

MINUTES

Erie County Council

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BOARD OF ELCTIONS MINUTES 12-15-22

Call to Order

Chairwoman Rennie called the meeting to order at 2:05pm.

Roll Call

Members Present: Chairwoman Mary Rennie, Vice Chairman Terry Scutella (entered late), Charlie Bayle, Andre Horton, Ellen Schauerma, Brian Shank, and Jim Winarski

Also present: Julie Slomski; Megan Moore, Tonia Fernandez, Jim Czerpak, and Jill Pennsy

Hearing of the Public

Margaret Watts, Washington Township: Ms. Watts stated she was there to speak on the electronic poll pads. She voiced her concern regarding problems that other states had across the country, such as Apple IOS updates that were not updating, creation of malware and hacking, and technical problems that required backup, such as going back to paper poll books. She stated she believed electronic devices would produce failure points. She questioned how poll workers would be trained for failure, what plan B was, and how they would be prepared for Plan B. She noted there would need to be tech-savvy poll workers if they switched to an electronic device, which could eliminate some of the folks that had been doing it in the past. She questioned if Erie County was reviewing the recommended best practices by the Department of State as they had an evaluation process of these electronic devices.

Catherine O'Neil, Millcreek, Judge of Elections: Ms. O'Neil stated she also had concerns regarding the electronic poll pads. She expressed her concern that people would not want to work with them any longer because they were not tech-savvy. She also expressed her concern regarding electronic signatures not matching. She stated this was a lot of money to spend, but she knew the Council was aware of all those issues.

Freda Tepfer, Erie, Judge of Elections: Ms. Tepfer stated she had the greatest respect for the Elections Office, but was upset no one was consulted about the change to add a second list of numbers for the clerks to deal with, and there were a lot of issues with that. She noted that the training that was given was good but it was rushed. She stated a prime example of that was a polling place that knew they had a blind voter and still could not utilize the technology there. She

mentioned Philadelphia's contract that involved 83 different requirements that had to be met and questioned how many requirements did Erie County give this contractor. She expressed that she felt that the poll workers, at least the J.O.E's and inspectors, should be invited to try out the new machines because they may be the ones who could offer suggestions. She voiced her concern about whether there would be monitoring from the County with the ability to even turn these devices off if there was a security concern, if all the polling places would have access to outlets, and what was supposed to be done with the receipts. She stated signatures were going to be unlikely to match also. She noted that for those who were visually impaired, it was difficult for them to switch to the voice over as it was not a seamless process. She stated she was really concerned that they were making the system more hackable with the WIFI and Bluetooth giving a direct connection to the County. She asked that all these things be considered before the Council made a decision. She expressed she did not know if they had been considered and they had certainly not been consulted.

Issy Lawrie, Girard Borough, Minority Inspector: Ms. Lawrie stated she had worked in two elections and was getting comfortable with the poll books. She expressed that she was a little apprehensive about moving to an electronic poll book, but as other people have said, paperless was the way the world was going. She stated she knew electronic poll books were believed to be better for making things move a little more quickly, but did not see how that was true when the process for eBooks would be the same. She voiced her concern regarding the electronic signatures not matching. She thanked the Council for listening and for doing their due diligence.

Approval of Minutes of Previous Meeting

A motion to accept the minutes was made Mr. Shank, seconded by Mr. Horton, and carried 6-0.

8-11-22 Minutes

9-23-22 Minutes

Election Report

Election Supervisor, Tonia Fernandez, thanked the committee of 70, The League of Women Voters, and the Erie County Retiree Association for their efforts in recruiting poll workers. She stated that with their help, they were able to create a reserve of willing and ready workers to fill in on Election day. She also thanked all Erie County residents who stepped up at the last minute to help out. She noted it took 900 poll workers to manage the polls on election day and there were roughly 90 people who reported to the Elections Office at the last minute to state they would be unable to carry out their duties on Election Day. She thanked the judges of elections who called friends and family members to help out because without all these huge pushes for recruitment, they would not have been able to fill these roles. She thanked poll coordinator, Sue Sheffield, who went above and beyond to make sure everyone was trained and ready to go. She announced they

