

1 MEETING OF THE COMMISSIONERS

2 \* \* \* \*

3 Wednesday, February 13, 2013

4 Philadelphia, Pennsylvania

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6 COMMISSIONERS PRESENT:

- 7 ANTHONY CLARK, Chairman
- 8 AL SCHMIDT, Vice Chairman
- 9 STEPHANIE SINGER, Commissioner
- 10 CARLA MOSS, Deputy Commissioner
- 11 DON GARECHT, Deputy Commissioner
- 12 DENNIS LEE, Deputy Commissioner

13 PRESENT:

- 14 FRED VOIGT, Legal Counsel
- 15 TIM DOWLING, Documents
- 16 GARY FERRIS, Poll Material Supervisor
- 17 JOSEPH LYNCH, Election Material
- 18 GREGORY IRVING, Data Support Supervisor
- 19 SETH BLUESTEIN
- 20 GREGG KRAVITZ
- 21 MARIAN K. SCHNEIDER, Advancement Project
- 22 JOSEPH DeFELICE, Republican Party
- 23 HOWARD BILOSKY

24 HELD AT: Delaware and Spring Garden Streets  
Philadelphia, Pennsylvania

25 REPORTED BY:

26 Renée Helmar, Shorthand Reporter

27 \* \* \* \*

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CONTINUED

CHRIS BRENNAN, Daily News  
MIRIAM HILL, Inquirer  
MOLLY MORRILL, Committee of Seventy  
ELISA STROH, Committee of Seventy  
SARA MARINO, Committee of Seventy

1 (Whereupon, the proceeding began  
2 at approximately 11:00 a.m.)

3 MR. CHAIRMAN: Okay. Good morning, everyone.

4 (Whereupon, there was a  
5 collective response.)

6 MR. CHAIRMAN: Today is Wednesday, February 13th,  
7 2013, 11 a.m. This is the Sunshine Meeting. The meeting is  
8 open with public comment.

9 Anyone have a public comment that they would like  
10 to make?

11 MS. SCHNEIDER: Good morning, Commissioners. I  
12 have a couple of questions.

13 I was just wondering if the transcript of the  
14 meetings was going to be posted on the Web site; did I hear  
15 you say that last week, or was I hallucinating?

16 COMMISSIONER SCHMIDT: No.

17 What we did was, when the contract with the  
18 company is up --

19 MS. SCHNEIDER: Right.

20 COMMISSIONER SCHMIDT: -- that we advise the  
21 Procurement Department so that in future contracts that's  
22 something that would be included.

23 MS. SCHNEIDER: Okay. I was confused.

24 And then the other thing I had, I wanted to make

1 sure, because I want to ask for a list of the 27,000 voters  
2 who voted by provisional ballot, and I wanted to ensure that  
3 I directed it to the appropriate person. So should I direct  
4 it to the Commissioners that request for records?

5 COMMISSIONER SCHMIDT: Sure.

6 MS. SCHNEIDER: Okay. And I was just wondering,  
7 are you planning to meet in Executive Session today?

8 MR. CHAIRMAN: Yes. We are.

9 MS. SCHNEIDER: Are you going to be discussing  
10 litigation or personnel issues?

11 COMMISSIONER SCHMIDT: Specific personnel issues.

12 MS. SCHNEIDER: Specific to individuals?

13 COMMISSIONER SINGER: Specific individuals?

14 COMMISSIONER SCHMIDT: Correct.

15 COMMISSIONER SINGER: Okay. I was not notified.

16 COMMISSIONER SCHMIDT: Well, when we're in  
17 Executive Session we discuss all sorts of things in  
18 Executive Session.

19 MR. VOIGT: Legal notifications.

20 MS. SCHNEIDER: I'm sorry, Commissioner Schmidt, I  
21 can't hear what you said.

22 COMMISSIONER SCHMIDT: I'm sorry, ma'am.

23 We have an Executive Session, meeting, today, and  
24 it is regarding specific personnel issues, specific to

1 individuals.

