



Office of the
PHILADELPHIA
CITY COMMISSIONERS

October 27, 2021
Philadelphia Gas Commission Hearing Room
1515 Arch Street, 18th Fl
Philadelphia, PA 19102

- I. Call to order the meeting of Wednesday, October 27, 2021

- II. Public Comments
 - A. In-Person
 - B. Report from the Secretary – Emailed Public Comments

- III. Old Business
 - A. Executive Director’s Report – Joseph Lynch

- IV. New Business
 - A. Deeley Motion - Approve Joint Emergency Regulations Concerning Rules and Guidelines for Covid-19 Safety at Polling Sites on Election Day, November 2, 2021
 - B. Deeley Motion - Approve November 2021 Absentee and Mail-in Ballot/Application Challenge Procedures
 - C. Deeley Motion – Approve 2021 General Election Ballot Canvass Procedures
 - D. Deeley Motion - Authorize and deputize the Philadelphia Board of Elections staff to prepare for and conduct a pre-canvass and canvass of absentee and mail-in ballots.
 - E. Schmidt Motion - Require exempt employees to submit outside employment forms by October 31st of each year.
 - F. Additional Non-Agenda Items

- V. Adjourned to the call of the Chair



CITY OF PHILADELPHIA
OFFICE OF THE CITY COMMISSIONERS
DEPARTMENT OF PUBLIC HEALTH

**JOINT EMERGENCY REGULATIONS CONCERNING
RULES AND GUIDELINES FOR COVID-19 SAFETY
AT POLLING SITES ON ELECTION DAY,
NOVEMBER 2, 2021**

WHEREAS, the City of Philadelphia, like the Commonwealth of Pennsylvania, the nation and the rest of the world, has been subject to a pandemic of historic proportions for more than thirteen months caused by the 2019 novel coronavirus disease, COVID-19; and

WHEREAS, since March of 2020, in response to the spread of COVID-19, the City has taken extraordinary measures to address the pandemic, which has included the imposition of significant and unprecedented restrictions on personal and business activities; and

WHEREAS, throughout the pandemic the City Commissioners and the Department of Public Health have worked together to support safe and efficient voting and passed Regulations and Guidelines for COVID-19 Safety at Polling Sites to accomplish this shared purpose; and

WHEREAS, on November 2, 2021, the City Commissioners will again oversee an election at which many thousands of Philadelphians are expected to appear at more than 700 polling places throughout the City to exercise their constitutional right to vote for elected offices and certain ballot questions; and

WHEREAS, given that the COVID-19 threat remains among us, it remains of the utmost importance to the City Commissioners, the Department of Public Health and all of City government that the citizens of Philadelphia have confidence in their ability to vote safely and efficiently at polling sites on election day, that poll workers have confidence in their ability to serve safely on election day, and that a free, fair and safe election takes place on November 2, 2021.

NOW, THEREFORE, consistent with the foregoing, the City Commissioners and the Board of Health, pursuant to all authority granted under the laws of the Commonwealth and the City of Philadelphia, hereby adopt the following Regulations setting forth Rules and Guidelines For COVID-19 Safety at Polling Sites on Election Day, November 2, 2021, effective immediately upon filing with the Department of Records:

Section 1. Scope.

These rules and guidelines apply to voting at polling places on election day, November 2, 2021, and do not apply to other election-related activities currently taking place in Philadelphia.

Section 2. Safety Rule and Guidelines.

○ **Masks**

- Masks shall be provided for all poll workers, and for all voters and poll watchers who do not arrive wearing masks.
- Poll workers are required to wear masks at all times, unless they have a significant medical condition that precludes safe mask use, in which case they are required to comply with the following distancing requirements.
- Poll workers who cannot wear masks must either: 1) wear face shields, or 2) sit behind a transparent barrier *and* remain at least 6 feet from other persons at all times while inside the facility.
- Poll watchers shall wear masks at all times in or around a polling place. Poll watchers not wearing masks will not be permitted entry into polling locations and will be required to maintain spacing of at least 6 feet from all other persons at all times.
- Voters shall be encouraged to wear masks at all times when waiting in line and inside the polling site.
- Voters who cannot wear masks or who refuse to wear masks, or who report symptoms but refuse voting alternatives, must maintain spacing of at least 6 feet from all other persons at all times while inside the polling place or while waiting outside the polling place.
- To the extent possible, during the time that any unmasked or symptomatic voters are inside the polling place, the presence of any other voters in the area shall be limited and those present shall be kept at least 6 feet from the unmasked or symptomatic voter.
- Poll workers are encouraged to take short breaks to allow the poll workers to leave the room where voting is taking place to eat or drink. Eating, drinking and smoking inside the location where voting is taking place is prohibited, to ensure that poll workers, voters and poll watchers can wear masks at all times in the location where voting is taking place.

