

1 JUDGE CRUMLISH: Good
2 afternoon. We are returning as the Return
3 Board for the 2023 primary and special
4 election. We have publicly posted the
5 agenda for today but first I'd like to
6 introduce myself. I'm Judge James Crumlish
7 and with me is Judge Furlong and Judge
8 Johnson who also sit as members of the
9 Return Board.

10 I'll remind everyone that I'll
11 preserve order and decorum in these meetings
12 as it is my duty and responsibility to make
13 sure that these meetings are in the public
14 interest and consistent with the Sunshine
15 Act which allows anyone attending a public
16 meeting to object to a perceived violation
17 at any time during the meeting. If you
18 choose to do so, succinctly state your
19 objection. And I'll remind you that
20 objecting is not an opportunity for speech
21 making or grandstanding.

22 We will now move to public
23 comment. Comments, if any, shall state
24 where they live, whether or not they're a

1 resident of Philadelphia, and that they're a
2 Philadelphia taxpayer and since this is the
3 Return Board, which candidate, if any, they
4 represent. And, again, public comment is
5 not an opportunity for a dialogue or a
6 question-and-answer session. It is for
7 public comment and a chance for you to tell
8 us what you think.

9 Each speaker shall have
10 approximately two minutes. However, I may,
11 at my discretion, extend that time as long
12 as that matter is relevant to the Board's
13 business. And, again, it is my
14 responsibility to preserve the order and
15 decorum of this public meeting and as such
16 profane, slanderous, discriminatory, or
17 personal attacks won't be tolerated.

18 Anyone representing a candidate to
19 offer an argument on ballots and sufficiency
20 determinations should wait until the
21 particular category that is the subject of
22 the agenda before making such -- an
23 objection or comment. Do we have any public
24 comments?

1 (No response).

2 JUDGE CRUMLISH: Hearing
3 none, I will move then to the report from
4 Judge Furlong. Do we have any e-mailed
5 public comments?

6 JUDGE FURLONG: Thank you,
7 Mr. Chairman. There were no public comments
8 received by 9:45 a.m. this morning by the
9 Commissioner's office.

10 JUDGE CRUMLISH: Thank you.
11 We will then move on to the agenda described
12 as new business. First, we'll have Ms.
13 Eckroade present a disposition of a damaged
14 date. You may proceed.

15 MS. ECKROADE: Good morning.
16 So we have --

17 JUDGE CRUMLISH: And just so
18 the record is clear, we have being projected
19 on the screen for the Board members to
20 review the subject ballot envelope. You may
21 proceed.

22 MS. ECKROADE: So we have
23 received four ballots that were damaged in
24 the mail with the date. This is ballot

1 number one.

2 JUDGE CRUMLISH: And was this
3 ballot received in the United States Mail
4 prior to or on Election Day?

5 MS. ECKROADE: Yes.

6 JUDGE CRUMLISH: And the
7 envelope and the damage was caused in
8 transit or by some other means but otherwise
9 is timely a proper ballot; is that correct?

10 MS. ECKROADE: That's
11 correct.

12 JUDGE CRUMLISH: I would vote
13 to accept this ballot as it was not the
14 voter who made the error or caused the
15 destruction of the outside envelope.

16 JUDGE FURLONG: Second.

17 JUDGE JOHNSON: I also vote
18 to accept.

19 JUDGE CRUMLISH: All in
20 favor?

21 (Aye).

22 JUDGE CRUMLISH: We will
23 accept that ballot. The next, please?

24 MS. ECKROADE: Same thing

1 here. The date was damaged.

2 JUDGE CRUMLISH: And it was
3 certainly received -- or, I'm sorry, it
4 would be the Board's determination that this
5 damage to the envelope was not caused by the
6 voter but rather was timely received by the
7 Board of Elections on or before Election Day
8 and this was again not the error of the
9 voter in complying with the statutory
10 obligations. So I would vote to move to
11 accept this ballot.

12 JUDGE FURLONG: Second.

13 JUDGE CRUMLISH: All in
14 favor?

15 (Aye).

