

LANCASTER COUNTY ELECTION BOARD MEETING
TUESDAY, JUNE 2, 2020

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

The meeting was conducted remotely during the COVID-19 pandemic State of Emergency Declaration. The public was invited to view and participate in a live, moderated broadcast.

Participating in today's meeting were:

Ray D'Agostino, Chairman
Terry Kauffman, Vice-Chairman
James Thomas, Esquire
BOARD OF ELECTIONS

Also participating were:

Randall Wenger, Chief Clerk/Registrar
BOARD OF ELECTIONS

Jenna Geesey, representing the Republican Committee of Lancaster County
Sam Mecum, Esq., representing the Democratic Committee of Lancaster County

Commissioner D'Agostino called the meeting to order at 8:05 a.m.

Commissioner D'Agostino announced the approval of the March 25, 2020 Election Board Minutes, and the postponement of approval of the March 18, 2020 Election Board Minutes.

Commissioner D'Agostino stated that the meeting is to begin the process of pre-canvassing and asked Mr. Wenger to provide information on the process. Mr. Wenger stated that the process includes the opening and scanning of absentee and mail-in ballots received. The plan is to do this work until 5:00 p.m. each day of the workweek until the process is finished. Results will be posted at the end of each day. The Board of Elections received a total of approximately 52,000 absentee and mail-in ballots. It is estimated that the work will be completed by Tuesday or Wednesday the following week.

Commissioner D'Agostino noted that the Board of Elections had previously discussed at a prior meeting how to handle ballots that were not placed in a secrecy envelope. The issue arose due to the Department of State advising in a recent email that there is no statutory authority to set aside mailed ballots which are not placed in a secrecy envelope. However, the consensus of the Board and the solicitor is that Act 12 seems clear in the intent to set aside ballots in situations where secrecy could not be maintained.

The Board has asked that ballots not placed in secrecy envelopes not be pulled from the outer envelopes and set aside securely to preserve secrecy as best as possible until a decision either by a court, further instructions from the Department of State is given or if neither of these occur, for the Board of Elections to make a decision. The Chairman stated that he would like to have input from both political Parties before the Board makes a decision. The Board will meet again on Friday, June 5 at 9:00 a.m. for the purposes of transitioning to canvassing and will ask the chairpersons of each Party to attend.

Mr. Mecum stated he believes that the ballots should be counted and that the right to have one's vote counted is a top priority. Ms. Geesey stated that she will discuss the issue with Republican Committee Chairman Radanovic and the Party will provide input for the meeting.

Chairman D'Agostino recessed the meeting at 8:40 a.m. until Friday, June 5 at 9:00 a.m.

LANCASTER COUNTY RECONVENED ELECTION BOARD MEETING
FRIDAY, JUNE 5, 2020

The meeting was conducted remotely during the COVID-19 pandemic State of Emergency Declaration. The public was invited to view and participate in a live, moderated broadcast.

Participating were:

Ray D'Agostino, Chairman
James Thomas, Esquire
BOARD OF ELECTIONS

Also participating was:

Randall Wenger, Chief Clerk/Registrar
BOARD OF ELECTIONS

Chairman D'Agostino reconvened the meeting at 9:00 a.m. on Friday, June 5.

**Lancaster County Election Board Meeting
Recessed from Tuesday, June 2, 2020**

Commissioner D'Agostino stated that the purpose of this portion of the meeting was to officially begin the canvassing portion of the election process. There was some discussion regarding the process so far to date.

Commissioner D'Agostino recessed the meeting at 9:05 a.m. and stated that the meeting will resume at 3:00 p.m. in room 701 at which time a resolution on the matter of ballots not placed in secrecy envelopes will be discussed and a decision rendered. He stated that the chairpersons of each Party and those that were in attendance at the beginning of the meeting on Tuesday, June 2 were notified of the reconvening of the meeting this afternoon, and had the agenda posted on the County's website.

**LANCASTER COUNTY RECONVENED ELECTION BOARD MEETING
FRIDAY, JUNE 5, 2020**

This portion of the reconvened meeting was conducted in Conference Room 701, Lancaster County Government Center.

