

**** DRAFT --FOR APPROVAL ****

LUZERNE COUNTY BOARD OF ELECTIONS

WEDNESDAY FEBRUARY 3, 2021

(Via TELECONFERENCE)

4:30p.m.

- MINUTES

MEMBERS PRESENT:

JEANETTE TAIT -- CHAIRWOMAN

PETER OUELLETTE -- VICE CHAIRMAN

JOYCE DOMBROSKI-GEBHARDT -- SECRETARY

KEITH GOULD

AUDREY SERNIAK

Also Present: Romilda Crocamo, County Chief Solicitor; Jerrod Gutowski, I.T. Dept.; David Parsnik, County Administrative Services Division Head and Paula Radick, Esq.

Absent: Michael Butera, County Assistant Solicitor; Andrea Hill, Interim Director of Bureau of Elections and C. David Pedri, County Manager.

CALL TO ORDER-- At 4:31p.m. Chair, Jeanette Tait calls the meeting to order and asks everyone to join her in the....

PLEDGE OF ALLEGIANCE --

Chair Tait then requests a Roll call. All five Board members are present on the meeting. Chair Tait says, We have a quorum. She asks for a Motion to accept the Agenda. Board member, Joyce Dombroski-Gebhardt interjects saying she wants to amend the Agenda. Joyce further states she feels, and that it's her opinion, that the Board cannot possibly have a vote today on either of the following agenda items:

Discussion/vote Luzerne County Election Board to follow all Pennsylvania Election Laws inclusive of Act 77 and Title 25 and all revisions

The Board will follow above, any items contradicting the Luzerne County Home Rule Charter or Administrative Code will be superseded by any Pennsylvania Election Laws, Titles or Acts

Joyce then proceeds to explain why. . . The no excuse mail-in voting signed into law back in October 2019 by our PA Governor Wolf as part of Act 77, a bipartisan election reform bill that allowed Pennsylvanians to request an absentee ballot without an excuse as previously required.

There will be legislation introduced by both Senators Doug Mastriano and Patrick Stefano to repeal the no excuse mail-in ballots because they take issue with the PA Supreme Court's decision to uphold the states' extension of the mail-in ballot deadline to three days after Election day. Joyce says that she feels as a Board we cannot vote today on this item when there is proof of forthcoming legislation going to be introduced shortly specifically, per a Memorandum dated Thursday January 21, 2021 that went out to all of Senate.

:::::Discussion ensues:::::

Vice-chair Peter Ouellette says with all due respect, the agenda item simply states it follows the law. Also, that that is only a bill that's going to be introduced. Solicitor Romilda Crocamo chimes in and suggests that what Joyce is saying is to not vote on the item, but to discuss it, but table the whole issue because there's legislation pending. Joyce responds yes, that's what she's trying to get across and to amend the agenda with that statement. Peter says he will go along with that. Chair Tait asks for a motion to table the whole issue:

MOTION: Joyce_ 2nd: Peter_
All in favor. Motion passes.

PUBLIC COMMENTS --

Chair Tait asks for the first caller.....

Walter Griffith - He comments on the discussion the Board just had, says he doesn't understand why the Board is trying to vote on it, but as Mr. Ouellette just said, follow the law. Walter further states the Board's function is to follow the laws that are written and they administer the law to the effective election. He then says he doesn't see the January 20, 2021 meeting minutes on line unless he missed seeing them. Peter responds to Walter that he sees the minutes posted on line. Chair Tait says she checked also and that the minutes are posted on line. Walter ended up apologizing after they both had verified that the minutes are publicly accessible on the county site. Walter then offers positive feedback saying he picked up his packet to run for county controller at the election bureau and he believes interim Election Director Andrea Hill is doing a fantastic job running the office on short notice without a deputy director. Walter says he noticed there's an uptick in morale in the bureau, and that it appeared it's being run well.

Chair Tait then says she has to back up to have a Motion to accept the Draft of the January 20, 2021 meeting Minutes.

MOTION: Peter 2nd: Keith

All in favor. Motion passes.

PUBLIC COMMENTS (Cont'd.....)

***Chair Tait then asks for the next caller....

Sean Donahue -- Says the Election Inquiry Committee said they would recommend come up with a standard policy that deals with write-in votes and wonders whether the Board has decided on a policy that will involve always publishing all aggregated write-in votes as a matter of policy, and place them in a centralized location such as on line?

Peter Ouellette responds, That discussion is actually on the agenda. Sean asks, so you're going to do it?

:::silence:::

Dave Parsnik responds, Peter is muted if he's speaking.

