

MINUTES OF FAYETTE COUNTY ELECTION BOARD -- MAY 23, 2023

A meeting of the Fayette County Election Board was held on May 23, at the Fayette County Election Bureau, 2 West Main Street, Suite 111, Uniontown, PA 15401 at 10:00 AM

SILENT PRAYER OR REFLECTION

PLEDGE OF ALLEGIANCE

ROLL CALL

In attendance, Board Members:

Mark Rowan

Robert J. Lesnick, via Zoom video call.

John Kopas, III

Also present:

Jack Purcell, Chief Solicitor, Fayette County

Marybeth Kuznik, Director of Elections

Jessica Lyn Zele, Deputy Director

Nicole Glaze, Election Technology Manager

Meeting was called to order by Mark Rowan at 10:15 AM

John Kopas moved to have Mark Rowan serve as Chair, seconded by Robert Lesnick.

(All copies of pertinent documents were scanned and emailed to Robert Lesnick.)

Motion passed unanimously.

Public Comment of Agenda Item

None

Approval of the Minutes from the November 15-18, 2022, meeting

Motion to defer the reading of the minutes at this time was made by John Kopas and seconded by Robert Lesnick.

Motion Passed unanimously.

Determination of Provisional Ballot from those on May 16, 2023, Primary Election. 59 total Provisional ballots were broken into categories.

A brief discussion was held concerning the definition of provisional ballots and why they would be issued to a voter, the different circumstances surrounding an issuing of one.

Group 1

Issued Absentee/Mail in Ballots not Surrendered at Polling Precinct – full credit/count – 30 ballots

Joyce A Kelly- Registered Democratic Luzerne 2 Voted Provisional ballot Luzerne 2
Application for mail in Ballot, 05-02-2023

Lovasz, James Elmer- Registered Republican in Brownsville 3 Voted Provisional Ballot Brownsville
3. Application for mail in Ballot 04/19/2023

Elliott, David K- Registered Republican in Brownsville 3 Voted Provisional ballot in Brownsville
3. Application for absentee ballot 04/15/2023 for working out of town, 04/19/2023

Wilson, Charlene M- Registered Democratic in BULLSKIN 3 Voted Provisional Ballot in BULLSKIN 3.
Application for mail in ballot 04/28/2023

Lincoln, Gregory- Registered Democratic in CONNELSVILLE 3 Voted Provisional Ballot in
CONNELSVILLE 3. Application for mail in ballot 04/28/2023

Fiesta, Joyce A- Registered Democratic in CONNELSVILLE 2 Voted Provisional ballot in
CONNELSVILLE 2. Application for mail in ballot 04/19/2023

Peterson, Dylan,- Registered Republican in CONNELSVILLE 2. Voted Provisional ballot in
CONNELSVILLE 2. Address in SURE same as on provisional ballot. No recent updates.

Nakles, Karen- Registered Democratic in CONNELSVILLE TWP Voted Provisional ballot in
CONNELSVILLE TWP. Application for mail in ballot 04/20/2023

HATTER, ERIK- Registered Democratic in DUNBAR 1 Voted Provisional ballot in DUNBAR 1.
Application for mail in ballot 04/19/2023

LINT, KATHLEEN- Registered Democratic in FRANKLIN 1 Voted Provisional ballot in FRANKLIN 1.
Application for mail in ballot 04/28/2023

Stump, Darla- Registered Democratic in GEORGES 2 Voted Provisional ballot in GEORGES 2.
Application for mail in ballot 04/19/2023

Miller, Brian K- Registered Democratic in GEORGES 2 Voted Provisional ballot in GEORGES 2.
Application for mail in ballot 05/01/2023

Miller, Glenn Allen- Registered Republican in GEORGES 3 Voted Provisional ballot in GEORGES 3.
Mail in ballot 04/19/2023

Shaw, Robert- Registered Republican in German 4. Voted Provisional ballot in German 4.
Application for mail in ballot 05/01/2023

Myers, Dolores- Registered Democratic in Henry Clay Twp Voted Provisional. Ballot
in Henry Clay Twp. Application for mail in ballot 04/19/2023

Van Sickle, Roger- Registered Democratic in Henry Clay Twp Voted Provisional ballot in
Henry Clay Twp. Application for mail in ballot 04/19/2023

Seto, Nicholas- Registered Republican in LUZERNE 4 Voted Provisional ballot in LUZERNE 4.
Application for mail in ballot 04/28/2023

