

ELECTIONS MEETING
11/16/2022

MEETING OF THE COMMISSIONERS

- - -

Wednesday, November 16, 2022

- - -

COMMISSIONERS PRESENT:

LISA DEELEY, CHAIRWOMAN
SETH BLUESTEIN, COMMISSIONER
OMAR SABIR, COMMISSIONER
NICK CUSTODIO, DEPUTY COMMISSIONER
ERIC KAPENSTEIN, DEPUTY COMMISSIONER

ALSO PRESENT:

JOE LYNCH, ELECTION ACTIVITIES ASSISTANT
ADMINISTRATOR

HELD AT:

City Commissioners Warehouse
11311 Roosevelt Boulevard
Philadelphia, Pennsylvania

REPORTED BY: Kathryn R. Doyle

- - -

STREHLOW & ASSOCIATES
54 FRIENDS LANE, SUITE 116
NEWTOWN, PENNSYLVANIA 18940
(215) 504-4622

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

3 - - - - -

4 CHAIRWOMAN DEELEY: Good morning. The
5 Return Board for the 2022 General and Special
6 Elections has reconvened.

7 First, I will preserve the order and
8 decorum of these meetings. Everyone in
9 attendance should be on notice that shouting
10 out or interrupting the proceedings will not be
11 tolerated. Those who violate this will be
12 asked to leave.

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

19 We will now move to public comment.
20 Commenters shall state where they live or if
21 they are not a resident of Philadelphia, that
22 they are a Philadelphia taxpayer or since this
23 is the Return Board, which candidate they
24 represent.

1 Public comment is not an opportunity for
2 dialogue or Q and A. It's public comment, a
3 chance for you to tell us what you think.

4 Each speaker shall have two minutes.
5 However, I may extend this time at my
6 discretion. All public comments must be
7 relevant or germane to Board business.

8 Finally, it is my responsibility to
9 preserve the order and decorum of these
10 meetings. As such, profane, slanderous,
11 discriminatory or personal attacks will not be
12 tolerated.

13 Anyone here representing a candidate to
14 offer argument on a mail ballot sufficiency
15 determination should wait until the category
16 they wish to make argument on is called later
17 in the meeting.

18 Anyone wishing to offer public comment,
19 please step forward.

20 (Approaches.)

21 MR. GARELLA: Good morning.

22 (All, Good morning)

23 MR. GARELLA: Is this on? Good morning.

24 Test.

1 My name is Rich Garella, and I'm speaking
2 on behalf of the nonpartisan election advocacy
3 group Protect Our Vote Philly.

4 This is the first election in which
5 Pennsylvania counties will conduct an official
6 precertification risk limiting audit of any
7 results. The audit is to prove to the public
8 that their votes were counted correctly and
9 identified the correct winner.

10 Yet, this Board has not published its
11 procedures for the audit nor told the public
12 when and where it will take place or how they
13 may observe.

14 The document Principles and Best Practices
15 for Post-Election Tabulation Audits was
16 produced by Verified Voting and endorsed by the
17 Pennsylvania Department of Safety Audit Working
18 Group.

19 According to that document, elections
20 belong to the public. The public must be able
21 to observe the audit and verify that it has
22 been conducted correctly, without interfering
23 with the process.

24 Detailed auditing procedures must be

1 published well in advance of elections with
2 reasonable opportunities for public comment.

3 The public must be given sufficient notice
4 and access to observe key parts of the audit
5 and evaluate evidence of ballot protection with
6 reasonable opportunities for public comment.

7 The public must have sufficient access to
8 witness the random drawing ballot retrieval and
9 other audit procedures, and to verify that
10 voter marks are interpreted correctly.

11 Finally, the public must be provided with
12 all necessary information to replicate all
13 decisions and calculations made in support of
14 the audit.

15 So far, as far as we can see, none of
16 these recognized best practices have been
17 adopted.

18 We ask that the Board conform to these
19 best practices so that it's first official
20 audit is one that increases public confidence,
21 as intended. And we request that the Board add
22 this item to the Agenda of this meeting, as
23 permitted by Sunshine Act Section 712.1D.