2 MS. SCHNEIDER: Okay.

3 COMMISSIONER SINGER: And will anything else be  
4 discussed at that session --

5 MR. VOIGT: There may be.

6 COMMISSIONER SINGER: -- Executive Session, other  
7 than --

8 MR. VOIGT: There may be.

9 COMMISSIONER SINGER: There may be. And are those  
10 personnel, or --

11 MR. VOIGT: They are certainly within the  
12 parameters of your discretion.

13 COMMISSIONER SINGER: I don't really know what  
14 that means.

15 MR. VOIGT: Maybe you don't.

16 MR. CHAIRMAN: All right. Are there any old  
17 business; is there any old business?

18 MR. DeFELICE: Public comment still?

19 MR. CHAIRMAN: Yes.

20 MR. DeFELICE: I understand that last week  
21 subpoenas were sent out to election boards across the City  
22 of Philadelphia; could you explain to me what those  
23 subpoenas were for; and when those hearings would take  
24 place?

1           MR. VOIGT: The subpoenas are the same as those  
2 which have been issued in prior years that you, I think, are  
3 familiar with.

4           We bring boards in when we have issues with the  
5 boards. Some of them relate to the seating of the minority  
6 inspectors.

7           The hearings are scheduled for next Wednesday at  
8 1:00, and the following Wednesday at 1:00.

9           MR. DeFELICE: If it's possible --

10          MR. VOIGT: The 20th and the 27th.

11          MR. DeFELICE: I mean, that was all just for just  
12 dealing with election boards that happened this past  
13 election?

14          MR. VOIGT: Election boards from -- emanating from  
15 actions that took place at the last election.

16          MR. DeFELICE: Obviously, you know I have an  
17 invested interest in that. I wanted to know if I could get  
18 a copy of all those that were subpoenaed, or at least the  
19 divisions for which there was subpoenas --

20          MR. VOIGT: Sure.

21          MR. DeFELICE: -- that I can possibly consult with  
22 some of my people that might have been involved?

23          MR. VOIGT: Well, some of those -- understanding  
24 that you are more than entitled to that information, some of

1 them will not appear.

2 MR. DeFELICE: Believe me, I have been down this  
3 road before.

4 One other thing I would like to -- okay. Thank  
5 you. One last thing that I would like to make a comment on,  
6 I don't know if this has ever been addressed, and on a  
7 lighter side I -- you know what, never mind. It is not  
8 worth it. Never mind.

9 (Whereupon, there was collective  
10 laughter.)

11 COMMISSIONER SINGER: Come on.

12 MR. DeFELICE: I always thought that it was  
13 interesting, and your personal religious beliefs, I don't  
14 think, have ever played into politics. But the way that I  
15 understand it, this is probably one of the only boards maybe  
16 in the country where, I think, correct me if I'm wrong, we  
17 have a Muslim, a Jew and a Christian all sitting on a board  
18 with three representatives. I just thought that was  
19 interesting. I don't know if that's ever been highlighted.

20 MR. BILOSKY: Are those subpoenaed meetings open  
21 to the public?

22 MR. VOIGT: Absolutely.

23 MR. BILOSKY: Where will they be taking place?

24 MR. VOIGT: Right here. Where all of the meetings

1 have been held.

2 MR. BILOSKY: Okay. Thank you.

3 COMMISSIONER SINGER: I have a follow-up question  
4 about the Executive Session. My understanding was, based on  
5 an E-mail that I got from Commissioner Schmidt, that two  
6 topics that were to be discussed at the Executive Session  
7 were a vehicle use policy and a staff handbook. And I would  
8 like to state for the record, that it is my understanding  
9 that those are not appropriate for an Executive Session, and  
10 that I will not participate in a discussion in Executive  
11 Session of those issues.

12 COMMISSIONER SCHMIDT: We are not --

13 COMMISSIONER SINGER: And, so, I would like to put  
14 on the record my response to that suggestion.

15 First of all, for the draft of the staff handbook,  
16 it arrived yesterday. It is long and I thank you for  
17 developing it. I have not -- I have not had the time to  
18 review it, and I would -- I look forward to discussing it  
19 after we review it. After there has been time to review it.

