

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

AGENDA

October 4, 2023 at 6:00 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: Sept. 7, 2023 Special Meeting (pp. 3-6)
Sept. 13, 2023 Regular Meeting (pp. 7-11)

AGENDA ITEMS

1. Campaign Finance Report Filing -Current Status – 2022 Annual Report Filing Status: Information

2. Mail-in Ballot Curing Notification for November 2023 Municipal Election (p. 12-13): Information, Discussion, Board Vote

3. Creation of a Bipartisan Team to Review Select Ballot Drop Box Video Surveillance Footage (JM): Information, Discussion, Board Vote

4. Committee Report – Board of Elections & Registration By-Laws (pp. 14-20): Review, Discussion, Board Vote

5. Luzerne County Office of District Attorney Response from Email Requests on Status of Ballot Drop Box Investigation Reports from November 2021, May 2022, and November 2022: Information, Discussion

6. November 2023 Municipal Election Status Update (including):

a. Target Date for Mailing of Mail Ballots

b. Logic & Accuracy Testing

c. Polling Place Sites Status/Changes: Information, Discussion, Possible Board Vote

d. Pollworker Recruitment & Training Status

e. High School Student Pollworker Initiative Status

f. Swearing in of Mailroom Employees: Date?

g. Jenkins Township & Nanticoke City Ballot Question Explanation Inserts to be Included in Mail-in Ballot envelopes: Information

7. Bureau of Elections 2023 Budget Presentation to Board of Elections: Information

8. 2023 Election Integrity Grant: Total Grant Money Received, List of Proposed Uses for Grant Money: Information, Discussion

9. Nursing Home Letter (AF): Review, Discussion, Board Vote

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 SPECIAL MEETING MINUTES
LUZERNE COUNTY COURTHOUSE COUNCIL ROOM
SEPTEMBER 7, 2023

CALL TO ORDER 6:01 PM

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

Alyssa Fusaro yes, Jim Mangan yes, Dan Schramm yes, Audrey Serniak yes, Denise Williams yes

EXECUTIVE SESSION

August 31, 2023 10:00-10:50 AM discussed litigation on ballot question

August 31, 2023 6:00-6:42 PM discussed litigation on ballot question

September 5, 2023 11:40-11:59 AM discussed litigation on ballot question, no deliberations took place

APPROVAL OF AGENDA

Alyssa Fusaro 2nd Jim Mangan, unanimous

PUBLIC COMMENTS (3 minutes)

Allen Henninger, Dallas Township-opposed to ballot question; fatally flawed; County Council should not be voting on all five members; hides the fatal flaw; removing section on members running for office; requires that 2 be from largest party and 2 from next larger party; member leaving must be replaced by same party allowing majority party on Council too perpetually control the Board

Walter Griffith-agrees with Allen Henninger, not properly drafted with fatal errors; process to fill Board seats cannot be done in time for mandated February 1st Board organization meeting; procedure requires posting and membership list prior to naming the fifth member; works against establishing election integrity; leaves little time before a possible April primary; question needs to be in proper order, vote no on framing the question

Lisa Napersky, Fairview Township-opposes because not in proper order; all changes will not appear on the ballot; not ideal to dismantle the Board before elections; urges not to certify; deflecting blame for mismanagement of the Bureau onto the Board; Presidential election will depend on an inexperienced Board

Diane Dreier, Dallas -many reasons that this is bad for all citizens of Luzerne County regardless of party; blatant attempt to control the Board; process should not be rushed; will the electorate be able to understand 8 or so questions in the 30 seconds required to read the 75 word question? Will people take the time to read the posted explanation? don't approve or do separate the questions

Andrea Glod, Wilkes Barre-not in proper order; Council will appoint all five members; form of disenfranchisement if changes not separate questions; no remedy for Board members running for office while sitting; DA investigation found part of the paper problem was due to lack of institutional knowledge

Claudia Glennan, Salem Township-thanks for weathering the complaints; charter amendment reflects a vendetta of some Council members; allows the majority in Council to control the Board; entire Board would be dismissed and institutional knowledge lost during a Presidential election year; not proper order; first question draft inadequate, second confusing; voters can't decide what they don't know or have not been told; democracy must not be subverted, vote no

