

1 JUDGE CRUMLISH: Good
2 afternoon, everyone. I am going to call to
3 order the October 11th meeting for the
4 Philadelphia County Board of Elections.

5 First of all, as you know it is my
6 responsibility and my duty to maintain the
7 decorum and order in these meetings.
8 Everyone in attendance should be on notice
9 that interruptions or disruptions cannot and
10 will not be tolerated. Those who disrupt
11 this meeting and its orderly process may be
12 asked to leave.

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

20 First and foremost, I will ask if
21 there's anyone here to make a public
22 comment. I will add public commentators
23 should state where they live and if they're
24 not Philadelphians are they a taxpayer.

1 And, moreover, public comment is not an
2 opportunity for litigation, dialogue, or
3 questions and answers with the Board during
4 its meeting. It's a public comment. It's a
5 chance for you all to tell us what you
6 think.

7 So each speaker as governed by the
8 Chair may be allotted two minutes. I may
9 extend that time at my discretion. All
10 comments must be relevant or germane to the
11 Board business. Finally, it's again my
12 responsibility to preserve order and decorum
13 during these meetings and as such
14 slanderous, discriminatory, profane, or
15 uncivil conduct and personal attacks will
16 not be tolerated.

17 So please note that we will also
18 be doing polling place changes later in this
19 meeting so anyone wishing to be heard on
20 polling place changes should wait until that
21 time. Is there anyone here for public
22 comment?

23 (No response).

24 JUDGE CRUMLISH: Hearing

1 none, we'll now move on to e-mail public
2 comments. Judge Furlong, do we have any
3 e-mail public comments?

4 JUDGE FURLONG: Thank you,
5 Judge Crumlish. We do. All comments that
6 were e-mailed by 9:45 a.m. were shared with
7 the Members of the Board and the deputies at
8 10:00 a.m. and have been provided to each
9 Member of the Board at the beginning of the
10 meeting and are available at the public
11 comment table. We received one comment from
12 Rich Garella. I've reviewed the comment and
13 ask that it be moved into the record.

14 JUDGE CRUMLISH: I also have
15 reviewed the comment and I would second that
16 motion. All in favor?

17 (Aye).

18 JUDGE CRUMLISH: So noted.
19 This will be annotated to the permanent
20 record of the meeting. Next, I will ask
21 that Mr. Lynch, Director Lynch, read the
22 Executive Director's report.

23 MR. LYNCH: Good afternoon,
24 your Honors. At today's functional report,

1 I'll read into the record for October 11,
2 2023 the county board report. The County
3 Board of Elections is now accepting mail-in
4 and absentee ballot applications. Voters
5 will need to complete and return their
6 application to the County Board of Elections
7 by 5:00 p.m. on October 31st to vote by mail
8 for the general election. Voters may apply
9 online at vote.phila.gov rather than
10 returning the paper application.

11 As of yesterday, we have approved
12 94,147 vote-by mail applications. Of those,
13 57,378 are paper applications and 36,769 are
14 electronic applications. This includes
15 civilian, overseas, and military voters. We
16 have a total of 306 electronic applications
17 waiting to be processed. On Tuesday,
18 October 10, 2023, we opened up our satellite
19 office in City Ballroom 140.

20 Voters can request a mail-in or
21 replacement ballot in person and return it
22 all in the same visit. Office hours are
23 Monday through Friday 9:00 a.m. to 5:00 p.m.
24 Further information is available on our

1 website at vote.phila.gov. The voter
2 registration report for the election cycle
3 to date, they have processed 106,652
4 applications of which 16,000 were paper
5 applications.

6 The Election Board Unit, so far
7 3,800 people have confirmed that they will
8 work on Election Day. To date, the Election
9 Board has trained 1,800 poll workers. 503
10 have taken the online training. That's all
11 I have.

12 JUDGE CRUMLISH: Thank you,
13 Director Lynch.

14 MR. LYNCH: Thank you.

15 JUDGE CRUMLISH: Mr. Stroman,
16 I'll call on you now to present the polling
17 place recommendations (inaudible). Is there
18 anyone here who would like to speak to the
19 moving of polling places?

