

1 PHILADELPHIA CITY COMMISSIONERS

2

3

4

5

6

7

8

9

ELECTIONS MEETING

10

Saturday, September 21, 2024

11

9:00 a.m.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTENDANCE

- OMAR SABIR, CHAIRMAN
- VINCENT GOWANS, DEPUTY TO THE CHAIR
- LISA DEELEY, VICE-CHAIR
- NICHOLAS CUSTODIO, DEPUTY TO VICE-CHAIR
- SETH BLUESTEIN, COMMISSIONER
- ERIC KAPSTEIN, DEPUTY TO COMMISSIONER
- JOSEPH LYNCH, DIRECTOR OF OPERATIONS
- STEPHANIE REED, DIRECTOR OF ADMINISTRATIONS
- DANA ECKROADE, DEPUTY EXECUTIVE DIRECTOR OF COMPLIANCE

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

2 (9:00 a.m.)

3 CHAIRMAN SABIR: Good morning. I call to order
4 the meeting of the Philadelphia City Commissioners
5 Return Board for Saturday, September the 21st, 2024.
6 This meeting is in compliance with 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 registration for the
10 City of Philadelphia. Each commissioner is elected to
11 serve a four-year term that coincides with the
12 municipal election cycle for mayor and city council.

13 The commissioners set and enforce departmental
14 policies to administer voter registration and conduct
15 elections in accordance with federal, state, and voter
16 registration election laws. The city commissioners
17 were created by the Pennsylvania assembly in 1711 with
18 a focus on taxation and held various regulatory powers
19 throughout the centuries.

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

25 We will start off with public comments. Before

1 beginning their comments, commenters shall state where
2 they live or, if they are not a resident of
3 Philadelphia, that they are Philadelphia taxpayer.
4 Public comment is not an opportunity for Q&A. It is
5 public comment, a chance for you to tell us what you
6 think. Each speaker will have two minutes to speak,
7 however, I may extend the time at my discretion.

8 Public comment must concern matters on today's
9 meeting agenda. Finally, it is my responsibility to
10 preserve the order and decorum of the meetings. As
11 such profane, slanderous, discriminatory, or personal
12 attacks will not be tolerated. If you wish to make a
13 public objection to a perceived Sunshine violation,
14 please raise your hand and I will recognize you.
15 Outbursts will not be tolerated.

16 Anyone wishing to offer a public comment, please
17 step forward. Hearing none, we will now move to the
18 email public Comments. Commissioner Bluestein, are
19 there any email public comments?

20 MR. BLUESTEIN: There were no email public
21 comments by 7:45 a.m.

22 CHAIRMAN SABIR: Thank you very much. We will
23 now proceed to old business. First, we have a report
24 from our directors of election administration and
25 operation which will be reported by Mr. Joseph Lynch

1 and Stephanie Reed. Bluestein, come on the record.

2 MS. REED: Like yesterday, we continue to work on
3 finishing the special election and all things are
4 going well.

5 MR. LYNCH: Yes, we're continuing our usual
6 process.

7 CHAIRMAN SABIR: Okay.

8 MR. LYNCH: We, we finished the LNA test
9 yesterday and now we're going into the final testing
10 for, for, probably starting Monday, for the final
11 testing.

12 CHAIRMAN SABIR: Vice-chair Deeley, do you have
13 any questions? Secretary Bluestein, do you have any
14 questions?

15 MR. BLUESTEIN: I have none. Thank you.

16 CHAIRMAN SABIR: That completes our old business
17 for today. We will now proceed to new business. We
18 will begin considering the first agenda item, mail
19 ballot sufficiency determination. We will call up our
20 deputy executive director of compliance and vote by
21 mail. Good morning, Dana. Can you please read the
22 first category and number of votes?

23 UNIDENTIFIED SPEAKER: I'm sorry, she's not here.

24 MR. LYNCH: She's already here.

25 MS. ECKROADE: Missing signature. We have 61

1 ballots.

2 CHAIRMAN SABIR: Missing signature. Hold on,
3 Dana. The first one I have is missing date.

4 MS. ECKROADE: Missing date.

5 CHAIRMAN SABIR: Yes.

6 MS. ECKROADE: I'm sorry. So missing date. I
7 have 23.

8 CHAIRMAN SABIR: I move that this board does not
9 accept ballots with a missing date. Is there a
10 second?

11 MS. DEELEY: Mr. Chairman?

12 MR. BLUESTEIN: Second.

13 CHAIRMAN SABIR: Hold on one second.

14 MR. BLUESTEIN: It's all right.

15 CHAIRMAN SABIR: All right, vice-chair?

16 MS. DEELEY: Mr. Chairman, remarks on the motion,
17 please?

18 CHAIRMAN SABIR: Sure. I was going -- I was
19 going to to get to that. We just did the motion.

20 MS. DEELEY: Thanks. Sorry.

21 CHAIRMAN SABIR: Okay, got second. We didn't
22 vote. We're not going to do anything.

23 MS. DEELEY: Sorry.

24 CHAIRMAN SABIR: You had opportunity. All right,
25 go ahead, vice-chair. I'm sorry.

1 MS. DEELEY: I would like to read from Judge
2 Ceisler's Commonwealth Court majority opinion in the
3 recent Black Political Empowerment Project v. Schmidt
4 case, which was brought against this board and dealt
5 with this subject. "In this original jurisdiction
6 matter, we are asked to determine whether two
7 provisions of the Pennsylvania election code that
8 require electors of the Commonwealth of Pennsylvania
9 to date the declaration of the elector printed on the
10 second or outer envelope of absentee and mail in
11 ballots violate the free and equal elections clause of
12 Article 1, Section 5 of the Pennsylvania Constitution.

