

April 13, 2021 Board of Election Meeting Minutes

In attendance via blue jeans: Commissioner Webster, Commissioner Burke, Commissioner Erb, County Administrator Hemminger, Solicitor Karn, Election Director Seymour, Assistant Election Director Clapper, Kay Stephens – Altoona Mirror and Carol Dannenberg.

Meeting began at 3:31pm.

Kay Stephens offered public comment: What would be the process that would be followed if Burke was left on the ballot and later stricken from the ballot?

Director Seymour outlined the issue at hand. There is a pending appeal in Commonwealth Court for Hollidaysburg Borough, Ward 4 Council candidate. The state certified the ballot last Tuesday, April 6th. The County was prepared on that date to sign off on the ballot – if there was not a pending appeal. We are running out of time to wait for a decision. The director would like to sign off on the ballot as soon as possible as the County has contracted ES&S to create the election database and burn media sticks for the County. In November 2019 – it took ES&S 6 days to create the election database, burn our media sticks and return it to Blair County for testing. In November 2020, it took ES&S 11 days from the date we signed off to produce our media. Once we have the media sticks and database returned from ES&S, the County must then send PDFs of the ballot to NPC and William Penn Printing. NCP and William Penn Printing will in turn print out a test deck of the ballot to be used in the Logic and Accuracy Testing. Logic and Accuracy testing is scheduled to begin on Monday, April 26th. We will have an ES&S employee on-site to help with the testing. Because this is a Municipal Election, with many candidates and races, the testing will take 3+ days to complete. If an error is found, the error would have to be corrected in Nebraska by ES&S, media sticks re-burned, pdf ballots reprinted and the testing would have to start over. May 3rd is the date that we must begin to deliver mail-in and absentee ballots.

Commissioner Webster inquired what the County would do in the case that we left Sean Burke's name on the ballot, and he was later stricken from the ballot? Director Seymour stated that we would post a notice at Hollidaysburg Borough, Ward 4 stating that Burke's name was stricken from the ballot. Any vote for him, other than a write-in vote, would not be counted. We had this play out in 2010 with the Vodvarka candidate. An appeal was pending with Commonwealth Court. The County decided to sign off with Vodvarka's name on the ballot. A ruling was made to strike Vodvarka's name from the ballot. The County placed notices at the polling places and also included notices with the absentee ballots.

Commissioner Erb asked why Commonwealth Court is taking so long even with Solicitor Karn's letter requesting an expedited ruling? Solicitor Karn stated that when he called Commonwealth Court to check on the progress of the appeal, the Court had not marked the appeal as an election matter, and no action was taken thus far. Solicitor Karn stated the Court had requested responses by April 8, 2021.

Commissioner Erb stated that we have no choice but to do what we did in 2010.

Commissioner Erb asked whether Commonwealth Court could NOT make a decision, and remand it to the lower court? Solicitor Karn believes that they would make a decision either way. There was a transcript/record made by the lower court hearing.

Commissioner Burke questioned how many precincts were involved with the Vodvarka case? Director Seymour stated it was countywide- all precincts were affected.

Commissioner Webster stated it would be better to go ahead, keep Burke on the ballot and not wait until a decision is made by the court. We will post notices if necessary.

Commissioner Erb made a motion to proceed as outlined by Director Seymour and not wait for a decision by Commonwealth Court and post notices, as was done in the past, if the candidate is stricken from the ballot.

Commissioner Webster seconded the motion.

Commissioner Burke abstained, as the candidate in question is her husband.

Commissioner Webster asked if there was any other business or other meetings to be held. Director Seymour stated that there are a few polling place changes that will be made for the primary. An additional board meeting will be scheduled at a later date.

Meeting was adjourned at 3:50p.m.