

1 JUDGE CRUMLISH: Good
2 morning, everyone. This is the May 10th
3 meeting of the Board of Elections. First,
4 I'll remind all that I will preserve the
5 order and decorum of these meetings. Anyone
6 in attendance should be on notice that
7 obstruction of the public proceedings won't
8 be tolerated. Those who violate these rules
9 may be 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 choose to do so, please
14 succinctly state your objection. I'll
15 remind you that objecting is not an
16 interrogation or a platform for speech
17 making.

18 Second, please note that an update
19 to the proposed 2023 primary canvas
20 procedures is listed on today's agenda for
21 our vote. As it may, the update was posted
22 on the website last evening and I'll note
23 for bullet point number eight under absentee
24 and mail-in ballot pre canvas and canvas

1 procedures and records, the staff not
2 reconciling the poll books has been removed.
3 Now we will move to the public comment.

4 MR. GARELLA: I have a
5 Sunshine Act objection.

6 JUDGE CRUMLISH: Okay. You
7 can state it.

8 MR. GARELLA: Good morning.
9 On behalf of Protect Our Vote Philly -- my
10 name is Rich Garella, by the way. On behalf
11 of Protect Our Vote Philly, I object to the
12 following violation of the Pennsylvania
13 Sunshine Act.

14 Last week, this agency adjourned
15 to an executive session but did not give us,
16 the public, a legally-sufficient reason for
17 doing so. The Commonwealth Court made it
18 clear and (inaudible) with Counsel that
19 under the Sunshine Act 708, the reason given
20 for holding an executive session must
21 specify in a real discrete manner that is
22 best addressed in private so the public can
23 determine from the reason given (inaudible)
24 is being properly excluded, not just a

1 generic reason such as legal advice.

2 As this is the opening of the
3 meeting subsequent to the executive session,
4 you can still avoid a violation of the
5 Sunshine Act by sufficiently identifying the
6 matter that was discussed at the executive
7 session last week. So I encourage and hope
8 that you do that.

9 JUDGE CRUMLISH: Thank you.
10 Anything else?

11 MR. GARELLA: That's it.

12 JUDGE CRUMLISH: You can be
13 seated. Thank you very much. We'll now
14 move to otherwise public comment. Public
15 commentators shall state where they live and
16 whether or not they're a resident of
17 Philadelphia or a taxpayer. Public comment
18 is not, as many know, an opportunity for
19 questions and answers. It is public
20 comment, a chance for you to tell us what
21 you think.

22 Speakers shall have approximately
23 two minutes. However, in my discretion I
24 may extend this time. All public comments

1 must be relevant or germane to the Board
2 business. Finally, my responsibility as I
3 said before is to preserve the order and
4 decorum of this meeting and preclude and
5 direct parties not to engage in profane,
6 uncivil, or personal attacks. They will not
7 be tolerated in a public meeting. Is there
8 anyone here for this public meeting?

9 Sir, you're recognized and you may
10 address us.

11 MR. O'MALLEY: Thank you,
12 sir. Buenas tardes. Good afternoon. My
13 name is Marcus O'Malley. I'm the program
14 director at Seva, a community-based
15 organization serving the Philadelphia Latino
16 and (inaudible) population. I'm also a
17 resident of the 19104 zip code in
18 Philadelphia.

19 Seva wants to express our
20 gratitude to the Office of the City
21 Commissioners for setting up mobile drop-in
22 dropboxes in the heart of the community.
23 These events located at the Julia De Burgos
24 School at 401 West Lehigh Avenue will

1 hopefully be the first step in the ongoing
2 efforts to bridge our community which has
3 some of the lowest historic voter turnout
4 rates.

5 We want to exercise our
6 fundamental right using this simple and
7 effective tool. We are also encouraged by
8 the Office of the City Commissioners'
9 efforts to in the very near future set up a
10 satellite office in the primarily
11 Spanish-speaking neighborhoods of North
12 Philadelphia.

