

Luzerne County Board of Elections

Wed., May 6, 2020 (via video conference)

4:30p.m.

MINUTES

Board Members Present:

Jose Adames, Chairman

Peter Ouellette, Vice Chairman

Keith Gould, Secretary

Audrey Serniak

Joyce Dombroski - Gebhardt

Call to Order -- Chairman Jose Adames

Pledge of Allegiance

Public Comment --

Walter Griffith: The Elections Board is excluded from the decisions made for the upcoming PA Primary election, these are always public. Another concern was the lack of a March meeting to deal with emergency polling places. There are only 50 days until the June primary and much needs to be done.

Precanvassing of the vote the Board is not being consulted has been brought up many times. Who authorized the paper poll books? The county paid \$11,080 on paper ballots and poll books and nothing was bid. The Board needs to meet again before the PA Primary as the County Manager made all of the decisions and needs to be addressed. The County Manager has spent one million dollars on the upcoming Primary election! And, the Director of Bureau of Elections, Shelby Watchilla, should be before the camera as Public relations person and the Board should be point people.

Jason Carr: The County has a long history of corruption. Three million dollars was spent for the new voting machines and so why not just give out gloves to all voters and the new voting machines can be used. Jason added, the Board isn't being consulted on election matters and he asked, Why is that? How will the Board handle multiple votes if they come in? It is a legitimate concern. Jason also questioned Attorney Butera regarding mail in votes, asking if the application is received the old law said you could pull that Absentee vote and vote at the poll -- new law states if you receive mail in ballot it must be torn up at the polling place and voter will receive a provisional ballot. Mary Beth said she could answered those questions and said No voting at poll if mail in ballot is received; will change in November. Mail in ballots have a bar code and watermark you

can trace the ballots. Director Wachilla then said the provisional votes are counted at the end of the night.

Mark Rabo: Hazleton is a hotspot for the Covid 19 Thousands of out of state people who fled the city to Hazleton... Can they vote? What is the verification process for voters they could tamper with the election injecting politics. Mary Beth responded, the person must be a registered voter in Luzerne County in order to vote. If not registered in the county, then no ballot. People are fearful of mail in ballots was mentioned.

The 2 site consolidation in Hazleton, the Castle (7 - 11 wards) and the Heights Terrace Elementary (1 - 6 wards) compounding system 1 or 2 polling places, Are they ADA compliant? All schools are Mary Beth said. How do voters know where to go? Mark Rabo asked. There will be announcements made via website Newspaper and mailings. Also, in regard to a Campaign finance issue a few months ago where a donation was made from out of state and it was not registered... What recourse do I have for these complaints?, Shelby asked. For the complaints the solicitor has information someone said. Well, Mary Beth and Peter were there to see it, Shelby stated. No donations are listed on the website, Shelby said. It's a goal to get donations on line, but we are just too busy. It's not a priority to put on line; you don't need a 'right to know' -- always had to ask. Atty.

Butera interjected stating he didn't have the files in front of him now, but that Mark Rabo can just call him tomorrow.

Jim Bognet: Praised all working in the Bureau. Then directed a couple of questions to Shelby... Will mail in ballot applications be sent out in one wave? Shelby replied, Every day more and more go out. When will ballots go out? Jim asked. They are being sent out as processed, Shelby said. They started last week. Will provide a spread sheet of number of Democrat and Republican. It will be sent out in a spread sheet. She will look into report. Democrats-- 10,104 sent. Republicans-- 6,102 sent.

Per Jim regarding Election night, report time to count after polls close at 8p.m. Precanvass begins at 7a.m. Director of Elections Shelby Watchilla said, No numbers to be reporting until after polls close. Can't answer as to how late the count will go. A full staff will be on hand. No one can relay prec canvass info, but "in a perfect world" I would like it finished that night, Shelby replied.

Ronald Knapp: Viewpoint absentee ballots under 1,000,000 statewide statement made someone trying to harvest votes; all activity must be reported. Is this in-process? Pedri: No plan is in place; consolidation brings more people together the new norm is the same as Lowes and supermarkets mail in voting will have new ramifications, give people an inch and they will take a

mile Americans are versatile and adjust believes we are adapting to PPE, but it puts more people in jeopardy.