○ **Barriers**

- To the extent feasible, transparent barriers will be installed between poll workers and voters at check-in areas.

- **Staying Home**

- Poll workers and poll watchers are instructed to stay home if they have COVID-19 symptoms or if they were in close contact (within 6 feet for 15 or more minutes) with someone who tested positive in the previous 14 days.
- A fully vaccinated (more than two weeks after the final shot in the series) pollworker or pollwatcher does not need to quarantine after close contact with someone with COVID-19. They should continue to stay home if they develop symptoms of COVID-19.
- Before the polls open, every poll worker shall review the self-screening instructions that will be provided to determine whether they should remain on site and shall not remain on site if they screen positive for symptoms of COVID-19. In the event of a need to leave, such poll workers must contact the City Commissioners immediately so the Commissioners can identify a replacement worker.
- Poll workers and representatives of the City Commissioners will prominently post signage outside of polling places encouraging voters to notify poll workers if they are experiencing a new onset of cough, shortness of breath or fever. Such voters should be advised of the possibility of an alternative means of voting by reference to instructions on obtaining and using an emergency absentee ballot found at www.philadelphiavotes.com/en/voters/mail-in-and-absentee-ballots or shall be advised to call 215-686-1590, but such individuals shall not be refused the right to vote.

- **Safe Distancing**

Poll workers and representatives of the City Commissioners are instructed to:

- To the extent possible, encourage voters not actively engaged in checking in or voting to wait outdoors
- Encourage voters to keep a reasonable distance from other voters while inside the facility or waiting outside of the facility, and use tape, signs, or other visual cues to encourage this spacing.
- Encourage voters to remain inside the room where voting is taking place for no more than the minimum time necessary to vote.
- Clearly mark points of entry and exit to avoid bottlenecks.

- **Hand Hygiene**

- Poll workers or representatives of the City Commissioner’s shall place hand sanitizer with signage promoting use by voters at entry, exit, and in frequently used locations, such as registration desks.
- Voters will use hand sanitizer before and after touching any shared materials or equipment.
- Short breaks for poll workers are encouraged for handwashing with soap and water and/or use of alcohol-based hand sanitizer.

- **Communication**

Signage provided by the Department of Public Health shall be provided for polling places regarding subjects such as the following, which poll workers and representatives of the City Commissioners are instructed to prominently display:

- Masks should be used by all voters.
- Voters should self-screen for symptoms of fever, new or persistent cough or shortness of breath before entering facilities and advising on voting alternatives.

- **Ventilate**

- To the extent possible, seek to improve ventilation by opening, and keeping open, windows and doors.

Section 3. Regulations Effective Immediately.

These regulations shall be effective immediately upon filing with the Department of Records pursuant to the Mayor’s “Declaration of Extraordinary Circumstance: Suspending the Formal Regulatory Process for Regulations Concerning a Novel Coronavirus” dated March 11, 2020.

November 2021 Absentee and Mail-in Ballot/Application Challenge Procedures

Any person challenging an application for an absentee ballot, an absentee ballot, an application for a mail-in ballot, or a mail-in ballot of a Philadelphia elector must follow the following procedure:

