

LANCASTER COUNTY ELECTION BOARD MEETING
FRIDAY, MAY 26, 2022

The Board of Elections met today for an Election Board Meeting.

Present at today's meeting:

Ray D'Agostino, Chairman
Joshua G. Parsons, Vice-Chairman
John B. Trescot
BOARD OF ELECTIONS

Also present:

Todd Bartos, Esq.
Dr. Oz's campaign

Christa Miller, Chief Clerk/Registrar
BOARD OF ELECTIONS

Commissioner D'Agostino called the meeting to order at 10:00 a.m.

Commissioner D'Agostino announced approval of the May 16, 2022, Election Board minutes, May 17, 2022, Election Board minutes and the May 20, 2022, Election Board minutes.

2022 Primary Election Update

Ms. Miller reported that 662 provisional ballots have been scanned, and 29 military and overseas ballots have been opened. Total amount of voters is 111,951; 22,025 were mail ballots and 89,928 of those were from the polls (provisionals were included in those numbers). The overall turnout was 38.7 percent. Currently, there are 15,299 write-ins and the counting of those should be completed on Tuesday. The 16,300 remarked ballots were able to be done in 48 hours. The recount will be started on Tuesday. A new high-speed scanner will be arriving soon. Everything is required to be done by June 7 at noon and then results must be filed with the Department of State by June 8 at noon.

The Commissioners thanked Ms. Miller and her staff for their professionalism and hard work amidst all the challenges and said their efforts have not gone unnoticed across all parties and in the community. Commissioner Parsons said this has been another chaotic election cycle around the Commonwealth ever since Act 77 was passed and that continues with the recount.

When asked to explain the recount process, Ms. Miller said each candidate can have two watchers and a lawyer present at the time. The media is also able to be present to witness the process.

Undated Mail Ballots

Ms. Miller said there were 84 undated ballots; 38 Republican ballots and 46 Democratic ballots. Those ballots have been segregated and unopened.

Commissioner Parsons said his understanding is that the current statutory law states electors shall fill out, sign and date the declaration on the printed envelope.

Commissioner D'Agostino said he agrees that the current law states that the date is needed on the ballot to be valid.

Hearing on Challenges to Provisional Ballots

Commissioner D'Agostino said this is the first time the County has gone through the process of provisional ballots being challenged. There are 10 provisional ballots being challenged by one or both of the campaigns.

Ms. Pfirsich said all parties, both McCormick and Oz campaigns, were provided with verbal notice of the time and date of the hearing. The meeting was also advertised, per the Sunshine Law.

Mr. Bartos of Bartos Group LLC, identified himself as representing Dr. Oz for Senate.

Commissioner D'Agostino opened the hearing at 10:18 a.m.