13 See sections 1306 and 1306-D of the Election
14 Code, 325PS, 1346.6(a) and 3150.16(a), dating
15 provisions. The dating provisions and other statutory
16 phrases within them have been the subject of numerous
17 lawsuits since the 2019 inception of Act 77.
18 Nevertheless, despite various state and federal jury's
19 suggestions regarding that potential viability of a
20 challenge to the dating provisions under the free and
21 equal elections clause in prior case law over the past
22 four years, the present challenge is the first of its
23 kind.

24 For that reasons that follow, we conclude the
25 fundamental right to vote guaranteed by our

1 constitution is at issue. For that reason, a strict
2 scrutiny standard of review applies to the dating
3 provisions restrictions on that right. Under this
4 standard of review, the government bears the heavy
5 burden of proving that the law in question is narrowly
6 tailored to serve a compelling government interest.
7 And where the government fails to satisfy its burden,
8 the law or its application is unconstitutional.

9 As has been determined in prior litigation, the
10 date on the outer mail ballot envelope is not used to
11 determine the timeliness of a ballot, a voter's
12 qualifications, eligibility to vote, or fraud.
13 Therefore, the dating provisions serve no compelling
14 government interest. The refusal to count undated or
15 incorrectly dated, but timely mailed ballot submitted
16 by otherwise eligible voters because of meaningless
17 and inconsequential paperwork errors violates the
18 fundamental right to vote recognized in free and equal
19 election clause."

20 Though the Commonwealth order was eventually
21 vacated on technical grounds, the Pennsylvania Supreme
22 Court did not rule on the merits of the constitutional
23 argument. Therefore, as the latest and highest court
24 ruling I have to conclude that not counting these
25 ballots because of meaningless and inconsequential

1 errors that do not affect determinations of the
2 timeliness of a ballot, a voter's eligibility to vote,
3 or the prevention of fraud would be a violation of the
4 Pennsylvania Constitution.

5 I am in my third term as city commissioner, and
6 at the beginning of each term, we are legally required
7 to swear an oath. It goes like this, "I do solemnly
8 swear that I will support, obey, and defend the
9 Constitution of the United States and the Constitution
10 of the Commonwealth of Pennsylvania and the
11 Philadelphia Home Rule Charter, and that I will
12 discharge the duties of my office with fidelity." The
13 Pennsylvania Constitution is one of the documents that
14 we swear to support, obey and defend. Therefore, I
15 believe that we should not count these ballots. We
16 should count these ballots. I apologize. We should
17 count these ballots. Thank you, Chair.

18 CHAIRMAN SABIR: Sure, sure, sure. Secretary
19 Bluestein, did you want to make any comments?

20 MR. BLUESTEIN: Thank you, Mr. Chairman. While I
21 agree in principle with vice-chair Deeley that these
22 ballots should count, the Pennsylvania Supreme Court
23 vacated the Commonwealth Court opinion ruling. And
24 you know, we have an obligation to follow the law as
25 it currently stands. And unfortunately, that means

1 that we're not able to count these ballots, in my
2 opinion.

3 CHAIRMAN SABIR: Yeah, I can -- I definitely
4 agree with the vice-chair. Agree with you as well,
5 Mr. Bluestein. So having no other comments, we'll now
6 proceed to vote. Secretary Bluestein, can you please
7 call the roll?

8 MR. BLUESTEIN: Vice-chair Deeley?

9 MS. DEELEY: No.

10 MR. BLUESTEIN: I vote aye, Chairman Sabir?

11 CHAIRMAN SABIR: Aye. Being moved and properly
12 second -- oh, we did that. Okay, and the motion
13 passes. We'll now move to the next category.

14 MS. ECKROADE: Incorrectly dated, 46 ballots.

15 CHAIRMAN SABIR: I move that this board does not
16 accept incorrectly dated ballots. Is there a second?

17 MR. BLUESTEIN: Second.

18 CHAIRMAN SABIR: Anyone want to make any comments
19 before we vote?

20 MS. DEELEY: Yes, Mr. Chairman. Brief remarks on
21 the motion, please.

22 CHAIRMAN SABIR: Sure.

23 MS. DEELEY: The Black Political Empowerment
24 Project v. Schmidt case also dealt with incorrectly
25 dated ballots. And I would like my remarks from the

1 previous category also noted here. I believe the free
2 and equal election clause of the Pennsylvania
3 constitution requires us to count these ballots.

4 Thank you.

5 CHAIRMAN SABIR: Thank you. Secretary Bluestein,
6 you want to say something?

7 MR. BLUESTEIN: I have nothing to add, thank you.

8 CHAIRMAN SABIR: Again, I agree with the
9 sentiments of vice-chair Deeley. Secretary Bluestein,
10 will you call the roll?

11 MR. BLUESTEIN: Vice-chair Deeley?

12 MS. DEELEY: No.

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

14 CHAIRMAN SABIR: Aye. Motion passes. We will
15 now move to the next category.

16 MS. ECKROADE: Not enclosed in secrecy envelope,
17 28 ballots.

18 CHAIRMAN SABIR: I move that this board does not
19 accept ballots not enclosed in a secrecy envelope. Is
20 there a second?

21 MR. BLUESTEIN: Second.

22 MS. DEELEY: Mr. Chairman.

23 CHAIRMAN SABIR: Any commissioners --

24 MS. DEELEY: Yeah. Mr. Chairman, brief remarks
25 on the motion.

1 CHAIRMAN SABIR: Vice-chair, every time we vote,
2 I'm going to allow everyone to speak -- everyone to
3 speak -- everyone to speak. Thanks for asking. I
4 really appreciate that. Go ahead, floor is yours.

