

MEETING OF THE COMMISSIONERS

- - -

Friday, November 12, 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

ALSO PRESENT:

KEVIN RICHARDSON  
GARRETT DIETZ

HELD AT:

11311 Roosevelt Boulevard  
Philadelphia, Pennsylvania 19154

REPORTED BY: Kathryn R. Doyle

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2                   PROCEEDINGS

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4           CHAIRWOMAN DEELEY: Good morning. I call  
5 the November 12, 2021 meeting of the Return  
6 Board of the 2021 General and Special Election  
7 to order.

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

14           The Sunshine Act permits anyone attending  
15 a public meeting to object to a procedural  
16 violation at any time during the meeting. If  
17 you choose to do so, please succinctly state  
18 your objection. Objecting is not an  
19 opportunity for speech making.

20           We will now move to public comment.

21           Commenters shall state where they live, or  
22 if they are not a resident of Philadelphia,  
23 that they are the Philadelphia taxpayer.

24           Public comment is not an opportunity for

1 dialogue or Q and A -- it's public comment, a  
2 chance for you to tell us what you think.

3 Each speaker shall have two minutes.

4 However, I may extend this time at my  
5 discretion.

6 All public comments must be relevant or  
7 germane to Board business.

8 Finally, it's my responsibility to  
9 preserve the order and decorum of these  
10 meetings. As such, profane, slanderous or  
11 discriminatory or personal attacks will not be  
12 tolerated.

13 Anyone here looking to make a statement or  
14 argument on a particular category of mail-in  
15 ballots or a category or challenged provisional  
16 ballots, please hold off until that part of the  
17 meeting.

18 Is there anyone here for public comment.

19 MS. McCARTHY: Good afternoon,  
20 Commissioners.

21 My name is Murielle McCarthy, and I'm a  
22 resident of Philadelphia.

23 CHAIRWOMAN DEELEY: Wait one second.

24 Sorry. Excuse us.

1 MS. McCARTHY: Thank you.

2 Good afternoon, Commissioners. My name is  
3 Murielle McCarthy, and I'm a resident of  
4 Philadelphia.

5 A judge of elections recently made a  
6 public statement to you about experiencing  
7 intimidation and rule breaking by partisan  
8 officials at his polling place.

9 He stated he has been a poll worker for  
10 four years, and that his latest experience was  
11 horrible.

12 As a poll worker, I am upset that you  
13 didn't respond to him. You could have provided  
14 specific information on how to get support from  
15 the DA's office. You could have asked for more  
16 specifics on what happened.

17 As a poll worker, this demonstrates to me  
18 and to the public that you don't actually care  
19 about his experience.

20 You didn't even thank him for his years of  
21 service, which, in his case, is unusual for  
22 having that many years of service.

23 As a Board, you've consistently chosen not  
24 to respond to people who made public comments.

1 I've made public comments to you about issues  
2 that came up when I was a poll worker. And if  
3 my experience is typical, you don't follow up  
4 with people afterwards either.

5 Many election boards and other agencies in  
6 the state engage with the public when  
7 individuals bring their concerns to public  
8 meetings like this. That engagement can lead  
9 to improved policies and more trust.

10 And just as important, engagement with the  
11 public can demonstrate that boards actually  
12 care about the experiences of their poll  
13 workers and the voters.

14 It's hard enough for our City to recruit  
15 poll workers. When you ignore their concerns,  
16 you signal to returning and future poll workers  
17 that they are on their own, not only on the day  
18 of election, but afterwards when they report  
19 legitimate problems.

20 Engage with the public, and show us that  
21 you actually care about us. Thank you.

22 CHAIRWOMAN DEELEY: We will now move on  
23 to -- oh.

24 Anymore public comment?

1 (No response.)

2 CHAIRWOMAN DEELEY: Hearing none, we will  
3 move on to Secretary Commissioner Sabir for  
4 e-mailed public comment.

5 COMMISSIONER SABIR: Good afternoon.

6 CHAIRWOMAN DEELEY: Good afternoon.

7 COMMISSIONER SABIR: As of 12:45 a.m., we  
8 received no public comments via e-mail.

9 CHAIRWOMAN DEELEY: Thank you.

10 We will now proceed to new business.

11 Garrett Dietz will present on the mail  
12 ballot sufficiency determination.

13 MR. DIETZ: Good morning, Commissioners.

14 CHAIRWOMAN DEELEY: Good morning, Garrett.

15 MR. DIETZ: So I have a few categories for  
16 your review. For --

17 CHAIRWOMAN DEELEY: Hold on, Garrett.

18 MR. DIETZ: So I have a few categories for  
19 your review regarding absentee and mail-in  
20 ballots.

21 The first of which is voters who have  
22 affixed their signature to their declaration  
23 envelopes, but the declaration envelopes are  
24 missing the date of signature.

