

## MINUTES

### Erie County Council

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## **BOARD OF ELECTION MEETING MINUTES 9-23-22**

### **Call to Order**

### **Roll Call**

Members Present: Chairwoman Rennie, Vice-Chairman Scutella, Charlie Bayle (via Zoom), Ellen Schauerman, and Brian Shank  
Others Present: Julie Slomski, Megan Moore, Jim Czerpak, and Tonia Fernandez  
Andre Horton joined at 9:10am via Zoom.

### **Hearing of the Public**

Technical issues prevented a complete account of the first few minutes of the meeting.

Cathy O'Neil: Mrs. O'Neil discussed safety at the polls for the workers.

Freda Tepfer: Ms. Tepfer thanked Tonia Fernandez for her hard work. She questioned the use of the newspaper for advertising. She questioned the use of constables.

Margaret Watts: Ms. Watts had questions regarding provisional voting, registration application statuses, advertising and using the newspaper, poll workers, allowable voter ID.

### **Approval of Minutes of Previous Meeting**

N/A

### **Items for Consideration**

### **Act 88 Compliance**

Ms. Fernandez gave a review of the steps taken by the office to comply with Act 88 regulations: 1. Approval of voter registration applications under 25 Pa.C.S. § 1328(a) (relating to approval of voter registration applications). 2. Cancellation of deceased electors under 25 Pa.C.S. § 1505 (relating to death of registrant). 3. Voter removal programs under 25 Pa.C.S. § 1901(b)(1) and (3) (relating to removal of electors). 4. Safe keeping of voted ballots under sections 1308(a) (25 P.S. § 3146.8(a)) and 1113-A (25 P.S. § 3031.13(f)). 5. Enforcing the voter identification provisions of sections 1302.2(b) (25 P.S. § 3146.2b) and 1302.2-D (25 P.S. § 3150.12b). 6. Pre-canvassing and canvassing of absentee ballots and mail-in ballots under section 1308 (25 P.S. § 3146.8).  
No vote was necessary.

### **Ballot Approval**

Ms. Slomski stated the Board had the ballots the previous night to peruse, as well

as now. She stated that they have been looked at diligently by the office personnel.

A motion was made by Mr. Shank, seconded by Mrs. Schauerman, and carried 6-0.

## **Location Changes**

Chairwoman Rennie stated she knows it is difficult to find new locations that meet the many requirements needed for a polling site.

Ms. Slomski thanked Mr. Scutella for bringing the needed changes to her attention. She stated the custodian, Jim Czerpak, did a good job and thanked him for his efforts.

Mr. Czerpak stated that there is an announcement posted at prior locations if someone didn't know of the change, and that alerts them to the new location. He reported on the location changes.

Millcreek 13:

From: Tracy Elementary School- 2624 West 6thSt.

To: Erie County Community College of Pennsylvania- 2403 W 8th St.

Millcreek 18:

From: JS Wilson School Middle School Auditorium- 900 W. 54th St.

To: New Hope Presbyterian Church- 5440 Washington Ave. (Joining Millcreek 12)

Millcreek 22:

From: McDowell Intermediate High School- 3320 Caughey Rd.

To: First Alliance Church Gym- 2939 Zimmerly Rd.(Joining Millcreek 23)

Mr. Scutella commented that the need for the change was due to the Millcreek School District requesting that the schools no longer be used on Election Day. Mr. Shank asked a reporter, AJ Rao, to make note of that in his article.

A motion was made by Mr. Scutella, seconded by Mr. Shank, to vote on all precincts as one vote, and carried 6-0.

A motion for the polling site changes was made by Mrs. Schauerman, seconded by Mr. Shank, and carried 6-0.

## **Constable Plan**

Ms. Slomski stated that the Constable's Association brought to her attention that constables should be allowed to work at the polling sites, and for the first time since 2019, that constables would be at the polling sites. She stated that the constables would be rotating through their district.

November 8th General Election Duties-Erie County Constables: Elected or Appointed Constables in Erie County must be on the Erie County Court Administration Authorized Constable List and will represent their precinct, ward, borough, city, or township. The Duty of the Constable is to carry out peacekeeping responsibilities in their precincts. All decisions on how to carry out his or her peacekeeping duties are decisions made by the Constable.

Additional duties include:

- Arriving at the designated precinct in which the Constable was elected or appointed, by 7:00am. If a Constable has multiple precincts in their elected municipality, they will work with the County Clerk on a precinct schedule.
- Working with the Judge of Elections to maintain a respectful polling precinct free from "political activity" and "campaigning" INSIDE the precinct.
- Keeping all individuals at least 10 feet from the entrance of the building unless they are in the process of voting.
- Maintaining a clear pathway for voters to enter and exit. This includes the entire pathway from the public road to the voting machines.
- Precisely at 8:00pm, the Constable will assist the Judge of Elections with locking the precinct. If a voter is in line to vote at 8pm, he or she may vote. If a voter arrives after 8:00pm, he or she is not allowed to access the precinct.
- Once all of the votes have been counted, the Constable is able to leave the precinct for the evening.

