

1 CHAIRPERSON DEELEY: Good
2 morning. The Return Board for the 2022
3 General and Special Election has reconvened.

4 First, I will preserve the order
5 and decorum of these meetings. Everyone in
6 attendance should be on notice that shouting
7 out or interrupting the proceedings will not
8 be tolerated. Those who violate this will
9 be asked to leave. The Sunshine Act permits
10 anyone attending a public meeting to object
11 to a perceived violation at any time during
12 the meeting. If you choose to do so, please
13 succinctly state your objection. Objecting
14 is not an opportunity for speechmaking.

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

21 Public comment is not an
22 opportunity for dialogue or Q&A. It is
23 public comment, a chance for you to tell us
24 what you think. Each speaker shall have two

1 minutes. However, I may extend this time at
2 my discretion. All public comments must be
3 relevant or germane to board business.

4 Finally, it is my responsibility to
5 preserve the order and decorum of these
6 meetings. As such, profane, slanderous,
7 discriminatory, or personal attacks will not
8 be tolerated.

9 Anyone here representing a
10 candidate to offer argument on a mail ballot
11 sufficiency determination should wait until
12 that category -- 'til the category they wish
13 to make argument on is called later in the
14 meeting.

15 Particularly, as we are considering
16 undated and incorrectly-dated ballots today,
17 if there are any voters here wishing to be
18 heard on their undated or incorrectly-dated
19 mail ballot, we ask that those voters wait
20 until we get to that portion of the agenda
21 and they will be given an opportunity to
22 speak at that time. Anyone wishing to offer
23 public comments, please step forward.

24 (No response).

1 CHAIRPERSON DEELEY: Seeing
2 none, we will now move to Commissioner
3 Bluestein for e-mail public comments.

4 COMMISSIONER BLUESTEIN:
5 There were no e-mail public comments by 9:45
6 this morning.

7 CHAIRPERSON DEELEY: Thank
8 you, Commissioner. Before we move on to new
9 business, there was a mail ballot category
10 that came up in the last 24 hours. The
11 issue was discovered with the Department of
12 State's script to apply permanent voters who
13 applied in the primary to the general. This
14 category was discovered yesterday.

15 For that reason, it was not
16 included in the agenda posted to the website
17 prior to 24 hours before the meeting.
18 Therefore, I would like to make a motion to
19 amend today's agenda to add the permanent
20 mail voters whose online applications were
21 verified in the primary to the mail ballot
22 sufficiency determinations, that the agenda
23 -- amended agenda may be posted on the
24 website.

1 COMMISSIONER BLUESTEIN:

2 Second.

3 CHAIRPERSON DEELEY:

4 Commissioner Bluestein, please call the
5 roll.

6 COMMISSIONER BLUESTEIN:

7 Commissioner Deeley?

8 CHAIRPERSON DEELEY: Aye.

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

11 COMMISSIONER SABIR: Aye.

12 CHAIRPERSON DEELEY: The
13 motion to amend the agenda has passed
14 unanimously.

15 Before we move on to the mail
16 ballot sufficiency determinations, because
17 the subject of undated and incorrectly-dated
18 ballots are such a large problem there are
19 some facts that I would like to enter into
20 the record.

21 The Board received 2,143 undated
22 mail-in ballots and 460 mail-in ballots that
23 are incorrectly dated based on the Supreme
24 Court's November 5th order. We have

1 conducted an analysis of those ballots which
2 reflects the impact of the date requirement
3 on certain groups of voters.

4 First, as to age, the median age of
5 voters who submitted undated ballots is 64
6 years old and the median age of voters who
7 submitted misdated ballots is 66 years old.
8 By comparison, the median age of registered
9 voters in Philadelphia is 43. Looked at
10 more closely, 74.5% of undated ballots were
11 submitted by voters age 50 or older and
12 77.2% of the misdated ballots were submitted
13 by voters age 50 or older.

14 At age 60 or older, those numbers
15 are 60.9% for undated ballots and 64.1% for
16 misdated ballots. Over a third of the
17 undated and misdated ballots were submitted
18 by voters over 70 years of age, 37.5% for
19 the undated, and 40.9% for the misdated.
20 14.1% of the undated ballots were submitted
21 by voters 80 years or older and 13.9% of the
22 misdated ballots were submitted by voters in
23 this age group.

24 Voters age 90 or older submitted 57

1 undated ballots and 15 misdated ballots.
2 Importantly, these percentages all are
3 significantly higher than the percentage of
4 Philadelphia's registered voters that these
5 age groups represent. For example, nearly
6 two-thirds of undated or misdated ballots
7 were submitted by people age 60 or older
8 even though people age 60 or older only
9 represent 22% of Philadelphia's population.

10 The Board has prepared this
11 information in a table providing greater
12 detail which I will now move into the
13 record. In addition, the Board has reviewed
14 the distribution of these ballots across
15 Philadelphia and that analysis suggests that
16 this issue disproportionately impacts
17 certain Philadelphia communities. These
18 include areas with higher poverty rates,
19 lower rates of educational attainment, and
20 minority communities.

21 The Board is preparing maps
22 reflecting this information which we will
23 post on the website. Thank you. I now call
24 on John Hansberry to present on the mail

1 ballot sufficiency determinations.