1 CHAIRWOMAN DEELEY: Thank you.

2 Is there anyone here who would like to  
3 offer argument on this category?

4 MS. GARELLA: Yes.

5 Good afternoon, Commissioners. I come  
6 before you once again on this issue of the  
7 dates on the ballots.

8 In May, you unfortunately voted to  
9 disenfranchise over 1,300 Philadelphia voters,  
10 preempting the Supreme Court, based on a  
11 misinterpretation of the decision, taking the  
12 position that this Board should make an  
13 interpretation of a complex Supreme Court  
14 decision, instead of giving the voters the  
15 benefit of the doubt.

16 Only one of you, Chair Lisa Deeley, stuck  
17 to her guns and stood up for the voters that  
18 you were elected to defend.

19 This is your chance, today, to recognize  
20 that voters should get the benefit of the  
21 doubt, that this Board stands for the rights of  
22 the voters, that this Board, when there's a  
23 confusing or puzzling or even an insubstantial  
24 issue like this missing dates, that you'll

1 choose not to disenfranchise those voters, but  
2 to treasure those votes that you were elected  
3 to protect.

4 So I urge you to make a different decision  
5 this time. I don't know how many of these  
6 undated ballots there are, but each and every  
7 one of them represents a Philadelphia voter  
8 whose vote deserves to be counted.

9 Thank you.

10 CHAIRWOMAN DEELEY: Thank you.

11 Garrett, could you please state for the  
12 record how many missing date envelopes there  
13 are?

14 MR. DIETZ: 1,807 ballots in this  
15 category.

16 CHAIRWOMAN DEELEY: Thank you.

17 Anybody else here to comment on this  
18 category?

19 (No response.)

20 CHAIRWOMAN DEELEY: In the 2020 General  
21 Election, .6 percent of the mail ballots that  
22 were returned did not contain a date. We voted  
23 to accept them, and that decision was appealed  
24 to the Pennsylvania Supreme Court.



1           In his concurring and dissenting opinion  
2 for -- in our e-canvas and absentee and mail-in  
3 ballots of November 3, 2020 General Election,  
4 Justice Wecht states, citing his earlier  
5 opinion in Pennsylvania Democratic Party versus  
6 Boockvar: I also emphasize the  
7 disqualification is appropriate so long as the  
8 secretary and County Boards of Elections  
9 provide electors with adequate instructions for  
10 completing the declaration of the elector,  
11 including conspicuous warnings regarding the  
12 consequences for failing strictly to adhere to  
13 these requirements.

14           I cannot say with any confidence that even  
15 diligent electors were adequately informed as  
16 to what was required to avoid the consequence  
17 of disqualification in this case. As in  
18 Zetner, it would be unfair to punish voters for  
19 the incidents of systemic growing pains.

20           After that, the Department of State  
21 redesigned the declaration envelopes, adding a  
22 clear warning stating that your ballot will  
23 not, if you do not place it in a secrecy  
24 envelope, sign and date the declaration, that

1 the results -- non-dated ballots shot up 2.1  
2 percent.

3 To combat this, this Board went above and  
4 beyond every other county in the state. We  
5 increased the size of the warning, used color  
6 to draw the eye to the important section of the  
7 envelope, and even added two arrows, pointing  
8 to the two lines that must be filled out --  
9 essentially, leading the horse to water.

10 Still, 2.4 percent of the ballots were  
11 returned without a date.

12 Voters, both diligent and not, were more  
13 than adequately presented with the information  
14 as to the consequences of failing to date the  
15 declaration.

16 It is clear. We cannot graphically design  
17 our way out of this problem. We need to bring  
18 back the satellite election offices so that  
19 there are staff there to check a voter's  
20 envelope for them when they turn it in.

21 I believe that the fact that 130,000  
22 ballots were collected through the satellite  
23 offices in 2020 -- was the reason for the low  
24 percentage of non-dated ballots. But satellite

1 offices require a major funding commitment.

2 Since we have not been able to provide the  
3 full level of service that these voters  
4 deserve, I vote that we count these ballots so  
5 that at least they are not disenfranchised.

6 Commissioner Schmidt?

7 COMMISSIONER SCHMIDT: Much like in the  
8 General Election of last year, there were no  
9 question as to whether this is the registered  
10 voter's vote or whether that vote is legitimate  
11 or whether it was received or cast on or before  
12 Election Day.