20 The second thing --

21 COMMISSIONER SCHMIDT: We are not voting.

22 COMMISSIONER SINGER: The second thing is about  
23 the vehicle use policy.

24 I would like to put on the record, that this

1 policy contains some things which I find problematic.

2           And that is the last three bullet points which --  
3 which submit to approval by the City Commissioners as a  
4 whole, the use of personal vehicles for City business, and  
5 there is no exemption made for City business by staff of a  
6 single Commissioner for business that is deemed appropriate  
7 by that Commissioner. And I believe that, that is not  
8 within our purview, actually, because that simply gets  
9 submitted to Finance.

10           And I would like to state on the record, that I  
11 believe there should be a certain amount of autonomy for  
12 each Commissioner.

13           I would also like to state, that my staff uses --  
14 uses personal vehicles and asks for reimbursement because we  
15 do a lot of outreach and we go out into the city, into  
16 various neighborhoods, and these -- this proposal as stated  
17 would -- would mean that -- that each of those -- that  
18 activity would have to be submitted to the City  
19 Commissioners as a whole rather than simply being done by my  
20 staff and authorized by me. And I would not like to see  
21 that happen.

22           I would also like to say, that I also use rental  
23 cars to go to statewide conferences, the Election Directors  
24 Conference, the Count Commissioners Conference. And that,

1 also, I believe, is within my purview as an independent  
2 elected official. And it's between me and the Department of  
3 Finance that provides the money for this kind of activity.

4 And I would like to state on the record that I am  
5 opposed to this vehicle use policy as written. Thank you.

6 COMMISSIONER SCHMIDT: Commissioner, I appreciate  
7 your feedback. We have not yet introduced the vehicle  
8 policy. We have not yet introduced the staff regulations.

9 Although we send the paperwork to Finance, it  
10 comes out of our department's budget.

11 COMMISSIONER SINGER: What line of the budget?

12 COMMISSIONER SCHMIDT: Two hundred eleven. Budget  
13 Line 211.

14 Regardless --

15 COMMISSIONER SINGER: And have we had a discussion  
16 of that budget from the 2014, and how it would be allocated,  
17 and what it's been used for?

18 COMMISSIONER SCHMIDT: I haven't introduced the  
19 proposal yet, so that's why we haven't discussed it yet --

20 COMMISSIONER SINGER: Right.

21 COMMISSIONER SCHMIDT: -- or that would be a  
22 violation of the Sunshine Act.

23 COMMISSIONER SINGER: So, I have a question. Have  
24 we discussed -- has there been a discussion among the

1 Commissioners of that budget line; and what --

2 COMMISSIONER SCHMIDT: No.

3 COMMISSIONER SINGER: -- what is an appropriate  
4 budget for Fiscal Year '14?

5 COMMISSIONER SCHMIDT: No.

6 COMMISSIONER SINGER: Okay. All right. Thank  
7 you.

8 MR. CHAIRMAN: We're going to move on.

9 Is there any old business?

10 MR. LYNCH: I just wanted to let you know,  
11 Commissioner, I spoke to the vendor where we use our  
12 Election Day mechanics, and asked him about the request for  
13 the ID for Election Day and he is going to work on  
14 something.

15 MR. CHAIRMAN: Okay.

16 MR. LYNCH: And hopefully maybe next week I can  
17 have a mock up -- he had a death in his family. So maybe  
18 next week I could have a mock up of something that they will  
19 be -- some kind of identification that they'll be using on  
20 Election Day. And we can show the judges of elections at  
21 the classes when we do the seminars what it's going to look  
22 like. All right.

23 MR. CHAIRMAN: Okay. Thank you, Joe.

24 Tim Dowling.

1           MR. DOWLING: Yesterday was the first day to  
2 release the nomination petitions. It was steady all day.  
3 I'm still expecting more people to come in.

4           Commissioner Schmidt and Commissioner Clark's  
5 office and Commissioner Singer's office had petitions in  
6 their office and it went well. It went well. It was very  
7 organized. It went smoothly.

