

**BERKS COUNTY BOARD OF ELECTIONS
MEETING MINUTES
December 1, 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 November 3, 2022, November 16, 2022, and November 28, 2022, as presented.

PUBLIC COMMENT ON AGENDA ITEMS

Jeff Wolfe of Brecknock Township – Mr. Wolfe cited agenda item #1, speaking on why he believes electronic voting machines are vulnerable to hacking and have design flaws.

Don Bogusky of Centre Township – Mr. Bogusky spoke on agenda item #1, highlighting the importance of election integrity, and ensuring that reports of issues are investigated and corrected.

Zelda Yoder of Reading – Ms. Yoder commented on agenda items #1 and #4, speaking on the prompt and effective count of votes, on respecting and trusting the voting process, as well as the importance of increasing voter turnout.

Rick Crump of Spring Township – Via an online comment, Mr. Crump urged the Board to conduct a thorough investigation of the issues voters purportedly experienced at the polls on election day.

AGENDA ITEMS

1. Discussion of ES&S Ballot Marking Device Issues

First Assistant County Solicitor Cody Kauffman explained that all voter complaints citing voting machine issues at the polls on election day were immediately looked into and machine technicians were deployed to areas where issues were reported.

Mr. Kauffman spoke to the voters who cited issues while voting at the polls with the goal of finding out what the commonalities were among these complaints, as well as whether to voters were ultimately able to cast their vote accurately. After speaking to these voters, Mr. Kauffman ascertained that all of them were ultimately able to cast their ballot with the desired candidate selections.

Furthermore, the County is looking into several ways in which the voting experience can be improved for voters going forward. Mr. Kauffman also noted that the ballot

marking device does not count any votes and, in fact, voters can verify their desired candidate selections several times before casting their vote.

The Election Board acknowledged that the ES&S ballot marking devices and all other machines undergo Logic & Accuracy (L&A) testing prior to being sent to the polls for use on election day. The machines are sealed once L&A testing is completed and remain sealed until election day. The machines have currently been used for seven elections since their mandated implementation in 2019.

2. Discuss and Approve the Contract Extension for Personnel Providing Assistance to Election Services

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved extending the contract of the individual providing consulting services to the Election Services office.

3. Discussion of Mail Sorting System options for Election Services

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board approved the purchase of the Runbeck Agilis mail sorting system based on the final review from Purchasing and Legal, as well as the final recommendation of the Election Services department.

4. Discussion of Paper Ballots and Precinct Voting Technology Requirements

First Assistant County Solicitor Cody Kauffman provided background and legal requirements for administering elections. Specifically, the Help America Vote Act (HAVA) requires convenient, accessible, and easy to use voting systems. The voting system standards must allow voters the option and ease to change their ballot, notify voters of overvotes, and satisfy the independence requirements for individuals with disabilities.

5. Review of the 2% Audit Results

Elections Operations/Systems Manager Anne Norton provided an overview of the procedure followed in conducting the 2% Audit of the votes cast at the 2022 General Election.

6. Local Option Provision of the Pennsylvania Liquor Control Code

On the motion of Commissioner Leinbach, seconded by Commissioner Rivera, the Board authorized the execution of the Local Option Referenda survey for the 2022 General Election.

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

None

CITIZEN COMMENT

None

ADJOURNMENT – 11:54 A.M.