5 MS. DEELEY: The Black Political Empowerment
6 Project v. Schmidt case did not deal with the so-
7 called naked ballots. I believe that the arguments
8 which I read for the previous categories apply here,
9 too. The secrecy envelope does not determine the
10 timeliness of when a ballot is received. The secrecy
11 envelope does not determine if a voter is eligible to
12 vote, serve to prevent fraud.

13 But this is no longer the case in a post-Act 77
14 world, with a centralized mechanical -- mechanicalized
15 counting of mail ballots. So there is no longer a
16 compelling argument interest to not count these
17 ballots. Thank you.

18 CHAIRMAN SABIR: Thank you. Again, I agree with
19 your sentiment. Secretary Bluestein, can you call the
20 roll?

21 MR. BLUESTEIN: Yes, Mr. Chairman, before I do,
22 if I may just add a comment.

23 CHAIRMAN SABIR: Sure.

24 MR. BLUESTEIN: Again, I completely agree with
25 the sentiments that you and the vice-chair have

1 stated. I believe these ballots should be allowed to
2 be counted. But with the previous rulings by the
3 Pennsylvania Supreme Court telling us that we are not
4 allowed to count them, I believe it's important that
5 we follow the law as we proceed.

6 CHAIRMAN SABIR: Thank you. Let's proceed to
7 vote, please.

8 MR. BLUESTEIN: All right. Vice-chair Deeley?

9 MS. DEELEY: No.

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

11 CHAIRMAN SABIR: Aye. This motion pass. We will
12 now move to the next category.

13 MS. ECKROADE: Missing, missing signature, 61
14 ballots.

15 CHAIRMAN SABIR: I move that this board does not
16 accept ballots with a missing signature. Is there a
17 second?

18 MR. BLUESTEIN: Second.

19 CHAIRMAN SABIR: Commissioners, do we have any
20 comments on this before we vote?

21 MS. DEELEY: I have none.

22 MR. BLUESTEIN: I have none.

23 CHAIRMAN SABIR: Secretary Bluestein, please call
24 the roll.

25 MR. BLUESTEIN: Vice-chair Deeley?

1 MS. DEELEY: No -- yes.

2 MR. BLUESTEIN: That's a vote in the affirmative?

3 MS. DEELEY: Yeah.

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

5 CHAIRMAN SABIR: Aye. The motion passes. We
6 will now move to the next category.

7 MS. ECKROADE: Date damaged by post office. We
8 have zero ballots.

9 CHAIRMAN SABIR: Okay. With no ballots in this
10 category, we will move to the next category, please.

11 MS. ECKROADE: ID verification, no Social
12 Security or driver's license. On-shore record we have
13 one ballot.

14 MS. DEELEY: Mr. Chairman, I would like to move
15 that we table this and the next three categories F
16 through I per 25PS 3146.8, voters have until the sixth
17 calendar day following the election to provide proof
18 of identification to county boards of elections.

19 I also have a copy of the letter that we send to
20 voters telling them that they have six days. We are
21 currently only on day four. Voters still have until
22 Monday to verify their ID. Therefore, it is too early
23 for us to consider these.

24 CHAIRMAN SABIR: Okay. Can I do a five-minute
25 recess to consider that? Make sure that are the

1 truth.

2 MS. DEELEY: Okay.

3 (The meeting was recessed.)

4 CHAIRMAN SABIR: Okay. So just for clarity, for
5 the record, vice-chair, you want the next four
6 categories to be tabled until Monday?

7 MS. DEELEY: Till at least after Monday, Mr.
8 Chairman.

9 CHAIRMAN SABIR: Okay.

10 MS. DEELEY: They have until 5:00 -- the voters
11 have until 5:00 p.m. on Monday.

12 CHAIRMAN SABIR: Okay. So is there -- I'll
13 second that. Secretary Bluestein, did you have a
14 comment before we vote on this?

15 MR. BLUESTEIN: I think voting on the category so
16 the staff know how to apply our rules in advance of
17 receiving those ballots, does no harm to any of the
18 voters. So I don't see a need for delay, but I'm
19 happy to move forward as the chair sees fit.

20 CHAIRMAN SABIR: Okay. So you want to do a vote
21 on that, that we're going to table the four ID
22 verification categories until Monday?

23 MR. BLUESTEIN: Okay.

24 MS. DEELEY: Mr. Chairman, may I just make one
25 more comment --

1 CHAIRMAN SABIR: Sure.

2 MS. DEELEY: -- for the record?

3 CHAIRMAN SABIR: Sure.

4 MS. DEELEY: The predetermination of ballots, in
5 the past, the law department has been opposed to this.
6 So, I would reasonably anticipate the same consistent
7 posture, but --

8 CHAIRMAN SABIR: Okay. Secretary Bluestein, do
9 you want to go -- want to call roll?

10 MR. BLUESTEIN: Vice-chair Deeley?

11 MS. DEELEY: I vote aye.

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

13 CHAIRMAN SABIR: Aye. So, so the record is
14 clear, the four ID verification determinations, we
15 will revisit that on Monday. It's tabled until
16 Monday. So we will now move to the correctly dated
17 and blank sign front of the declaration envelope.

18 MS. ECKROADE: Correctly dated in date, blanks
19 sign front of declaration envelope, we have zero
20 ballots.

21 CHAIRMAN SABIR: Okay. No ballots in this
22 category. We will move to the next category, please,
23 Dana.

24 MS. ECKROADE: Signed and dated front of
25 declaration envelope. We have zero.

1 CHAIRMAN SABIR: There's no ballots in this
2 category. Okay. No ballots. We're going to move on
3 to -- is it -- okay. Oh, thanks. Appreciate you,
4 Dana. We have no ballots in that category. We're
5 going to move to report for the provisional ballots
6 now. Thank you, Dana. Good job.