***Chair Tait then asks for the next caller.....

Stephen J. Urban -- Begins by saying he was watching the first State House Committee meeting and that the first hour was very interesting. They issued guidance and directives to each County and the guidance is basically more along the lines of a persuasive event where they try to get you to follow certain guidance and it was pretty much an interesting conversation between the guidance that goes out to the Counties whereas a directive is mainly that should be more mandatory. Steve then points out issues he believes should be addressed. He thinks it would be in the Board's purview to really look at the PA Election Code when it comes to things such as write-in votes, registrations, how people apply, ensuring that the Bureau is doing its job checking identification prior to accepting someone's registration to vote. On the back end, Steve continues, people think there might have been so called fraud, but the actual fraud could happen in the back office where things get "auto approved" -- not double checking every registration application that comes into the County and then, subsequently you're getting a ballot application and then sending it out to wherever it has to be sent. I would also try to convince the Board to take a look at the permanent mail mail in ballot listing and look at those individuals that are requesting a ballot to go out of state on an annual basis, and also out of the County. He states he has seen a couple of individuals requesting a ballot on an annual basis going to Tunkhannock, Bethlehem, Throop, Clarks Summit, Philadelphia. And so, those are the anomalies that people really take issue with and obviously there's a clear distinction between an Absentee and a no excuse mail in ballot. By virtue of sending out a no excuse mail in ballot to an outside address outside of the County, that person is already predetermining that they will be absent from the County and, in his opinion, that person should be in an Absentee ballot category NOT a no excuse mail in ballot because when people are claiming they want their ballot in Florida every year on an annual basis, they he thinks that's where some people really take issue. So he really thinks the board should look at that database and look at the couple hundred individuals that are requesting those ballots and find a better process for deceased

individuals because if they happen to pass away before Election day and you catch it in the obituary you can actually cancel that ballot out. It doesn't impact the election but you put it aside and not count it but it can't stop the election from happening so it doesn't affect the election as a whole but those votes should not count. Steve says, and that goes for both Democrats and Republicans -- Steve adds he doesn't care what party they are they if they are already deceased before the election you shouldn't be counting those votes when people may have voted 2 - 3 weeks in advance and they passed away and it's in the Obituaries and that is a method that you can stop a ballot from being counted in your process. Write-ins are definitely an issue and should be journalized and really take a look at that so people aren't being disenfranchised because every vote does matter and you have to have a consistent process across the board on an annual basis year after year. That being said, Steve ends by saying, you have your work cut out for you to develop some better processes.

***Chair Tait asks for the next caller.....

Denise Williams -- I have been following the Election Inquiry Committee meetings, and realized in listening in on them and what they have said, a lot of what you, as an Election Board have been doing and following, is vague in the Charter and they have spent ten meetings working on coming up with a plan to rectify that, and this has been this way for quite some time from what I have read -- it did say that in the Citizens Voice so it sounds like to me there are many things you know maybe that are spelled out and clarified and yet all of you have really been attacked for how you have been doing things especially by Walter Griffith and Steve Urban and I'm concerned about that because they wanted to change the make up of the Board while the Election Inquiry Committee was in the process instead of waiting to do something like that until that was over, and also this Inquiry process that is helping to kind of flush out and clarify the Board's role, the Bureau's role, and the Council's role, and so it seemed like they weren't waiting to hear this out and let it get spelled out, and help all of you out in determining what, in fact, your role is so there's been a lot that you haven't really had to follow.

The law is the law as Peter said, and you have been following the law obviously because if you haven't been we would all know it, and there would be a big problem.

Anyone who wants an outside of the County mail in ballot the law is it's no excuse now, and I don't know why Steve Urban keeps talking about this. If somebody lives in Florida for October, November, December and they want to choose to get a no excuse ballot every year while this law is in place they have every right -- that is the law. Also, the law is the law in what you're determining. Joyce said hold off because a bill's being introduced. Well, we know how that can spell out. Any law that goes up to change this mail in ballot law will be vetoed by Gov. Wolf.

And, you have to remember the Republican majority voted this bill in. And, why did they vote it in? Because it was a compromise bill with Gov. Wolf to get rid of straight ticket party voting.

And so that was the compromise. They really wanted it. The majority party put this through. There was no way the Democratic party in the PA State House could have put this through.

Only the majority party could have put it through. Now, they don't like the fact that all these mail in ballots were used during a pandemic which was a wonderful thing by 70,000 residents of Luzerne County which we should be applauding that they voted that way during a pandemic instead we want to condemn the mail in ballots. The last thing I want to say is about the resignations of the Director of the Bureau, and Deputy Assistant of the Bureau and now, Jeanette the Board Chair and I'm very disturbed by this because my concern is who would want

to take on one of these positions when they're attacked by Walter Griffith and Steve Urban every time there's a meeting. And, I really do think that this is the problem. I think maybe the Ethics Commission or the Committee on the Council needs to look into this and how we're treating each other with respect allowing the process to play out with the Election Inquiry Committee before attacking someone for something they don't even know for sure what they are supposed to be doing. That's all I wanted to say.

Election board member Joyce Dombroski-Gebhardt directly responds in disagreement, saying she believes the two councilmen Walter Griffith and Stephen Urban provide "constructive criticism."

It is not attacks, Joyce adds.