Gaza, Stephen W. IV- Registered Republican in Masontown Boro. Voted Provisional ballot in
Masontown Boro. Mail in ballot 05/03/2023

Petrasovich, Carol- Registered Democratic in North Union 1 Voted Provisional ballot in
North Union 1. Application for mail in ballot 04/19/2023

Harris, Levi W- Registered Republican in N. Union 2 Voted Provisional ballot in N. Union 2.
Application for mail in ballot 04/19/2023

Boyer, Amanda- Registered Democratic in N. Union 2. Voted Provisional ballot in N. Union 2.
Application for mail in ballot 05/08/2023

Rugh, Sam - Registered Democratic in Saltlick Twp. Voted Provisional ballot in Saltlick Twp.
Application for mail in ballot 04/19/2023

Leonard, Kelly- Registered Republican in Stewart Twp. Voted Provisional ballot
Stewart Twp. Application for mail in ballot 04/28/2023

Wheeley, Danny- Registered Republican in Uniontown 2. Voted Provisional ballot in Uniontown
2. Mail in ballot 04/28/2023

Kamp, Becky- Registered Republican in Uniontown 2 Voted Provisional ballot in Uniontown 2.
Application for mail in ballot 05/01/2023

Podolinski, John III- Registered Democratic in Uniontown 3. Voted Provisional ballot in
Uniontown 3. Application for mail in ballot 04/28/2023

Springer, Leonard- Registered Democratic in Uniontown 3 Voted Provisional ballot
Uniontown 3. Application for mail in ballot 04/28/2023

Cole, Janet- Registered Republican in Uniontown 7. Voted Provisional ballot in Uniontown 7.
Application for mail in ballot 04/19/2023

Robaugh, Nicholas- Registered Republican in Upper Tyrone Twp. Voted Upper Tyrone Twp.
Application for mail in ballot 04/20/2023

Smalley, Albert Republican Registered in South Union 2 Voted Provisional ballot in
South Union 2. Application for mail in ballot 04/28/2023,

A **motion** was made by John Kopas for all Group 1 ballots to be considered as valid, seconded by Robert Lesnick.

Motion Passed unanimously. Ballots in Group 1 to be counted.

Group 2

Third Party Affiliations not eligible to vote in Primary – 9 ballots

Jenkins, Scott- Registered No Affiliation in Uniontown 7 Voted Provisional ballot Uniontown 7.
Issued a provisional Democratic ballot. Political party updated to No Affiliation 01/02/2014.

Baluch, Joseph- Registered No Affiliation in CONNELLSVILLE 2. Voted Provisional ballot in CONNELLSVILLE 2.

Robinson, Barbara- Registered Other in FRANKLIN 2. Voted Provisional ballot in FRANKLIN 2.
Issued Republican provisional ballot. Party change 01/12/2018 from Republican to Other.

Sapp, Christina- Registered Independent in Springhill Twp. Voted Provisional ballot in Springhill Twp. Registration changed from Democratic to Independent 02/02/2016. Issued provisional ballot, poll worker indicated on the provisional ballot envelope that her party is Republican.

Stewart, Danielle- Registered No Affiliation in Springhill Twp. Voted Provisional ballot in Springhill Twp. Poll worker indicated on the provisional ballot envelope that her party is Republican.

Lytle, Tina- Registered No Affiliation in South Union 1 Voted Provisional Ballot in South Union 1. Poll worker indicated on provisional ballot envelope her name could not be found.

Riggen, Myranda- Registered No Affiliation in Henry Clay Twp. Voted Provisional ballot in Uniontown 2. Address on provisional ballot different from address in SURE.

Dugan, Angela- Registered Constitution in Uniontown 7 . Voted Democratic Provisional ballot in Uniontown 7. Provisional ballot Democratic. The political party has not changed.

Trautman, Fred- Registered Other, No Party in Uniontown 2 Voted Provisional ballot in Uniontown 2. Voter registration has been No Party since 2004.

A **motion** was made by Mark Rowan to reject all Group 2 ballots and seconded by Robert Lesnick.

Motion passed unanimously. Ballots in Group 2 not counted.

Group 3

Voted other than Registered, mail in ballots not surrendered – 1 ballot

Landman, Dawn- Registered Democratic in N Union 2. Voted Provisional ballot N Union 2. Political party updated from Republican to Democratic 04/02/2007.

Motion made by John Kopas to not accept this ballot that was voted outside of the registered party. Seconded by Robert Lesnick.

