Office** - (DW) - Information, Discussion, Possible Board Vote
6. **Climate/Temperature Control in Warehouse Where Voting Machines are Stored** (DW) - Information, Discussion, Possible Board Vote
7. **Complaint: Re: November 2021 General Election Ballot – Judges Without Party Affiliations Noted** – Information
8. **May 2022 Primary Election “Notice of Curing”** – Vote by Board

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. 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 APRIL 27, 2022

CALL TO ORDER 5:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

Alyssa Fusaro here, Danny Schramm here, Audrey Serniak here, Denise Williams here

APPROVAL OF AGENDA

Motion to approve by Alyssa Fusaro 2nd Danny Schramm, unanimous

PUBLIC COMMENTS (4 minutes)

Mark Rabo, Hazleton- Hazleton Ward 5 polling place is unsafe and not secure and this needs to be addressed; drop boxes came about because of a bipartisan lawsuit and are now a partisan issue; they require security measures

Cindy DeLuca, Hazleton-the person at a polling place not their own should be referred to the AG not the DA because of DA's office conflicts of interest

Brian Thornton, West Pittston Borough, county council-up to the jurisdictions whether or not to have drop boxes; wants it to be easy to vote but not to cheat; speaks to many groups and their number one concern is drop boxes; Jess Morgan has testified to witnessing ballot harvesting; what are the security measures at the drop boxes

Greg Wolovich, Hanover Township, county council-drop boxes require either people to there or cameras that can be monitored; drop boxes should all have the same hours

Kevin Lescavage, West Pittston, county council-there were at least 400,000 ballots that voters illegally dropped in boxes in swing states in the 1st election

Walter Griffith-concerned about the security at drop boxes; was advised people couldn't watch them; there is a need for video cameras; drop boxes are not necessary except for convenience

Cindy Malkemes, Dallas-doesn't agree with prior comments; there is no proven wide spread fraud; other states do not have problems; people need access to voting; we are having the same conversations over and over again

Jess Morgan, Dallas-she saw someone try to stuff the box with a bag of ballots; Bureau staff member stopped her; person said she had been doing this all week; informed Bureau, Board and county council by email; advised Aaron Kaufer's office and testified at an Intergovernmental Operations hearing in Harrisburg

Steve Urban, Wilkes Barre, county council-regarding drop box security, the video should be kept for two years, boxes should be better distributed and should have the same hours; regarding SURE access, the Board is also in charge of registrations and he believes the law requires we

authorize the Bureau staff to use the system on our behalf; Board members should not be denied access;

Rhonda Rabbit, Wilkes Barre-everyone is too quick to judge that evil is going on; education and accessibility is necessary; we should seek to understand each other

MINUTES

Motion to approve the minutes from April 5, 2022; April 11-12/2022; and April 18, 2022 made by Alyssa Fusaro 2nd Audrey Serniak, unanimous

BUREAU OF ELECTIONS REPORT

Hazleton Ward 5-according to the Judge of Elections, this current location is not suitable; Holy Rosary Church has been suggested and the Bureau will look into ADA compliance for the general election

Motion made by Denise Williams to change the location of Hazleton Ward 5 to Hold Rosary Church for the general election 2nd Alyssa Fusaro, unanimous

Drop box locations are all approved; days and hours will be listed on the website; an email from

Bob Stevenson, Hazleton asked that the Hazleton City Hall drop box be located in the original spot rather than where it was moved to for the 2020 general election; Mike Susek will reach out to Hazleton regarding the location; Denise Williams will check better signage; boxes will be deployed on Monday

Absentee and mail in ballots can be deposited in the drop boxes; they are tracked and tabulated in the SURE system the same way; while applications for absentee or mail in ballots can be challenged, they can't be challenged on the grounds one type of application was filed instead of the other

L&A testing is currently going on; there was a late start due to the Special Election;

Nursing home/assisted living letter-a courtesy letter will go out to assisted living facilities reviewing the Department of State guidelines for voting and returning ballots (need for affidavit and restrictions on number of ballots); Alyssa Fusaro read the letter and suggested a questionnaire accompany the letter; Paula Radick advised the questionnaire mirrors DoS guidelines and is ok to send

Alyssa Fusaro moved the Q&A sheet accompany the letter 2nd Danny Schramm, Unanimous

Alyssa Fusaro moved that language should be added to the letter that We understand the importance of every voter having the ability to vote. In an effort to comply with the law as well as DoS guidance we have attached a Q&A sheet to help guide you through the process

2nd Danny Schramm, unanimous

Poll workers (5) who are gov't employees or elected official-Mike Susek says they have just

started to investigate this

Poll worker Question-Mike Susek has submitted the request to add the gov't employee/elected official question to the website to IT

Primary update-ballots should begin to be mailed on Friday; A&L testing and poll workers training has begun;there are some third party/independent ballots going out; verbal agreements for polling sites have been received but need some written contracts returned

Alyssa Fusara asked that provisional procedures be emphasized with poll workers during training as some ballots could not be counted due to missing envelopes or signatures; perhaps a test should be included; and also feedback surveys

Denise Williams thought a test might be a deterrent and that we can certainly do surveys; Bob Morgan did some informative and helpful focus groups

Election Group Report-no timeline yet; Denise Williams will reach out to them

Pay for Judges of Election Who work 2 Polls-Mike Susek said that one judge working two polls doesn't happen very often and they have been paid double; after discussion Denise Williams moved that in emergency situations if a Judge of Election works two polls they will be paid \ twice 2nd Danny Schramm, Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro no,

Denise Williams yes; 3 yes, 1 no, motions carries

RECESS for 5 Minutes-6:58-7:03 PM

BOARD OF ELECTIONS REPORT

Complaint-Denise Williams moved for the Board to vote to affirm the referral to the DA's office 2nd Alyssa Fusaro; Audey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, motion carries