13 We remain willing partners in
14 (inaudible) for office space and in your
15 office's continued efforts to help our
16 community make their voices heard. We will
17 continue to promote the mobile event this
18 weekend so please expect food and music to
19 accompany you Saturday and Sunday. Once
20 again, we want to thank the Office of the
21 City Commissioners for their year-round
22 efforts to keep elections in our city
23 running in a safe, effective, inclusive, and
24 ethical manner.

1 Thank you all once again for your
2 service to our city. Please do not hesitate
3 to contact us as we continue to work towards
4 our extending votes in our community.
5 Gracias.

6 JUDGE CRUMLISH: Thank you,
7 sir. I will now move to Deputy -- oh,
8 another public comment. Go ahead.

9 MR. GARELLA: Good morning.
10 Once again, my name is Rich Garella speaking
11 on behalf of Protect Our Vote Philly.

12 Over the past four years, we have
13 documented repeated willful violations of
14 the Sunshine Act by the elected members of
15 this Board. These violations include
16 failure to properly explain executive
17 sessions, illegally-held executive sessions,
18 improper delegation of duties, failure to
19 properly announce meetings, failure to
20 (inaudible) business at open meetings, and
21 much more. All of them summary offenses
22 when committed willfully.

23 Frankly, it is disappointing to
24 see sitting judges of the Common Pleas Court

1 who presumably understand and appreciate the
2 law and the general (inaudible) passing the
3 law go down that same path. Since you were
4 appointed to the Board of Elections, we have
5 seen improper delegation of authority for
6 hiring purposes and we've seen repeated
7 violations of the requirements to keep
8 minutes of each meeting.

9 So there's no definitive record of
10 the Board's official actions and now we've
11 seen an executive session held without
12 legally-sufficient explanation. These
13 violations have not been corrected despite
14 our repeatedly calling them to your
15 attention. Clearly, it has become the habit
16 of the commissioners who sit on this Board
17 to violate the law but that is not reason
18 for you, your Honors, to choose to take up
19 that habit.

20 For those of us who believe in the
21 law and who believe in particular that a
22 Board responsible for administering our
23 elections should scrupulously follow the
24 law, to see this is disappointing and

1 frankly it's (inaudible). We urge you not
2 to go down the path of the elected
3 commissioners in whose place you now sit.

4 Your Honors, you can set an
5 example and help bring this Board into
6 compliance with the laws of this
7 commonwealth. This is your opportunity to
8 do so. Thank you.

9 JUDGE CRUMLISH: Thank you,
10 sir. We will now move to e-mail public
11 comment. Deputy Commissioner Kapenstein,
12 would you advise the Board and the public
13 have we received any e-mail public comments?

14 DEPUTY COMMISSIONER
15 KAPENSTEIN: As of 9:45 a.m. this morning,
16 there were no e-mail public comments.

17 JUDGE CRUMLISH: Thank you,
18 sir. Judge Johnson, are you aware of any?

19 JUDGE JOHNSON: No.

20 JUDGE CRUMLISH: Nor am I.
21 So we'll now move to old business and I'll
22 call Mr. Lynch to read the Executive
23 Director's report, please.

24 MR. LYNCH: Good morning,

1 Commissioners. Today's Sunshine Report for
2 May 10, 2023, County Board of Election
3 Report. As of yesterday, we have approved
4 95,306 vote-by-mail applications which is
5 7,394 added from last week's total. Of
6 those, 52,158 are paper applications and
7 43,148 are electronic applications. This
8 includes civilians, overseas, and military
9 voters.

10 All mail-in applications have been
11 processed for this upcoming election. As of
12 May 9th, we have serviced 376 walk-in voters
13 at our satellite office. That is 278 added
14 from last week's total. The deadline to
15 apply for mail-in ballots was yesterday, May
16 9th. Voters can still request a replacement
17 ballot until Election Day, Tuesday, May
18 16th.

19 If an emergency comes up, you may
20 submit an emergency application to the Board
21 of Elections. To receive an emergency
22 application ballot, you must provide a valid
23 emergency reason on your application.

24 Voters who are over the age of 65 or living

1 with a permanent disability may also obtain
2 an emergency ballot if their polling place
3 is not fully handicapped.