20 (No response).

21 JUDGE CRUMLISH: Hearing
22 none, Mr. Stroman, you may proceed to make
23 the recommendations.

24 MR. STROMAN: Good morning,

1 your Honor. The first two I'm going to lump
2 together. It's in the 3rd Ward, the 3rd
3 Division and the 4th Division. Moving out
4 of the Sayre School at 5800 Walnut Street to
5 the Care Pavilion at 6212 Walnut Street and
6 that is back to the original location.

7 JUDGE CRUMLISH: I move that
8 we adopt the recommendation of the
9 professional staff with respect to the 3rd
10 Ward, 3rd Division and the 3rd Ward, 4th
11 Division. Do I hear a second?

12 JUDGE FURLONG: Second as to
13 both.

14 JUDGE CRUMLISH: All in
15 favor, say aye, please.

16 (Aye).

17 JUDGE CRUMLISH: So moved and
18 adopted. You may proceed.

19 MR. STROMAN: The next one
20 will be in the 16th Ward, 17th Division
21 moving out of Love Zion Baptist Church at
22 2521 North 23rd Street to the Cecil B. Moore
23 Rec Center at 2551 North 22nd Street and
24 that's due to a conflict.

1 JUDGE CRUMLISH: I will
2 accept the recommendation of professional
3 staff. Do I hear a second?

4 JUDGE FURLONG: Second.

5 JUDGE CRUMLISH: All in
6 favor?

7 (Aye).

8 JUDGE CRUMLISH: So adopted.
9 Thank you. Next one?

10 MR. STROMAN: Next two are in
11 the 40th Ward, the 8th Division and the 9th
12 Division moving out of the Ann Thomas
13 Presbyterian Apartments at 2000 South 58th
14 Street to the Salt & Light at 5736 Chester
15 Avenue. That's due to construction.

16 JUDGE CRUMLISH: I move to
17 adopt the recommendation of the professional
18 staff and move the 40th Ward, 8th Division
19 and the 40th Ward, 9th Division. Do I hear
20 a second?

21 JUDGE FURLONG: Second as to
22 both.

23 JUDGE CRUMLISH: All in
24 favor?

1 (Aye).

2 JUDGE CRUMLISH: I have
3 adopted that.

4 MR. STROMAN: Next one will
5 be in the 23rd Ward, the 15th Division
6 moving out of First Preparatory Charter School
7 at 4300 Tacony Street to the Harding Middle
8 School at 2000 Wakeling Street due to a
9 conflict.

10 JUDGE CRUMLISH: I would
11 recommend that we adopt the recommendation
12 of professional staff. Do I hear a second?

13 JUDGE FURLONG: Second.

14 JUDGE CRUMLISH: All in
15 favor?

16 (Aye).

17 JUDGE CRUMLISH: So adopted.

18 MR. STROMAN: Next two are in
19 the 46th Ward, the 10th Division and the
20 11th Division. I have to pull them due to a
21 conflict.

22 JUDGE CRUMLISH: I recommend
23 that we adopt the recommendation by the
24 professional staff. Do I have a second?

1 JUDGE FURLONG: Second.

2 JUDGE CRUMLISH: All in

3 favor?

4 (Aye).

5 JUDGE CRUMLISH: So adopted.

6 MR. STROMAN: Next one is in
7 the 59th Ward, the 16th Division moving out
8 of Mastery Pickett Charter School at 5700
9 Wayne Avenue to Face to Face at 123 Price
10 Street and we're moving them back into their
11 own division.

12 JUDGE CRUMLISH: I vote that
13 we adopt the recommendation of the
14 professional staff. Do I hear a second?

15 JUDGE FURLONG: Second.

16 JUDGE CRUMLISH: All in

17 favor?

18 (Aye).

