

MEETING OF THE COMMISSIONERS

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Friday, July 30, 2021

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COMMISSIONERS PRESENT:

LISA DEELEY, CHAIRWOMAN
AL SCHMIDT, COMMISSIONER
OMAR SABIR, COMMISSIONER
SETH BLUESTEIN, DEPUTY COMMISSIONER
NICK CUSTODIO, DEPUTY COMMISSIONER

HELD AT:

VIA ZOOM

REPORTED BY: Kathryn R. Doyle

- - -

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2 PROCEEDINGS

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4 CHAIRWOMAN DEELEY: Good morning. First,
5 let me apologize for the delay. There was a
6 technical issue out of our control.

7 Good morning. I call this meeting of
8 July 30, 2021 to order.

9 First, I have an announcement. The
10 Philadelphia City Commissioners met virtually
11 in executive session on Thursday, July 30, 2021
12 to meet with counsel from the City of
13 Philadelphia's Law Department -- I'm sorry. It
14 wasn't July 30. That's a typo -- to meet with
15 counsel from the City of Philadelphia's Law
16 Department in order to receive information on a
17 legal matter concerning litigation. It was
18 Thursday, July 15. I apologize.

19 MS. GARELLA: I'm going to object briefly
20 under Section 710.1 under City of Reading
21 versus Reading Legal.

22 You have to specify a little bit more what
23 the litigation is about and give the public an
24 idea of what went into the executive session.

1 CHAIRWOMAN DEELEY: We will now move to
2 public comment. Commenters shall state where
3 they live, or if they are not a resident of
4 Philadelphia, that they are a Philadelphia
5 taxpayer.

6 Public comment is not an opportunity for
7 dialogue or Q and A. It's public comment, a
8 chance for you to tell us what you think.

9 Each speaker shall have two minutes.
10 However, I may extend this time at my
11 discretion.

12 All public comments must be relevant or
13 germane to Board business.

14 Finally, it is my responsibility to
15 preserve the order and decorum of the meetings.
16 As such, profane, slanderous, criminatory or
17 personal attacks will not be tolerated.

18 Anyone wishing to offer public comment,
19 please step forward. I have a list, here. So
20 we'll go in order.

21 So the first person that requested to
22 speak was Howard Bilofsky -- please excuse me
23 if I'm saying your name wrong.

24 Please step forward and state your name

1 for the record.

2 MR. BILOFSKY: Good morning. I'm Howard
3 Bilofsky. I live in Mount Airy in
4 Philadelphia. And I haven't been to one of
5 these meetings in a very, very long time. And
6 I came because I'm outraged by the republicans
7 for causing such a disruption (inaudible.)

8 THE COURT REPORTER: I can't hear you.

9 MR. BILOFSKY: I'm pleased to see the
10 draft letter to the public says we won't buy
11 into that. I'm very pleased to be here.
12 (Inaudible.) I'm looking forward to hearing
13 from you, as well (inaudible.)

14 THE COURT REPORTER: Excuse me. I am not
15 hearing what you're saying.

16 MR. BILOFSKY: Thanks so much.

17 CHAIRWOMAN DEELEY: Thank you for coming
18 in.

19 Next person requesting to speak is
20 Murielle McCarthy.

21 MS. MCCARTHY: Good morning,
22 Commissioners. My name is Murielle McCarthy.
23 I'm a resident of Philadelphia and I volunteer
24 with Protect Our Vote Philly.

1 While there are meaningful improvements
2 that can be made in our election processes here
3 in Philadelphia, as well as in Pennsylvania as
4 a whole, the baseless politically motivated
5 accusations that we have seen since November
6 are designed to undermine our democracy by
7 attacking trust in our elections.

8 As Protect Our Vote Philly pointed out in
9 our September 2020 letter to the Board, our
10 county and all counties in Pennsylvania produce
11 ballot images from the machine and hand marked
12 ballots. These image are interpreted and
13 counted electronically and they are public
14 record. We have to confirm that the Board
15 preserves them, as required by law.

16 Providing copies of the images would not
17 risk the integrity of the election equipment
18 and records. Images would be available to the
19 public and to experienced reputable companies
20 such as Clear Ballot and Audit Engine for
21 analysis.