24 Thank you.

1 CHAIRWOMAN DEELEY: We will now move to
2 Commissioner Bluestein for e-mailed public
3 comment.

4 COMMISSIONER BLUESTEIN: There were no
5 e-mailed public comments this morning.

6 CHAIRWOMAN DEELEY: Thank you.

7 I now call on John Hansberry to present on
8 the Mail Ballot Sufficiency Determinations.

9 John?

10 (Approaches.)

11 MR. HANSBERRY: Good morning,
12 Commissioners.

13 (All, Good morning, John.)

14 MR. HANSBERRY: So -- so far, we had some
15 categories that we bring before the Board for
16 them to vote on whether or not we can count
17 them.

18 The first category I'm going to bring to
19 the Board is a declaration envelope that was
20 not signed or dated.

21 CHAIRWOMAN DEELEY: Is there anyone here
22 representing a candidate to offer argument on
23 this category?

24 (No response.)

1 CHAIRWOMAN DEELEY: Thank you.

2 How many?

3 MR. HANSBERRY: 149.

4 CHAIRWOMAN DEELEY: 149 blank declaration
5 envelopes?

6 MR. HANSBERRY: Correct.

7 CHAIRWOMAN DEELEY: I motion that we don't
8 count this category of ballots.

9 COMMISSIONER BLUESTEIN: Second.

10 CHAIRWOMAN DEELEY: Commissioner
11 Bluestein, please call the roll.

12 COMMISSIONER BLUESTEIN: Commissioner
13 Deeley?

14 CHAIRWOMAN DEELEY: Aye.

15 COMMISSIONER BLUESTEIN: I vote aye.
16 Commissioner Sabir?

17 COMMISSIONER SABIR: Aye.

18 CHAIRWOMAN DEELEY: The motion to not
19 count the blank declaration envelopes has
20 passed unanimously.

21 Please proceed.

22 MR. HANSBERRY: The next category I have
23 for the Commissioners are naked ballots.

24 I will change that to -- we are going to

1 present missing signature, but the declaration
2 envelope was dated.

3 CHAIRWOMAN DEELEY: How many?

4 MR. HANSBERRY: There are 30 ballots in
5 that category.

6 CHAIRWOMAN DEELEY: I motion that we do
7 not count the ballots in this category.

8 COMMISSIONER BLUESTEIN: Second.

9 CHAIRWOMAN DEELEY: Commissioner
10 Bluestein, please call the roll.

11 COMMISSIONER BLUESTEIN: Commissioner
12 Deeley?

13 CHAIRWOMAN DEELEY: Aye.

14 COMMISSIONER BLUESTEIN: I vote aye.
15 Commissioner Sabir?

16 COMMISSIONER SABIR: John, what was the
17 number for that category?

18 MR. HANSBERRY: That was 30 ballots,
19 Commissioner.

20 COMMISSIONER SABIR: I vote not to count.

21 CHAIRWOMAN DEELEY: The motion to not
22 count the missing signature ballots has passed
23 unanimously. Those ballots will not be
24 counted.

1 Proceed.

2 MR. HANSBERRY: The next category I have
3 for the Commissioners is a declaration envelope
4 that was signed by someone other than the
5 voter.

6 CHAIRWOMAN DEELEY: We should be doing
7 secrecy now I think.

8 MR. HANSBERRY: Sorry. My order on my
9 sheet is a little different.

10 CHAIRWOMAN DEELEY: Sorry.

11 MR. HANSBERRY: Okay. So I'll present
12 naked ballots.

13 CHAIRWOMAN DEELEY: How many?

14 MR. HANSBERRY: There were 1,946 ballots
15 in this category.

16 CHAIRWOMAN DEELEY: Is there any reason to
17 believe that anyone, other than the voter
18 listed on the declaration envelope, voted those
19 ballots?

20 MR. HANSBERRY: Can you repeat the
21 question, please?

22 CHAIRWOMAN DEELEY: Is there any reason to
23 believe that anyone, other than the voters
24 listed on the declaration envelope, voted those

1 ballots?