7 MS. ECKROADE: Thank you.

8 CHAIRMAN SABIR: Good morning, Kevin.

9 MR. KEVIN: Good morning, commissioners.

10 MR. BLUESTEIN: Good morning.

11 MR. KEVIN: Okay, the first category we have is
12 not registered in-shore, we had one ballot that was
13 registered after the deadline --

14 CHAIRMAN SABIR: Okay.

15 MR. KEVIN: -- 195th.

16 CHAIRMAN SABIR: Okay. I move that this board
17 does not accept ballots not in the shore system by the
18 voter registration deadline for the special election.
19 Is there a second?

20 MR. BLUESTEIN: Second.

21 CHAIRMAN SABIR: Does any commissioner have any
22 comments before we vote?

23 MS. DEELEY: I have a question for Kevin. Kevin,
24 do we know where the voter was registered previously?

25 MR. KEVIN: They were not registered previously.

1 MS. DEELEY: Thank you. I vote no. I vote yes.

2 I'm sorry.

3 CHAIRMAN SABIR: Okay. So, Secretary Bluestein,
4 you going to call the roll?

5 MR. BLUESTEIN: Yes. I've noted vice-chair
6 Deeley's vote in the, the affirmative. I also vote
7 aye. Chairman Sabir?

8 CHAIRMAN SABIR: Aye. We will now move to the
9 next category.

10 MR. KEVIN: Okay. For canceled registrations, we
11 had zero.

12 CHAIRMAN SABIR: There's no ballots in this
13 category. We will move to the next category, please.

14 MR. KEVIN: Okay. The next category is
15 registered in another county. We did not have any of
16 those. However, we did have nine that were registered
17 in another election district that was not the 195th or
18 201st.

19 CHAIRMAN SABIR: One second. Okay. I move that
20 this board does not accept ballots registered outside
21 the special election district. Is there a second?

22 MR. BLUESTEIN: Second.

23 CHAIRMAN SABIR: Commissioners, do you have any
24 comments on this item before we vote?

25 MS. DEELEY: Yes, Mr. Chairman, I have a question

1 for Kevin.

2 CHAIRMAN SABIR: Sure.

3 MS. DEELEY: Kevin, do we know if any of these
4 voters had previously been registered in specifically
5 the 195th or the 201st?

6 MR. KEVIN: Yes.

7 MS. DEELEY: They were?

8 MR. KEVIN: Well, one was in 201st, but he was
9 voting in 195th.

10 MS. DEELEY: Okay. Are we --

11 MR. KEVIN: And others were 181st, 190th.

12 MS. DEELEY: Are we doing any kind of check to
13 see if voters could have been residents of the
14 district?

15 MR. KEVIN: Yes, we have done that.

16 MS. DEELEY: Okay. All right. Thank you.

17 CHAIRMAN SABIR: Secretary, did you have any
18 comment?

19 MR. BLUESTEIN: I have none. Thank you.

20 CHAIRMAN SABIR: Okay. You want to call the
21 roll?

22 MR. BLUESTEIN: Vice-chair Deeley?

23 MS. DEELEY: I vote yes.

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

25 CHAIRMAN SABIR: Aye. Motion passes. We will

1 now move on to the next category.

2 MR. KEVIN: Okay. The next category is not
3 signed by voter. We had zero ballots.

4 CHAIRMAN SABIR: No ballots in this category.
5 We'll move to the next category.

6 MR. KEVIN: Okay. Only one voter signature on
7 the ballot. We had four from the 195th.

8 CHAIRMAN SABIR: I move that this board does not
9 accept provisional ballots with only one voter -- with
10 only one voter signature. Is there a second?

11 MR. BLUESTEIN: Second.

12 CHAIRMAN SABIR: Commissioners, do you have any
13 items -- I mean, sorry. Do you have any comments on
14 this item before we vote?

15 MS. DEELEY: I do, Mr. Chairman. I have a
16 question for Kevin.

17 CHAIRMAN SABIR: Sure.

18 MS. DEELEY: Kevin, the voter did -- the voters
19 did affix a signature to these envelopes, correct?

20 MR. KEVIN: That is correct.

21 MS. DEELEY: And that signature was enough for
22 the staff to compare the signature on the provisional
23 ballot envelope with the signature on the elector's
24 registration form to --

25 MR. KEVIN: It was.

1 MS. DEELEY: -- to, so it was determined to be
2 genuine?

3 MR. KEVIN: It was determined to be a valid
4 signature, correct.

5 MS. DEELEY: Thank you.

6 CHAIRMAN SABIR: Secretary Bluestein, you have
7 any comments?

8 MR. BLUESTEIN: I have no comments.

9 CHAIRMAN SABIR: I understand your sentiments on
10 this, vice-chair Deeley. We will proceed to vote.

11 MR. BLUESTEIN: Vice-chair Deeley?

12 MS. DEELEY: I vote to count. I vote nay.

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

14 CHAIRMAN SABIR: Aye. Motion passes. We will
15 now move to the next category.

16 MR. KEVIN: The signature does not match. We had
17 zero ballots in that category.

18 CHAIRMAN SABIR: No ballots in this category. We
19 move to the next category, please.

20 MR. KEVIN: We had one person in 201st that the
21 staff determined they voted in person.

22 CHAIRMAN SABIR: I move that this board does not
23 accept provisional ballots where the voter voted in
24 person. All right. Commissioners, you have any
25 comments on it?

1 MS. DEELEY: I have none.

2 MR. BLUESTEIN: I'll second the motion.

3 CHAIRMAN SABIR: Okay, motion is second for the
4 record, and none of the commissioners have any comment
5 on this motion. Secretary Bluestein, would you call
6 the roll?

7 MR. BLUESTEIN: vice-chair Deeley?

8 MS. DEELEY: Vote aye.

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

10 CHAIRMAN SABIR: Aye. Okay, we'll go to the next
11 category.

12 MR. KEVIN: We have one ballot for no ward and
13 division on the envelope, that was in the 201st.

14 CHAIRMAN SABIR: I move that this board accepts
15 provisional ballots with no ward or division on the
16 envelope. Is there a second?