13 Unfortunately, the law is very clear. And  
14 the law states that the declaration envelope  
15 must be signed and dated.

16 I have testified in hopes that both  
17 legislature will change that law. They have  
18 not.

19 Consequently -- regrettably, I vote to not  
20 count those votes.

21 CHAIRWOMAN DEELEY: Commissioner Sabir?

22 COMMISSIONER SABIR: I vote not to count.

23 CHAIRWOMAN DEELEY: The first category of  
24 missing date will not count.

1 Please proceed.

2 MR. DIETZ: The next few categories are  
3 regarding the ID verification of the ballot  
4 application of the voter.

5 Do the first category in this group is  
6 where an ID verification failed when the voter  
7 applied for the ballot. The voter responded to  
8 the ID verification letter that we sent to all  
9 voters in this situation.

10 Unfortunately, the ID was still not able  
11 to be cured, and neither the Social Security  
12 number nor the driver's license number was  
13 present on their registration file.

14 And there are 15 ballots in this category.

15 CHAIRWOMAN DEELEY: Is anyone here who  
16 would like to offer argument on this category?

17 (No response.)

18 CHAIRWOMAN DEELEY: Hearing none, I vote  
19 to count.

20 Commissioner Schmidt?

21 COMMISSIONER SCHMIDT: I vote to count.

22 CHAIRWOMAN DEELEY: Commissioner Sabir?

23 COMMISSIONER SABIR: Vote to count.

24 CHAIRWOMAN DEELEY: These votes in the ID

1 verified no Social Security or driver's license  
2 on SHORE will count.

3 COMMISSIONER SCHMIDT: Garrett, did you  
4 say how many they were in that universe?

5 MR. DIETZ: 15.

6 CHAIRWOMAN DEELEY: Thank you.

7 MR. DIETZ: So the next category is  
8 similar. The difference being, again, it's a  
9 voter whose ID verification failed.

10 They responded to the letter that we sent,  
11 but whatever ID they gave, was opposite of what  
12 was on the registration record.

13 For instance, if they gave us a Social  
14 Security number but only their driver's license  
15 number was on their file or vice versa.

16 CHAIRWOMAN DEELEY: The number?

17 MR. DIETZ: Oh. And there are three  
18 ballots in this category.

19 CHAIRWOMAN DEELEY: Thank you.

20 Is there anyone here who would like to  
21 offer argument on this category?

22 (No response.)

23 CHAIRWOMAN DEELEY: Hearing none, I vote  
24 to count.

1 Commissioner Schmidt?

2 COMMISSIONER SCHMIDT: I vote to count.

3 CHAIRWOMAN DEELEY: Commissioner Sabir?

4 COMMISSIONER SABIR: Vote to count.

5 CHAIRWOMAN DEELEY: These votes will be  
6 counted.

7 Please proceed.

8 MR. DIETZ: Okay. The next category --  
9 again, a voter whose ballot application failed  
10 ID verification. They responded to the ID  
11 letter, but what they responded with did not  
12 match what we had on their registration record.

13 And there are five ballots of this  
14 category.

15 CHAIRWOMAN DEELEY: Is there anyone here  
16 that wishes to offer argument?

17 (No response.)

18 CHAIRWOMAN DEELEY: I vote to not count.

19 Commissioner Schmidt?

20 COMMISSIONER SCHMIDT: I vote to not count  
21 those ballots.

22 CHAIRWOMAN DEELEY: Commissioner Sabir?

23 COMMISSIONER SABIR: I vote to not count.

24 CHAIRWOMAN DEELEY: Please proceed.

1           MR. DIETZ: Okay. And my last category,  
2 ID verification failed for the voter when they  
3 applied for a ballot, and they did not respond  
4 validly to the letter sent.

5           And there are 213 ballots in this  
6 category.

7           CHAIRWOMAN DEELEY: Anyone here to offer  
8 argument on this category?

9                                 (No response.)

10          CHAIRWOMAN DEELEY: Hearing none, I vote  
11 to not count.

12          Commissioner Schmidt?

13          COMMISSIONER SCHMIDT: Given that the  
14 voter did not respond, I vote not to count.

15          CHAIRWOMAN DEELEY: Commissioner Sabir?

16          COMMISSIONER SABIR: Vote not to count.

17          CHAIRWOMAN DEELEY: These votes will not  
18 count.

19          MR. DIETZ: That's it for me. Thank you.

20          CHAIRWOMAN DEELEY: Thank you, Garrett.

21          COMMISSIONER SCHMIDT: Garrett, is there  
22 some sort of -- I guess the universe is pretty  
23 small.

24          Is there some sort of outreach we could do

1 to contact those voters to figure out why they  
2 don't have numbers in the SHORE System that  
3 match the numbers that they are providing --  
4 one small universe?

