

LUZERNE COUNTY BOARD OF ELECTIONS

AND REGISTRATIONS MEETING

MINUTES MAY 11, 2022

CALL TO ORDER 5:00 PM

EXECUTIVE SESSION

An executive session was held on May 3, 2022 1:01-1:15 PM to discuss litigation. No deliberations took place.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

APPROVAL OF AGENDA

Motion to adopt the agenda Alyssa Fusaro 2nd Jim Mangan, unanimous

PUBLIC COMMENTS (4 minutes)

Kevin Lescavage, West Pittston-Advised that he is not spreading misinformation, this is what he believes; reference 2000 Mules regarding ballots being counted more than once; there has been major fraud; need to take a hard look at drop boxes; they are a vehicle to cheat

Greg Wolovich, Hanover Township-Received a concerning email regarding another incident at the drop box; someone was told not to drop off more than one ballot and offered the proper form and dropped the ballots anyway; this has happened, who was watching, not just this one in particular

Dave Chaump, West Pittston-Firmly against drop boxes and their expansion; they don't enhance elections; people are not following the law by dropping off only their own ballots; open to possible ballot harvesting; mail in ballots can be manipulated; need to go back to basics-one day, voter ID and secure machines

Mark Rabo, Hazleton-just heard about the four ballots and isn't surprised; we saw this coming; the Lehigh County DA recorded 288 incidents and is adamant about putting detectives at drop boxes; DoS is against this; bedrock is one person, one vote, when did this change? Also would

like an update on parking at Hazleton 2 and security at Hazleton 5

Brian Thornton, Pittston-Regarding drop boxes, Kathy Boockvar brought in drop boxes for the 2020 primary because of Covid and courts found for them; there is no statutory authority; we continue to allow this lawlessness; people are done with voting

Denise Williams-It is case law; 5403 voters would be disenfranchised if drop boxes eliminated; they are Mr. Thornton's constituents, too; better education needed

Alyssa Fusaro-Drop boxes violate the 14th amendment equal protection clause; they are not uniformly available; they are not part of the law

## MINUTES

Motion to approve the minutes from April 27, 2022 made by Danny Schramm 2nd

Audrey Serniak, 4 yes, 1 abstention, minutes are approved

## SOLICITOR'S REPORT

SURE System-Paula Radick advised the Board that they cannot vote to restrict SURE access; Pennsylvania owns and controls SURE; access by Board members is uncommon but allowed;

it is up to the state to monitor the system and the Board will take on liability if they restrict

Denise Williams-She has never required access to SURE

Alyssa Fusaro-This is the Board of Elections and Registrations; we are ultimately responsible and need access for any internal investigations; asking for read only

Audrey Serniak-OK with letting the state monitor the use

Minimum Number of Votes Required for Local Party Offices-Paula Radick reported that the total number of write in votes needs to be equal to or greater than the number of votes required on a petition to get on the ballot; if a candidate receives 10 or more votes then the Board will certify; otherwise the parties get the information and make a decision; the Board can 'scatter' if there are fewer than 10 votes

## BUREAU OF ELECTIONS REPORT

Harveys Lake Poll Changes-due to a Covid outbreak the borough building cannot be used for this election; 2 other possible locations were outside of the district and would require court intervention to use; Our Lady of Victory is in the district, ADA compliant and is available; letters have gone out to voter; the change is on the website; the press and candidates have been notified and there will be signage to redirect voters

Primary Status Overview-Mike Susek advised that all 22,904 mail in requests have been sent out and about 11,200 ballots have been returned; deadline to return is 8 PM May 17th; they are deploying equipment and training poll workers; there are several sessions held in Hazleton; the judges bags will be packed; Susan Palmer, Wilkes Barre asked if the pass codes were going out, Mike Susek advised they were processing them now and past problems had been addressed; there was a typo in the Dorrance Township committee woman's race, it said Forraine; letters have gone out to those voters

Drop Box Status-Pittston Library was closed due to Covid and is now opened; Denise Williams

spoke with Dan Lynch regarding the Hazleton location, it can't be in the atrium because of the camera position, the signs saying no entrance have been removed and the door unlocked at the box location, Denise Williams placed signs directing people to the elevator and drop box

Alyssa Fusaro-No point in making a motion; drop boxes violate the 14th amendment's equal protection clause because not available uniformly; there are 3 active drop box investigations; 2 pieces of legislation doing away with drop boxes are pending; approved for use during Covid;

2000 Mules documents misuse; if one person puts in one ballot and the next person 4, this disenfranchises the first person; takes issue with drop boxes; 100% against disenfranchising people, lack of security and opening up to the possibility of fraud

Denise Williams-The location of the drop boxes was geographically determined; they are open when the sites are open; they are secured by video surveillance; there is no surveillance on mail boxes; 1/3 of the counties in PA use drop boxes; ; Lancaster County is being sued due to not having any public discussion (sunshine laws) before pulling their boxes; there are 2 drop box investigations, the other investigation is about the header problem in the 2021 primary; 2000 Mules alleges misuse