Motion passed unanimously. Ballot in Group 3 not counted.

Group 4

Voted outside of Registered Precinct, mail in ballots not surrendered – 13 ballots

KING, MELISSA- Registered Republican in MENALLEN 2. Voted Provisional ballot CONNELLSVILLE 2. Voted outside of precinct – partial count for everything except township and school district.

Sproul, Charles- Registered Republican in NORTH UNION 3 Voted Provisional ballot GEORGES 3. Voted outside of precinct. – partial count for everything except township and school district.

Smiley, Carletta- Registered Republican in DUNBAR 2. Voted Provisional ballot in GERMAN 1. Voted outside of precinct – partial count for everything except township and school district.

Perrine, Jason- Registered Republican in MASONTOWN BORO. Voted Provisional ballot in GERMAN 1 . Voted outside of precinct. – partial count for everything except the township.

Scott, Cassandra A- Registered Republican in GERMAN 3 Voted Provisional ballot in German 1. Address in system changed 12/06/2023 . Voted outside of precinct – full count

Braden-Freund, Linda- Registered Democratic in German 1. Voted in German 4. Address updated 07/26/2021, voted outside of precinct -- full count

McShane, Morgan- Registered Republican in Uniontown 6. Voted Provisional ballot in N. Union 2. **Poll worker.** Voted outside of precinct – partial count for everything except the township and school district.

Halfhill, Barbara- Registered Republican Provisional ballot in Dunbar 1 Voted in N Union 2. **Poll worker.** Voted outside of precinct -- partial count for everything except the township and school district.

McShane, Scott- Registered Republican in Wharton Twp. Voted Provisional ballot in South Union 1. Voted outside of precinct -- partial count for everything except the township and school district.

Bigham, Madison- Registered Republican in North Union 4 Voted Provisional ballot in South Union 1. Voted outside of precinct. – partial count for everything except the township.

Stipanovich, Brenda- Registered Republican in Menallen 2 Voted Provisional ballot in South Union 3. Address changed 06/11/2021, voted outside of precinct. – partial count for everything except the township and school district.

Karpel, Rose- Registered Democratic in Bullskin 1. Voted Provisional ballot in Uniontown 2. Voted outside of precinct. Address updated 08/27/2019 --partial count for everything except the township or school district.

There was a discussion regarding Elizabeth Ball, who was mistakenly added to this list. She is registered out of the county.

Ball, Elizabeth C - Registered Democratic in Pittsburgh 01 01 Voted Provisional ballot in Menallen 2. 10/17/2022 Voter registration is Allegheny County. Voted outside of precinct – no count

A **motion** to reject Elizabeth Ball's provisional ballot was made by John Kopas seconded by Robert Lesnick.

Motion passed unanimously. This ballot will not be counted.

A **motion** to partially count the other provisional ballots in this group was made by John Kopas, seconded by Robert Lesnick.

Motion passed unanimously to give partial count to eligible races as indicated by each ballot.

Group 5

Voter not found on List, misspelling of name, mail in ballots not surrendered – 1 ballot

G-U-I-S-E-R, Robert- Registered Democratic in Newell Boro. Voted Provisional ballot in Newell Boro. Name spelled on Provisional ballot envelope is: ROBERT J. G-U-I-S-E-R. This spelling, his house number, DOB, not found in SURE.

SURE has: G-U-S-I-E-R, ROBERT J. DOB matches that on the provisional ballot. Partial address match. Registered in Newell Boro. Signature on Newell Borough provisional envelope matches that in the SURE system.

A **motion** was made by Robert Lesnick and seconded by John Kopas to accept the misspelling as a typo and give full count to all votes.

Motion passed unanimously.

Group 6

Confirmation of ID, ballot not surrendered – 1 ballot

Dice, William R.- Registered Democratic South Union 3. Voted Provisional ballot South Union 3. 02/28/2023 Must confirm ID changed from False to True in SURE. Reactivated. Poll worker indicated ID was not supplied. ID not subsequently supplied to Election Bureau.

Signatures were compared on the provisional ballot envelope, what is seen in the SURE system, and that on the poll pad.

A **motion** was made to not count this ballot by John Kopas, seconded by Mark Rowan.

Motion passed unanimously.