Katrina Gerada, Kingston-question is manipulative and sneaky; read multiple times and still doesn't fully understand it; several questions under one, not proper order; take it off the ballot

Mark Rabo, Kingston-speaking to the question's constitutionality: it subverts the state constitution since a Board can't be dissolved without cause, it is a recall and illegal; format requires questions be addressed separately; follow the established blueprint in all other counties and address questions separately

Carin Pieta, Wilkes Barre, Ward 8-upset about this; Charter put in place in 2012 for this reason-not to monkey with the Board of Elections; doesn't understand why the Board has to be changed immediately

Jay Notartomaso, West Wyoming, email-has been following the Board for two years; Board diverse in political opinions but is now in agreement on the question testifies to the correctness of position; question creates a lack of institutional knowledge; too long, confusing, misleading; not in proper order; in violation of PA election code; Council is obsessed with meddling in elections instead of doing their jobs

Brian Dugas, Wyoming, email-amendment designed to take power from the Board and give it to Council; this will introduce partisanship and impact the election process; Council should be protecting process

Michael and Deborah Balash, Franklin Township, email-opposed to amendment

Carole Shearer, Butler Township-reject the question; as Judge Lesa Gelb said, "Democracy cannot be rushed." days away from finalizing ballot and no clarity on question; not understandable to average voter; right to understand what is being voted on and to make an informed decision; removing language forbidding members to run for

office not properly addressed; amendment priority of Council but not a priority for people of Luzerne County

Alisha Hoffman-Mirilovich, Fairview Township, Director Action Together NEPA, email-vote not to certify; vacates the Board prior to presidential election; reduce institutional knowledge; some Board members having more experience than Bureau leadership in overseeing elections; lowest paid election staff in country; address funding to solve recent problems; Board is being scapegoated; organization is concerned with possible voter disenfranchisement and the way these issues are being rushed; focus on needs and priorities of citizens

K Strickland, Kingston Township, email-opposes; allows Council to appoint all five members; removes all members in presidential election year causing exodus of institutional memory; reduces term of fifth member another loss of memory; multiple questions framed as one; confusing; needed to be discussed first in multiple public forums

Anita Davis, Plains, email-opposes the change in how the members are selected; grieves that one party is attempting to control elections; wants to live in a democracy not one controlled by one party; don't allow sorting machine to throw out mail in ballots; make sure there is paper

AGENDA ITEM

Denise Williams-needs to be in proper order; the Board has the authority to certify amendments that are in proper order; always work thoroughly, meticulously and methodically when tasked with something and doing the same here; Judge Gelb said that this is significant to everyone and should not be rushed; has done due

diligence and there are many issues and fatal flaws-change in structure, rule of single subject violated, members running for office, problems with wording for exclusion of election workers and change in time for registration requirement; Charter amendments can't effect the conduct of elections; reject

Alyssa Fusaro-difficult task; put aside personal and party considerations; easier to just give up on this; endured many attacks while serving on the Board; committed to serve lawfully; no doubt question is flawed; need to just look at the legality of the referendum; attempt at a backdoor recall of the Board which is illegal; a structural change requires a government study commission; a structural change is a major shift in management hierarchy and power; election law states can't run while on the Board; don't have to go into questions because it is illegal; reject

Dan Schramm-noticed a lot of the same things; so long, so confusing; couldn't figure out what was to be accomplished except get rid of us but personal agendas don't matter; too many things in it to correct; one thing he noticed to get on the Board all you have to do is register to vote; couldn't find anything good; needs time to rework in a democratic way

Audrey Serniak-won't repeat much of what has been said; took time; listened to counsel, opposing counsel, the judge, the citizens; looked at the code and the law; not taking this lightly and want to be fair; trying to separate things out to fix it but can't put language in that was removed; can't see how to move this forward

Jim Mangan-appreciates the input from the public; can't be moved by opinions; can't be partisan; worked with Board members and we do not work in a partisan manner; looked at the revised question submitted by the Office of Law and liked it initially; listened to Judge Gelb; not certifying means kicking the can down the road doesn't like that; Bureau; mail in voters do not get the posting; can separate or reject; reject