2 MR. HANSBERRY: No, there's not.

3 CHAIRWOMAN DEELEY: Has there been any
4 fraud or irregularity being alleged?

5 MR. HANSBERRY: No.

6 CHAIRWOMAN DEELEY: Are all of those
7 voters registered and eligible to vote?

8 MR. HANSBERRY: Yes.

9 CHAIRWOMAN DEELEY: So the voters only
10 failed to put the ballot in a secrecy envelope?

11 MR. HANSBERRY: That is correct.

12 CHAIRWOMAN DEELEY: Were secrecy envelopes
13 sent with every ballot?

14 MR. HANSBERRY: Yes.

15 CHAIRWOMAN DEELEY: I'll make this brief,
16 because I've gone on record with this every
17 election about the naked ballots.

18 I believe that an error of forgetting a
19 secrecy envelope is not material in determining
20 whether or not such -- whether or not such
21 individuals qualified under state law to vote
22 in such election.

23 It looks like we will need to get a
24 Federal Court to agree.

1 But once again, I motion that we count the
2 naked ballots.

3 COMMISSIONER BLUESTEIN: While I
4 completely agree with Chairwoman Deeley's
5 sentiment, unfortunately, the standing court
6 orders are that we are not able to count
7 ballots that are not enclosed in a secrecy
8 envelope.

9 And as such, I will make a motion to not
10 count.

11 COMMISSIONER SABIR: Second.

12 CHAIRWOMAN DEELEY: Commissioner
13 Bluestein, please call the roll.

14 COMMISSIONER BLUESTEIN: Commissioner
15 Deeley?

16 CHAIRWOMAN DEELEY: Nay.

17 COMMISSIONER BLUESTEIN: I vote aye.
18 Commissioner Sabir?

19 COMMISSIONER SABIR: Aye.

20 CHAIRWOMAN DEELEY: The ballots not
21 enclosed in the secrecy envelope will not
22 count, two to one.

23 Please proceed.

24 MR. HANSBERRY: The next category I have

1 for the Commissioners is a ballot signed by an
2 individual other than the voter on the
3 declaration envelope.

4 CHAIRWOMAN DEELEY: How many?

5 MR. HANSBERRY: We have 27 in that
6 category.

7 CHAIRWOMAN DEELEY: I make a motion to not
8 count these ballots.

9 COMMISSIONER BLUESTEIN: Second.

10 CHAIRWOMAN DEELEY: Commissioner
11 Bluestein, please call the roll.

12 COMMISSIONER BLUESTEIN: Commissioner
13 Deeley?

14 CHAIRWOMAN DEELEY: Aye.

15 COMMISSIONER BLUESTEIN: I vote aye.
16 Commissioner Sabir?

17 COMMISSIONER SABIR: Aye.

18 CHAIRWOMAN DEELEY: The motion to not
19 count the ballots signed by another individual
20 has passed unanimously. These ballots will not
21 count.

22 Please proceed.

23 MR. HANSBERRY: The next category has to
24 do with voters ID verification. This category

1 is -- they needed to provide their ID, but did
2 not have a Social Security Number or driver's
3 license number on their SURE file.

4 CHAIRWOMAN DEELEY: How many?

5 MR. HANSBERRY: That would be two.

6 CHAIRWOMAN DEELEY: These voters received
7 our ID verification letters, and they responded
8 by filling out the form that we sent them?

9 MR. HANSBERRY: Correct.

10 CHAIRWOMAN DEELEY: So these voters, it
11 would be impossible to verify using the form?

12 MR. HANSBERRY: Correct.

13 CHAIRWOMAN DEELEY: They would have had to
14 send us a copy of their photo ID and not the
15 form in order to verify?

16 MR. HANSBERRY: Correct.

17 CHAIRWOMAN DEELEY: Did we inform these
18 voters that the form would not work for them
19 and that they would have to provide photo ID?

20 MR. HANSBERRY: All voters that didn't
21 have identification on their records were sent
22 a letter over the summer to provide that
23 information for us.

24 They were not given a specific notice that

1 their ID -- that their driver's license will be
2 required.

3 CHAIRWOMAN DEELEY: Thank you.

4 I make a motion that we count these
5 ballots.

6 COMMISSIONER SABIR: Madam Chair, can you
7 just give me 20 seconds?

8 CHAIRWOMAN DEELEY: Sure.

9 COMMISSIONER SABIR: I second.

10 CHAIRWOMAN DEELEY: Commissioner
11 Bluestein, please call the roll.

12 COMMISSIONER BLUESTEIN: Commissioner
13 Deeley?

14 CHAIRWOMAN DEELEY: Aye.

15 COMMISSIONER BLUESTEIN: I vote nay.
16 Commissioner Sabir?

17 COMMISSIONER SABIR: Aye.

18 CHAIRWOMAN DEELEY: The ID verified no
19 Social Security number or driver's license on
20 SHORE ballots will count two to one.