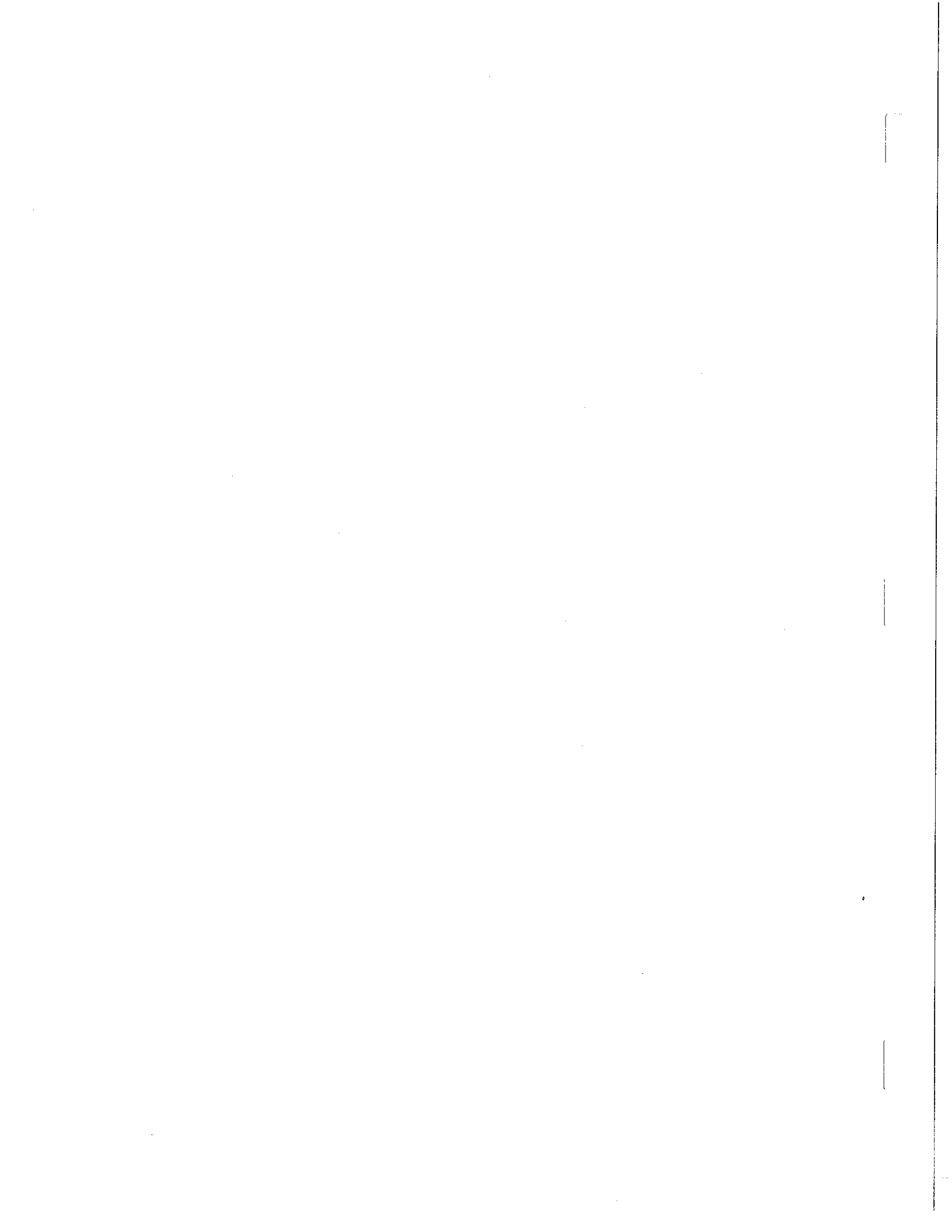
On motion of Commissioner Parsons, seconded by Commissioner D'Agostino, the meeting adjourned at 10:34 a.m.

Motion passed unanimously.

Respectfully submitted,



Lynn Commero, Executive Assistant
Commissioners' Office



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LANCASTER COUNTY ELECTION BOARD MEETING

- - -

Thursday, May 26, 2022

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COMMISSIONER RAY D'AGOSTINO, CHAIRMAN
COMMISSIONER JOSHUA G. PARSON, VICE CHAIRMAN
COMMISSIONER JOHN TRESLOT

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Hearing on Challenges to Provisional Ballots

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APPEARANCES:

Jacqueline Pfursich, Esquire
Lancaster County Solicitor

Todd R. Bartos, J.D.
The Bartos Group, LLC
For - Dr. Oz Campaign and Mehmet Oz

Christa Miller
Chief Clerk/Chief Registrar, Board of Elections

P R O C E E D I N G S

(10:14 a.m.)

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3 COMMISSIONER D'AGOSTINO: I'm ready to move on
4 to Item 4.c. This is a hearing on challenge to
5 provisional ballots.

6 I will note that, in asking around here in the
7 County, we're not aware of challenges to provisional
8 ballots before. So this will be the first time we're
9 actually going through this process.

10 I will outline the process. It's actually
11 outlined somewhat in the Election Code, but the way this
12 is gonna work is, my understanding is there is 10
13 provisional ballots that are being challenged by one or
14 both of the campaigns.

15 We're gonna ask Christa Miller, our Chief of
16 Elections here, to come up, and we're gonna go by -- one
17 by one through these challenged ballots, where they'll
18 be presented. There will be no name, just the fact that
19 the ballot -- why it's being challenged, who is
20 challenging it, give the challenger the opportunity to
21 come forward and speak on the challenge.

