

1 MEETING OF THE COMMISSIONERS

2 \* \* \* \* \*

3 WEDNESDAY, APRIL 27, 2022

4 \* \* \* \* \*

5

6 COMMISSIONERS PRESENT:

7 LISA DEELEY, CHAIRWOMAN  
8 SETH BLUESTEIN, COMMISSIONER  
9 OMAR SABIR, COMMISSIONER

10

11 HELD AT:  
12 CITY COMMISSIONERS OFFICE  
13 11311 Roosevelt Boulevard  
14 Philadelphia, Pennsylvania 19154

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19 REPORTED BY: Nicole Nagle

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25

1 CHAIRWOMAN DEELEY: Good morning. I  
2 call the April 27th, 2022, meeting of the  
3 Philadelphia City Commissioners to order.

4 First, I will preserve the order and  
5 decorum of these meetings. Everyone in  
6 attendance should be on notice that shouting  
7 out or interrupting the proceedings will not  
8 be tolerated. Those who violate this will be  
9 asked to leave.

10 The Sunshine Act permits anyone  
11 attending a public meeting to object to a  
12 perceived violation at any time during the  
13 meeting. If you chose to do, please  
14 succinctly state your objection. Objecting is  
15 not an opportunity for speechmaking.

16 We will now move to public comment.  
17 Commenters shall state where they live or if  
18 they are not a resident of Philadelphia that  
19 they are a Philadelphia taxpayer.

20 Public comment is not an opportunity  
21 for dialogue or Q&A. It is public comment a  
22 chance for you to tell us what you think.  
23 Each speaker shall have two minutes; however,  
24 I may extend this time at discretion. All

1 public comment must be relevant or germane to  
2 Board business.

3 Finally, it is my responsibility to  
4 preserve the order and decorum of these  
5 meetings. As such, profane, slanderous,  
6 discriminatory or personal attacks will not be  
7 tolerated.

8 Please note that we will be doing  
9 polling place changes later in the meeting.  
10 So anyone wishing to be heard on a polling  
11 place change should wait until that time.

12 Is there anyone here for public  
13 comment? We will now move to Commissioner  
14 Bluestein for e-mailed public comment.

15 COMMISSIONER BLUESTEIN: All comments  
16 that were e-mailed by 9:45 a.m. were shared  
17 with the commissioners and the deputies by  
18 10:00 a.m. and have been provided to each  
19 Commissioner at the beginning of the meeting.  
20 They are also available at the public comment  
21 table. We received one comment from POV  
22 Philly. I have reviewed the comment and ask  
23 that it be moved into the record.

24 COMMISSIONER SABIR: Second.

1 CHAIRWOMAN DEELEY: I have also  
2 reviewed it. Please move it into the record.  
3 I will now call on Joe Lynch to read the  
4 report from the executive director.

5 MR. LYNCH: Good morning,  
6 Commissioners.

7 CHAIRWOMAN DEELEY: Good morning, Joe.

8 MR. LYNCH: Such an echo. The Sunshine  
9 report for today April 27th, 2022.

10 The County Board of Elections: City  
11 Hall Room 142 is currently open for in-person,  
12 mail-in ballot voting.

13 The County Board of Elections office  
14 will not issue replacement ballots to those  
15 voters who already have requested an absentee  
16 or mail-in ballot until April 30th in order to  
17 avoid duplicating ballots already being  
18 delivered in the mail.

19 The office will be opened from 9:00  
20 a.m. to 5:00 p.m. Monday through Friday. The  
21 deadline to apply for an absentee or a mail-in  
22 ballot is May 10th at 5:00 p.m.

23 The dropboxes are open for voters from  
24 any part of the City to return their own voted

1 ballot to a dropbox. These dropboxes are  
2 accessible 24/7. Voters may only drop off  
3 their own ballot unless the voter is  
4 physically unable to personally submit their  
5 absentee or mail-in ballot and has designated  
6 an agent to deliver their ballot and the  
7 completed forms are submitted with the ballot.