5 MR. DIETZ: We could definitely, you know,  
6 in post election, we could reach out to them  
7 and get those numbers into the registration  
8 records so that this isn't an issue again.

9 COMMISSIONER SCHMIDT: Just to make sure  
10 it's not like a data entry error or for one  
11 reason or another that number changed.

12 MR. DIETZ: So if they did give us a  
13 number that was different than the registration  
14 record, we would pass it through the HOP(ph)  
15 check, which checks the Department of State's  
16 like database.

17 So if it matched with the Department of  
18 State Database, we would count it. But this  
19 wasn't the case for any of these.

20 COMMISSIONER SCHMIDT: Thank you.

21 CHAIRWOMAN DEELEY: Thank you, Garrett.

22 We will now move to provisional ballots.  
23 Kevin Richardson will now present on challenges  
24 to provisional ballots.



1           MR. RICHARDSON: Good afternoon,  
2 Commissioners.

3           CHAIRWOMAN DEELEY: Good afternoon, Kevin.

4           MR. RICHARDSON: We have 13 different  
5 categories that were challenged.

6           We'll start with the first one:  
7 Provisional ballots that were cast in a  
8 different ward or division than the voter's  
9 registered.

10          In the past, it's a practice to count  
11 these ballots just as a partial count, where  
12 the voters eligible to vote for any office that  
13 that they are eligible for.

14          This one would only be the judge of  
15 elections. And majority inspector they would  
16 not be eligible for.

17          There are 60 ballots in this category.

18          CHAIRWOMAN DEELEY: Thank you.

19          If anyone representing those who brought  
20 the challenge would like to make an argument,  
21 or if anyone representing a candidate or a  
22 party would like to speak on that category of  
23 ballot challenge, please come forward.

24                               (No response.)

1 CHAIRWOMAN DEELEY: Hearing none -- first  
2 of all, this is a partial count, correct?

3 MR. RICHARDSON: Correct.

4 CHAIRWOMAN DEELEY: I vote to count --  
5 partial count.

6 Commissioner Schmidt?

7 COMMISSIONER SCHMIDT: My reading of the  
8 law is that it's very clear that it should  
9 be -- the ballots should be partially counted,  
10 and I vote to count.

11 CHAIRWOMAN DEELEY: Commissioner Sabir?

12 COMMISSIONER SABIR: I vote to partially  
13 count.

14 CHAIRWOMAN DEELEY: Those votes will be  
15 partially counted.

16 Proceed.

17 MR. RICHARDSON: Okay. Provisional  
18 ballots that did not have the ward and division  
19 written on the declaration envelope indicating  
20 what division they came from.

21 Normally, we would just take a peek in and  
22 look and write that on there, ourselves.

23 CHAIRWOMAN DEELEY: How many?

24 MR. RICHARDSON: 24. I'm sorry.

1 CHAIRWOMAN DEELEY: Thank you.

2 If anyone representing those would like to  
3 make an argument or anyone representing a  
4 candidate or ballot challenge please step  
5 forward.

6 (No response.)

7 CHAIRWOMAN DEELEY: Hearing none, I vote  
8 to count.

9 Commissioner Schmidt?

10 COMMISSIONER SCHMIDT: Seeing nothing in  
11 the law that suggests that those votes should  
12 not be counted, I vote to count.

13 CHAIRWOMAN DEELEY: Commissioner Sabir?

14 COMMISSIONER SABIR: I vote to count.

15 CHAIRWOMAN DEELEY: Those votes will  
16 count.

17 Please proceed.

18 MR. RICHARDSON: Provisional ballots that  
19 were challenged because the voter requested a  
20 mail ballot, and there is no evidence that the  
21 voter returned a voted ballot -- 171.

22 CHAIRWOMAN DEELEY: If anyone representing  
23 those who brought the challenge would like to  
24 make an argument or if anyone representing a

1 candidate or party would like to speak on that  
2 category of ballot challenge, please step  
3 forward.

4 MR. FARRELL: I'll be brief.

5 CHAIRWOMAN DEELEY: State your name for  
6 the record.

7 MR. FARRELL: George Farrell, here, on  
8 behalf of the Pennsylvania Democratic Party and  
9 Lori Dumas for Commonwealth Court -- how's  
10 that?