2 MR. HANSBERRY: Good morning,
3 Commissioners.

4 CHAIRPERSON DEELEY: Good
5 morning, John.

6 COMMISSIONER SABIR: Good
7 morning, John.

8 MR. HANSBERRY: So the first
9 category I have for you guys today is the
10 ballots that are missing dates.

11 CHAIRPERSON DEELEY: Is there
12 anyone here who would like to offer comment
13 on their undated ballot or anyone here
14 representing a candidate to offer argument?
15 Please come forward.

16 MS. LEOPOLD: Hi.

17 CHAIRPERSON DEELEY: Hi.
18 Please state your name for the record.

19 MS. LEOPOLD: Caroline
20 Leopold, L-E-O-P-O-L-D. Are you writing it
21 down?

22 CHAIRPERSON DEELEY: Go
23 ahead. The stenographer has it on the
24 record.

1 MS. LEOPOLD: Okay. My
2 address -- do you need my address?

3 CHAIRPERSON DEELEY: Sure,
4 and your date of birth.

5 MS. LEOPOLD: My date of
6 birth is December 7, 1969 and my address is
7 -- it wouldn't be public, right, my address?

8 CHAIRPERSON DEELEY: It will.
9 So if you don't want to add it, you don't --

10 MS. LEOPOLD: Can I say just
11 the neighborhood because I don't --

12 CHAIRPERSON DEELEY: That's
13 fine.

14 MS. LEOPOLD: Okay. I'm in
15 East Passyunk in South Philly. I wanted to
16 testify to -- I thought it was interesting
17 the remarks you made about age and I did
18 notice that in the ballots, and also for
19 people with disabilities.

20 When I found out I had an undated
21 ballot, my immediate reaction was of course
22 I did. I fucked up because I have a mental
23 disability that causes me to be cognitively
24 impaired. Sometimes they call it brain fog

1 but it's more serious than that.

2 This morning, I was writing a
3 journal entry and I tried to write the date
4 and I do that every day. I couldn't
5 remember what the date was. So for me, I
6 found the ballot overwhelming. And if you
7 get -- I don't know if I'm at my two minutes
8 but I just want to say my experience with
9 the ballot and how I messed up. And I'm
10 sorry I cursed earlier. Anyway, what
11 happened?

12 Okay. So I was ready to vote. I
13 had planned it in advance. First I filled
14 out all the bubbles. I felt like that was
15 the most important thing. And in my head, I
16 knew that the security envelope was really
17 important. So I knew that. So I fill it
18 out and I put it gently in the security
19 envelope and I then put it in the envelope
20 and I go to sign and date it. I knew I was
21 supposed to sign and date it.

22 So I signed it and I looked for the
23 date field and for me when I sign stuff the
24 date field has always been on the right so

1 it's like sign and date on the right. So I
2 looked to the right. I didn't see the date
3 field and instead I saw this other stuff.
4 And it took me like five minutes to figure
5 out that that wasn't a date field. And by
6 then, I'd forgotten about the date.

7 So then what I did was I sealed the
8 envelope. I don't remember putting a
9 signature on the envelope at all to tell you
10 the truth. And then I mailed it. And
11 that's what happened to me. And as you all
12 know, it was a process to get my vote. I
13 was fortunate because I got on the list and
14 I got constant phone calls and stuff. But
15 if I was -- it was very overwhelming. But
16 fortunately, I was cognitively in my right
17 mind enough to go to City Hall.

18 And when I went to City Hall, they
19 were very helpful. So when I -- getting to
20 City Hall got my vote. Like I don't exactly
21 know what happened but I just wanted to tell
22 you my experience. I'm just one person but
23 I just -- maybe you can take my story and
24 also maybe look into other people with

1 different disabilities like physical and
2 mental disabilities and the barriers they
3 have to mail-in voting.

4 So I really appreciate -- to close,
5 I want to say I really appreciate the
6 mail-in ballot. It gives me a sense of
7 safety and security so I'm not asking for
8 that to be thrown out. I'm just asking to
9 make it a little simpler for people like me.
10 So thank you for letting me share.

11 CHAIRPERSON DEELEY: Ms.
12 Leopold, thank you so much for taking the
13 time to come down here to share your
14 experience. We do appreciate it. Thank you
15 so very much.

16 COMMISSIONER SABIR: Thank
17 you.

18 COMMISSIONER BLUESTEIN:
19 Thank you.

20 CHAIRPERSON DEELEY: Is there
21 anyone else here who would like to offer
22 comment on their undated ballot or anyone
23 here representing a candidate to offer
24 argument?

1 MR. GARELLA: You had said
2 earlier to withhold comments on this whole
3 topic until now. Is this the appropriate
4 time?

5 CHAIRPERSON DEELEY: Go
6 ahead.

7 MR. GARELLA: Okay. Thank
8 you. Good morning. My name is Rich Garella
9 and I'm here on behalf of the nonpartisan
10 election advocacy group Protect Our Vote
11 Philly.

12 After last year's primary
13 elections, in June of '21 we urged this
14 board to ignore the Department of State's
15 misguided instruction to disqualify undated
16 ballots but the board disqualified them
17 needlessly disenfranchising over 1,300
18 voters. The same thing happened in last
19 year's general election.

20 After this year's primaries, we
21 were delighted to see the board reverse its
22 position in the wake of a clarifying court
23 decision and count those ballots.
24 Unfortunately, a subsequent Pennsylvania

1 Supreme Court decision now prevents you from
2 counting undated and what is strangely
3 called incorrectly-dated ballots.