Campaign Finance Website Reports-Alyssa Fusaro advised we can skip this

Poling Place Privacy Shields-There are no privacy shields or designated areas for voters to fill out provisional ballots; board members agreed these should be provided; there are 186 wards; the question is whether or not we should purchase the move permanent screens or the 'one-time' use screens

Sharpie's-Alyssa Fusaro thinks the picture on the ballot showing a marker instead of a pen when the instructions specify blue or black ink or pencil is misleading; Denise Williams says that bleed-through isn't an issue because of the way the ballots are designed and marker ink dries quicker; Mike Susek says we have some leeway as to the picture

Alyssa Fusaro moved that we have a picture of a pen in compliance with state law for the 2022 general election 2nd Danny Schramm Alyssa Fusaro yes, Danny Schramm yes,

Audrey Serniak yes, Denise Williams yes; motion passes

Official Website Results for the 2021 General Election-In order to correct the headings within the display, they need to run another report; this will be done after the primary

Polling Place Contracts-Alyssa Furaro would like to prevent last minute refusals by locations; County Council would have to update the contracts

Daily Mail Pick Up-mail goes to a mail room in the Court House where it is sorted and then delivered to the Bureau at Penn Place; Denise Williams asked if the Bureau can have direct delivery with a chain of custody at least during ballot delivery times; Mike Susek will reach out to the post office and county departments

Denise Williams moved that "Going forward, two sheriffs would bring the mail to the Election Bureau during mail-in ballot receiving times using strict chain of custody guidelines during mail in ballot receiving times." 2nd Alyssa Fusaro, unanimous

Mail Opening at the Bureau-anyone opening the mail will be educated as to what to look for in processing the mail

Polling Place Surveys-Denise Williams advised there were responses to the polling place letter Patrick Castellani sent out on behalf of the Board; most had a positive experience; there were a couple of post-cleanup negative results; the biggest concern was in regards to political sign removal after the election; an email will go out to party chairs asking for prompt removal of signs

\

Drop Box Security-Alyssa Fusaro presented a proposal from Johnson Controls to provide 24/7 real-time video surveillance of all drop box locations except Penn Place which would include tapes that could be kept for 2 years at a cost of about \$30,000 her contention is that is what is required; there have been numerous incidents of fraud; there is legislation moving through the state legislature that will eliminate drop boxes

Denise Williams responded that DoS guidance says where feasible the requirements are for video surveillance and retention for 60 days; current systems are adequate; we have a complaint process with one complaint being investigated; courts interpreted the law

Alyssa Fursaro moved that all drop box locations have the required video and that they be turned over to the county following the chain of custody and that they be retained with all other election materials 2nd Danny Schramm; Audrey Serniak no, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams no; 2 yes, 2 no, motion fails

Board Member Request for SURE Access-According to the DoS there is no policy regarding Election Board members having access to SURE but that it is very uncommon;it is intended for staff who do the work of voters registration; currently it is accessed by county workers helping during the elections and Bureau staff; tabled to obtain more information from the Office of Law

Special Election-regarding the 305 ballots that were mailed late, Mike Susek there will be a spreadsheet to track the ballots from SURE through the mail stream; staff can be given access to these spreadsheets

Returning to the Privacy Screens,- there are 140 unique locations requiring 140 screens plus 10; 150 semi-permanent ones would cost about \$3000

Alyssa Fusaro moved to purchase 150 semi-permanent privacy screens for polling locations throughout Luzerne County pending budget approval 2nd Danny Schramm, unanimous

Website for Complaints-add the email address in addition to the phone number for the Board 's contact information

May Primary Ballot Approval-Denise Williams moved to approve the May primary ballot 2nd Danny Schramm, Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, unanimous

PUBLIC COMMENTS (4 minutes)

Susan Palmer, Wilkes Barre-the ballot envelopes have Penn Place so they should be delivered to Penn Place; not many privacy shields are needed because we use the machines; she was advised that the machines were changed because machines with a paper trail were mandated; the funding was partially covered by federal/state money; asked that passwords given for the machines be accurate

Jay Notartomaso, West Wyoming, business owner 36 years-thanked Board for retaining drop boxes, 41 states have had them for 20 years without problems; they do not promote fraud and are more secure than mail boxes; people are paying lip service to expanding voting rights; ethical Board members are deserved by the county

Mark Rabo-regarding the election for the 117th district, candidates do not meet the one year residency of one year requirement, is there any recourse? Solicitor Radick should render an opinion. (Alyssa Fusaro advised that the opinion had been rendered and there was no recourse as the deadline to challenge had passed.) It was Democrats who filed the original lawsuit against drop boxes; do not prevent all Luzerne County residents from voting but one person one vote; asked for outreach to city for parking at 1&2 Hazleton

Claudia Glennan-this was a passionate debate; mutual objectives are to facilitate democracy; need to engage many more to participate; doesn't feel the Board is partisan; can't we all work together

Jess Morgan-the commissioners of Lehigh County decided they wouldn't have drop boxes

Walter Griffith-Long meeting; budget has been sent to the Board and Mike Susek; items are being charged to the wrong line; why is the Bureau being charged for postage? Use correct line

item; looking at polling place contracts is a good idea; regarding the polling place surveys we should respect their public service; who verified the ballot candidates?

Greg Wolovich-the county's share of the voting machine cost was \$1.1 million

MOTION TO ADJOURN

Motion to adjourn Danny Schramm 2nd Alyssa Fusaro, unanimous

NEXT MEETING

May 11, 2022

ADJOURNED 9:45 PM