Group 7

Address in system same as on Provisional Ballot, mail in ballots not surrendered – 3 ballots

McCloy, Ray- Registered Democratic in BULLSKIN 2 Voted Provisional ballot in BULLSKIN 2No Mail in/absentee ballot applications on file. Address updated 03/07/2022. – full count

Lafisca, Peter II- Registered Democratic in N Union 2. Voted Provisional ballot in N. Union 2. Poll worker indicated on the provisional ballot envelope his name was not on poll pad. Address has not changed in SURE. – full count

Cellurale, Joseph- Registered Republican in N Union 2. Voted Provisional ballot in N. Union 2. Poll worker indicated on the provisional ballot envelope his name not on poll pad. Address not changed since 2016. – full count

A **motion** was made by John Kopas to accept all the ballots Group 7 and give full credit to all votes, seconded by Robert Lesnick.

Motion passed unanimously.

Group 8

Application error, mail in ballots not surrendered – 1 ballot

Bilek, Edward A Registered Democratic in S. Union 1 Voted Provisional ballot in S. Union 1.

Name not on list, instead of voter request to cancel mail in ballot status, voter registration was mistakenly cancelled. – full count

A **motion** was made by John Kopas that the ballot be accepted, seconded by Robert Lesnick.

Motion passed unanimously.

Administrative Petition for Recount

The Board discussed the administrative petition presented to the Board of Elections from 23 precincts, each with 3 elector's signatures. The petitions request a recount of the County Commissioner race and that of the Supervisor of Bullskin Township under the Election Code: 25 P.S. §3154(e):

A **Motion** was made by Robert Lesnick to go to Executive Session for privileged discussion of agency business with counsel and seconded by John Kopas.

Motion passed unanimously.

Executive Session Meeting started 11:24

12:15 a **motion** was made to come out of Executive Session by Mark Rowan with no opposition.

All of the recount petitions involve the Fayette County Commissioner and Bullskin Township Supervisor positions. Mark Rowan **moved** that Election Bureau certify all of the election contests except for the aforementioned contests. Robert Lesnick seconded.

Motion passed with no one opposed.

Regarding the 23 recount petitions themselves, each has a 3-signature requirement, each signer must be a registered voter within the precinct verified on the petition. There are three with issues that were found upon the Election Bureau reviewing all of the signatures on each petition:

Petition one, Connellsville City Ward 2

Signature 3 Valerie Handford

Valerie Handford is registered to vote in South Connellsville.

John Kopas made the **motion** to reject the petition, Robert Lesnick seconded.

Motion passed with no one opposed. The recount for County Commissioner petition for Connellsville City Ward 2 is rejected.

Petition two, Connellsville City Ward 1

Signatures one, two, and three

Sheila Rae Lytle, Dolores A. Ande4rson, LaDonna Maria Armstrong

All three are registered to vote in South Connellsville.

John Kopas made a **motion** to reject this petition, Robert Lesnick seconded.

Motion passed with no one opposed. The recount for County Commissioner petition for Connellsville City Ward 1 is rejected.

Petition three, Saltlick Township

Signatures one, two, and three

Christopher Brown, Kathleen Brown, Elmer J. Brown

All three are registered to vote in Bullskin 1.

John Kopas made a **motion** to reject this petition, Robert Lesnick seconded.

Motion passed with no one opposed. The recount for County Commissioner petition for Saltlick Township is rejected.

As to the other petitions:

Fairchance Borough, Georges Township 2, Georges Township 3, South Union Township 2, Uniontown City Ward 1, Henry Clay Township, German Township 3, German Township 1, Dunbar Township 1, Bullskin Township 2, Wharton Township, Dunbar Borough, Bullskin Township 3, German Township 2, Redstone Township 2, Markleysburg Borough, Washington Township, Vanderbilt Borough.

Connellsville Township has 2 petitions, each with three names on them.

20 remaining petitions submitted contained wording that states an error, although not apparent on the face of the returns, has been committed. The petitions for Bullskin Township 2 and Bullskin Township 3 also make the same allegation regarding therein as the same relates to the office of County Commissioner. (25 P.S. 3154(e)).

The board discussed the best way to confirm the validity of the petitions would be to hold a hearing on these petitions to inquire about the error with a court reporter present and all the witnesses testifying under oath, so the board can investigate the allegations.

John Kopas made the motion to hold the hearing, Robert Lesnick seconded the motion.

Motion passed unanimously.

The date will be coordinated with the board and the court, and the hearing will be advertised.

**Mark Rowan asked for public comment and for any other business before the board, hearing none
Mark Rowan moved, and Robert Lesnick seconded to adjourn.**

Motion passed unanimously.

Meeting adjourned at 12:30