

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

AGENDA

January 4, 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: Regular Meeting on December 14, 2022 (pp.3-8)

Solicitor

- 1. \$30.00 Additional Payment to Judges of Election for Pick Up and Delivery of Election materials – Is Amount Allowed by Election Code? - Information**

Bureau

- 1. Electronic Poll Book Use for January 31, 2023 Special Election - Status Update: Information**
- 2. January 31, 2023 Special Election Update: Information**

Board

- 1. Approval of Ballot for January 2023 Special Election (Sample Ballots are Posted on Elections Webpage: Board Vote**
- 2. Additional Payments to Judges of Election for Pick Up and Delivery of Election Supplies & Mileage Reimbursement: Information, Discussion, Board Vote**

3. **Mail-in Ballot Curing Notification for January 31, 2023 Special Election:**
Information, Discussion, Board Vote (See p. 9)
4. **Policies & Procedures for Sealing & Deploying Dominion Machines (AF):**
Discussion
5. **Provisional Ballot Review (AF):** Discussion
6. **Board of Elections & Registration Bylaws (AF):** Discussion

COMMENT ON NON-AGENDA ITEMS

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

MOTION TO ADJOURN

ADJOURNMENT

LUZERNE COUNTY BOARD OF ELECTIONS

AND REGISTRATIONS MEETING MINUTES

LUZERNE COUNTY COURTHOUSE COUNCIL ROOM

DECEMBER 14 , 2022

CALL TO ORDER 5:01 PM

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

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

Denise Williams yes

EXECUTIVE SESSION

October 20, 2022 9:15 AM-9:41 AM litigation regarding undated ballots; no deliberation

November 7, 2022 1:29 PM-1:27 PM legal matter; no deliberation

November 8, 2022 8:09 AM-8:12 AM litigation; no deliberation

November 18, 1022 11:40 AM-11:45 AM litigation regarding undated ballots; no deliberation

November 22, 2022 4:16 PM-4:22 PM DA investigation; no deliberation

APPROVAL OF AGENDA

Alyssa Fusaro moved to remove Board #4 from the agenda, moot 2nd Jim Mangan, unanimous

Alyssa Fusaro moved to approve amended agenda 2nd Danny Schramm; unanimous

PUBLIC COMMENTS (3 minutes)

Bob Kadluboski, Wilkes Barre-wanted to know how to address one member of the Board; question about being able to come back in after being ejected;

Denise Williams advised he needs to address the Board as a whole and that no one would be allowed back in if they are ejected

Claudia Glennan, Salem Township-regarding Board members administering the oath for election workers her opinion is that a judge should continue to do it adding more credence and weight; perhaps a group of volunteers could be sworn in earlier and held on stand by if needed?

In defense of drop boxes, they facilitate the process for people who can't get to the polls and are secure

Joe Granteed, Plains-too much time and energy spent on drop boxes and not enough elsewhere for the rest of the county to have a fair and valid vote

Ron Knapp, Nanticoke-was with US military in Iraq during their election; need to keep a keen eye on the process; no way to keep drop boxes secure, elections at risk with drop boxes

MINUTES

October 17, 2022 Regular Meeting

November 8, 2022 Election Day

November 9-22, 2022 Ballots with Deficiencies and Provisionals Meeting

November 21-22, 2002 Write-in Adjudication and 2% Audit

November 14, 2022 Special Meeting Address Printer Paper Shortage

November 28, 2022 Special Meeting Certification

November 30, 2022 Special Meeting Certification

December 5, 2022 Special Meeting Additional Poll Worker Pay

Jim Mangan moved to approve the minutes 2nd Danny Schramm; 4 yes 0 no 1 abstain; motion passes (Alyssa Fusaro abstained because she wasn't able to review them)

BUREAU OF ELECTIONS REPORT

Polling places for the Special Election-Beth McBride reported 2 changes to polling places-Fairview 1 & 2 from the fire hall to the municipal building which will be temporary and Butler 2, 3, & 4 from the municipal building to Edgewood Golf Course which is permanent; letters and registration cards are being sent; there will be signage at the old locations directing voters to the new locations; there are 30 polling places for the Special Election with some overlap in locations

Denise Williams moved to approve the polling places 2nd Alyssa Fusaro; unanimous

Paper Poll Books vs Electronic Poll Books Beth McBride reported that paper poll books were chosen for the Special Election because of the time factor; she has presented County Council with 3 options: purchase new poll books as the current ones are at the end of their life, paper poll books, and paper poll books with an app used to look up voter data and function as a communication central system (\$30,000-40,000)

Alyssa Fusaro-find the best 30 electronic books and use them; avoids the challenges that occurred with the general on names not in the paper books, can look up voter data; workers are familiar with the electronic books

Denise Williams-agrees,not using them caused extra provisionals to be voted; problems with set-up cause most of the phone call for help; also who decides? For the 2020 primary the Board voted to use the electronic books, since them we have been told we don't vote on these issues; the administrative code seems to give the Board the power to decide for special elections

Jim Mangan-agrees use the electronic books; was for the paper in the general but has changed his mind

Danny Schramm-need to use the electronic books; life of equipment is 5-6 years and they don't all go at once; can replace over time; use them now identify the ones that work and replace the ones that don't

Audrey Serniak-is there enough time to set up the electronic books and can it be done in house?

Beth McBride-not an option at this time; ready to go with paper for the training; Bureau can accommodate questions by phone and the website is available

Jim Mangan-do the polling places have internet access?

Beth McBride yes but will confirm

Denise Williams-strongly suggest have trained people manning the phones

Beth McBride-had 13 lines for the general and are looking to increase to 20-25

Alyssa Fusaro-ES&S has a team; not done in house; are we still under contract?are the machines under warranty?