17 MS. DEELEY: Second.

18 CHAIRMAN SABIR: Okay. Commissioners, do you
19 have any comments on this item before we vote?

20 MS. DEELEY: I have none.

21 CHAIRMAN SABIR: Secretary Bluestein, please call
22 the roll.

23 MR. BLUESTEIN: Before I do so, Mr. Chairman, I
24 just have a question for Kevin.

25 CHAIRMAN SABIR: Sure.

1 MR. BLUESTEIN: Even though there was no ward and
2 division on the envelope, this ballot was returned to
3 the board with the other materials?

4 MR. KEVIN: That is correct.

5 MR. BLUESTEIN: Vice-chair Deeley?

6 MS. DEELEY: I vote aye.

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

8 CHAIRMAN SABIR: Aye. We will now -- motion
9 passes. We will now move to the next category.

10 MR. KEVIN: Okay. We've had five ballots that
11 were returned that were voted by mail and were
12 absentee. One in 195th, four in the 201st.

13 CHAIRMAN SABIR: I move that this board does not
14 accept provisional ballots. Where are we -- where we
15 return -- I move that this board does not accept
16 provisional ballots where return mail or absentee
17 ballot was counted. Is there a second?

18 MS. DEELEY: Second.

19 CHAIRMAN SABIR: Does any commissioners have any
20 comments on this motion?

21 MR. BLUESTEIN: I do not.

22 MS. DEELEY: Do not.

23 CHAIRMAN SABIR: Or questions? No?

24 MS. DEELEY: No.

25 CHAIRMAN SABIR: Okay. Secretary Bluestein,

1 please call the roll.

2 MR. BLUESTEIN: Vice-chair Deeley?

3 MS. DEELEY: Aye.

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

5 CHAIRMAN SABIR: Aye. We now move to the next
6 category.

7 MR. KEVIN: We have one ballot in 195th that was
8 not enclosed in a secrecy envelope.

9 CHAIRMAN SABIR: I move that this board does not
10 accept provisional ballots not enclosed in a secrecy
11 envelope. Is there a second?

12 MR. BLUESTEIN: Second.

13 CHAIRMAN SABIR: Commissioners, do you have any
14 comments on these items for we vote or questions?

15 MS. DEELEY: Mr. Chairman, yes, I have remarks on
16 the motion.

17 CHAIRMAN SABIR: Proceed.

18 MS. DEELEY: Mister -- Kevin, were these voters
19 determined to be registered voters?

20 MR. KEVIN: Yes.

21 MS. DEELEY: And these voters signed the
22 affidavit, correct?

23 MR. KEVIN: Yes.

24 MS. DEELEY: So the only thing wrong with these
25 ballots is that they are missing a secrecy envelope,

1 right?

2 MR. KEVIN: That is correct.

3 MS. DEELEY: I believe whether or not a ballot is
4 in a secrecy envelope, not material in determining
5 whether or not such individual is qualified under
6 state law to vote in such election. But unlike the
7 mail ballots where the voters are filling them out on
8 their kitchen table, these voters are doing this
9 process in the polling place. The judge of elections
10 should be instructing them to place their ballot in
11 the secrecy envelope. So this is a poll worker error
12 that we should not be punishing the voter for.

13 Furthermore difference here is the provisional
14 ballots are outlined in federal law, the Help America
15 Vote Act, and this is a federal election. State law
16 determines if someone is eligible to vote. If we
17 determine these voters to be registered and that they
18 signed the affidavit and that they have not already
19 voted in any other way, then we must count them. PA
20 law has extra hurdles, but putting a ballot in a
21 secrecy envelope has no bearing on whether or not
22 someone is qualified to vote.

23 I believe the Pennsylvania law is in conflict
24 with the Help America Vote Act. This has not been the
25 subject of recent court challenges. In addition, the

1 secrecy envelope does not prevent fraud or determine
2 timeliness. So we may be looking at another violation
3 of the free and equal elections clause of the
4 Pennsylvania constitution. Therefore, I believe that
5 these ballots should count.

6 CHAIRMAN SABIR: Secretary Bluestein, do you want
7 to call -- did you have any comments or questions on
8 this?

9 MR. BLUESTEIN: I have nothing to add. Thank
10 you.

11 CHAIRMAN SABIR: Okay. You want to call the
12 roll?

13 MR. BLUESTEIN: Vice-chair Deeley?

14 MS. DEELEY: No.

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

16 CHAIRMAN SABIR: Aye. That motion passes. We
17 will now move to the next category.

18 MR. KEVIN: Next category is not signed by board
19 workers. We have zero ballots.

20 CHAIRMAN SABIR: Any non-agenda items?

21 MS. DEELEY: I have none.

22 MR. BLUESTEIN: I have none. Thank you.

23 CHAIRMAN SABIR: Okay. I'd like to say thank you
24 as always, all our staff, put anything together with
25 satellites, special election, and this upcoming

1 historic November 5th election. Keep up the great

2 work. We want to make history, guys. Thank you.

3 Thank you, commissioners.

4 (The meeting was adjourned.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


CERTIFICATE OF TRANSCRIPTIONIST

I, STEPHEN OMONDI, 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 30 day of September, 2024.



