

Meeting of the Commissioners - Return Board Meeting  
June 7, 2021

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RETURN BOARD MEETING

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June 7, 2021  
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COMMISSIONERS PRESENT:

LISA DEELEY, CHAIRWOMAN  
AL SCHMIDT, COMMISSIONER  
OMAR SABIR, COMMISSIONER  
SETH BLUESTEIN, DEPUTY COMMISSIONER  
NICK CUSTODIO, DEPUTY COMMISSIONER  
DEVIN UQDAH, DEPUTY COMMISSIONER  
TRINA BODNIK

HELD AT:

Voting Machine Warehouse  
11311 Roosevelt Boulevard  
Philadelphia, Pennsylvania

REPORTED BY: John A. Kelly  
Strehlow & Associates, Inc.  
(215) 504-4622

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2 P R O C E E D I N G S

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4 CHAIRWOMAN DEELEY: I'd like to call to order the  
5 Return Board meeting of Monday, June 7, 2021.

6 We will begin with public commenters. Commenters shall  
7 state where they live, or if they are not a resident of  
8 Philadelphia, that they are a Philadelphia taxpayer.

9 Public comment is not an opportunity for dialogue or Q  
10 and A. It is public comment, a chance for you to tell us  
11 what you think. Each speaker shall have two minutes;  
12 however, I may extend the time at my discretion.

13 All public comments must be relevant or germane to  
14 Board business. Finally, it is my responsibility to  
15 preserve the order and decorum of the meeting. As such,  
16 profane, slanderous, discriminatory or personal attacks will  
17 not be tolerated.

18 Anyone wishing to offer public comment at this time,  
19 please step forward.

20 MR. GARELLA: Good morning. My name is Rich Garella, a  
21 resident of Philadelphia, and I'm speaking on behalf of  
22 Protect Our Vote Philly.

23 As a citizens group dedicated to protecting votes, we  
24 were dismayed, disappointed and shocked that this Board  
25 would vote to disenfranchise Philadelphia voters.

1           Specifically, we're disappointed that Commissioners  
2 Schmidt and Sabir would vote to do that. Commissioner  
3 Deeley, we thank you for siding for the voters.

4           Contrary to media reports, GOP leadership in the House  
5 and the Department of State, the State Supreme Court has  
6 never ruled that undated ballots can't be counted. It was a  
7 split decision that has no binding effect on this election.

8           No one knows how the Court would rule now. But two of  
9 you chose to interpret the Court's decision incorrectly and  
10 voted to eliminate any chance for those 1,314 ballots to  
11 count. That's on you, Commissioners Schmidt and Sabir, not  
12 on the Department of State or anyone else.

13           It is in fact your responsibility to interpret and  
14 apply the law correctly. If your current decision is  
15 appealed, you will put yourselves and the city in the  
16 position of arguing in court against the voting rights of  
17 Philadelphia voters, disproportionately from communities of  
18 color.

19           But if you reverse your position and vote to count  
20 those ballots, if there's an appeal, you'll be on the right  
21 side, arguing in favor of enfranchisement. That's the side  
22 you should be on. That's the side you were elected to be  
23 on. We urge you in the strongest terms possible to  
24 reconsider and to reverse that vote now, for the sake of  
25 1,314 Philadelphia voters. Reverse that vote before

1 certifying these results. Fight for the voters, not against  
2 them. Protect our votes. Thank you.

3 CHAIRWOMAN DEELEY: Anyone else here for public  
4 comment? Please step forward.

5 MR. McCARTHY: Good morning. My name is Scott  
6 McCarthy. I'm a Philadelphia resident, also a volunteer  
7 with Protect Our Vote Philly, also very dismayed --

8 DEPUTY COMMISSIONER CUSTODIO: Talk into the  
9 microphone.

10 MR. McCARTHY: Sure. Is that better?

11 DEPUTY COMMISSIONER CUSTODIO: Yes.

12 MR. McCARTHY: So again, Scott McCarthy, Philadelphia  
13 resident, also a volunteer with Protect Our Vote Philly.  
14 very dismayed with the vote, and this disenfranchisement of  
15 Philadelphia citizens and their right to vote.

16 This is a matter that has been opined by state  
17 officials, guidance provided by state officials. And  
18 question for you, Commissioner Schmidt, given the statewide  
19 aspects of the guidance from the Department of State, have  
20 you consulted with other elections officials in other  
21 counties to see how they are considering this matter and  
22 where they're coming out with regard to allowing votes for  
23 voters who mailed in votes but may not have dated that mail-  
24 in ballot?

25 CHAIRWOMAN DEELEY: Excuse me. As I stated, this is

1 not an opportunity for Q and A, just public comment.

2 MR. McCARTHY: That is your position, but the Sunshine  
3 Law allows for questions and if you choose not to answer a  
4 question, that's your decision and your discretion, but this  
5 is clearly an opportunity for dialogue with the public.  
6 Sunshine Law allows for discussion with the public.

7 So again, I'll pose my question to you, Commissioner  
8 Schmidt. Have you or will you enter into any discussions  
9 with your colleagues and peers around the state to see how  
10 they are considering this matter?

11 COMMISSIONER SCHMIDT: Sir, you're welcome to continue  
12 to talk.

13 MR. McCARTHY: Well, then I will now pose the question  
14 to you, Commissioner Sabir. Have you or will you --

15 CHAIRWOMAN DEELEY: I will again remind you, sir, that  
16 this is not an opportunity for question and answer.

17 MR. McCARTHY: This is an opportunity for question and  
18 answer.

19 CHAIRWOMAN DEELEY: It is an opportunity for public  
20 comment, not --

21 MR. McCARTHY: That is something that you've imposed  
22 unilaterally on the public. So if you choose not to answer,  
23 you choose not to answer. The question is being posed to  
24 you, please, Commissioner Sabir.