1. Only candidates, political parties and bodies, and authorized poll watchers may challenge.
2. Challenges may only be made on the ground that the applicant was not a qualified elector.
3. Challengers must complete the “Absentee or Mail-in Ballot or Ballot Application Challenge” form online for each application or ballot challenged at the following website:
<https://form.jotform.com/212974912800052>
 - a. The following information must be provided in the form:¹
 - i. Name of challenged individual
 - ii. Date of birth of the challenged individual
 - iii. Address of challenged individual
 - iv. Ward and Division of challenged individual
 - v. Alleged reason challenged elector not qualified
 - vi. A description of the evidence including proposed testimony, of the challenged elector’s non-qualification
 - vii. Name of challenger.
 - viii. Name of the candidate, political party, or political body the challenger represents
 - ix. Address of challenger
 - x. Phone number of the challenger
 - xi. Email address of the challenger
4. Challengers must print the form submission confirmation page and sign it in ink.
5. Challengers must deliver the original, signed challenge form to the Board of Elections at City Hall, Room 142² by 5 p.m. on Friday, October 29, 2021.
6. Challengers must also deposit ten dollars (\$10) with the Board of Elections by 5 p.m. on October 29, 2021 for each challenge they submit. The person who is making and signed the challenge must make the deposit. The Board only accepts certified checks and money orders made out to ‘City of Philadelphia’. If a challenger is submitting multiple challenges, a single certified check or money order for the aggregate amount will be accepted.
7. Challenges from challengers who do not comply with each of these requirements may be dismissed as improperly filed without a hearing by the Board.
8. The Board will hold a hearing or hearings on all challenges beginning with their next publicly announced meeting. The time and place of any such hearings will be publicly announced.

[If the online fillable form is unavailable, challengers may obtain paper forms from the Board of Elections at City Hall, Room 142. Challengers submitting more than two challenges who do not use the online fillable form must also provide the Board of Elections, via email to votes@phila.gov, with a .xls file containing the information in paragraph 3.a.i-xi above by the time the required deposit is made.]

¹ Information such as date of birth or ward/division may be obtained from the Board.

² Challengers should go to the south portal entrance to City Hall to access the Board’s office.

2021 GENERAL ELECTION BALLOT CANVASS PROCEDURES

For the November 2, 2021 General Election, the Board anticipates receiving a large number of absentee and mail-in ballots. In order to efficiently process these ballots, the Board deputizes and authorizes its staff to comply with the following procedures and to complete the absentee and mail-in ballot pre-canvass and canvass and voting machine ballot pre-canvass in accordance with the Election Code.

Absentee and Mail-in Ballot Receipt and Sorting

Upon receipt by the Board, envelopes containing absentee and mail-in ballots will be time stamped with the date the Board received them, screened for compliance with the Election Code and scanned into the SURE system. Envelopes containing absentee and mail-in ballots will be organized and sorted by Ward and Division to prepare for the Pre-Canvass and Canvass, and shall be securely maintained until that time. That process shall include:

- The envelope of any elector for whom the Board has received due proof of death prior to 7 a.m. on Election Day shall be set aside.
- The envelope of any elector whose proof of identification has not been verified by the Board shall be set aside until proof of identification is received and verified.
- The envelope of any elector whose ballot or application has been timely and properly challenged will be set aside until such challenge is finally determined.

Absentee and Mail-in Ballot Pre-Canvass and Canvass Procedures

1. Beginning on or after 7 a.m. on Election Day at the Board of Elections ballot processing facility, 11311 Roosevelt Blvd., staff will begin the Pre-canvass of the absentee and mail-in ballots received by the Board prior to the finalization of poll books.
2. A list of all envelopes that are to be examined during the Pre-Canvass and Canvass shall be posted publicly and/or provided to observers present.
3. Staff shall examine each envelope and perform the following steps:
 - a. Staff shall verify that the elector is entitled to vote by comparing the written information on the declaration envelope with the pre-printed name on the declaration envelope from the list of absentee and mail-in voters.
 - b. Staff shall determine if they are satisfied that the declaration is sufficient.
 - i. If the examiner is unsure whether the declaration is sufficient for any reason, including because the envelope lacks a signature or date, the envelope shall be set aside for review by the secondary examination staff and/or the Board and the envelope shall not be opened prior to noon on the day following Election Day.
4. Any envelope whose declaration is not determined to be sufficient upon initial examination or which was submitted by an elector who was not entitled to vote shall be

set aside for review by the secondary examination staff and/or the Board and the envelope shall not be opened prior to noon on the day following Election Day.

5. Envelopes not set aside shall then be brought to the extraction area. If the secrecy envelope within the declaration envelope contains any text, mark or symbol which reveals the identity of the voter, the voter's political affiliation or the voter's candidate preference, or if the ballot is not inside a secrecy envelope, the secrecy envelope and ballot shall be set aside.
6. Board staff shall then extract the ballot from each secrecy envelope not set aside and scan all ballots contained therein.
7. Results shall be uploaded to results.philadelphiavotes.com. To the best of their ability, the staff shall post results of absentee and mail-in ballots scanned on Election Day with the first results posted after polls close at 8pm and after the last voting machine results of the night, with updates as additional results become available.
8. Any final determination regarding the canvassing of envelopes set aside or for which the staff could not make a sufficiency determination will be made by the Board of Elections.

