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MEETING OF THE COMMISSIONERS

\* \* \* \*

Wednesday, April 25, 2012

Philadelphia, Pennsylvania

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COMMISSIONERS PRESENT:

STEPHANIE SINGER, Chairwoman

ANTHONY CLARK, Commissioner

AL SCHMIDT, Commissioner

NOAM KUGELMASS, Deputy Commissioner

CARLA MOSS, Deputy Commissioner

PRESENT:

FRED VOIGT, Legal Counsel

CARMEN SEMINARA, Election Board Supervisor

JOHN DAY, Warehouse

PENNY MURCHISON, Train Members of Board of  
Elections

TIMOTHY DOWLING, Documents

JOSEPH LYNCH, Election Material

GARY FERRIS, Polling Material Supervisor

GREG IRVING, Data Support Supervisor

SETH BLUESTEIN

ELLEN MATTLEMAN KAPLAN, Committee of Seventy

DAVID THOMSEN

LUKE MCKINSTY, Committee of Seventy

BOB WARNER, Philadelphia Inquirer

CHRIS BRENNAN, Daily News

HELD AT: Delaware and Spring Garden Streets  
Philadelphia, Pennsylvania

REPORTED BY:

Renée Helmar, Shorthand Reporter

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(Whereupon, the proceedings

commenced at approximately 11:00

a.m.)

MADAME CHAIRWOMAN: All right. I call the meeting  
to order.

I would like to start by thanking the entire staff  
of the Board of Elections. Thank you so much for a  
wonderful, smooth election. You guys did a great job.

Okay. And I'm here to hear your reports -- we're  
here to hear your reports.

Mr. Seminara.

MR. SEMINARA: Good morning, Commissioners.

At Mr. Voigt's request I provided the  
Commissioners with a copy of the last certification from the

15 last election just so you can have a general idea of what it  
16 looks like and what it entails.

17 Our application total was 6321, and that includes  
18 all forms of application.

19 All the application deadlines have expired except  
20 for military and civilian overseas.

21 And they must be -- those voted ballots must be  
22 received no later than 5:00, and the 7th day following the  
23 election, which will be the 1st of May, of course. As long  
24 as the ballot is postmarked no later than the 23rd of the

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1 month.

2 We received a total of 6321, like I stated. Four  
3 years ago it was 10,009.

4 I have the alternative total. I will let Joe  
5 Lynch say that because of the tight race in the 182nd; all  
6 right?

7 And that concludes my report.

8 MADAME CHAIRWOMAN: Thank you. Thank you.

9 Mr. Day.

10 MR. DAY: Yesterday we had 392 calls into the  
11 radio room. Out of them, we sent techs out to 205. We  
12 resolved by phone 187. We replaced eight machines, replaced  
13 three cartridges, and we had two divisions that voted on the  
14 wrong machine.

15 And that was 48;3 voted on 36;15 machines, and  
16 36;15 voted on 48;3 machines.

17 And there was different ballots in each of them  
18 machines.

19 So, in 48;3, 12 people voted on that machine, and  
20 then in the 36;15 we had 6 people vote on that machine  
21 before they figured out that they had the wrong machine.

22 And we also had one machine, a set of machines,  
23 that were delivered wrong.

24 We had one, 47;11 that was in 47;14, 47;14 was in

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1 11.

2 But the poll workers noticed that, called us and  
3 the truckers went out and switched them two machines.

4 MADAME CHAIRWOMAN: Okay. And what is our process  
5 for making sure that our election results, official election  
6 results, will reflect the correct will of the voters rather  
7 than the machines on which -- the labeling of the machines  
8 on which they voted for these switches?

9 MR. IRVING: Well, for me, what we're going to do  
10 is, we compare our numbers from our -- we get a public count  
11 report from the machine totals, we compare those numbers,  
12 and we also do a manual check on each division, okay.

13 We go through a process of which we look at all  
14 the total number of people who signed in. We count those  
15 up. This year -- this election you requested that we do it  
16 also by party.

