

**BERKS COUNTY BOARD OF ELECTIONS  
REGULAR MEETING MINUTES  
October 20, 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 MINUTES**

The Board approved the minutes for the October 20, 2022 Election Board meeting as presented.

**PUBLIC COMMENT ON AGENDA ITEMS**

Don Starke of Centre Township – Mr. Starke commented on the County drop boxes, stating they should be done away with and are not legally mandated.

Don Bogusky of Centre Township – Mr. Bogusky asked how party members can participate in the Risk-Limiting Audit.

Jeff Wolfe of Brecknock Township – Commented on items 1 and 3 of the current agenda. Also questioned how authentication of signatures happens for absentee and mail-in ballots.

Tom Herman of Robeson Township – Urged the County to count undated ballots.

Zelda Yoder of Reading – Ms. Yoder voiced concerns on how much attention is placed on voter integrity compared to voter turnout and making the voting process simple and user-friendly.

Diana Robinson of Reading – Ms. Robinson urged the Board to make voting more accessible and count every vote.

**AGENDA ITEMS**

**1. Undated and Misdated Absentee/Mail-in ballots**

First Assistant County Solicitor, Cody Kauffman, recommended the County segregate but count undated ballots, pending any changes in the law. On the motion of Commissioner Leinbach, seconded by Commissioner Barnhardt, the Board agreed to follow Mr. Kauffman’s recommendation of segregating but counting undated and misdated ballots.

**2. Risk-Limiting Audit (RLA) and 2% Audit**

First Assistant County Solicitor, Cody Kauffman, explained the 2% Audit is statutorily required and the county will continue to comply. Further, the Risk-Limiting Audit (RLA) is required by the Stein settlement, and Mr. Kauffman recommends the County continue with both audits unless the election code's statutory provision for the 2% audit is repealed. Observers are allowed at both the 2% and RLA, within the guidelines of election code. Finally, the Board, in choosing auditing teams, should decide whether or not to include party members or members of the public.

Commissioner Leinbach agreed that Observers are ok, and it is always better to err on the side of transparency.

Commissioner Barnhardt also agreed and noted that both major political parties should participate in the audits.

**3. Absentee/Mail-in ballots received with taped outer envelopes**

On the motion of Commissioner Leinbach, seconded by Commissioner Barnhardt, the Board approved counting ballots which have taped outer envelopes, given that there is no other sign of tampering with the secrecy envelope.

**4. Logic & Accuracy (L&A) Testing**

Anne Norton, of the Election Services office, provided an update on the upcoming Logic & Accuracy (L&A) Testing of the Electronic poll books to be used for the 2022 General Election. L&A Testing is scheduled to begin on Thursday, October 27, 2022 at 10:00 a.m. and continue until completed. L&A Testing will occur at the County's South Campus located at 400 E. Wyomissing Avenue, Mohnton, PA 19540.

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

Chief Information Officer, Justin Loose, gave an update on the drop box camera installation. Mr. Loose confirmed the cameras should be operational by the time drop boxes open. The final cost of this project is about \$3,000.

Commissioner Barnhardt and Commissioner Leinbach thanked Justin and his team, as well as DES staff who secured the equipment.

Commissioner Barnhardt addressed a Reading Eagle letter to the editor, and clarified that sheriff's deputies will not be asking voter's names at the drop boxes.

Commissioner Barnhardt also announced there will be two available parking spots in front of the Services Center building for voters who are dropping off ballots. He also announced the location of ballot tabulation for the 2022 General Election. Ballot tabulation will occur at the Sam Building, 19 N. 6<sup>th</sup> Street. Observers are able to attend.

### **CITIZEN COMMENT**

Don Bogusky of Centre Township asked how many observers are allowed at the tabulation, COO Ron Seaman confirmed 3 observers per party are allowed at a time.

Debbie Noel of Robeson Township thanked the Board for the parking availability outside the Services Center.

Zelda Yoder of Reading asked whether the Election office is checking dates on ballots that may be flipped citing that some people's country of origin may write a date differently.

**ADJOURNMENT** – 11:54 A.M.