

Meeting of the Fulton County Commissioners – Tuesday, November 1, 2022  
8:30 a.m. at the Commissioners' Office

**Present:** Commissioner Ulsh, Commissioner Bunch & Commissioner Shives

**Absent:** None

**Others Present:** Fulton County Residents, James Leslie & Brad Wissinger

Commissioner Ulsh opened the meeting with silent prayer and all recited the Pledge of Allegiance to the flag.

Commissioner Ulsh opened up the floor for public comments. Fulton County residents James Leslie and Brad Wissinger both presented petitions to the Commissioners to hand count ballots for the 2022 General Election. Commissioner Ulsh stated that the matter would have to be discussed with the County Solicitor to see if it could be done. Attorney Stein was contacted by telephone to discuss the matter and advised the Commissioners according to the following statute of the Election Code; 25 P.S. § 3031.17 Statistical Sample, *"The county board of elections, as part of the computation and canvass of returns, shall conduct a statistical recount of a random sample of ballots after each election using manual, mechanical or electronic devices of a type different than those used for the specific election. The sample shall include at least two (2) per centum of the votes cast or two thousand (2,000) votes whichever is the lesser"*. Attorney Stein also advised the Commissioners according to Statutes 25 P.S. § 3261 and 25 P.S. § 3262 (see attached), that three qualified electors of the county would have to file petitions with the Court for hand counting of ballots if they have a reasonable belief that there was specific fraud or error after the election. Elections Director Patti Hess was also in attendance for the discussion.

**Motion by Commissioner Shives to approve the Commissioners' Minutes of the October 25, 2022 meeting. All in favor.**

**Motion by Commissioner Shives to approve the Accounts Payable dated October 31, 2022 in the amount of \$227,337.78. All in favor.**

Fund 100	General Fund	178,772.21
	Manual Checks	\$0.00
	<b>TOTAL GENERAL FUND</b>	<b>\$178,772.21</b>
Fund 201	Liquid Fuels	1,510.33
Fund 235	Law Library	246.10
Fund 247	CDBG	13,974.84
Fund 262	Act 13 Marcellus Shale Recreational	950.00
Fund 269	DCED Grant Funds-Election Integrity	3,153.15
Fund 400	Debt Service	28,731.15
	<b>TOTAL ALL FUNDS</b>	<b>\$227,337.78</b>

**Motion by Commissioner Bunch to approve Payroll dated November 4, 2022 in the amount of \$114,392.88. All in favor.**

Commissioners met with Patti Hess, Elections Director and CDBG Coordinator to discuss the naming of a stream in Wells Township. Wells Tannery resident Gerald Wright requested the name of the stream to be called "Wishart Mine Run". The stream is 2.8 miles long and flows into a tributary of the Laurel Fork Creek which runs into Sideling Hill Creek.

**Motion by Commissioner Shives to approve Resolution 9 of 2022, A Resolution of the County of Fulton recommending the official identification and naming of an unnamed stream in Wells Township, Fulton County "Wishart Mine Run". All in favor.**

Commissioners met with Brad Seville, Building and Maintenance Director, to discuss the Warfordsburg Senior Center bathroom remodeling project. Commissioners gave recommendations to Seville about the project.

**Motion by Commissioner Ulsh to approve Resolution 8 of 2022, a Resolution "enacting the provisions of Act 57 of 2022 requiring all tax collectors acting on behalf of the County of Fulton to waive additional charges for real estate taxes provided the taxpayer complies with all of the requirements set forth in said Act and all other provisions of said Act have been met. This resolution shall become effective for all real estate taxes of the County of Fulton originating on or after January 1, 2023." All in favor.**

A bid opening for the Probation Steps Project was held at 10:00 AM. Tom Morisi, Keller Engineers, was present for the bid opening. One bid was received.

**Motion by Commissioner Ulsh to table awarding the Probation Steps Project bid until reviewing of the bid by Keller Engineers, with action to be taken at the November 8, 2022 Commissioners' Meeting. All in favor.**

**Motion by Commissioner Ulsh to approve a Budget Transfer Request from FY 2022 submitted by Devin Horne, MDJ4 Office, from line item 100-40921-521000 to 100-40921-545300 in the amount of \$1250.00 and from line item 100-40921-521500 to 100-40921-545300 in the amount of \$1250.00, for carpet replacement in the office. All in favor.**

Commissioners met with IT Director Eldon Martin and Rick Grissinger in relation to hand counting of ballots if ordered or needed and if doing a live feed would be possible. Commissioner Shives requested to see something in writing from the state stating that the process would be legal to do so.

