

**For Release Monday, 11/27/2023**

## County of Berks – Press Release

*Election Board rules to delay certification of 2023 Municipal Election results to include undated and incorrectly dated ballots per recent Western District court ruling*

**Reading, PA— 11/27/2023** — The Berks County Board of Elections ruled Monday to delay the certification of the results of the 2023 Municipal Election due to the recent ruling from the U.S. District Court of the Western District of Pennsylvania that determined mail-in and absentee ballots that are not dated or incorrectly dated should be counted.

The County of Berks Solicitor's office and County special counsel evaluated the ruling over the holiday weekend to provide legal guidance to the Election Board. First Assistant Solicitor Cody Kauffman explained to the board during a special meeting Monday that the district court ruling declared that not counting mail-in and absentee ballots that were either missing the date or had an incorrect date on the return envelope violates federal Civil Rights Act of 1964.

Kauffman noted that previously, undated and incorrectly dated mail-in and absentee ballots were set aside and not counted per a previous ruling by the Pennsylvania Supreme Court. The Office of Election Services was prepared to certify the results for the Nov. 7 election during Monday's meeting. However, in light of the Western District's recent decision, Kauffman said the Solicitor's Office's recommendation was for the Election Board to count the undated and incorrectly dated ballots and include them in the results for the 2023 Municipal Election. He added that it is possible an appeal or stay could be filed in upcoming days, but that no such action has been taken thus far.

The Election Board unanimously agreed with Kauffman's recommendation and moved to canvass and count the undated and incorrectly dated ballots for the 2023 Municipal Election

and delay the cumulation of write-in votes, breaking of ties and certification of results until the results were updated and again posted for a 5-day public inspection period.

The County of Berks received 432 mail-in and absentee ballots that were rejected for either not including a date or having an incorrect date on the outer envelope. The Office of Election Services will work diligently to canvass these ballots to ensure certification is accomplished in a timely manner. Election Services staff is working today to prepare the ballots so that they can be opened starting at 8 a.m. on Tuesday, Nov. 28. Once the ballots are opened and tabulated, the results will be updated accordingly, including the posting of any additional write-in votes. The Office of Election Services expects to begin the 5-day review period for the updated results at 8 a.m. on Wednesday, Nov. 29. Write-in candidates who previously filed petitions to cumulate will be allowed to amend their submitted petitions to include any additional perceived votes.

###

**For more information, press only:**

Stephanie Weaver

Assistant Director

Office of Election Services

Cell: 610-816-1242

Email: [sweaver@countyofberks.com](mailto:sweaver@countyofberks.com)