17 We're going to compare all of our numbers in the  
18 poll books. Each signature will be hand counted. And  
19 before we turn out the official report, all numbers we're

20 going to make sure that they coincide with each other.  
21 MADAME CHAIRWOMAN: Okay. And for these  
22 particular divisions, because we had a case in the past in  
23 the 20th Ward; 11th Division where there was a similar  
24 situation --  
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1 MR. IRVING: Right.  
2 MADAME CHAIRWOMAN: -- people voted on the wrong  
3 machine and it ended up in the official results incorrectly.  
4 So, I just -- I'd like to make sure that when we  
5 do enter our official results, the ones that are in our  
6 Guardian database, for future reference and delivery to the  
7 public, that those are correct.  
8 MR. IRVING: Yeah. We could probably enter those  
9 numbers by hand off the tapes, okay.  
10 MADAME CHAIRWOMAN: Yep.  
11 MR. IRVING: We'll have to make sure that we note  
12 the -- we have to make sure that we note any divisions where  
13 in the machines weren't switched together, okay. So  
14 something like that.  
15 MR. DAY: We have the machine numbers and  
16 everything --  
17 MR. IRVING: Right.  
18 MR. DAY: -- that were involved.  
19 MR. IRVING: You will provide me with a copy of  
20 that?  
21 MR. DAY: Yes.  
22 MR. IRVING: And a copy for --  
23 MR. DAY: Cowboy has all that stuff.  
24 MR. IRVING: Right. Very good.  
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1 MR. DAY: If we had to send out replacement  
2 machines --  
3 MR. IRVING: Right.  
4 MADAME CHAIRWOMAN: Right.  
5 MR. DAY: -- for them two divisions.  
6 MADAME CHAIRWOMAN: Okay. Great. Thank you.  
7 Anything else, Mr. Day?  
8 MR. DAY: No. That's it.  
9 MADAME CHAIRWOMAN: Okay. Thank you.  
10 Miss Murchison.  
11 MS. MURCHISON: Good morning, Commissioners.  
12 Yesterday I was just on the phone bank answering  
13 calls, resolving issues, if not, directing them to the right  
14 location.  
15 And today we're just going to follow up, taking  
16 reports of complaints or trying to resolve issues today.  
17 MADAME CHAIRWOMAN: Anymore calls about the water  
18 bills?  
19 MS. MURCHISON: Yes.  
20 MADAME CHAIRWOMAN: Okay. Mr. Dowling.  
21 MR. DOWLING: Yesterday my unit the calls were  
22 sporadic. It would go dead, and then the lights would be  
23 lighting up.  
24 It was just, basically, where do I go vote;

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1 where's my polling place? And the judges of elections  
2 helping voters who wandered into their polling place and  
3 assisting them where to go vote.

4 It was a pretty easy day.

5 MADAME CHAIRWOMAN: All right.

6 Mr. Lynch.

7 MR. LYNCH: Okay. It was pretty quiet yesterday.

8 We're just -- most of the calls we got, people  
9 were in the wrong polling place, or saying they were missing  
10 things, and then we would confirm and tell them to look a  
11 little further, they'd find them.

12 But Tim did a call yesterday, and I just wanted to  
13 put it on record, in the 56th Ward, there was, like, four or  
14 five divisions that had Number Two Books reflecting the date  
15 from the November Election, but the Number Four Books were  
16 right.

17 So, I think what happened was, I keep -- I keep  
18 some extra ones from the last election for samples, and  
19 somehow somebody grabbed one of those boxes.

20 I will correct them when they come in. I'm going  
21 to pull them aside, and I'll just change the date on that.  
22 So I will make sure -- and if we need -- if there is  
23 anything in question, we could always go to the minority  
24 inspector envelope, you could go out to their house and get

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1 that book if somebody wants to compare it, okay.

2 That's my mistake, and I just wanted to put that  
3 on the record.

4 MADAME CHAIRWOMAN: Okay.

5 MR. LYNCH: The other thing is, right now I  
6 segregated everything for the 182nd District because it is a  
7 close race. It is, like, a 233-vote difference. Right now  
8 Kevin Richardson is segregating the election boxes.