22 And then the Board will be able to ask
23 questions, and ultimately we'll make a decision on each
24 ballot individually.

25 We do have a stenographer here. The -- the

1 | Law, the Election Code, does state we have to have a
2 | stenographer.

3 | I will say that the Election Code, and I'll
4 | talk to -- speak to Jackie, Jackie can weigh in on this,
5 | this is not like we're a court hearing where there's any
6 | procedures of evidence, what have you.

7 | It's just that we -- we have to have the
8 | ability to have people come forward and present their
9 | case, and then we can ask questions and get information;
10 | is that correct?

11 | ATTORNEY PFURSICH: Correct. Under Section 25
12 | P.S. 3050(a.4), it specifically indicates that the
13 | County Board should not be bound by the Board -- or by
14 | the Pennsylvania Rules of Evidence.

15 | I will just point out for purposes of the
16 | hearing and the record that as far as notice was
17 | concerned, all parties, both the McCormick campaign as
18 | well as the Oz campaign, were provided with verbal
19 | notice of the time and date of this hearing. They were
20 | provided to counsel.

21 | In addition, per purposes of Sunshine, we did
22 | provide notice of this through a -- an advertised
23 | meeting in accordance with Sunshine.

24 | I will note that there is an attorney present
25 | who I would like to identify himself on behalf of the Oz

1 campaign, but looking around the room we have not had an
2 attorney who is representing the Dave McCormick campaign
3 at this time, although they -- again, they were provided
4 notice previously of this hearing.

5 COMMISSIONER D'AGOSTINO: Thank you. So we'll
6 proceed.

7 ATTORNEY PFURSICH: Can we have --

8 COMMISSIONER D'AGOSTINO: Oh.

9 ATTORNEY PFURSICH: Introduce yourself.

10 COMMISSIONER D'AGOSTINO: Introduce yourself.

11 ATTORNEY BARTOS: Good morning. May it please
12 the Board, Todd Bartos, Bartos Group, LLC.

13 COMMISSIONER PARSONS: You can come up so we
14 can get you on the live stream, --

15 ATTORNEY BARTOS: Fair enough.

16 COMMISSIONER D'AGOSTINO: You can raise that
17 mic there.

18 ATTORNEY BARTOS: Good morning. May it please
19 the Board, my name is Todd Bartos. I am an attorney
20 here in Lancaster with Bartos Group, LLC, and I have the
21 privilege of representing Dr. Oz for Senate and
22 Dr. Mehmet Oz. Thank you.

23 COMMISSIONER D'AGOSTINO: Thank you.

24 Christa, come on up and --

25 COMMISSIONER PARSONS: Do you want to

1 | officially open the hearing? Since it's a separate
2 | hearing you may want to just --

3 | COMMISSIONER D'AGOSTINO: Sure.

4 | COMMISSIONER PARSONS: -- indicate that.

5 | COMMISSIONER D'AGOSTINO: We'll -- we'll open
6 | the hearing on provisional ballot challenges at this
7 | time. Please note the time at 10:18.

8 | Christa, proceed.

9 | CHRISTA MILLER: Sure.

10 | Ballot 1, this ballot was challenged for no
11 | voter signature on the Voter Affidavit on Section 2 of
12 | the provisional ballot envelope. The challenger was the
13 | Oz campaign.

14 | COMMISSIONER D'AGOSTINO: And can someone
15 | please give us the relevant section of the Election Code
16 | that deals with this?

17 | Is that you?

18 | ATTORNEY PFURSICH: Why don't we have the
19 | attorney, since it's their challenge, we'll have them
20 | provide that section.

21 | COMMISSIONER D'AGOSTINO: You want to do that
22 | first? Sure.

23 | Mr. Bartos, come on up.

24 | ATTORNEY BARTOS: I apologize, I do not have my
25 | Election Code in front of me completely.

1 However, the provisionals, much like the
2 absentee and the mail-in, are to be signed by the
3 elector, and an unsigned ballot is an invalid ballot
4 and, therefore, should not be counted.