19 JUDGE CRUMLISH: As adopted.

20 MR. STROMAN: Next two are in
21 the 62nd Ward, the 10th Division and the
22 12th Division both moving out of Knights of
23 Columbus Council 4935 at 5323 Oxford Avenue
24 to In the Light Church at 5411 Oxford

1 Avenue. That is back to the original
2 location.

3 JUDGE CRUMLISH: I would move
4 that we adopt the recommendation of the
5 professional staff to move the polling
6 places as recommended. Do I hear a second?

7 JUDGE FURLONG: Second as to
8 both.

9 JUDGE CRUMLISH: All in
10 favor?

11 (Aye).

12 JUDGE CRUMLISH: As adopted.

13 MR. STROMAN: Next two are
14 once again in the 62nd Ward, the 12th
15 Division and the 14th Division moving out of
16 Mi Rancho restaurant at 5498 Oxford Avenue
17 to In the Light Church at 5411 Oxford Avenue
18 again back to the original location.

19 JUDGE CRUMLISH: I would vote
20 that we adopt the recommendation of
21 professional staff to move the polling
22 places in the 62nd Ward, Division 12 and the
23 62nd Ward, Division 14 as recommended. Do I
24 hear a second?

1 JUDGE FURLONG: Second as to
2 both.

3 JUDGE CRUMLISH: All in
4 favor?

5 (Aye).

6 JUDGE CRUMLISH: As adopted
7 then. Judge Furlong, do you have any
8 additional items to be added to the agenda?

9 JUDGE FURLONG: No, Mr.
10 Chairman.

11 JUDGE CRUMLISH: Judge
12 Johnson, do you have any additional items to
13 be added to the agenda?

14 JUDGE JOHNSON: No, Mr.
15 Chairman.

16 JUDGE CRUMLISH: Thank you.
17 I think that concludes the agenda for today.
18 I move that we adjourn.

19 JUDGE JOHNSON: Second.

20 JUDGE CRUMLISH: All in
21 favor?

22 (Aye).

23 JUDGE CRUMLISH: I approve
24 the motion. Thank you so much, everyone.

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2 (This concludes the meeting.)

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PROTECT OUR VOTE PHILLY

Citizens for Better Elections, Clean Money Squad PA, Indivisible Philadelphia, Indivisible NW Philly, March On Harrisburg, NW Philly Voter Engagement Project, Represent Us Pennsylvania, UUJusticePA

Public Comment at Philadelphia Board of Elections meeting, October 11, 2023

via email to phillyelection@phila.gov, from Rich Garella for Protect Our Vote Philly

In the Pennsylvania Sunshine Act, the General Assembly found “that the right of the public to be present at all meetings of the agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process.”

That is why executive sessions, from which the public is excluded, can only take place for specified, limited reasons and why each executive session must be explained so that the public is “able to determine from the reason given whether they are being properly excluded,” according to Commonwealth Court in *Reading Eagle vs Council of Reading* (1993).

The Court affirmed the trial court in holding that when announcing executive sessions, the agency “must spell out in connection with existing litigation the names of the parties, the docket number of the case and the court in which it is filed” and that in connection with identifiable complaints or threatened litigation, it “must state the nature of the complaint, but not the identity of the complainant.”

On September 27, the Chair did neither, explaining an executive session as follows: “The Board at the last meeting asserted that it would be meeting in executive session to confer with counsel regarding the timing of the upcoming election as it relates to the fixing of the ballots and the certification of the machine process. Having conducted that recommendation, counsel did communicate with Commonwealth Court advising them of the deadline that we were facing that may be impacted by any ongoing litigation. I have nothing further on that.”

From this explanation it is impossible to tell whether or not there is any “ongoing litigation.” If there is, it should have been identified by the names of the parties, the docket number, and the court in which it was filed. If not, then the nature of an identifiable complaint or threatened litigation should have been stated. That is the law.

The goal of this Board in explaining its executive sessions should be to help the public understand the purpose of the session and why it was excluded, not to obscure it. In the words of the General Assembly, “secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.”

We request that this Board take those words to heart and fulfill its legal obligations to the public. Therefore we ask you to re-explain the purpose of the executive session held between September 20 and September 27 in a way that meets the requirements of Pennsylvania law.