11 CHAIRWOMAN DEELEY: That's good.

12 MR. FARRELL: I'll be very brief.

13 This is an instance where the voter is  
14 confirmed to be registered. They only  
15 requested -- there's no evidence that they --  
16 their vote was recorded.

17 The statute is clear that the vote should  
18 be counted. There's only very small  
19 provisions, which you may get into later,  
20 wherein that vote cannot be counted.

21 In this situation, it is our opinion that  
22 the ballot should be counted. Thank you.

23 CHAIRWOMAN DEELEY: Thank you.

24 How many are there, Kevin, please?

1 MR. RICHARDSON: 171.

2 CHAIRWOMAN DEELEY: I vote to count.

3 Commissioner Schmidt?

4 COMMISSIONER SCHMIDT: I vote to count.

5 CHAIRWOMAN DEELEY: Commissioner Sabir?

6 COMMISSIONER SABIR: Vote to count.

7 CHAIRWOMAN DEELEY: These votes will  
8 count.

9 Please proceed.

10 MR. RICHARDSON: Provisional ballots for  
11 which the challenge form says a mail ballot was  
12 counted, but the staff has determined there was  
13 not a valid ballot counted.

14 CHAIRWOMAN DEELEY: How many?

15 MR. RICHARDSON: 23.

16 CHAIRWOMAN DEELEY: If anyone representing  
17 those who brought the challenge would like to  
18 make an argument, or if anyone representing a  
19 candidate or party would like to speak on the  
20 category of ballot challenge, please come  
21 forward.

22 MR. FARRELL: Very briefly.

23 George Farrell on behalf of the  
24 Pennsylvania Democratic Party and Dumas for

1 Commonwealth Court.

2 This should be a fact by fact analysis if  
3 it moves forward. Thank you.

4 CHAIRWOMAN DEELEY: Thank you.

5 I vote to count.

6 Commissioner Schmidt?

7 COMMISSIONER SCHMIDT: I vote to count.

8 CHAIRWOMAN DEELEY: Commissioner Sabir?

9 COMMISSIONER SABIR: Vote to count.

10 CHAIRWOMAN DEELEY: Those votes will  
11 count. Please proceed.

12 MR. RICHARDSON: Provisional ballots were  
13 challenged because a SHORE screen indicated the  
14 voter address was unconfirmed.

15 We do not believe this is a reason to  
16 reject otherwise valid provisional ballots. It  
17 just usually means the voter needs to complete  
18 an affidavit.

19 CHAIRWOMAN DEELEY: How many?

20 MR. RICHARDSON: 23 of those, as well.

21 CHAIRWOMAN DEELEY: Thank you.

22 If anyone representing those who brought  
23 the challenge would like to make an argument or  
24 if anyone representing a candidate or party

1 would like to speak on the category of ballot  
2 challenge, please step forward.

3 (No response.)

4 CHAIRWOMAN DEELEY: Hearing none, I vote  
5 to count.

6 Commissioner Schmidt?

7 COMMISSIONER SCHMIDT: I vote to count.

8 CHAIRWOMAN DEELEY: Commissioner Sabir?

9 COMMISSIONER SABIR: Vote to count.

10 CHAIRWOMAN DEELEY: These votes will  
11 count.

12 Please proceed.

13 MR. RICHARDSON: Provisional ballots were  
14 challenged because an incomplete affidavit.  
15 There are five of them.

16 That's to say if they include their name  
17 and date of birth and the staff confirmed it,  
18 they found their address and wrote it on there,  
19 themselves.

20 CHAIRWOMAN DEELEY: If anyone representing  
21 those who brought the challenge would like to  
22 make an argument or if anyone representing a  
23 candidate or party would like to speak on that  
24 category of ballot challenge, please step

1 forward.

2 (No response.)

3 CHAIRWOMAN DEELEY: I vote to count.

4 Commissioner Schmidt?

5 COMMISSIONER SCHMIDT: Kevin, you're  
6 saying it's signed. It's just incomplete?

7 MR. RICHARDSON: Yes.

8 COMMISSIONER SCHMIDT: On the part of the  
9 section the voter completes?

10 MR. RICHARDSON: Yes.

11 COMMISSIONER SCHMIDT: I vote to count.

12 CHAIRWOMAN DEELEY: Commissioner Sabir?

13 COMMISSIONER SABIR: Vote to count.

14 CHAIRWOMAN DEELEY: These votes will  
15 count.

16 Please proceed.

17 MR. RICHARDSON: Provisional ballots for  
18 which the challenge form says the voter is not  
19 registered to vote, but the staff has  
20 determined the register -- the voter is  
21 registered in SHORE.