Specifics include:

- The Constable may wear a uniform; or, the Constable may be in plain-clothes(non political) with a name tag.
- The Constable may carry his or her firearm, under the state-designed law enforcement program established under Act 49 of 2009, or, the Constable may choose not to do so.
- The mobile phone number of each Constable and Judge of Elections will be shared with each other.
- Payment of \$155 will be made at the end of the evening via "Court Funds" payment card, once this signed form is submitted to the County Clerk: [jslowski@eriecountypa.gov](mailto:jslowski@eriecountypa.gov).
- The County Clerk will be working directly with the Erie County Sheriff's office and can be reached at: 814-460-5331 for any concerns

Solicitor Talarico stated using constables used to make sense, but doesn't now, as there are not enough to cover every site. He stated another issue was because the Board didn't want to intimidate voters, and finally, the cost was too much. Mr. Talarico stated he could not recall when this decision was made.

Chairwoman Rennie stated she was not aware of any such ordinance or resolution to eliminate the constables, but that because of a state-wide agreement, they are entitled to pay, and why pay them, but not use them.

Mr. Talarico stated there is absolutely no state law that compels a county Board of Elections to use any kind of officer in polling districts. Mr. Talarico stated it is contrary to the spirit of elections to have people with badges and guns at the precincts.

Mr. Bayle stated that they heard, and again this morning, from poll workers about safety at the polling sites, and it is better to be proactive rather than reactive. He supports this plan.

Mr. Horton questioned if there are any liabilities to having constables at the polls. He stated the second concern was with the perception of the public, because everyone doesn't have the same perception of law enforcement. He stated some see a badge or uniform and feel great, but others feel fear or distrust. He noted

that law enforcement can be called if needed.

Mr. Shank thanked Mrs. O'Neil for bringing forward the worries of safety at the polls. He stated they weren't trying to do anything negative or create a police presence. He stated the first line of defense is seeing and knowing a person is walking into a safe place. He stated he was sorry some people perceive law enforcement in a negative way. That's not the intent. He stated they were trying to make it safe for Joe Q Citizen and workers walking into the polling place, they see the uniform, and trust him, that is a huge statement that they are there for you. He voiced his support.

Mrs. Schauerman stated the issue that they previously had was not with the constables, but those deputized to work for the constables. She noted they were not trained, licensed, or capable. She noted this is what started the process of getting rid of constables, but these were elected, licensed constables.

Mr. Horton questioned again if there were liability issues. He asked if this was contrary to the PA State law, and whether they would be in the building or so many feet away. He also said he didn't have the information that was sent to them to look over.

Mr. Talarico stated they would have to stay 10 feet away like the police.

Chairwoman Rennie stated she believed they were allowed, as guided by the Association of PA Constables.

Ms. Slomski stated they were allowed at the polling sites as peace keeping officers, and it does not say anywhere they are not allowed at the polls. Mr. Talarico interrupted and said that was absurd, as police officers were not allowed within 10 feet. He stated that without the constables there had been no issues in 2020. He questioned why they decided to protect the poll workers now, when there were no incidents, and it's automatically intimidating to see a badge and a gun.

Mrs. Schauerman relayed information she found on a website on who was allowed at the polling locations, and constables were listed.

Chairwoman Rennie stated that to say there hasn't been violence yet isn't a good enough reason to not allow constables. She voiced that if a citizen could walk in with a gun on their hip, then she finds no compelling reason why someone in law enforcement can't make a pass through, check in with the site, and move to the next site.

Mr. Talarico stated the Board can vote how they like, but they should not minimize the reason for eliminating constables. He stated the board should know the constables' qualifications.

Mr. Horton questioned about the issue of deputies.

Vote: A motion was made by Mrs. Schauerman, seconded by Mr. Shank, and carried 5-1 (Horton).

Ms. Slomski stated there would not be deputies, and the constables must be on the court approved constable list, certified and licensed.

### **Questions and Comments from the Board**

Mr. Shank thanked everyone.

Mr. Talarico discussed the current lawsuit with the Republican National Committee on the issue of curing ballots. He recommended the Board of Elections should adopt a cure procedure, or they are disenfranchising voters. Chairwoman Rennie thanked Mr. Talarico, and stated they would discuss and

bring it up for consideration at the next meeting.

Ms. Slomski stated the office does presently do this procedure.

Chairwoman Rennie said they would look at having a formal procedure at the next meeting.

### **Adjournment**

Mr. Shank made a motion to adjourn.