Brian Shiner: Mr. Pedri, are poll books and paper ballots already purchased? He replied yes. Why didn't the Board vote on this? And, why can't we just use a stylus? It's cheaper. The plus using electronic poll books is they can tell a voter where to go to vote if they happen to be at the wrong polling place.

Walter Griffith: Absentee only-- Act 12 Section 13.02-- voters can vote at a polling place if they bring in their ballot. In addition, Walter stated there has been no training since January and Paper poll books were ordered at a cost of \$11,080.

Walter: You had to have known that \$11,080 was spent on poll books isn't that right Shelby? There was no response. Then he asked her if she has the receipt for the \$11,080? There was no response. Walter continued... So... between mailing out applications with stamped, self addressed envelopes to approximately 207,000 voters in the County. That means the County Manager spent one million dollars on the upcoming Primary election, and all of that was an Elections Board decision, not the County Manager's decision.

Walter Griffith: as a reminder, if the mail in application is sent in, no voting at the polling place. Also, the Bureau will provide list of mail in and absentee voters.

Ted Daniels: 1.) The ability to count votes in time. 2.) Let the public know if they applied for mail in ballot they can't vote at the polls. Shelby stated she could answer Ted Daniels' concerns... counting of mail in ballots or absentee ballots inform the public about mail in applications getting it out the best we can go on WNEP-TV, and do a press conference.

Stephen J. Urban--- Asked if there will be repercussions if someone releases numbers of votes from inside the Bureau of Elections during the count?

Stephen reminded everyone that during prec canvass process no phones are permitted, and sign a non-disclosure received mail in ballots is it for the entire year? If not, send for a new ballot in November. Mary Beth responded, In June must be returned to Bureau of Elections by 8p.m. then given a provisional ballot Act 12 says turn in ballot in November to vote at the polls. Section 13.02 Act 12 will send it originally changed the change. We need to educate the public, get it out to the public plans were set for the pandemic and will get more information to the public application for ballot needs Board approval. Stephen also asked, Does the Chairman Adames have a relationship with a candidate?... Can we separate out his District relationship? Jose replied, Any conflicts in the 120th District he will recuse himself -- prec canvass -- no communications.

Brian Shiner: Directed first question to County Manager, David Pedri... Did he already purchase the ballots? Yes, Pedri responded. What time will prec canvassing take place? 7a.m., per Shelby. Brian said need to change the law to canvass votes earlier. Director Watchilla didn't ask for changes.

Brian further stated it's fact that Judicial Watch is suing over voter maintenance. (Judicial Watch is an American conservative activist group founded in 1994 that files Freedom of Information Act lawsuits to investigate claimed misconduct by government officials.)

Brian then asked Pedri if he bought the poll books? And, did he authorize \$11,080.00 to buy the poll books? Pedri stated he has no knowledge were they bid; I would have idea if it was bid.

T. Lynette Villano: What if a ballot is lost in the mail? They would have to vote provisionally was the response.

Approval of March 11th Board minutes --

The minutes were approved with a motion made by Keith and seconded by Audrey Serniak.

Solicitors Report -- Responsibilities are basic with the Home Rule Charter, Section 8.04 Article 7.01 and 7.02

Board of Elections report --

Responsibilities of the Board of Elections:

The Elections Board is to decide to use or not to use poll books for the upcoming Primary is to be a Board decision. The Board is not to be kept in the dark about election preparations.

The Elections Board were to make the decision as to which company the new voting machines would be purchased from. But, David Pedri made that decision instead.

Again, Solicitor Butera referred to Section 8.04 Article 7.01 and 7.02 in the Home Rule Charter.

Discussion of future meeting dates -- The Board decided on the following dates:

May 20 (video conference once again)

June 10 instead of June 3

At this point a discussion ensued with County Manager Pedri while he was informing everyone saying, "I had planned to hold the June 2nd PA Primary, including the use of paper poll books at polling sites as an added safety measure in light of the coronavirus pandemic, and I figured voters could sign in using a take-home pen instead of a shared electronic stylus. To which Peter and Keith both interrupted David Pedri asking him, What's with this "I" and "me" whenever you are speaking during this meeting? Pedri continued on talking about his plan

which led up to where he eventually began pleading to the five Board of Elections members to agree to his paper ballot plan.

