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ERIE COUNTY BOARD OF ELECTIONS – Reorganization Meeting

Mr. Douglas Smith, Clerk of Elections, called to order the 2016 Reorganization Meeting of the Erie County Board of Elections at 4:30 p.m. in the Erie County Council Caucus Room.

Mr. Smith then called the roll:

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

Members Absent: Mr. Leone

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

Nominations for Chair:

Mr. Smith opened the floor for nominations of Chair. Mr. Horton nominated Mr. Breneman and Dr. Foust seconded. Mr. Breneman's nomination then carried in a unanimous roll call vote.

Nominations for Vice Chair:

Mr. Smith then opened the floor for nominations of Vice Chair. Dr. Foust nominated Mrs. Fatica and Mr. DiMattio seconded. Mrs. Fatica's nomination then carried in a unanimous roll call vote.

Hearing of the Public:

Amanda Cox, Spartansburg, PA; Mrs. Cox read the following statement: "Dear Members of the Erie County Board of Elections, my name is Amanda Cox. I am a resident of Crawford County but I am here before you as a resident and voter in the Corry Area School District which is within your purview. I am delighted to have this opportunity to speak with you as I believe you are the correct group of elected officials who can right or wrong what was done, not just on my behalf but to the thousands of members of the electorate of Erie, Crawford, and Warren

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counties. As members of the governing body responsible, I expect you recall I am the individual who was incorrectly left off the original General Election ballot of November 3 of the past year as a duly nominated school board member for the Corry Area School District. You may also be aware that after I was forced to petition the Court to have my name properly returned to the ballot that I received more than 1,250 votes in the General Election with the paper ballots and did win a spot on the Corry School Board and I'm enjoying myself very much. As a point of interest, I was the top vote getter in Crawford County, the second highest vote getter by fewer than five votes in Warren County, but also received about half of my votes from Erie County.

As a refresher, I did give a copy of the petition and attachments that my lawyers filed with the copy of the Common Pleas to your Chair, and I made three copies regarding Judge Garhart's order to rightfully return me to the ballot, as well as some copies of pertinent pages of my annual campaign finance report and an invoice for your immediate attention and payment. You can certainly review that information but I would like to take the time to make a couple of points that I hope drive home to you the truly egregious nature of the actions taken in this matter by Erie County elected officials and employees, and your responsibility to acknowledge, apologize for, and rectify those actions.

When the error, omission, or possibly intention act of leaving me off the ballot was brought to the attention of the Erie County Voter Registration Offices, a full two weeks prior to the election, I was assured by the folks at all three County Voter offices, and as you know the other two counties must follow your lead because you're the home district, that my name was immediately added to the voting machines and new absentee ballots with my name on them were sent out. I have witnesses to both the absentee ballots and the fact that my name was added to the voting machines in Crawford and Warren. However, just one week prior to the election, while I was also dealing with my father being in the hospital for several weeks, I had discovered that I had again been removed from the ballot. I only found that out because my cousin is a Judge of Elections in Crawford County and we thought it was ridiculous. The next day I got a letter from Attorney Talarico who issued an opinion it was permissible to remove me from the ballot because I had not objected to the alleged failure of the Erie County Board of Elections to certify me as a candidate within the 20 days following the primary. That opinion proved to be nonsensical. When I ultimately received a copy of my Republican certificate of nomination, I noted it was not signed by Mr. DiMattio until ten days after those 20 days had expired, making what was said to be my responsibility completely impossible to meet, as I certainly could not object to allegedly not being certified before the actual certifications were completed. When I approached the Clerk, Mr. Smith, on the Wednesday before the election,

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regarding how to rectify this situation, he was nothing but lovely to me I must say; however, he said he was very sorry about the error but there was no way it could be fixed prior to the election. He did, however, steer me toward a write-in campaign and promised there would be an investigation into the matter following the election. I never met with Judge Garhart; it was filed with the Prothonotary Office, went to the Judge, and he said it was a done deal this definitely has to happen, a wrong has been done. Obviously, the Court found that it should and could be rectified prior to the election. Additionally, I have not been apprised of an investigation of any sort regarding my initial omission.

