

**BERKS COUNTY BOARD OF ELECTIONS
REGULAR MEETING MINUTES
March 17, 2022 - 11 a.m.**

**Kevin S. Barnhardt, Chair
Michael S. Rivera, Vice-Chair
Christian Y. Leinbach, Commissioner
Paige Riegner, Director of Election Services
Christine M. Sadler, County Solicitor
Cody L. Kauffman, First Assistant County Solicitor**

CALL TO ORDER- 11:00 A.M.

APPROVAL OF MINUTES

The Board approved the minutes for the February 17, 2022 Election Board meeting as presented.

PUBLIC COMMENT ON AGENDA ITEMS

None

ACTION ITEMS:

1. Appointment of Paige Riegner as Chief Clerk to the Board of Elections

On the motion of Commissioner Leinbach, seconded by Commissioner Barnhardt, the Board appointed Paige Riegner as the Chief Clerk to the Board of Elections. The position is an annual appointment.

2. Polling Place Authorization

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved the following, permanent polling location for Muhlenberg Precinct 8 for the 2022 Primary Election:

- **FROM: Muhlenberg Township Fire & Rescue, Inc., Station 2
810 Tuckerton Rd, Reading, PA 19605**

- **TO: Good Shepherd Evangelical Lutheran Church
4201 Stoudts Ferry Bridge Rd, Reading, PA 19605**

3. BCTV Recording of Mail-in/Absentee Ballot Pre-Canvassing and Canvassing

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved moving forward with the preparation of a contract with BCTV to record the mail-in/absentee ballot pre-canvassing and canvassing process for the 2022 Primary Election.

The Board discussed having the contract include language that the County would have the right to cancel or modify the contract depending on any change in the law, specifically noting the pending McLinko decision and the unknown future of mail-in voting under Act 77. The Board also discussed designing it as a yearly contract with an automatic renewal based on the election year calendar and the potential of eventually installing permanent cameras at the South Campus to record these processes and others to further ensure election integrity. Once a contract is prepared, it will be brought before the Board for approval.

4. Pennsylvania Liquor Control Board Local Option Petition

On the motion of Commissioner Rivera, seconded by Commissioner Leinbach, the Board authorized that there are no questions that will appear on the ballot in any political subdivision of Berks County pursuant to the Liquor Code (Act 21 of 1951 P.L. 90) for the 2022 primary Election.

5. Ballot Position Lottery

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board established Friday, March 25 at 10:30 a.m. in the auditorium of the Berks County Services Center for the casting of lots to determine ballot positions of candidates on the primary ballot. The Board noted that the casting of lots will be held in-person only and determined by drawing balls numbered 1 to 16 from a canvas bag. Notices will be sent to affected candidates and public notice will be posted and advertised.

6. Audit the Vote PA

Commissioner Leinbach noted that he was contacted by Dean Klopp of Bethel Township, who is part of Audit the Vote PA, about some election concerns. Commissioner Leinbach and Mr. Kauffman met with Mr. Klopp and other Audit the Vote PA representatives. Mr. Kauffman said the concerns the group raised fell into two categories: Anomalies identified by the group pertaining to the voter rolls and anomalies identified by the group within datasets within the SURE system.

Following the meeting, the group also provided Mr. Kauffman with various data outlining their concerns. Mr. Kauffman is working with the elections staff to review and provide detailed written responses to their concerns. It was noted that most of the issues outlined have legitimate explanations and that these conversations will serve as an educational opportunity to provide accurate information.

7. Help America Vote Act (HAVA)

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved that the County’s verification practices for voter registrations will be compliant with the Help America Vote Act (HAVA) and any other pertinent laws.

The Board discussed how the Commissioners and Solicitor recently discovered that the County’s prior practice was that if one of the verification points on a voter’s registration was not accurate, the County would notify the voter in writing to ask for it to be corrected, but if it wasn’t corrected, the registration was still accepted. The Board was informed that this practice was in place under a previous Elections Director based on an alleged directive from the Department of State that counties should not reject voter registrations. The Board agreed that the County should follow the federal law requirements above any state-level directives moving forward.

The Board further asked the Elections staff to see if there is a way to identify past voter registrations that lacked verified data. If that is possible, the Board asked that those voters be given another opportunity to provide the proper information, but if they do not, they be removed.

8. Logic and Accuracy (L&A) Testing of Voting Equipment

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved including the new electronic pollbooks in the logic and accuracy (L&A) testing of voting equipment in preparation for the 2022 Primary Election.

9. Poll worker Training & Poll worker Pay

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved the poll worker training schedules and to increase the poll worker training pay from \$10 to \$30. Poll workers will need to attend two training sessions this year: One for general training and one specifically about the electronic pollbooks.

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved paying \$20 to individuals that accompany poll workers on election night to help return equipment. This amount is the same as past years.

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

None

PUBLIC COMMENT

Adrian Jadic of Wyomissing, asked for clarification regarding Berks County's instructions to candidates and circulators for 2022, specifically the requirement that circulators must personally witness each signature. Mr. Jadic said he did not find such a requirement in the PA Election Law, so he wanted to know if there were any court decisions or other reasons that prompted such strict requirement in Berks' regulations. He further asked if remote witnessing, perhaps recorded through CCTV, could be an option to allow for contactless signing. He said that since circulators do not ID electors, the process is already somewhat honor based and a remote witnessing option would allow for social distancing and provide proof if a petition is challenged.

The Board said that a copy of the comment would be saved so that staff could review it thorough and respond in writing so that Mr. Jadic receive a full and complete answer.

ADJOURNMENT – 11:47 a.m.