9 So far 8;3, 8;4 and 8;27 are missing the boxes.  
10 We'll locate them. It's still early, you know. It's early.

11 And Joyce Roll and one of the temps are  
12 segregating the absentees. We're doing that.

13 Now, as far as the three Special Elections, I know  
14 that they usually want to certify them early, but we can't  
15 certify them early. We can't -- I can't scan the absentees  
16 and provisionals because, what happens is, in order to tally  
17 my ballots I would have to lock out the database, all  
18 database. And once you lock that database, you can't scan  
19 anything else into the database. So, then, we wouldn't be  
20 able to do the rest of the city.

21 So, there really is no quick way of certifying  
22 them. But we'll push forward and we'll get it done.

23 So, that's all, yeah.

24 Like I said, we were going to start segregating

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1 everything from them districts, and I said, you know what,  
2 this is crazy. There is no way we can -- there is no way we  
3 could do it, because it's impossible.

4 COMMISSIONER CLARK: Right.

5 MR. LYNCH: So, other than that, everything went  
6 pretty smooth yesterday, I think.  
7 So -- all right.  
8 MADAME CHAIRWOMAN: Thank you. I just have a  
9 question. There are still some cassettes outstanding in the  
10 182nd?

11 MR. LYNCH: Yes.

12 MADAME CHAIRWOMAN: And if you would just say it  
13 on the record.

14 MR. LYNCH: Yes. I'm sorry. Yeah. I meant to  
15 mention that.

16 Most of the -- well, 8;4, 8;10, 8;17 and 8;27,  
17 they were triple machines.

18 So, in most cases the third machine wasn't opened.

19 Now, in 8;27 there was 2 machines that there were  
20 2 cartridges in 8;27, that was a triple, so 2 of them  
21 probably weren't opened.

22 In 5;8 there was a triple, and in 8;24 and 8;26  
23 there were quads. There were four machines in those  
24 divisions. We're missing one cartridge from each of those

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1 divisions.

2 So -- and most likely they're probably going to be  
3 zero. They probably didn't open those machines.

4 We have a crew out there now trying to retrieve  
5 those cartridges as we speak. And, also, other cartridges  
6 throughout the city, so -- all right.

7 MADAME CHAIRWOMAN: Thank you.

8 MR. LYNCH: That's about it.

9 MADAME CHAIRWOMAN: Thank you.

10 Mr. Ferris.

11 MR. FERRIS: Okay. Good morning, Commissioners.

12 The first thing is, the phone calls were basically  
13 normal when it came to polling places not being opened on  
14 time. We had an issue with maybe one or two that were a  
15 little bit late opening them up.

16 The other calls would have been the board members,  
17 machine inspectors that were appointed and they didn't show  
18 up. People that didn't have machine inspectors or board  
19 members because of what the different process this year.

20 As far as the Law Department and their visits  
21 going around, we did pretty well with people complying with  
22 the modifications that they were supposed to implement this  
23 election.

24 The biggest problem with those were the doorbells.

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1 Apparently for some reason we had approximately 17  
2 doorbells that were not working properly at the polling  
3 places, so we'll be looking in to see what's going on with  
4 that.

5 They were tested before they left here, you know.  
6 Most of them when they came back they worked for us. So it  
7 could have been just, you know, an error on the board  
8 member's part. Or it could have been distance, also.

9 They do have a thousand-feet distance. But most

10 of the polling places were within that distance.

11 So, we'll look into those, too.

12 And we have a crew out now collecting all of the  
13 modification items, such as the ramps, threshold mats and  
14 all that, going around to all the polling places and trying  
15 the get them back this week before they disappear.

