

**BERKS COUNTY BOARD OF ELECTIONS  
MEETING MINUTES  
July 25, 2024 – 11:00 A.M.**

**Michael S. Rivera, Chair**  
**Christian Y. Leinbach, Vice Chair**  
**Dante Santoni, Jr., Commissioner**  
**Anne Norton, Chief Clerk**  
**Christine M. Sadler, County Solicitor – not present**  
**Cody L. Kauffman, First Assistant County Solicitor**

**CALL TO ORDER: 11:00 A.M.**

**APPROVAL OF THE MINUTES**

The Board approved the minutes for the June 27, 2024, Election Board meeting as presented.

**PUBLIC COMMENT ON AGENDA ITEMS**

Lazaro Castellon, Shillington Borough, said he is concerned about voters remaining on voter rolls long after leaving Berks County. He said he believes this invites fraud and needs to be investigated.

**Agenda Items**

**1. Robesonia Flyer Circulation Discussion**

First Assistant County Solicitor Cody Kauffman said that he was contacted by the South Heidelberg Township Police Department about complaints they received from Robesonia residents regarding flyers circulated within the borough.

Mr. Kauffman explained that the flyers ostensibly advocated for the election of a certain individual for mayor, but did not have a paid for disclaimer. He said that while that would normally be a violation of the Election Code's advertising requirements, the individual promoted on the flyer is not a candidate and the race is not on the ballot. He said the individual told police he is not intending to run for office and he also spoke to the individual and confirmed he is not running for office. He also noted that the Office of Election Services has received no communication or documents from this individual indicating his intent to run for mayor.

Mr. Kauffman said that since the person that the flyer is about is not considered a candidate under the statutory definition of "candidate" in the Election Code, the flyer does not trigger the disclaimer requirements. Based on those facts, he said his recommendation was to not refer the case to the District Attorney's office for review.

Commissioner Santoni said he agreed that there was no criminal intent and no violations of the Election Code, but totally disagreed with the content of the flyer, calling it "nonsense" and "garbage." He again urged the community to turn down the temperature and rhetoric.

On the motion of Commissioner Leinbach, seconded by Commissioner Santoni, the Board took no action related to the Robesonia flyer complaint.

## **2. Removal of Electors Discussion**

Commissioner Rivera explained that the County has received requests from residents to remove individuals from the voter rolls in Berks County. He said one request included roughly 1,100 names and that the elections staff reviewed them individually. He asked Mr. Kauffman to provide an explanation of the process for removing electors, stressing that the County follows the law, but does not have the power to change the law.

Mr. Kauffman explained that the voter list maintenance process is a statutory process that is clearly outlined in the Election Code. He said the elections office has always followed these list maintenance procedures, but counties now must also certify that these programs are completed to receive Act 88 funding.

Mr. Kauffman explained that a voter's registration can only be cancelled under four circumstances: The voter's request, confirmation of the voter's death, confirmation the voter has moved outside of the county or through the voter removal program set forth in statutes. He stressed that is only the first part of the statute and the remainder of the statute sets forth the specific process the County must follow to cancel voter registrations.

Mr. Kauffman further explained that the county can only cancel a registration based on a change of residence under two circumstances: the registered voter confirms the change in writing, or the registered voter fails to respond to a confirmation notice and does not vote in two federal elections following the date of the notice.

He explained that when the County receives notice that a voter has potentially moved, the County generates a notification that is sent to that voter to confirm the address change. If the voter confirms the change in writing, the voter registration may be cancelled. However, if the County does not receive a response back, the voter is placed into an "inactive" status. An inactive voter is still registered, but if they go to vote, they must first sign an address affirmation to confirm their residence.

He explained that if an inactive voter does not vote in two federal elections, and does not otherwise respond to prior notices sent or contact the Office of Election Services regarding the same, their voter registration can be cancelled.

Anne Norton explained that the elections office completes this notification program (NCOA) annually and this year sent notices to about 3,500 voters. She said a month after the first notice, a second notice is sent to any voters that did not respond and those voters are immediately put into the inactive status.

In regard to the request to remove a list of 1,100 voters, Ms. Norton said the elections staff reviewed each one and found the majority were currently in the process of being removed. She said many are in the inactive status and some have already been cancelled. She said there were 98 voters on the list who are still active voters, meaning they have voted within the last 5 years and the County has not received any notice they have changed their address.

Commissioner Santoni said the process for removing voters is not just statutory, it works. He said he is not aware of any evidence of widespread fraud linked to the removal process.

Commissioner Leinbach said he would prefer that the process to cancel a voter after not responding to the change of address notification was faster, but the County is following the law and keeping its database as clean as possible. He noted the importance of understanding the difference between active and inactive voters when reviewing voter lists. He also noted that many of the public requests to remove voters are based on AI generated data from public sources that are not always accurate or up-to-date.

Commissioner Rivera thanked Anne and the staff for reviewing the request, stating that the County wants to always do its due diligence, but also must follow the law. He said county officials have been requesting changes to the Election Code for years, but the legislation has yet to make those changes. He encouraged voters concerned about the current process to take those concerns to their legislators.

#### **Election Director's Report**

Ms. Norton said that the elections staff is busy processing voter registrations after receiving hundreds in recent weeks from voter registration drives. She said the staff is also busy processing responses to the address confirmation notifications discussed previously.

She shared that the management team met with a group of Judges of Election to get their feedback on what processes are working well and ideas for improvement. The staff continues to work on supply preparation and securing polling locations for the upcoming General Election.

#### **General Comments from the Board regarding current election-related issues**

Commissioner Santoni said that the elections staff does a great job and while it's important for the County to never let down its guard in relation to fraud, there's no evidence that it exists. He said he wants the voters of Berks County to be assured their vote will count and that the County has a great system in place.

#### **Public Comment**

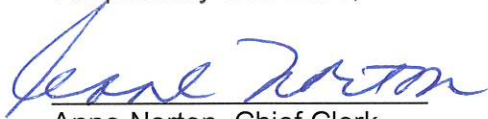
Jeffrey Wolfe, Brecknock Township, said he was thankful that the Election Services staff investigated possible double voter registrations, but he still has concerns that it could lead to fraud. He said he believes the real threat to Democracy is the electorate's lack of confidence in the outcome of an election because a less than transparent election process raises a myriad of questions.

Commissioner Rivera again encouraged residents to keep the Election Board accountable to following the law and to go to their legislators to discuss changing the law.

Commissioner Leinbach said the Election Board has been good at being transparent and the staff took the time to review each voter within the request and then report on those findings during a public meeting. He agreed transparency is important and said Berks County does a good job at being transparent.

**ADJOURNMENT** 11:45 a.m.

Respectfully Submitted,



Anne Norton, Chief Clerk