

May 5, 2014

ERIE COUNTY BOARD OF ELECTIONS – Regular Meeting

Mr. Fatica, Chairman of the Election Board, called to order a Regular Meeting of the Erie County Board of Elections at 12:00 p.m. in the Erie County Council Caucus Room.

Mr. Smith, Clerk of Elections, called the roll:

Members Present: Mr. Fatica
Mr. DiMattio
Dr. Foust (via telephone)
Mr. Horton

Members Absent: Mr. Leone
Mr. Breneman
Mrs. Loll

Also Present: Douglas R. Smith, Clerk of Elections
Kimberly DeLand, Supervisor

Hearing of the Public:

None.

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Approval of Minutes:

Dr. Foust moved to approve the minutes from the February 11, 2014, Reorganization Meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

Mr. Smith stated that there have been a number of challenges to residency of voters and/or candidates. Kristy Elchynski was challenged by Jeffrey Onink last November. Mr. Smith has been in communication with Ms. Elchynski on several occasions asking for proof of residency as dictated in the statute and has received no information and no response. She was sent a registered letter prior to her registration being revoked on April 21, 2014. She is able to re-register at her correct address. She is involved with an organization known as COR-PAC and there have been questions about possible violations of campaign finance law with this group. Mr. Smith stated that thus far, he has not found this group registered with either the County or the State. He commented that if he is unable to find anything regarding the registration, he does have evidence that some activities have been undertaken and he will forward the information to the District Attorney for review by his office.

Mr. Smith also noted that the State Committee candidacy of Don Tucci remains a point of contention for some within the Republican Party. During the petition period, it was reported by several members of the Party that Mr. Tucci's new address was a "front" and he did not genuinely reside there. Upon the advice of Mr. Talarico, Mr. Smith informed them that they must challenge him during the one week challenge period that occurs after petitions close. There were no challenges filed. Mr. Smith commented that he was re-contacted on April 22, 2014, by Gene Sorrentino and Republican Chair Salmon, who both brought challenges to Mr. Tucci's residence, similar to the one that was filed against Ms. Elchynski. Upon review of those objections, Mr. Talarico advised Mr. Smith to reject them for two reasons: 1. The individuals did not reside in McKean, and 2. They were in fact filing something that amounted to a petition challenge outside of the required period.

Mr. Smith stated that work for the upcoming primary has progressed in spite of a couple of candidacy challenges tied up in the Courts. Mr. Guzzardi was just permanently removed from the ballot on Friday, May 2, 2014. Absentees were held until that point. He further stated that there are no changes in polling locations for this election.

One other issue that came up was the use of cash on election night. This was brought into question by the Controller as a possible dangerous activity and that it could be troublesome. There is approximately \$100,000 handed out on election

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night. Mr. Smith stated he met with the Finance Department and they are looking to move to a check system possibly in the fall of 2014. Mr. Smith noted that the Elections Office would assist in the purchase of software so Finance can generate those checks more easily and cheaply. Thus far, there have not been too many objections, but Mr. Smith noted that Mr. Fatica may have heard an issue today. Mr. Smith did say that at this point, they could move forward but would wait for the Board's blessing.

Mr. Fatica passed out a letter from Eugene Sorrentino questioning the Tucci issue. Mr. Fatica stated that Mr. Sorrentino was told that his challenge did not meet the time limitations. Mr. Smith noted that Ms. Kirley and Mr. Tucci are both candidates for State Committee, as are Mr. Sorrentino and Mr. Salmon.

Mr. Fatica stated that a gentleman came into the office today and said that a lot of people that work the election and live in the low income areas do not have checking accounts and sending them a check to cash would prove to be an exercise in futility as they have no place to go to cash it.

Dr. Foust stated that there may be issues like that to some degree, but most counties do submit checks. He did not want to stand in the way of the issues described, but he asked if there was a way to let poll workers know that if they don't have a checking account, is there a way that the check could be cashed here at the County, either through the Finance Office or Elections Department. Mr. Smith did clarify that the check issue is still being discussed. He did ask that if the Board is reticent in moving forward with this, he would need to know in order to delay the software purchase. Mr. Horton did state that there are places like DeLuca's that would cash a check with ID.

Mr. Fatica asked Mr. Smith about the protocol for ballot review mentioned in the previous minutes. Mr. Smith stated that he and Mrs. Breter were a backstop for three reviews that occurred. There were a couple of items that were caught and Mr. Smith felt good about how it worked out.

Mr. Fatica then asked Mr. Smith about state on-line petitions being made available. Mr. Smith commented that this was for state-wide candidates and it appears that there is not yet a form for local candidates to get petitions on line. Mr. Smith felt that since it has been established state-wide, it is probably only a matter of time for local candidates to be able to have the same convenience.

Dr. Foust asked Mr. Smith to clarify the activities that COR-PAC was involved with. Mr. Smith stated that he was emailed several ads from the Corry Journal which asked voters to support three write-in candidates over three other candidates and at the bottom of the ad, it listed COR-PAC and Citizens for Corry as two sponsoring groups. Mr. Smith further commented that one of the

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candidates to whom this ad was against was the person that contacted him. Mr. Smith was going to send that particular ad, along with whatever information he could find regarding COR-PAC, to Mr. Talarico and get his blessing as well as the Board's blessing, before going on to the District Attorney. Mr. Smith is not necessarily convinced the DA would want to take up a case like this, and Dr. Foust agreed. Dr. Foust asked if Mr. Smith has tried to contact the Corry Journal to see who took out the ad. Mr. Smith stated that would be one thing he would try to do and would share that email with the entire Board.

Ms. DeLand stated that one of the candidates for Governor has been removed off the ballot – Mr. Guzzardi – as Mr. Smith stated. Ms. DeLand stated that they are only sending out one ballot instead of having to correct and resend the ballot, except for military absentees. She stated that the absentees would be mailed today. She noted that there is somewhat of an issue with the absentee machine as some of the ballots are reading and some are not at this point, but she hopes to have them all able to be read, but there may be a small amount that may have to be hand counted due to that issue. Ms. DeLand stated they can't get a maintenance person here in a timely manner. Mr. Smith did not feel that this would be a big issue as there are just under 400 ballots.

Mr. Horton moved to certify the 2014 General Primary ballot, Mr. DiMattio seconded this, and it carried in a unanimous roll call vote.

Mr. Fatica asked if there has been any word on what the voter turnout might be and Mr. Smith felt it would be somewhere in the mid-20% range.

There being no further business, the meeting adjourned at 12:19 p.m.

Deneé M. Breter, Council Secretary