21 Please proceed.

22 MR. HANSBERRY: The next category is also
23 with ID verification. The ID that they
24 provided on the response was the opposite of

1 what is on the SURE file.

2 CHAIRWOMAN DEELEY: How many?

3 MR. HANSBERRY: There are also two in that
4 category.

5 CHAIRWOMAN DEELEY: These voters received
6 our ID verification letters, and they responded
7 by filling out the form that we sent them?

8 MR. HANSBERRY: Correct.

9 CHAIRWOMAN DEELEY: Did we inform these
10 voters which identification number we needed or
11 did we ask them for either number?

12 MR. HANSBERRY: As of this moment, there
13 is no way for me to accurately get that
14 information out of the SHORE System. So there
15 was no way for me to inform the voter which one
16 we had on file.

17 CHAIRWOMAN DEELEY: Okay. So they
18 provided the opposite of what we needed?

19 MR. HANSBERRY: Correct.

20 CHAIRWOMAN DEELEY: I believe the issue
21 here is our communication. If we need only
22 their driver's license number, we should not be
23 giving them the option of providing their
24 Social Security Number or vice versa.

1 I had hoped that we might do it
2 differently this election, but it looks like
3 this was something that did not happen in the
4 transition of election supervisors. We should
5 not punish the voters for lack of clarity on
6 our part.

7 I motion that we count the opposite ID
8 ballots.

9 COMMISSIONER SABIR: Second.

10 CHAIRWOMAN DEELEY: Commissioner
11 Bluestein, please call the roll.

12 COMMISSIONER BLUESTEIN: Commissioner
13 Deeley?

14 CHAIRWOMAN DEELEY: Aye.

15 COMMISSIONER BLUESTEIN: I vote nay.
16 Commissioner Sabir?

17 COMMISSIONER SABIR: Aye.

18 CHAIRWOMAN DEELEY: The ballots with ID
19 provided was opposite of what is on the SURE
20 file passed two to one. Those ballots will
21 count.

22 Please proceed.

23 MR. HANSBERRY: The next category is also
24 ID verification. The ID that they provided on

1 the form does not match what we have on the
2 SURE files.

3 CHAIRWOMAN DEELEY: How many?

4 MR. HANSBERRY: There are five in this
5 category.

6 CHAIRWOMAN DEELEY: I make a motion that
7 we do not count these ballots.

8 COMMISSIONER BLUESTEIN: Second.

9 CHAIRWOMAN DEELEY: Commissioner
10 Bluestein, please call the roll.

11 COMMISSIONER BLUESTEIN: Commissioner
12 Deeley?

13 CHAIRWOMAN DEELEY: Aye.

14 COMMISSIONER BLUESTEIN: I vote aye.
15 Commissioner Sabir?

16 COMMISSIONER SABIR: Aye.

17 CHAIRWOMAN DEELEY: The motion that the ID
18 verification where the ID doesn't match the
19 SURE file, those ballots will not count. That
20 passed unanimously.

21 Please proceed.

22 MR. HANSBERRY: The final category I have
23 for the Commissioners today is the voters
24 needed to provide ID verification and did not

1 respond to the letter that we mailed.

2 CHAIRWOMAN DEELEY: Is there anyone here
3 representing a candidate to offer argument?

4 (Approaches.)

5 CHAIRWOMAN DEELEY: Good morning. Please
6 state your name for the record.

7 MR. SEMINARA: Good morning,
8 Commissioners. My name is Carmelo Seminara.

9 CHAIRWOMAN DEELEY: Can you repeat your
10 name?

11 MR. SEMINARA: Yes. Good morning,
12 Commissioners. My name is Carmelo Seminara.

13 CHAIRWOMAN DEELEY: Good morning,
14 Mr. Seminara.

15 What can we do for you today?

16 MR. SEMINARA: Well, I'm here today
17 because Nick Custodio had called me an hour ago
18 and said that there was an issue with
19 registration and ID not matching, and there was
20 a mail in of some sort that never got to my
21 home.