16 JUDGE CRUMLISH: The ballot
17 is accepted. The next, please?

18 MS. ECKROADE: So the same
19 thing here; date was damaged.

20 JUDGE CRUMLISH: And looking
21 at this ballot, all the required statutory
22 information has been provided by the elector
23 and the damage apparently has been caused in
24 transit from the postal service. And this

1 is not the mistake or error of the elector
2 and therefore I would move to accept this
3 ballot.

4 JUDGE FURLONG: Second.

5 JUDGE CRUMLISH: All in
6 favor, please say aye.

7 (Aye).

8 JUDGE CRUMLISH: The ayes
9 have it. We will accept this ballot.

10 MS. ECKROADE: And our fourth
11 ballot.

12 JUDGE CRUMLISH: Again, in
13 viewing the projector, I can see that all
14 the exterior information of the voter
15 declaration and the bar code and the other
16 necessary elements of verification are
17 present. And is it my understanding that
18 this was received on or before Election Day
19 by the Board of Elections?

20 MS. ECKROADE: Yes, it was.

21 JUDGE CRUMLISH: And because
22 I determine -- or I would recommend that we
23 consider to accept this ballot as the damage
24 to the envelope was not the result of the

1 voter, so therefore I move to accept this
2 ballot.

3 JUDGE FURLONG: Second.

4 JUDGE CRUMLISH: All in
5 favor?

6 (Aye).

7 JUDGE CRUMLISH: So this
8 ballot is accepted. Thank you very much.

9 MS. ECKROADE: Thank you.
10 Have a good day.

11 JUDGE FURLONG: Bye. Thank
12 you.

13 JUDGE CRUMLISH: And we have
14 Ms. Roxanne Huff-Gross. I'm sorry. You
15 were behind the screen.

16 MS. HUFF-GROSS: Good
17 morning.

18 JUDGE CRUMLISH: Good
19 morning. So we're now going to move to the
20 provision ballot sufficiency determinations.
21 You may proceed.

22 MS. HUFF-GROSS: I have four
23 ballots here where there is a signature --
24 no signature.

1 JUDGE CRUMLISH: Okay. So as
2 a matter of Pennsylvania law -- just give us
3 a -- this is a -- we want to follow along
4 with the agenda, if you will. So, ma'am,
5 you can proceed.

6 MS. HUFF-GROSS: Okay. Thank
7 you.

8 JUDGE CRUMLISH: Yes.

9 MS. HUFF-GROSS: I apologize.
10 This is my first run at this so I'm trying
11 to learn it as I go along.

12 JUDGE CRUMLISH: So far, you
13 are an expert --

14 MS. HUFF-GROSS: Thank you.

15 JUDGE CRUMLISH: -- and I
16 expect nothing but the best.

17 MS. HUFF-GROSS: All right.
18 The first category is ballot not in secrecy
19 envelope.

20 JUDGE CRUMLISH: And I would
21 vote to not accept ballots not in the
22 secrecy envelope which is required as a
23 matter of statute in Pennsylvania law.

24 JUDGE FURLONG: Second.

1 MS. HUFF-GROSS: The second
2 category --

3 JUDGE CRUMLISH: Hold on. We
4 have to vote.

5 MS. HUFF-GROSS: I apologize.

6 JUDGE CRUMLISH: Let me do my
7 job. And how many ballots are those?

8 MS. HUFF-GROSS: I don't have
9 the accurate record of this here.

10 JUDGE CRUMLISH: Okay. But
11 the issue itself is that if a ballot is not
12 in the secrecy envelope, I would still move
13 to exclude it as it is not in compliance
14 with Pennsylvania law and statutory
15 requirements. All in favor?

16 (Aye).

17 JUDGE CRUMLISH: The ayes
18 have it. We will not count ballots not in
19 the secrecy envelope. The next category is?

20 MS. HUFF-GROSS: Cancelled
21 record.

22 JUDGE CRUMLISH: And how many
23 cancelled records do we have?

24 MS. HUFF-GROSS: We have 70.

1 JUDGE CRUMLISH: We have 70?
2 Cancelled records, I would vote to not
3 accept them as they are not considered
4 eligible voters if the records are not on
5 the short system.