4 We believe this is a
5 disenfranchisement of eligible voters for a
6 technical reason that has no connection
7 whatsoever to the validity of their votes.
8 It's completely immaterial. However, we
9 understand that you must abide by the court
10 order as irrational as it may be. But if
11 any ballots fall into a gray area, for
12 example if the data's unclear but could
13 possibly be within the range specified by
14 the court, we urge you to count them and to
15 give the voters the benefit of the doubt.

16 This problem of dates on ballots
17 cannot ultimately be solved here or in the
18 courts. It's up to the state legislature to
19 solve it and the solution is simple. Delete
20 the word "date" in two sections of election
21 code so that voters are asked only to sign
22 the envelope. Protect Our Vote Philly takes
23 this opportunity to urge the legislature to
24 make this simple change in hopes that

1 members of this board join us in that
2 request. Thank you.

3 CHAIRPERSON DEELEY: Thank
4 you. Is there anyone else here who would
5 like to offer comment on undated ballots or
6 anyone here representing candidates to offer
7 argument?

8 (No response).

9 CHAIRPERSON DEELEY: John, is
10 there any reason to believe that anyone
11 other than the voters listed on the
12 declaration envelopes voted those ballots?

13 MR. HANSBERRY: No, there's
14 not.

15 CHAIRPERSON DEELEY: Has
16 there been any fraud or irregularity being
17 alleged?

18 MR. HANSBERRY: No.

19 CHAIRPERSON DEELEY: Are all
20 these voters registered and eligible to vote
21 as to any of these ballots?

22 MR. HANSBERRY: Yes.

23 CHAIRPERSON DEELEY: So the
24 voter only failed to add the date?

1 MR. HANSBERRY: That is
2 correct.

3 CHAIRPERSON DEELEY: Were all
4 these ballots received by Election Day at
5 8:00 p.m.?

6 MR. HANSBERRY: Yes.

7 CHAIRPERSON DEELEY: When
8 were the ballots first made available?

9 MR. HANSBERRY: October 10th.

10 CHAIRPERSON DEELEY: Are the
11 correspondence codes for all the ballots
12 from the general -- 2022 General Election?

13 MR. HANSBERRY: Yes.

14 CHAIRPERSON DEELEY: So there
15 is no question that the board knows that all
16 of these ballots were signed between when
17 they were sent by the board and 8:00 p.m. on
18 Election Day, correct?

19 MR. HANSBERRY: Yes.

20 CHAIRPERSON DEELEY: First, I
21 want to thank the Philadelphia voters who
22 have shared their efforts and experiences
23 with the mail-in voting process with us
24 today in person and by e-mail. I have

1 always maintained that whether or not the
2 voter writes the date on the envelope is not
3 material in determining whether or not such
4 individual is qualified under state law to
5 vote in such election.

6 We know that these voters are
7 qualified electors. We know when the
8 ballots were printed and mailed out. We
9 know when we received the ballots back so we
10 know what possible dates these could've been
11 from. Time machines do not exist. Inside
12 those envelopes are ballots that contain the
13 voice of Philadelphia voters. Those voices
14 should be heard.

15 I disagree with the Supreme Court
16 of Pennsylvania's orders of November 1, 2022
17 and November 5, 2022 but they have
18 preemptively ordered all Pennsylvania
19 counties to refrain from counting these
20 ballots which erodes the quasi judicial
21 powers that each county Board of Elections
22 has to weigh facts and make decisions. But
23 it's also clear that the path to counting
24 these ballots is not through the state

1 courts but through the federal.

2 There is already one such case that
3 was filed and I imagine that there will be
4 more. This board will be actively trying to
5 assist any and all efforts to get these
6 ballots counted. I am hopeful that we will
7 prevail and when we do I want to make sure
8 that our voters' votes are counted.

9 Therefore, I motion that in
10 accordance with the Supreme Court of
11 Pennsylvania's November 1, 2022 and November
12 5, 2022 orders we refrain from counting at
13 this time any absentee or mail-in ballots
14 that are contained in undated envelopes and
15 that those envelopes remain set aside again
16 in accordance with the Supreme Court's
17 order.

18 In addition, as those ballots have
19 been set aside, I move that the Board of
20 Elections determines that the ballots should
21 be counted and that going forward if a final
22 decision of a court determines that undated
23 ballots cast in the 2022 General Election in
24 Pennsylvania may be counted whether under

1 federal law or otherwise that the Board of
2 Elections then count such ballots and
3 include them in the amended computation and
4 certification of returns.

5 COMMISSIONER BLUESTEIN:
6 Chairwoman, may I be recognized?

7 CHAIRPERSON DEELEY: Yes.

8 COMMISSIONER BLUESTEIN: As
9 I've said before, I want to make very clear
10 again a handwritten date on the declaration
11 envelope is absolutely immaterial to whether
12 or not that ballot should be counted.

13 And anybody who is happy about not
14 counting voters' votes that were
15 legitimately cast by eligible voters should
16 take a serious look in the mirror and think
17 about why they're in this to begin with.
18 And with that, I second the motion.