had issued a total of 30,150 mail ballots and received back 26,156 voted ballots. She stated the office was inundated with calls from mail-in ballot voters who were not receiving their ballots weeks after the ballots had been sent. She stated 932 provisional ballots were issued at the polls on Election Day. She announced that out of those, 673 were fully counted, meaning the voter was at the correct polling location but had been issued a mail-in ballot that they did not surrender, 116 provisional ballots were partially counted, which meant the voter showed up at the wrong precinct and could only vote provisionally, and 143 were rejected because the voter was either not registered to vote or they voted a mail-in ballot that was not challenged on Election Day. She disclosed that as part of the post-elect, post-federal election process, on December 13th, they removed 6,331 voters from their rolls due to inactivity for two federal elections, which was in accordance with the Pennsylvania election code. She expressed they had great success working with other offices in the County to identify and remove deceased voters. She declared they would continue all of those efforts to keep voting polls accurate.

Deputy Clerk Megan Moore stated she worked with the pre-canvas workers, and that they caught on quickly and worked diligently. She stated they had new ballot extractors that were a great success. She noted the ballots that were received prior to the election were all open by 4:30pm, and were done scanning them by 8pm. She stated that after 8pm, they collected about 1,000 ballots from Election Day that were dropped off in the box, and had those done by 10pm. She mentioned a survey that was sent out to the workers going over how the day went and what could be improved. She stated this came back with positive feedback overall. She noted that one suggestion was the jobs being described better, but due to the change, an exact job description was difficult give. She stated next year, with the workers coming back, this would be an even quicker process.

Council & Elections Office Administrator, Jill Pennsy, gave an update on the pay cards. She stated that since the last election, she had received positive feedback from the poll workers on the paycards. She mentioned features of this new system included the ability to verify if the money was placed on the card, the balance on the card, declined transactions, and even if a paper check or ACH were requested. She stated that in addition to this, if somebody called and stated they had lost their card, they could reverse the money off of the last card and then put the money on a new card that they could issue in the office. (Terry Scutella entered late for the meeting at that time) She expressed how helpful rapid financial was whenever anyone had any questions or concerns.

Custodian of the voting machines, Jim Czerpak, thanked all of the polling sites across Erie County. He stated they had an active role in the community and the voting process by allowing their building to serve as a polling site and without their participation, voting in person would not be possible. He described the electronic ballot marking device as a 21" touch screen device that was available at every voting precinct for any voter who wished to use it. He noted voters could change their vote along the way and, at the end, could review their ballot before printing it. He stated afterwards, the voter took their ballot to the ballot scanner

and deposited it.

Ms. Slomski expressed how grateful she was to the entire crew, including the in-house team, poll workers, pre-canvassers, and constables. She stated it was an army managing this election and was thankful to those who oversaw and provided opportunities for the voters. She also thanked the Board for helping them along the way. She recited the number of voters who participated in the election as 106,534, which was a 59.9% turnout. She touched base on the situation that occurred at Summit 2 where there was a 485 vote discrepancy that had fortunately been caught by the safeguard. She disclosed that the error occurred when a memory card was not read. She stated there had been additional safeguards set in place so this would not happen again. She clarified that each of the 485 votes did count, and every voter received credit for their vote. She described safeguards that were added, which included holders for the memory cards, a checklist that would be followed, and an end-of-night report to make sure everything was in order. She stated they had begun to notice some falsifications and looked in to a particular group who either did not remember they were registered to vote or there were discrepancies on the application that looked like there could be falsification. She noted these individuals did not vote in this election, but they were continuing to review and conduct an in-depth search to make sure everything was okay from that perspective. She stated there were 18 constables that were going around the precincts assisting as needed. She highlighted a few situations, such as one of the constables removing an intoxicated individual who he made sure to drive home, and another where there was an incident of voter intimidation which was resolved with the help of the constable. She also noted one of the constables went above and beyond by assisting a Judge of Elections, who was having health issues, at his poll location and then to the Courthouse at the end of the day. She mentioned they were supposed to speak about election reporting but they were not quite there yet and would have more information as they got closer to the May 16th Election in 2023.

