



DAUPHIN COUNTY BOARD OF COMMISSIONERS

ELECTION BOARD

NOVEMBER 22, 2023

MEMBERS PRESENT

Judge John McNally, Chairman
Frank Lynch, Vice Chairman
Patricia Davies

STAFF PRESENT

Mike Pries, Commissioner; Chad Saylor, Commissioner; George P. Hartwick, III, Commissioner; J. Scott Burford, Chief Clerk; Joseph A. Curcillo, III, Esq., Solicitor; Mary K. Bateman, Controller; Vince Paese, Acting Treasurer; Chris Davis, Director of Budget & Finance; Jeff Enders, Director of Public Safety; Gerald Feaser, Jr., Director of Voter Registration/Elections; Fred Lighty, Esq., Solicitor's Office; Guy Beneventano, Esq., Solicitor's Office; Rebecca McCullough, Esq., Solicitor's Office; Chris Spackman, Voter Registration/Elections; Kelly Hostetter, Voter Registration/Elections; Donna Miller, Risk Manager; Ron Lutz, Information Technology; Katie Hornberger, Human Resources; Jessica Spandler, Commissioners' Office; Julie Mackey, Commissioners' Office; and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

James Roxbury, Tom Connolly, and Rev. Earl Harris

MINUTES

CALL TO ORDER

Judge McNally called the Election Board meeting to order.

APPROVAL OF MINUTES

It was moved by Mr. Lynch and seconded by Ms. Davies that the Election Board approve the November 15, 2023 Election Board Minutes; motion carried.

PUBLIC COMMENT

There was none.

FINAL CERTIFICATION OF THE VOTES CASE AT THE NOVEMBER 7, 2023 MUNICIPAL ELECTION

Mr. Feaser referred to Mr. Curcillo for comments.

Mr. Curcillo stated that he would like to advise the Board of Elections that it has been a very busy 12 hours. A lawsuit was filed in the United States District Court Western District of Pennsylvania. Dauphin County was dismissed as a defendant. In a 77-page opinion from the court that was just handed down November 21, 2023, and we received it late yesterday, Judge Baxter made the decision that the date required on the mail-in ballot is not a material breach of the election code. Judge Baxter based her opinion on the Civil Rights Act of 1964, holding that rejecting a ballot based on a technicality is a violation of the Civil Rights Act and not related to the voter's eligibility. The date required on an otherwise timely ballot is an immaterial breach. In Dauphin County, 112 ballots needed to be reconciled. We looked at the case even though Dauphin County was dismissed and concluded that the County does deal with civil rights. Discussions were held with the Bureau of Elections. The count is done. Dauphin County is in compliance, and it avoids any future lawsuits. He congratulated Jerry and his staff.

Judge McNally thanked Mr. Curcillo for getting the information to the Bureau so they could do the counting. Congratulations for being proactive in not waiting for a lawsuit.

Mr. Feaser stated that following last week's first certification, there have been no challenges or recounts. However, following a US Federal Court ruling issued yesterday, and upon advice of solicitors, the Bureau, this morning, opened, counted, and included vote totals from the 112 mailed ballots in which the voter did not include a date or put on an incorrect date. The addition of these 112 ballots does not change the outcome of any results of any races; the winners from last week remain the winners this week.

The turnout – Total countywide turnout was 34%, including in-person, mailed and provisional ballots. With the additional 112 voted ballots being included just this morning, they were unable to rerun the breakdown by party by precinct. Those figures will change slightly.

The mail-in and absentee totals – The only change in mail-in and absentee ballot totals is the number received late. As of November 21, the Bureau received 123 ballots after

8:00 p.m. on November 7, 2023. Also, in light of yesterday's court ruling, the Bureau rejected 246 of the returned ballots.

Write-in Elections – Today, at 11:30 a.m., they will hold the casting of lots to break tie elections for those involved in write-ins. The Bureau will notify all write-in winners of their election and provide the paperwork needed to accept election prior to issuing election certificates. Anyone who declines will create a vacancy which the local governing body will be able to fill until the 2025 municipal election, at which time the balance of the term will appear on the ballot.

He respectfully requested that the Board of Elections provide final certification.

It was moved by Mr. Lynch and seconded by Ms. Davies that the Board approve the Final Certification of the Votes Cast at the November 7, 2023 Municipal Election.

Question: Judge McNally – Aye; Mr. Lynch – Aye; and Ms. Davies – Aye; motion carried.

Mr. Feaser noted that Ms. Davies will stop by the office on Monday to sign the Final Certification.

ADJOURNMENT

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

Transcribed by: Richie-Ann Martz