8 The list of dropbox locations can be  
9 found at [Philadelphiavotes.com](https://philadelphiavotes.com). Please note,  
10 the Markward Playground box continues to be  
11 unavailable due to construction.

12 Today is the deadline to petition the  
13 Court of Common Pleas to fill election board  
14 vacancies. Paperwork must be filed in the  
15 Office of Judicial Records at City Hall Room  
16 296. The service must be filed with our  
17 office at City Hall Room 142.

18 As of yesterday, we have processed all  
19 paper ballot applications received through  
20 Sunday and all electronic ballot applications  
21 are up to date.

22 We have approved 85,007 vote-by-mail  
23 applications for the primary, which is 6,805  
24 added from the last week's total. Of those

1 applications processed so far, 51,343 are  
2 paper applications and 33,664 are electronic  
3 applications.

4 Mail-in Ballot Unit: Between last  
5 Saturday and this past Monday, the Unit  
6 processed and sent to the main post office  
7 83,412 ballots.

8 The Unit will continue on a daily basis  
9 to process and send out ballots as  
10 applications are approved within 48 hours.

11 Voter Registration Unit: For the  
12 election cycle to date they have processed  
13 101,060 applications of which 8,121 were  
14 paper. All units except Documents are working  
15 primarily on the mail-in applications. They  
16 are also processing and proving registration  
17 apps that mail-in and mail-in apps that come  
18 in. Documents are working on the new street  
19 lists.

20 Election Board Training: The Election  
21 Board -- 1,105 poll workers did online  
22 training. 6,097 confirmed poll workers. 489  
23 messages were left with poll workers.

24 So far no show poll workers that say

1           they are not gonna work is 1,612. In-person  
2           training poll workers overall was 1,829. The  
3           total schedule for in-person training is 965.  
4           That's all I have today, Commissioners.

5                     CHAIRWOMAN DEELEY: Thank you, Joe.  
6           Please let the record reflect that  
7           Commissioner Sabir has joined us by telephone.

8                     Moving on to new business we have  
9           Charlie Stroman with the polling place  
10          relocations. Is there anyone here who would  
11          like to speak on the moving of a polling  
12          place? Seeing none, Charlie, please proceed.

13                    MR. STROMAN: Good morning,  
14          Commissioners. So as of this morning, we are  
15          settled with all the polling places. There  
16          are 707 locations for this election.

17                    We can move to the hearings?

18                    CHAIRWOMAN DEELEY: Please.

19                    MR. STROMAN: The first hearing is the  
20          23rd Ward, the 14th Division moving from Saint  
21          Valentine's Church to the Baptist Worship  
22          Center and that is due to construction.

23                    CHAIRWOMAN DEELEY: I motion that we  
24          approve the proposed move 23rd Ward, 14th

1 Division.

2 COMMISSIONER BLUESTEIN: Second.

3 CHAIRWOMAN DEELEY: Commissioner  
4 Bluestein, please call the roll.

5 COMMISSIONER BLUESTEIN: Commissioner  
6 Deeley?

7 CHAIRWOMAN DEELEY: Aye.

8 COMMISSIONER BLUESTEIN: I vote aye.  
9 Commissioner Sabir?

10 COMMISSIONER SABIR: Aye.

11 CHAIRWOMAN DEELEY: Polling place  
12 change 23-14 has passed unanimously. Proceed.

13 MR. STROMAN: Next move would be in the  
14 35th Ward, the 28th Division moving from the  
15 Franklin School to the Hill Creek Community  
16 Building and that would be back to the  
17 original location.

18 CHAIRWOMAN DEELEY: I motion that we  
19 approve the proposed move 35th Ward, 28th  
20 Division.

21 COMMISSIONER BLUESTEIN: Second.

22 CHAIRWOMAN DEELEY: Commissioner  
23 Bluestein, please call the role.

24 COMMISSIONER BLUESTEIN: Commissioner



1           Deeley?

2                   CHAIRWOMAN DEELEY:   Aye.

3                   COMMISSIONER BLUESTEIN:   I vote aye.

4           Commissioner Sabir?

5                   COMMISSIONER SABIR:   Aye.

6                   CHAIRWOMAN DEELEY:   Polling place  
7           change 35th Ward, 28th Division has passed  
8           unanimously.   Proceed.

