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PHILADELPHIA CITY COMMISSIONERS

ELECTIONS MEETING

Wednesday, May 1, 2024

10:00 a.m.

Job No.: 41772

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ATTENDANCE

- OMAR SABIR, CHAIRMAN - OMAR SABIR
- VINCENT GOWANS, DEPUTY TO THE CHAIR
- LISA DEELEY, VICE-CHAIR
- NICHOLAS CUSTODIO, DEPUTY TO VICE-CHAIR
- SETH BLUESTEIN, COMMISSIONER
- ERIC KAPENSTEIN, DEPUTY
- JOSEPH LYNCH, DIRECTOR OF OPERATIONS
- STEPHANIE REID, DIRECTOR OF ADMINISTRATIONS

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

2 (10:00 a.m.)

3 MR. SABIR: Good morning. I call to order the
4 meeting of the Philadelphia City Commissioners Board
5 of Elections for Wednesday, May 1st, 2024. This
6 meeting is in compliance under the Pennsylvania
7 Sunshine Act. The Philadelphia City Commissioners are
8 a three-member bipartisan Board of elected officials
9 in charge of elections and voter registrations for the
10 county of Philadelphia.

11 Each commissioner is elected to serve a four-year
12 term that coincides with the municipal election cycle
13 for mayor and city council. The commissioner set and
14 enforce departmental policies to administer voter
15 registration and conduct elections in accordance with
16 federal and state voter registration election laws.
17 The City Commissioners were created by the
18 Pennsylvania Assembly in 1711, where they focused on
19 taxation and held various regulatory powers throughout
20 the centuries.

21 The commissioner started maintaining voter lists
22 in 1799 and took on more election related
23 responsibilities, but didn't emerge in its current
24 form until the adaption of Philadelphia Home Rule
25 Charter in 1951.

1 We will start off with public comments. Before
2 beginning their comments, commentor and show state
3 where they live or if they are not a resident of
4 Philadelphia and that they are a Philadelphia
5 taxpayer. Public comment is not an opportunity for
6 dialogue or Q and A.

7 It is public comment, a chance for you to tell us
8 what you think. Each speaker will have two minutes to
9 speak, however, I may extend the time at my
10 discretion. Public comment must concern matters on
11 today's meeting agenda. Finally, slanderous,
12 discriminatory, personal attacks will not be
13 tolerated. If you wish to make a public objection to
14 the perceived Sunshine violation, please raise your
15 hand and I will recognize you. Outbursts will not be
16 tolerated.

17 Anyone wishing to offer public comment, please
18 step forward. Hearing no public comment, we will now
19 move to report from Secretary Bluestein for emailed
20 public comments. Secretary Bluestein, are there
21 emailed public comments?

22 MR. BLUESTEIN: There were no public comments
23 emailed by 9:45 a.m.

24 MR. SABIR: Thank you. We will now proceed to
25 Old Business. We have a report from our Directors of

1 Election Administration and Operation, which will be Page 5
2 reported by Joseph Lynch and Stephanie Reid.

3 MR. LYNCH: Good morning, Commissioners.

4 MR. SABIR: Good morning.

5 MR. LYNCH: We're just working on finalizing the
6 primary election. It's coming to an end and gearing
7 up for the November election. Looking forward to
8 that, and looking forward to working with all three
9 commissioners offices and their staffs. Thank you.

10 MS. REID: Good morning, Commissioners.
11 Likewise, we're looking forward to working with all of
12 you and your staffs. And I just want to say again, a
13 deep thank you to all of you and to all of our staff
14 who have been working tirelessly for the last,
15 honestly now, four or five weeks, having the
16 opportunity to stand out there with them and do some
17 of these tasks. They really truly are the heroes of
18 democracy. So just want to be sure that they know how
19 much we appreciate them.

20 MR. SABIR: Thank you. Vice chair Deeley, did
21 you have any questions?

22 MS. DEELEY: I do not.

23 MR. SABIR: Secretary Bluestein, did you have any
24 questions?

25 MR. BLUESTEIN: I have none.

1 MR. SABIR: We will now move to the next agenda
2 item. Mail ballot sufficiency determination is made
3 by our Supervisor of Elections, Dana Eckroade.

4 MS. ECKROADE: Good morning, Commissioners.

5 MR. SABIR: Good morning, Dana.

6 MS. ECKROADE: So we're going to start with
7 missing signature for the mail and ballot sufficiency
8 determination for the 2024 general primary. So for a
9 missing signature, we had 701 ballots returned.

