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MEETING OF THE COMMISSIONERS

- - - - -

March 2, 2022

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COMMISSIONERS PRESENT:

LISA DEELEY, CHAIRWOMAN
NICK CUSTODIO, DEPUTY COMMISSIONER
SETH BLUESTEIN, COMMISSIONER
ERIC KAPENSTEIN, DEPUTY COMMISSIONER
OMAR SABIR, COMMISSIONER
DEVIN UQDAH, DEPUTY COMMISSIONER

PRESENT:

JOE LYNCH, EXECUTIVE DIRECTOR

HELD AT:

Edward O'Malley Athletic Association
144 Moore Street
Philadelphia, Pennsylvania 19148

REPORTED BY: Michelle Tormey
Strehlow & Associates, Inc.
(215) 504-4622

1 COMMISSIONER DEELEY: Good morning.
2 I call the March 2nd, 2022 meeting of
3 the Philadelphia City Commissioners to
4 order. First, I will preserve the order
5 and decorum of these meetings. Everyone
6 in attendance should be on notice that
7 shouting out or interrupting the
8 proceedings will not be tolerated.
9 Those who violate this will be asked to
10 leave. The Sunshine Act permits anyone
11 attending a public meeting to object to
12 a perceived violation at any time during
13 the meeting. If you choose to do so,
14 please succinctly state your objection.
15 Objecting is not an opportunity for
16 speech making. Before we start, I would
17 like to recognize Commissioner Bluestein
18 to offer a few words.

19 COMMISSIONER BLUESTEIN: Thank you,
20 Madame Chairwoman. I would like to take
21 a moment to recognize the ongoing crisis
22 in Ukraine. My thoughts are with the
23 brave people of Ukraine as they defend
24 their country from invasion by Putin's

1 autocratic regime. This attack on
2 freedom and democracy in Ukraine is an
3 attack on freedom and democracy
4 everywhere, and we stand with them.
5 Thank you.

6 COMMISSIONER DEELEY: Thank you,
7 Commissioner. We will now move to
8 public comment. Commenter shall state
9 where they live. If they are not a
10 resident of Philadelphia, that they are
11 a Philadelphia taxpayer. Public comment
12 is not an opportunity for dialogue or Q
13 and A. It is public comment, a chance
14 for you to tell us what you think. Each
15 speaker shall have two minutes; however,
16 I may extend this time at my discretion.
17 All public comments must be relevant or
18 germane to board business. Finally, it
19 is my responsibility to preserve the
20 order and decorum of the meetings. As
21 such, profane, slanderous,
22 discriminatory or personal attacks will
23 not be tolerated.

24 Is there anyone here this morning

1 to offer public comment?

2 MR. GARELLA: Yes. Good morning,
3 Commissioners. My name is Rich Garella.
4 I'm with Protect our Vote Philly.
5 Thanks -- thanks for that statement,
6 Commissioner Bluestein. We're of course
7 in total agreement.

8 To stay on the topic of democracy,
9 a couple of weeks ago, the Chair Deeley
10 announced that there had been an
11 executive session on February 14th. I
12 wanted to point out, as we've pointed
13 out many times before, that the Sunshine
14 Act requires that the reasons for
15 executive sessions to be given -- and it
16 says in the Section 708, the reason for
17 holding the executive session must be
18 announced at the open meeting. Now,
19 it's been ruled by Commonwealth Court in
20 Reading Eagle versus Reading Council
21 that the reasons for the executive
22 session have to be specific. Quote,
23 indicating a real discreet matter that
24 is best addressed in private. It means

1 you can't just give the legal excuse for
2 the executive session as you did;
3 meaning, meet with counsel to discuss
4 litigation. You've got to say what the
5 topic of the litigation is. If it's an
6 ongoing case, you've got to specify the
7 case. This is black-letter law, the
8 Commonwealth Court has decided. The
9 General Assembly wants the public to be
10 present at all meetings to witness the
11 deliberation. You can't use an
12 executive session to avoid that, and you
13 can't look as if you're using it to
14 avoid that. So the Commonwealth Court
15 said, the reason stated by the public
16 agency must be specific indicating a
17 real discreet matter that is best
18 addressed in private.

19 Now, I want to point out that
20 violating the Sunshine Act in this way
21 is a summary violation. It's a criminal
22 violation. There are money finds.

23 COMMISSIONER DEELEY: Two minutes.

24 MR. GARELLA: There's possible

1 incarceration, and this is personal to
2 each of you.