Questions and Comments from the Board

Mr. Horton questioned if there was a depository or a place where they could post the names 6,331 voters who were purged in accordance with election laws because these could be voters who were a part of the issue with falsification, voters who had just been disenfranchised, or even an individual who lost hope because of the negative media. He added that this could also be a person who was forfeiting their privilege and should have the ability to see which voters were purged. He mentioned that a lot of money was spent on these new machines, so he'd hoped that there would be a way to look and see by demographic what percentage of black, brown, or Latino voted republican and democrat. He stated this was information both parties would like to know. He replied to the previous statements made in the hearing of the public and stated he wanted to assure those listening that he had weighed his options and was not in disagreement with anyone, but we were in an electronic society now and things were moving that way. He stated his biggest issue with technology or any other contract buying was proprietary contracts but he knew that was industry practice.

Action for Consideration by the Board Chairwoman Rennie stated the first item was Resolution Number 17, 2022 and she allowed Ms. Slomski to comment.

Ms. Slomski stated an issue was brought to their attention regarding a voter fraud situation. She explained there was an individual who voted in Erie County in November 2020 and also voted by mail in Florida. She stated what had unfortunately happened was that when they were scanning the poll book, this woman was scanned by accident even though she did not vote. She mentioned they decided to dig in further and they had found several other individuals that did not vote but were accidentally scanned. She stated they were unable to just slide the votes through the scanner, they had to scan each barcode in a tedious and meticulous process. She stated this was a very manual process, there was a mistake, and they were keeping an eye on any others that were brought to attention. She noted that the poll books would not be connected to the internet in any way, shape or form at the precinct. She mentioned that they would like to purchase additional books to have in house, so that on election day, if an individual was concerned about where to go, you could text them right from the office showing them where they need to go. She explained that, besides integrity and transparency, one of the highlights was also helping the judges and staff out. She stated there were a lot of people who that did not know where they needed to go, causing the judges to have to call them and usually they were already on the phone with someone else. She stated that it caused a delay for the voters, a delay for the judges, and, of course, additional stress for the staff. She noted that with the additional books, they would be able to look that information up. She mentioned Ms. Fernandez and Mr. Czerpak had a plan on how to roll those out.

Ms. Fernandez stated they wanted to do a bit of a slower rollout with some of the precincts that share a building, like the schools. She stated that with buildings like these, it could get confusing for the voter because they may not know which side to go to. She expressed the greatest thing about the poll pads was that now there could be one registration table, so now the voter could sign in and then would be told which side they needed to go to. She stated they were thinking of starting out with just the polling locations that had two or more voting polls in that building and then transitioning to the larger precincts. She stated it would get the poll workers trained, give them a better understanding of what they're doing, and hopefully learn some lessons after the first election, what worked best and how to move forward to roll them out completely.

Mr. Czerpak noted that there would always be a way to print the paper that they would need.

Ms. Fernandez stated she believed, especially for the first year, they should have paper options there as well, just in case something happened that they were not familiar with and this way, the Board would have a paper trail to go back to if they had a question.

Mrs. Rennie commented on this, stating that when you have 800 - 900 individuals and the fact that it was all done on paper, the chance for human error

was multiplied no matter how many safeguards were set in place. She stated she thought Act 88 was one of those things that everyone should be able to support because it offered the chance to beef up elections on the local level through technology and this helps reduce the error rate. She asked if either Ms. Fernandez or Mr. Czerpak could provide additional comments from people who had already implemented the electronic poll books.

Ms. Fernandez replied she had the opportunity to speak with Dauphin County, who was in the pilot program with the electronic poll books, and they had found great success. She stated they were the ones who recommended having one registration table for precincts to share ability. She mentioned we would have a County that implemented the poll books to go back and forth with to also discuss how to move forward. She noted the numbered list of voters used was a reference point because nine times out of ten, the poll books were not correct, so they used that numbered list of voters to go back and forth to see where they signed and did not sign. She noted they were going to look at the carbon copy list this time to make it easier for them, but they also had multiple checks and balances in place that take time. She stated even these were not always accurate.

Mr. Horton stated that in this portion of Act 88, everyone should have been able to give time, although he did not agree with the activists' entirety and the fact that they were not getting an unfunded mandate speaks volumes. He stated he was a stickler for believing in training, it went a long way and he knew that the staff and primary volunteers had done a tremendous job under pressure and trying circumstances. He believed they should consider extra training days because some said the training was rushed.