10 MR. SABIR: I'm sorry, can you say that number
11 again?

12 MS. ECKROADE: 701.

13 MS. DEELEY: Mr. Chairman, I have a few questions
14 for Dana.

15 MR. SABIR: Sure.

16 MS. DEELEY: Dana, it's my understanding that
17 this category includes the blank ballots, for example,
18 ballots neither signed nor dated that were previously
19 reported as its own separate category, not just those
20 missing, only a signature. Is that correct?

21 MS. ECKROADE: Yes, that is correct.

22 MS. DEELEY: I believe that in 2020 -- in the
23 2023 general, this would have been about 142 ballots,
24 and in the primary, it would have been about 114
25 ballots. Does that sound correct?

1 MS. ECKROADE: That is correct.

2 MS. DEELEY: So we saw about a five time increase
3 in voters not signing their ballots?

4 MS. ECKROADE: That's correct.

5 MS. DEELEY: Thank you, Dana.

6 MS. ECKROADE: You're welcome.

7 MS. DEELEY: Mr. Chairman brief -- thank you.

8 MR. SABIR: Vice Chair Deeley, is there something
9 that you want to add?

10 MS. DEELEY: Nothing further.

11 MR. SABIR: Good.

12 MS. ECKROADE: Okay. So ballots not enclosed in
13 secrecy envelope we had 555.

14 MR. SABIR: All right. So for each category,
15 Dana, we're going to do a motion for each one and
16 we're going to vote on each category.

17 MS. ECKROADE: Okay.

18 MR. SABIR: Okay.

19 MS. ECKROADE: Do you want to start over?

20 MR. SABIR: No, just hold tight. You got it.
21 Secretary Bluestein, did you want to ask Dana a
22 question on that topic?

23 MR. BLUESTEIN: I have no questions for this
24 topic. Thank you.

25 MR. SABIR: Okay. I motion that this Board does

1 not accept ballots with a missing signature. Is there
2 a second.

3 MR. BLUESTEIN: Second.

4 MS. DEELEY: Mr. Chairman.

5 MR. SABIR: Hold on, hold on, hold on. Vice
6 Chair Deeley. You want to make a comment before we
7 vote on this?

8 MS. DEELEY: Yeah. I have a brief remark on the
9 motion, please.

10 MR. SABIR: Sure.

11 MS. DEELEY: I know that much was made about the
12 redesign of the envelopes, and the new design has done
13 a tremendous job addressing the missing date category.
14 But I think we need to take another look at the
15 signature line because we cannot have these kind of
16 numbers of voters whose vote is set aside for failing
17 to sign their ballot. If nothing is done, this
18 category will be in the thousands in November. That's
19 when we will see a much higher demand of the mail
20 ballots. Thank you, Mr. Chairman. I vote. Yeah, I
21 vote.

22 MR. SABIR: Okay. All right. So the motion was
23 on the floor. It was seconded by Secretary Bluestein,
24 and now we're going to go to vote. Secretary
25 Bluestein, please call the roll.

1 MR. BLUESTEIN: Vice Chair Deeley.

2 MS. DEELEY: Aye.

3 MR. BLUESTEIN: I vote aye. Chairman Sabir?

4 MR. SABIR: Aye. Okay. Dana, you can go to the
5 next category.

6 MS. ECKROADE: Ballots not enclosed in secrecy
7 envelope 555.

8 MR. SABIR: Secretary -- I'm sorry. Vice Chair
9 Deeley, did you want to make a comment on this one?

10 MS. DEELEY: I do not. Thank you.

11 MR. SABIR: Secretary Bluestein, did you want me
12 to comment on this?

13 MR. BLUESTEIN: I do not.

14 MR. SABIR: Okay. I motion that this Board does
15 not accept ballots that are not enclosed in a secrecy
16 envelope. Is there a second?

17 MR. BLUESTEIN: Second.

18 MR. SABIR: Secretary Bluestein, please call the
19 roll.

20 MR. BLUESTEIN: Vice Chair Deeley?

21 MS. DEELEY: I vote aye.

22 MR. BLUESTEIN: I vote aye. Chairman Sabir?

23 MR. SABIR: Aye. Dana, we can move to the next
24 category.

25 MS. ECKROADE: Missing date, 164.

1 MR. SABIR: Okay. Vice Chair Deeley, do you have
2 to make a comment on this motion.

3 MS. DEELEY: I have no questions for Dana. But I
4 do have a remark on the motion once you're ready.

5 MR. SABIR: That's fine. You want to come -- go
6 ahead. Vice Chair Deeley, you can make your comment.

7 MS. DEELEY: Thank you.

8 MR. SABIR: Sure.

9 MS. DEELEY: I have long maintained that whether
10 or not the voter writes a date on the envelope, it is
11 not material in determining whether or not such
12 individual is qualified under state law to vote in
13 such election. However, this has been the subject of
14 a multiyear federal legal battle which we were a party
15 advancing this argument. Yesterday, the Third Circuit
16 issued an order denying our petition for rehearing. I
17 still believe we were correct and that the count --
18 and that the court erred.

