

**BERKS COUNTY BOARD OF ELECTIONS
SPECIAL MEETING MINUTES
May 23, 2022 – 9:00 A.M.**

Kevin S. Barnhardt, Chair
Michael S. Rivera, Vice-Chair
Christian Y. Leinbach, Commissioner
Paige Riegner, Chief Clerk (virtual)
Christine M. Sadler, County Solicitor
Cody L. Kauffman, First Assistant County Solicitor

CALL TO ORDER- 9:00 A.M.

APPROVAL OF MINUTES

The Board approved the minutes for the May 5, 2022 Election Board meeting as presented.

PUBLIC COMMENT ON AGENDA ITEMS

None

AGENDA ITEMS:

1. Adjudicate Mail-In Ballots

Two mail-in ballots were reviewed. The first ballot had a sticky note from the Elections office regarding an issue with it being insecurely sealed. It was the recommendation of First Assistant County Solicitor Cody Kauffman to count the ballot as there is no evidence of tampering. Elections Director Paige Riegner agrees. Commissioner Leinbach clarified that no one unsealed it with a letter opener, only that the sticky part of the envelope came unsealed. On the motion from Commissioner Leinbach, seconded by Commissioner Rivera, the first mail-in ballot in question was accepted.

The second mail-in ballot contained a letter within the secrecy envelope which included the voter's name. It was the recommendation of First Assistant County Solicitor Cody Kauffman to not count the ballot based on Election Code which states no symbol or mark must be present that identifies the voter. Commissioner Leinbach looked to the voter's intention in including the letter within the secrecy envelope and believed that the intention of the voter is the core issue, and that the voter in good faith wished to communicate with the Elections office but nothing more. On the motion from Commissioner Leinbach to accept the second mail-in ballot, seconded by Commissioner Rivera, the motion was approved.

2. Unofficial Election Returns

The deadline to submit unofficial election returns to the Department of State is Tuesday, May 24, 2022 at 5:00PM. On the motion from Commissioner Leinbach, seconded by Commissioner Rivera, the Election Board authorized the submission of unofficial results to the Department of State.

3. General Comments from the Board of Elections Regarding Current Election Related Issues

Commissioner Leinbach expressed the Board of Election’s continued support of the independent investigation regarding what occurred on election day. He further expressed the intent to improve the election process.

Commissioner Barnhardt stated it was a learning process and election workers have a lot to offer in terms of suggestion going forward. He stated that prior to election day, there were also processes that could have been improved, especially if the future of elections is mail-in ballots.

Commissioner Rivera added he feels strongly that reaching out to poll workers and voters for input is very important.

CITIZEN COMMENT

In person comment:

1. **Zelda Yoder, Reading – Secretary of the Berks County Democratic Committee**
A document was emailed last night with the Democratic Committee’s take on what happened on election day. Zelda also mentioned an incident she heard about regarding a young lady voting in person for the first time, stating she entered her polling location wearing a mask and was shamed by the poll workers. Zelda urges the Elections office to train the poll workers to be impartial and respectful as this is intimidation.

Zelda also commented on the minutes from May 5, 2022, specifically the line that states the Elections office’s check of signatures is their “last line of defense”. She questioned against what is the Elections office defending? She urged the Elections office switch gears and concentrate on increasing voter turnout. Zelda assured that the Berks County Democratic Committee is still committed to a fair election process.

2. **Adrian Jadic, Wyomissing**
Urged the Board of Election to open the Services Center Drop Box the Sunday before the election. Also, recommended the Board post meetings on youtube for the public.

Commissioner Leinbach responded to Zelda Yoder’s comment, stating the verification of signatures deals specifically with the Affirmation Law of PA which

declares it must be a reasonable facsimile of the person's signature. The Election office must continue to verify this unless the law is changed.

County Solicitor Christine Sadler requested clarity in what the independent investigation should be looking into. Commissioner Leinbach stated this will be reviewed and determined.

ADJOURNMENT – 9:32 A.M.