Mrs. Schauerman mentioned those of them that were able to meet with the company and the product were quite impressed with it and they also stressed that in no way, shape, or form was the poll pad able to connect to the internet. She stated there was absolutely no connection to the internet and they had gone through every conceivable thing with them and the machine caught it every single time. She stated the game plan was, if things stay the same, to have a room available with numerous poll pads placed in training mode so people could come in and spend a day or two getting comfortable with using the poll pad. She also mentioned they would also be recognized or certified by the state.

Mrs. Rennie acknowledged Councilwoman Schauerman was a long-time Judge of Elections before her time with the Council. She stated she appreciated her participation because she had more direct hands-on experience than any of them.

Ms. Slomski stated they were ready to spend extra time on training. She stated Mr. Czerpak was the trainer and also made sure people were comfortable with the machines. She touched base on the error that occurred with the polls and stated that with the electronic poll books, there was increased transparency and integrity, so they would have caught the error maybe even two days after the election. She noted this would be so much faster, there would be fewer errors from scanning, and again more transparency.

Mr. Horton stated the fact that they had responded to the Florida situation in a positive way speaks volumes itself and for that, he gave them kudos. He stated the office was on top of things, they may not always get it right, but they were always committed to trying.

Ms. Slomski asked Mr. Crane, Director of Procurement, if he had anything he would like to add.

Mr. Crane stated he would like to bring up a point about the proprietary nature and how they do not like to come in front of them asking for the sole source of their authorization, a sole source vendor. He stated they preferred to make a bid or an RFP on these projects where possible, but because it was manufactured directly it really took them away from that. He stated it was not like you couldn't go make a bid for KNOWiNK but the problem with that was you were only going to have one for now, so it was like playing a game in a way. He noted instead of doing that, they came to the Council and said they were asking for the waiver of the purchasing code since both of those were direct manufactured projects. He stated it was kind of silly for people to try and make a bid in that situation.

Mrs. Schauerma n stated the cost of the electronic poll books was being funded by the Election Integrity Grant from ACT 88.

Mrs. Rennie stated this resolution comes as something that was brought before the Board earlier this year, so it was not something that was new and was supported by the Board early this year.

**Resolution Number 17,
2022 "Authorizing the
Purchase of Electronic Poll
books from KnowInk using
ACT 2022-88 funds"**

A motion was made by Mrs. Schauerma n, seconded by Mr. Horton, and carried 5-2 (Bayle, Shank).

**Resolution Number 18,
2022 "Authorizing the
Purchase of a Ballot Sorter
from Runbeck using 2022
Budgeted funds and ACT
2022-88 funds"**

Ms. Slomski stated there was a vendor they were working with that could not meet their standard and tried to upgrade to a bigger sorting device that was not needed. She stated she and Mrs. Rennie and Mr. Shank met with the vendor to find the right sorter for them. She noted the sorter could help on Election Day with the pre-canvassing efforts as well. She disclosed the cost of this fund was \$205,000, \$78,000 in ACT 88 funds, and \$126,500 in the restricted line that they had to use in their 2022 budget. She mentioned the funds were already allocated and they were only using \$78,000 from the ACT 88 funds.

A motion was made by Mr. Horton, seconded by Mr. Shank, and carried 7-0.

Ms. Slomski stated she wanted to briefly talk about moving forward in 2023 and also about their printing process working with their printer. She stated she was working with Chuck and there were two options, the bid and the RFP. She stated this was something she wanted to address because of concerns they had in both the primary and general elections, especially with ballot tracking and people not receiving their ballots. She mentioned it would not hurt to have class saving measures in place with this budget deficit. She stated she was concerned about tracking the ballots. She explained that maybe 80% of the phone calls made were to track ballots and their tracking system did not work. She stated she thought this was something they needed to look into doing their due diligence. She noted she would like to move forward at the beginning of the year with something like the bid or an RFP process.

Mrs. Rennie stated that it was the responsible thing to do and it was in accordance to the purchasing code. She mentioned they owned up to the fact that they should have done some type of an RFP or bid even before this, but between the transition to paper ballots and there being very few printers who could take on that job, she felt that next year would be the perfect time to do that. She expressed that she was glad to be reviewing it now in anticipation of either doing a bid or RFP process. She added she tends to prefer the RFP process even though its more time-consuming, she felt it was more precise and more exact.

Adjournment

A motion to adjourn was made by Mr. Shank.