

**BERKS COUNTY BOARD OF ELECTIONS  
MEETING MINUTES  
March 14, 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**

None.

**APPROVAL OF THE MINUTES**

The Board approved the minutes for the February 22, 2024, Election Board meeting as presented.

**Agenda Items**

**1. Permanent Polling Place Change for the 2024 General Primary**

On the motion of Commissioner Santoni, seconded by Commissioner Leinbach, the Board approved the permanent polling place change for the 2024 General Primary. Ms. Norton noted that this is a permanent change.

**Ruscombmanor Township – Precinct 2**

**From:** Ruscombmanor Township Building  
204 Oak Lane  
Fleetwood, PA 19522

**To:** Axxcess Industries, Inc.  
556 Blandon Rd.  
Fleetwood, PA 19522

**2. Logic and Accuracy (L&A) Testing**

The L&A testing for the DS200 tabulators and ExpressVote ballot-marking devices will begin Monday, March 25, at the South Campus, 400 E. Wyomissing Avenue, Mohnton. Testing of the central scanners and tabulators will be held Friday, April 12, at the SAM building, 19 N. 6<sup>th</sup> St., Reading. Testing of the electronic pollbooks will begin on Monday, April 15, at the South Campus.

On the motion of Commissioner Leinbach, seconded by Commissioner Santoni, the Board approved the Logic and Accuracy Testing schedule for the April 23, 2024, General Primary.

**3. Logic and Accuracy Testing Attendees and Request from Common Cause Pennsylvania**

First Assistant County Solicitor, Cody Kauffman, noted that Common Cause is seeking to register with the Board of Elections for the purpose of attending L&A testing. The Election Code requires that the County Board give notice no later than forty (40) days prior to the testing to the chairman of each political party entitled to participate in primary elections within the county and to the chairman or presiding officer of any organization of citizens within the county which has as its purpose or among its purposes the "investigation or prosecution of election fraud."

Common Cause requested to attend the L&A testing under this provision of the Election Code. However, while Mr. Kauffman believes that Common Cause does not meet the statutory requirements to attend the L&A testing under this provision of the Election Code, he noted that the request may be a moot issue, should the Board be agreeable to opening the L&A testing to the public.

Mr. Kauffman recalled an earlier discussion from an Election Board meeting in September 2022 where there was a discussion of whether to open the testing to the public. At that time, the Board agreed to open the testing to the media, in addition to the parties and organizations that are statutorily entitled to attend. Recently, the Department of State issued a revised directive regarding L&A testing, which states that the preparation and testing of voting equipment must be open to the public for observation.

Mr. Kauffman stated that he does not have any legal objections with opening L&A testing to the public if the board would delegate the power to Ms. Norton to make such reasonable rules and regulations to ensure the security, integrity, and timeliness of the process.

Commissioner Leinbach, Rivera, and Santoni are all in support to opening L&A testing to the public as long as the security and integrity of the process is maintained. Ms. Norton expressed concern for the technicians and the integrity of the machines. It is an intricate process that requires great concentration.

On the motion of Commissioner Leinbach, seconded by Commissioner Santoni, the Board approved opening logic and accuracy testing to the public while keeping election security and integrity intact and allowing the Election Services staff to establish reasonable rules and regulations for this process.

**Election Director's Report**

Ms. Norton noted Commissioner Santoni visited Election Services and got to meet the staff and become familiar with election procedures.

Al Schmidt, Secretary of the Commonwealth of Pennsylvania, also visited Election Services and asked questions about processes in Berks County. He's touring all 67 Pennsylvania counties.

So far approximately 15,000 mail-in applications have been processed. Sixty-two have been rejected for mismatched signatures, and 1,200 ballot applications have been declined due to no affiliation. Ms. Norton also reminded voters that only those registered as a Democrat or Republican are eligible to receive a ballot and vote this Primary.

Poll workers are still needed due to last minute scheduling conflicts. Currently there are six Judge of Election positions available throughout the County.

**General Comments from the Board regarding current election-related issues**

Commissioner Rivera stated that the Election Day pay for poll workers is \$200 which is the maximum allowed by law.

**Public Comment**

Jeffrey Wolfe, Brecknock Township, was surprised by the number of machines that were reported on the Malfunction Report documentation that he recently reviewed in the Election Services office. As a result of his observations, Mr. Wolfe would like to review other documents relating to the November 7, 2023 election. Additionally, he requested the Board of Elections implement his recommendations regarding mail-in ballots.

**Adjournment:**

On the motion of Commissioner Santoni, seconded by commissioner Leinbach, the meeting was adjourned at 11:30 a.m.