JOINT MEETING
DAUPHIN COUNTY BOARD OF COMMISSIONERS
DAUPHIN COUNTY ELECTION BOARD

DECEMBER 30, 2019
10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Mike Pries, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Chad Saylor, Chief Clerk; Tim DeFoor, Controller; Janis Creason, Treasurer; Joseph A. Curcillo, III, Esq., Solicitor; Gerald Feaser, Jr., Director of Voter Registration & Elections; Randy Baratucci, Director of Purchasing; Fred Lighty, Esq., Solicitor’s Office; Elizabeth Zeigler, Director of IT; Donna Miller, Commissioners’ Office; Amy Richards, Press Secretary; Kelly Megonnel, Commissioners’ Office; Ruby Doub, Commissioners’ Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

James Roxbury, Jack Sherzer, Bill Minsker, Gary Grubb, Steve Marroni, Pat Stringer and news media

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:03 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.
PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC PARTICIPATION

There was none.

Mr. Haste noted that he will ask for public comment again after the presentation.

JOINT MEETING OF BOARD OF COMMISSIONERS & BOARD OF ELECTIONS

A. Chad Saylor, Chief Clerk, and Gerald Feaser, Jr., Director of Voter Registration and Elections, to present voting machine options

B. Approval of Joint Resolution 01-2019 to select a new voting system and appropriate funding

Mr. Saylor reported that last year the State informed counties it would no longer certify current voting machines. Counties were mandated to select a new system by April 2020 primary and a decision had to be made by the end of 2019 to qualify for funding. Several systems were certified. Last month he brought this issue to the Board and at that time the Board was not interested in complying with the mandate. The Board wanted to stay with the current system, which has served the County well. Over the last few weeks meetings were held, and phone calls made. The State was very clear that all counties must comply with the mandate. December 31 is the deadline to qualify for funding. If the county does not comply, the State will file for a mandamus, which would force the County to select a new voting system. Unless the Board changes from its current course, next year Dauphin County will face a court order to select new machines and we will not qualify for state and federal funding to help cover the costs.

The Board took a bold stand against mandates in November. If other counties would have joined Dauphin County, it would have strengthened the case. Northumberland was the only other holdout, but they had a special meeting Thursday. Dauphin County stands alone.

Today is the last opportunity to change course if the Board chooses. For months, a team of staff have been preparing for this possibility. An Expo was held in June to try out different systems. The systems were rated by the attendees. Since June, numerous meetings were held with the vendors. The County requested information from the top-rated vendors. Some of the counties used the new systems in the November General Election.

The first issue in coming up with a recommendation was hand-marked vs. ballot marked devices. ES&S had an XL machine, which was an early favorite. It is most like the current system – full face. It is most expensive. A lawsuit suing the Commonwealth
was filed by Jill Stein asking that the system be decertified. Hand-marked systems are less expensive and would avoid the lawsuit issue. Systems that the staff reviewed have fast scanners, unlike those used in York County. The system used by York County was one of the low scorers from the June Expo.

ES&S, Unisyn and ClearBallot have solid systems. The pricing was close with all three vendors. The pricing falls under the State Mandate-Costars. Since it is Costars there isn't a lot of negotiation on the price. The staff prepared a Resolution that would commit the County to purchasing a new voting system from ClearBallot. Should the Board adopt the Resolution, a contract will be reviewed and finalized in early January.

Mr. Haste asked how ClearBallot was chosen.

Mr. Feaser indicated that staff has been meeting with vendors and attending county-wide conferences with some anticipation that this was coming. It became clear the system that most resembled the current system was from ES&S. It was the top rated one at the June Expo. The lawsuit filed by Jill Stein puts it in jeopardy. Ballot marking devices are the ones that we are looking at. Mail ballots moved the need to have ballot marking when mail ballots would be chosen by 50% of the voters, because they do not want to stand in line. 50% of voters will use that method. With all of that, more focus came down to ClearBallot. With ClearBallot, the printing of the ballots is by a certified printer. There is only one company that is certified in Dauphin County. He would like to see other vendors certified. ClearBallot does not use bar codes.

Mr. Hartwick stated another lawsuit. The only people who gain in this process is the vendors. The one issue is fraud – Dauphin County needs to have a safe election. In the time that staff examined these systems, more lawsuits have developed. It needs to be made clear that the vendors will be the winners. The County’s position has changed in the short time that these vendors have been certified. You don’t know what will happen from day to the next. The County had a system that worked, and we didn’t have any concerns.

Mr. Feaser stated going to a new hand marked paper ballot is not modernization.

Mr. Hartwick indicated that he liked the ballot marking device but based upon Act 77 that was thrown out the window.

Mr. Pries thanked the staff for their hard work in reviewing the systems. Sixty-six counties have moved forward with new voting machines. Dauphin County has benefitted from waiting. There are some counties who are having buyers’ remorse. Chad Saylor and Jerry Feaser have done their due diligence. He heard from many residents. The State has advised the County that if we do not purchase new machines it will not be able to be reimbursed for the machines. This is serious. He asked if the County is going to keep the current machines and warehouse them.
Mr. Feaser indicated that the Department of State made it very clear that the old system will be decertified. The entire system would have to be warehoused and then would have to be recertified if it was approved by the State.

Mr. Saylor stated that the County is going to warehouse the current system. All the proposals received from the companies provided a clause to buy back the old machines at a time of the County’s choosing. The machines can be kept as long as the Board wishes, but it would have a price tag for storage.

Mr. Pries questioned the security while voting. Currently there are curtains.

