

**LANCASTER COUNTY ELECTION BOARD MEETING**  
**WEDNESDAY, AUGUST 26, 2020**

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

Present at today's meeting were:

**Ray D'Agostino, Chairman**  
**Joshua G. Parsons, Vice-Chairman**  
**Craig E. Lehman**  
**BOARD OF ELECTIONS**

**Lawrence M. George**  
**CHIEF CLERK**

**Lisa Johnson**  
**ASSISTANT CHIEF CLERK**

**Christina Hausner, Esquire**  
**COUNTY SOLICITOR**

Also present was:

**Greg Paulson, Resident & Co-Council**  
**PENNSYLVANIA DEMOCRATIC PARTY**

**Diane Skilling, Deputy Chief Clerk / Deputy Chief Registrar**  
**BOARD OF ELECTIONS**

**Diane Topakian, Chairperson**  
**LANCASTER COUNTY DEMOCRATIC COMMITTEE**

**Randall Wenger, Chief Clerk/Registrar**  
**BOARD OF ELECTIONS**

Commissioner D'Agostino called the meeting to order at 10:27 a.m.

Commissioner D'Agostino announced the approval of content only of the November 4, 2019 Election Board Meeting Minutes, March 18, 2020 Election Board Meeting Minutes and May 29, 2020 Election Board Meeting Minutes, and approval of the July 1, 2020 Election Board Meeting Minutes.

**November 3, 2020 General Election Update:**

**Lawsuits Status** – Ms. Hausner advised approximately eight lawsuits have been filed in Pennsylvania. The principal issues concern drop boxes, late ballots and naked ballots, which are not in a privacy envelope when returned; along with whether poll watchers must be qualified electors from the County they are serving.

**Voter Registration** – Mr. Wenger said rolls are continuing to grow as anticipated in a Presidential year, noting yesterday afternoon they had 336,079 registers voters with approximately 6,000 applications in the process. They anticipate going into the November election with at least 340,000 registered voters and he is confident final numbers will exceed that.

**Absentee and Mail-in Ballots** – Mr. Wenger said at this point they have 47,963 people on their permanent mail-in ballot list. Since the Primary, they have processed almost 3600 absentee applications and over 10,000 mail-in applications. He noted they have about another 6800 absentee and mail-in to process, but are finding many are duplicate applications, so staff is working their way through them.

Commissioner Lehman asked Mr. Wenger to explain the process of applying for a mail-in ballot because of third party misinformation.

Mr. Wenger said in the case of a permanent mail ballot, permanent does not mean forever, whatever point in the year someone applies they will receive all the ballots for that year for which they are eligible. Prior to their application date in the next year, they will get a renewal application from the County. If they return that form, they will receive all the ballots for the next year for which they are eligible. If they fail to return the form, they will not receive any ballots in the next year, but they will receive a renewal notice the following year. They will continue to receive renewal notices until either they leave the County, are cancelled or they request to no longer be on the permanent mail-in ballot list. Mr. Wenger explained that on the main page of the County's website as well as on the Board of Elections website, above his contact info on the right-hand margin there is a link to check your mail in ballot status. If it shows pending, they are at exactly the right spot - in que to receive a ballot. He anticipates the mail ballot vendor will mail-ballots out at the end of September and voters will receive them in early October. Once a ballot has been mailed out, that status will change and once their voted ballot has been received, that status will show as well.

Ms. Hausner asked what the procedure is if you receive a mail-in ballot but want to vote in person? Mr. Wenger said if they show up at a polling place and have the mail ballot in hand as well as the #10 return envelope with their registration information and the bar code, the judge of elections will be able to spoil that in the polling place, complete a yet to be finalized declaration and they can vote a regular ballot. He pointed out if they show up without their ballot, they will be required to vote provisional.

**Additional Equipment Needs** – Mr. Wenger said that since the beginning of this year, they went from a single scanner to a second high-speed Cannon scanner. After the primary they ordered a third high-speed Cannon scanner and an additional workstation to allow them to resolve ballots without taking a scanner out of use so now they have the capacity to scan 18,000 ballots an hour. They have ordered, and are told it should be here near the end of September, an envelope opener that can slice open 40,000 envelopes a minute, it also has the capacity to gage the thickness of the envelopes and determine whether it treats a ballot with a secrecy envelope is different from the way it treats a ballot without a secrecy envelope. They also have three counting scales to go with each of the three scanners, noting a scale is a very efficient way to get to the ballot that needs set aside because it is damaged. 24 US Postal Service grade mail tray racks have been ordered to store and maintain ballots in a more orderly fashion in the BH/DS space on the fifth floor, 16 are going to be shipped next Monday. They procured 30 additional workstations from the Department of State for use by temporary staff and they now have room to have all 30 set up.