3 COMMISSIONER DEELEY: Two minutes.

4 MR. GARELLA: It is not something
5 that the Commission can provide legal
6 support for. This is on you each. So
7 please --

8 COMMISSIONER DEELEY: Thank you.

9 MR. GARELLA: -- rectify this
10 problem in an open meeting such as this
11 one. You have an opportunity to do it
12 right now.

13 COMMISSIONER DEELEY: We will now
14 move to Commissioner Bluestein for
15 emailed public comments.

16 COMMISSIONER BLUESTEIN: As of 9:45
17 a.m. this morning, there were no emailed
18 public comments.

19 COMMISSIONER DEELEY: We will now
20 proceed to old business, and I will call
21 on Joe Lynch to read the report from the
22 Executive Director.

23 MR. LYNCH: Good morning,
24 Commissioners.

1 COMMISSIONER DEELEY: Good morning,
2 Joe.

3 MR. LYNCH: In today's Sunshine
4 Report, County Board for the Elections
5 Report, they are still awaiting for a
6 court order from the Pennsylvania
7 Supreme Court regarding the petition
8 signing calendar. Out of an abundance
9 of caution, the Philadelphia City
10 Commissioners have made petitions
11 available online at
12 PhiladelphiaVotes.com or in City Hall
13 Room 142. Candidates for Members of the
14 Democratic or Republican Ward Executive
15 Committee who wish to begin circulating
16 should be aware that the petition
17 calendar may change in the future,
18 possibly invalidating signatures that
19 have already been collected. Candidates
20 should consult an attorney for any legal
21 advice. The previously released
22 petitions from February 9th will be
23 accepted, though circulators should be
24 aware that the dates of circulation

1 printed on them are no longer valid, and
2 that signatures collected before the
3 date specified by the Pennsylvania
4 Supreme Court will not count.

5 The County Board are currently
6 accepting absentee and mail-in ballot
7 applications online at vote.pa.gov or by
8 paper application. As of yesterday,
9 they have processed all ballot
10 applications received through Monday.
11 They have approved 39,004 vote-by-mail
12 applications for the Primary, which is
13 16,610 added from last week's total. Of
14 those applications processed so far,
15 18,845 are paper applications, and
16 20,159 are electronic applications.

17 The Voter Registration Unit Report
18 for the election cycle to date, they
19 have processed 64,431 registration
20 applications, of which 3,600 were paper.
21 They have sent out 42,389 ID cards.
22 Data, Imaging and Correspondence Units
23 are working on mail-in apps -- time
24 stamping, sorting, batching and

1 processing -- as well as processing
2 registrations. Documents are making
3 street list districts, full ward sets,
4 and working on the mail.

5 The Warehouse Unit, they are done
6 with the post-Election functionality
7 test. They are completing any repairs
8 they found doing the test. They are
9 also doing preventative maintenance on
10 all of the locks on each of the
11 machines.

12 The Polling Place Unit -- the
13 Polling Place Unit employees are
14 currently out inspecting polling sites
15 that are so far locked down for this
16 upcoming election. They are going out
17 and making sure that no modifications
18 were made that might hamper space along
19 with testing outlets and making sure
20 there is adequate lighting.

21 The report from the Election Board
22 Unit, the online training: 77 poll
23 workers did online training. Confirmed
24 poll workers for this upcoming election

1 is 1,432. They are at the United
2 Lutheran Seminary this week. Monday's
3 totals, there were 60 in-person people
4 that came out for the training, and last
5 night's number was 51. A total
6 scheduled for in-person trainings is 891
7 so far to date. And that's all I have,
8 Commissioners.

9 COMMISSIONER DEELEY: Thank you,
10 Joe.

11 We will now proceed to new
12 business. On February 23rd, 2022, the
13 Pennsylvania Supreme Court announced the
14 petition calendar for the congressional
15 and statewide candidates, but not state
16 legislative offices. For congressional
17 and statewide candidates, the first date
18 to circulate and file nomination
19 petitions was Friday, February 25, 2022.
20 And the last date to circulate and file
21 is March 15, 2022. The order did not
22 specify if this calendar applies to
23 candidates in Democratic and Republican
24 City Committee. On Thursday, the