Commissioners met with Food Basket Director Sue Cabbage to follow up on previous meetings pertaining to the Food Basket Truck. Commissioners asked Chief Clerk Stacey Golden to compose an email to CCA.

Commissioners signed the October 25, 2022 Salary Board Minutes. A PComp Application for Safety Grant funding was also signed for newspaper advertising fees for the Probation Steps Project in the amount of \$470.50. A letter to all of the Township Supervisors giving an update on the Broadband Project asking for support was also signed by the Commissioners.

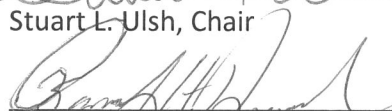
**Motion by Commissioners Ulsh to enter into Executive Session for legal matters at 12:15 PM. All in favor.**

Motion by Commissioner Ulsh to adjourn the meeting at 12:46 PM. All in favor.

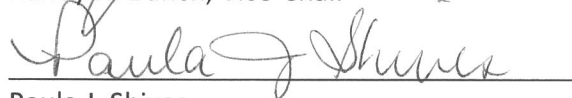
FULTON COUNTY COMMISSIONERS



Stuart L. Ulsh, Chair

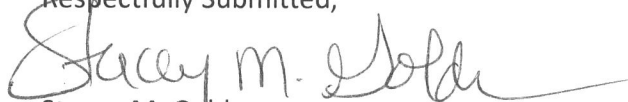


Randy H. Bunch, Vice-Chair



Paula J. Shives

Respectfully Submitted,



Stacey M. Golden  
Chief Clerk



**§ 3031.17. Statistical sample**

The county board of elections, as part of the computation and canvass of returns, shall conduct a statistical recount of a random sample of ballots after each election using manual, mechanical or electronic devices of a type different than those used for the specific election. The sample shall include at least two (2) per centum of the votes cast or two thousand (2,000) votes whichever is the lesser.

**History:**

1937, June 3, P.L. 1333, art. XI-A, § 1117-A, added 1980, July 11, P.L. 600, No. 128, §4, imd. effective.



**§ 3261. Opening ballot boxes upon petition of electors alleging  
fraud or error; deposit or bond**

(a) Except as set forth in subsection (a.1), the court of common pleas, or a judge thereof, of the county in which any election district is located in which ballots were used, shall open the ballot box of such election district used at any general, municipal, special or primary election held therein, and cause the entire vote thereof to be correctly counted by persons designated by such court or judge, if three qualified electors of the election district shall file, as hereinafter provided, a petition duly verified by them, alleging that upon information which they consider reliable they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the computation of the votes cast for all offices or for any particular office or offices in such election district, or in the marking of the ballots, or otherwise in connection with such ballots. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(a.1) In cases resulting from a recount or recanvass order by the Secretary of the Commonwealth under section 1404(g), all of the following apply:

(1) Upon petition under clause (2), Commonwealth Court shall:

(i) open the ballot box of each election district in which ballots were used at a general, municipal, special or primary election; and

(ii) cause the entire vote of the election district to be correctly counted by persons designated by the court.

(2) To obtain relief under clause (1):

(i) Three (3) qualified electors of a county must file a verified petition alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes, was committed:

(A) in the computation of votes cast;

(B) in the marking of the ballots; or

(C) otherwise in connection with the ballots.

(ii) It is not necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed nor to offer evidence to substantiate the allegations of their petition.





**25Pa. Uncons. Stat. &sect; 3261 Opening ballot boxes upon  
petition of electors alleging fraud or error; deposit or bond  
(Pennsylvania Unconsolidated Statutes (2022 Edition))**

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(b) Every petition for the opening of a ballot box under the provisions of this section shall be filed in the office of the prothonotary of the proper county, accompanied by a deposit of cash in the amount of fifty (\$50.00) dollars, or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court, in the amount of one hundred (\$100.00) dollars, conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50.00) dollars, in the event that, upon the opening of the ballot box, it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots.

(c) Before any ballot box is opened under the provisions of this section, the court shall direct that notice of time and place of proposed recount be given, either personally or by registered mail, to each candidate for the office or offices which are to be recounted by the order of the court, and each such candidate may be present at such recount, either in person or by his attorney or by his duly authorized representative, under such regulations as the court may prescribe.

(d) If, upon opening any such ballot box, it shall appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, it shall be the duty of the court to certify such fact to the prothonotary and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50.00) dollars, or if the petitioners shall have filed a bond in lieu of cash, to mark said bond cancelled and notify the petitioners that he has done so.