19 But with the recent Third Circuit opinion and the
20 makeup of the Supreme Court, we appear to be towards
21 the end of our battles in court. The only avenue left
22 is for the legislature to finally fix this, put
23 partisanship aside and do what is best for the voters.

24 Once again, I would like to applaud the redesign
25 of the envelope for dramatically reducing this

1 category. Previously, this was our largest category,
2 with 1,944 in last year's general and 1,539 in the
3 primary. Thank you.

4 MR. SABIR: Secretary Bluestein, do you want to
5 make a comment?

6 MR. BLUESTEIN: I would just add that I
7 completely agree with Commissioner Deeley. And
8 unfortunately, this category shouldn't even be a
9 problem because the dates are not important for
10 whether a ballot should or should not be counted. But
11 we'll have to move forward with the court decisions we
12 have. Thank you.

13 MR. SABIR: I motion that this Board does not
14 accept ballots with a missing date. Is there a
15 second?

16 MS. DEELEY: Second.

17 MR. SABIR: Secretary Bluestein, please go to
18 roll.

19 MR. BLUESTEIN: Vice Chair Deeley?

20 MS. DEELEY: I vote aye.

21 MR. BLUESTEIN: I vote aye. Chairman Sabir?

22 MR. SABIR: Aye. Then let's move to the next
23 topic.

24 MS. ECKROADE: Incorrectly dated, 309.

25 MR. SABIR: Okay. Vice Chair Deeley, you want to

1 say something about this motion?

2 MS. DEELEY: Yes, Mr. Chairman. I have remarks
3 on the motion. While the redesign of the ballot did a
4 great job in addressing the not dated ballots, I think
5 we are falling short with this category. We had 385
6 in last year's general when we counted 84,735 mailed
7 ballots and 257 in the primary when we counted 72,858
8 ballots. This election, we are at 309, but only
9 counting 68,317 mailed ballots. So our number is
10 about the same with less ballots.

11 My observation has been that people do not always
12 know the correct number for each month. They would
13 write a three or a five for April instead of a four,
14 which would put their ballot outside of the date
15 range. I would like the staff to consider removing
16 the boxes for the month so that voters would have the
17 option to write out the month. And like other
18 counties prefilling in the year. Thank you.

19 MR. SABIR: Secretary Bluestein, did you have
20 anything you wanted to add?

21 MR. BLUESTEIN: No, thank you.

22 MR. SABIR: So I motion that this Board does not
23 accept ballots that were incorrectly dated. Is there
24 a second?

25 MR. BLUESTEIN: Second.

1 MR. SABIR: Secretary Bluestein, please call the
2 roll.

3 MR. BLUESTEIN: Vice Chair Deeley.

4 MS. DEELEY: (No audio)

5 MR. SABIR: Go to the next topic, Dana.

6 MS. ECKROADE: Date damaged by the post office.

7 We have three. This is ballot 1. That's the second
8 ballot. And the third ballot.

9 MR. SABIR: Okay. Vice Chair Deeley, would you
10 make a comment on this?

11 MS. DEELEY: I do not, Mr. Chairman.

12 MR. SABIR: Secretary Bluestein, did you want to
13 say something?

14 MR. BLUESTEIN: I do not.

15 MR. SABIR: Okay. I'd like a motion that this
16 Board accept ballots with dates that were determined
17 to have been damaged by the post office. Is there a
18 second?

19 MS. DEELEY: Second.

20 MR. SABIR: Secretary Bluestein, please call the
21 roll.

22 MR. BLUESTEIN: Vice Chair Deeley?

23 MS. DEELEY: I vote aye.

24 MR. BLUESTEIN: I vote aye. Chairman Sabir?

25 MR. SABIR: Aye. Dana, you want to go to the

1 next topic?

2 MS. ECKROADE: ID verification. No Social
3 Security number or driver's license on SURE file we
4 have four.

5 MR. SABIR: Okay. Vice Chair Deeley, would you
6 want to make a comment on this motion?

7 MS. DEELEY: Yes, Mr. Chairman. Thank you. I
8 have a question for Dana. Dana, these voters received
9 our ID verification letters and they responded by
10 filling out the form that we sent them or contact them
11 -- or contacting us in another way, correct?