19 CHAIRPERSON DEELEY:
20 Commissioner Bluestein, please call the
21 roll.

22 COMMISSIONER BLUESTEIN:
23 Commissioner Deeley?

24 CHAIRPERSON DEELEY: Aye.

1 COMMISSIONER BLUESTEIN: I
2 vote aye. Commissioner Sabir?

3 COMMISSIONER SABIR: Aye.

4 CHAIRPERSON DEELEY: The
5 motion to refrain from counting votes
6 allowed to by future court decision set
7 aside has passed unanimously. The undated
8 ballots will remain set aside until a final
9 decision of a court determines that undated
10 ballots cast in the 2022 General Election in
11 Pennsylvania may be counted. Proceed.

12 MR. HANSBERRY: The next
13 category I have for the commissioners is the
14 incorrectly-dated ballots.

15 CHAIRPERSON DEELEY: Is there
16 any voter here who would like to offer
17 comment on their incorrectly-dated ballot or
18 anyone here representing a candidate to
19 offer comment or argument?

20 (No response).

21 CHAIRPERSON DEELEY: John, is
22 there any reason to believe that anyone
23 other than the voters listed on the
24 declaration envelope voted those ballots?

1 MR. HANSBERRY: No.

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

5 MR. HANSBERRY: No.

6 CHAIRPERSON DEELEY: Are all
7 these voters registered and eligible to vote
8 as to any of these ballots?

9 MR. HANSBERRY: Yes.

10 CHAIRPERSON DEELEY: So the
11 voter only put an incorrect date?

12 MR. HANSBERRY: That's
13 correct.

14 CHAIRPERSON DEELEY: Were all
15 these ballots received by Election Day at
16 8:00 p.m.?

17 MR. HANSBERRY: Yes.

18 CHAIRPERSON DEELEY: When
19 were the ballots first made available?

20 MR. HANSBERRY: October 10th.

21 CHAIRPERSON DEELEY: Are the
22 correspondence codes all for ballots from
23 the 2022 General Election?

24 MR. HANSBERRY: Yes.

1 CHAIRPERSON DEELEY: So there
2 is no question that the board knows that all
3 these ballots were signed between when they
4 were sent by the board and 8:00 p.m. on
5 Election Day, correct?

6 MR. HANSBERRY: Yes.

7 CHAIRPERSON DEELEY: I motion
8 that in accordance with the Supreme Court of
9 Pennsylvania's November 1, 2022 and November
10 5, 2022 orders we refrain from counting at
11 this time any absentee and mail-in ballots
12 that are contained incorrectly-dated
13 envelopes and that those envelopes remain
14 set aside again in accordance with the
15 Supreme Court's orders.

16 In addition, as those ballots have
17 been set aside, I move that the Board of
18 Elections determines that the ballots should
19 be counted and that going forward if a final
20 decision of a court determines that
21 incorrectly-dated ballots cast in the 2022
22 General Election in Pennsylvania may be
23 counted whether under federal law or
24 otherwise that the Board of Elections then

1 count such ballots and include them in the
2 amended computation and certification of
3 returns.

4 COMMISSIONER BLUESTEIN:
5 Second.

6 CHAIRPERSON DEELEY:
7 Commissioner Bluestein, please call the
8 roll.

9 COMMISSIONER BLUESTEIN:
10 Commissioner Deeley?

11 CHAIRPERSON DEELEY: Aye.

12 COMMISSIONER BLUESTEIN: I
13 vote aye. Commissioner Sabir?

14 COMMISSIONER SABIR: Aye.

15 CHAIRPERSON DEELEY: The
16 incorrectly-dated ballots will remain set
17 aside until a final decision of a court
18 determines that undated ballots cast in the
19 2022 General Election in Pennsylvania may be
20 counted. John, proceed.

21 MR. HANSBERRY: The final
22 category I have for the commissioners is the
23 permanent mail-in voters whose online
24 applications were verified in the primary

1 but changed to not verified during the state
2 script for the general and there are 57
3 ballots in that category.

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

6 COMMISSIONER BLUESTEIN:
7 Second.

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

11 COMMISSIONER BLUESTEIN:
12 Commissioner Deeley?

13 CHAIRPERSON DEELEY: Aye.

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

16 COMMISSIONER SABIR: Aye.

17 CHAIRPERSON DEELEY: The
18 motion to count permanent mail voters whose
19 active applications are verified in the
20 primary, count those ballots has been
21 approved. I now call -- thank you, John. I
22 now call on Kevin Richardson to present on
23 the provisional ballot sufficiency
24 determinations. Good morning, Kevin.

1 MR. RICHARDSON: Good
2 morning, Commissioners.

3 CHAIRPERSON DEELEY: Proceed.

4 MR. RICHARDSON: What I have
5 right here is 19 ballots -- provisional
6 ballots with a signature name mismatched
7 that I have for review for the board.

8 CHAIRPERSON DEELEY: Thank
9 you.

10 MR. RICHARDSON: The first
11 category is not in shore.

12 CHAIRPERSON DEELEY: Is there
13 anyone here representing a candidate to
14 offer argument on this category?

15 (No response).