22 So I'm just verifying that my ID is with
23 HR. Obviously, I exist. I've been with the
24 Department for 20 years, and I'm hoping that

1 where the voter did not respond.

2 COMMISSIONER BLUESTEIN: Second.

3 CHAIRWOMAN DEELEY: Commissioner
4 Bluestein, please call the roll.

5 COMMISSIONER BLUESTEIN: Commissioner
6 Deeley?

7 CHAIRWOMAN DEELEY: Aye.

8 COMMISSIONER BLUESTEIN: I vote aye.
9 Commissioner Sabir?

10 COMMISSIONER SABIR: Aye.

11 CHAIRWOMAN DEELEY: The ballots where the
12 ID verification was not responded to will not
13 be counted. That motion passed unanimously.

14 Thank you. There are no items --
15 Commissioner Bluestein, do you have any items
16 to be added to the Agenda?

17 COMMISSIONER BLUESTEIN: I have none.

18 CHAIRWOMAN DEELEY: Commissioner Sabir, do
19 you have any items to be added to the Agenda?

20 COMMISSIONER SABIR: No, I do not.

21 CHAIRWOMAN DEELEY: Thank you. There are
22 no items remaining on the Agenda.

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24 (Whereupon the hearing concluded at 11:17 a.m.)

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C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

Kathryn Doyle
Court Reporter - Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control/or supervision of the certifying reporter.)

