

August 23, 2016

ERIE COUNTY BOARD OF ELECTIONS – Special Meeting

Chairman Breneman called to order the Special Meeting of the Erie County Board of Elections at 6:00 p.m. in the Erie County Council Caucus Room.

Mr. Smith then called the roll:

Members Present: Mr. Breneman
Mrs. Fatica
Dr. Foust
Mr. DiMattio
Mr. Horton
Mr. Leone
Mrs. Loll

Members Absent: None.

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

Hearing of the Public:

None.

Approval of Minutes:

Mr. Leone moved to approve the minutes from the May 12, 2016, Regular Meeting. This was seconded by Mrs. Fatica and carried in a unanimous roll call vote.

Discussion on Millcreek 23:

Ms. Alexander explained that Mrs. Hughes worked with the poll workers to have two clerks, with two lines coming up to the desk. Each voter was given a number so the line could move quickly. The total for that site is 3,900, and approximately 1,000 voters showed up. Mr. Smith explained that this is one of the higher polling sites in the County. The site is at Alliance Church on Zimmerly Road just past Zuck Road.

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Mrs. Fatica commented that the Millcreek Democratic Chairman and the Millcreek Republican Chairman asked that this site be looked at to see whether or not this site could be split. They did not record any problems from the primary but there have been long lines in the past and they asked that this be brought to the Election Board's attention for future discussion.

Chairman Breneman asked what the process is to split a location. Mr. Smith explained that he has begun the process by having a map done by the mapping department, which creates a 25th district in Millcreek. Mr. Smith stated that they have to go with the centennial census lines that already exist. They cannot split any state legislative district so it would have to be something that falls where both districts remain in the same legislative district and the same Council district. Mr. Smith has a map available for the Board and he can distribute at their request. It was Mr. Smith's understanding that this would be pursued after November. All the facts and figures can be given to Attorney Talarico and to the Board for their review prior to further progress. Mr. Smith stated that there has to be postings that take place in the district that declare that the district is being considered for separation or consolidation, whatever it might be, and there is a period prescribed for people to petition the Election Board or submit written comments if they have objections. Chairman Breneman suggested that this process begin prior to the end of the year given that the Election Board will consist of three members in 2017. Mr. Smith stated that the specs could be sent to the State for pre-approval and the postings could be done after the November election. Mr. Smith will supply the Board with the maps and the counts as far as electors in each proposed district. Mr. Smith commented that Washington Township is an awfully large site but the Judge of Elections there has come up with a system whereby voters are given a number when they come in the door, and that coincides with a number on the numbered list so when they get to the desk, the Clerk will have them ready to go. He stated that one other Millcreek district is large in the same area that votes at Asbury. Dr. Foust stated he had no problem with doing it next year with three members. If it needs to be done it needs to be done.

Discussion on Acclaim Proposal for Web-based Election Results:

Chairman Breneman asked Ms. Alexander to give an overview of the Acclaim Proposal. Ms. Alexander stated that she is not very familiar with this but that it seems like they offer different ways to break down the numbers in different districts countywide for the different races. In speaking with John Yatsko of IT, he stated that he could work something into the County homepage depending on what the Board wanted, but he would have to create it in order to make the file given to him do what the Board wants it to do. Chairman Breneman stated that he has often heard some dismay with the website in general, but on election night as results are coming in. While the information is accurate, the format is something

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that is not very user friendly, whether people are on their computers, tablets, or mobile devices. He stated he would like to have a more user friendly interface on the website for when the results come in, whatever that might be. Mr. Smith commented that there is difficulty showing, for instance, what precincts are in. There is no format that shows congressional districts, the format is district by district by district, which leads the viewer to try to extrapolate that information on their own. What Acclaim apparently provides is a web portal where they take our information and put it in several different formats. If someone wanted to look at how votes were coming in for a congressional district, or just Republicans or just Democrats, they provide a platform to drill down into these numbers on election night and thereafter. This is not available on the County website now. Dr. Foust asked if the current system has the ability to create this type of reporting. Mr. Smith stated they would have to work with the IT staff to see what is possible. Chairman Breneman stated that there is probably a limited way to do it and it would not be as fancy as what Acclaim is offering. Chairman Breneman stated it is up to the tech savviness of the IT staff and what they are able to provide. If the rest of the Board is agreeable, Chairman Breneman stated he would continue to follow up with John Yatsko and send everyone an example of some of the options for the web display of Election results. Mrs. Fatica also commented that Acclaims seems to be able to do a comparison and that would be something else to have when he's looking into it.

Franklin Township Referenda:

Mr. Smith stated that the office was contacted by some persons in Franklin Township who wanted to have a question placed on the ballot to go from five supervisors to three. The Election Code requires a 5% signature number, which of the 1107 Franklin Township electors comes to about 55. Three different circulators turned in petitions within the appropriate dates containing 95 signatures. These were received on July 12th, and there is a one week challenge period that follows. There were no challenges to the petition. It was brought to Mr. Smith's attention somewhat after the fact that these petitions, which the circulators constructed on their own, do not have a date next to the signature. There was no challenge. They were contacted within the timeframe of a couple of weeks, making it somewhat unlikely that someone went out long in advance and secured signatures. Mr. Smith stated it might behoove the Board to consider approving the matter contingent upon Attorney Talarico's examination. Mr. Smith commented that in past cases, petitions that didn't necessarily meet every construct of the law once accepted by our office have been routinely accepted by Judges in challenges. This was not challenged in any manner, it does meet the numerical requirements, and they are electors of Franklin Township that signed.

Dr. Foust asked regarding challenges in the past, has the date ever been a challenge? He felt that the date is a critical one, although there is a lack of

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possibility that they have been collecting them for six months, it's an open question and it is bothersome. Dr. Foust would not want to move on this until Attorney Talarico has ruled on it and he would be more comfortable after that, rather than before.

Mr. Leone stated that he feels the date is very critical because if you don't have the date then we don't know how long ago they started collecting. That is part of the issue as far as a referendum is concerned. Mr. Leone agreed with Dr. Foust and wants to see what Attorney Talarico has to say. He asked if the supervisors are in agreement with it and if they are, they could pass a resolution and that is all they would need.

Mr. Leone then commented regarding a no-fault absentee ballot and Mr. Horton indicated that he would talk to our representatives. He stated this has been going on for the past 15 years and every year, the Board has sent something down to CCAP. The only people who suffer with this are the people who are honest and they don't want to take the absentee ballot because you have to have a doctor's signature or are on vacation. They are not on vacation but they don't have the ability to be able to go up or down stairs or go to a voting site. Mr. Leone believes this is why it should be a no-fault ballot.

There being no further business, the meeting adjourned at 5:52 p.m.

Deneé M. Breter, Council Secretary