12 MS. ECKROADE: Correct.

13 MS. DEELEY: So these voters, it would be
14 impossible to verify using the form. They would have
15 to send us a copy of their photo ID, correct?

16 MS. ECKROADE: That is correct.

17 MS. DEELEY: Thank you. Nothing further. Mr.
18 Chairman.

19 MR. SABIR: Secretary Bluestein.

20 MR. BLUESTEIN: Question for Dana. Did the
21 voters numbers that they provided fail the initial
22 HAVA check?

23 MS. ECKROADE: Yes.

24 MR. BLUESTEIN: Mr. Chairman, quick comment
25 before we have a motion, I would just say that for

1 these categories, I rely on section 3146.8 of the
2 Election Code where it says in part, "If an elector
3 fails to provide proof of identification that can be
4 verified by the County Board of Elections by the 6th
5 calendar day following the election, then the absentee
6 ballot or mail in ballot shall not be counted.

7 Notwithstanding the provisions of this section, a
8 qualified absentee elector shall not be required to
9 provide proof of identification, if the elector is
10 entitled to vote by an alternative ballot under the
11 voting accessibility for the elderly and canon capped
12 act." So my question on this is, have we looked into
13 whether the voters in this category and the next
14 category meet the criteria under the voting
15 accessibility for the Elderly and Handicapped Act, and
16 if there are any ballots in this category that do not
17 meet that criteria?

18 MS. ECKROADE: So we do -- the majority of these
19 voters are over the age of 65.

20 MR. BLUESTEIN: All of them?

21 MS. ECKROADE: All except one.

22 MR. BLUESTEIN: So I would just suggest from my
23 own perspective that we should only be counting the
24 ballots that meet that criteria and not the one ballot
25 that doesn't.

1 MR. SABIR: So I motion that this Board accepts
2 ballots for no Social Security or driver's license or
3 SURE file. Is there a second?

4 MS. DEELEY: Second.

5 MR. SABIR: Secretary Bluestein, please call the
6 roll.

7 MR. BLUESTEIN: Vice Chair Deeley?

8 MS. DEELEY: I vote aye.

9 MR. BLUESTEIN: I vote nay. Chairman Sabir?

10 MR. SABIR: I vote aye. Dana, you want to go to
11 the next topic?

12 MS. ECKROADE: ID verification ID provided
13 opposite of what is on the SURE file. We have six.

14 MR. SABIR: Sure. Vice Chair Deeley.

15 MS. DEELEY: Thank you, Mr. Chairman. I do have
16 a question for Dana.

17 MR. SABIR: Sure.

18 MS. DEELEY: These voters received our ID
19 verification letters and they responded by filling out
20 the form that we sent them or contacting us in another
21 way, correct?

22 MS. ECKROADE: Correct.

23 MS. DEELEY: And they provided the opposite of
24 what we needed, correct?

25 MS. ECKROADE: Correct.

1 MS. DEELEY: Thank you.

2 MR. SABIR: Secretary Bluestein?

3 MR. BLUESTEIN: I have no comments. Thank you,
4 sir.

5 MR. SABIR: So I motion that this Board accepts
6 ballots in which the voter provided information that
7 was opposite of what is on SURE file. Is there a
8 second?

9 MS. DEELEY: Second.

10 MR. SABIR: Secretary Bluestein, please call the
11 roll.

12 MR. BLUESTEIN: Vice Chair Deeley?

13 MS. DEELEY: I vote aye.

14 MR. BLUESTEIN: I vote nay. Chairman Sabir?

15 MR. SABIR: Aye. Dana, you want to go to the
16 next topic?

17 MS. ECKROADE: ID verification. No response.
18 229.

19 MR. SABIR: Okay. Vice Chair Deeley, did you
20 have any comment on this one?

21 MS. DEELEY: I do not. Thank you.

22 MR. SABIR: Secretary Bluestein, do you have any
23 comments on this one?

24 MR. BLUESTEIN: I have none.

25 MR. SABIR: I motion that the Board does not

1 accept ballots where the voter ID did not respond to
2 the request from the County Board of Elections for ID
3 verification. Is there a second?

4 MS. DEELEY: Second.

5 MR. SABIR: Secretary Bluestein, please call the
6 roll.

7 MR. BLUESTEIN: Vice Chair Deeley?

8 MS. DEELEY: I vote aye.

9 MR. BLUESTEIN: I vote aye. Chairman Sabir?

10 MR. SABIR: Aye. Dana, you want to go to the
11 next topic?

12 MS. ECKROADE: Correctly dated and date blanks
13 signed front of declaration envelope. We have 11. So
14 you'll see the voter dated the declaration, however,
15 it does have a signed signature on the return label on
16 the other side. That's all of them.