Stephen Omondi

<hr/>	23	<hr/>	affix	16:11,13
1	6:7	9	20:19	18:7,8
1	25PS	9:00	agenda	19:24,25
7:12	14:16	3:2	4:9 5:18	21:13,14
1306	28	<hr/>	agree	<hr/>
7:13	11:17	A	9:21 10:4	B
1306-D	<hr/>	a.m.	11:8	ballot
7:13	3	3:2 4:21	12:18,24	5:19 8:10,
1346.6(a)	3146.8	absentee	ahead	11,15 9:2
7:14	14:16	7:10	6:25 12:4	12:10
1711	3150.16(a)	accept	allowed	14:13
3:17	7:14	6:9 10:16	13:1,4	17:12
1799	325PS	11:19	anticipate	20:7,23
3:21	7:14	13:16	16:6	ballots
181st	<hr/>	17:17	apologize	6:1,9 7:11
19:11	4	18:20 20:9	9:16	8:25 9:15,
190th	46	21:23	applicatio	16,17,22
19:11	10:14	accordance	n	10:1,14,
1951	<hr/>	3:15	8:8	16,25
3:24	5	Act	applies	11:3,17,19
195th	5	3:7 7:17	8:2	12:7,15,17
17:15	7:12	add	apply	13:1,14,16
18:17	5:00	11:7 12:22	12:8 15:16	14:8,9
19:5,9	15:10,11	administer	argument	15:17
20:7	<hr/>	3:14	8:23 12:16	16:4,20,21
<hr/>	6	administra	arguments	17:1,2,4,
2	61	tion	12:7	5,17
2019	5:25 13:13	4:24	Article	18:12,20
7:17	<hr/>	adoption	7:12	20:3,4,9
201st	7	3:23	assembly	21:17,18,
18:18	77	advance	3:17	23
19:5,8	7:17 12:13	15:16	attacks	bears
21:20	7:45	affect	4:12	8:4
2024	4:21	9:1	aye	begin
3:5	<hr/>	affirmativ	10:10,11	5:18
21st		e	11:13,14	beginning
3:5		14:2 18:6	13:10,11	4:1 9:6
			14:4,5	bipartisan
				3:8

Black 7:3 10:23 12:5	brought 7:4	18,19	12,15,17 21:6,9,13, 14,18,22	18 13:20 17:22 18:24 20:13 21:7,8,25
blank 16:17	burden 8:5,7	Ceisler's 7:2	challenge 7:20,22	commissioner 3:10 4:18 9:5 17:21
blanks 16:18	business 4:23 5:16, 17	centralize 12:14	chance 4:5	commissioners 3:4,7,13, 16,20 11:23 13:19 17:9 18:23 20:12 21:24
Bluestein 4:18,20 5:1,13,15 6:12,14 9:19,20 10:5,6,8, 10,17 11:5,7,9, 11,13,21 12:19,21, 24 13:8, 10,18,22, 23,25 14:2,4 15:13,15, 23 16:8, 10,12 17:10,20 18:3,5,22 19:19,22, 24 20:11 21:6,8,11, 13	calendar 14:17	centuries 3:19	charge 3:9	Commonwealth 7:2,8 8:20 9:10,23
	C	chair 9:17 15:19	Charter 3:24 9:11	compare 20:22
	called 12:7	Chairman 3:3 4:22 5:7,12,16 6:2,5,8, 11,13,15, 16,18,21, 24 9:18,20 10:3,10, 11,15,18, 20,22 11:5,8,13, 14,18,22, 23,24 12:1,18, 21,23 13:6,10, 11,15,19, 23 14:4,5, 9,14,24 15:4,8,9, 12,20,24 16:1,3,8, 12,13,21 17:1,8,14, 16,21 18:3,7,8, 12,19,23, 25 19:2, 17,20,24, 25 20:4,8,	check 19:12	compelling 8:6,13 12:16
	call 3:3 5:19 10:7 11:10 12:19 13:23 16:9 18:4 19:20		city 3:4,7,10, 12,16 9:5	completely 12:24
	canceled 18:10		clarity 15:4	completes 5:16
	case 7:4,21 10:24 12:6,13		clause 7:11,21 8:19 11:2	compliance 3:6 5:20
	categories 12:8 14:15 15:6,22		clear 16:14	concern 4:8
	category 5:22 10:13 11:1,15 13:12 14:6,10 15:15 16:22 17:2,4,11 18:9,13,14 20:1,2,4,5 21:15,17,		code 7:7,14	conclude 7:24 8:24
board 3:5,8 6:8 7:4 10:15 11:18 13:15 17:16 18:20 20:8 21:22			coincides 3:11	conduct 3:14
boards 14:18			comment 4:4,5,8,16 12:22 15:14,25 19:18	
			commenters 4:1	
			comments 3:25 4:1, 18,19,21 9:19 10:5,	

consistent 16:6	23 9:22,23 13:3	declaratio n 7:9 16:17, 19,25	5:20	ECKROADE 5:25 6:4,6 10:14 11:16 13:13 14:7,11 16:18,24 17:7
constituti on 7:12 8:1 9:4,9,13 11:3	created 3:17	decorum 4:10	determinat ion 5:19	
constituti onal 8:22	current 3:22	Deeley 5:12 6:11, 16,20,23 7:1 9:21 10:8,9,20, 23 11:9, 11,12,22, 24 12:5 13:8,9,21, 25 14:1,3, 14 15:2,7, 10,24 16:2,4,10, 11 17:23 18:1,25 19:3,7,10, 12,16,22, 23 20:15, 18,21 21:1,5,10, 11,12	determinat ions 9:1 16:14	
continue 5:2	cycle 3:12		determine 7:6 8:11 12:9,11	elected 3:8,10
continuing 5:5	<hr/> D		determined 8:9 21:1, 3,21	election 3:12,16 4:24 5:3 7:7,13 8:19 11:2 14:17 17:18 18:17,21
copy 14:19	damaged 14:7		director 5:20	
correct 20:19,20 21:4	Dana 5:21 6:3 16:23 17:4,6		directors 4:24	
correctly 16:16,18	date 6:3,4,6,9 7:9 8:10 14:7 16:18		discharge 9:12	election- related 3:21
council 3:12	dated 8:15 10:14,16, 25 16:16, 18,24		discretion 4:7	elections 3:9,15 7:11,21 14:18
count 8:14 9:15, 16,17,22 10:1 11:3 12:16 13:4 21:12	dating 7:14,15,20 8:2,13	Deeley's 18:6	discrimina tory 4:11	elector 7:9 elector's 20:23
counted 13:2	day 14:17,21	defend 9:8,14	district 18:17,21 19:14	electors 7:8
counting 8:24 12:15	days 14:20	delay 15:18	documents 9:13	eligibilit y 8:12 9:2
county 14:18 18:15	deadline 17:13,18	department 16:5	driver's 14:12	eligible 8:16 12:11
court 7:2 8:22,	deal 12:6	department al 3:13	duties 9:12	email 4:18,19,20
	dealt 7:4 10:24	deputy	<hr/> E	