25 COMMISSIONER SABIR: Sir, you can finish your public

1 comment.

2 MR. McCARTHY: I'll just wait out my time.

3 CHAIRWOMAN DEELEY: Time. Thank you. Is there anyone  
4 else for public comment?

5 (No response.)

6 CHAIRWOMAN DEELEY: Hearing none, we'll move on to a  
7 report from our executive director, Joe Lynch.

8 MR. LYNCH: Good morning, Commissioners.

9 CHAIRWOMAN DEELEY: Good morning, Joe.

10 MR. LYNCH: How are you? Happy Monday morning.

11 CHAIRWOMAN DEELEY: Happy Monday.

12 MR. LYNCH: Regarding the results from the May 18, 2021  
13 primary and special election, the vote totals remain  
14 unchanged since the reading of the final computation last  
15 Tuesday, and there have been no appeals or requests for a  
16 recanvassing or recounting of the ballots, just for the  
17 record.

18 CHAIRWOMAN DEELEY: Thank you, Joe. We'll now move to  
19 sign the certification.

20 (Pause.)

21 CHAIRWOMAN DEELEY: Thank you, everyone. This meeting  
22 is adjourned.

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24 (Whereupon the meeting concluded at 10:17 a.m.)



Meeting of the Commissioners - Return Board Meeting  
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<b>A</b>	choose 5:3,22 5:23 chose 3:9 citizens 2:23 4:15 city 3:15 clearly 5:5 colleagues 5:9 color 3:18 coming 4:22 comment 2:9 2:10,18 4:4 5:1,20 6:1,4 commenters 2:6,6 comments 2:13 Commissio... 1:7,7,8,8,9 3:2 4:8,11 4:18 5:7,11 5:14,24,25 Commissio... 1:5 3:1,11 6:8 communities 3:17 computation 6:14 concluded 6:24 considering 4:21 5:10 consulted 4:20 continue 5:11 Contrary 3:4 correctly 3:14 count 3:11,19 counted 3:6 counties 4:21 court 3:5,8 3:16 7:8 Court's 3:9 current 3:14 CUSTODIO 1:8 4:8,11	3:14 5:4 decorum 2:15 dedicated 2:23 Deeley 1:6 2:4 3:3 4:3 4:25 5:15 5:19 6:3,6,9 6:11,18,21 Department 3:5,12 4:19 DEPUTY 1:8 1:8,9 4:8,11 DEVIN 1:9 dialogue 2:9 5:5 director 6:7 disappointed 2:24 3:1 discretion 2:12 5:4 discriminat... 2:16 discussion 5:6 discussions 5:8 disenfranc... 2:25 disenfranc... 4:14 dismayed 2:24 4:7,14 disproporti... 3:17	F 7:1 fact 3:13 favor 3:21 Fight 4:1 final 6:14 Finally 2:14 finish 5:25 foregoing 7:2 forward 2:19 4:4	<b>G</b> G 2:2 Garella 2:20 2:20 germane 2:13 given 4:18 Good 2:20 4:5 6:8,9 GOP 3:4 group 2:23 guidance 4:17,19	<b>H</b> Happy 6:10 6:11 Hearing 6:6 HELD 1:11 House 3:4	<b>I</b> imposed 5:21 incorrectly 3:9 interpret 3:9 3:13	<b>J</b> Joe 6:7,9,18 John 1:17 7:7 June 1:3 2:5	<b>K</b> Kelly 1:17 7:7 knows 3:8	<b>L</b> law 3:14 5:3 5:6 leadership 3:4 LISA 1:6	live 2:7 Lynch 6:7,8 6:10,12	<b>M</b> Machine 1:12 mail- 4:23 mailed 4:23 matter 4:16 4:21 5:10 McCART... 4:5,6,10,12 4:12 5:2,13 5:17,21 6:2 media 3:4 meeting 1:1 2:5,15 6:21 6:24 microphone 4:9 minutes 2:11 Monday 2:5 6:10,11 morning 2:20 4:5 6:8,9,10 move 6:6,18	1:13 2:8,8 2:21,25 3:17,25 4:6 4:12,15 Philly 2:22 4:7,13 please 2:19 4:4 5:24 pose 5:7,13 posed 5:23 position 3:16 3:19 5:2 possible 3:23 PRESENT 1:5 preserve 2:15 primary 6:13 proceedings 7:3,5 profane 2:16 Protect 2:22 4:2,7,13 protecting 2:23 provided 4:17 public 2:6,9 2:10,13,18 4:3 5:1,5,6 5:19,22,25 6:4 put 3:15	relevant 2:13 remain 6:13 remind 5:15 report 6:7 reported 1:17 7:3 Reporter 7:8 reports 3:4 requests 6:15 resident 2:7 2:21 4:6,13 response 6:5 responsibili... 2:14 3:13 results 4:1 6:12 Return 1:1 2:5 reverse 3:19 3:24,25 Rich 2:20 right 3:20 4:15 rights 3:16 Roosevelt 1:13 rule 3:8 ruled 3:6	3:1 split 3:7 state 2:7 3:5 3:5,12 4:16 4:17,19 5:9 stated 4:25 statewide 4:18 step 2:19 4:4 Strehlow 1:17 strongest 3:23 Sunshine 5:2 5:6 Supreme 3:5 Sure 4:10
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