

BERKS COUNTY BOARD OF ELECTIONS

MEETING MINUTES

February 22, 2024 – 11:00 A.M.

Michael S. Rivera, Chair
Christian Y. Leinbach, Vice Chair
Dante Santoni, Jr., Commissioner
Anne Norton, Chief Clerk
Christine M. Sadler, County Solicitor – not present
Cody L. Kauffman, First Assistant County Solicitor

CALL TO ORDER: 11:00 A.M.

PUBLIC COMMENT ON AGENDA ITEMS

Jeffrey Wolfe, Brecknock Township, spoke about Governor Shapiro’s recent directive allowing voters to opt out of voter registration at Penn Dot locations. Specifically, Mr. Wolfe questioned the legality of Governor Shapiro’s directive. Further, Mr. Wolfe spoke about assistance to voters at the polls. He stated there should be more safeguards to prevent poll workers influencing voters at the polls while providing assistance.

APPROVAL OF THE MINUTES

The Board approved the minutes for the February 15, 2024, Election Board meeting as presented.

Agenda Items

1. Zimmerman v. Department of State, et. al. discussion

First Assistant County Solicitor Cody Kauffman noted that recent litigation has been filed against the Department of State and all 67 County Board of Elections. This litigation is asking the court to declare statutes regarding absentee ballots as unconstitutional. The lawsuit is seeking to have the counties return absentee ballots to their specific precincts for canvassing. The lawsuit is only referring to absentee ballots and not mail-in ballots.

Special Counsel Jeff Bukowski agreed with Mr. Kauffman and added that there is a 1968 decision stating the constitutional amendment never intended the actual counting of absentee ballots to be performed in the local districts.

Commissioner Rivera stated that the chain of custody of the absentee ballots would be logistically difficult and not secure, as well as create additional work for the elections staff.

Commissioner Leinbach asked Mr. Bukowski how the 1968 case was decided. Mr. Bukowski responded stating the 1968 case was brought about after an election and the petitioner’s intent was to invalidate certain ballots. Ultimately the court found that canvassing of the ballots was constitutional.

2. Shoemakersville Polling Location Discussion

Anne Norton noted that the current polling location for Shoemakersville Borough is at the Perry Elementary Center and due to security concerns, they would no longer like to be a polling location. They suggested the Shoemakersville borough building as a polling location. Election Services surveyed the Shoemakersville borough building in March of 2023 and the location was found to not be complaint with The Americans with Disabilities Act. The building proved to be compliant, however the parking lot was not in compliance.

Commissioner Leinbach noted that Election Services should send a letter with corrective action stating that once it is complete and ADA compliant then the Borough building can become a polling location.

Kevin Barnhardt, Chief Operating Officer, noted that Shoemakersville Borough recently applied for grant funding since a significant amount of funds is needed for the repairs to make the parking lot ADA compliant.

Mr. Kauffman noted that, statutorily, public buildings must be made available for polling locations upon request.

On the motion of Commissioner Leinbach, seconded by Commissioner Santoni, the Board approved the request to move the Shoemakersville polling location to the Shoemakersville Borough building, contingent on the borough making the ADA compliant improvements and approval of such improvements by the County. Commissioner Rivera requested an update on this item at a future meeting.

3. Proposed Ballot Drop Box Schedule

On the motion of Commissioner Santoni, seconded by Commissioner Leinbach, the Board approved the Ballot Drop Box schedule for the April 23, 2024, General Primary (see below).

DROP BOX SCHEDULE	
Services Center, Agricultural Center and South Campus	
APRIL 23, 2024 – GENERAL PRIMARY	
DATE	HOURS
MONDAY - 4/8/24	8 AM - 5 PM
TUESDAY - 4/9/24	8 AM - 5 PM
WEDNESDAY - 4/10/24	8 AM - 5 PM
THURSDAY - 4/11/24	8 AM - 5 PM
FRIDAY - 4/12/24	8 AM - 5 PM
MONDAY - 4/15/24	8 AM - 5 PM
TUESDAY - 4/16/24	8 AM - 5 PM
WEDNESDAY - 4/17/24	8 AM - 5 PM

THURSDAY - 4/18/24	8 AM - 5 PM
FRIDAY - 4/19/24	8 AM - 5 PM
SATURDAY - 4/20/24	8 AM - 1 PM
SUNDAY - 4/21/24	12 PM - 4 PM
MONDAY - 4/22/24	8 AM - 8 PM
TUESDAY - 4/23/24	7 AM - 8 PM

Election Director’s Report

Ms. Norton noted that Election Services continues to work on processing mail-in and absentee ballot applications. The department is also working on fine tuning poll worker training documents.

General Comments from the Board regarding current election-related issues

Commissioner Santoni stated that he respectfully disagreed with Jeffrey Wolfe’s earlier comment about the legality of Governor Shapiro’s directive to Penn Dot.

Public Comment

Roxanne Curran, of Reading, noted that she was a poll worker in 2022 and a trained poll watcher in 2023. She suggested there be more thorough training of poll workers. She said she noticed a Judge of Elections being helped by the other poll workers and noticed discrepancies when she asked to look at reports.

Commissioner Leinbach reminded everyone that there is an online form to file a complaint. He said the complaint form is there for people to use if they feel voter rights have been violated or to report suspected voter fraud. He agreed that training is a legitimate issue and can always be improved.

Adjournment: On the motion of Commissioner Santoni, seconded by Commissioner Leinbach, the meeting was adjourned at 11:37 a.m.