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**Additional Space Needs** – Mr. Wenger said how much space they need will depend on how much time they are given, noting additional time will be helpful because they can have about 45/50 people socially distanced in the BH/DS conference room at 750 Eden Road. He explained that pre-canvassing as defined in Act 12 involves every aspect of the process except for releasing totals and he has told numerous legislators there is no way to accidentally release totals as the scanner does not have totals on it, only a total number of ballots scanned; after the data is taken out of the scanner and loaded it into another workstation, then we will have vote totals. Mr. Wenger said he has also heard the idea that they would only be able to open and prepare them for scanning but not actually scan them. He does not like the idea of ballots with voters' choices sitting in trays somewhere for an extended period of time.

Commissioner Lehman noted pre-canvass is a priority for CCAP and he thinks we will get some type of pre-canvassing which will help facilitate the tabulation on election day which will help make sure we can have timely results. Commissioner Lehman asked for Mr. Wenger to send him a brief email with this information because the CCAP Election Reform Committee is meeting tomorrow to discuss proposals being made by the legislature and he would be happy to share these details. He said we need to deploy our resources efficiently so the more we can do earlier, the less amount of resources we are going to need at the close of the polls on election night which hopefully will result in a timely reporting of the results.

Commissioner D'Agostino said for clarification purposes, he has a copy of the summary of Senate Bill 10 which does allow for scanning, saying ballots may be removed from the outer and inner envelopes, flattened and scanned but results may not be tabulated. He has had conversations with some of the Legislators noting that we need more time ahead of election day to process the ballots in order get the results if not on election night, then the day after.

Mr. Wenger said on election day his staff has their hands more than full dealing with challenges, issues and questions raised from 240 polling locations so to have a separate fully staffed mail ballot operation going on will stretch their operations. He said if they try to do 120,000 ballots in a single day, they will need about 85 people socially distanced opening envelopes and about 10 people on a scanning operation for a 13-hour day. The County does not have a facility large enough to accommodate 95 people, however if that is taken down to 2 or 3 days those numbers get much more manageable along with a more humane working day for those involved. He and Commissioner D'Agostino also discussed a way to compensate these folks and it was agreed they would utilize the election day clerk rate, either half or full day, and they would not pay for parking either. Mr. Wenger explained one variable that will potentially impact this is the discussions being made to include postmarks, noting if the deadline is changed from 8:00 p.m. on election day to a specific postmarked date that will change the dynamics substantially as to when results are considered complete.

**Poll Worker Recruitment and Training** – Mr. Wenger said we have been extraordinarily blessed in this election cycle, noting over 400 poll worker applications were received. They have filled spots on 48 boards and have two more where they are working to get someone to serve as judge but after those are filled they still have over 406 folks who have signed up to help out in some capacity on election day and they will reach out to those not needed for polling places with other opportunities such as opening mail ballots. He explained there is a poll worker link on the Voter Registration website which has a fact sheet explaining the rules, Constitutional qualifications, along with an application, and people can sign up electronically at VotesPA.com.

Ms. Topakian asked if they are intentionally recruiting bi-lingual and Spanish poll workers because there is still a great need in the southern half of Lancaster City. Mr. Wenger said they have that information because there is a question on both our and the Department of States' application asking if you are fluent in any other language including American Sign Language so they can plug them in where it is needed or an asset, noting people are coming to them because they have heard there is a shortage.

**Poll Locations** – Mr. Wenger said they sent out communication to all our polling places reminding them of the day of the election and letting them know that the process established in the primary for post-election Covid19 cleaning reimbursement of up to \$300 would be available again using the County's CARES Act money, noting 46 facilities utilize that service for an average of \$260. He stated the only polling location they are waiting on is in the Elizabethtown Borough, explaining the polling location that we had moved last year to Elizabethtown College and then because they were closing, we moved it to the Elizabethtown Borough public works building. He has three back to back potential site visits in Elizabethtown today, two churches and an establishment. Mr. Wenger is not sure the establishment will be suitable because they have a liquor license, noting they are closed that day but the waivers counties received in the primary to be able to utilize those types of facilities expired so we are back under the regular election code that we cannot be in a room where alcohol is served and voters cannot walk through a room even if the facility is closed that day.

