



**COUNTY OF ERIE
BOARD OF ELECTIONS**

Erie County Courthouse
140 West 6th Street, Rm. 114
Erie, PA 16501

Carl Anderson, III
Kim Clear
André R. Horton
Scott Rastetter
Mary Rennie
Ellen Schauerman
Brian Shank

ERIE COUNTY BOARD OF ELECTIONS

Online at: <https://us02web.zoom.us/j/88427894022?pwd=NHhsSUpFamtrWWlzdIFvdi90M0hyd09>

Or Call in: 1-929-205-6099

Meeting ID: 884 2789 4022

Passcode: 102720

- 1. Call to Order**
- 2. Roll Call**
- 3. Hearing of the Public**
- 4. Approval of Minutes of Previous Meeting**
 - A. Meeting of October 15, 2020**
- 5. Possible Board Action**
 - A. Resolution Number 2, 2020 "Adoption of Rules for Pre-Canvassing and Canvassing of Absentee and Mail-in Ballots" (Tabled 10-15-20)**
 - B. Resolution Number 3, 2020 "Rules & Regulations of the Erie County Board of Elections"**
- 6. Election Update**
- 7. Questions and Comments from the Board**

8. Adjournment

MINUTES

Erie County Council

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REGULAR MEETING MINUTES

Call to Order

Chairman Anderson called to order a Regular Meeting of the Erie County Board of Elections at 03:03 PM.

Roll Call

Members Present: Mr. Anderson; Mrs. Clear; Mr. Horton; Mr. Rastetter;
Mrs. Rennie; Mrs. Schauerman; Mr. Shank

Also Present: Douglas R. Smith; Thomas Talarico; Nicole Inan

Hearing of the Public

Fred Langill, Councilman & Chairman of the Borough of Edinboro: Expressed concerned for the safety of voters. Expressed the need for poll workers to be educated with handling individuals who may be irate and basic "do's & don'ts." He suggested posting the rules that are expected to be followed, and the consequences of unwelcome behavior. Emphasized the necessity for law and order. Mr. Anderson clarified that everyone has the right to vote, to have peaceful protest, and that no rights will be discounted; however, disruption to other voters, intimidation, etc. is prohibited. Mr. Anderson stated that there are currently proactive plans in place to help combat conflict.

Cindy Purvis voiced ongoing concern about polling location Erie 6-9, stating it venue is a smaller location and not COVID-19 regulated for adequate social distancing. She requested an updated list of polling sites. Additionally, she inquired as to proper PPE being distributed to poll workers. Mr. Anderson verified that cleaning and masking practices will be in place. He referred her to the Election Office for updated lists.

Jim Wertz voiced concerns regarding voter intimidation, echoing the sentiments of the prior speakers. Thanked the Election Board for diligence in addressing concerns, and being the first locally with a ballot drop box available for voters. He expressed concern over on-lookers yelling and accosting individuals as they were casting their ballots into the box; quoting one individual who posted on social media "Meeting on the battlefield." He is encouraging of creating a proactive environment. Mr. Anderson assured that the County Sheriff and

deputies are aware of the recent issue outside of the drop-box and the box is and will be treated as its own voting precinct. Protesting should be limited to the distance of the sidewalk in front of the County Courthouse.

Approval of Minutes of Previous Meeting

September 17, 2020 - Regular Meeting

Brian Shank moved to approve the minutes from the September 17, 2020 Regular Meeting. This was seconded by Ellen Schauerma and carried in a 7 - 0 vote.

Possible Board Action

Change of polling place in City of Corry 3rd District from the YMCA to Evangelical United Methodist 921 N. Center Street.

Due to the YMCA polling location having a new gymnasium floor being installed, they are unable to host election in that space. This current location is directly across the street and has been used in prior elections. This was moved by Scott Rastetter, seconded by Ellen Schauerma and carried in a 7 - 0 vote.

Resolution Number 2, 2020 "Adoption of Rules for Pre-Canvassing and Canvassing of Absentee and Mail-in Ballots"

Mr. Anderson suggested the idea of the Members of the Board of Elections being under supervisory capacity only for the pre-canvassing. His concern is that there may be public concern with there being conflict of interest. Attorney Talarico Cautioned the Board not to fully remove themselves from the process or responsibilities. Attorney Talarico discussed Election Board policy and procedure.

Mr. Anderson clarified that the pre-canvassing was not enacted until the recent Act 77 necessitating such under the circumstances.

Mrs. Rennie voiced that originally she considered if reasonable to remove the Board, but incumbent upon the Election Board to be at the ready if called upon.

Mrs. Clear moved to table discussion on Resolution Number 2, Mr. Horton seconded.

Mr. Horton moved to amend the agenda to add "Creation of a Pre-Canvassing Committee, consisting of the Board of Elections." Seconded by Mrs. Schauerma, and passed 7-0.