1 Pennsylvania Department of State filed a
2 request for clarification to the Court's
3 February 23rd order requesting that the
4 local committee petitions coincide with
5 the state legislative races. On Friday
6 morning, Delaware County sought to
7 intervene requesting that the local
8 committee petitions coincide with
9 congressional and statewide candidates.
10 This has caused 67 counties to
11 essentially do 67 different things.
12 Some have not released petitions. Some
13 have told candidates to begin
14 circulating last week. Out of an
15 abundance of caution, we made the
16 petitions available with an explanation
17 of the situation. We expected the order
18 to be clarified shortly, at least no
19 later than yesterday afternoon. It is
20 now Wednesday, and there has not been
21 any clarification from the Court.
22 Candidates for committee person are in
23 limbo. They don't know if they should
24 start circulating because the Court

1 could rule that those signatures don't
2 count, and they will have to go back out
3 again. I was a committee person for 30
4 years. I can tell you it is hours of
5 conversations around neighbors' kitchen
6 tables to get those signatures, but
7 every day that passes is another day
8 closer to that March 15th deadline.
9 What do they do? There is real
10 confusion out there. Our phones are
11 ringing off the hook. I have people who
12 text me every day asking for an update
13 that I do not have. All this for a
14 volunteer position. They deserve
15 clarity. They deserve to know what
16 their petition calendar is. This is a
17 matter that has arisen to great concern
18 within the last 24 hours because we were
19 surprised that yesterday ended without
20 the Supreme Court issuing a ruling. In
21 fact, this continued right up until this
22 very minute that this meeting began.
23 For that reason, it was not included in
24 the agenda posted to the website prior

1 to 24 hours before the meeting.

2 Therefore, I would like to make a motion
3 to amend today's agenda to add a motion
4 requesting that the Supreme Court of
5 Pennsylvania issue a response to the
6 Department of State's application for
7 clarification in Carter V Chapman
8 regarding the election calendar for
9 party offices as soon as possible.

10 COMMISSIONER BLUESTEIN: Second.

11 COMMISSIONER DEELEY: Commissioner
12 Bluestein, please call the roll.

13 COMMISSIONER BLUESTEIN:
14 Commissioner Deeley?

15 COMMISSIONER DEELEY: Aye.

16 COMMISSIONER BLUESTEIN: I vote
17 aye.

18 Commissioner Sabir?

19 COMMISSIONER SABIR: Aye.

20 COMMISSIONER DEELEY: The motion to
21 add a motion to today's agenda has
22 passed unanimously with Deeley,
23 Bluestein and Sabir all voting "aye."
24 Thank you. That item shall be added to

1 the agenda. And in accordance with the
2 Sunshine Act, staff shall post an
3 amended agenda to the website and City
4 Hall Room 142 within one business day of
5 this meeting.

6 I now motion that we request that
7 the Supreme Court of Pennsylvania issue
8 a response to the Department of State's
9 Application for Clarification in Carter
10 V Chapman regarding the election
11 calendar for party offices as soon as
12 possible.

13 COMMISSIONER BLUESTEIN: Second.

14 COMMISSIONER DEELEY: Commissioner
15 Bluestein, please call the roll.

16 COMMISSIONER BLUESTEIN:

17 Commissioner Deeley?

18 COMMISSIONER DEELEY: Aye.

19 COMMISSIONER BLUESTEIN: I vote
20 aye.

21 Commissioner Sabir?

22 COMMISSIONER SABIR: Aye.

23 COMMISSIONER DEELEY: The motion
24 asking the Supreme Court to respond to

1 the Department of State Application for
2 Clarification has passed unanimously
3 with Deeley, Bluestein and Sabir all
4 voting "aye."

5 Commissioner Bluestein, do you have
6 any items to be added to the agenda?

7 COMMISSIONER BLUESTEIN: I do not.

8 COMMISSIONER DEELEY: Commissioner
9 Sabir, do you have any items to be added
10 to the agenda?

11 COMMISSIONER SABIR: Yes, I do.

12 Good morning. March is Women's
13 History Month commemorating and
14 encouraging the study, observance and
15 celebration of the vital role that women
16 in America hold. I would like to also
17 applaud the efforts of Harriet Tubman,
18 Eleanor Roosevelt, the passage of the
19 19th Amendment, and Ketanji Brown
20 Jackson for Senate confirmation to be
21 the first African-American woman
22 confirmed to the United States Supreme
23 Court.

24 COMMISSIONER DEELEY: Thank you,

1 Commissioner.

2 With no items remaining on the
3 agenda, this meeting is adjourned to the
4 call of the Chair. Thank you.

5 - - - - -

6 (Whereupon, the hearing
7 concluded at 11:14 a.m.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

Court Reporter-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

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