11/16/2022

<u>WORD</u> <u>INDEX</u>	ASSISTANT	brief 10:15	choose 2:16	21 17:7, 19	discriminatory
< 1 >	1:1	bring 6:15, 18	City 1:1	19:1, 5, 24	3:11
1,946 9:14	ASSOCIATES	business 3:7	clarity 16:5	counted 4:8	document
11:17 20:24	1:1	< C >	comment 2:19	8:24 20:13	4:14, 19
11311 1:1	attacks 3:11	calculations	3:1, 2, 18 5:2,	counties 4:5	doing 9:6
116 1:1	attendance 2:9	5:13	6 6:3 19:20	counting 19:16	Doyle 1:1
149 7:3, 4	attending 2:13	call 6:7 7:11	Commenters	Court 10:24	21:11
16 1:1	audit 4:6, 7,	8:10 11:13	2:20	11:5 21:11	drawing 5:8
18940 1:1	11, 17, 21 5:4,	12:11 14:11	comments 3:6	CUSTODIO	driver's 13:2
	9, 14, 20	16:11 17:10	6:5	1:1 18:17	14:1, 19 15:22
	auditing 4:24	19:9 20:4	COMMISSION		
	Audits 4:15	called 3:16	ER 1:1 6:2, 4	< D >	< E >
	Aye 7:14, 15,	18:17	7:9, 10, 12, 15,	dated 6:20	either 15:11
	17 8:13, 14	candidate	16, 17 8:8, 9,	8:2	ELECTION
	11:17, 19	2:23 3:13	11, 14, 15, 16,	decisions 5:13	1:1 4:2, 4
	12:14, 15, 17	6:22 18:3	19, 20 11:3, 11,	declaration	10:17, 22 16:2,
	14:14, 17	Carmelo 18:8,	12, 14, 17, 18,	6:19 7:4, 19	4
	16:14, 17	12 19:2, 5, 17	19 12:9, 10, 12,	8:1 9:3, 18, 24	Elections 2:6
	17:13, 14, 16	Carmelo's	15, 16, 17 14:6,	12:3	4:19 5:1
	19:12, 13, 14	19:16	9, 10, 12, 15, 16,	decorum 2:8	eligible 10:7
	20:7, 8, 10	categories	17 16:9, 10, 12,	3:9	e-mailed 6:2, 5
		6:15 19:21	15, 16, 17 17:8,	DEELEY 1:1	enclosed 11:7,
	< B >	category 3:15	9, 11, 14, 15, 16	2:4 6:1, 6, 21	21
	ballot 3:14	6:18, 23 7:8,	19:7, 8, 10, 13,	7:1, 4, 7, 10, 13,	endorsed 4:16
	5:5, 8 6:8	22 8:5, 7, 17	14 20:2, 3, 5, 8,	14, 18 8:3, 6, 9,	envelope 6:19
	10:10, 13 12:1	9:2, 15 11:24	9, 10, 15, 17, 18,	12, 13, 21 9:6,	8:2 9:3, 18, 24
	ballots 7:8, 23	12:6, 23, 24	20	10, 13, 16, 22	10:10, 19 11:8,
	8:4, 7, 18, 22,	14:22 15:4	COMMISSION	10:3, 6, 9, 12,	21 12:3
	23 9:12, 14, 19	16:23 17:5, 22	ERS 1:1 6:12	15 11:12, 15,	envelopes 7:5,
	10:1, 17 11:2,	certification	7:23 9:3 12:1	16, 20 12:4, 7,	19 10:12
	7, 20 12:8, 19,	21:14	17:23 18:8, 12	10, 13, 14, 18	ERIC 1:1
	20 14:5, 20	certify 21:3	19:3	13:4, 6, 10, 13,	error 10:18
	16:8, 18, 20	certifying	communication	17 14:3, 8, 10,	evaluate 5:5
	17:7, 19 20:11	21:18	15:21	13, 14, 18 15:2,	evidence 5:5
	behalf 4:2	Chair 14:6	completely	5, 9, 17, 20	21:4
	believe 9:17,	CHAIRWOMA	11:4	16:10, 13, 14,	exist 18:23
	23 10:18	N 1:1 2:4	concluded	18 17:3, 6, 9,	extend 3:5
	15:20	6:1, 6, 21 7:1,	20:24	12, 13, 17 18:2,	
	belong 4:20	4, 7, 10, 14, 18	conduct 4:5	5, 9, 13 19:2, 4,	< F >
	Best 4:14	8:3, 6, 9, 13, 21	conducted 4:22	8, 11, 12, 15, 19,	failed 10:10
	5:16, 19	9:6, 10, 13, 16,	confidence	23 20:3, 6, 7,	far 5:15 6:14
	blank 7:4, 19	22 10:3, 6, 9,	5:20	11, 18, 21	Federal 10:24
	BLUESTEIN	12, 15 11:4, 12,	conform 5:18	Deeley's 11:4	file 13:3 15:1,
	1:1 6:2, 4 7:9,	16, 20 12:4, 7,	contained 21:5	Department	16 16:20
	11, 12, 15 8:8,	10, 14, 18 13:4,	control/or	4:17 18:24	17:19
	10, 11, 14 11:3,	6, 10, 13, 17	21:17	DEPUTY 1:1	files 17:2
	13, 14, 17 12:9,	14:3, 8, 10, 14,	copy 13:14	Detailed 4:24	filling 13:8
	11, 12, 15	18 15:2, 5, 9,	correct 4:9	determination	15:7
	14:11, 12, 15	17, 20 16:10,	7:6 10:11	3:15	final 17:22
	16:11, 12, 15	14, 18 17:3, 6,	13:9, 12, 16	Determinations	Finally 3:8
	17:8, 10, 11, 14	9, 13, 17 18:2,	15:8, 19 21:8	6:8	5:11
	19:7, 9, 10, 13	5, 9, 13 19:2, 4,	correctly 4:8,	determining	finish 19:21
	20:2, 4, 5, 8, 15,	8, 12, 15, 19, 23	22 5:10	10:19	First 2:7 4:4
	17	20:3, 7, 11, 18,	count 6:16	dialogue 3:2	5:19 6:18
	Board 2:5, 23	21	7:8, 19 8:7, 20,	different 9:9	five 17:4
	3:7 4:10 5:18,	chance 3:3	22 11:1, 6, 10,	differently	foregoing 21:7,
	21 6:15, 19	change 7:24	22 12:8, 19, 21	16:2	14
	Boulevard 1:1		14:4, 20 16:7,	direct 21:17	forgetting
				discretion 3:6	10:18