9                   MR. STROMAN:   The third change would be  
10          in the 44th Ward, the 2nd Division moving from  
11          the Conestoga Rec Center to the Simpson  
12          Fletcher Senior Apartments for voter  
13          convenience.

14                   CHAIRWOMAN DEELEY:   I motion that we  
15          approve the proposed move 44th Ward, 2nd  
16          Division.

17                   COMMISSIONER BLUESTEIN:   Second.

18                   CHAIRWOMAN DEELEY:   Commissioner  
19          Bluestein, please call the roll.

20                   COMMISSIONER BLUESTEIN:   Commissioner  
21          Deeley?

22                   CHAIRWOMAN DEELEY:   Aye.

23                   COMMISSIONER BLUESTEIN:   I vote aye.  
24          Commissioner Sabir?

1 COMMISSIONER SABIR: Aye.

2 CHAIRWOMAN DEELEY: Polling place  
3 change 44th Ward, 2nd Division has passed  
4 unanimously. Proceed.

5 MR. STROMAN: Next change would be in  
6 the 47th Ward, the 13th Division moving from  
7 Moore Manor Senior Housing to PTTI Institute  
8 and that is due to construction.

9 CHAIRWOMAN DEELEY: I motion that we  
10 approve the proposed move 47th Ward, 13th  
11 Division.

12 COMMISSIONER BLUESTEIN: Second.

13 CHAIRWOMAN DEELEY: Commissioner  
14 Bluestein, please call the roll.

15 COMMISSIONER BLUESTEIN: Commissioner  
16 Deeley?

17 CHAIRWOMAN DEELEY: Aye.

18 COMMISSIONER BLUESTEIN: I vote aye.  
19 Commissioner Sabir?

20 COMMISSIONER SABIR: Aye.

21 CHAIRWOMAN DEELEY: Polling place  
22 change 47th Ward, 13th Division has passed  
23 unanimously. Please proceed.

24 MR. STROMAN: The next change would be

1 in the 55th Ward, the 1st Division moving from  
2 the Residence at 6025 Erdrick Street to the  
3 Lawton School and that is due to a refusal.

4 CHAIRWOMAN DEELEY: I motion that we  
5 approve the proposed move 55th Ward, 1st  
6 Division.

7 COMMISSIONER BLUESTEIN: Second.

8 CHAIRWOMAN DEELEY: Commissioner  
9 Bluestein, please call the roll.

10 COMMISSIONER BLUESTEIN: Commissioner  
11 Deeley?

12 CHAIRWOMAN DEELEY: Aye.

13 COMMISSIONER BLUESTEIN: I vote aye.  
14 Commissioner Sabir?

15 COMMISSIONER SABIR: Aye.

16 CHAIRWOMAN DEELEY: Proceed. Oh,  
17 sorry. Polling place change 55th Ward, 1st  
18 Division has about passed unanimously. Please  
19 proceed.

20 MR. STROMAN: The next move would be in  
21 the 56th Ward, the 6th Division moving from  
22 the Tacony Academy Charter School to the  
23 Gloria Day Estates and that is back to the  
24 original location.

1 CHAIRWOMAN DEELEY: I motion that we  
2 approve the proposed move 56th Ward, 6th  
3 Division.

4 COMMISSIONER BLUESTEIN: Second.

5 CHAIRWOMAN DEELEY: Commissioner  
6 Bluestein, please call the roll.

7 COMMISSIONER BLUESTEIN: Commissioner  
8 Deeley?

9 CHAIRWOMAN DEELEY: Aye.

10 COMMISSIONER BLUESTEIN: I vote aye.  
11 Commissioner Sabir?

12 COMMISSIONER SABIR: Aye.

13 CHAIRWOMAN DEELEY: Polling place  
14 change 56th Ward, 6th Division has passed  
15 unanimously. Please proceed.

16 MR. STROMAN: Next one would be in the  
17 56th Ward again but the 15th Division moving  
18 from Visconto's Funeral Home to the Rhawnhurst  
19 School and that is due to a refusal.