4 Our satellite office will remain
5 open until Election Day. Office hours are
6 Monday through Friday, 9:00 a.m. to 5:00
7 p.m., this Saturday and Sunday, 10:00 a.m.
8 to 3:00 p.m. On Election Day, we will open
9 from 9:00 a.m. to 8:00 p.m. Voter
10 information is available on our website at
11 vote.phila.gov.

12 The voter registration unit for
13 this election to date has processed 128,323
14 registration applications of which 7,515
15 were paper. All applications are up to
16 date. There are still some DOT MCs
17 trickling in from other counties. All
18 changes have been made and ID cards have
19 been mailed out. The last ID card mailing
20 was Monday consisting of 10,762 cards.

21 The Election Board Unit has
22 trained 4,450 workers for trainings. They
23 have a make-up class for those who might
24 have missed the classes this upcoming

1 Friday, the 12th and one last class on
2 Monday, May 15th at Delaware and Spring
3 Garden, Sixth Floor. 3,829 people attended
4 class for this upcoming primary election and
5 1,045 are scheduled yet for training.
6 That's all I have, Commissioners.

7 JUDGE CRUMLISH: Thank you,
8 sir. Members of the Board, I am going to
9 propose pursuant to the agenda new business.
10 I'll begin with the first motion which is I
11 will make a motion that we approve the May
12 2023 absentee mail-in ballot and application
13 challenge procedure that had been published
14 and is available on our website and on the
15 public comment table which has also been
16 distributed to the Members of the Board. Do
17 I hear a second on that motion?

18 JUDGE JOHNSON: I second.

19 JUDGE CRUMLISH: All in
20 favor?

21 (Aye).

22 JUDGE CRUMLISH: Please
23 record unanimous consent of the Board. The
24 second motion I'd like to propose is I

1 motion that we approve the 2023 primary
2 election ballot canvas procedures. That is
3 available also on the website and on the
4 public comment table here. Do I hear a
5 second on that motion?

6 JUDGE JOHNSON: Second.

7 JUDGE CRUMLISH: All in
8 favor?

9 (Aye).

10 JUDGE CRUMLISH: Please
11 record a unanimous consent of that motion.
12 I will next move to motion number three. I
13 move that we authorize and deputize the
14 Philadelphia Board of Elections staff to
15 prepare for and conduct pre canvas and
16 canvas of absentee and mail-in ballots at
17 the Philadelphia Ballot Processing Center.

18 The absentee mail-in and pre
19 canvas is to begin on Election Day at 7:00
20 a.m. and is to be conducted in accordance
21 with the Board's historical practices and
22 procedures and procedures approved here
23 today with the Election Code and other
24 applicable law.

1 The absentee and mail-in canvas is
2 to begin on or after 8:00 p.m. on Election
3 Day and is to be conducted in accordance
4 with the Board's historical practices and
5 procedures and the procedures approved here
6 today with Election Code and other
7 applicable law.

8 Further, the canvas is to begin on
9 Friday, May 19, 2023 at 9:00 a.m. The
10 Philadelphia Board of Elections staff shall
11 take an order prior to conducting the pre
12 canvas administered by the Board's Executive
13 Director prior to conducting the canvas
14 administered by the Board. Those jobs -- I
15 move that that motion be adopted.

16 JUDGE JOHNSON: I second.

17 JUDGE CRUMLISH: All in
18 favor?

19 (Aye).

20 JUDGE CRUMLISH: Please
21 record unanimous consent of the policies and
22 procedures regarding the pre canvas, canvas,
23 and conduct of elections. Judge Johnson, do
24 you have anything to add to the agenda

1 today?

2 JUDGE JOHNSON: I do not.

3 JUDGE CRUMLISH: Deputy, do
4 you have anything to add to the agenda
5 today?

6 DEPUTY COMMISSIONER

7 KAPENSTEIN: I do not.

8 JUDGE CRUMLISH: With no
9 other matter remaining on the public agenda,
10 I move that we adjourn. All in favor?

11 (Aye).

12 JUDGE CRUMLISH: Unanimous
13 consent. Thank you very much.

14 - - -

15 (This concludes the video
16 meeting).

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