Beth McBride-believe until the end of the year but will check with the Office of Law

Danny Schramm-contact ES&S and find out if they can do; they should be asked

Denise Williams moved to utilize the electronic poll books contingent upon ES&S being able to provide the service 2nd Alyssa Fusaro

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

Denise Williams yes; unanimous

Denise Williams requested the Board be copied in the emails to ES&S

BOARD OF ELECTIONS REPORT

Jim Mangan moved 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 and

Registration in 2 cases regarding the 'undated' and 'date out of range' Mail in ballots

2nd Danny Schramm

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

Denise Williams yes; unanimous

Meeting dates for 2023- Denise Williams says the council room is reserved for January 4 and January 18, 2023; the others will have to wait until Council sets up their schedule (3/15, 4/5, 4/19, 5/3, 7/12, 8/16, 9/13, 10/4, 10/25, 12/13)

Denise Williams moved to approve the date list she presented 2nd Jim Mangan

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

Denise Williams yes; unanimous

Additional payments to JoE's-Controller says the additional transport payment to JoE's is capped by the state at \$20 not the \$30 we are paying and the mileage has to be specific

Alyssa Fusaro-we should offer a little bit more if possible; petition the state to increase payments

Denise Williams-perhaps add something to the JoE training payment if it is expanded

Beth McBride-no plans to change training at this time

Mike Butera, solicitor-the Board voted in 2020 but he doesn't remember the discussion

Alyssa Fusaro moved to table until our next meeting pending a legal opinion 2nd Jim Mangan

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

Denise Williams yes (advised needs to hear from Office of Law) ; unanimous

Administration of oaths-Paula Radick (solicitor) had emailed that a Judge of Common Pleas has administered in the past and put it in the court record; she advised we continue the process

Denise Williams-agrees but Board should act as a back up if there is an immediate need

Alyssa Fusaro-Board is a quasi-judicial board; makes determinations; using judges is a nice thing

Audrey Serniak-likes the idea of having temporary workers and volunteers sworn ahead of time in case they are needed

Jim Mangan-using the judges is nice but if someone is determined to violate their oath they will; need to use power wisely

Danny Schramm-getting hold of a judge is sometimes hard

Mike Butera- Board does have the power; nothing wrong with Board administering the oath for convenience sake; judge adds gravitas and is best; no need to vote

Denise Williams-need a written procedure for the Board including the oath

Drop boxes-only need a vote if there is a change in location

Beth McBride-hasn't heard back from Wright Township; next nearest is Hazleton Exchange Building which is county owned but required surveillance needs to be installed

Denise Williams-Wright Township Fire Hall hosted for three elections; any problems that would effect their continuing to host; is the resolutions banning drop boxes that was presented changed their minds?

Beth McBride-not aware of any issues; assumed because of the controversy

Audrey Serniak-don't want to take anything away from voters; this election is happening in winter

Alyssa Fusaro-won't vote for drop boxes; there are incomplete investigations; has made the arguments before

Denise Williams=reestablishing the lower Luzerne box is important; this is the longest distance from Penn Place; with mail delays both with ballots going out and slow post office delivery drop boxes are important; last days show the biggest use

Alyssa Fusaro-Wisconsin through a judicial ruling just outlawed them

Denise Williams moved to approve the Hazleton Exchange Building for the special election and going forward 2nd Audrey Serniak

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

Denise Williams yes; 3 yes 2 no motion passes

PUBLIC COMMENTS (3 minutes)

Ron Knapp, Nanticoke-sounding the alarm: internet connection to poll books, mislabeling of ballots in the primary, military ballots in the dumpster, late mail in ballots sent; need to hold someone responsible; someone should resign; not a legitimate election; our government spent 3.5 billion dollars in Iraq to make sure their election had integrity; our system has so many lows: hyper inflation, energy costs through the roof, border crisis, suicides, drug use; someone has to take responsibility so our elections have integrity

(informed that no internet connection to the poll books; it would be an app on a smart phone)

Joe Granteed, Plains-Luzerne County is a Republican county, Republicans don't want drop boxes yet the Board keeps voting for them; credibility is damaged, get credibility back by banning drop boxes; if spending money and time is too much of a sacrifice for people than they shouldn't vote; L & A testing-why stay with machines that have given us so many problems? Voting machines were tampered with, how's the investigation going? He noticed that they were tampered with in West Pittston 2 and can demonstrate how it was done

Desiree Edwards, Swoyersville-drop boxes were put in place because of Covid, there is no longer a state of emergency; not willing to make them a normal convenience; people were told to come back but a Board member said it was the voter's responsibility to come back

Bob Kadulboski, Wilkes Barre-asked if he could video Jim Mangan regarding his statement

that the law was broken so he can turn it over to the detectives; Mike Butera to go over with the Chair a 1964 ruling in regarding violating peoples' rights by ejecting them from meetings; objected that one meeting was packed with our supporters clapping and the people trying to fix things had to sit outside; asked Beth McBride what happened last election and if we are stocked up on paper and ink for this election (Denise Williams reminded that the DA is investigating); could we have called for a new election?

Mike Butera advised the Board doesn't have the power to redo an election

Jim Mangan-violation vs illegal is a matter of semantics, a violation is illegal; the Republican representative challenged the cured ballots; Board voted it was ok to cure using state guidance, state department of elections allowed the violation

MOTION TO ADJOURN

Alyssa Fusaro 2nd Jim Mangan; unanimous

ADJOURNED 7:00 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:

2. 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.
3. 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.
4. **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.
5. **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

