

**November 12, 2021 Post-Election Meeting of the Delaware County Board of Elections
Meeting Minutes**

In Attendance:

Gerald Lawrence, Chairman
Ashley Lunkenheimer, Board Member
John P. McBlain, Board Member
William Martin, Solicitor
Jim Allen, Director of Elections
Crystal Winterbottom, Voter Registration

Michael Puppio attorney for Mr. Agovino and Mr. Lombardo
Lawrence E. Weigand III, Marcus Hook
Deborah Truscello
Chris Ruane, Collingdale

Mr. Lawrence called the meeting to order

Pledge of Allegiance

Consideration of Agenda.

Approval of Minutes. No minutes to approve

Director of Elections Report: Department of State issued notice of statewide recount for office of the Commonwealth Court. Mr. Allen gave details and stated the recount would begin Nov. 17.

Consideration of recommendations regarding certain absentee envelopes, pursuant to order of the Court of Common Pleas: Mr. Allen explained how 65 envelopes in 6 precincts required special review under Court order. Ms. Lunkenheimer moved to accept the recommendations on counting or not counting the 65 ballots and Mr. McBlain seconded the motion. Mr. Puppio made comment, asking that the Board allow verification of the correct ballot styles in these envelopes. Mr. Lawrence suggested voting and that staff take no action for 48 hours to allow watchers confirm that the correct ballot styles were in the secrecy envelopes while safeguarding the secrecy of the ballots. Motion was amended by Ms. Lunkenheimer and seconded by Mr. McBlain to process the 65 envelopes from each precinct to verify correct ballot styles.

Public comments were heard. Motion was approved 3-0.

Next, Mr. Lawrence gave an overview of the process of challenges filed to 37 provisional ballots. Ms. Winterbottom presented the first nine in Group A did not sign Box 2 affidavit. Ms. Lunkenheimer moved and Mr. McBlain seconded a motion not to count the 1st through 9th ballots in Group A. Discussion focused on the voters' need to sign the first affidavit in Box 2 and/or the second affidavit in Box 4. Motion to not count was approved 3-0.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to not count the 10th challenged provisional ballot. Motion was approved.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to not count the 11th challenged provisional ballot. Motion was approved 3-0.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion not to count the 12th and 13th challenged provisional ballots. Motion was approved 3-0.

The Board temporarily set aside deciding the 14th challenged provisional ballot.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to count the 15th, 16th and 17th challenged provisional ballots. Mr. McBlain said he seconded the motion for discussion only and believed two signatures were necessary. Ms. Lunkenheimer supported accepting one signature based on solicitor's recommendation that the voter's lone signature showed intent to comply with the law. Motion approved 2-1.

The objections to the 18th, 19th, 20th and 21st challenged provisional ballots were withdrawn as the administrative determinations were to not count those ballots.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to not count the 22nd challenged provisional ballot. Motion approved 3-0.

Objections to the 23rd, 24th, 25th, 26th, 27th, 28th, 29th, and 30th challenged provisional ballots were withdrawn.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to partially count the 31st challenged provisional ballot based on the voter being registered but voting in the wrong precinct. Motion approved 3-0.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to sustain the objection and count the 32nd challenged provisional ballot based on the voter having reported not having received a secrecy ballot. Motion approved 2-1.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to not count the 33rd challenged provisional ballot. Motion approved 3-0.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to partially count the 34th challenged provisional ballot. Motion failed 3-0, meaning ballot to be counted in full.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to partially count the 35th challenged provisional ballot. Motion failed 3-0, meaning ballot to be counted in full.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to count the 36th challenged provisional ballot. Motion approved 3-0.

Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to dismiss the objection and not count the 37th challenged provisional ballot. Motion approved 3-0.

The Board returned to the subject of the 14th challenged provisional ballot. Ms. Lunkenheimer moved and Mr. McBlain seconded a motion to sustain the objection and to count the ballot. Motion approved 3-0.

Public comments were heard. During the Board Members' comments, the Chair instructed Ms. Winterbottom to review other provisional ballots in an effort to be consistent with decisions made during the meeting.

The next meeting was the certification of results and was scheduled for November 18, 2021.

The meeting was adjourned.