Voting Machine Ballot Pre-Canvass Procedure

Election Night

1. ExpressVote XL hopper sacks containing sealed hoppers with voted paper ballots will be collected by the Philadelphia Police Department when they collect the USBs from each polling place.
2. Police will drop off USBs at their designated Regional Transmission Center (RTC).
3. Police will transfer all hopper sacks to Board of Elections' staff.
4. Board staff will track to make sure all sacks have been returned, and hopper sack RFID tags will be scanned.
5. Hopper sacks will be loaded into trucks.
6. After all sacks have been loaded, trucks will be escorted by police to the Board of Elections ballot processing facility, 11311 Roosevelt Blvd.
7. The Philadelphia Police Department will assign a detail to guard the ballots.

Wednesday Onward

1. All personnel handling the ballots will be deputized.
2. The Board of Elections intends to begin the Voting Machine pre-canvass process as early as 9:00 a.m. on the day following Election Day at the Board of Elections ballot processing facility, 11311 Roosevelt Blvd.
3. Hopper sacks will be unloaded - hoppers laid out, seal cards placed on top, and provisional ballot envelopes placed in boxes.
4. Board staff will verify seals.
5. Board staff will prepare the ballots for the Pre-Canvass and Canvass:
 - a. Staff will break seals using wire cutters and remove ExpressVote XL paper ballots.
 - b. Ballots will be hand shuffled with at least six cuts to ensure a proper randomization of ballots.
 - c. Rubber bands will be placed around each stack of ballots.
 - d. The ward and division card will be removed from the hopper and placed under the rubber band.
 - e. Repeat for all hoppers in a division, place all bundles of ballots for a division into a bag, place bag in designated box for that ward.
6. Ballots will be securely stored until the Canvass.
7. The Philadelphia Police Department will assign a detail to guard the ballots

Absentee and Mail-in Ballot Pre-Canvass and Canvass Observer Procedures

Due to the COVID-19 pandemic and the need to keep the staff safe, those permitted to be present for the Pre-Canvass and Canvass (collectively, “Canvass”), other than Board of Elections personnel, may be limited to Observers pursuant to 25 P.S. § 2650 and 25 P.S. § 3146.8 of the Pennsylvania Election Code. Observers may be appointed as follows:

- Any candidate may appoint themselves, qualified electors of Philadelphia, or Pennsylvania-licensed attorneys representing said candidate as Observers for the Canvass.
- Any party or political body or body of citizens¹ which now is, or hereafter may be, entitled to have watchers at any primary or election may appoint qualified electors of Philadelphia or Pennsylvania-licensed attorneys representing said party or body as Observers for the Canvass.

Observer certificates for the Canvass will be issued as follows:

- Those entitled to appoint Observers must email vote@phila.gov with the name of each appointed Observer, the Observer’s address, and—if the Observer is their attorney—their PA Bar number.
- Due to security restrictions, Observer requests must be received by 5 p.m. on Friday, October 29, 2021 in order to be approved prior to Election Day. Late requests will be accepted on a rolling basis and processed within two business days.

Observers must be approved by the Board and pass a security and health screening in order to be admitted to the Canvass. Observers must wear a face mask and comply with other safety guidelines at all times. Observers must remain within the physical area designated for Observers behind the railing. One Observer per candidate (inclusive of the candidate themselves) and three Observers per party or body shall be permitted to be present at any one time. To the extent the number of Observers requesting to be present in this area at any given time exceeds the number consistent with social distancing guidelines and/or reasonable capacity limitations within the Observer area, the Board of Elections will limit in-person viewing by endeavoring to allow Observers to view in-person on a rotating basis. Observers may not disrupt or interfere with Board staff completing the Canvass. Observers shall not be permitted to take photographs, video, and audio recordings, or use cell phones inside the observation area during the Canvass. A designated area will be provided for pictures, video, and cell phone use. Violators will be removed and have their Observer eligibility revoked.

¹ Body of Citizens: Body which has not yet but intends to become a political party or political body as defined by 25 P.S. § 2831 through the nomination of candidates and/or the receiving of votes in a future election.