Alyssa Fusaro moved to reject the proposed county Council amendment ballot question
2nd Jim Mangan

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

Denise Williams yes; motion carries unanimously

PUBLIC COMMENTS (3 minutes)

Mark Rabo, Hazleton-applauds brave and stalwart decision; question subverts state constitution, charter and sets a dangerous precedent; negatively effects all authorities, boards and commissions by deterring people from participating; also obliterates one reason for charter which was to get rid of cronyism, nepotism and rewards for favors; question contradicts charter recommendation #7 Board made the right decision; process should be followed; Board almost denied independent legal council; Board needs own council; applauds Board; hopes Council will do the right thing and have a government study commission

Carin Gatera-thank you for rejecting; what happens next?

Denise Williams-we have just rejected it; all we can do at this time; don't know what will happen

Anita Davis-thank you for voting it down; it was biased; agrees with Mr. Schramm-what was it's purpose? How would it benefit voters; loves the country and loves living in a democracy; God save America

MOTION TO ADJOURN

Dan Schramm 2nd Alyssa Fusaro, unanimous

ADJOURNED 7:05 PM

LUZERNE COUNTY BOARD OF ELECTIONS
AND REGISTRATIONS MEETING MINUTES
LUZERNE COUNTY COURTHOUSE COUNCIL ROOM
SEPTEMBER 13, 2023

CALL TO ORDER 6:01 PM

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

Alyssa Fusaro yes, Jim Mangan yes, Dan Schramm no, Audrey Serniak yes,
Denise Williams yes

EXECUTIVE SESSION

September 9, 2023 7:10-7:15 PM concerning litigation, no deliberations took place

APPROVAL OF AGENDA

Alyssa Fusaro 2nd Jim Mangan, unanimous

PUBLIC COMMENTS (3 minutes)

Walter Griffith-work session should be considered for critical times in between the elections, for information and presentations and to streamline voting sessions; poll book research has been exhaustive giving a good handle on the poll books; important for the Board to have independent legal representation

Claudia Glennan, Salem Township-concurs with Mr. Griffith that the Board needs its own outside council; would be beneficial to the Board and county; happy with the vote on the proposed amendment to the Charter; supports secure locations for drop boxes

Mark Rabo, Hazleton-thanks the Controller, Management, Bureau and Board for the work on campaign finance reports especially on outside committee registrations which was a recommendation of the county election integrity committee; hope for recommendations regarding people dropping off multiple ballots that they need authorization form, maybe put information in campaign packets and a public notification; Board need independent council

Robin Kochin, Dallas Township-needs valid reason for installing a drop box at the annex that is so close to Penn Place; election integrity made harder by another drop box

MINUTES

Jim Mangan moved to approve minutes for August 16, 2023 2nd Alyssa Fusaro, unanimous

AGENDA ITEMS

Campaign Finance Reports-Eryn Harvey-continuing to monitor the 2022 annual reports but may have to finish after the election; the failure to file list is complete; committees registered

Denise Williams noted that filings have a bearing on certification of election contests

Poll Books-Eryn Harvey-reported to Council at their work session that a pilot program with Knowink will be done during the 2023 general election; 30 polling places over a range of locations will test; the other locations will use paper poll books; a paper poll book will be provided at the test locations; half of the \$17,000 cost will be refunded if we purchase the Knowink poll books; also working with county recycling to dispose of old ES&S machines; the cost will be about \$1200 as there is a lot to remove; there will be separate training for the Knowink poll books

Additional Drop Box at West Side Annex-Jen Pecora advised through email that if a drop box is placed at the West Side Annex it would have to be ordered

Eryn Harvey-the box will cost \$2800 and has not been budgeted; the WSA is close to Penn Place and a box there would not be a good use of money or the sheriff's deputies time

Denise Williams-money for security can come from the EIG; money for another box can be put in the next budget; recommends additional box be ordered as a spare; the original goal was to have five boxes; the Pittston Library box was the second highest used in the county; county owned site suggested because people were encouraging municipalities to reject drop boxes; has the sheriff's department indicated this is a hardship