22 These transparencies and improved
23 procedures will go a long way to silence
24 baseless obligations of impropriety.

1 The good news is there are tools available
2 to us that will make our elections more
3 transparent and more secured.

4 As always, POV is happy to work with you
5 to secure our elections. Thank you.

6 CHAIRWOMAN DEELEY: Next person wishing to
7 speak is Rob Gurtcheff.

8 Mr. Gurtcheff, can you hold the microphone
9 closer to your mouth for quality?

10 MR. GURTCHEFF: How's that?

11 CHAIRWOMAN DEELEY: Great.

12 MR. GURTCHEFF: All right. I want to
13 thank everybody for holding this meeting to the
14 public. And I also want to thank you for your
15 response to State Senator Doug Mastriano.

16 As a veteran both Iraq and Afghanistan --

17 CHAIRWOMAN DEELEY: Thank you.

18 MR. GURTCHEFF: -- I just want to say that
19 I see the result of suppressing voters,
20 especially, in regards to Iraq where one
21 dictator got 99 percent of the vote. I don't
22 want to see that happen in my country.

23 And I also believe that Doug Mastriano's
24 effort is a betrayal to our democracy.

1 I have a couple other points. There's no
2 basis for this audit. There were only two
3 instances of voter fraud, both were perpetrated
4 by Trump voters.

5 Also, the Pennsylvania GOP agreed to
6 expand absentee ballots and voting hours in
7 order to abolish late voting. It wasn't to
8 save Trump's job. It was to save their own.

9 Also, fiscal conservatives really should
10 be concerned about the cost of the audit -- not
11 just the audit itself and the hours -- but also
12 of the cost of new voting equipment that was
13 shown to be violated.

14 Also, as a counter intelligence special
15 agent, I've done numerous investigations around
16 the world. I've also conducted local
17 investigations for law enforcement and I
18 currently am a corporate investigator.

19 The big problem that I have here is
20 dealing with information integrity. There's
21 supposed to be a chain of custody. As we've
22 seen in Arizona, that doesn't seem to exist.

23 Also, based on this, just recently, voters
24 in York County are being questioned by unknown

1 operatives calling themselves, quote, the
2 election integrity committee.

3 We need to stop that and prevent that.
4 It's intimidation and that's all it is. Thank
5 you.

6 CHAIRWOMAN DEELEY: Thank you for your
7 service and thank you for your comment today.

8 The next public commenter is Coleman
9 Poses -- I'm sorry, sir, if I read your name
10 wrong.

11 MR. POSES: No. You're better than most.

12 I'm Coleman Poses. I live in
13 Philadelphia, 19119.

14 I'd like to thank the Commission for the
15 letter and I certainly already learned a lot
16 today from the letter and from the other
17 speakers.

18 I just have one fast comment to make in
19 regards to Senator Mastriano. I think it was
20 somewhat disingenuous on his part. Since
21 November, really, he's been talking about
22 recertifying the election, going against the
23 certification of the 2020 election.

24 And, you know, for him to say: Don't

1 worry about it, there's not going to be any
2 problems -- really, they shouldn't be
3 recertified.

4 It seems to me that they were trying to
5 play both sides, and it just doesn't fit with
6 my idea of what a democratic institution and a
7 general assembly should be doing.

8 Thank you for your efforts and I hope all
9 goes well.

10 CHAIRWOMAN DEELEY: Thank you, again.

11 Are there anymore folks for public
12 comment?

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14 (No response.)

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16 CHAIRWOMAN DEELEY: Hearing none, I'll ask
17 for a report from the secretary, Omar Sabir,
18 for e-mailed public comment.

19 COMMISSIONER SABIR: Good morning.

20 There were no public comments e-mailed by
21 9:35 a.m.

22 CHAIRWOMAN DEELEY: Thank you,
23 Commissioner.

24 Hearing none, we will now proceed to old

1 business. We have no old business to discuss
2 today, so we will move on to new business and I
3 have two motions on today's agenda.

4 Last month, this Body voted to un-count
5 1,314 mail votes that were submitted for the
6 2021 Primary without a date being placed on the
7 declaration envelope. This was in addition to
8 the 146 ballots that were not counted, because
9 the declaration was not filled out at all and
10 15 that were dated, but not signed.

11 That is 1,475 Philadelphia voters whose
12 votes did not count because of confusion on
13 what they have to fill out on the declaration
14 envelope.