Mr. Feaser indicated that there are privacy screens when they mark their ballot. The ballot is in an envelope in a folder until it gets to the scanner. The area around the scanner will have a privacy screen as well. The workers will be close by, but they will not be able to see the ballot.

Mr. Pries questioned what will happen when the polls close with the new machines.

Mr. Feaser stated that it would be very similar to what happens now. Thumb drives will be brought down just like it is now. The ballots are brought back down until we get through the certification process.

Mr. Pries questioned if the results will happen faster with the new system.

Mr. Feaser indicated that Monroe County went with ClearBallot. There was a quicker turnaround.

Mr. Haste asked if Act 77 will change that.

Mr. Feaser stated that all the mail ballots will be counted from election night to a couple days later. The last presidential election of the 133,000 registered voters in Dauphin County, 70,000 voted. The computing board cannot get through all of those and make sure they didn’t vote at two places.

Mr. Pries questioned what if they forget to take the thumb drive out.

Mr. Feaser indicated that they will cut it open and pull it out and then reseal it.

Mr. Pries indicated that there are costs that the state and federal funding will not cover. He looks forward to seeing what the costs will be.

Mr. Hartwick stated that it has been very clear where this Board stands but doesn’t want to jeopardize funding. He is concerned for the poll workers. The poll workers will need training and education. He has changed positions based on Jerry’s input. The Board has benefitted from waiting to see what happened in other counties. He wondered if the state will reimburse for the training that will need to occur. The County needs to figure
out the best way to make this work. This money that the State is reimbursing for these new machines could have been used for other services that the County provides, especially when there are no problems with the current system.

Mr. Pries indicated that the State gave the County approval to use the current system for the special election that will take place in January. This will allow for a short period of time to get the poll workers and volunteers trained for the upcoming presidential election in April.

Mr. Feaser indicated that he will need to have discussions about more staff. The volume of absentee ballots and the mail ballots will increase. He has five employees. There are different ways that can be handled, and they are all going to cost money.

Mr. Saylor indicated that there are a lot of questions that will need to be answered – how much the state will reimburse. Another question is how future elections will be run. The current budget that was approved by the Board does not address the purchase of a new voting system. The Board will have to look at the budget, because of that change.

Mr. Feaser indicated that several poll workers are here today. He has heard a lot from the poll workers. Most of the poll workers are willing to accept this challenge.

Mr. Haste questioned if the dollar amount has exceeded what the State has allocated. He heard that it has already exceeded that.

Mr. Feaser indicated that they are going to pay for it all, then 50% and then 50% over five years.

Mr. Saylor indicated that the proposals include warranties and then pricing for subsequent years. The State said that they will not pay for anything after the first year for warranties.

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board adopt Resolution #1-2019, captioned as follows:

A Joint Resolution of the Dauphin County Board of Elections and the Dauphin County Board of Commissioners selecting a new voting system and appropriating funding therefor.

(A complete Resolution 1-2019 is on file in the Commissioners’ Office.)

Discussion:

Mr. Haste noted that he is voting against this Resolution. He feels he needs to continue his opposition to a disastrous solution still looking for a problem that takes us back 40 years with regard to the hand-marked voting system. The County is moving backwards, instead of forward. Counties were excluded from
discussions. They only include counties when they feel like it. The current machines could have been converted for hundreds of thousands of dollars rather than purchased for millions to be in compliance with the settlement and produce the paper ballot that was the subject of the state order. Even though that could be done, the Commonwealth would not certify that, and the vendor would not authorize someone to do that because the vendor stood to make a lot of money by selling new machines. He talked to poll workers and judges of election and none of them thought it was a good idea. The question is why the Secretary of the Commonwealth and the Governor would put a new system in place during the heaviest election cycle. He is concerned for the elderly folks. The leaders of the Commonwealth have put the 67 counties in a bad situation. It has been a disaster from day one.

**Question:** Mr. Haste – No; Mr. Pries – Aye and Mr. Hartwick – Aye reluctantly; motion carried.

**PUBLIC PARTICIPATION**

Ms. Stringer asked if the new machines will drop for the handicapped voters.

Mr. Feaser indicated that it is adjustable.

Ms. Stringer indicated that the voters will be confused. She asked if a You- Tube training will be developed.

Mr. Haste stated that the Voter Registration office will do whatever they can. It is an unfunded mandate.

Ms. Stringer asked how many come out for the election.

Mr. Feaser indicated that there are 190,000 registered voters and 134,000 voted in the last presidential election.

Mr. Pries stated that the County will make sure it gets the message out there that this is a new system.

Ms. Stringer asked about the mail ballots and the addresses.

Mr. Feaser noted that the mail ballots are similar to the absentee ballots. The person requesting the ballot will make sure he has the correct information on it. The office will make sure that it does a lot of public outreach.

Gary Grubb of Lower Paxton Township stated that he appreciates the Board’s support and the judges will need it. It will be a lot of frustration on the voter’s part. He asked if the judges will know if someone voted by mail ballot to make sure they don’t vote twice.
Mr. Feaser indicated that the absentee and mail ballots will no longer be sent out. A check list will be kept making sure no one votes twice. Everything will be done in the Voter Registration office. The judges will no longer have to handwrite and decipher the write-ins.

Mr. Grubb asked if he would have to count the ballots at the end of the night.

Mr. Feaser indicated no.

Mr. Grubb stated that it is the State Government that the poll workers are frustrated with. He thanked the Board again for their support.

Ms. Stringer asked if it will be the same for the people who do not speak English.

Mr. Haste indicated yes.

**ADJOURNMENT**

There being no further business, it was moved by Mr. Pries and seconded by Mr. Hartwick that the Board adjourn; motion carried.

Transcribed by: Richie-Ann Martz