Eryn Harvey-drop boxes pull the deputies away from their other duties; will look into this

Alyssa Fusaro-security is her main concern; has never seen any footage from the boxes; there are issues that haven't been handled; county after county has removed drop boxes; not lawful; 10-15 local municipalities have moved against them; where is the WSA

Denise Williams-near the airport; northern most county owned location; county would install security (\$4000 which could come out of the EIG)

Jim Mangan-WSA is a busy hub for many county activities including a magistrate's office and a LCTA hub; next to an airport; not a good location because of congestion; parking would be an issue

Denise Williams-had received reports from prior inspections; there was a flood and needed repairs; thinks magistrate's office is a plus; requests a preview of budget due in October; recommends purchasing a spare box

Alyssa Fusaro-warehouse security? Eryn Harvey reported that it had to be paused due to the timing of the EIG money but should be completed by the election

Bylaws-no further recommendations; Audrey Serniak will complete and send out to the Board and the Office of Law

Drop Box Investigations-investigations from 11/21, 5/22 and 11/22 are outstanding; DA had said they would be included in the next report; there has been no response to emails sent to the DA sent 7/23 and 8/23

Alyssa Fusaro-DA had conversation with DA said he was hesitant to release due to media or public response; this was over a year ago a year ago; doesn't know his reasons for not releasing; office is very busy; our responsibility to investigate but handed it over to the DA for a better investigation

Jim Mangan-increase in crime so detectives are overwhelmed; regarding the drop box surveillance we have never taken it upon ourselves to review; would like a bipartisan team to review the footage; haven't done our due diligence; would like to review footage from the beginning of drop box use

Denise Williams-had reviewed footage in 11/21 with Rick Nardone

Jim Mangan moved to create a bipartisan team under the supervision of the Board to review as much of the ballot drop box video as possible 2nd Denise Williams

Audrey Serniak no, Alyssa Fusaro yes, Jim Mangan yes, Denise Williams no; motion fails

Audrey Serniak-not completely against this but needs a more concrete proposal

Denise Williams-will go on next agenda; will send one more email to the DA

Work Sessions-Alyssa Fusaro-we have grandiose discussions that last for hours and maybe we just need more information; not every time just as circumstances require like presentations; have to be careful with our emails that we don't use them for deliberations

Jim Mangan-in favor if prior to meetings; doesn't want to remove items from public comment; some things could be streamlined

Alyssa Fusaro-have a public comment section after the work session; it's input before a vote

Denise Williams-would have to be properly posted ahead of time; need for public comment; doubts it would shorten meetings

Alyssa Fusaro transparency at risk; not fair to the public that we don't have time for enough deliberation; how many people believed that we are retaining permanent council instead of backdating council's retention for the current lawsuit

Denise Williams-the agenda is formed a week in advance so members know what will be discussed and can prepare; need based and needs to be arranged in advance

Alyssa Fusaro moved that we include work sessions from time to time with proper notification when necessary 2nd Jim Mangan

Alyssa Fusaro yes, Jim Mangan yes, Audrey Serniak yes, Denise Williams yes; 4 yes 1 absent,

motion passes

Motion to Approve the Office of Law's Retention of Attorney Joseph Cosgrove, from the Selingo Guagliardo Law Firm, to represent the Luzerne County Board of Elections & Registration in "Luzerne County vs. Luzerne County Board of Elections and Registration" by Alyssa Fusaro 2nd Jim Mangan

Jim Mangan yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes;, 4 yes 1 absent, motion passes

Eryn Harvey-the Bureau has instituted a student poll worker program; packets have been sent to the schools; Nanticoke has helped a lot; packets were distributed to the Board

PUBLIC COMMENTS (3 minutes)

Walter Griffith-Cosgrove approval; now realizes it was a retroactive vote; suggests sending a letter to the legislature or relevant committee asking them to clarify drop box status; needs to be legislation or their legality will always be in question; asks that any data, stored on the old poll books be scrubbed before disposing; need to streamline video viewing to reports of incidents

Denise Williams-only report incidents to the DA if they are credible; incidents are reviewed and forwarded by officials (Bureau, Board)