20 CHAIRWOMAN DEELEY: I motion that  
21 approve the proposed move 56th Ward, 15th  
22 Division.

23 COMMISSIONER BLUESTEIN: Second.

24 CHAIRWOMAN DEELEY: Commissioner

1           Bluestein, please call the roll.

2                   COMMISSIONER BLUESTEIN:  Commissioner  
3           Deeley?

4                   CHAIRWOMAN DEELEY:  Aye.

5                   COMMISSIONER BLUESTEIN:  I vote aye.  
6           Commissioner Sabir?

7                   COMMISSIONER SABIR:  Aye.

8                   CHAIRWOMAN DEELEY:  Polling place  
9           change 56th Ward, 15th Division has passed  
10          unanimously.  Please proceed.

11                  MR. STROMAN:  The next change would be  
12          in the 58th Ward, the 11th Division moving  
13          from Randy's Restaurant to the Anne Frank  
14          School and that is for voter convenience.

15                  CHAIRWOMAN DEELEY:  I motion that we  
16          approve the proposed move 58th Ward, 11th  
17          Division.

18                  COMMISSIONER BLUESTEIN:  Second.

19                  CHAIRWOMAN DEELEY:  Commissioner  
20          Bluestein, please call the roll.

21                  COMMISSIONER BLUESTEIN:  Commissioner  
22          Deeley?

23                  CHAIRWOMAN DEELEY:  Aye.

24                  COMMISSIONER BLUESTEIN:  I vote aye.

1 Commissioner Sabir?

2 COMMISSIONER SABIR: Aye.

3 CHAIRWOMAN DEELEY: The polling place  
4 change 58th Ward, 11th Division has passed  
5 unanimously. Please proceed.

6 MR. STROMAN: Next change would be in  
7 the 62nd Ward, the 7th Division moving from  
8 the Regal Ballroom to the Frankford Methodist  
9 Church for voter convenience.

10 CHAIRWOMAN DEELEY: I motion that we  
11 approve the proposed move 62nd Ward, 7th  
12 Division.

13 COMMISSIONER BLUESTEIN: Second.

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

16 COMMISSIONER BLUESTEIN: Commissioner  
17 Deeley?

18 CHAIRWOMAN DEELEY: Aye.

19 COMMISSIONER BLUESTEIN: I vote aye.  
20 Commissioner Sabir?

21 COMMISSIONER SABIR: Aye.

22 CHAIRWOMAN DEELEY: Polling place  
23 change 62nd Ward, 7th Division has passed  
24 unanimously. Please proceed.

1 MR. STROMAN: Next change would be in  
2 the 62nd Ward again in the 8th Division moving  
3 from McIlvain Rec Center to the Frankford  
4 Methodist Church for voter convenience.

5 CHAIRWOMAN DEELEY: I motion that we  
6 approve the proposed move 62nd Ward, 8th  
7 Division.

8 COMMISSIONER BLUESTEIN: Second.

9 CHAIRWOMAN DEELEY: Commissioner  
10 Bluestein, please call the roll.

11 COMMISSIONER BLUESTEIN: Commissioner  
12 Deeley?

13 CHAIRWOMAN DEELEY: Aye.

14 COMMISSIONER BLUESTEIN: I vote aye.  
15 Commissioner Sabir?

16 COMMISSIONER SABIR: Aye.

17 CHAIRWOMAN DEELEY: Polling place  
18 change 62nd Ward, 8th Division has passed  
19 unanimously. Please proceed.

20 MR. STROMAN: Next changes I'm gonna  
21 lump two together would be in the 66th Ward,  
22 the 11th Division and the 15th Division moving  
23 from Saint Martha's Church to the New Liberty  
24 Bell Youth Club and that is due to a refusal.