5 COMMISSIONER D'AGOSTINO: Thank you.

6 And I'm pretty sure our solicitor has the
7 relevant Code. So go ahead.

8 ATTORNEY BARTOS: Thank you. I appreciate
9 that, Jackie.

10 ATTORNEY PFURSICH: Uh-huh.

11 ATTORNEY BARTOS: And, more specifically, 25
12 P.S. 3050(a.4)(3), the envelope signature requirement
13 for provisional ballot.

14 After the provisional ballot has been cast, the
15 individual shall place it in a secrecy envelope. The
16 individual shall place the secrecy envelope in the
17 provisional ballot envelope and shall place his
18 signature on the front of the provisional ballot
19 envelope.

20 All provisional ballots shall remain sealed in
21 their provisional ballot envelopes for return to the
22 County Board of Elections.

23 And then, of course, under I think
24 3050(a.4)(5)(ii), if the ballot does not have the
25 signature required under the clause then it shall be

1 rejected.

2 COMMISSIONER D'AGOSTINO: Thank you.

3 Anything further on what we're calling Ballot 1
4 from -- from you, Mr. Bartos?

5 ATTORNEY BARTOS: Nothing else on Ballot 1.

6 Just to the extent other ballots also have the
7 similar defect, we would just make the same argument.

8 COMMISSIONER D'AGOSTINO: Thank you.

9 okay. Commissioners, any comments or questions
10 relative to the issue of Ballot 1 with no signature?

11 COMMISSIONER PARSONS: Well, provisionals are a
12 little different from mail-in ballots in that you're
13 doing it at a polling place; presumably a voter came in
14 for some reason, they couldn't vote a regular ballot,
15 the Judge of Elections was giving them a provisional
16 ballot. And presumably the Judge of Elections would
17 also inform them as to how to do that. It's hard for us
18 to know whether that happened or not.

19 Regardless, the law is very clear. It says the
20 ballot shall be rejected for these reasons, and this is
21 one of those reasons. So I don't see us having any
22 leeway in that matter.

23 COMMISSIONER D'AGOSTINO: Go ahead,
24 Commissioner.

25 COMMISSIONER TRESKOT: Having worked as a Judge

1 of Election, in looking at this, there are actually two
2 places to sign on a provisional ballot; one before
3 you -- you're stating basically signing where you live,
4 and then you're given the ballot and then you go and
5 vote and then you put it in a secrecy envelope. And
6 then you come back, and then in front of the Judge you
7 sign your elector's declaration.

8 Now, as you read the law, and not being a
9 lawyer, it says, shall sign. It doesn't say, shall sign
10 twice. And the only thing that is actually signed as an
11 elector is in Block 4.

12 So when I look at this as -- now, did the Judge
13 of Elections, whoever that was, didn't check, that's
14 what you're supposed to do, is to check, did the person
15 sign before you give them a ballot and they're supposed
16 to sign when they turn it back in? Okay, there was
17 something.

18 But as Commissioner Parsons mentioned, this is,
19 in fact, somebody who has physically shown up at the
20 polling place. Often they're doing a provisional ballot
21 because they have wanted to do a mail-in ballot and the
22 records show on the polling book that they have received
23 their ballot but they want to vote anyway so they are
24 then given a provisional ballot cause they didn't bring
25 their mail-in ballot with them.

1 So when I look at the signature, because
2 further down here there's a challenge about signature on
3 Section 4 of the ballot, which is actually where the
4 elector signs saying I am signing as an elector, to me,
5 that's the signature that should be relevant to the law
6 as read out.

7 So in my mind, the challenges about the
8 signature relevant to Section 2 I don't see as something
9 that should stop an elector from being able to vote if
10 the provisional ballot checks out once it's opened up.

11 COMMISSIONER D'AGOSTINO: I guess the question
12 is, under the Section 3050(a.4)(5)(ii) it says,
13 provisional ballot shall not be counted if either the
14 provisional ballot envelope under clause (3) or the
15 affidavit under clause (2) is not signed by the
16 individual. I guess I'm questioning what that is
17 referring to.

