

LANCASTER COUNTY ELECTION BOARD MEETING
MONDAY, MAY 16, 2022

The Board of Elections met today for an Election Board Meeting.

Present at today's meeting:

Ray D'Agostino, Chairman
Joshua G. Parsons, Vice-Chairman
BOARD OF ELECTIONS

Also present:

Christa Miller, Chief Clerk/Registrar
BOARD OF ELECTIONS

Commissioner D'Agostino called the meeting to order at 11:00 a.m.

Commissioner D'Agostino announced that the Board of Commissioners met in Executive Sessions on Thursday, May 12, 2022, at 11:00 a.m., and today at 10:15 a.m., to discuss a Litigation matter which is Frey and Sherman v. Board of Elections, docket number CI-22-02699.

Commissioner D'Agostino announced the approval of the April 13, 2022, Election Board meeting minutes and the April 20, 2022, Election Board meeting minutes.

ELECTION BOARD RESOLUTION NO. 5 OF 2022

On motion of Commissioner Parsons, seconded by Commissioner D'Agostino;

WHEREAS, There are vacancies on various election boards in a number of election districts in Lancaster County which remain unfilled;
and

WHEREAS, Section 405 of the Pennsylvania Election Code authorizes the County Board of Elections to appoint qualified electors who have been trained by the County to perform the duties of election officers to fill vacancies on election boards that occur within five days of the date of any election; and

WHEREAS, The Board of Elections has a pool of qualified electors who have been trained by the County to perform the duties of election officials and are willing to serve at the Municipal Primary to be held on May 17, 2022, and desires to make the authorized appointments; and

WHEREAS, Section 404 of the Election Code authorizes the County Board of Elections to appoint a qualified registered elector from the county to serve as a machine inspector in any election district in which more than one voting machine is utilized; and

WHEREAS, There are a number of election districts in Lancaster County in which multiple voting machines are used; and

WHEREAS, The Board of Elections desires to appoint qualified registered electors as machine inspectors in those districts in which multiple voting machines are used.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ELECTIONS OF LANCASTER COUNTY PENNSYLVANIA,
as follows:

1. Pursuant to Section 405 of the Election Code, the Board appoints the persons identified in the Court Appointment Report attached to this Resolution to fill vacancies in the various election boards as more fully set forth in the Report. The appointments shall be valid only for May 17, 2022, the day of the Municipal Primary. Any election board position filled by appointment herein shall be deemed vacant as of the day following the Municipal Primary.
2. Pursuant to Section 404 of the Election Code, the Board appoints the persons identified in Court Appointment Report attached to this Resolution as machine inspectors in those election districts where multiple voting machines are utilized, as more fully set forth in the Court Appointment Report. The appointments shall be valid only for May 17, 2022, the day of the Municipal Primary.
3. Pursuant to Act 12 of 2020, the Board appoints the persons identified in Exhibit A attached to this Resolution to assist with pre-canvassing and canvassing of ballots. The appointments shall be valid for the May 17, 2022, Municipal Primary election and shall continue until all pre-canvassing and canvassing duties have been completed.

Motion passed.

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Commissioner D'Agostino -- Yes
Commissioner Parsons -- Yes
Commissioner Trescot -- Absent for the vote

ELECTION BOARD RESOLUTION NO. 6 OF 2022

On motion of Commissioner Parsons, seconded by Commissioner D'Agostino;

WHEREAS, The Lancaster County Board of Elections seeks to ensure absolutely fair and secure elections to the utmost extent possible under existing state law, so that all citizens of all political parties may have full faith in our elections, and;

WHEREAS: There are those who unfortunately seek for the County to implement practices that will not instill faith in our elections and ultimately will make elections less secure, and;

WHEREAS: In today's litigious environment, unfortunately, the County regularly faces frivolous claims, and;

WHEREAS: The American Civil Liberties Union (ACLU), has sued the County twice in the last two weeks, including a suit seeking to force County government to install a ballot drop box, and;

WHEREAS: We are aware of no Pennsylvania County or municipal government anywhere that has ever been held to the standard being proposed by the ACLU – specifically that administrative operational matters such as whether to have or not have a ballot drop box must be treated as legislative matters. And further, such a standard as proposed here, should it be created under a final court ruling, would be, if followed to a logical conclusion, possibly crippling to the operations of any municipal government. In circumstances, as happened in this case, where citizens raise an issue and ask questions of the board as to where the board stands on a matter, the board would possibly be forced to refrain from answering transparently as the board did in this case. Moreover, under the ACLU's proposed standard, municipal boards would possibly be forced to meet virtually continuously, to decide administrative matters by legislative action for the municipal or county government, and;