8           MR. CHAIRMAN: That sounds good.

9           Gary Ferris.

10          MR. FERRIS: Good morning, Commissioners.

11          First thing I wanted to let you know is, I sent  
12 you a copy of the response that was filed from the Law  
13 Department to the Department of Justice for the last  
14 response that we were obligated to do as far as the Kerrigan  
15 agreement.

16          The info -- they also asked me to gather some info  
17 for the up and coming meet and confer. We have a meet and  
18 confer with the Department of Justice on February 21st.

19          The Law Department has also asked me for some  
20 information to -- for the upcoming end of the agreement.

21          They're assuming that the plaintiffs are going to  
22 come back and ask for an extension or file an additional  
23 addendum to the agreement to do something.

24          So, they're trying to have, you know, something

1 ahead of time in case they get hit with some legal  
2 agreements for that.

3 The list of the school seminar is out. You all  
4 have a copy of that. That will be put on the Web site  
5 today.

6 MR. LYNCH: It is on there.

7 MR. FERRIS: So it is on there already a list of  
8 the training seminars.

9 We are just starting to get our acceptance cards  
10 back from polling places. We just started getting them back  
11 yesterday.

12 We've already got a few that refused.

13 We will be having hearings which have resulted  
14 from the response that we submitted to the Department of  
15 Justice. We will be having polling place change hearings  
16 sometime in March. I'll try to work that out with a  
17 schedule with petitions, what's going on with that, and get  
18 a date to you for that. I'll also get you a list by next  
19 week which places we intend to hold hearings on for those.

20 I am also working -- I'm helping Penny -- Debra  
21 Murchison out since she is not here right now to get the  
22 school letters out, get them to John Day so that he can get  
23 those out in the mail, and also get permission from the  
24 school board to use those schools.

1 I just found out today that they were not paid for  
2 last election's use of the schools.

3 So, before he approves any EH45 forms which let us  
4 use those schools, they want to make sure that they're paid  
5 from the schools that we used last election.

6 I think this is the first time that we had to pay  
7 the public schools was last election because of budgetary  
8 changes on their end.

9 And then yesterday and today we are delivering  
10 those subpoenas for -- to those boards to have them come in  
11 for the 20th and the 27th.

12 And other than that, I'm just getting stuff  
13 together for the Controller's Office, too, as far as for the  
14 stuff that they requested.

15 Okay. That's all I have.

16 MR. CHAIRMAN: Okay. Joe Lynch, please.

17 MR. LYNCH: Nothing much changed from last week.  
18 We are still preparing the materials that we have in for  
19 this upcoming election. We're waiting for other materials  
20 to come in.

21 Like I said last week, we ordered the Watcher  
22 Certificates.

23 I got the proof yesterday, looked at it and sent  
24 it back to them. They're going to start processing them --

1 or making them up.

2 Also, tomorrow -- I e-mailed the deputies that  
3 tomorrow at 11 a.m. we're meeting with the postal service in  
4 this room, 11 a.m., to go over some of the things. Whether  
5 or not we have to change some addresses on our documents,  
6 barcode changes. And we'll even touch on what, you know --  
7 whether or not they're going to cancel Saturday delivery, or  
8 how we're going to work that. Whether or not -- if we can  
9 pick our materials up on a Saturday, or if we can deliver  
10 them on a Saturday, that would be great for us.

11 So, we're going to hash that out with them  
12 tomorrow at 11:00. So I sent the deputies an E-mail. So I  
13 don't know if you guys want to attend. All right.

14 MR. CHAIRMAN: Okay.

15 MR. LYNCH: That's it.

16 MR. CHAIRMAN: Is that it, Joe?

17 MR. LYNCH: Yes.

18 MR. CHAIRMAN: Okay. Greg Irving, please.

19 MR. IRVING: Good morning, Commissioners.

20 I submitted to the three of you a report on where  
21 we are with our current workload.

22 As of today we've processed over 43,000  
23 applications, combined paper and electronic.

24 The paper amount comes to 6,800, and the other

1 35,000 plus are all electronic. And inside the electronic  
2 total that includes all sorts of applications, new  
3 applications, transfers in and out of the county, death  
4 notices, everything that comes under -- through the SURE  
5 System.