22 I do have printouts available for your  
23 review.

24 CHAIRWOMAN DEELEY: Kevin, how many of



1 these?

2 MR. RICHARDSON: There are six.

3 CHAIRWOMAN DEELEY: Yes. May we please  
4 see them?

5 MR. RICHARDSON: (Complies.)

6 CHAIRWOMAN DEELEY: If anyone would like  
7 to make an argument, or if anyone representing  
8 a candidate or party would like to speak on  
9 that category of ballot challenge, please step  
10 forward.

11 (No response.)

12 CHAIRWOMAN DEELEY: Hearing none, I make a  
13 motion that we -- to count those ballots.

14 COMMISSIONER SCHMIDT: All those voters  
15 were clearly registered to vote.

16 I vote to count.

17 CHAIRWOMAN DEELEY: Commissioner Sabir?

18 COMMISSIONER SABIR: I vote to count.

19 CHAIRWOMAN DEELEY: Those votes will  
20 count.

21 Please proceed.

22 MR. RICHARDSON: Provisional ballots,  
23 challenged because no reason was checked off on  
24 the declaration envelope.

1 CHAIRWOMAN DEELEY: How many?

2 MR. RICHARDSON: 74.

3 CHAIRWOMAN DEELEY: If anyone representing  
4 those who brought the challenge would like to  
5 make an argument or if anyone representing a  
6 candidate or party would like to speak on that  
7 category of ballot challenge, please step  
8 forward.

9 MR. FARRELL: I'll be very brief again.

10 Pursuant to Section 3050 A.4, Subsection 5  
11 of the Election Code, this is not a valid  
12 reason to exclude a ballot.

13 And additionally, the Department of State  
14 guidelines says the judge of election and the  
15 minority inspector should complete this.

16 This is a non-voter error that should not  
17 be held against the voter. Thank you.

18 CHAIRWOMAN DEELEY: Thank you.

19 I vote to count.

20 Commissioner Schmidt?

21 COMMISSIONER SCHMIDT: I don't see  
22 anything in the law suggesting that -- because  
23 the voter didn't complete that section of the  
24 declaration, that it shouldn't be counted.

1           So I vote to count.

2           CHAIRWOMAN DEELEY: Commissioner Sabir?

3           COMMISSIONER SABIR: Vote to count.

4           CHAIRWOMAN DEELEY: Thank you.

5           Please proceed.

6           MR. RICHARDSON: Provisional ballots that  
7 were challenged because the form says the voter  
8 voted in person, but the staff determined that  
9 the voter did not vote in person -- 160.

10          CHAIRWOMAN DEELEY: If anyone representing  
11 those who brought the challenge would like to  
12 make an argument, or if anyone representing a  
13 candidate or party would like to speak on that  
14 category ballot challenge, please step forward.

15          MR. FARRELL: If anything, this would be a  
16 fact by fact -- a division by division fact  
17 determination.

18          This is likely another non-voter error,  
19 where the voter was allowed to sign the poll  
20 book, and did not vote. Thank you.

21          CHAIRWOMAN DEELEY: I vote to count.

22          Commissioner Schmidt.

23          COMMISSIONER SCHMIDT: Staff determined  
24 that the voter did not vote in person, I vote

1 to count.

2 CHAIRWOMAN DEELEY: Commissioner Sabir?

3 COMMISSIONER SABIR: Vote to count.

4 CHAIRWOMAN DEELEY: These votes will  
5 count.

6 Please proceed.

7 MR. RICHARDSON: Provisional ballots being  
8 challenged because the voter only signed once  
9 on the declaration envelope -- 13.

10 CHAIRWOMAN DEELEY: And there are -- there  
11 is a signature on the envelope, and it matches  
12 SHORE?

13 MR. RICHARDSON: That's correct.

14 CHAIRWOMAN DEELEY: Thank you.

15 If anyone representing those who brought  
16 the challenge would like to make an argument or  
17 if anyone representing a candidate or party  
18 would like to speak on that category of ballot  
19 challenge, please step forward.

20 MR. HENRY: Britain Henry, Pennsylvania  
21 Republican Party.

22 The Code is clear, the case law is clear.  
23 The affidavit requires both signatures. One is  
24 insufficient. Those votes should not count.