16 So -- and other than that, that's all I have.

17 MADAME CHAIRWOMAN: Thank you.

18 Mr. Lynch?

19 MR. LYNCH: I'm sorry, I have one more thing. I'm  
20 in a fog.

21 In the 182nd District there is a 233-vote  
22 difference right now, and with the unofficial absentee count  
23 of absentee ballots that we physically have, are 139 with 5  
24 alternative ballots.

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1 The alternative ballots that are the ballots that  
2 we received after 5:00 Friday.

3 So -- and, again, out of those ballots, we don't  
4 know which ones are Democrats and which ones are the  
5 Republicans, because they are in sealed envelopes and we  
6 segregated those ballots, all right.

7 MADAME CHAIRWOMAN: Thank you. Thank you.

8 MR. LYNCH: I'm talking to them (indicating), I  
9 should be talking to you guys.

10 (Whereupon, there was collective  
11 laughter.)

12 MADAME CHAIRWOMAN: Okay. Mr. Irving.

13 MR. IRVING: Good morning, Commissioners.

14 I would like to thank the entire Staff once again  
15 for another fine, outstanding election, which they performed  
16 very well in.

17 Also, I want to give thanks out to Mr. Seth  
18 Bluestein of Commissioner Schmidt's Staff, who actually sat  
19 down with us and fielded questions and jumped right in like  
20 he was a seasoned veteran.

21 Thank you, Seth.

22 Our phone banks received numerous calls throughout  
23 the day, and most of them were just the typical, where do I  
24 go and vote; am I registered; okay? Can I vote if I'm a

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1 non-partisan? Which we handled.

2 As usual, you get questions -- you get calls from  
3 people who aren't registered or who are registered in a  
4 different party, and with it being a primary you have to  
5 vote your party.

6 You directed -- you steered one in my direction,  
7 which one of the news media, one of the news outlets got a  
8 hold of because, first thing everybody thinks of is, if they  
9 don't get the answer they want, they're up to hanky panky.  
10 And it was completely unfounded.

11 It was a case where someone was registered in one  
12 party that hadn't voted in X amount of years.

13 So, of course, they didn't know what party they  
14 were registered in.

15 We did the work, the research on it, and found  
16 out, that of course our records were right. That person was  
17 just mistaken.

18 So, numerous calls like that. That's what we were  
19 fielding, okay. And the Staff did exceptionally well.

20 As Joe said, we have guys out retrieving  
21 cartridges now, so hopefully we'll be able to have those in  
22 by the end of the day.

23 And we're beginning to breakdown materials from  
24 last night.

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1 We're breaking down everything except for the  
2 182nd District, which is a vote total difference of 233  
3 right now.

4 We're going to continue with business as normal,  
5 sorting out materials so that we can begin to do our  
6 inventories and get everything accounted for.

7 Basically, that's about it for us.

8 MADAME CHAIRWOMAN: Okay. Thank you very much.

9 MR. IRVING: You're welcome.

10 MADAME CHAIRWOMAN: I have a few announcements.

11 First of all, the official commencement of the  
12 Primary Election Canvas will begin on Friday, April 27th, at  
13 9 a.m. right in this room on the 6th Floor of 520 North  
14 Delaware Avenue following the swearing in of Board of  
15 Election employees.

16 And, also, a public hearing for any petitions  
17 regarding election results will be held on Monday,  
18 April 30th, at 11 a.m, again, on the 6th Floor of 520 North  
19 Delaware Avenue, this room.

20 Are there any public comments or questions?

21 Ms. Mattleman Kaplan.

22 MS. MATTELMAN KAPLAN: Thank you, Commissioner.

23 I just want to say, that on behalf of the  
24 Pennsylvania Voter Coalition, which the City Commissioners

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1 were a very important part, we were delighted to have the  
2 Commissioners as part of that Coalition. And I think now we  
3 ought to regroup and figure out what we're going to do going  
4 forward because, I think it's fairly evident that the  
5 State's \$4 million budget to educate voters about voter ID,  
6 it's not going to stretch very far, and it's really going to  
7 be incumbent on the Commissioners, and on the Coalition, to  
8 educate every single voter in Philadelphia about the Voter  
9 ID Law and what they need to do to get a voter ID if they  
10 don't have one. And the need to do that sooner rather than  
11 later in case they run into snags in terms of getting a  
12 birth certificate on any of the other underlying documents.

