

**BERKS COUNTY BOARD OF ELECTIONS
MEETING MINUTES
December 15, 2022 – 11:00 A.M.**

Kevin S. Barnhardt, Chair
Michael S. Rivera, Vice Chair
Christian Y. Leinbach, Commissioner
Christine M. Sadler, County Solicitor
Cody L. Kauffman, First Assistant County Solicitor

CALL TO ORDER- 11:00 A.M.

APPROVAL OF THE MINUTES

The Board approved the Election Board meeting minutes from December 8, 2022, as presented.

PUBLIC COMMENT ON AGENDA ITEMS

None

AGENDA ITEMS

1. Reorganization of the Election Board

Commissioner Kevin Barnhardt tendered his resignation as Election Board Chair.

Commissioner Leinbach nominated Commissioner Rivera as Chair of the Election Board, seconded by Commissioner Barnhardt, Commissioner Rivera abstained.

Commissioner Barnhardt nominated Commissioner Leinbach as Vice Chair of the Election Board, seconded by Commissioner Rivera, Commissioner Leinbach abstained.

2. An Update Regarding Discussions with ES&S on the ExpressVote Selection Issues and the Implementation of Future Upgrades to Address the Issue

First Assistant County Solicitor Cody Kauffman provided an update on the recent meeting with ES&S regarding election day voting issues. Mr. Kauffman explained that there is an ES&S upgrade pending certification from the Department of State which would remove the box in the candidate area on the ExpressVote machines. The upgrade is expected to be certified in early 2023.

Commissioner Leinbach shared a letter from ES&S confirming they are working on an upgrade which will address the design issue.

3. Discussion and Decision Regarding our Ballot Printer and Ballot Printer ITB for the May 2023 Primary Election

First Assistant County Solicitor Cody Kauffman explained that the current contract with the ballot printer company will expire in April 2023. The extension of the contract would be for an additional year and is contingent on the ballot printer company accepting current rates and passing procurement guidelines. The Board

discussed several other options, including moving to in-house printing through our County Print Shop, as well as a “piggy back” on a ballot printing contract with another county.

On the motion of Commissioner Leinbach, seconded by Commissioner Barnhardt, the Board agreed to have the County COO, Elections department, and Purchasing department look at viable ballot printing options both internally and externally.

**GENERAL COMMENTS FROM THE BOARD OF ELECTIONS REGARDING
CURRENT ELECTION-RELATED ISSUES**

None

CITIZEN COMMENT

Through online comment, Adrian Jadic of Wyomissing Borough thanked Commissioner Barnhardt for his service and congratulated Commissioner Rivera.

ADJOURNMENT – 11:24 A.M.

Dear Cody Kauffman,

In follow up to the issues reported on election day, we want to confirm that our review has concluded that the voting machines operated as intended. That said, we recognize that the design of the candidate box (in the version currently installed in Berks County) has the potential to increase the likelihood that a voter may accidentally select a candidate above the candidate for which they intended.

While there are many safeguards in place to ensure voters are aware of their selections, in addition to opportunities to make corrections, we have also implemented an enhancement to the design that we hope will reduce the reoccurrence of reported issues. This enhancement is included in a system release ("EVS 6.3.0.0") that is making its way through the final stages of state certification. We will keep you and your team updated on the progress of certification and will work with you to implement the upgrade as soon as possible.

Thank you,

Katie D. Figgins

Katie D. Figgins, Esq. | Associate General Counsel | Election Systems & Software