

**LUZERNE COUNTY
BOARD OF ELECTIONS AND REGISTRATION
MINUTES OF THE MEETING HELD SEPTEMBER 12, 2012**

The Luzerne County Board of Elections and Registration met on Wednesday, September 12, 2012 at 5:00 PM in the Meeting Room of the Luzerne County Courthouse for the purpose of conducting regular business and to approve the preliminary ballot for candidates and public questions for the November 6, 2012 General Election. Present were:

H. Jeremy Packard, Chair
Thomas J. Baldino, PhD, First Vice Chair
John F. Newman, Secretary
Barbara J. Williams, Alternate Secretary
Thomas Pizano, Interim Director, Election Bureau
David Bartuski, Election Bureau Staff

John C. Ruckno, Second Vice Chair and Michael I. Butera, Solicitor were excused.

Chairman Packard recalled the Board from recess at 5:08 PM with the Pledge of Allegiance.

PUBLIC COMMENT: Brian Shiner of Kingston Borough indicated that this meeting was not very well publicized, on either the County Website or in the local newspapers. He asked that all future meetings be publicized to the extent possible.

Mr. Pizano responded that the meeting was advertised in the Legal Notices of the Classified Section of the local newspaper under contract with Luzerne County, in excess of the 24-hour requirement. Mr. Newman further elaborated that the short notice was caused by the GOP challenge to the Liberterian Candidates on the Statewide Ballot. That challenge will be heard by Commonwealth Court on Thursday, September 13, 2012. Concurrent with that September 13 date, Luzerne County must have its completed ballot to our vendor, ESS. Because of the complexity of the issues, it was determined that the meeting needed to be held at the earliest practical date. A future schedule of dates will be forthcoming and sent to the local media, and it will be posted on the County Website.

Michele Boice and Ed Kelly, members of Harvey's Lake Borough were present for the proceedings on the ballot question for Harvey's Lake.

NEW BUSINESS: Action was taken by the Board on the following Agenda Items:

Item 1. Preliminary ballots were presented for Board review and approval of the candidates and public offices to be voted upon at the November 6, 2012 General Election. A motion to accept, contingent upon the ruling of Commonwealth Court, was made by Jere Packard; seconded by John Newman, and passed on a 4 - 0 vote.

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Item 2. A preliminary ballot was presented for Board review and approval of a public question asking voters of **Kingston Township** to approve or disapprove amendments to the **Kingston Township** Home Rule Charter. A motion to accept was made by Barbara Williams; seconded by Thomas Baldino, and passed on a 4 - 0 vote.

Item 3. A preliminary ballot was presented for Board review and approval of a public question asking voters of the **City of Pittston** to approve or disapprove the Home Rule Charter for the **City of Pittston**. A motion to accept was made by John Newman; seconded by Barbara Williams, and passed on a 4 - 0 vote.

Item 4. A preliminary ballot was presented for Board review and approval of a public question asking voters of **Butler Township** to approve or disapprove an increase of the number of supervisors to be elected in **Butler Township** from three to five.

The board deliberated on this request for a ballot question, as it was submitted by voter petition and not by a motion from the **Butler Township Board of Supervisors**. In the absence of the solicitor, it was decided to approve the public question and its wording, contingent upon the review and advice of the solicitor. A motion to accept the public question with the contingency was made by Jere Packard; seconded by Barbara Williams, and passed on a 4 - 0 vote.

Item 5. A preliminary ballot was presented for Board review and approval of a public question asking voters of **Harvey's Lake Borough** to approve or disapprove changing the location of the **Harvey's Lake Police Department** from its current location to the Borough Recreation Center on Little League Road. After deliberations on the matter a motion to accept the public question was made by John Newman; seconded by Thomas Baldino, and passed on a 4 - 0 vote.

Item 6. A request by the Acting Director, Elections Bureau for the approval for overtime for employees during this election cycle due to the volume of voter registration and absentee voting activity characteristic of a presidential election. Increased demand on the staff will also be experienced due to the Voter ID Law.

This request is due to the complexity and the intensity of the November 6th Presidential Election. While it is not within the scope of the County Elections Board to approve or disapprove any financial issues, the Board resolved unanimously to support the request of the Acting Bureau Director for appropriate overtime to complete the General Election cycle.

Item 7. A request was made by the Acting Director, Elections Bureau for the approval of the Election Assistance Team for the 2012 General Election. (Names listed subject to change and availability)

BIPARTISAN TEAM: Christine Bawley, Thomas Baloga

ROVERS: JoAnn Bartuski, Dave Bradberry, Mary Jo Casaldi, George Cheponis, Joel Cipraini, John Dolman, Bill Downey, Bernis Emmett, Doris Greiner, Sue Kapinski, Holly Kapish, Thomas J. Kapish Jr., John Minich, Dan Nagle, Robert P. Noone, Dominick Piccione, Darlene Pitz, Donald E. Smith, Larry Spencer III, David Yuscavage

VOTER LIAISON: Catherine Dougherty

VOTING MACHINE TECHS: Mark Granoski, Chet Kurkoski

VOTING MATERIALS HANDLER: Peter J. Isbitski

This is the same personnel team that has been used in past elections to supplement the permanent staffing. The names shown are those used in the April 2012 primary election, and they are subject to availability.

The Elections Board supports the use of this assistance team in order to have a successful and event free General and Presidential Election.

OTHER MATTERS

- o The hard wired batteries for the election machines are nearing their estimated useful life. While the Elections Bureau staff is confident that there is sufficient back up, they believe that the situation could be aided by an increase in temperature in the warehouse. A constant temperature of 60 degrees is recommended for the electronic machines. The Acting Bureau Director will discuss the situation with the County Engineer. The Board supports the request for increased heating.

All voting precincts have at least two (2) electronic machines. There are 100 spares on hand; however, they are vintage units that were purchased from Lehigh County.

- o The Bureau is awaiting a new supply of Absentee Ballot Applications. In the interim they are using previous issues, modified to include Voter ID information.
- o Poll Books and Polling Place staff are all in place

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OTHER MATTERS (Continued)

- o Absentee Ballot Counters will be moved to the Jury Room in the Courthouse from the Elections Bureau office, calibrated, and stored in the Jury Room until election day; then moved to the Courthouse Rotunda. This action is being taken to secure the calibration of the counters, which can be compromised during the cross-town moving process.

OLD BUSINESS: Dr. Baldino asked Acting Director Pizano whether or not there has been any follow up on the Spanish applicant for an intern position. There has not been, and Dr. Baldino will follow up accordingly.

There being no further business, Chairman Packard declared the Board in recess at the call of the Chair at 6:22 PM. The Board then moved to Executive Session to discuss personnel matters.

Respectfully submitted,

John F. Newman
Secretary for the Board

**ADDENDUM TO ITEM 5
HARVEY'S LAKE BOROUGH PUBLIC BALLOT QUESTION**

The Board of Elections and Registration of Luzerne County has, on the advice of Solicitor Michael Butera, unanimously rescinded its September 12, 2012 motion to place the **Harvey's Lake Borough** advisory question concerning the location of the police station on the November 6, 2012 ballot. The practice of placing "advisory questions" on the ballot in other than an initiative and referendum situation is sufficiently undermined by Commonwealth Court decisions in the early 1990s, that placing such a question on the ballot would unquestionably open the Elections Board to legal challenge.

H. Jeremy Packard, Chair
Luzerne County Board of Elections and Registration