***Chair Tait then asks for the next caller....

Brian Shiner -- He says when he looks at the agenda items he thinks the problem comes in that there's no packet with the agenda and so anything you're going to vote on should be part of your Agenda packet. Then Brian thanks Andrea Hill for stepping up and assuming the Interim Election Director. He says she's very knowledgeable and he wishes her well.

Mark Rabo -- With regard to agenda item, polling places. Handicapped and disabled accessibility... he says an assessment was done with the ADA under former Elections Director Marissa Crispell, and so maybe Mr. Parsnik could elaborate further on this. Also, Linda Houck introduced that to the Codes committee. Mark says the Board should listen in to the state house committee hearings. He also strongly suggests to pay attention to the PA House government website.

Ronald Knapp -- He says he agrees with Joyce Dombroski-Gebhardt, and he further states that problems must be pointed out so they are known, and those involved in election oversight can't be soft and sometimes must take the punches and blows to make elections better, Ronald added.

Chair Tait says Public comments are over. She now asks for the....

Solicitor's report -- Romilda begins and says they have been involved with the Election Inquiry Committee and will be involved with the various Role and responsibilities that will be discussed. Romilda then says they have also set up a meeting with Andrea Hill regarding issues that come up for the Primary election. She then asks Paula Radick if she has anything to add. Paula responds, No, nothing to add to that that they're working on. (Mike Butera is not on the meeting.)

Bureau of Elections -- David Parsnik reports that the RP for delivery of equipment to the polling places was advertised last week and they're waiting for those results to come back.

The permanent mail in and Absentee voter letters were mailed out January 29, 2021.

Candidate packets were ready for pick up by candidates who plan on running on Tuesday the 2nd.

Campaign finance deadline was extended two days because of the winter storm. The new deadline is Thursday afternoon by 4:30p.m.

Board of Elections report --

o Due to Covid-19 Bureau to confirm availability of all polling places --

***Dave Parsnik states they are currently waiting on information back from several municipalities and two school districts, and will start contacting them tomorrow, February 4th. Mandatory by February 8, 2021.

o Bureau to check on contracts --

***Dave Parsnik says there's all new language in the contracts which were reviewed by the Solicitor's office. Joyce asks Dave if he will pass along to Chair Tait and the rest of the Board the two contracts which they provide to polling places that the Bureau currently utilizes on Election day. Dave replies that he will send them.

o Discussion/vote Luzerne County Election Board to follow all Pennsylvania Election Laws inclusive of Act 77 and Title 25 and all revisions

***Board member Keith Gould notes there is "constant conflict between the charter and state law." In those cases, he says the election board and other officials should always defer to state law.

Board Vice-Chair Peter Ouellette then says, All fair and we board members "need to remind ourselves that we do follow the laws." The board defers to the county office of law as "the authority" in cases when state and county regulations appear to conflict, he adds.

o The Board will follow above, any items contradicting the Luzerne County Home Rule Charter or Administrative Code will be superseded by any Pennsylvania Election Laws, Titles or Acts

***Keith says he thinks we just discussed this(item).

[The election board discussed, but did not vote on the agenda item stating that state law would supersede the county charter and administrative code, when a conflict arises.]

Chair Tait moves on to the next item....

o Discussion on the process of adjudication of mail-in and absentee ballots and the use of the scattered category. Also the process of each board member being able to judicate separately to streamline the process.

***Peter says, to let the public know. . . we have three board members present during the adjudication being done by Bureau employees as the Board needs a quorum for any issues that may come up with ballots during adjudication. Peter says he did do research on counties that don't have home rule such as Dauphin County on how they conduct their process.

[In counties that operate under Pennsylvania's standard form of county government, the three county commissioners function as the election board. Under Luzerne County's home rule government, the election board consists of five appointed county residents who do not hold elective office.]

At this point Keith makes a suggestion saying that we need to “get out there” for a new Chair -- a specific time and date immediately -- so as to fill the position before the end of this month.

Chair Jeanette Tait says she timed her resignation effective March 1 to give the board time to find someone else, but she is glad to turn it over if a replacement is identified sooner.

Peter then thanks Jeanette for her service and adds, it was a difficult year and that she rose to the occasion. Joyce and Keith and Audrey also thanked Chair Tait for her service.

Chair Tait responds to the thanks from her colleagues with a plea for county residents to consider running for election polling place judge of election and inspector posts that will be on the ballot this year. Chair Tait adds, if anyone knows anybody you think would be good at doing that, encourage them to get on the ballot because they need a lot of people to run for it.

Joyce then requests that either Chair Tait or Mr. Parsnik tell the public how they can go about to get on the ballot. Dave Parsnik responds saying that candidate packets for residents interested in those seats or any others are available in the bureau on the second floor of the county’s Penn Place building at the corner of Market Street and Pennsylvania Avenue in Wilkes-Barre.

Chair Tait asks for a motion to adjourn the meeting.

ADJOURNMENT at 5:31p.m.

MOTION: Keith 2nd: Peter
All in favor. Motion passes.

Respectfully submitted,

Joyce Dombroski-Gebhardt

Luzerne County Board of Elections