17 MR. SABIR: That's all of them. Okay. Vice
18 Chair Deeley, did you want me to comment?

19 MS. DEELEY: I do not. Thank you.

20 MR. SABIR: Secretary Bluestein?

21 MR. BLUESTEIN: I have none.

22 MR. SABIR: I motion that the Board accepts
23 ballots when the voter signed the declaration envelope
24 in the incorrect location, but properly dated the
25 envelope is there a second?

1 MS. DEELEY: Second.

2 MR. SABIR: Secretary Bluestein, please call the
3 roll.

4 MR. BLUESTEIN: Vice Chair Deeley?

5 MS. DEELEY: I vote aye.

6 MR. BLUESTEIN: I vote aye. Chairman Sabir.

7 MR. SABIR: Aye. Dana, you want to move to the
8 next topic?

9 MS. ECKROADE: Signed and dated front of
10 declaration envelope two. So they signed in, date it
11 in the return label. Not on the front.

12 MR. SABIR: Got you. Vice Chair Deeley?

13 MS. DEELEY: I have nothing. No comment.

14 MR. SABIR: Sure. Secretary Bluestein?

15 MR. BLUESTEIN: I have none.

16 MR. SABIR: I motion that this Board accepts
17 ballots where the voters signed and dated the front of
18 the declaration envelope. Is there a second?

19 MR. BLUESTEIN: Second.

20 MR. SABIR: Secretary Bluestein, please call the
21 roll.

22 MR. BLUESTEIN: Vice Chair Deeley?

23 MS. DEELEY: I vote aye.

24 MR. BLUESTEIN: I vote aye. Chairman Sabir?

25 MR. SABIR: Aye. So, Dana, is there any vote for

1 this last category?

2 MS. ECKROADE: Yes, we received one right before
3 the deadline. So we have one ID verification. ID
4 doesn't match the SURE file.

5 MR. SABIR: Vice Chair Deeley?

6 MS. DEELEY: I have nothing.

7 MR. SABIR: Secretary Bluestein?

8 MR. BLUESTEIN: I have nothing.

9 MR. SABIR: I motion that this Board does not
10 accept ballots in which the voter submitted
11 information that does not match the SURE files. Is
12 there a second.

13 MS. DEELEY: Second.

14 MR. SABIR: Secretary Bluestein, please call the
15 roll.

16 MR. BLUESTEIN: Vice Chair Deeley?

17 MS. DEELEY: I vote aye.

18 MR. BLUESTEIN: I vote aye. Chairman Sabir?

19 MR. SABIR: Aye. Thank you, Dana, for all the
20 hard work, and that you and your staff do each
21 election. I see you up here, I see you at 142. I see
22 you getting busy, and I appreciate you and your staff.
23 Thank you.

24 MS. ECKROADE: Thank you.

25 MR. SABIR: We will now move to the other

1 business portion of our agenda. Vice Chair Deeley, do
2 you have any other business to be raised at this
3 meeting?

4 MS. DEELEY: Mr. Chairman, I'll be just like to
5 offer a suggestion for the staff with regard to these
6 last few categories where the voter incorrectly filled
7 out their envelope by signing the return envelope, the
8 return address or whatever. If we could reach out to
9 them and just get some feedback from them to see why,
10 you know, did they find that the instructions were
11 unclear or did they, you know, they didn't read it or,
12 you know, it would be interesting to know if they
13 could tell us, you know, why they did make that
14 mistake.

15 And then it would also be good for us to let them
16 know that going forward that they did, however, make,
17 you know, they should have signed it on their back.
18 And, Dana, I echo what the chairman said. Thank you
19 for an outstanding job as always, you and your staff.

20 MR. SABIR: Secretary Bluestein, do you have any
21 other business raised at this meeting?

22 MR. BLUESTEIN: I have none.

23 MR. SABIR: Thank you, Commissioners.

24 (The meeting was adjourned.)

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CERTIFICATE OF TRANSCRIPTIONIST

I, MICHELE NIEHAUS, Legal Transcriptionist, do hereby certify:

That the foregoing is a complete and true transcription of the original digital audio recording of the testimony and proceedings captured in the above-entitled matter. As the transcriptionist, I have reviewed and transcribed the entirety of the original digital audio recording of the proceeding to ensure a verbatim record to the best of my ability.

I further certify that I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 3rd day of May, 2024.



Michele Niehaus

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