

**BERKS COUNTY BOARD OF ELECTIONS
SPECIAL MEETING MINUTES
November 15, 2023 – 11:00 A.M.**

Lucine Sihelnik, Chair
Honorable James E. Gavin, Vice Chair
Honorable Jill Gehman Koestel – not present
Anne Norton, Chief Clerk
Christine M. Sadler, County Solicitor – not present
Cody L. Kauffman, First Assistant County Solicitor

CALL TO ORDER: 11:06 A.M.

APPROVAL OF THE MINUTES

On the motion of Judge Gavin, seconded by Commissioner Sihelnik, the Board approved the minutes for the November 2, 2023, meeting as presented.

PUBLIC COMMENT ON AGENDA ITEMS

None

Agenda Items

1. Receipt of the Official Computation and Cavassing of Votes Cast at the November 7, 2023, Municipal Election and Commencement of the Five (5) Day period of Public Inspection

On the motion of Judge Gavin, seconded by Commissioner Sihelnik, the Board received the Official Computation and Canvassing of Votes Cast at the November 7, 2023, Municipal Election and announced the start of the five-day review period. The five-day review period was set to begin at 8 a.m. on Thursday, Nov. 16, and will end at 5 p.m. on Wednesday, Nov. 22.

2. Unofficial Returns Reporting Form

On the motion of Judge Gavin, seconded by Commissioner Sihelnik, the Board authorized the execution of the Unofficial Returns Reporting Form to be submitted to the Department of State.

3. Election Day Signage Complaint

First Assistant County Solicitor Cody Kauffman said it was brought to the attention of election officials on Election Day that a sign advocating for the defeat of a candidate was placed outside of the polling location at Robesonia Borough Hall. The sign did not have a disclaimer stating who authorized or paid for the sign, which is required per Election Code. Mr. Kauffman added that it is a misdemeanor to violate provisions of the Election Code relating to such advertising disclaimers.

Mr. Kauffman said the complaint was also made to the South Heidelberg Township Police, who did an investigation that included photos of the sign and security camera footage of who placed the signs. Mr. Kauffman noted that it is not up to the Election Board to decide guilt or innocence in these types of matters. The Board is only

responsible for determining if a complaint should be referred to the District Attorney's Office for further investigation. He said based on the information presented, it was his recommendation to refer the matter to the District Attorney.

On the motion of Judge Gavin, seconded by Commissioner Sihelnik, the Board approved referring the matter to the District Attorney's Office for further investigation.

4. Double Voting Attempt

Mr. Kauffman said County officials received an email from a voter on Election Day explaining that he and his wife had voted by mail for the first time this election, but they "wanted to test the system." On Election Day, the voter said his wife attempted to vote in person at their Bern Township precinct. At some point while at the polls, the woman announced her intent and told a poll worker that she had already voted by mail. In the email, the voter said that his wife got to the voting booth before alerting the poll worker. While the woman attempted to vote again, she ultimately did not cast a second ballot. Mr. Kauffman acknowledged, the poll workers can handle matters like this better moving forward, then such matters will be addressed on that end. However, he noted that it is a misdemeanor for any person to vote or attempt to vote more than once in any election for which an absentee or mail-in ballot has been issued to the voter. Based on that section of the Election Code, he recommended that the matter be referred to the District Attorney's Office for further investigation.

On the motion of Judge Gavin, seconded by Commissioner Sihelnik, the Board approved referring the matter to the District Attorney's Office for further investigation.

Election Director's Report

Ms. Norton noted that the office received 370 provisional ballots, which were reviewed to determine if they could be counted in full, partially or rejected. She said the provisional ballots that could be counted were included in the unofficial returns approved previously in the meeting. Ms. Norton advised that the risk-limiting audit and the 2% audit would be held at 10 a.m. on Monday, Nov. 20, at the elections office in the former SAM building at 19 N. 6th St. She said that notifications about the audits would be sent to the political parties.

Finally, Ms. Norton said roughly 13,000 write-in votes were cast during the Nov. 7 election. She said the staff was just starting its review of the write-ins to determine if there were any winners and prepare for the filing of any petitions to cumulate. The staff was also continuing to do the various checks and balances of going through the supplies returned from the precincts.

Commissioner Sihelnik thanked Anne and her team for their continued hard work.

Public Comment

Debbie Noel, of Robeson Township, said she is saddened every year by the number of mail-in and absentee ballots that are never returned and/or are rejected because of an incorrect or missing date. She said she believes the County needs to rethink the procedures and policies set by the Election Board, specifically regarding notifying voters when they have time to cure

ballots, sending out ballots sooner, increasing the number of drop boxes and what all an authorized designated agent is allowed to do.

Zelda Yoder, of Reading, spoke about how prior to Election Day, she was sent a screenshot that showed that when searching for Berks County Election Services on the search engine Bing, the profile that came up included a link to the Berks County Republican Committee website. She asked if this had been further investigated to determine if there was any foul play. She also stated she thinks its weird that ballots that are not dated cannot be counted because when she goes to vote in person, no one asks her what day it is.

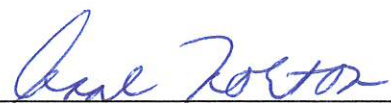
Commissioner Sihelnik said that Ms. Yoder passed on her concern about the website link to her previously and she spoke with the County's Information Services department about it. She noted that the County takes cybersecurity very seriously and encouraged voters to only use the County's official website, www.countyofberks.com, for official Berks County Election Information.

Adrian Jadic, of Wyomissing, asked that Election Services create a flowchart explaining the vote-counting process to further increase transparency and trust. He said this would be helpful since processes with mail-in ballots have become more complicated.

Kevin Boughter, of Caernarvon Township, said he serves as Chair of the Berks County Democratic Committee. He said that on Election Day, he was made aware of an issue that poll workers were watching a voter fill out their provisional ballot. He asked about the procedures related to provisional ballots and stated that he believes this voter should have the same right to privacy as other voters. He said the committee also received reports that three polling locations opened late. He noted it was not a big deal this year, but could be next year. Finally, he asked for clarity about phone numbers they are allowed to use on Election Day.

Adjournment: On the motion of Judge Gavin, seconded by Commissioner Sihelnik, the meeting was adjourned at 11:36 a.m.

Respectfully Submitted,



Anne Norton, Election Board Chief Clerk

