

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

AGENDA

VIDEO/TELECONFERENCE VIA ZOOM - July 14, 2021 at 5:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADDITIONS TO/DELETIONS FROM AGENDA

APPROVAL 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/1082/Board-of-Elections-and-Registration> for more information on how to participate in Public Comment via technology.

APPROVAL OF MEETING MINUTES FROM JUNE 16, 2021 (See Attached pp. 4-8)

AGENDA ITEMS - SOLICITOR

1. Updated Website Overview of Board of Elections & Registration (See attached p. 9)
2. November Ballot - DA Length of Term Determination (2 or 4 Years)
3. Status/Update of DA Investigation of May Primary Election including Complaints Forwarded and Submitted

AGENDA ITEMS - BUREAU OF ELECTION

1. Update on / Status of Board of Elections & Registration Directives (See attached p. 3)

AGENDA ITEMS - BOARD OF ELECTIONS & REGISTRATION

4. Board of Elections & Registration FaceBook Page (AS)
5. Ballot Drop Boxes for November Election (DW)

PUBLIC 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/1082/Board-of-Elections-and-Registration> for more information on how to participate in Public Comment via technology.

MOTION TO ADJOURN

ADJOURNMENT

Board of Elections & Registration Directives to Bureau of Elections

1. Written **Outline of Process for Handling Complaints or Issues at State or Local Level & Report of Follow Up to Complaints or Issues from the May 2021 Primary**. Submit both to Board of Elections & Registration by July 9, 2021
6. **Posting of May 2021 Primary Campaign Finance Reports** to county website in a “user-friendly” manner. Complete by July 16, 2021.
3. Written plan/process created and completed for May 2021 Primary **Poll worker Feedback**. All feedback received will be shared with the Board of Elections & Registration. Complete by July 30, 2021
4. Creation of plan - going forward - to post **Campaign Finance Reports** on the website after each of the pre-election and post-election mandated dates for campaign finance reporting. Submit plan to Board of Elections & Registration by August 13, 2021.
7. Plan and Implementation of an **Election Day Poll Worker/Bureau Staff Direct Communication Means**. Submit plan to Board of Elections & Registration by August 30, 2021
6. Evaluation/Review of current **poll worker training program** with focus on attendance and understanding of directions and ways to improve both. Submit findings and proposed changes for improvement by August 30, 2021
7. Written **outline of basic procedures and practices for “Election Operations of the Bureau”** (Pre-Election Day Procedures, Election Day Procedures, Adjudication Procedures, and Post-Election Day Procedures). Submit by September 30, 2021
8. Documentation of/**outline of job descriptions** for each position in the Bureau of Elections. This should be specific and itemized to the fullest extent possible. Overlap with duties and responsibilities between positions should be noted in job description. Submit by October 15, 2021
9. Research for, and **upgrade of the Bureau of Elections Website** to a more “user-friendly” platform with well-formatted content that is easy to scan. Complete by October 30, 2021

LUZERNE COUNTY BOARD OF ELECTIONS
AND REGISTRATIONS MEETING
MINUTES JUNE 16, 2021

CALL TO ORDER 6:01 PM

ROLL CALL

Kathy Roth here, Audrey Serniak here, Missy Thomas here, Richard Nardone here, Denise Williams here

EXECUTIVE SESSION 6:02-6:12 PM

Romilda Crocamo stated she advised the Board that Stephen Urban reported the Swoyersville Ward 1 recanvassing to the DA. No deliberations took place.

APPROVAL OF AGENDA

Motion to approve Rick Nardone 2nd Kathy Roth unanimous motions carries

PUBLIC COMMENTS (4 minutes)

Elizabeth McGarrigan, Penn Lake-Will the official count be on the website, including write ins? Denise Williams-the count is currently posted. Do absentee ballots go to the polling place? Bob Morgan-no, they go to the Bureau, a list is posted but not up to date, procedure changed with Act 77.

Mark Rabo-Concerned about the drop box security in Hazleton City, objected to the tabletop mounting and fixed camera, easy to be stolen. Out of state people voted in PA. The voting machines were in unsecured locations with public access prior to election day. Needs to be remedied; security paramount. New machines needed; people left because they were frustrated with the machines.

Keith Gould-has an issue with scattering votes; wants his Fairview Ward 2 write ins to count; votes were accepted on the Democratic side but not the Republican; knows how to fill out mail in ballot. Wouldn't vote to certify November 2020 election because of scattering-travesty. Use machines to avoid having votes thrown away.