WHEREAS: The issue of ballot drop boxes has been discussed and debated at multiple public meetings of the Lancaster County Board of Elections in a transparent way going far above what is required by the law for an administrative matter, and;

WHEREAS: Lancaster County government takes citizen input extremely seriously, having something on the order of 150 public meetings a year at which any member of the public may comment and ask questions about any subject – far exceeding virtually any other level of government anywhere, and;

WHEREAS: In the matter of the ACLU's lawsuit, the court has not issued a *final* opinion on this matter, but rather a *preliminary* injunction, and that injunction has ordered the temporary installation of a ballot drop box, and;

WHEREAS: Given the fact that across Pennsylvania there are reported instances of people placing or attempting to place multiple ballots into a drop box, which is *illegal* (unless specifically authorized), including Governor Tom Wolf's admission that he gave his ballot to his wife to drop in a box, which constitutes a violation of law – after he signed the mail in ballot law (Act 77 – 2019), which included provisions making ballot harvesting illegal, and;

WHEREAS: Although confident in ultimate legal victory in this case, in order to stay completely focused on the key issue – securing our elections – and in order to preempt further wasteful litigation, and to render this issue moot, as suggested by the court, and to allow the court to focus on other pressing matters;

NOW THEREFORE: We, the Lancaster County Board of Elections in order to instill integrity in our elections and ensure a system that does the utmost to prevent voters from unintentionally or intentionally breaking the law, hereby declares that Lancaster County shall have no ballot drop box in this current election or any election, unless compelled to do so by Pennsylvania statute or by official legal authority.

FURTHER: As in person voting is the most secure manner to run an election and instills the most confidence in the citizens of this County and Commonwealth, we call upon the Legislature of Pennsylvania to fully repeal Act 77 of 2019 and restore elections to in person, as outlined in the Constitution of the Commonwealth of Pennsylvania, with exceptions for absentee ballots only as specified in the Constitution of the Commonwealth of Pennsylvania, and to enact voter ID.

Adopted by the Board of Elections of Lancaster County this 16th day of May 2022.

Motion passed.

Commissioner D'Agostino -- Yes
Commissioner Parsons -- Yes
Commissioner Trescot -- Absent for the vote

**Lancaster County Election Board Meeting
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Commissioner D'Agostino noted that Commissioner Trescot was unable to attend the meeting today because he is out of the country.

The Commissioners addressed questions raised by members of the public regarding the removal of the drop box. Some people were in favor; some were against.

Update on the 2022 Primary Election – Statistics
Christa Miller, Chief Clerk/Registrar, Board of Elections

Ms. Miller reported they currently have 345,872 voters registered in Lancaster County. Eligible voters for this election, as it is a closed primary, is 289,126 voter. They have 28,053 mail-in/absentee ballot requests. Of those, they already had 21,234 returned, so they are at 75.7% return.

Commissioner D'Agostino stated Ms. Miller and her staff do a phenomenal job of being prepared, even when curve balls come at them with respect to issues they cannot control.

The Board will gather again tomorrow, Tuesday, May 17, 2022 in the morning to kick off the Pre-canvass period.

Commissioner D'Agostino asked Ms. Miller to speak to the preparedness of being able to process the mail ballots during the day. The Board of Elections' goal has always been to try to get that done by that evening.

Ms. Miller stated, as of Saturday night, they had just under 20,000 ballots that were reconciled, and they will finish the once that came in today so that those ballots can go down in the morning for the pre-canvass. There are two shifts of volunteers that are prepared, so they are looking to have all of those ballots opened and scanned tomorrow.

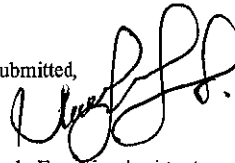
Commissioner Parsons thanked Ms. Miller and her staff for all their work during this chaotic election cycle.

On motion of Commissioner Parsons, seconded by Commissioner D'Agostino, the meeting adjourned at 12:40 p.m.

Motion passed.

Commissioner D'Agostino – Yes
Commissioner Parsons – Yes
Commissioner Trescot – Absent for the vote

Respectfully submitted,



Lydia Kovalchuk, Executive Assistant
Commissioners' Office