1 CHAIRWOMAN DEELEY: I motion that we  
2 approve the proposed moves 66th Ward, 11th  
3 Division, 66th Ward, 15th Division.

4 COMMISSIONER BLUESTEIN: Second.

5 CHAIRWOMAN DEELEY: Commissioner  
6 Bluestein, please call the roll.

7 COMMISSIONER BLUESTEIN: Commissioner  
8 Deeley?

9 CHAIRWOMAN DEELEY: Aye.

10 COMMISSIONER BLUESTEIN: I vote aye.  
11 Commissioner Sabir?

12 COMMISSIONER SABIR: Aye.

13 CHAIRWOMAN DEELEY: Polling place  
14 change 66th Ward, 11th Division, 66th Ward,  
15 15th Division has passed unanimously. Please  
16 proceed.

17 MR. STROMAN: The last change would be  
18 in the 66th Ward again in the 17th Division  
19 moving from Saint Martha's Church to the FOP  
20 Lodge #5 and that is also due to a refusal.

21 CHAIRWOMAN DEELEY: I motion that we  
22 approve the proposed move 66th Ward, 17th  
23 Division.

24 COMMISSIONER BLUESTEIN: Second.



1 CHAIRWOMAN DEELEY: Commissioner

2 Bluestein, please call the roll.

3 COMMISSIONER BLUESTEIN: Commissioner

4 Deeley?

5 CHAIRWOMAN DEELEY: Aye.

6 COMMISSIONER BLUESTEIN: I vote aye.

7 Commissioner Sabir?

8 COMMISSIONER SABIR: Aye.

9 CHAIRWOMAN DEELEY: Polling place

10 change 66th Ward, 17th Division has passed

11 unanimously. Charlie, thank you and your guys

12 for a great job you did on all these changes

13 this election.

14 MR. STROMAN: You're very welcome.

15 CHAIRWOMAN DEELEY: Commissioner

16 Bluestein, do you have any items to be added

17 to the agenda?

18 COMMISSIONER BLUESTEIN: I have none.

19 CHAIRWOMAN DEELEY: Commissioner Sabir,

20 do you have any items to be added to the

21 agenda?

22 COMMISSIONER SABIR: I don't. I would

23 just like to say thank you to Charlie

24 (inaudible.)

1                   CHAIRWOMAN DEELEY: With no items  
2           remaining on the agenda, this meeting is  
3           adjourned to the call of the chair. Thank  
4           you.

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6                               \* \* \* \* \*

7           (Whereupon the meeting concluded at 11:15 p.m.)

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

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

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13 Court Reporter-Notary Public

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From: Rich Garella <[richgarella@gmail.com](mailto:richgarella@gmail.com)> On Behalf Of Rich Garella  
Sent: Wednesday, April 27, 2022 9:39 AM  
To: PhillyElection <[phillyelection@phila.gov](mailto:phillyelection@phila.gov)>  
Cc: [info@povphilly.org](mailto:info@povphilly.org)  
Subject: Public Comment

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**PUBLIC COMMENT**

**FOR THE APRIL 27 MEETING OF THE PHILADELPHIA BOARD OF ELECTIONS**

Submitted via e-mail by Rich Garella for **Protect Our Vote Philly**

Commissioner Lisa Deeley  
Commissioner Omar Sabir  
Commissioner Seth Bluestein

Protect Our Vote Philly is deeply concerned that **the equipment Philadelphia uses for in-person voting on Election Day cannot meet the new requirement for Chinese language to be included in all election materials**, alongside English and Spanish, under Voting Rights Act Section 203.

Philadelphia's ExpressVote XL (EVXL) voting system is incapable, at this time, of offering Chinese in the critical area of voter verification. These machines were purchased in 2019 at the highest price of any available voting system through a procurement process that was clearly steered (see [Controller report](#)). The evaluation criteria in the RFP did not include language abilities.