16 CHAIRPERSON DEELEY: Seeing
17 none, I make a motion that we do not count
18 the ballots that were not found in shore.

19 COMMISSIONER BLUESTEIN:
20 Second.

21 CHAIRPERSON DEELEY:
22 Commissioner Bluestein, please call the
23 roll.

24 COMMISSIONER BLUESTEIN:

1 Commissioner Deeley?

2 CHAIRPERSON DEELEY: Aye.

3 COMMISSIONER BLUESTEIN: I
4 vote aye. Commissioner Sabir?

5 COMMISSIONER SABIR: Aye.

6 CHAIRPERSON DEELEY: The
7 ballots not in shore will not be counted.
8 Proceed.

9 MR. RICHARDSON:

10 Commissioners, the next category is for
11 canceled registrations.

12 CHAIRPERSON DEELEY: Is there
13 anyone here representing a candidate to
14 offer argument on ballots -- provisional
15 ballots with canceled registration?

16 (No response).

17 CHAIRPERSON DEELEY: Seeing
18 none, I make a motion that we do not count
19 these ballots.

20 COMMISSIONER BLUESTEIN:
21 Second.

22 CHAIRPERSON DEELEY:
23 Commissioner Bluestein, please call the
24 roll.

1 COMMISSIONER BLUESTEIN:

2 Commissioner Deeley?

3 CHAIRPERSON DEELEY: Aye.

4 COMMISSIONER BLUESTEIN: I
5 vote aye. Commissioner Sabir?

6 COMMISSIONER SABIR: Aye.

7 CHAIRPERSON DEELEY: The
8 ballots with canceled registration will not
9 be counted. Please proceed.

10 MR. RICHARDSON: The next
11 category is for voters who are registered in
12 another county.

13 CHAIRPERSON DEELEY: Is there
14 anyone here representing a candidate to
15 offer argument on provisional ballots for
16 voters registered in another county?

17 (No response).

18 CHAIRPERSON DEELEY: Seeing
19 none, I make a motion that we do not count
20 these ballots.

21 COMMISSIONER BLUESTEIN:

22 Second.

23 CHAIRPERSON DEELEY:

24 Commissioner Bluestein, please call the

1 roll.

2 COMMISSIONER BLUESTEIN:
3 Commissioner Deeley?

4 CHAIRPERSON DEELEY: Aye.

5 COMMISSIONER BLUESTEIN: I
6 vote aye. Commissioner Sabir?

7 COMMISSIONER SABIR: Aye.

8 CHAIRPERSON DEELEY: Please
9 proceed.

10 MR. RICHARDSON: The next
11 category is provisional ballots not signed
12 by the voter.

13 CHAIRPERSON DEELEY: Sorry.
14 I went ahead of myself. The registered in
15 another county, those ballots will not be
16 counted. Not signed by voter. Is there
17 anyone here representing a candidate to
18 offer argument on ballots not signed by
19 voter?

20 (No response).

21 CHAIRPERSON DEELEY: Seeing
22 none, I make a motion that we do not count
23 these ballots.

24 COMMISSIONER BLUESTEIN:

1 Second.

2 CHAIRPERSON DEELEY:

3 Commissioner Bluestein, please call the
4 roll.

5 COMMISSIONER BLUESTEIN:

6 Commissioner Deeley?

7 CHAIRPERSON DEELEY: Aye.

8 COMMISSIONER BLUESTEIN: I

9 vote aye. Commissioner Sabir?

10 COMMISSIONER SABIR: Aye.

11 CHAIRPERSON DEELEY: The
12 ballots not signed by voter will not be
13 counted. Please proceed.

14 MR. RICHARDSON: The next
15 category is for the signature does not
16 match. I have 19 of those ballots for the
17 board to determine.

18 CHAIRPERSON DEELEY: Thank
19 you. I make a motion that the ballot of
20 Amber Glover not be counted.

21 COMMISSIONER BLUESTEIN:

22 Second.

23 CHAIRPERSON DEELEY:

24 Commissioner Bluestein, please call the

1 roll.

2 COMMISSIONER BLUESTEIN:
3 Commissioner Deeley?

4 CHAIRPERSON DEELEY: Aye.

5 COMMISSIONER BLUESTEIN: I
6 vote aye. Commissioner Sabir?

7 COMMISSIONER SABIR: Abstain.

8 CHAIRPERSON DEELEY: The
9 Glover ballot will not be counted. I make a
10 motion that the Garcia ballot be counted.

11 COMMISSIONER BLUESTEIN:
12 Second.

13 CHAIRPERSON DEELEY:
14 Commissioner Bluestein, please call the
15 roll.

16 COMMISSIONER BLUESTEIN:
17 Commissioner Deeley?

18 CHAIRPERSON DEELEY: Aye.

19 COMMISSIONER BLUESTEIN: I
20 vote aye. Commissioner Sabir?

21 COMMISSIONER SABIR: Aye.

22 CHAIRPERSON DEELEY: The
23 Garcia ballot will be counted. I make a
24 motion that the Cooper ballot be counted.

1 COMMISSIONER BLUESTEIN:

2 Second.

3 CHAIRPERSON DEELEY:

4 Commissioner Bluestein, please call the
5 roll.

6 COMMISSIONER BLUESTEIN:

7 Commissioner Deeley?

8 CHAIRPERSON DEELEY: Aye.

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

11 COMMISSIONER SABIR: Aye.

12 CHAIRPERSON DEELEY: The
13 Cooper ballot will be counted by unanimous
14 vote. I make a motion that the Claxson
15 ballot should be counted.

16 COMMISSIONER BLUESTEIN:

17 Second.

18 CHAIRPERSON DEELEY:

19 Commissioner Bluestein, please call the
20 roll.

21 COMMISSIONER BLUESTEIN:

22 Commissioner Deeley?

23 CHAIRPERSON DEELEY: Aye.

24 COMMISSIONER BLUESTEIN: I

1 vote aye. Commissioner Sabir?