13 We will, as a Coalition, and certainly on behalf  
14 of the Committee of Seventy, do anything that we can to  
15 assist you in getting out the word and making sure that the  
16 lines for November 6th, are not going to be very long, and  
17 that we're not going to have half of Philadelphia voting by  
18 provisional ballot.

19 So, thank you for all of your work to date. It's

20 really been a pleasure to work with this office.  
21 MADAME CHAIRWOMAN: Well, thank you. Thank you  
22 very much. And thank you also to the Committee of Seventy  
23 and the Coalition for your help in spreading the word and  
24 helping get people the IDs that they need and they will need

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1 in November.

2 MR. IRVING: I just want to add a trailer to that  
3 piece.

4 The State has implemented a new system regarding  
5 birth certificates where now it actually takes two to three  
6 weeks longer to receive a birth certificate now. They have  
7 a new system in place.

8 One of our guys has a good repore with them, he's  
9 always had the ability to go down and apply for one and  
10 he'll have it for us in a day or two.

11 But he went down last week and was informed, that  
12 with the new system in place it's going to take two to three  
13 weeks longer to receive an actual copy of your birth  
14 certificate.

15 So, that is something that should be looked into,  
16 and I think that you have to let the public know they have  
17 to get out there a little earlier to apply for one.

18 MS. MATTLEMAN KAPLAN: Now, is that if you go in  
19 person to the office?

20 In other words, you can't -- allegedly you can go  
21 to the office and get one within two or three hours.

22 MR. IRVING: It is both, yeah.

23 MS. MATTLEMAN KAPLAN: So that's not true?

24 MR. IRVING: They don't take you in two to three

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1 hours anymore.

2 MS. MATTLEMAN KAPLAN: Okay. Well, I think that  
3 we need to get the word out about that --

4 MR. IRVING: Yes.

5 MS. MATTLEMAN KAPLAN: -- soon, so we will put out  
6 something.

7 MADAME CHAIRWOMAN: Okay.

8 MS. MATTLEMAN KAPLAN: Thank you.

9 MADAME CHAIRWOMAN: Thank you for that thing of  
10 intelligence.

11 MR. DOWLING: I think it is ten days, two weeks --

12 MADAME CHAIRWOMAN: Okay.

13 MR. DOWLING: -- if I remember Jerry saying it.

14 MR. IRVING: Those are for in state, yeah. Out of  
15 state is longer.

16 MR. DOWLING: In state.

17 MADAME CHAIRWOMAN: In state.

18 MR. IRVING: Out of state is much longer.

19 MS. MATTLEMAN KAPLAN: Obviously, on the Web site  
20 they say if you do a mail-in request, you can take up to 14  
21 weeks.

22 So, I think it would be a good conversation to  
23 have with the Department of State, that they should  
24 coordinate with their counterparts over in the Office of

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1 Vital Records to make it as easy as possible for people who  
2 need in-state birth certificates, not to have to wait for 14  
3 weeks, or even just clarifying how long it will take is  
4 important.

5 MADAME CHAIRWOMAN: Yes. Thank you.

6 Mr. Thomsen.

7 MR. THOMSEN: My name is David Thomsen,  
8 T-H-O-M-S-E-N; I'm the Republican committeeman in the 15th  
9 Ward; 9th Division.

10 First of all, a compliment. I really think that  
11 the notices that you put up and the handout that you had was  
12 a great step toward educating people about the voter ID.

13 I have a very tiny technical point about that.

14 Your handout did not say it was from you.

15 MR. LYNCH: It came from the State.

16 I'm sorry, Commissioner.

17 MR. THOMSEN: It was from the State?

18 MR. LYNCH: Yeah.

19 MADAME CHAIRWOMAN: Yes.

20 MR. THOMSEN: Whoever it was from, we should know  
21 who is publishing it so we know that it's an official  
22 document and not a -- somebody else's document.

