

MINUTES OF THE FAYETTE COUNTY ELECTION BOARD

Thursday, May 2, 2024

12:08 PM in the Fayette County Public Meeting Room, 2 West Main Street, Uniontown, PA 15401

CALL TO ORDER:

The meeting was called to order at 12:08 p.m. by Chairman Scott Dunn. A moment was taken for reflection or silent prayer, followed by the Pledge of Allegiance.

ROLL CALL:

In attendance were Election Board Members as follows:

Scott Dunn, Chair

Vincent Vicites

Dave Lohr

The Chair declared that a quorum was in attendance

Also present were:

Sheryl Heid, Fayette County Solicitor

Marybeth Kuznik, Director of Elections

Rose Nypaver, Election Board Staff

Emma Santore, Election Board Staff

Members of the public and press.

PUBLIC COMMENT:

Amy Fauth, with the Herald Standard asked about a telephone call they had received about a polling place that was asking for IDs from everyone. Chairman Scott Dunn explained that this question would be addressed later in the meeting.

APPROVAL OF MINUTES OF APRIL 9, 2024 MEETING:

Motion made by Vince Vicites to approve the meeting minutes from April 9, 2024.

Motion seconded by Dave Lohr.

Motion passed unanimously.

REPORT ON APRIL 23 PRIMARY ELECTION RESULTS:

Report by Marybeth Kuznik, Director of Elections and Voter Registration.

The April 23, 2024 primary election went smoothly but it was very low in turnout, we believe this was because the presidential nominees were known at that point and most of the other races on the ballot were uncontested, still primary elections are important, and we thank all the voters who came out and cast ballots either on election day or through mail or absentee ballots.

The numbers for the election were as follows: the total number of voters in Fayette County registered at the time of the election was 78,234, the number who voted for April 23rd was 18,892 that is a percentage of 24.15% of the total who voted 8,219 were Democratic out of 32,371 Democratic voters registered for a total of 28.79% and Republican 9,573 out of a total of 37,735 Republicans registered for a total of 25.37%. These totals do not include ballots that are still to be counted such as the Provisionals which we are here today to look at and there are 2 military ballots that will be being counted that came in timely. The write in votes are being resolved, we started yesterday and the process is proceeding until finished. It's part of the canvas process and it can be observed by public observation room.

We sent out 7,601 mail-in and absentee ballots. Of those, Democratic ballots were 5,745, and Republican 1,853. The recorded votes or ballots that have come in so far are 6,211 of which 4,811 were Democratic and 1,400 are Republican. There is one timely received military ballot that has not been added to that total yet, we will be doing those at the time we do provisionals. Board member Dave Lohr asked if there was a breakdown between mail ins and absentee. That number is to be provided.

We want to thank all the 314 poll workers who served Fayette County for this primary. Without these dedicated volunteers we would just simply have no elections and no country. We appreciate our poll workers. We are quite excited we had our first-time student pollworker, we had one at this election, the school districts are excited about participating with this in the fall. We believe we will have a lot more student poll workers serving as clerks in the November election. Student poll workers have to be seventeen years old, a U. S. citizen, a resident of Fayette County and they must have written approval from their school principal and written permission from a parent.

We're also going to be working very hard to recruit and train more poll workers for the fall so voters can be processed more quickly. We think that will reduce the possibility of lines. As you all know presidential is a huge election and we're expecting a lot of turnout so the more poll workers we have the better. Adult poll workers must be registered voters in Fayette County, they can be of any party or no party. Student and adult poll workers both receive a stipend and that ranges from \$130 to \$200.00 or more depending on, if they attend a training and the position they hold. If anyone is interested, please call the Election Bureau at 724-430-1289.

We also want to thank several dozen county workers, county employees who helped deliver and retrieve voting machines, pre-canvas ballots on election day and helped to accept the results as they were coming in on election night. And that included all three of you gentlemen, we know you were all helping, and we appreciated that.

The new improved equipment and improvements to the election process, the addition of the ballot sorter, the poll pads, the use of the specialized mailing house are performing as expected. We believe this has decreased our need for overtime and for part-time staff. This is a good thing because like many county departments and many places everywhere, staff is hard to come by and the fact that we have need for fewer workers is helpful.

The Director stated that those improvements have all come out of our Act 88 State Election Integrity grant. Our newest improvement, the SOE election night reporting system performed very well as expected and many members of the public commented that they appreciated the accessibility and the way the information was laid out. We are going to be adding maps of the precincts and the district overlays for the fall election. Due to the closeness of the primary, we didn't have time to implement those, but they're in the works. The Director also wanted to note that this improvement, the election night reporting system, was and is made possible by our Act 88 grant.