2 COMMISSIONER SABIR: Aye.

3 CHAIRPERSON DEELEY: The
4 Claxson ballot will be counted by unanimous
5 vote. I make a motion that the Luwana
6 ballot be counted.

7 COMMISSIONER BLUESTEIN:
8 Second.

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

12 COMMISSIONER BLUESTEIN:
13 Commissioner Deeley?

14 CHAIRPERSON DEELEY: Aye.

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

17 COMMISSIONER SABIR: Aye.

18 CHAIRPERSON DEELEY: The
19 Luwana ballot will be counted by unanimous
20 vote. I make a motion that the Welborn
21 ballot be counted.

22 COMMISSIONER BLUESTEIN:
23 Second.

24 CHAIRPERSON DEELEY:

1 Commissioner Bluestein, please call the
2 roll.

3 COMMISSIONER BLUESTEIN:
4 Commissioner Deeley?

5 CHAIRPERSON DEELEY: Aye.

6 COMMISSIONER BLUESTEIN: I
7 vote aye. Commissioner Sabir?

8 COMMISSIONER SABIR: Aye.

9 CHAIRPERSON DEELEY: The
10 Welborn ballot will be counted by unanimous
11 vote. I make a motion that the Williamson
12 ballot be counted.

13 COMMISSIONER SABIR: Second.

14 CHAIRPERSON DEELEY:
15 Commissioner Bluestein, call the roll.

16 COMMISSIONER BLUESTEIN:
17 Commissioner Deeley?

18 CHAIRPERSON DEELEY: Aye.

19 COMMISSIONER BLUESTEIN: I
20 vote nay. Commissioner Sabir?

21 COMMISSIONER SABIR: Aye.

22 CHAIRPERSON DEELEY: The
23 Williamson ballot will be counted 2-1. I
24 make a motion that the Danzek ballot not be

1 counted.

2 COMMISSIONER BLUESTEIN:

3 Second.

4 CHAIRPERSON DEELEY:

5 Commissioner Bluestein, please call the
6 roll.

7 COMMISSIONER BLUESTEIN:

8 Commissioner Deeley?

9 CHAIRPERSON DEELEY: Aye.

10 COMMISSIONER BLUESTEIN: I
11 vote aye. Commissioner Sabir?

12 COMMISSIONER SABIR: Abstain.

13 CHAIRPERSON DEELEY: The
14 Danzek ballot will not be counted 2-1 --
15 2-0. I'm sorry. I make a motion that the
16 Whitehead ballot not be counted.

17 COMMISSIONER BLUESTEIN:

18 Second.

19 CHAIRPERSON DEELEY:

20 Commissioner Bluestein, please call the
21 roll.

22 COMMISSIONER BLUESTEIN:

23 Commissioner Deeley?

24 CHAIRPERSON DEELEY: Aye.

1 COMMISSIONER BLUESTEIN: I
2 vote aye. Commissioner Sabir?

3 COMMISSIONER SABIR: Abstain.

4 CHAIRPERSON DEELEY: The
5 Whitehead ballot will not be counted 2-0. I
6 make a motion that the Malindon ballot be
7 counted.

8 COMMISSIONER SABIR: Second.

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

12 COMMISSIONER BLUESTEIN:
13 Commissioner Deeley?

14 CHAIRPERSON DEELEY: Aye.

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

17 COMMISSIONER SABIR: Aye.

18 CHAIRPERSON DEELEY: I
19 Malindon ballot will count 2-1. I make a
20 motion that the -- I'm sorry. I'm rushing.
21 This is why Arizona takes so long to count
22 their ballots. I make a motion that the
23 Smith ballot not be counted.

24 COMMISSIONER BLUESTEIN:

1 Second.

2 CHAIRPERSON DEELEY:

3 Commissioner Bluestein, please call the
4 roll.

5 COMMISSIONER BLUESTEIN:

6 Commissioner Deeley?

7 CHAIRPERSON DEELEY: Aye.

8 COMMISSIONER BLUESTEIN: I

9 vote aye. Commissioner Sabir?

10 COMMISSIONER SABIR: Abstain.

11 CHAIRPERSON DEELEY: The
12 Smith ballot will not be counted 2-0. I
13 make a motion that the Rodriguez ballot be
14 counted.

15 COMMISSIONER SABIR: Second.

16 CHAIRPERSON DEELEY:

17 Commissioner Bluestein, please call the
18 roll.

19 COMMISSIONER BLUESTEIN:

20 Commissioner Deeley?

21 CHAIRPERSON DEELEY: Aye.

22 COMMISSIONER BLUESTEIN: I

23 vote nay. Commissioner Sabir?