6 JUDGE FURLONG: Second.

7 JUDGE CRUMLISH: All in
8 favor?

9 (Aye).

10 JUDGE CRUMLISH: So the next
11 category, please?

12 MS. HUFF-GROSS: Chain of
13 custody issue.

14 JUDGE CRUMLISH: And that
15 would be the handling by the Board or the
16 nature or that defect?

17 MS. HUFF-GROSS: I'm not
18 certain how they deal with the chain of
19 custody issue.

20 JUDGE CRUMLISH: Okay. We'll
21 come back to that then.

22 MS. HUFF-GROSS: Okay.

23 JUDGE CRUMLISH: The next one
24 would be in the agenda sequence envelope

1 missing wards and division.

2 MS. HUFF-GROSS: There were
3 50.

4 JUDGE CRUMLISH: There were
5 50? It is the responsibility of the Board
6 to fill out that information so I would vote
7 to accept those votes as it was not the
8 fault of the voter who failed to perform the
9 duties of the local Election Board.

10 JUDGE FURLONG: I would
11 second.

12 JUDGE CRUMLISH: All in
13 favor?

14 (Aye).

15 JUDGE CRUMLISH: The ayes
16 have it. We will not count -- or we will
17 count the envelope that is missing wards and
18 divisions. The next is federal voters. As
19 a matter of law, federal voters are not
20 participating in this election as there are
21 no federal elections that have been subject
22 to this primary and special election. So I
23 would vote to not count any federal voters
24 that are ineligible to vote in this primary

1 and special election.

2 JUDGE FURLONG: Second.

3 JUDGE CRUMLISH: All in
4 favor?

5 (Aye).

6 MS. HUFF-GROSS: The next
7 category would be no ballot.

8 JUDGE CRUMLISH: And how many
9 do we have of that?

10 MS. HUFF-GROSS: 45.

11 JUDGE CRUMLISH: 45? As
12 there is no ballot, there is nothing to
13 count. So it's a difficult decision but I
14 would vote to not accept this proposed
15 ballot as it is absent.

16 JUDGE FURLONG: Second.

17 JUDGE CRUMLISH: All in
18 favor?

19 (Aye).

20 JUDGE CRUMLISH: The ayes
21 have it. The next?

22 MS. HUFF-GROSS: Not in
23 system, 110.

24 JUDGE CRUMLISH: How many?

1 MS. HUFF-GROSS: 110.

2 JUDGE CRUMLISH: That's 110
3 are not reflected in the short system?

4 MS. HUFF-GROSS: That is
5 correct.

6 JUDGE CRUMLISH: So as they
7 are not in the registered roles of the short
8 system, I would vote to not accept those
9 votes.

10 JUDGE FURLONG: Second.

11 JUDGE CRUMLISH: All in
12 favor?

13 (Aye).

14 JUDGE CRUMLISH: Those
15 proposed votes are not accepted by the
16 Board.

17 MS. HUFF-GROSS: Next
18 category is not signed by voter. There were
19 two.

20 JUDGE CRUMLISH: So as a
21 matter of current Pennsylvania law and the
22 statute, that is an incomplete ballot
23 without a declaration so I would vote not to
24 accept a non-signed ballot.

1 JUDGE FURLONG: Second.

2 JUDGE CRUMLISH: All in
3 favor?

4 (Aye).

5 JUDGE CRUMLISH: The next?

6 MS. HUFF-GROSS: Registered
7 out of county, 129.

8 JUDGE CRUMLISH: As proposed
9 electors registered out of county are
10 ineligible to participate in this primary
11 and special election, I would vote we not
12 count out-of-county electors.

13 JUDGE FURLONG: Second.

14 JUDGE CRUMLISH: All in
15 favor?

16 (Aye).

17 JUDGE CRUMLISH: We will not
18 count the registered out-of-county proposed
19 electors. The next category?

20 MS. HUFF-GROSS: Signature
21 mismatch, four.

22 JUDGE CRUMLISH: Okay. We're
23 going to have to demonstrate those or
24 project those on the screen for the Board's

1 evaluation. I would vote that it does
2 appear similar and therefore based on the
3 similarities and the signature is not
4 perfect with any repetitions, I would vote
5 to accept it.