Despite this improvement, unfortunately certain people went on the radio this week and disparage the Election Bureau, the Election Board, and all of us for making those improvements. All their claims are false. There is no connection whatsoever from the election night reporting software provided by SOE and our voting system that tabulates and records the votes. There is no possible way that the SOE website could somehow access our tabulators and change our unofficial or official results.

We received two anonymous calls stating that poll workers in one precinct were asking almost every voter for ID. In fact under federal and state law, ID is only required to be shown by a first-time voter in a precinct. The Election Bureau does take this matter very seriously, we contacted the Judge of Elections in the affected precinct who stated that all members of her board followed the law and followed the instructions on the poll pad that indicate which voters need to provide identification. Because the callers were unwilling to give their name or any specific facts regarding a time or a name or description of the person or persons who allegedly asked them for ID, we're unable to investigate this matter further until additional information comes to light. At this time, we've pursued it as far as we can.

The Election Bureau again wants to thank all our voters, we thank the poll workers and we thank the staff who helped process everything on election day and we are looking forward to a smooth but very large election in the fall.

Determination of Provisional Ballot from those on April 23, 2024, Primary Election. 51 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 Mail-in/Absentee Ballot Not Surrendered at the Precinct – full credit/count – 29 ballots

William T. Ryan- Registered Democratic Brownsville 3 Voted Provisional ballot Brownsville 3
Application for mail in Ballot, 01-22-2024

Richard C. Biller- Registered Republican, Bullskin 1 Voted Provisional ballot Bullskin 1
Application for mail in Ballot, 3-7-2024

Charlene J. Feniello- Registered Democratic, Bullskin 1 Voted Provisional ballot Bullskin 1
Application for mail in Ballot, 2-15-2024

Carol S. Trout- Registered Republican, Bullskin Township 3 Voted Provisional ballot Bullskin Township 3
Application for mail in Ballot, 4-16-2024

Barry Nicholson- Registered Republican, Connellsville City 2 Voted Provisional ballot Connellsville City 2
Application for mail in Ballot, 1-18-2024

Bonnie Fosbrink- Registered Republican, Connellsville City 3 Voted Provisional ballot Connellsville City 3
Application for mail in Ballot, 4-9-2024

Phyllis Minerd- Registered Democratic, Connellsville Township Voted Provisional ballot Connellsville Township

Application for mail in Ballot, 3-27-2024

Casey Lynne Cathell- Registered Democratic, Dunbar Township 2 Voted Provisional ballot Dunbar Township 2

Application for mail in Ballot, 3-1-2024

Joseph L. Orszulak- Registered Republican, Dunbar Township 2 Voted Provisional ballot Dunbar Township 2

Application for mail in Ballot, 1-22-2024

Kathryn M. Orszulak- Registered Republican, Dunbar Township 2 Voted Provisional ballot Dunbar Township 2

Application for mail in Ballot, 1-22-2024

Karen M. Sokol- Registered Republican, Dunbar Township 2 Voted Provisional ballot Dunbar Township 2
Application for mail in Ballot, 2-26-2024

Barbara Stuart- Registered Republican, Dunbar Township 2 Voted Provisional ballot Dunbar Township 2
Application for absentee Ballot, 1-23-2024

Jacqueline M. Wensing- Registered Democratic, Upper Tyrone Township Voted Provisional ballot Dunbar Township 2

Application for absentee Ballot, 1-23-2024

Carol Ann Kobaly- Registered Democratic, Franklin Township 2 Voted Provisional ballot Franklin Township 2

Application for mail in Ballot, 4-2-2024

Deborah McConville- Registered Democratic, Franklin Township 2 Voted Provisional ballot Franklin Township 2

Application for mail in Ballot, 3-27-2024

Felecia Williamson- Registered Democratic, Georges Township 3 Voted Provisional ballot Georges Township 3

Application for mail in Ballot, 1-24-2024

Gloria J. Otto- Registered Republican, German Township 2 Voted Provisional ballot German Township 2
Application for mail in Ballot, 3-20-2024

Lawrence A. Hartman, Jr.- Registered Republican, Henry Clay Township Voted Provisional ballot Henry Clay Township
Application for mail in Ballot, 4-11-2024

Carol D. Hartman- Registered Republican, Henry Clay Township Voted Provisional ballot Henry Clay Township
Application for mail in Ballot, 4-11-2024

Donna M. Ellar- Registered Republican, Lower Tyrone Township Voted Provisional ballot Lower Tyrone Township
Application for mail in Ballot, 3-18-2024

Michelle Zapotosky- Registered Democratic, Menallen Township 3 Voted Provisional ballot Menallen Township 3
Application for absentee Ballot, 2-26-2024