24 COMMISSIONER SABIR: Aye.

1 CHAIRPERSON DEELEY: The
2 Rodriguez ballot will be counted 2-1. I
3 make a motion that the Nigion ballot be
4 counted.

5 COMMISSIONER SABIR: Second.

6 CHAIRPERSON DEELEY:
7 Commissioner Bluestein, please call the
8 roll.

9 COMMISSIONER BLUESTEIN:
10 Commissioner Deeley?

11 CHAIRPERSON DEELEY: Aye.

12 COMMISSIONER BLUESTEIN: I
13 vote nay. Commissioner Sabir?

14 COMMISSIONER SABIR: Aye.

15 CHAIRPERSON DEELEY: The
16 Nigion ballot will be counted 2-1. I make a
17 motion to count the Noco ballot.

18 COMMISSIONER BLUESTEIN:
19 Second.

20 CHAIRPERSON DEELEY:
21 Commissioner Bluestein, please call the
22 roll.

23 COMMISSIONER BLUESTEIN:
24 Commissioner Deeley?

1 CHAIRPERSON DEELEY: Aye.

2 COMMISSIONER BLUESTEIN: I
3 vote aye. Commissioner Sabir?

4 COMMISSIONER SABIR: Aye.

5 CHAIRPERSON DEELEY: The Noco
6 ballot will count unanimously. I make a
7 motion to count the Merry ballot.

8 COMMISSIONER BLUESTEIN:
9 Second.

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

13 COMMISSIONER BLUESTEIN:
14 Commissioner Deeley?

15 CHAIRPERSON DEELEY: Aye.

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

18 COMMISSIONER SABIR: Aye.

19 CHAIRPERSON DEELEY: The
20 Merry ballot will count unanimously. I make
21 a motion that we count the Assa ballot.

22 COMMISSIONER BLUESTEIN:
23 Second.

24 CHAIRPERSON DEELEY:

1 Commissioner Bluestein, please call the
2 roll.

3 COMMISSIONER BLUESTEIN:
4 Commissioner Deeley?

5 CHAIRPERSON DEELEY: Aye.

6 COMMISSIONER BLUESTEIN: I
7 vote aye. Commissioner Sabir?

8 COMMISSIONER SABIR: Aye.

9 CHAIRPERSON: The Assa ballot
10 will count unanimously. I make a motion
11 that the Collin Garcia ballot not count.

12 COMMISSIONER BLUESTEIN:
13 Second.

14 CHAIRPERSON DEELEY:
15 Commissioner Bluestein, please call the
16 roll.

17 COMMISSIONER BLUESTEIN:
18 Commissioner Deeley?

19 CHAIRPERSON DEELEY: Aye.

20 COMMISSIONER BLUESTEIN: I
21 vote aye. Commissioner Sabir?

22 COMMISSIONER SABIR: Abstain.

23 CHAIRPERSON DEELEY: The
24 Collin Garcia ballot will not be counted

1 2-0. I make a motion that we count the
2 Torres ballot.

3 COMMISSIONER SABIR: Second.

4 CHAIRPERSON DEELEY:

5 Commissioner Bluestein, please call the
6 roll.

7 COMMISSIONER BLUESTEIN:

8 Commissioner Deeley?

9 CHAIRPERSON DEELEY: Aye.

10 COMMISSIONER BLUESTEIN: I
11 vote nay. Commissioner Sabir?

12 COMMISSIONER SABIR: Aye.

13 CHAIRPERSON DEELEY: The
14 Torres ballot will count 2-1. I make a
15 motion that we count the Holiday ballot.

16 COMMISSIONER SABIR: Second.

17 CHAIRPERSON DEELEY:

18 Commissioner Bluestein, please call the
19 roll.

20 COMMISSIONER BLUESTEIN:

21 Commissioner Deeley?

22 CHAIRPERSON DEELEY: Aye.

23 COMMISSIONER BLUESTEIN: I
24 vote nay. Commissioner Sabir?

1 COMMISSIONER SABIR: Aye.

2 CHAIRPERSON DEELEY: The
3 Holiday ballot will count 2-1. Kevin, thank
4 you. Please proceed.

5 MR. RICHARDSON: Okay.
6 Commissioners, the next category is where
7 the staff vote determined that the voter
8 voted in person.

9 CHAIRPERSON DEELEY: Is there
10 anyone here representing a candidate to
11 offer argument on this category?

12 (No response).

13 CHAIRPERSON DEELEY: Seeing
14 none, I motion that we vote to not count
15 these ballots.

16 COMMISSIONER BLUESTEIN:
17 Second.

18 CHAIRPERSON DEELEY:
19 Commissioner Bluestein, please call the
20 roll.

21 COMMISSIONER BLUESTEIN:
22 Commissioner Deeley?

23 CHAIRPERSON DEELEY: Aye.

24 COMMISSIONER BLUESTEIN: I

1 vote aye. Commissioner Sabir?

2 COMMISSIONER SABIR: To
3 clarify, you said that the person voted on
4 the machine?

5 MR. RICHARDSON: That is
6 correct.

7 COMMISSIONER SABIR: Okay. I
8 vote not to count.

9 CHAIRPERSON DEELEY: The
10 voted in-person ballots will not be counted.
11 The vote was unanimous. Please proceed.

12 MR. RICHARDSON: Okay. The
13 next is where there was no ward and division
14 on the envelopes. We don't know where the
15 envelopes were voted at.

16 CHAIRPERSON DEELEY: Is there
17 anyone here representing a candidate to
18 offer argument on this category?

19 (No response).

20 CHAIRPERSON DEELEY: Kevin,
21 is there any question about the chain of
22 custody of these ballots?

23 MR. RICHARDSON: No.

24 CHAIRPERSON DEELEY: The ward

1 and division information is located on the
2 section of the provisional ballot envelope
3 that is to be filled out by the election
4 board workers, not the voter. The voters
5 should not be penalized for mistakes by the
6 election board workers. I motion that we
7 count the no ward or no division on the
8 envelope ballots.