18 ATTORNEY PFURSICH: So clause (2) under the
19 Election Code specifically indicates the affidavit that
20 is required to be filled out and completed by the
21 elector --

22 COMMISSIONER D'AGOSTINO: Supposed.

23 ATTORNEY PFURSICH: -- and presented to --
24 Correct.

25 So -- and then the clause (3) would then be the

1 signature that occurs after the ballot has been
2 completed and handed back in and put into the secrecy
3 envelope.

4 COMMISSIONER D'AGOSTINO: So that seems to
5 answer --

6 COMMISSIONER TRECOT: Okay. So --

7 ATTORNEY PFURSICH: Okay.

8 COMMISSIONER TRECOT: -- that was read out.
9 Okay. So that's a -- that's a further thing.

10 COMMISSIONER D'AGOSTINO: Okay.

11 COMMISSIONER TRECOT: I accept that.

12 COMMISSIONER D'AGOSTINO: Okay. Anything --

13 COMMISSIONER PARSONS: So just to be clear, if
14 either one, --

15 COMMISSIONER D'AGOSTINO: Right.

16 COMMISSIONER PARSONS: -- it shall be rejected?

17 ATTORNEY PFURSICH: That is correct.

18 COMMISSIONER D'AGOSTINO: Correct. Yeah.

19 COMMISSIONER TRECOT: Okay. Then that's --

20 COMMISSIONER D'AGOSTINO: I appreciate -- I
21 appreciate that though. I want to make sure we double
22 check the Code and go by the law.

23 COMMISSIONER TRECOT: We're working through
24 it.

25 COMMISSIONER D'AGOSTINO: Yep.

1 All right. I don't -- is there -- Jackie,
2 again, not having done this before, do we allow any
3 other comments or is it just for us to -- to then vote
4 on this?

5 ATTORNEY PFURSICH: I would just have one call
6 last -- one last call to see whether or not there is a
7 representative from the McCormick campaign who would
8 like to provide argument or comment to the Board.

9 COMMISSIONER D'AGOSTINO: There you go.
10 Is there anyone from the McCormick campaign
11 here that would like to comment?

12 (No response.)

13 COMMISSIONER D'AGOSTINO: Okay. I don't see
14 anyone, so then I believe a motion is in order to
15 effectively deal with this ballot.

16 My understanding is that it would not be
17 counted.

18 COMMISSIONER PARSONS: So I'll make a motion to
19 reject Ballot 1 in accordance with the Election Code.

20 COMMISSIONER TRESCOT: Second.

21 COMMISSIONER D'AGOSTINO: We have a motion and
22 a second. Any further comments or questions?

23 Seeing and hearing none, we'll take a vote on
24 the motion.

25 All those in favor, signify by saying aye.

1 Aye.

2 COMMISSION PARSONS: Aye.

3 COMMISSIONER TRESCOT: Aye.

4 COMMISSIONER D'AGOSTINO: Any opposed?

5 (No response.)

6 COMMISSIONER D'AGOSTINO: The motion carries.

7 The ballot will be rejected.

8 Ballot Number 2.

9 CHRISTA MILLER: Ballot Number 2 is being
10 challenged for no voter signature on the Voter Affidavit
11 of Section 2 of the provisional ballot envelope. The
12 challenger was the Oz campaign.

13 COMMISSIONER D'AGOSTINO: I'm assuming it's the
14 same argument as before?

15 ATTORNEY BARTOS: Yes. With respect to
16 unsigned provisionals in either of the signature
17 sections we would lodge the same objection and request
18 that those votes be rejected.

19 COMMISSIONER D'AGOSTINO: Okay. Then I don't
20 see a need for any further comment -- discussion on this
21 unless the Board thinks so. If not, then we'll just
22 entertain a motion.

23 COMMISSIONER PARSONS: I'll make a motion to
24 reject Ballot 2.

25 COMMISSIONER TRESCOT: Second.

1 COMMISSIONER D'AGOSTINO: We have a motion and
2 a second to reject Ballot 2. Any further comments or
3 questions?

4 Hearing none, all those in favor, signify by
5 saying aye.

6 Aye.

7 COMMISSION PARSONS: Aye.

8 COMMISSIONER TRECOT: Aye.

9 COMMISSIONER D'AGOSTINO: Any opposed?

10 (No response.)