Michael Raja- Registered Democratic, North Union Township 1 Voted Provisional ballot North Union Township 1
Application for mail in Ballot, 2-15-2024

Vincent C. Vallango- Registered Democratic, North Union Township 1 Voted Provisional ballot North Union Township 1
Application for mail in Ballot, 2-22-2024

Barry Stemmerich- Registered Democratic, Perryopolis Borough Voted Provisional ballot Perryopolis Borough
Application for mail in Ballot, 4-15-2024

Martie Lea Cain- Registered Republican, Saltlick Township Voted Provisional ballot Saltlick Township
Application for mail in Ballot 2-22-2024

Jane Fatula- Registered Republican, South Union Township 1 Voted Provisional ballot South Union Township 1
Application for mail in Ballot 4-12-2024

Cesario Alviar- Registered Republican, Stewart Township Voted Provisional ballot Stewart Township
Application for mail in Ballot 3-7-2024

Genevieve Marie Lough- Registered Republican, North Union 4 Voted Provisional ballot Uniontown City 3
Application for mail in Ballot 2-29-2024

David M. Niesslein- Registered Republican, Wharton Township Voted Provisional ballot Wharton Township
Application for mail in Ballot 2-29-2024

A **motion** was made by Dave Lohr all 29 provisional ballots in Group 1 to be considered fully counted, seconded by Vince Vicites.

Motion Passed unanimously. All 29 Ballots in Group 1 to be fully counted.

Group 2

First Time Voter Failed to Show ID, Precinct and Address Checked—Full Credit/Count – 2 Ballots

Zachary Strauser—Registered and voted Provisional ballot in Connellsville City 3

Elizabeth Benner—Registered and voted Provisional ballot in North Union Township 3

A brief discussion was held concerning why people don't bring ID, but the Director stated that sometimes people arrive late to the polls and that such things should be investigated, they were in the correct precinct they have duly registered. Dave Lohr stated that the law requires ID, voter's registration cards were obtained for both voters for comparison.

A **motion** was made by Dave Lohr to Approve the ballot of Zachary Strauser, signature matched, seconded by Vince Vicites. A motion was made by Dave Lohr to Count Elizabeth Benner, signature matched perfectly, seconded by Vince Vicites.

Motion passed unanimously. Ballots in Group 2—FULLY COUNTED.

Group 3

Voter Not on List – Registered Under Different Name, Address and DOB, etc. checked—Full Count –2 Ballots

Billy Jo Horrell—Registered as Billy Jo Hedglin in Newell Borough and voted Provisional ballot in Newell Borough

Christina Lee Parrish—Registered as Christina Lee Williamson in Redstone 4 and voted Provisional ballot in Redstone 4.

A motion was made by Vince Vicites to accept the 2 Ballots in Group 3 to be fully counted, with a question from Dave Lohr is it due to marriage, then seconded. Chairman Dunn had one question whether the date of birth changed, which it did not.

Motion passed unanimously. Ballots in Group 3 Fully Counted.

Group 4

Voter voted in Wrong Precinct—Registration checked – 5 Ballots

Shirley D. White—Registered in Brownsville 3, voted Provisional ballot in Brownsville 1 where she was serving as a poll worker. Voted outside of precinct--Full Count

Melissa King—Registered in Menallen 2, voted Provisional ballot in Connellsville City 2, partial count to

all offices except Representative in the General Assembly. Voted outside of precinct—partial count for everything except Representative in the General Assembly.

A Motion to partially count all offices except Representative in the General Assembly was made by Vince Vicites, seconded by Dave Lohr.

Cassandra Scott—Registered in German 3, voted Provisional ballot in German 1. Voted outside of precinct—Full Count

Kory Reese—Registered in Menallen 2, voted Provisional ballot in German 3. Voted outside of precinct—Full Count

Walter V. Duda—Registered in North Union 4, voted Provisional ballot in South Union 3. Voted outside of precinct—Full Count

Motion passed unanimously to Fully Count ballots in Group 4; except for Melissa King.

Group 5

Non-Partisan or Minor Party Voter Cast Provisional Ballot—Registration Checked---NO COUNT---4 Ballots

Cheryl Malcolm—Registered No Affiliation in Franklin Township 2, voted Provisional ballot in Franklin Township 2

Morgan Hollowood—Registered No Affiliation in lower Tyrone Township, voted Provisional ballot in Lower Tyrone Township

Colleen Ann Collen—Registered as Independent in Point Marion, voted Provisional ballot in Point Marion

Fred Trautman—Registered as Other/No Party in Uniontown City 2, voted Provisional ballot in Uniontown City 2

A brief discussion was held regarding the reason for not counting these 4 ballots, this was a closed Primary in which only Democratic or Republican voters could participate.

