

**BERKS COUNTY BOARD OF ELECTIONS
SPECIAL MEETING MINUTES
August 24, 2022 – 8:00 A.M.**

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

CALL TO ORDER- 8:00 A.M.

PUBLIC COMMENT ON AGENDA ITEMS

None

AGENDA ITEMS:

1. Review of 8/19/22 Commonwealth Court Decision and Order in the Undated Ballot Litigation and Determination of Undated

County Solicitor Christine Sadler explained that there was an Order issued on Friday, August 19, 2022, by the Commonwealth Court. The Order directs Berks County, Fayette County, and Lancaster County to count and certify undated Primary 2022 ballots by August 24, 2022.

On the motion of Commissioner Barnhardt, seconded by Commissioner Leinbach, the Board approved certifying the undated ballots in Berks County from the May 2022 Primary Election.

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

Commissioner Leinbach expressed disappointment in the Commonwealth Court's decision. He further stated that any appeal will not change the outcome. The County's best course of action is to comply and certify the undated ballots. Finally, Commissioner Leinbach called for PA state legislature to work on clear legislation on the matter of dating mail-in and absentee ballots.

Commissioner Barnhardt and Rivera both agreed with the need for clearer legislation.

CITIZEN COMMENT

Tom Herman of Robeson Township agreed that appealing the current Order would be a waste of taxpayer money.

Don Boguski of Centre Township asked whether there are any real rules of election, or are "we making this up?"

County Solicitor Sadler responded that there is a need for legislative change to ensure consistent application of the law across counties.

Commissioner Leinbach added that current law appears to be clear but is not carried out equally.

ADJOURNMENT – 8:17 A.M.