6 The paper VRMAs, right now they're processed --  
7 downstairs they're processing anything up until yesterday's  
8 date of registration.

9 The electronics are into the end of January and  
10 the first week of February. So probably by the end of the  
11 next two days they'll have those up to the current date.

12 We've also started getting returns in the mail  
13 back on our five-year notices, which we informed you last  
14 week. We sent out 8,716 of those. So they're starting to  
15 trickle in so that we can start updating people's records  
16 off of that.

17 We're currently working on transfers in and out of  
18 counties, okay. So that's keeping the staff busy since  
19 they're currently up to date on the other stuff.

20 Other than that, that's it.

21 MR. CHAIRMAN: Okay. Okay.

22 MR. IRVING: Oh, excuse me for one other thing.

23 ID cards. ID cards are being mailed out daily,  
24 okay.

1           We called for service on our folding machine and  
2 we'll have someone in this afternoon so that we can continue  
3 to get them out in the mail.

4           MR. CHAIRMAN: New business, please. Anyone?

5           COMMISSIONER SINGER: Yes.

6           So, first of all, I'd just like to make a comment,  
7 that last night in the State of the Union Address the  
8 President of the United States mentioned I Voted Today  
9 sticker, and I wanted to thank my colleagues and the staff  
10 for going along with the crazy idea last January of actually  
11 putting these in the boxes and having them in Philadelphia  
12 this year.

13           I've gotten a lot of positive feedback about them,  
14 and I was really proud when -- well, he didn't mention ours  
15 specifically, he was talking about Florida. But, still, I  
16 was proud of us that we had done that. So thank you.

17           I have one item of new business. And that is a  
18 proposal that I believe came to all three of us from  
19 TurboVote.

20           So, TurboVote is a non-partisan 501(c)(3)  
21 non-profit dedicated to improving democracy through  
22 technology. It had been funded through the Knight  
23 Foundation, Google and the Draper Richards Kaplan  
24 Foundation.

1 TurboVote is looking for partnerships that can  
2 help them better understand election management and build  
3 youthful technologies for election administrators.

4 TurboVote is collaborating with a service design  
5 firm to conduct in-depth research on elections management  
6 and the current processes requirements and constraints  
7 election administrators face.

8 They will develop custom software tools to cut  
9 costs and to make election administration processes more  
10 efficient.

11 The election tool kit will be ready for  
12 demonstration starting in mid November 2013.

13 If we, the Office of the City Commissioners and  
14 the Board of Elections, if we partner with TurboVote, then  
15 we would be able to review the tool kit's capabilities and  
16 choose to continue as a Beta testing partner, or to end the  
17 collaboration.

18 TurboVote will configure, train and support the  
19 tools for any partner or offices who participate in Beta  
20 testing.

21 So, basically, this is an opportunity for us to  
22 get some excellent -- some excellent outside professional  
23 advise about modernizing election administration at no cost  
24 to us.

1           The estimate of the resource required is, that we  
2 would have to give access to the observers, the TurboVote  
3 observers, for one week. So access to our operations.

4           And my proposal for the -- which, actually, I  
5 didn't want to ask for approval today, I just wanted to  
6 present it and to give my fellow Commissioners time to find  
7 out more about it and contact TurboVote if they wish.

8           The proposal that I will make at the next meeting  
9 is, that we partner with TurboVote, including welcoming a  
10 team of one to three observers for one week of hands-on  
11 research sometime between March and May in 2013.

12           So, I'm glad to answer questions if you have any,  
13 or -- I wanted to put that in front of my fellow  
14 Commissioners.

15           COMMISSIONER SCHMIDT: I contacted Katy Peters  
16 from the organization and have a meeting with her tomorrow  
17 morning.

18           COMMISSIONER SINGER: Great.

19           MR. CHAIRMAN: Okay. We are going to adjourn this  
20 meeting to the call of the Chair. We will be having an  
21 Executive Session following the adjournment of this meeting.  
22 Thank you very much for coming. Meeting is adjourned.

23           (Whereupon, the proceeding was adjourned at.

24           Approximately 11:20 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  
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Renée Helmar  
Shorthand Reporter