11 COMMISSIONER D'AGOSTINO: Ballot 2 is rejected.
12 Ballot 3.

13 CHRISTA MILLER: Ballot 3 is also being
14 challenged for no voter signature on the Voter Affidavit
15 of the Section 2 of the provisional ballot envelope.
16 The challenger, again, was the Oz campaign.

17 COMMISSIONER D'AGOSTINO: Mr. Bartos, we can
18 stipulate that it's the same argument? Would you be
19 willing to do that? We can get that on the record.

20 ATTORNEY BARTOS: Yes, we would so stipulate,
21 and we appreciate the Board's recommendation on its
22 stipulation.

23 COMMISSIONER D'AGOSTINO: Then I'll entertain a
24 motion.

25 COMMISSIONER PARSONS: I'll make a motion to

1 reject Ballot 3.

2 COMMISSIONER TRECOT: Second.

3 COMMISSIONER D'AGOSTINO: The motion is
4 seconded to reject Ballot 3. Any further comments or
5 questions?

6 Then all those in favor, signify by saying aye.
7 Aye.

8 COMMISSION PARSONS: Aye.

9 COMMISSIONER TRECOT: Aye.

10 COMMISSIONER D'AGOSTINO: Any opposed?

11 (No response.)

12 COMMISSIONER D'AGOSTINO: Motion carries.

13 And by the way, the Code does say we have to
14 take these individually, so that's why we're doing this.

15 So Ballot 4.

16 CHRISTA MILLER: Ballot 4 was, again,
17 challenged for the no voter signature on the Voter
18 Affidavit of Section 2 of the provisional ballot
19 envelope. This was challenged by both the Oz and the
20 McCormick campaign.

21 COMMISSIONER D'AGOSTINO: Since the Oz
22 campaign's here, you'll stipulate to the same arguments
23 as before?

24 ATTORNEY BARTOS: Yes, I'll -- I'll stipulate.
25 Thank you.

1 COMMISSIONER D'AGOSTINO: Sure.

2 Then we'll have a motion, Ballot 4.

3 COMMISSIONER PARSONS: I'll make a motion to
4 reject Ballot 4.

5 COMMISSIONER TRECOT: Second.

6 COMMISSIONER D'AGOSTINO: We have a motion and
7 a second to reject Ballot 4. Any other comments or
8 questions on this?

9 All those in favor, signify by saying aye.

10 Aye.

11 COMMISSIONER PARSONS: Aye.

12 COMMISSIONER TRECOT: Aye.

13 COMMISSIONER D'AGOSTINO: Any opposed?

14 (No response.)

15 COMMISSIONER D'AGOSTINO: Motion carries.

16 Ballot 4 is rejected.

17 Ballot 5.

18 CHRISTA MILLER: Ballot 5, again, challenge for
19 no voter signature on the Voter Affidavit of Section 2
20 of the provisional ballot envelope. This, again, was
21 challenged by both the Oz and the McCormick campaigns.

22 COMMISSIONER D'AGOSTINO: You know the drill.

23 ATTORNEY BARTOS: And, again, for the record,
24 we -- we so stipulate.

25 COMMISSIONER D'AGOSTINO: Comments or

1 questions or I would just entertain a motion?

2 COMMISSIONER PARSON: I'll make a motion to
3 reject Ballot 5.

4 COMMISSIONER TRECOT: Second.

5 COMMISSIONER D'AGOSTINO: Motion seconded. Any
6 comments or questions?

7 Hearing none, then all those in favor of the
8 motion to reject Ballot 5 say aye.

9 Aye.

10 COMMISSION PARSONS: Aye.

11 COMMISSIONER TRECOT: Aye

12 COMMISSIONER D'AGOSTINO: Any opposed?

13 (No response.)

14 COMMISSIONER D'AGOSTINO: Motion carries.

15 Ballot 6.

16 CHRISTA MILLER: Okay. Again, challenge by --
17 for no voter signature on the Voter Affidavit of Section
18 2 of the provisional ballot envelope, again, challenged
19 by both the Oz and the McCormick campaigns.