9 COMMISSIONER BLUESTEIN:

10 Second.

11 CHAIRPERSON DEELEY:

12 Commissioner Bluestein, please call the
13 roll.

14 COMMISSIONER BLUESTEIN:

15 Commissioner Deeley?

16 CHAIRPERSON DEELEY: Aye.

17 COMMISSIONER BLUESTEIN: I

18 vote aye. Commissioner Sabir?

19 COMMISSIONER SABIR: Aye.

20 CHAIRPERSON DEELEY: The
21 ballots no ward, no division will be counted
22 unanimously. Please proceed, Kevin.

23 MR. RICHARDSON: The next
24 category is where a return mail-in or

1 absentee was counted and the voter voted
2 provisionally too.

3 CHAIRPERSON DEELEY: Is there
4 anyone here on behalf of a candidate?

5 (No response).

6 CHAIRPERSON DEELEY: Seeing
7 none, I vote that we do not count these
8 ballots.

9 COMMISSIONER BLUESTEIN:
10 Second.

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

14 COMMISSIONER BLUESTEIN:
15 Commissioner Deeley?

16 CHAIRPERSON DEELEY: Aye.

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

19 COMMISSIONER SABIR: Aye.

20 CHAIRPERSON DEELEY: The
21 category of return mail-in or absentee that
22 was counted will not be counted. The vote
23 passed unanimously. Please proceed.

24 MR. RICHARDSON: Okay. The

1 next category is where the returned mail-in
2 or absentee ballot was canceled for one
3 reason or another.

4 CHAIRPERSON DEELEY: I motion
5 that -- is there anybody here to offer
6 comment on these ballots on this category?

7 (No response).

8 CHAIRPERSON DEELEY: Seeing
9 none, I motion that we count these ballots.

10 COMMISSIONER BLUESTEIN:
11 Second.

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

15 COMMISSIONER BLUESTEIN:
16 Commissioner Deeley?

17 CHAIRPERSON DEELEY: Aye.

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

20 COMMISSIONER SABIR: Aye.

21 CHAIRPERSON DEELEY: The
22 category of returned mail-in or absentee
23 ballots that were canceled will be counted.
24 That motion passed unanimously. Please

1 proceed.

2 MR. RICHARDSON: The next
3 category is where the ballot was not
4 enclosed in a secrecy envelope.

5 CHAIRPERSON DEELEY: Kevin --
6 is there anybody here to offer comment on
7 this category?

8 (No response).

9 CHAIRPERSON DEELEY: Kevin,
10 were these voters determined to be
11 registered voters?

12 MR. RICHARDSON: Yes.

13 CHAIRPERSON DEELEY: These
14 voters signed the affidavit, correct?

15 MR. RICHARDSON: Yes.

16 CHAIRPERSON DEELEY: So the
17 only thing wrong with these ballots is that
18 they're missing a secrecy envelope, right?

19 MR. RICHARDSON: That is
20 correct.

21 CHAIRPERSON DEELEY: Like
22 with the mail ballots, I believe whether or
23 not a ballot is in a secrecy envelope is not
24 material in determining whether or not such

1 individual is qualified under state law to
2 vote in such election. But unlike the mail
3 ballots where the voters are filling them
4 out on their kitchen table, these voters are
5 doing this process in the polling place.

6 The judge of elections should be
7 instructing them to place their ballot in
8 the secrecy envelope so this is a poll
9 worker error that we should not be punishing
10 the voter for. Furthermore, the difference
11 here is that provisional ballots are
12 outlined in federal law, the Help America
13 Vote Act, and this is a federal election.
14 State law determines if someone is eligible
15 to vote.

16 If we determine these voters to be
17 registered and that they signed the
18 affidavit and that they have not already
19 voted in another way, then we must count
20 them. PA law has extra hurdles and putting
21 a ballot in a secrecy envelope has no
22 bearing on whether or not someone is
23 qualified to vote. I therefore think
24 Pennsylvania law is in conflict with the

1 Help America Vote Act and I motion that we
2 count the naked provisional ballots.

3 COMMISSIONER BLUESTEIN: I
4 make a motion that we do not count the naked
5 provisional ballots.

6 COMMISSIONER SABIR: Second.

7 CHAIRPERSON DEELEY:
8 Commissioner Bluestein, please call the
9 roll.

10 COMMISSIONER BLUESTEIN:
11 Commissioner Deeley?

12 COMMISSIONER DEELEY: Nay.

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

15 COMMISSIONER SABIR: Aye.

16 CHAIRPERSON DEELEY: The
17 ballots not enclosed in a secrecy envelope
18 will not count in a vote 2-1. Thank you,
19 Kevin. Thank your staff as well.

20 COMMISSIONER BLUESTEIN:
21 Thanks, Kevin.

22 CHAIRPERSON DEELEY:
23 Commissioner Bluestein, do you have any
24 items to be added to the agenda?

1 COMMISSIONER BLUESTEIN: I
2 have none.

3 CHAIRPERSON DEELEY:
4 Commissioner Sabir, do you have any items to
5 be added to the agenda?

6 COMMISSIONER SABIR: I have
7 none.

8 CHAIRPERSON DEELEY: Thank
9 you. There are no items remaining on
10 today's agenda.

11 - - -
12 (This concludes the audio
13 file.)

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