(e) If, upon opening any ballot box under the provisions of this section, it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, the persons upon whose petition such ballot box shall have been opened, shall forfeit to the county the sum of fifty (\$50.00) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition, the prothonotary, upon certification of the court that fraud or substantial error was not discovered, shall pay said sum deposited with him to the county treasurer; and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100.00) dollars, it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond, the sum of fifty (\$50.00) dollars, and costs of suit, and for this purpose, he is hereby authorized to institute any necessary legal proceedings. When so collected,



**25Pa. Uncons. Stat. &sect; 3261 Opening ballot boxes upon  
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the said sum of fifty (\$50.00) dollars shall be paid over to the county treasurer.

(f) Ballot boxes may be opened under the provisions of this section at any time within four months after the date of the general, municipal, special or primary election at which the ballots therein shall have been cast.

**History:**

1937, June 3, P.L. 1333, art. XVII, § 1701. Amended 2004, Oct. 8, P.L. 807, No. 97, § 11, imd. effective.



**§ 3262. Recanvassing voting machines upon petition of electors alleging fraud or error**

(a) Judicial proceedings shall be as follows:

(1) Except as set forth in clause (2), the court of common pleas, or a judge thereof, of the county in which any election district is located, shall make visible the registering counters of the voting machine or machines used in such election district at any primary or election, and without unlocking the machine against voting, shall recanvass the vote cast therein, if three qualified electors of the election district shall file a petition, duly verified by them, alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the canvassing of the votes cast on such machine or machines. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(2) In cases resulting from a recount or recanvass ordered by the Secretary of the Commonwealth under section 1404(g), all of the following apply:

(i) Upon petition under subclause (ii), Commonwealth Court shall:

(A) make visible the registering counter of the voting machine used;

(B) without unlocking the machine against voting, recanvass the vote cast in the machine.

(ii) To obtain relief under subclause (i):

(A) Three qualified electors of the county must file a verified petition alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes, was committed in the canvassing of the votes cast on the machine.

(B) It is not necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed nor to offer evidence to substantiate the allegations of the petition.

(a.1) Every petition for the recanvassing of votes cast in the voting machine, or voting machines of an election district, under the provisions of this section, shall be filed in the office of the prothonotary of the proper county accompanied by a deposit of cash in the amount of fifty (\$50) dollars, or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court in the amount of one hundred (\$100) dollars,



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conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50) dollars, in the event that upon the recanvassing of the votes cast in a voting machine or voting machines, it does not appear that fraud or substantial error was committed in the canvassing of the votes cast on such machine or otherwise in connection with such voting machines.

(b) Before the votes cast on any voting machine are recanvassed under the provisions of this section, the court shall direct that notice of the time and place of the proposed recanvass be given, either personally or by registered mail, to each candidate whose name appears on the ballot labels, and each such candidate may be present at such recanvass, either in person or by his attorney, or by his duly authorized representative, under such regulations as the court may prescribe.

(b.1) If, upon the recanvassing of the votes in any voting machine, it shall appear that fraud or substantial error was committed in the computation of the votes cast on the voting machine or otherwise in connection with such voting machine, it shall be the duty of the court to certify such fact to the prothonotary, and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50) dollars, or if the petitioners shall have filed a bond, in lieu of cash, to mark said bond cancelled and notify the petitioners that he has done so.

(b.2) If, upon the recanvassing of the votes in any voting machine under the provisions of this section, it shall not appear that fraud or substantial error was committed in the computation of the votes cast in the voting machine or otherwise in connection with such voting machine, the persons upon whose petition such voting machine was recanvassed shall forfeit to the county the sum of fifty (\$50) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition, the prothonotary, upon certification of the court that fraud or substantial error or otherwise in connection with such machine was not discovered, shall pay said sum deposited with him to the county treasurer, and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100) dollars, it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond the sum of fifty (\$50) dollars and costs of suit, and for this purpose he is hereby authorized to institute any necessary legal proceedings. When so collected, the said sum of fifty (\$50) dollars shall be paid over to the county treasurer.

(c) Voting machines may be recanvassed under the provisions of this section at any time within twenty days after the date of the primary or election at which they were used.





**25Pa. Uncons. Stat. &sect; 3262 Recanvassing voting machines  
upon petition of electors alleging fraud or error (Pennsylvania  
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**History:**

1937, June 3, P.L. 1333, art. XVII, § 1702. Amended 1959, Dec. 17, P.L. 1891,  
§ 1; 2004, Oct. 8, P.L. 807, No. 97, § 12, imd. effective.