emerge 3:22	final 5:9,10			Joseph 4:25
Empowermen t 7:3 10:23 12:5	Finally 4:9	G	I	Judge 7:1
enclosed 11:16,19	finished 5:8	genuine 21:2	ID 14:11,22 15:21 16:14	jurisdicti on 7:5
enforce 3:13	finishing 5:3	Good 3:3 5:21 17:6,8,9, 10	identifica tion 14:18	jury's 7:18
envelope 7:10 8:10 11:16,19 12:9,11 16:17,19, 25 20:23	fit 15:19	government 8:4,6,7,14	important 13:4	K
envelopes 20:19	five- minute 14:24	grounds 8:21	in-shore 17:12	Kevin 17:8,9,11, 15,23,25 18:10,14 19:1,3,6, 8,11,15 20:2,6,16, 18,20,25 21:3,16,20
equal 7:11,21 8:18 11:2	floor 12:4	guaranteed 7:25	inception 7:17	kind 7:23 19:12
envelopes 20:19	focus 3:18	H	inconseque ntial 8:17,25	L
errors 8:17 9:1	follow 7:24 9:24 13:5	hand 4:14	incorrectl y 8:15 10:14,16, 24	latest 8:23
eventually 8:20	form 3:23 20:24	happy 15:19	interest 8:6,14 12:16	law 7:21 8:5,8 9:24 13:5 16:5
executive 5:20	forward 4:17 15:19	harm 15:17	issue 8:1	laws 3:16
extend 4:7	four-year 3:11	Hearing 4:17	item 5:18 18:24 20:14	lawsuits 7:17
F	fraud 8:12 9:3 12:12	heavy 8:4	items 20:13	legally 9:6
fails 8:7	free 7:11,20 8:18 11:1	held 3:18	J	letter 14:19
federal 3:15 7:18	front 16:17,19, 24	highest 8:23		
fidelity 9:12	fundamenta l 7:25 8:18	Hold 6:2,13		
		Home 3:23 9:11		
			job 17:6	

license 14:12	matters 4:8	11:14,25 13:11 14:5	O	P
lists 3:20	mayor 3:12	19:25 21:14	oath 9:7	p.m. 15:11
litigation 8:9	meaningles s 8:16,25	move 4:17 6:8 10:13,15 11:15,18 13:12,15 14:6,10,14 15:19 16:16,22 17:2,5,16 18:8,13,19 20:1,5,8 21:15,19, 22	obey 9:8,14	paperwork 8:17
live 4:2	means 9:25		objection 4:13	pass 13:11
LNA 5:8	mechanical 12:14		obligation 9:24	passes 10:13 11:14 14:5 19:25 21:14
longer 12:13,15	mechanical ized 12:14		offer 4:16	
Lynch 4:25 5:5, 8,24	meeting 3:4,6 4:9 15:3		office 9:12 14:7	past 7:21 16:5
M	meetings 4:10	moved 10:11	officials 3:8	Pennsylvan ia 3:6,17 7:7,8,12 8:21 9:4, 10,13,22 11:2 13:3
mail 5:18,21 7:10 8:10 12:15	merits 8:22	municipal 3:12	On-shore 14:12	perceived 4:13
mailed 8:15	minutes 4:6	N	operation 4:25	person 21:20,21, 24
maintainin g 3:20	missing 5:25 6:2, 3,4,6,9 13:13,16	naked 12:7	opinion 7:2 9:23 10:2	personal 4:11
majority 7:2	Monday 5:10 14:22 15:6,7,11, 22 16:15, 16	narrowly 8:5	opportunit y 4:4 6:24	Philadelphia 3:4,7,10, 23 4:3 9:11
make 4:12 9:19 10:18 14:25 15:24	morning 3:3 5:21 17:8,9,10	nay 16:12 21:12	opposed 16:5	
match 21:16	motion 6:16,19 10:12,21	noted 11:1 18:5	order 3:3 4:10 8:20	
matter 7:6		number 5:22	original 7:5	
		numerous 7:16	Outbursts 4:15	phrases 7:16
			outer 7:10 8:10	policies 3:14