Jim Mangan-Need to hold the video for 60 days; in today's incident there may not have been malicious intent but it is the law; we need to do a better job educating the public; voting has , it is more complicated; digital can be manipulated; would like the 60 day tapes; debating that the law isn't the law

Denise Williams-Asked if we needed a meeting to refer the current incident to the DA;

Paula Radick advised the referral could go directly from the Bureau to the DA

Danny Schramm-We need to concentrate on next Tuesday

Nursing Home Letter-Mike Susek informed the Board that the Bureau has had to prioritize because they are busy and the election comes first, the letter is a courtesy; Alyssa Fusaro asked how soon it could go out since we need to educate the personal care homes on this and the Board had voted on it; Denise Williams pointed out that the Times Leader had a detailed article so that word is getting out; some of the Board members thought it a good idea to postpone the letter until the general election; Alyssa Fusaro said she could prepare the letter; Danny Schramm and Audrey Serniak said they could help; Paula Radick said there should be a vote

Denise Williams moved that the letter be postponed until the general election

2nd Audrey Serniak

Alyssa Fucaro no; Danny Schramm no, Audrey Serniak no; Denise Williams yes;

Jim Mangan abstain; 3 no, 1 yes, 1 abstention motion fails

Eligibility of Poll Workers=Regarding government employees serving as poll workers, Paula Radick said the Hatch Act only applies in certain situations; need to review the names and their positions

Mail Delivery During Elections-Drop boxes are picked up by the sheriff's department with a chain of custody; except for Penn Place they will be pulled on Monday; Bureau empties Penn Place; Ballots received by mail are picked up by a team with chain of custody procedures and are delivered to the Court House mail room where a 2 person team sorts them, a team with chain of custody procedures delivers them to Penn Place, the teams have been sworn; Denise Williams asked if the mail can be delivered directly to Penn Place; Mike Susek advised that would require changing the process for the entire building; looking into a PO box for the ballots for the future

#### BOARD OF ELECTIONS REPORT

Polling Site Approval-Motion to approve made by Jim Mangan 2nd Danny Schramm, unanimous

Mike Susek will follow up regarding parking at Ward 2 in Hazleton and the equipment will be secure at Ward 5

Letter to Parties Regarding Signage-Letters were sent advising the results of the polling place survey; results were largely positive except for political sign removal after the election

Complaint of Missing Disclaimer on Political Signs-An investigation found the signs were in compliance

Cost Proposal Request-The Election Group provided a \$15,000 cost to provide a summary report of their work; the Board discussed this and decided more information was needed

Alyssa Fusaro moved to table until, at least, the June 22, 2022 meeting 2nd Jim Mangan,

unanimous

Entrance Door to the Bureau-The employee door to the Bureau had been propped open; Bureau needs to be secure and safe; Mike Susek advised that this has been addressed

Warehouse Climate Control-Batteries for the machines have a shorter shelf life due to temperatures in the warehouse; there is also a humidity issue which has effected paper stored there; board discussed the issue and thought that the vendor should be consulted and a cost/benefit analysis be done to determine any changes that need to be made

Judge Party Affiliation Not Noted on Ballot-Paula Radick reported that the PA constitution determines that judges running for retention would not have party affiliations listed; judges running for the first time do but they are allowed to cross file

Curing for the Primary-Denise Williams moved that we cure ballots for the May primary

2nd Jim Mangan, Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes,

Jim Mangan yes, Denise Williams yes, motion carries

PUBLIC COMMENTS (4 minutes)

Mark Rabo-Thank you for info on Hazleton Wards 1, 2 and 5. Can we establish a timeline for posting financial information for future elections, reminded Board and Bureau that ADA compliance renewal for polling places are coming up

Steve Urban, Wilkes Barre-Regarding the Election Group, need to read the contract before any money is spent; Board drives the process, Bureau runs and maintains the office; Council funds it; Home Rule Charter makes things confusing; will be introducing changes to charter

Denise Williams-Agrees that there were Boards that didn't realize their roles; takes time to learn the process

Steve Urban-Manager should be neutral; council can't dictate to the Board; drop boxes were put out without a plan and sheriff's department is overworked; drop boxes not in Act 77; there is not equal protection over the state; 66 counties do not use them; gives drop box county candidates

an advantage; doesn't want us sued because we've done something wrong

Lisa from Wilkes Barre-Thank you for allowing drop boxes; lifesaver for her because disabled; finds them to be secure; maybe all counties should have them; should make it easier to vote not put up more obstacles to vote; would like ballots mailed out earlier

MOTION TO ADJOURN

Made by Alyssa Fusaro 2nd Danny Schramm, unanimous

NEXT MEETING

June 22, 2022

ADJOURNED 8:00 PM