Sean Donahue-echo scattering concerns; should not scatter and should not certify. Wants to know why the Board directed the Bureau not to discuss his votes with him. Romilda Crocamo advised Board not to respond because of his notice to file a petition. S.D. Sees a conflict in the Office of Law advising the Board; do not certify the election because of scattering.

Walter Griffith-wants to see a precinct by precinct count; these are public records, if they are public documents people have a right to see them (Sect 308). Thinks the Office of Law is not

giving correct advice. Happy Face Book page is being addressed. The Board's county web page also needs attention.

MINUTES

Motion to accept minutes from May 12, 2021; May 18-June 2, 2021; May 24, 2021; June 4, 2021; June 7, 2021 made by Kathy Roth 2nd Missy Thomas unanimous motion carries

SOLICITOR'S REPORT

Mike Butera advised that the hearing to request a recount took place yesterday and the petition was denied; there is no reason not to certify the election. Advised that Walter Griffith was correct regarding the public records but they are not all available yet because we are still closing out the election.

BUREAU OF ELECTIONS REPORT

Bob Morgan reported that the drop boxes worked relatively well. Hazleton was picked up once a day for a total of about 190 ballots; Nanticoke was picked up once a day for a total of about 350 ballots; Pittston was picked up once a day when the library was opened for a total of 700 ballots; Penn Place was picked up twice a day (once on Sunday) for a total of 2000 ballots; total dropped off about 3200 ballots.

The request purge of the election roles was completed today; voters who had not voted in two federal election over 5 years were removed; they were notified by mail; 17,420 records were removed; 192-193,000 voters remain

BOARD OF ELECTIONS REPORT

CERTIFICATION OF THE REST OF THE MAY 18. 2021 ELECTION

Denise Williams gave her thoughts and observations. Out of the past 5 elections this one had the second highest turnout. Except for the header issue the ballots were correct and could always be checked. The audit (3.15% of the ballots) showed a 99.9% accuracy. Has confidence in a yes certification vote.

Motion to certify the 2021 primary election made by Rick Nardone 2nd Audrey Serniak
Kathy Roth yes, Audrey Serniak yes, Missy Thomas abstain (when asked why she abstained, Missy Thomas said she was unable to take part in the process and thinks there are no issues)
Rick Nardone yes, Denise Williams yes 4 yes, 1 abstain, 0 no motion carries

STATE ETHICS RESPONSE TO DENISE WILLIAM'S VOLUNTEER WORK WITH

FAIR DISTRICTS PA

As promised, Denise Williams immediately resigned from all roles with Fair Districts. The response from the State Ethics Commission said there is no conflict of interest because 1103A of the Ethics Act does not prevent volunteer work. Denise Williams could continue to participate but chooses not to in order to devote her full time to the Board of Elections. Romilda Crocama stated the Chair covered the essence of the response from from Ethics.

FACE BOOK PAGE

Audrey Serniak stated it was time to shut down the Board's Face Book page because it has outlived its usefulness.

Motion to shut down the page made by Audrey Serniak 2nd Rick Nardone unanimous motion carries

OVERVIEW OF BOARD OF ELECTIONS AND REGISTRATION

Denise Williams added a paragraph to the county website overview of the Board. It will be reviewed by the Office of Law before posting.

Rick Nardone has no issue with the addition. He does want a third party to develop a web page for the Board to resolve some of the concerns with Dominion products and Board processes. He is not comfortable with communication processes but has nothing against the county's IT department. He is willing to do some research into this.

DIRECTIVES TO THE BUREAU OF ELECTIONS

1. Complaints-need to know process, how complaints are handled
2. Finance reports need to be user friendly
3. Poll worker feedback-Rick Nardone suggested surveys and feedback from pollworkers, better training and process improvement; big change from few workers, locations, and equipment to 1000+ workers, 140+ locations, many more machines
4. Plan to post campaign finance information on time
5. Communication on election day-need better means to contact Judges of Elections and avoid overload at certain times; several means of contact may be needed
6. Poll worker training-needs improvement, perhaps videos can be posted
7. All election processes should be documented
8. Job descriptions
9. Website needs improvement-the entire county website is difficult to navigate

Bob Morgan-These are things we've all been discussing and the timelines are not unreasonable; currently working on campaign finances

There needs to be a focus group with poll workers to find out what's right and what's wrong. He is looking forward to working with the Board and implementing council's inquiry committee suggestions

Eryn Harvey-This reflects the council's inquiry committee;will help everyone

Romilda Crocamo advised the Board vote on it and send to the Election Inquiry Committee
Mike Butera echoed Romilda Crocamo's advise

Motion to adopt the directives made by Denise Williams 2nd Rick Nardone Audrey Serniak yes, Missy Thomas yes, Rick Nardone yes, Kathy Roth yes, Denis Williams yes, unanimous motion carries

Denise Williams will forward to the chair of the Election Inquiry Committee

JULY MEETING

Keep the 8/11/2021 meeting, delete 8/25/2021, add either 7/7/2021 or 7/14/2021

Audrey Serniak-fine with her;better to get updates on all that's being worked on
Missy Thomas and Kathy Roth aren't opposed; 7/14/2021 at 5 PM is fine

Next meeting is July 14, 2021 at 5 PM; legal notice is required.