20 ATTORNEY BARTOS: Good morning. And, again,
21 the Dr. Oz campaign, similar arguments and I'd so
22 stipulate it.

23 COMMISSIONER D'AGOSTINO: Okay. Motion?

24 COMMISSIONER PARSONS: I make a motion to
25 reject Ballot 6.

1 COMMISSIONER TRECOT: Second.

2 COMMISSIONER D'AGOSTINO: A motion and a
3 second. Any further conversation or discussion?

4 Okay. Then we'll take a vote on Ballot 6. All
5 those in favor, signify by saying aye.

6 Aye.

7 COMMISSION PARSONS: Aye.

8 COMMISSIONER TRECOT: Aye.

9 COMMISSIONER D'AGOSTINO: Any opposed?

10 (No response.)

11 COMMISSIONER D'AGOSTINO: Ballot 6 is rejected.

12 Ballot 7. Now, this is a different section.

13 Go ahead.

14 CHRISTA MILLER: Yes. So this one was
15 challenged for no voter signature on the Voter Signature
16 or the Voter Declaration on Section 4 of the provisional
17 ballot envelope, and this was challenged by the Oz
18 campaign.

19 ATTORNEY BARTOS: Correct.

20 COMMISSIONER D'AGOSTINO: I think before you
21 cited that relevant section, as well, so if you want
22 to --

23 ATTORNEY BARTOS: Yes. Again, under Section
24 3050 and its subsections, signature is required in both
25 locations.

1 This is a different location than what we've
2 been discussing previously, but the argument remains the
3 same and the shall language is also still in the Statute
4 with respect to this section of the provisional.

5 COMMISSIONER D'AGOSTINO: Okay. Then I'll
6 accept a motion on Ballot 7.

7 COMMISSIONER PARSONS: I make a motion that
8 Ballot 7 be rejected in accordance with the Election
9 Code.

10 COMMISSIONER TRECOT: Second.

11 COMMISSIONER D'AGOSTINO: We have a motion and
12 a second. All -- any discussion?

13 Then all those in favor of rejecting Ballot 7
14 signify by saying aye.

15 Aye.

16 COMMISSIONER PARSONS: Aye.

17 COMMISSIONER TRECOT: Aye.

18 COMMISSIONER D'AGOSTINO: Any opposed?

19 (No response.)

20 COMMISSIONER D'AGOSTINO: Motion carries.
21 Ballot 8.

22 CHRISTA MILLER: This is our last voter
23 signature. This is challenge for no voter signature,
24 again, on the Voter Signature and Voter Declaration on
25 section 4 of the provisional ballot envelope. The

1 challenger was both the Oz and the McCormick campaigns.

2 ATTORNEY BARTOS: Again, similar arguments as
3 before. Stipulated. Thank you.

4 COMMISSIONER D'AGOSTINO: Sure.

5 I'll take a motion on Ballot 8.

6 COMMISSIONER PARSONS: I'll make a motion that
7 Ballot 8 be rejected.

8 COMMISSIONER TRECOT: Second.

9 COMMISSION D'AGOSTINO: A motion and a second.
10 Any further discussion?

11 Then all those in favor of rejecting Ballot 8
12 signify by saying aye.

13 Aye.

14 COMMISSION PARSONS: Aye.

15 COMMISSIONER TRECOT: Aye.

16 COMMISSIONER D'AGOSTINO: Any opposed?

17 (No response.)

18 COMMISSIONER D'AGOSTINO: Motion carries.

19 All right. We have two -- two more, and these
20 are similar in nature. So would you go through -- this
21 is Ballot Number 9.

22 CHRISTA MILLER: Correct. Ballot Number 9,

23 this -- and this one was opened. It was accepted.

24 However, when we opened it there was no secrecy envelope

25 inside, the ballot was just placed in.

1 We did call the Judge of Elections to confirm
2 whether they gave secrecy envelopes to the voters or
3 not, and they confirmed that they did give secrecy
4 envelopes to the voters.