1 CHAIRWOMAN DEELEY: Thank you.

2 MR. FARRELL: We'd argue --

3 CHAIRWOMAN DEELEY: I'm sorry. Can you  
4 state your name again?

5 MR. FARRELL: I'm sorry. George Farrell  
6 on behalf of the Pennsylvania Democratic Party.

7 We would argue this is non-voter error.

8 CHAIRWOMAN DEELEY: I vote to count.

9 Commissioner Schmidt?

10 COMMISSIONER SCHMIDT: Unfortunately, the  
11 law is very clear that a provisional ballot  
12 should not count if either the provisional  
13 ballot envelope under Clause 3 or the affidavit  
14 under Clause 2 is not signed by the individual.

15 So unfortunately, I vote to not count  
16 those ballots.

17 CHAIRWOMAN DEELEY: Commissioner Sabir?

18 COMMISSIONER SABIR: Vote to note count.

19 CHAIRWOMAN DEELEY: These votes will not  
20 count.

21 Please proceed -- I'm sorry, Kevin, can  
22 you tell me how many votes were in the one  
23 voter signature category, again?

24 MR. RICHARDSON: 13.

1 CHAIRWOMAN DEELEY: 13. Thank you.

2 Please proceed.

3 MR. RICHARDSON: Provisional ballot  
4 challenge forms say the signature does not  
5 match the record in SHORE, but the staff  
6 determined that the signature does match.

7 There are 11 of these, and we have  
8 printouts for your review.

9 CHAIRWOMAN DEELEY: Please bring them  
10 forward.

11 MR. RICHARDSON: (Complies.)

12 CHAIRWOMAN DEELEY: If anyone representing  
13 those who brought the challenge would like to  
14 make an argument or if anyone representing a  
15 candidate or party would like to speak on this  
16 category of ballot challenge, please step  
17 forward.

18 MR. HENRY: Britain Henry, Republican  
19 Party of Pennsylvania.

20 Obviously, this is a case by case  
21 analysis. We would ask the determination of  
22 any questionable, that they resolve those as  
23 non-count, barring any testimony from the  
24 challenged voter, themselves, to the contrary.

1           MR. FARRELL: Just briefly, George Farrell  
2 on behalf of the Pennsylvania Democratic Party.

3           We would argue if they are questionable,  
4 that they do count.

5           MS. GARELLA: Rich Garella from Protect  
6 Our Vote Philly.

7           I would just like to comment that the  
8 Election Code does give the public the right to  
9 observe everything that happens at the central  
10 tabulation center.

11           So I would hope in the future when you're  
12 evaluating something visual like this, you  
13 might set up an overhead projector or something  
14 like that -- that a lot of counties all over  
15 the county do that.

16           CHAIRWOMAN DEELEY: Okay. We're going  
17 to -- we're going to go one by one.

18           Shanaya Watkins(ph) I vote to count.

19           Commissioner Schmidt?

20           COMMISSIONER SCHMIDT: Vote to count.

21           CHAIRWOMAN DEELEY: Commissioner Sabir?

22           COMMISSIONER SABIR: Madam Chair, if I  
23 may, I was voting to count all of them -- if I  
24 could just be on the record for that.

1 CHAIRWOMAN DEELEY: Thank you.

2 Commissioner Sabir is on the record for  
3 voting yes for all of them.

4 I'll proceed.

5 Jennifer Reach(ph), I vote yes.

6 COMMISSIONER SCHMIDT: I vote to count.

7 CHAIRWOMAN DEELEY: So Jennifer will  
8 count.

9 Hannah Showman, I vote to count.

10 Commissioner Schmidt?

11 COMMISSIONER SCHMIDT: Vote to count.

12 CHAIRWOMAN DEELEY: Hannah that will  
13 count.

14 Joanna Fargo, I vote no.

15 Commissioner Schmidt?

16 COMMISSIONER SCHMIDT: I vote not to  
17 count.

18 CHAIRWOMAN DEELEY: Joanna Fargo will not  
19 count.

20 Jennifer Schneider, I vote yes.

21 Commissioner Schmidt?

22 COMMISSIONER SCHMIDT: Vote to count.

23 CHAIRWOMAN DEELEY: Jennifer Schneider  
24 will count.



1 Megan Frieoko(ph) I vote yes.

2 Commissioner Schmidt?

3 COMMISSIONER SCHMIDT: I vote to count.

4 CHAIRWOMAN DEELEY: Megan will count.

5 Adrianna Audertin(ph), I vote no.

6 Commissioner Schmidt?

7 COMMISSIONER SCHMIDT: I vote not to

8 count.