IN PERSON MEETINGS

Where? Hybrid? Romilda Crocamo will look into it.

BOARD COMMENTS

Rick Nardone-Commenting on complaints about Dominion, he said the other systems have issues as well. If you dump Dominion, where do you go from there? How do you do paper (13,000 paper ballots) when human error is worse than the machine problems. Need to make sure the machines are deployed properly (there's no internet connection). Can't do a hand count. Appreciate all of the good suggestions regarding Board authority, but can't solve all of the issues immediately. The Board needs the resources to improve and restore confidence.

Denise Williams-The system has a paper trail and is audited; there is no internet connection. Machines calculate and report faster than a manual count. The ballot marking devices eliminate over votes and advise, as a courtesy, of under votes. They guide the voter through and the ballot can be reviewed. This is only the second time these machines have been fully used. The poll workers are getting familiar with the machines. Feels proposed directives will help

PUBLIC COMMENTS (4 minutes)

Walter Griffith-Hopes and encourages a joint session with county council regarding Dominion machines (\$3.6 million); people have no confidence with the machines, staff and Bureau, people have the right to have confidence in elections. Need a joint session with Council. Says we have a great Board and need to actually do the work. Hybrid meetings are available.

Sean Donahue-Get rid of Face Book which is free; doesn't want to spend money on a web page. Paper ballots worked well for his grandfather;. Says someone on the Board smirks. The Board and Bureau have worked together when the past elections have been screwed up. He suggests we go to the courts for problem solving-set up an election court to avoid having to file under the election code . Presidential judge can set this up. Pointed out that in some races one vote counted and in others 5 votes were scattered.

Mark Rabo, Hazleton-Bewildered about something said about the directives-Office of Law only gives opinions on legal matters. The Board was asked if they had the time to serve; it's easy to read the election code. If directives over rule the charter or state constitution that is a problem.. Read the election laws and apply them. Drop box pulled 1 PM; too early.

Rick Nardone-because we us Office of Law as a resource doesn't mean we rely on them for the decision. Denise Williams-did not ask Office of Law for guidance on the directives.

Dr. Richard Stanis, Plains-Never been involved with politics until recently. Has listened to Board meetings and PA election reform meetings (Seth Roe chairs) and focuses on the big picture. Volunteered as a poll watcher. Not happy with what he observed but wants to focus on future, There is no internet connection but not all the machines were pretested in the county. Counties are responsible for testing the machines and no one is checking them. There is no way to know if the machines are reliable so we can't have faith in the integrity of the results.

MOTION TO ADJOURN

Missy Thomas 2nd Kathy Roth unanimous

NEXT MEETING

July 14, 2021 5 PM

ADJOURNED 8:05 PM

Overview of Board of Elections & Registration

The Luzerne County Board of Elections and Registration shall have and exercise all powers and duties stated in Section 8.04 of the Luzerne County Home Rule Charter and, shall provide general supervision over all elections conducted by the County in accordance with the Pennsylvania State Bureau of Commissions, Elections and Legislation.

In accordance with Section 8.04 of the Home Rule Charter for Luzerne County, the Board of Elections and Registration is comprised of five registered voters. Four of the members are appointed by resolution of County Council and the fifth member is appointed by an affirmative vote of those four members. At the time of their appointment, each member of the Board of Elections and Registration appointed by County Council, shall have been a member of the same political party continuously for at least five years and shall remain a member of that party during his/her term of office.

If any member of the Board of Elections and Registration files a petition for nomination or election or becomes a candidate for any elective public office, his/her position shall become vacant, and the vacancy shall be filled by County Council within 60 days after the declaration of the vacancy.

Any three members of the Board of Elections and Registration shall constitute a quorum and shall have the power to perform the functions of the Board of Elections and Registration.

The Board of Elections and Registration adopt and publish a meeting schedule, prior to every calendar year. You can find the meeting schedule above.