When I made the decision to engage legal counsel to rectify this wrong, I was told that it was rare to find someone willing to fight the government. That made me upset because I am not fighting the government. Far from it, I am fighting for the government and the rightful application of the law. The actions of those employed by the Erie County Board of Elections in this matter apparently sanctioned by you subverted the law and completely dismissed the will of the voting public. It was definitely something done to the voting electorate. How do you expect an average citizen such as myself to believe that they can affect any change when someone on a simple school board is told 'we're sorry, we left you off, there's nothing we can do about it'. This denied the voting public their stated intention to award me a spot on the General Election ballot as took place and where I clearly won the right to be on the ballot. This was wrong and could not stand.

I am not a wealthy person. I've been a social worker all my life, my parents are now ill and I've taken a part time job at a domestic violence shelter. I did not anticipate spending a great deal on what I believed would be a simple run for a local school board seat. I did not form a PAC. Mr. Breneman has a copy of my annual finance report. I did not solicit contributions of any kind from my community. All the costs were incurred solely by my husband and myself, a cost of \$6,500 of my personal money. There is no financial way for me to benefit from the school board, I just wanted to help my community. Since this was clearly an omission or error by public officials and/or employees of the Erie County Board of Elections, I am firmly requesting that you make me whole and return me to my financial situation prior to this fiasco by reimbursing my husband and I for the legal fees of \$6,583.00 incurred specifically to this situation. Please do the right thing and please don't force me to appeal to the Courts for satisfaction. Additionally, I implore you to restore the trust and good will of your electorate and I am requesting that the Erie County District Attorney complete a full and open investigation of how and why I was omitted from the ballot, and then implement whatever change is necessary to insure that no citizen running for any elected office under your responsibility need ever again be forced to petition

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the Court to right such a simple correction. Thank you for your time and I eagerly await your reply”.

Approval of Minutes:

Mr. Horton moved to approve the minutes from the November 23, 2015 regular meeting of the Election Board. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

Other Business:

Mr. Smith reported that they are moving along in terms of preparing for the 2016 primary. They will be publishing shortly a list of offices that will be on the ballot and he will provide the Board with a copy of that document.

Dr. Foust commented that outside of Ms. Cox’s immediate request of reimbursement of funds, what steps have been taken to insure this doesn’t happen again? Mr. Smith stated that it was a counting error. The office had the information and Mrs. Cox was left off. As that matter was brought to our attention not long before the election, Mr. Smith did seek Mr. Talarico’s opinion and the opinion he gave was not based on the idea that Mrs. Cox had been certified. We discovered that in fact she had been certified, so it was a series of errors on the Department’s part that led to that point. What has changed is that there will be formal documentation with the other counties involved. This is an unusual office in the sense that there are three counties as opposed to just Erie County. Communication between the three counties will become more formalized, more documented, and that includes especially election results so that an error like this will not happen again.

Mrs. Loll commented that she would like to see copies of the actual invoices that Mrs. Cox had. Mrs. Cox replied that she wanted to have some inkling that the Board might actually entertain paying them.

Mrs. Loll then commented that she would like the Board’s attorney to look into the situation.

Mrs. Cox countered that Attorney Talarico was the one who made the opinion that turned out to be in error. Mr. Smith replied stated that the opinion was given based on the facts he had at the time, it was consistent with the facts he had.

Mrs. Fatica thanked Mrs. Cox for her service on the school board. She stated it can be a thankless job but it can also be rewarding. Mrs. Fatica further commented that a mistake was made, they recognized it and are making sure it

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doesn't happen to someone else and she hopes that knowing this has been taken care of is of some help.

Mr. Horton wanted Mrs. Cox to clarify whether she had contacted the District Attorney's office. She stated that she has not but is thinking about it.

Mr. Breneman told Mrs. Cox if she had any other questions to feel free to submit them in writing.

There being no further business, the meeting adjourned at 5:45 p.m.

Deneé M. Breter, Council Secretary