11/16/2022

form 13:8, 11, 15, 18 15:7 17:1	13:11	< M >	notice 2:9 5:3 13:24	12:11, 22 14:11, 21 16:11, 22 17:10, 21 18:5 19:9 20:4	recognized 5:16
forward 3:19	increases 5:20	Madam 14:6	November 1:1	Post-Election 4:15	reconvened 2:6
fraud 10:4	individual 12:2, 19	mail 3:14 6:8 18:20	number 8:17 13:2, 3 14:19 15:10, 11, 22, 24	Practices 4:14 5:16, 19	record 10:16 18:6
FRIENDS 1:1	individuals 10:21	mailed 18:1		precertification 4:6	records 13:21
fully 21:5	inform 13:17 15:9, 15	making 2:18	< O >	PRESENT 1:1 6:7 8:1 9:11	registered 10:7
< G >	information 5:12 13:23 15:14	marks 5:10	object 2:14	preserve 2:7 3:9	registration 18:19
GARELLA 3:21, 23 4:1	intended 5:21	match 17:1, 18 18:19	Objecting 2:17	Principles 4:14	relevant 3:7
General 2:5	interfering 4:22	material 10:19	objection 2:17	proceedures 4:11, 24 5:9	remaining 20:22
germane 3:7	interpreted 5:10	matter 21:7	observe 4:13, 21 5:4	proceed 7:21 9:1 11:23 12:22 14:21 16:22 17:21	repeat 9:20 18:9
give 14:7	interrupting 2:10	means 21:16	Obviously 18:23	proceedings 2:10 21:4	replicate 5:12
given 5:3 13:24	irregularity 10:4	MEETING 1:1 2:14, 15 3:17 5:22	offer 3:14, 18 6:22 18:3 19:20	process 4:23	REPORTED 1:1
giving 15:23	issue 15:20 18:18	meetings 2:8 3:10	official 4:5 5:19	produced 4:16	Reporter 21:11, 18
going 6:18 7:24 19:4, 23	item 5:22	minutes 3:4	Okay 9:11 15:17 19:15	profane 3:10	represent 2:24
Good 2:4 3:21, 22, 23 6:11, 13 18:5, 7, 11, 13	items 20:14, 15, 19, 22	missing 8:1, 22	OMAR 1:1	protect 4:3	representing 3:13 6:22 18:3
group 4:3, 18	its 4:10	moment 15:12	once 11:1	protection 5:5	reproduction 21:16
guys 19:1	< J >	morning 2:4 3:21, 22, 23 6:5, 11, 13 18:5, 7, 11, 13	opportunities 5:2, 6	prove 4:7	request 5:21
< H >	JOE 1:1	motion 7:7, 18 8:6, 21 11:1, 9 12:7, 18 14:4 16:7 17:6, 17 19:5, 16, 24 20:13	opportunity 2:18 3:1	provide 13:1, 19, 22 17:24	required 14:2
Hansberry 6:7, 11, 14 7:3, 6, 22 8:4, 18 9:2, 8, 11, 14, 20 10:2, 5, 8, 11, 14 11:24 12:5, 23 13:5, 9, 12, 16, 20 14:22 15:3, 8, 12, 19 16:23 17:4, 22	John 6:7, 9, 13 8:16	move 2:19 6:1	opposite 14:24 15:18 16:7, 19	provided 5:11 14:24 15:18 16:19, 24	respond 18:1 20:1
happen 16:3	< K >	< N >	option 15:23	providing 15:23	responded 13:7 15:6 20:12
hearing 20:24	KAPENSTEIN 1:1	naked 7:23 9:12 10:17 11:2	order 2:7 3:9 9:8 13:15	public 2:14, 19 3:1, 2, 6, 18 4:7, 11, 20 5:2, 3, 6, 7, 11, 20 6:2, 5 21:11	response 6:24 14:24 19:22
HELD 1:1	Kathryn 1:1	name 4:1 18:6, 8, 10, 12	orders 11:6	published 4:10 5:1	responsibility 3:8
home 18:21	key 5:4	Nay 11:16 14:15 16:15	< P >	punish 16:5	results 4:7
hoped 16:1	< L >	necessary 5:12	part 16:6	put 10:10	retrieval 5:8
hoping 18:24	lack 16:5	need 10:23 15:21	parts 5:4	< Q >	Return 2:5, 23
hour 18:17	LANE 1:1	needed 13:1 15:10, 18 17:24	passed 7:20 8:22 12:20 16:20 17:20 19:17 20:13	qualified 10:21	Rich 4:1
HR 18:23	law 10:21	never 18:20	Pennsylvania 1:1 4:5, 17	question 9:21	risk 4:6
< I >	leave 2:12	NEWTOWN 1:1	perceived 2:14	< R >	roll 7:11 8:10 11:13 12:11 14:11 16:11 17:10 19:9 20:4
ID 12:24 13:1, 7, 14, 19 14:1, 18, 23 15:6 16:7, 18, 24 17:17, 18, 24 18:19, 22 19:24 20:12	letter 13:22 18:1	NICK 1:1 18:17	permits 2:13	random 5:8	Roosevelt 1:1
identification 13:21 15:10	letters 13:7 15:6	nonpartisan 4:2	permitted 5:23	reason 9:16, 22	< S >
identified 4:9	license 13:3 14:1, 19 15:22	Notary 21:11	personal 3:11	reasonable 5:2, 6	SABIR 1:1 7:16, 17 8:15, 16, 20 11:11, 18, 19 12:16, 17 14:6, 9, 16, 17 16:9, 16, 17 17:15, 16 19:14 20:9, 10,
impossible	limiting 4:6	noted 21:4	Philadelphia 1:1 2:21, 22	received 13:6 15:5	
	LISA 1:1	notes 21:6	Philly 4:3		
	listed 9:18, 24		photo 13:14, 19		
	little 9:9		place 4:12		
	live 2:20		please 2:16 3:19 7:11, 21 8:10 9:21 11:13, 23		
	looks 10:23 16:2 19:15				
	LYNCH 1:1				