Election Report

Mr. Smith reported that many people are calling in attempt to locate their ballots. He was told by the printer that the last 20,000 ballots cleared the system yesterday. Individuals should be receiving their ballots in 5 days or less. The election office will accept ballots up until November 6th as long as they have

been postmarked November 3rd or before. He reported that the staff is currently working seven days/week, Ballots will begin to be packed into the voting machines at the warehouse.

Mrs. Rennie voiced that she has been questioned numerous times about the time delay in receiving ballots. She complimented that staff of County Council, the Election Office, the Board, and volunteers in recognition of the dedication and hard work being put forth.

Mr. Horton echoed the sentiments of Mrs. Rennie, thanking all of the staff. Inquired as to when Mr. Smith for-see's the ballots being able to be counted by. Mr. Smith advised that while it is the personal goal of the office to have them in by Friday, it is more likely the following week. With the help of pre-canvassing he estimates 5,000-10,000 ballots per day, utilizing a room of approximately 15 people.

Questions and Comments from the Board

Mr. Anderson announced that there was a meeting regarding safety and security for Election Days, and those surrounding that time. He reiterated that there cannot be any interference with anyone's rights. Mr. Anderson asked that the County Solicitor, the attorney for the Sheriff, as well as Attorney Talarico coordinate in discussing ways to ensuring the rights of voters and protecting everyone's first amendment rights.

Attorney Talarico explained that a display of protest and peaceful assembly is not the issue, however it must be "peaceful." As to the location of individuals away from a polling precinct/the drop box, there is no particular law that he is aware of; there is a 10 yard rule for police officers and militia of any sort. The Court of Common Pleas will be available until 10:00pm the night of the election in the need to restore order and peace. He reiterated that no one has the right to intimidate another person's vote.

Mr. Rastetter restated a point made earlier in the meeting regarding posting printed guidelines that need to be adhered to, and those consequences.

Adjournment

Mr. Anderson adjourned the meeting at 04:09 PM.

ERIE COUNTY BOARD OF ELECTIONS RESOLUTION NUMBER 2, 2020
Adoption of Rules for Pre-Canvassing and Canvassing of Absentee and Mail-in Ballots

WHEREAS, the rules for pre-canvassing and canvassing activities of the Erie County Election Board and its agents are set forth by the Pennsylvania Election Code; and

WHEREAS, Pennsylvania Department of State Guidance also permits local Boards to establish their own rules for pre-canvassing and canvassing activities, so long as they do not conflict with state law.

WHEREAS, the Erie County Election Board believes a fair consistent application of rules to all persons or parties is essential to the fair and legal conduct of elections in the County of Erie.

NOW THEREFORE, THE ERIE COUNTY BOARD OF ELECTIONS HEREBY approves the pre-canvassing and canvassing rules attached hereto as Exhibit A.

I hereby certify, that on the motion of _____ seconded by _____, this resolution was passed on this 27th day of October 2020 by a vote of ___ to _____.

ATTEST:

Douglas R. Smith
County Clerk

APPROVED BY:

Carl J. Anderson, III, Chairman
Erie County Board of Elections

Mary Rennie, Vice-Chairman
Erie County Board of Elections

Date:_____

RESOLUTION NUMBER 3, 2020
Rules & Regulations of the Erie County Board of Elections

Pursuant to the Powers & Duties enumerated under Section 302 of the Act of 1937, the Pennsylvania Election Code as amended, and Article II, Section 1 F (b) (iii) of the Administrative Code of Erie County, the Erie County Election Board hereby adopts the following rules and regulations intended to govern and facilitate the conduct of the elections;

- A. Pre-Canvass of Absentee and Mail-in Ballot rules, as outlined on Exhibit A attached hereto and incorporated herein.

- B. Polling Place Conduct rules as outlined on Exhibit B attached hereto and incorporated herein.

RESOLVED; that the Erie County Board of Elections does hereby adopt the Pre-Canvass of Absentee and Mail-in Ballot and Polling Place Conduct rules as outlined on Exhibits A & B, attached hereto and incorporated herein.

I hereby certify, that on the motion of _____ seconded by _____, this resolution was passed on this 27th day of October 2020 by a vote of to .