A Motion was made by Dave Lohr to reject all Group 5 ballots, seconded by Vince Vicites.

Motion passed unanimously. Ballots in Group 5 Not Counted.

Group 6

Voter Cast Provisional Ballot in Wrong Party—Registration checked—NO COUNT—2 Ballots

Lisa C. Marino--Registered Republican in Bullskin Township 1, voted Democratic Provisional ballot in Bullskin Township 1

Karey David—Registered Democratic in German Township 1, voted Republican Provisional ballot in German 1

A Motion was made by Dave Lohr to reject all Group 6 ballots, seconded by Vince Vicites.

Motion passed unanimously. Ballots in Group 6 Not Counted.

Group 7

Voter May Have Cast Provisional Ballot in Wrong Party—Registration checked, but Party of Provisional Ballot was not marked on Envelope—Secrecy Envelope will need to be opened just enough to determine party of ballot inside---3 Ballots

Rodney Lyle Hagner—Registered Democratic in German Township 2, voted Unknown Party Provisional ballot in German Township 2

A Motion was made by Dave Lohr to let the Director of Elections open the ballot, seconded by Vince Vicites.

Ballot was determined to be Republican, a Motion to Not Count the ballot due to voter voting in the wrong party was made by Dave Lohr, seconded by Vince Vicites.

Motion passed unanimously. Ballot of Rodney Lyle Hagner Not Counted

Wilbur Landman, Jr.—Registered Democratic in South Union 3, voted Unknown Party Provisional ballot in South Union 3

A Motion was made by Dave Lohr to let the Director of Elections open the ballot, seconded by Vince Vicites.

Ballot was determined to be Republican, a Motion to Not Count the ballot due to voter voting in the wrong party was made by Dave Lohr, seconded by Vince Vicites.

Motion passed unanimously. Ballot of Wilbur Landman, Jr., Not Counted

Jeffrey Edward Stafford—Registered Democratic in South Union 3, voted Unknown Party Provisional ballot in South Union 3

A Motion was made by Dave Lohr to let the Director of Elections open the ballot, seconded by Vince Vicites.

Ballot was determined to be Republican, a Motion to Not Count the ballot due to voter voting in the wrong party was made by Dave Lohr, seconded by Vince Vicites.

Motion passed unanimously. Ballot of Jeffrey Edward Stafford, Not Counted

Group 8

Voter Not on List—Not Registered—Registration checked—NO COUNT---2 Ballots

William Gaebler III—Voted Provisional Ballot in Redstone Township 3, not currently registered. His Registration was marked “Cancelled—Moved Out of County” on 3/20/2017 by former Election Director Larry Blosser

A Motion was made by Dave Lohr to Not Count William Gaebler III, seconded by Vince Vicites

Motion passed unanimously. Ballot of William Gaebler, III, NOT COUNTED

Rita Rosso—Voted Provisional Ballot in Redstone Township 4, not currently registered. Her registration was marked “Cancelled—Moved Out of State” on 6/23/2023

A brief discussion was held regarding the reason for this voter was cancelled in the SURE system; Vince Vicites asked for the voter to be notified of her Cancelled—Moved Out of State status.

A Motion was made by Dave Lohr to Not Count Rita Rosso ballot, opposed by Vince Vicites.

Motion passed. Ballot of Rita Rosso, NOT COUNTED.

Group 9

Miscellaneous Issues

Mary Sugar—Registered but inactive in North Union 4, voted Provisional ballot in North Union 4. As an Inactive Voter she should have received an Affirmation of Elector form and then voted normally instead of a Provisional ballot---FULL COUNT

A Motion was made by Dave Lohr to Fully Count ballot, seconded by Vince Vicites.

Motion passed unanimously. Ballot of Mary Sugar, FULLY COUNTED.

Patrick D. Kozel—Registered and voted provisional ballot in South Connellsville Borough. Ballot appears to be without a secrecy envelope inside the Provisional ballot return envelope.

A brief discussion was held regarding whether it was voter error or pollworker error, whether it was a regular ballot or a provisional ballot, and whether not to count ballot due to fatal error of no secrecy envelope and lack of information.

A Motion was made by Dave Lohr to Not Count ballot, seconded by Vince Vicites.

Motion passed. Ballot of Patrick D. Kozel, NOT COUNTED.

CONSIDER POSSIBLE EXECUTIVE SESSION FOR DISCUSSION OF PENDING LITIGATION MATTERS

Solicitor Heid stated that she does not think it was necessary for the Board to go into Executive session; she had nothing further.

With no further discussion,

Motion to adjourn made by Dave Lohr.

Motion seconded by Vince Vicites.

Motion passed unanimously.

Meeting adjourned at 1:00 p.m.