Mark Rabo-joint state government commission, bipartisan advisory board's report of 8/23/23 is on their website, agrees with Controller Griffith that a letter should be sent; perhaps the DA should forward the investigation to AG in Harrisburg; requests parking for Ward 2 in Hazleton be arranged for election day; thinks work sessions would be helpful to the Board

Ben Herring, Duryea-thanks Mr. Mangan for his motion to review drop box video; appalled that DA doesn't review video and that Board doesn't have an appetite for reviewing drop box video; has filed a right to know request for video and has had to appeal, waiting on a court ruling; no one reviews for incidents and are asking for another

box in a busy location so that no one can see what's going on; will continue to request the footage

Joseph McCabe, Laflin-wants to know when the voter registration lists were last cleaned

Denise Williams-ongoing when reports from ERIC and department of health come in; major cleaning done during the summer for inactive voters

Robin Kochin, Dallas Township-shocked over what she's heard; commends Jim Mangan; if no one is reviewing the video who is looking at it because this is our guarantee of integrity; if nothing to hide why not doing everything possible to provide transparency; electronics cause problems but are convenient and not transparent; need to hand count the ballots like other countries; machines can be hacked; Germany can hand count and report preliminary reports the next morning; need to be concerned with transparency

MOTION TO ADJOURN

Alysa Fusaro 2nd Audrey Serniak, unanimous

ADJOURNED 7:29 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:

1. 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.
2. 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.
3. **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.
4. **If the BOER votes to cure**, the following process is recommended:
 - a. The review of flawed the mail in ballots shall be started no earlier than 7:00 AM on Election Day.
 - b. 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.

- c. 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.)
- d. 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

BYLAWS

The Board of Elections and Registration

20 North Pennsylvania Ave

Wilkes Barre PA 18701

Purpose

The 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 PA State Bureau of Commissions, Elections and Legislation. (Administrative Code 7.01A)

The Board of Elections shall be replaced by a reconstituted Board of Elections and Registration that shall exercise all powers and duties now or hereafter conferred on it by this Charter, the Administrative Code, or other County ordinance or resolution, and, to the extent they are not inconsistent with this Charter, those powers and duties now or hereafter conferred by applicable law on boards of elections in counties of Luzerne County's classification functioning without a home rule charter or, in the absence of such laws, by state law applicable to boards of elections in counties having populations closest to that of Luzerne County.

(Home Rule Charter 8.04A)

Composition/Terms of Office/Election/Vacancies

The reconstituted Board of Elections and Registration shall consist of five registered voters, four of whom shall be appointed by resolution of County Council adopted by an affirmative vote of at least a majority of its current members. For those initially appointed under the terms of this Charter, one member each from the two political parties receiving the highest and second highest number of votes cast in Luzerne County for the office of Governor of Pennsylvania in the most recent general election for that office shall be appointed to serve for terms of two years, and one member each from these political parties shall be appointed to serve for terms of four years. Thereafter, except as may otherwise be provided for in this Charter or applicable law, all terms shall be four years. 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.

(Home Rule Charter 8.04B)

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 in a manner prescribed elsewhere in this Article. (Home Rule Charter 8.04G)

At the time of his/her appointment, throughout his/her term of office, and for a period of at least four years prior to appointment, no member of the Board of Elections and Registration shall be or have been an elective County official, County employee, member or employee of any other County authority, board, or commission, hold or have held any elective public office or public employment, be or have been employed or compensated by any individual or business serving as a contractor to the County or any County authority, board, or commission, serve or have served as a paid consultant for the County or any County authority, board, or commission, or serve or have served as an officer

in a political party. Further, for a period of one year after leaving office, no member of the Board of Elections and Registration shall serve as a County employee, be appointed to or serve as an employee of any County authority, board, or commission except as may specifically be provided for in this Charter, be employed or compensated by any individual or business that served as a contractor to the County or any County authority, board, or commission during the time he/she served as a member of the Board of Elections and Registration, or serve as a paid consultant for the County or any County authority, board, or commission. (Home Rule Charter 8.04H)

Officers

The officers for the Board are the Chair, Vice-Chair and Secretary The Board also has a Clerk and a Solicitor.