Mr. Wenger answer Ms. Topakian's questions regarding two polling places in Lancaster City. Ms. Topakian also asked if they will mandate that poll workers and voters must wear a mask. Mr. Wenger said that would be his preference, but he deferred to those who have the authority to mandate. Ms. Hausner thought it would depend on conditions on November 3<sup>rd</sup>.

**Pennsylvania Department of State Requirements** – Mr. Wenger said Lancaster County does not own any drop boxes and noting in his conversation with Ms. Hausner because the matter is under litigation, we have maintained that status quo, but if the Board wishes to direct otherwise that is fine. The other directive seen recently is that election night reporting breaks out ballots by ballot type and he thinks we have a pretty good handle on that. Mr. Wenger said they are still waiting for direction from the Secretary of State on the form for a voter who shows up at the polling place with their ballot; pointing out that he put together something a month ago and sent it to them for their review. The law says what the form should include so the Secretary of State is not necessarily required to approve it, but they are holding off hoping to have a uniform state approved document in our poll worker manual and poll worker training. They will be doing on-line training as well as in-person training with classes up to 25 people, or whatever the current guidance is, out at the County Public Safety Training Center.

Mr. Wenger confirmed for Commissioner Lehman that folks will still be able to drop off their mail-in ballot at their office and said after ballots are available they will do a press release to let everyone know they can apply in person for their mail-in ballots, vote and return their ballot – completing the entire process, in one visit, noting Act 77 requires that all Counties offer this and we have for many years.

**East Donegal Township Referendum Update** – Mr. Wenger said East Donegal voters filed a petition to have a question on their ballot to expand their board of supervisors from three to five members. He noted it was timely filed and a challenge has been filed, specifically an injunction to prevent the Board of Elections from running that question based upon what the filer believes is an insufficient number of signatures. Mr. Wenger has been subpoenaed for Friday morning at 9:00 a.m. with Judge Ashworth to testify regarding Voter Registration's status of 31 signers of that petition. He said the Court will decide, but his issue is a timely and complete resolution, so it does not hold up ballot production.

In response to Ms. Topakian's question, Mr. Wenger said 12 additional signatures were filed beyond what were needed.

Mr. Paulson asked if the CCAP meeting was open. Commissioner Lehman said it is not, but he wanted to make sure he had a full understanding of the pre-canvassing piece regarding its definition and what that means on an implementation basis, along with the issue of post marks for business reply mail and whether there is going to be a time stamp on that post mark. The rest of the meeting is going to be getting an update on Senate Bill 10 and he is happy to follow up with Mr. Paulson afterwards.

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In response to Ms. Topakian's questions, Mr. Wenger discussed the business reply mail first class that they designed in conjunction with the Department of State, pointing out that the Post Office has a process whereby election mail does get a stamp on it but it is only location and date, not time.

Mr. Wenger confirmed for Commissioner Parsons that the advertised Constitutional Amendments are not questions on the ballot for November, but they could be listed as early as next year's primary, any election thereafter or the next session of the Legislature.

Commissioner Parsons expressed his concerns regarding the multiple lawsuits and potential changes from the Legislature, saying he understands why the public is confused. He said we should have black and white rules right now that everyone operates under, asking that we work together to do what we can to make Lancaster County as prepared as possible.

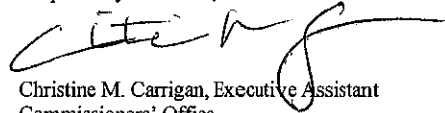
Commissioner Lehman said the real problem is Harrisburg hurriedly made substantive changes without understanding how their own elections work and how all the pieces fit together. Our job is to control what we can control, focus on what we think the Legislature should or should not change, and try to make sure we do the best job we can for the voters in Lancaster County. Commissioner Lehman thanked Mr. Wenger for providing additional clarification of critical information, so we can be assured how the process is going to work.

Commissioner D'Agostino said our goal and role as Board of Elections is to make sure we have a safe, secure, effective, and efficient election given the rules we are given, but as we have heard here today, many are up in the air. He thinks we need to have a result no later than the day after the election and those who have any say in the matter, should have that same goal in mind. He also echoed his colleagues in thanking Mr. Wenger, saying we are in good shape going into this election thanks to his team doing a phenomenal job.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, the meeting adjourned at 11:34 a.m.

Motion passed unanimously.

Respectfully submitted,



Christine M. Carrigan, Executive Assistant  
Commissioners' Office