Participating were:

Ray D'Agostino, Chairman
Terry Kauffman, Vice-Chairman - participated by phone
James Thomas, Esquire - participated by phone
BOARD OF ELECTIONS

Lawrence M. George
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Also participating were:

Randall Wenger, Chief Clerk/Registrar
BOARD OF ELECTIONS

Sam Mecum, Esq., representing the Democratic Committee of Lancaster County
Mel Newcomer, Solicitor for the Election Board - participated by phone
Greg Paulson, representing the Democratic Committee of Lancaster County
Kirk Radanovic, Republican Committee Chairman - participated by phone
Diane Topakian, Democratic Committee Chairwoman
Carter Walker, Reporter for Lancaster Newspapers

Commissioner D'Agostino reconvened the meeting at 3:00 p.m. on Friday, June 5.

Commissioner D'Agostino stated that the purpose of this portion of the meeting is to discuss and make a determination on how the Board of Elections will handle absentee and mail-in ballots that have not been inserted into a secrecy envelope by the voter. He noted that Pennsylvania Act 12 provides regulations and requirements for the conduct of the June 2, 2020 Primary, including the handling, opening and counting of absentee and mail-in ballots, otherwise known as pre-canvassing and canvassing of ballots, and the Pennsylvania Department of State has provided guidance stating that counties may develop a process to maintain secrecy in the event that a voter who has submitted an absentee or mail-in ballot and fails to insert said ballot into a privacy envelope.

Both Republican and Democratic parties agreed that any ballot that has been duly cast should be counted despite the privacy envelope not being included.

Mr. Wenger gave a brief update regarding the opening of the absentee and mail-in ballots without a secrecy envelope.

ELECTION BOARD RESOLUTION NO. 10 OF 2020

On motion of Mr. Kauffman, seconded by Mr. Thomas;

WHEREAS, the Pennsylvania Primary was held on Tuesday, June 2, 2020 in which mail-in and absentee ballots were cast; and

WHEREAS, the Constitution of the United States and the Commonwealth of Pennsylvania provide for the right to vote and the Pennsylvania Constitution provides for the secrecy of said vote; and

WHEREAS, Pennsylvania Act 12 provides regulations and requirements for the conduct of the June 2, 2020 Primary, including the handling, opening and counting of absentee and mail-in ballots, otherwise known as pre-canvassing and canvassing of ballots; and

WHEREAS, the Pennsylvania Department of State has provided guidance stating that counties may develop a process to maintain secrecy in the event that a voter who has submitted an absentee or mail-in ballot and fails to insert said ballot into a privacy envelope; and

**Lancaster County Election Board Meeting
Recessed from Friday morning, June 5, 2020**

WHEREAS, the Lancaster County Board of Elections desires to uphold the Constitutional rights to vote and secrecy in such vote, and is confident in the ability to maintain secrecy in situations where a voter has not placed their ballot in a secrecy envelope,

NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF ELECTIONS, that any absentee or mail-in ballot returned by the voter without an interior envelope shall be counted and shall not be set aside and declared void because of the absence of the interior envelope, based upon guidance provided by the Pennsylvania Department of State that Act 12 does not contain any statutory authority to declare void any ballots not returned in an interior envelope. This Resolution applies only to the 2020 General Primary Election. The Resolution is not intended by the Board to establish any precedent for future elections.

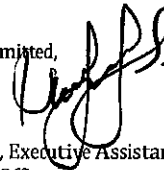
Motion passed unanimously.

Mr. Wenger gave an update regarding the pre-canvassing and canvassing of ballots. He also reported on the voting machine performance during the primary election on June 2, 2020. Also, the Board addressed various questions raised by Mr. Walker, Lancaster County reporter, as well as others present.

On motion of Mr. Thomas, seconded by Mr. Kauffman, the meeting adjourned at 3:44 p.m.

Motion passed unanimously.

Respectfully submitted,



Lydia Kovalchuk, Executive Assistant
Commissioners' Office