The Chair sets and posts the agenda, advertises the meetings and convenes and presides over meetings.

The Vice-Chair performs duties of the Chair in absence of the Chair.

The Secretary takes the meeting minutes, sees to the posting of the audio of meetings and can perform the duties of the Chair in absence of the Chair and Vice-Chair.

Clerk-The Administrative Services Division Director or his/her designee shall serve as the Clerk to the Election Board (Administrative Code 7.01.B)

Solicitor-The Office of Law/County Solicitor shall serve as legal advisor, attorney, and counsel in all official matters to all elective County officials, divisions, departments, bureaus, offices, agencies, boards, commissions, and other administrative units of the County government, except where this Charter specifically authorizes an elective official to contract for independent legal opinions and/or temporary special legal counsel. (Home Rule Charter 6.04 A)

Meetings

Time and Location

Meetings are held in the Council Chamber at the County Courthouse to allow for virtual participation, otherwise at Penn Place or another available advertised location.

Regular meetings begin at 6 PM; usually on Wednesdays.

Special meetings, which allow the Board to conduct business consisting of one agenda item, are held as needed.

Executive sessions will be held as needed and publicly announced during the next Board meeting.

Work Sessions can be held from time to time as needed. No votes will be taken. A public comment section to take place at the end of the session.

Order of Business

The Board follows Robert's Rules of Order, in but not limited to voting, voting order and abstentions.

Public Comment-The Board of Elections follows County Council's requirements: Citizens' Right to be Heard. A reasonable opportunity shall be provided for the residents and taxpayers of Luzerne County to provide public comment to County Council at its regular and special meetings prior to Council taking official action. County Council shall adopt procedures for citizen participation not inconsistent with the provisions, spirit, and purpose of this Charter and applicable law. (Home Rule Charter 11.07)

There are two public comment sections. The first on agenda items and the second on matters under the Board's purview.

Members of Council and Management may participate as members of the public but shall not participate in special manner unless prior a prior request has been made.

Quorums-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.

(Home Rule Charter 8.04I)

Virtual Meetings

Board members should attend meetings in person. Rare exceptions can be made if there are extenuating circumstances.

Audio of meetings will be posted on the county website

Advertisements, Agendas and Minutes

Advertisement of Board meetings, their agendas and minutes shall comply with the Pennsylvania Sunshine Law and Roberts Rules of Order.

Meeting Conduct

Members are expected to attend all meetings unless excused by the Chair.

If a Member has a conflict of interest in any matter, they will excuse themselves from any discussion or vote and state their reasons for doing so.

If a member abstains from a vote they must state their reasons for doing so.

Members will conduct themselves with courtesy to each other and the public.

Members will refrain from using cellphones for personal matters except for emergencies during meetings.

Code of Conduct and Ethics

Members will treat the public, management, Bureau employees and each other with mutual respect and refrain from criticizing each other in public.

Members will file any required ethics forms in time.

Any possible conflicts of interest can and should be discussed with the solicitor.

Resignations are to be addressed to the County Council.

Members are to maintain confidentiality of privileged information. What happens during executive sessions stays in executive sessions.

While members can voice their individual opinions, they shall refrain from speaking for the entire Board.

Members will not direct individual staff but will communicate concerns with Bureau management.

Members will communicate directly with Bureau management when seeking information or assistance.

Amendments

Bylaws can be amended or changed by a majority vote of the Board,

BYLAWS (SOURCES)

The Board of Elections and Registration

20 North Pennsylvania Ave

Wilkes Barre PA 18701

Purpose-Charter 8.04A

Composition/Terms of Office/Election/Vacancies-Charter 8.04B-H

Officers

Chair-Runs, convenes and presides over meetings, sets and posts the agenda, advertises meetings

Vice Chair-Performs duties of the Chair in absence of the Chair

Secretary-takes minutes; posts audio of meetings; performs duties of the Chair in absence of the Chair and Vice Chair

Clerk-see ? Admin code?

Solicitor see ? Admin code?