In the upcoming May 2022 primary, **voters who can read Chinese but not English and who use the ExpressVote XL will not be able to verify their votes**. Additionally, the Philadelphia Board of Elections has failed to translate candidate names into Chinese, not only on machine ballot faces but on the paper ballots used for mail-in and absentee voting.

Thousands of voters who have the right to vote in their own language, equally with English- and Spanish-reading voters, will be deprived of that right.

Philadelphia may find itself in violation of the Voting Rights Act, which is enforceable by the Department of Justice.

**We ask that the Board clarify immediately if it has addressed, or will address, these shortcomings in time for this election, or if it has plans to address them in time for future elections.**

**Background on language access requirements in elections**

On December 8, 2021, [the Census Bureau announced](#) that Philadelphia County met the threshold requiring voting materials to be offered in Chinese. Until now, English and Spanish were the only languages required.

Here's what the law specifically requires in "Section 203," added to the Voting Rights Act in 1975:

§10503 (c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language  
Whenever any State or political subdivision [covered under (b) Bilingual voting materials requirement] provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language ...

Everything provided in English to voters must be provided equally in every language that meets the threshold. Not just the printed and online instructions, posters and "I Voted" stickers, but the actual voting system — including the ballots.



## The ExpressVote XL fails to comply

For voters, the voting system includes two main parts:

- How the voter makes choices (on the screen)
- How the voter may verify that their choices are correctly recorded (on the printed ballot)

Both need to work in all required languages equally. While much has been made of the EVXL touchscreen's ability to display instructions and choices in up to 16 languages, including Chinese, there has been little public mention of the printed ballot.

All voting systems certified for use in Pennsylvania must allow voters to verify their votes on a paper ballot. It is the reason that the Governor required every county to replace its voting system, which Philadelphia did in 2019.

Voters who cannot read English cannot verify their votes on a printed ballot that is only in English. Yet the ExpressVote XL cannot print out Chinese characters on the printed ballot ([NYSTEC Testing Oversight of ES&S EVS 6.0.4.1](#), p. 13) and will not be able to do so until its software is upgraded. The software cannot be upgraded until the new version is approved both by the federal EAC and by the Pa. Dept of State, and then it has to be installed on each machine. That will not happen before the May primary.

When it came to the printed ballots that voters can review, Philadelphia never met the Section 203 requirement, even for Spanish. Philadelphia partially complied with the requirement by naming contests in both English and Spanish (e.g., "DISTRICT ATTORNEY - FISCAL DE DISTRITO"). However some information was not translated: the voter's yes/no selections on ballot questions, the "No selection" indicator, and the top-of-ballot information (election name, precinct name, etc.).

To meet the requirements, everything the voter needs must appear in the required language.

Even if the EVXL is programmed to print in Chinese characters, that current work-around would not be viable with three languages. Most Philadelphia elections have a lot of contests and the ballots it prints do not have enough space on them to contain all contests in three languages. Last November, with only Spanish contest names added to English, the EVXL did not provide enough space to consistently display the entire ballot. Chinese presents even more of a space challenge than Spanish. Since it does not share the Roman alphabet with English, the names of candidates must also be translated, taking up even more space. The alternative would be to print out separate ballots for each language, eg, an English/Spanish ballot and an English/Chinese ballot. That could introduce other difficulties related to voter anonymity, auditing, and more.

If Chinese-language voters cannot see what their vote is, the verification feature is unavailable to them. The machines will not be functioning as intended for them. They will not be treated equally under the law.

Looking at [sample ballots](#) for the May 2022 primary in Philadelphia, we see a **second problem**, in addition to the lack of Chinese on the printed ballots. Even on screen, where Chinese characters can be provided, the names of candidates have not been transliterated. Those voters who cannot read the Roman alphabet will therefore not be able to make selections based on reading the candidate name, as English- and Spanish-reading voters can.

We look forward to hearing how the Board will address these serious issues with Voting Rights Act compliance.

**Protect Our Vote Philly** • [info@povphilly.org](mailto:info@povphilly.org) • [@POVPhilly](https://twitter.com/POVPhilly)

April 27, 2022