

**LUZERNE COUNTY
BOARD OF ELECTIONS AND REGISTRATION
MINUTES OF THE MEETING HELD APRIL 16, 2012**

The Luzerne County Board of Elections and Registration met on Monday, April 16, 2012 at 5:00 PM at the Emergency Management Agency (EMA) Building for the purpose of conducting regular business. Present were:

H. Jeremy Packard, Chairman
John C. Ruckno, Second Vice Chair
John F. Newman, Secretary for the Board
Barbara J. Williams, Alternate Secretary
Michael I. Butera, Esq., Solicitor
Thomas Pizano, Interim Director of Elections
Robert Lawton, County Manager
Board Member Thomas J. Baldino was excused

Chairman Packard recalled the board from recess at 5:02 PM with the Pledge of Allegiance.

PUBLIC COMMENT: Chairman Packard indicated that comments would be limited to six (6) minutes.

Mr. Fred Heller of Fairview Township raised the issue of his being removed from the polling place at the Mountaintop Hose Company on General Election Day of November 2011. He stated that the President of the Hose Company objected to his signs, and accordingly he was asked to leave the property by the Fairview Township Police. Mr. Heller feels that his civil rights were violated.

Solicitor Butera indicated that he responded via e-mail to Judge of Election Charles Lake regarding his request for clarification on the sign issue. Solicitor Butera indicated that Luzerne County does take authority over a polling location to the extent of protecting election campaigning, and/or First Amendment Rights on the day of election. The landlord does have the authority to insist that political signs be placed in the middle of a certain location and/or no signs be placed in a certain location, however these rules must apply to all and cannot be applied to certain signs and not others. The same applies to political campaign workers/residents. Everyone must be treated equally.

Mr. Heller produced a letter, dated November 13, 2011 to then Director of Election Leonard Piazza, in which he complained about the situation at the polling place. Mr. Heller stated that he has not received a response. The Board had not seen this letter prior to the meeting, but it will be copied, and added to the file in the Election Bureau.

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Mr. Ed Chesnovitch of Jackson Township stated he feels Mr. Heller has been aggrieved. He asked for consideration of a notice to all judges of election regarding political signs and discrimination of political campaign workers. The Board agreed that a notice of Solicitor Butera's decision on signs and political campaign workers will be included in packets sent to the judges of election.

Mr. Robert Caruso of Wilkes-Barre Township expressed disappointment that public comment is limited. He asked for any items that were discussed in Executive Session other than personnel and legal matters. He also asked if the Board discussed campaign finance audits as a reason for the Piazza action. Solicitor Butera responded that only legal and personnel matters were discussed in the Executive Session on April 10. He added that the election bureau was not conducting any audits of campaign finances. The Board is concentrating on the primary election now, and we may consider audits after the primary election.

Chairman Packard indicated that the Board will not contest Leonard Piazza's termination. Focus must be on the April 24 Primary Election. He also indicated that the Board will work with County Manager Lawton on the search for a new director.

There being no further public comment the Board moved on with its agenda.

NEW BUSINESS: A motion to accept the revised minutes of the March 19 meeting was made by Mr. Ruckno, seconded by Ms. Williams, and it was approved unanimously.

A motion to accept the minutes of the April 12 meeting was made by Mr. Ruckno, seconded by Ms. Williams, and it was approved unanimously.

The next scheduled meeting of the Board will be held on Monday, May 7, 2012 at 5:00 PM in the EMA Building.

Chairman Packard welcomed County Manager Robert Lawton and asked him to speak. Mr. Lawton spoke of his experience with elections as part of a former position for the New York Legislature. He pledged his support to the Board. He thanked Tom Pizano for his willingness to serve as the Interim Director, and he felt that Tom would provide the necessary leadership for the election bureau. Mr. Pizano then thanked Mr. Lawson for his confidence in him, and cited for the record his past experience with the election bureau and his confidence in the bureau staff.

A motion to approve reassigned County employee Thomas Pizano as Interim Director of the Elections Bureau was made by Mr. Newman, seconded by Ms. Williams and was approved unanimously.

Interim Director Thomas Pizano updated the Board on the primary election status as follows:

- o poll books have arrived and they will be distributed during the week;
- o election supplies arrived today and will be delivered accordingly;
- o absentee ballots are in order;
- o poll watcher certificates are complete and will be delivered Tuesday, April 17;
- o delivery of voting machines will begin on Wednesday and be completed by Friday;
- o bureau is receiving cooperation and support from county IT personnel;
- o voting machine vendor will supply on site technical support on Wednesday, Thursday and next week as needed;
- o tech support for the move of election bureau computers from Penn Place to the Court House will be provided by Golden Business Machines. Three (3) desk top and six (6) lap top computers will be moved;
- o the Commonwealth elections office has provided telephone support on the SURE system. They have pledged continuous support as needed.

Board members congratulated and thanked Mr. Pizano for accepting the reassignment to the Election Bureau. Each was pleased with eagerness to have a successful election.

OLD BUSINESS: Mr. Newman updated the Board on the Polling Place change for Dallas Township District 3. The new polling place at Fellowship Church, 45 Hildebrandt Road has been visited by bureau personnel and found to be in order. The Election Day staff is in order. Township Supervisor Elizabeth Martin is aware of the change, and she will publicize it at the upcoming Township meeting. Mr. Newman asked the local newspaper reporters to include this change in their column(s).

There being no further business, Chairman Packard moved the Board to recess.

Respectfully submitted,

John F. Newman
Secretary for the Board