11/16/2022

18, 20	Sunshine 2:13	versa 15:24
Safety 4:17	5:23	vice 15:24
Second 7:9	supervision	violate 2:11
8:8 11:11	21:18	violation 2:15
12:9 14:9	supervisors	Vote 4:3 6:16
16:9 17:8	16:4	7:15 8:14, 20
19:7 20:2	support 5:13	10:7, 21 11:17
seconds 14:7	SURE 13:3	12:15 14:15
secrecy 9:7	14:8 15:1	16:15 17:14
10:10, 12, 19	16:19 17:2, 19	19:1, 5, 6, 13,
11:7, 21	System 15:14	16 20:8
Section 5:23		voted 9:18, 24
Security 13:2	< T >	voter 5:10
14:19 15:24	Tabulation	9:5, 17 12:2
see 5:15	4:15	15:15 20:1
SEMINARA	take 4:12	voters 9:23
18:7, 8, 11, 12,	taken 21:6	10:7, 9 12:24
14, 16 19:3, 18	taxpayer 2:22	13:6, 10, 18, 20
Seminara's	tell 3:3	15:5, 10 16:5
19:5	Test 3:24	17:23
send 13:14	Thank 5:24	votes 4:8
sent 10:13	6:6 7:1 14:3	Voting 4:16
13:8, 21 15:7	19:2, 3, 17, 18	
sentiment 11:5	20:14, 21	< W >
SETH 1:1	think 3:3 9:7	wait 3:15
sheet 9:9	time 2:15 3:5	Warehouse 1:1
SHORE 14:20	today 17:23	way 15:13, 15
15:14	18:15, 16	Wednesday
shouting 2:9	told 4:11	1:1
signature 8:1,	tolerated 2:11	well 5:1 18:16
22	3:12	we're 19:16
signed 6:20	transcript	winner 4:9
9:4 12:1, 19	21:8, 15	wish 3:16
slandorous	transition 16:4	wishing 3:18
3:10	two 3:4 11:22	witness 5:8
Social 13:2	13:5 14:20	work 13:18
14:19 15:24	15:3 16:20	Working 4:17
Sorry 9:8, 10		
sort 18:20	< U >	< Y >
speaker 3:4	unanimously	years 18:24
speaking 4:1	7:20 8:23	
Special 2:5	12:20 17:20	
specific 13:24	19:17 20:13	
speech 2:18	unfortunately	
standing 11:5	11:5	
state 2:16, 20		
10:21 18:6	< V >	
stenographic	verification	
21:6	12:24 13:7	
step 3:19	14:23 15:6	
STREHLOW	16:24 17:18,	
1:1	24 19:24	
succinctly 2:16	20:12	
sufficiency	Verified 4:16	
3:14 6:8	14:18	
sufficient 5:3,	verify 4:21	
7	5:9 13:11, 15	
SUITE 1:1	verifying 18:22	
summer 13:22		