9 CHAIRWOMAN DEELEY: Adrianna Audertin will  
10 not count.

11 Pauline Abernathy(ph) I vote to count.

12 Commissioner Schmidt?

13 COMMISSIONER SCHMIDT: I vote to count.

14 CHAIRWOMAN DEELEY: Pauline Abernathy will  
15 count.

16 Mohammed Outlu, I vote to count.

17 Commissioner Schmidt?

18 COMMISSIONER SCHMIDT: Vote to count.

19 CHAIRWOMAN DEELEY: Mohammed Outlu will  
20 count.

21 Paul Boyd, I vote to count.

22 Commissioner Schmidt?

23 COMMISSIONER SCHMIDT: Vote to count.

24 CHAIRWOMAN DEELEY: Paul Boyd will count.

1 Sheila Rayard(ph) I vote to count.

2 Commissioner Schmidt?

3 COMMISSIONER SCHMIDT: Vote to count.

4 CHAIRWOMAN DEELEY: Sheila will count.

5 Just for the record, the first voter,

6 Shanaya Watkins, I vote to count.

7 Commissioner Schmidt?

8 COMMISSIONER SCHMIDT: I also vote to

9 count.

10 CHAIRWOMAN DEELEY: Shanaya Watkins will

11 count.

12 Please proceed.

13 MR. RICHARDSON: Provisional ballot was  
14 challenged because the provisional ballot was  
15 not signed by any poll worker -- 57.

16 CHAIRWOMAN DEELEY: If anyone representing  
17 those who brought the challenge would like to  
18 make an argument or if anyone representing a  
19 candidate or party would like to speak on that  
20 category of ballot challenge, please step  
21 forward.

22 MR. HENRY: Our position is without the  
23 signature of either, that the ballots should  
24 not count because it deprives any sort of

1 notion that the authenticity of the ballot,  
2 itself, exists.

3 We would suggest not to count.

4 CHAIRWOMAN DEELEY: I vote to count.

5 Commissioner Schmidt -- I'm sorry, sir.  
6 Please step forward.

7 MR. FARRELL: Just briefly, this is not  
8 listed as a valid reason in the statute to not  
9 count a ballot.

10 CHAIRWOMAN DEELEY: Thank you.

11 Anyone else left to comment?

12 MR. HENRY: While we agree it's not  
13 listed, it's presumed to be part of the ballot.  
14 It's on there. It's something that -- in order  
15 to have the signature, it's presumed to have  
16 the judge of elections or the minority  
17 inspector sign.

18 CHAIRWOMAN DEELEY: Thank you. Anyone  
19 else to comment on this category?

20 (No response.)

21 CHAIRWOMAN DEELEY: Hearing none, I vote  
22 to count.

23 Commissioner Schmidt?

24 COMMISSIONER SCHMIDT: This is oddly

1 different than a lot of the other categories I  
2 voted not to count, because I don't see  
3 anything in the Election Code that prohibits  
4 those ballots from counting.

5 And I think it would probably be  
6 responsible for the legislature to change that,  
7 but there's nothing to suggest they should not  
8 be counted, so I vote to count.

9 CHAIRWOMAN DEELEY: Commissioner Sabir?

10 COMMISSIONER SABIR: Vote to count.

11 CHAIRWOMAN DEELEY: These votes will  
12 count.

13 Please proceed.

14 MR. RICHARDSON: Provisional ballots were  
15 challenged because the ballot was signed by  
16 only one poll worker -- 15.

17 CHAIRWOMAN DEELEY: If anyone representing  
18 those who brought the challenge would like to  
19 make an argument or if anyone representing a  
20 candidate or party would like to speak on that  
21 category of ballot challenge, please step  
22 forward.

23 (No response.)

24 CHAIRWOMAN DEELEY: Seeing none, I vote to

1 count.

2 Commissioner Schmidt.

3 COMMISSIONER SCHMIDT: Same issue I had  
4 with the last one, and I also vote to count.

5 CHAIRWOMAN DEELEY: Commissioner Sabir?

6 COMMISSIONER SABIR: Vote to count.

7 CHAIRWOMAN DEELEY: These votes will  
8 count.

9 Commissioner Schmidt, do you have any  
10 items to be added to today's agenda?

11 COMMISSIONER SABIR: I do not.

12 CHAIRWOMAN DEELEY: Commissioner Sabir, do  
13 you have any items to be added to the agenda?

14 COMMISSIONER SABIR: No.

15 I would just like to thank, again, the  
16 workers. I think we got the best in the  
17 country.

18 CHAIRWOMAN DEELEY: Thank you.

19 - - - - -

20 (Whereupon the meeting concluded at 3:18 p.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.

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Kathryn Doyle  
Court Reporter - Notary Public

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