Joyce Dombroski-Gebhardt stated she and the Board should vote on the electronic poll books. She added: we (Board) should have voted on them, but we were excluded in the planning! Joyce called for an All roll call vote. Peter made a motion on Pedri's plan and three of the Board members -- Peter, Audrey and Keith agreed to Pedri's plan over the strong objection of Board member Joyce Dombroski-Gebhardt who said all voters should use the touchscreens. Joyce added, "I am here for the voters" noting that many people want to use the new paper trail voting machines the county purchased at a cost of three million dollars and had planned to unveil for the Primary. Joyce said, That was just a "voice vote" and again she called for an All roll call vote and to go back.

Atty. Butera said, We cannot go back. Joyce disagreed, but the meeting continued anyway.

(Chairman Adames also supported using the touchscreen electronic ballot marking devices instead of paper on June 2nd.)

Sample ballots/signature use:

Consensus of the Board was that before the Bureau ever wants to use any of the five Board members' signatures, the members need to be asked first.

Approval of June 2nd Proclamation:

Peter asked that a vote on the Proclamation be tabled while he and the four other Board members reviewed it for a couple of minutes since this was the first they ever saw it.

The meeting continued on....

A Resolution by the Board was introduced to increase the amount paid to poll workers be to the maximum allowed for the PA Primary due to precautions that have to be taken while holding the Primary during the pandemic. The increase will be for the PA Primary only with a review for the General election.

Motion was made by Keith and 2nd by Peter. All were in favor.

Back to the Proclamation....

Pedri's polling place consolidation plan reducing voting locations from 144 to 58 was approved by Board majority on a Motion by Peter and a 2nd by Keith with Joyce Dombroski-Gebhardt providing a 'No' vote since neither she or any Board members were ever asked for their input prior to Pedri and the Bureau finalizing the plan without the Board's approval. She felt how wrong it would be to ever vote in favor of the consolidation plan that was already "in the works" -- a consolidation plan which she and the rest of the Board had been excluded from having any input whatsoever.

Election day ballot counting -- Who does the counting of votes? -- the team is bipartisan, Keith asked. Shelby answered, They are scanned for counting, just opened by hand. Jose then asked, How are the ballots stored? Shelby: They are in a locked room and the key is in a locked room. Who opens the ballots? Jose asked. Shelby: They are opened by hand.

Bureau of Elections website -- The website needs election information -- it's difficult to use. The website should have a video as to how to use the equipment and also a training video.

Pedri moved the discussion on to the Bureau and stated the staff is working very hard with the mail in process. Peter said the application mailing went to every Democrat and Republican; if they don't want the mail in they can just show up and vote. If a voter returns it, and then want to go to the polls Act 12 states a provisional ballot will be used. Can a voter using a mail in ballot bring it to the polling place? No, they must take it to the bureau for this Primary. In November it can go to the polling place. Peter asked, Will the printed poll books be at the polls? And, what supplies will be available? Shelby said, The Dept. of State is sending PPE. We are just getting a percentage of the PPE we were promised. Are paper ballots acceptable for ADA compliance? We are using new equipment for compliance. Jose: supplies needed Privacy booths, Privacy

folder, we need to clean all equipment including privacy screens.

At this point Joyce said she has serious concerns regarding the push of mail in ballots because they do open the door to a different risk: lawsuits, with disputes over how voters filled out their ballots or whether their ballots arrived in a timely fashion.

Litigation can create its own problems, both in reality, and then the perception that the system isn't working. If everybody is running to court over votes, the fear is going to be that it's not the voters who decide elections, it's the lawyers and the judges.

To help mitigate the impact of litigation, Joyce added that the State should make darn sure its election rules are as detailed as possible!

Mary Beth continued the discussion saying, We need to have training on the electronic poll books. Motion for paper ballots: Motion Peter 2nd by Keith. All in favor.

Board said they want the number of poll workers by Friday. Peter motioned to use printed poll books. There was no 2nd .

Use electronic poll books. Motion Keith 2nd by Audrey. In favor Keith, Audrey and Joyce. Opposed Jose and Peter.

Status of Mail in/Absentee numbers --

Polling locations restructure plan --

Poll worker status -- The consensus was to encourage people to work the polls.

Adjournment -- Motion to adjourn by Keith and 2nd Peter. All in favor. Meeting adjourned at 6:52p.m.

Respectfully submitted,

Keith Gould

and

Joyce Dombroski-Gebhardt