6 JUDGE FURLONG: Second.

7 JUDGE CRUMLISH: All in
8 favor?

9 (Aye).

10 JUDGE CRUMLISH: I would vote
11 to accept this signature as it does appear
12 to be consistent.

13 JUDGE FURLONG: Second.

14 JUDGE CRUMLISH: All in
15 favor?

16 (Aye).

17 JUDGE CRUMLISH: This ballot
18 is to be counted. The next, please. I
19 would vote to accept this ballot as the
20 signatures do appear to be consistent.

21 JUDGE FURLONG: Second.

22 JUDGE CRUMLISH: All in
23 favor?

24 (Aye).

1 JUDGE CRUMLISH: The ayes
2 have it. This ballot will be counted. It's
3 sufficiently similar to my eye. I would
4 vote to accept this ballot. Do I have a
5 second?

6 JUDGE JOHNSON: Second.

7 JUDGE CRUMLISH: Do I have an
8 aye?

9 JUDGE JOHNSON: Aye.

10 JUDGE CRUMLISH: Note Judge
11 Furlong's dissent.

12 JUDGE FURLONG: Yes.

13 MS. HUFF-GROSS: Moving on,
14 two ballots, nine.

15 JUDGE CRUMLISH: So I would
16 ask Judge Furlong which of the two ballots
17 do we count?

18 JUDGE FURLONG: The first
19 one.

20 JUDGE CRUMLISH: That was bad
21 humor. I would vote not to vote where there
22 is two ballots.

23 JUDGE FURLONG: Second.

24 JUDGE CRUMLISH: So we will

1 not count XII, the two ballots category.
2 They will not be accepted. The next
3 category?

4 MS. HUFF-GROSS: Voted by
5 mail counted, 74.

6 JUDGE CRUMLISH: These were
7 people that had already voted by mail when
8 they presented to the Election Board --

9 MS. HUFF-GROSS: That's
10 correct.

11 JUDGE CRUMLISH: -- on
12 Election Day?

13 MS. HUFF-GROSS: That's
14 correct.

15 JUDGE CRUMLISH: So I would
16 vote not to allow those previously-voted
17 mail ballots -- or, I'm sorry, in-person
18 ballots.

19 JUDGE FURLONG: Second.

20 JUDGE CRUMLISH: All in
21 favor?

22 (Aye).

23 JUDGE CRUMLISH: They will
24 not be counted. The next category?

1 MS. HUFF-GROSS: And our
2 final, voted at poll, 81.

3 JUDGE CRUMLISH: So, again,
4 as they have voted and exercised their
5 franchise, I would not count any of these
6 mail or absentee ballots.

7 JUDGE FURLONG: Second.

8 JUDGE CRUMLISH: All in
9 favor?

10 (Aye).

11 JUDGE CRUMLISH: So the last
12 category will be chain of custody issues.
13 How many are there?

14 MS. HUFF-GROSS: That
15 information I don't have here but I can
16 explain to you about --

17 JUDGE CRUMLISH: Sure.

18 MS. HUFF-GROSS: -- the chain
19 of custody. The chain of custody ballots
20 are ballots that came back to the Board in a
21 manner where we were unable to confirm their
22 chain of custody or their ballot.

23 JUDGE CRUMLISH: It is not
24 unusual for election materials to be delayed

1 and handled by other people but still have
2 the integrity of the ballots themselves
3 intact. So I would vote to accept those
4 ballots that were timely received by the
5 Commissioners and the other sufficient audit
6 features of the voting systems who have
7 corroborated that they're authentic.

8 JUDGE FURLONG: Second.

9 JUDGE CRUMLISH: All in
10 favor?

11 (Aye).

12 JUDGE CRUMLISH: So we will
13 count those, quote, chain of custody issues.
14 So having said that, the Return Board will
15 continue in its work and we'll see each
16 other at the call of the Chair. Thank you
17 very much, everyone.

18 - - -

19 (This concludes the video
20 file.)

21 - - -

22

23

24

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