Meetings

Time and location

Council chamber at the county courthouse to allow for virtual participation, otherwise at Penn Place or other available location

Regular meetings begin at 6 PM; usually on Wednesday

Special meetings as needed

Order of Business-Robert's Rules of Order; 2 public comment sections first on agenda items, second on matters under the Board's purview.

Types

Regular-see charter

Special-allows the Board to conduct business consisting of one agenda item

Quorums-Charter 8.04I

Virtual-ok to attend virtually with prior notice to the Chair

Public Comment-Charter 11.07

County Council-The Board is an independent board. Members of Council may participate as members of the public but shall not participate in any special manner. (Luzerne Arts Council, Article IV)

Advertisements, Agendas and Minutes

Advertisement of Board meetings and their agendas shall comply with Pennsylvania Sunshine Law and the Luzerne County Home Rule Charter. (Arts Council; Art V)

The Chair shall set the agenda for each meeting, the items of which should have meaning to the purpose and goal of the Board. Any Board member may suggest agenda items. The agenda shall be available to Board members and the public in accordance with Pennsylvania law.

The agenda for each meeting shall be adopted at the onset of the meeting. Agenda items may be deleted from the agenda at the request of a board member prior to adoption. Additions to the agenda prior to adoption shall only be permitted as they are allowable under Pennsylvania law. (Arts Board)

Minutes-Minutes of the action of each meeting shall be taken by the Secretary of the Board. Such minutes shall include date, time, and location of the meeting; names of Board members present and absent; names of those electronically participating; names of persons attending from the public who comment and topics of comments; statement that a quorum is all motions and votes; and time of adjournment. (Arts Council, Art IX) Unapproved minutes will be posted with the agenda they will be voted on; posted on county website when approved

Audio of meetings will be posted on the county website

Voting (Rule 8 C County Council Bylaws)

Voting on Motions may be conducted by Ayes/Nays or by Roll Call, at the discretion of the P residing Officer. Votes of each Member shall be recorded in the minutes of the meeting and listed on the Ordinance or Resolution.

When abstaining from a vote, a Council member shall give a reason or explanation for the abstention.

Roll call votes shall be conducted on a rotating alphabetical basis, with the Chair voting last.

Parliamentary Procedure: All questions regarding parliamentary procedure shall be resolved by the Chair, in consultation with the Solicitor present at the meeting.

Meeting Conduct

Members are expected to be on time and present for the entire duration of a regular meeting, special meeting, and Work Session from roll call through adjournment, unless excused by the Chair. (Council Bylaws Rule 1B.1)

If a Member has a conflict of interest regarding any item that is under discussion or shall come to a vote, the Council member shall state the conflict and refrain from further participation in the matter. (Bylaws 1C.2)

A Member who has the floor shall refrain from dealing in personalities and impugning the motives of others. Reference to other members of the assembly shall be by proper title, i.e. Mr. Chairman, the last Council member who spoke, the last citizen who spoke, or the former speaker. (Bylaws 1C.3)

When a speaker is called to order by the Chair, that person shall relinquish the floor immediately until the question of order is resolved. (Bylaws 1C.5)

Members are prohibited from using cellular, mobile, or telephonic devices for personal communications, including emails and texts, while present at the meeting except where emergency circumstances exist or unless such media is necessary to the operation of the meeting. (Bylaws 1C.6-7)

Code of Conduct and Ethics

Board members will not publicly criticize individual staff but will privately communicate with the Bureau management any concerns about a Bureau staff person. (Kirkland)

Board members will work with staff in a manner that consistently demonstrates mutual respect. (Kirkland, LCCC)

Board members will not discuss personnel issues, undermine management direction, or give or imply direction to staff. (Kirkland, LCCC)

Board members will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up. (Kirkland)

Board members will not knowingly blindsides one another in public and will contact staff prior to a meeting with any questions or issues. (Kirkland)

Timely filing of financial forms (Charles County)

Conflict of Interest-can consult with Board's solicitor; other member can disqualify if unanimous of the Board (Charles County, LCCC)

Resignation to be addressed to Council (Charles County)

Maintain confidentiality of privileged information (LCCC)

Refrain representing oneself as speaking for the Board (LCCC)

Amendments

Bylaws can be amended or changed by a majority vote of the Board