5 Apologies, and this -- the challenger on this
6 was the McCormick campaign.

7 COMMISSIONER D'AGOSTINO: And the McCormick
8 campaign, one more time, anyone here representing the
9 McCormick campaign to speak to this challenge?

10 (No response.)

11 COMMISSIONER D'AGOSTINO: No one.

12 We'll give the other campaign an opportunity,
13 if you want to say anything.

14 ATTORNEY BARTOS: Thank you. May it please the
15 Board, again, just for consistency, under 3050, way down
16 in subsection (C), (ii)(c), a provisional ballot should
17 not be counted if a provisional ballot envelope does not
18 contain a secrecy envelope.

19 Again, consistent with our prior arguments, by
20 failing to meet the Statutory requirements and
21 requisites, and consistent with Supreme Court opinion on
22 these similar issues, we would ask that it be rejected.

23 COMMISSIONER D'AGOSTINO: Thank you.

24 Comments or questions from the Board on this
25 item?

1 COMMISSIONER PARSONS: So even though you're
2 not the challenger in this case, you agree with the
3 argument that it should be rejected?

4 ATTORNEY BARTOS: Yes, we do.

5 COMMISSIONER PARSONS: Okay.

6 COMMISSIONER D'AGOSTINO: Then do you have a
7 motion?

8 COMMISSIONER PARSONS: I agree. I'll make a
9 motion as to Ballot 9, that it be rejected.

10 COMMISSIONER TRECOT: Second.

11 COMMISSIONER D'AGOSTINO: We have a motion and
12 a second. Any further comments or questions?

13 Seeing none, we'll take a vote to reject Ballot
14 9. All those in favor, signify by saying aye.

15 Aye.

16 COMMISSIONER PARSONS: Aye.

17 COMMISSIONER TRECOT: Aye.

18 COMMISSIONER D'AGOSTINO: Any opposed?

19 (No response.)

20 COMMISSIONER D'AGOSTINO: Motion carries.

21 And our last ballot, Ballot 10.

22 CHRISTA MILLER: Ballot 10 was also rejected
23 or -- or challenged for the ballot not being in a
24 secrecy envelope.

25 Again, we did speak with a Judge to confirm if

1 they gave out the appropriate supplies, and they
2 confirmed that they did give out the secrecy envelope.

3 And the challenger, again, was the McCormick
4 campaign.

5 COMMISSIONER D'AGOSTINO: And I didn't see
6 anybody walk in so I'm assuming nobody's still here from
7 the McCormick campaign.

8 So we'll go to the Oz campaign.

9 ATTORNEY BARTOS: Yes. And, again, good
10 morning. As stated earlier, for consistency, any
11 defects in the provisional, much like defects in the
12 mail-in ballots, there's shall language, it shall be
13 rejected.

14 And as unfortunate as it is for a potential
15 vote to be rejected, failure to meet the Statutory
16 criteria, especially when the Judge of Elections at the
17 local voting location has given the secrecy envelope,
18 the voter has chosen not to, then it hasn't met the
19 Statutory criteria and should be rejected.

20 COMMISSIONER D'AGOSTINO: Okay. Then I'll
21 entertain a motion.

22 COMMISSIONER PARSONS: I'll make a motion to
23 reject Ballot 10.

24 COMMISSIONER TRECOT: Second.

25 COMMISSIONER D'AGOSTINO: We have a motion and

1 a second to reject Ballot 10. Any comments or
2 questions?

3 All of those in favor, signify by saying aye.
4 Aye.

5 COMMISSIONER PARSONS: Aye.

6 COMMISSIONER TRESKOT: Aye.

7 COMMISSIONER D'AGOSTINO: Any opposed?

8 (No response.)

9 COMMISSIONER D'AGOSTINO: Motion carries as
10 Ballot 10 is rejected.

11 That is all that I see that we have with
12 respect to the hearing on challenges to provisional
13 ballots.

14 Is there anything else relative to challenges
15 to the provisional ballots?

16 If not, then I see no cause not to close the
17 hearing. So I will close the hearing portion of this
18 meeting.

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20 (The hearing concluded at 10:33 a.m.)

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