23 MADAME CHAIRWOMAN: Yes. Thank you.

24 MR. THOMSEN: I have a question about -- in my

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1 division and in two other divisions. I wanted to say, I  
2 checked to see if they had anybody that came in and didn't  
3 have ID. And only one woman had come in to one of the other  
4 divisions in the 12th division of the 15th Ward, and she had  
5 it at home, but they knew her and she had been voting  
6 before. It wasn't a new voter, so she voted and it wasn't a  
7 problem.

8 But I think that elsewhere there may be problems,  
9 and we should be hearing from elsewhere what -- what's going  
10 on.

11 I do have one question about process. I'm very  
12 much a process person, as you probably know by now. The --  
13 the inspector of elections and the clerk and the Republicans  
14 wrote in the front of our binders -- poll books the people  
15 who had moved, other problems. In particular, Mike Jones,  
16 who I assume is not the candidate running for the 195th  
17 House District, he lives -- he does not live at 814 North  
18 22nd Street, because that is the Bache-Martin School where  
19 we vote, and nobody lives in the school. So we wrote that  
20 in. We wrote some other things in.

21 My question is, as a matter of process, you're  
22 going to look at all of those books; right, you, the  
23 Commissioners and Commissioners' Staff? Are they public  
24 documents that we can look at and see what other people

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1 wrote in in other divisions and to follow up, or how does  
2 that work?

3 Can we look at those?

4 MR. VOIGT: Not while we're conducting an

5 election.  
6 MR. THOMSEN: When you're done?  
7 MR. VOIGT: When we're done, they become public  
8 records.  
9 MR. THOMSEN: Okay.  
10 MR. VOIGT: After the certification, and not until  
11 then.  
12 MR. THOMSEN: Okay. That's fine by me. I just  
13 wanted to know what the process is.  
14 MADAME CHAIRWOMAN: Thank you. Thank you.  
15 Ms. Mattleman Kaplan.  
16 MS. MATTLEMAN KAPLAN: I'm sorry, I just -- what  
17 you said just triggered something else.  
18 One thing that I would also recommend is, that the  
19 Commissioners, and we will do so as well, talk to the  
20 Democratic and Republican City Committees about the Voter ID  
21 Law.  
22 We were particularly concerned about letters that  
23 we saw in the 5th Ward, and we just sent a notice about  
24 that.

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1 So, you saw that where there were -- where there  
2 were two committee people who were -- they had inaccurate  
3 information that you only need a government-issue photo ID  
4 in order to vote.  
5 But the thing that I was also most concerned about  
6 was, the fact that in the letter it said, and they are  
7 certainly entitled to do this, they thought the law was  
8 unconstitutional and that it would probably be struck down.  
9 And they have their -- certainly have their Constitutional  
10 Right to say that.  
11 But I think may -- our concern is, that it may  
12 send a message to voters that don't move on getting a photo  
13 ID because this is really not going to be a law in November.  
14 So, I think it would make your job a lot easier in  
15 November if there was a single message coming out from the  
16 Democratic and Republican City Committees now, that  
17 irrespective of what people think about the law or the  
18 prospects of a lawsuit, they ought to get a photo ID.  
19 MADAME CHAIRWOMAN: Thank you. Thank you.  
20 Any other questions or comments?  
21 (Whereupon, there was no  
22 response.)  
23 MADAME CHAIRWOMAN: So I adjourn the meeting until  
24 Friday morning at 9 a.m.

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1 COMMISSIONER CLARK: Second.  
2 (Whereupon, the proceeding was  
3 adjourned at approximately 11:25  
4 a.m.)  
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C E R T I F I C A T E

I, RENÉE HELMAR, a Shorthand Reporter, and Notary Public, certify that the foregoing is a true and accurate transcript of the proceedings which were held at the time, place and on the date herein before set forth.

I further certify that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which these proceedings were taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

Renée Helmar  
Shorthand Reporter

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