

**BERKS COUNTY BOARD OF ELECTIONS  
REGULAR MEETING MINUTES  
January 6, 2022 - 11 a.m.**

**Kevin S. Barnhardt, Chair**  
**Michael S. Rivera, Vice-Chair**  
**Christian Y. Leinbach, Commissioner**  
**Donna L. Blatt, Chief Clerk**  
**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 November 19 Special Election Board meeting with no objections.

**PUBLIC COMMENT ON AGENDA ITEMS**

John Archer of Spring Township asked a question about Item 2, Mail-in/Absentee Ballot Printer Discussion. Mr. Archer wanted to know if the printing of provisional ballots would be included in that contract, noting that during the November 2021 election he observed that provisional ballots could not be scanned. He said whoever does the printing of the provisional ballot should perform more quality checks on their product. Commissioner Barnhardt noted that the Board would get into more details about some of the issues with the existing printing firm when they got to that item in the agenda.

**ACTION ITEMS:**

**1. Governor Mifflin Campaign Finance Complaints**

Mr. Kauffman explained that Election Services received a letter alleging that three elected Governor Mifflin School Board members had committed campaign finance infractions: Caryn Friedlander, James Ulrich and Michele Hill O'Brien. The letter asked that the candidates not be seated on the School Board until amended reports were filed. Mr. Kauffman said he informed the sender that the decision to seat candidates fell within the school district's purview and so he contacted the school district's solicitor to apprise him of the complaints.

Mr. Kauffman said the election office did a thorough investigation and found the complaints were valid and that information was either missing or incorrect in the candidates' reports. However, the majority of the issues had since been remedied by the candidates in amended reports. The only remaining issue was related to contributions for two of the candidates that were incorrectly reported in the post-election report and should have been part of 24-hour reports.

Mr. Kauffman said Election Services typically gives candidates an opportunity to amend reports when complaints are received. The Election Code does penalize campaign finance violations, but Mr. Kauffman said the court generally looks for willfulness. While he noted the candidates should have paid closer attention to their original campaign finance filings, he did not believe there was a demonstrated willfulness and therefore recommends to not forward the complaints to the District Attorney. He also noted that the two outstanding 24-hour reports will need to be filed and that there will be late fees associated with that.

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board decided to not refer the complaint to the District Attorney, but to require both candidates to file the outstanding 24-hour reports and to proceed with applying the fines based on statute.

## **2. Mail-In/Absentee Ballot Printer Discussion**

The Board held a lengthy discussion about concerns with the County's mail-in/absentee ballot printer, Taylor Corporation in Minnesota, and to determine whether to renew the contract or proceed with an invitation to bid for the 2022 primary election.

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved to send Taylor Corporation a 30-day termination notice and further notify Taylor that the County is willing to rescind that termination notice if the printing company appropriately addresses the problems as outlined by the Elections Services staff. Further, if Taylor is unable or refuses to address the issues, the County will go out to bid for a new printer for the primary and the Election Board will only support hiring a firm that the Election Services office is comfortable with and is within the boundaries of the Commonwealth of Pennsylvania.

Taylor Corp. was hired for the 2021 elections as the lowest bidder, but the County had several complaints about the company's performance including late ballot delivery, ballot batches received unsorted, ballot batches received without total counts, ballots received with incomplete addresses and overall lack of communication regarding when ballots were mailed. Further, the Commissioners noted that the ballots caused some voter confusion and distrust since they were mailed from out of state and contained a QR code. The Elections staff sought an explanation for the QR code, but never received a clear explanation other than that it was an industry standard.

While the Election Board agreed to hold Taylor Corp. accountable, they also discussed concerns about switching printers so close to the 2021 primary election. Commissioner Rivera said he hoped to work with Taylor to address the noted issues for the primary while also working on an invitation to bid process for future elections.

The Election Board agreed to move forward one election at a time and to resume the discussion following the primary. Commissioner Barnhardt and Commissioner Leinbach noted they would support hiring another printer at a higher price if it helped restore voter confidence in the process. The Board also expressed interest in setting up future printer contracts to run from election to election rather than other time frames.

### **3. Centre Township Write-In Complaints**

Mr. Kauffman gave an update regarding complaints made by Mr. Timothy Lehner of Centre Township during the November 19 Special Election Board meeting. Mr. Lehner had asked the board to not consider write-in votes received for two candidates for Centre Township Supervisor and indicated he had not materials that he wanted the Board to review. Mr. Kauffman said he reviewed the materials Mr. Lehner provided and did not see a basis for changing his original recommendation that the Board properly consider the write-in votes for the two candidates. He also did not find a basis for any further action by the Board.

### **4. New Polling Place Authorization**

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board authorized the approval of the following new, permanent polling locations:

- Caernarvon-2
  - From: Twin Valley High School, 4897 N Twin Valley Rd Elverson, PA 19520
  - To: Moving Communities to Christ, 4221 Main St. Elverson, PA 19520
- Wernersville
  - From: Western Berks Fire Department, 111 Stitzer Ave., Wernersville
  - To: Wernersville Borough Hall, 100 N. Reber St.

### **5. Voting Rights Act**

Mr. Kauffman explained that Election Services received a letter from the Department of Justice regarding the bilingual election requirements of Section 203 of the Voting Rights Act. The County has been compliant with the law under a consent decree, but the letter brought up the question of whether the requirements could now apply on a county-wide basis.

The Board noted concerns about the number of interpreters that would be needed if the law was applied throughout the entire county. Ms. Sadler said she would work with Mr. Kauffman to review the matter closely to determine the appropriate steps forward.

**PUBLIC COMMENT**

Annette Baker of Brecknock Township asked when the fines would be levied against the three Governor Mifflin candidates and if those fines would be made public. Elections staff noted that the fines are levied when the reports are ultimately filed and that there is a record of fines kept by their office, but those fines are not made public.

**ADJOURNMENT** – 11:51 a.m.