Political 7:3 10:23 12:5	10:6 13:5, 6 21:10	20:16	17:12,13, 24,25	restrictio ns 8:3
post 14:7	process 5:6	questions 5:13,14	18:15,16, 20 19:4	Return 3:5
post-act 12:13	profane 4:11	<hr/> R	registrati on 3:9,14,16	review 8:2,4
posture 16:7	Project 7:3 10:24	raise 4:14	17:18	revisit 16:15
potential 7:19	proof 12:6	read 5:21 7:1	20:24	roll 10:7 11:10
powers 3:18	properly 14:17	reason 12:8	registrati ons 18:10	12:20
predetermi nation 16:4	provide 10:11	reasons 8:1	regulatory 3:18	13:24 16:9 18:4 19:21
present 7:22	proving 14:17	received 7:24	remarks 6:16	rule 3:23 8:22
preserve 4:10	provisiona l 8:5	receiving 12:10	10:20,25	9:11
prevent 12:12	provisions 17:5 20:9, 22 21:23	recent 15:17	report 4:23 17:5	rules 15:16
prevention 9:3	public 7:7,15,20	recess 7:3	reported 4:25	ruling 8:24 9:23
previous 11:1 12:8 13:2	provisions 8:3,13	recessed 14:25	require 7:8	rulings 13:2
previously 17:24,25 19:4	public 3:25 4:4, 5,8,13,16, 18,19,20	recognize 15:3	required 9:6	<hr/> S
principle 9:21	Q&a 4:4	recognized 4:14	requires 11:3	Sabir 3:3 4:22
printed 7:9	qualificat ions 8:12	record 8:18	resident 4:2	5:7,12,16 6:2,5,8, 13,15,18, 21,24 9:18
prior 7:21 8:9	question 8:5 17:23	Reed 5:1 14:12 15:5 16:2, 13	residents 19:13	10:3,10, 11,15,18, 22 11:5,8, 13,14,18, 23 12:1, 18,23
proceed 4:23 5:17	18:25	refusal 8:14	responsibi lities 3:22	13:6,10, 11,15,19,
		registered 4:9	responsibi lity 4:9	

23 14:4,5, 9,24 15:4, 9,12,20 16:1,3,8, 12,13,21 17:1,8,14, 16,21 18:3,7,8, 12,19,23 19:2,17, 20,24,25 20:4,8,12, 17 21:6,9, 13,14,18, 22	Security 14:12 sees 15:19 send 14:19 sentiment 12:19 sentiments 11:9 12:25 21:9 September 3:5 serve 3:11 8:6, 13 12:12 set 3:13 shore 17:17 sign 16:17,19 signature 5:25 6:2 13:13,16 20:6,10, 19,21,22, 23 21:4,16 signed 16:24 20:3 sixth 14:16 slanderous 4:11 so- 12:6 Social 14:11	solemnly 9:7 speak 4:6 12:2,3 speaker 4:6 5:23 special 5:3 17:18 18:21 specifically 19:4 staff 15:16 20:22 21:21 standard 8:2,4 stands 9:25 start 3:25 started 3:20 starting 5:10 state 3:15 4:1 7:18 stated 13:1 States 9:9 statutory 7:15 step 4:17	Stephanie 5:1 strict 8:1 subject 7:5,16 submitted 8:15 sufficiency 5:19 suggestion 7:19 Sunshine 3:7 4:13 support 9:8,14 Supreme 8:21 9:22 13:3 swear 9:7,8,14 system 17:17 <hr/> T table 14:15 15:21 tabled 15:6 16:15 tailored 8:6 taxation 3:18 taxpayer	4:3 technical 8:21 telling 13:3 14:20 term 3:11 9:5,6 test 5:8 testing 5:9,11 things 5:3 three-member 3:8 Till 15:7 time 4:7 12:1 timeliness 8:11 9:2 12:10 timely 8:15 today 5:17 today's 4:8 tolerated 4:12,15 truth 15:1 <hr/> U unconstitu- tional
---	--	--	---	--

8:8 undated 8:14 understand 21:9 UNIDENTIFI ED 5:23 United 9:9 usual 5:5 <hr/> V vacated 8:21 9:23 valid 21:3 verificati on 14:11 15:22 16:14 verify 14:22 viability 7:19 vice-chair 5:12 6:15, 25 9:21 10:4,8 11:9,11 12:1,25 13:8,25 15:5 16:10 18:5 19:22 21:10,11	violate 7:11 violates 8:17 violation 4:13 9:3 vote 5:20 6:22 7:25 8:12, 18 9:2 10:6,10,19 11:13 12:1,12 13:7,10,20 14:2,4 15:14,20 16:11,12 17:22 18:1,6,24 19:23,24 20:14 21:10,12, 13 voted 21:21,23 voter 3:9,14,15, 20 12:11 17:18,24 20:3,6,9, 10,18 21:23 voter's 8:11 9:2 voters 8:16 14:16,20, 21 15:10, 18 19:4,13 20:18	votes 5:22 voting 15:15 19:9 <hr/> W wil 21:10 wishing 4:16 work 5:2 world 12:14 <hr/> Y years 7:22 yesterday 5:2,9	
--	--	--	--



September 21, 2024

9:00am

Philadelphia City Commissioners
11311 Roosevelt Blvd
Philadelphia, PA 19154

- I. Call to order the return board meeting of Saturday, September 21, 2024
- II. Public Comment
 - a. In-Person Public Comments
 - b. Report from the Secretary – emailed Public Comment
- III. Old Business
 - a. Report from Directors of Election Administration and Operations
- IV. New Business
 - A) **Mail Ballot Sufficiency Determinations**
 - a. Missing date
 - b. Incorrectly dated
 - c. Not enclosed in secrecy envelope
 - d. Missing signature
 - e. Date damaged by post office
 - f. ID verification - no social security or driver's license on SURE file
 - g. ID verification - ID provided opposite of what is on SURE file
 - h. ID verification - no response
 - i. ID verification - ID doesn't match SURE file
 - j. Correctly dated in date blanks/signed front of declaration envelope
 - k. Signed and dated front of declaration envelope

B) Provisional Ballot Sufficiency Determination

- A. Not in SURE
- B. Cancelled registration
- C. Registered in another county
- D. Not signed by voter
- E. Only one voter signature
- F. Signature doesn't match
- G. Voted in-person
- H. No Ward/Division on Envelope Returned Mail in or Absentee that was counted
- I. Not enclosed in secrecy envelope
- J. Not signed by board workers

C.) Additional Non-Agenda Items