15 I know that everyone here is aware of my
16 position on whether or not a ballot should
17 count if the voter does not date the
18 declaration envelope. And I could go on
19 talking about that and list more names and
20 voters that this has affected, but I will spare
21 everyone any further grand standing.

22 But regardless of where you stand on the
23 issue, it is clear that the instructions alone
24 are not getting the job done.

1 So I asked my staff to work with the Count
2 Board staff on design changes on the
3 declaration envelope, to reduce the percentage
4 of voters who are not filling out the necessary
5 information.

6 They added arrows next to the signature
7 and dates lines, changed the color of those
8 lines to navy blue, which will draw attention
9 without increasing the printing costs, and
10 increase the font size on the warning stating
11 that their ballot will not count unless they
12 sign and date the declaration envelope and
13 place their ballot in the secrecy envelope.

14 Therefore, I motion that we approve the
15 design changes to the mail ballot declaration
16 envelopes that have been posted on
17 Philadelphiovotes.com and are available at the
18 public comment table for the 2021 General
19 Election and future elections.

20 Do I have a second?

21 COMMISSIONER SCHMIDT: I second the
22 motion.

23 CHAIRWOMAN DEELEY: All in favor?

24 (Ayes.)

1 CHAIRWOMAN DEELEY: Thank you. Motion
2 carries.

3 I have a second motion. On July 7, 2021,
4 I received a letter from Pennsylvania State
5 Senator Doug Mastriano, the state senator who
6 represents Adams and parts of Cumberland,
7 Franklin and York Counties in Pennsylvania,
8 who, in his capacity as Chairman of the Senate
9 Intergovernmental Operations Committee,
10 requested information pertaining to the 2020
11 General Election and 2021 Primary Election.

12 I'm going to ask that the Philadelphia
13 Board of Elections formally vote to not
14 participate in the Senator's proposed forensic
15 investigation.

16 And if that motion carries, I will send
17 the draft response letter that I have shared
18 with my fellow Commissioners and posted on
19 Philadelphiavotes.com this morning. It is also
20 available at the public comment table.

21 After I motion that the Philadelphia Board
22 of Elections not participate in the, quote,
23 forensic investigation, unquote, as proposed by
24 State Senator Doug Mastriano in his letter of

1 July 7, 2021, and furthermore that the
2 Philadelphia Board of Elections not grant the
3 state Senate and Intergovernmental Operations
4 Committee access to the requested items.

5 Do I have a second?

6 COMMISSIONER SCHMIDT: Second.

7 CHAIRWOMAN DEELEY: All in favor?

8 (Ayes.)

9 MS. GARELLA: I have to object to the vote
10 on this motion, again, on the basis of Sunshine
11 Act 710.1.

12 This is not at all an objection to the
13 motion, itself, or expression of opposition to
14 the motion, itself.

15 It's only an objection to the process in
16 which this Board fails to give the public
17 reasonable opportunity to comment on its
18 actions, which is required in the Sunshine Act.

19 Posting the motion less than two hours
20 before the meeting is not reasonable
21 opportunity.

22 And we hope that in the future, especially
23 as the Law changes, this Board will give the
24 public opportunity to comment.

1 Again, I want to stress and repeat: This
2 is not an expression of opposition to the
3 motion.

4 CHAIRWOMAN DEELEY: Even though the Law
5 does not take effect yet, the agenda -- let the
6 record reflect that the agenda was posted on
7 our website 24 hours before the meeting.

8 MS. MCCARTHY: It did not include this
9 motion that you are now passing.

10 MS. GARELLA: I don't think it was.

11 CHAIRWOMAN DEELEY: Okay. We're going to
12 go back just for the record.

13 So my second motion -- can I have a
14 second?

15 COMMISSIONER SCHMIDT: Second.

16 CHAIRWOMAN DEELEY: All in favor.

17 (Ayes.)

18 CHAIRWOMAN DEELEY: The motion carries.

19 Commissioner Sabir, do you have any items
20 to add to the agenda?

21 COMMISSIONER SABIR: None.

22 CHAIRWOMAN DEELEY: Commissioner Schmidt,
23 do you have any items to add to the agenda?

24 COMMISSIONER SCHMIDT: I do not.

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

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6 (Whereupon the hearing concluded at 11:58 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.

Kathryn Doyle
Court Reporter - Notary Public

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