ATTEST:

Douglas R. Smith
County Clerk

APPROVED BY:

Carl J. Anderson, III, Chairman
Erie County Board of Elections

Mary Rennie, Vice-Chairman
Erie County Board of Elections

Kimberly Clear

Andre' R. Horton

Scott Rastetter

Ellen Schauerman

Brian Shank

Date: _____

RULES FOR PRE-CANVASSING MAIL-IN
AND ABSENTEE BALLOTS

- A. Pre-canvassing of mail-in and absentee ballots on Election Day
1. Election staff shall insure that ballots are tabulated by precinct, with election results by ballot type.
 2. No envelope shall contain any text, mark or symbol which reveals the identity of the elector, the elector's political affiliation or the elector's candidate preference. Such marked-up envelopes shall be set aside, unopened, and declared void.
 3. If no marks are identified, the outer envelope shall be opened in a manner that preserves the integrity of the declaration made thereon. The inner ballot secrecy envelope may then be removed and separated from the outer declaration envelope.
 4. If a voter fails to insert his ballot in the secrecy envelope, then the ballot must be set aside and declared void.
 5. Voters who are lawfully in the polling place, election officials and poll watchers may challenge a voter's right to vote. Challenges shall be limited to the voter's identity and residency. A voter's eligibility to register to vote is not a permissible challenge at the polls, nor may any voter, election official or poll watcher challenge a voted ballot, mail-in or absentee ballot on the basis of a signature analysis.
 6. For each challenged mail-in or absentee ballot, the election officials shall insure the envelope is marked as "challenged," with the reason for the challenge noted on the envelope. The envelope shall be set aside in tact, the inner secrecy ballot envelope not removed.
 7. No election's official, worker, candidate or party representative shall disclose the result of any portion of the pre-canvass vote prior to the close of the polls on Election Day.
 8. If the pre-canvass process is completed before the polls are closed, do not take any steps to record and publish the results until after the polls have closed.
 9. If the pre-canvass process is not completed prior to the close of the polls, the scanning process shall continue until completed. At that time, the ballots will be tabulated, and the results made public.

EXHIBIT A

- B. Pre-canvassing of absentee and mail-in ballots after the close of the polls on Election Day
1. The Erie County Election Board must meet no earlier than the close of polls and no later than the third day following the election to canvass all returned absentee and mail-in ballots there were not included in the Election Day pre-canvass meeting. The only distinction between a pre-canvass and a canvass meeting is that election results generated during a canvass meeting may be made public.
 2. This meeting shall continue until all civilian absentee and mail-in ballots received prior to 5:00 p.m. on the Friday following the close of polls on Election Day have been canvassed. Provided, proof that an absentee or mail-in ballot was not postmarked prior to the close of the polls on Election Day will void the ballot and it shall not be counted.
 3. A county board of elections shall provide at least forty-eight hours' notice of a canvass meeting by publicly posting a notice on its publicly accessible Internet website.
 4. An authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in each of the rooms in which the absentee ballots and mail-in ballots are canvassed.
 5. When entering the results into the vote tabulation software, election officials shall indicate whether they are updating the Election Day results or replacing the Election Day results, as appropriate, to insure that the final results of all absentee and mail-in ballots are accurately reflected in the data.

EXHIBIT A

C. Pre-canvassing/Watcher rules

1. An authorized representative of each candidate and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed or canvassed.
2. Watchers in attendance may not disclose any pre-canvass results prior to the close of polls on Election Day.
3. Watchers must remain a safe and respectful distance from the space where pre-canvassing or counting is occurring.
4. Watchers may not engage, attempt to influence or otherwise interfere with staff, voters or the process of pre-canvassing/canvassing the vote.
5. Social distancing measures will be maintained to insure the safety of canvassers and watchers.
6. Conduct by a party representative or candidate representative which is intended to threaten, harass or intimidate voters or canvassers, or has the effect of interfering with the canvassing or pre-canvassing of the vote is strictly prohibited. Representatives who do not adhere to this policy shall be subject to expulsion from the room reserved for pre-canvassing/canvassing of the vote.
7. Watchers may challenge an elector's qualifications, limited to the identity and residence of the elector. A voter's eligibility to register to vote is not a permissible challenge at the polls, nor may any voter, election official, or poll watcher challenge a voted ballot, mail-in or absentee ballot based upon signature analysis.

EXHIBIT A

CONDUCT AT THE POLLING PLACE

1. The persons permitted inside the polling place shall be limited to the following:
 - A. Election Officials, including the Judge of Election, the Inspectors, appointed clerks and machine operators.
 - B. Voters in the process of voting, but no more than ten (10) voters at a time. Others waiting to vote must wait outside the area where voting is taking place.
 - C. Persons lawfully providing assistance to voters.
 - D. Poll watchers. One (1) poll watcher per party and one (1) poll watcher per candidate may be inside at any given time. Watchers must remain at least six (6) feet away from the area where voting is occurring.
2. Except as provided under the Election Code (25 P.S. Section 3060), all persons, including campaign workers, and all signs and other electioneering material, must be located at least ten (10) feet away from the entrance to the polling place.
3. Unless in the exercise of his privilege of voting, or if called upon to preserve the peace, no commissioned police officer shall be within one hundred (100) feet of a polling place during the conduct of any election.
4. Unless in the exercise of his privilege of voting, no open carry voter shall be within one hundred (100) feet of a polling place during the conduct of any election.
5. No group of open carry voters (two or more) shall gather or congregate at any polling place or drop off box location.

EXHIBIT B