

1 MEETING OF THE COMMISSIONERS

2 * * * *

3 Wednesday, February 15, 2012

4 Philadelphia, Pennsylvania

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6 COMMISSIONERS PRESENT:

7 STEPHANIE SINGER, Chairwoman
 8 ANTHONY CLARK, Commissioner
 9 AL SCHMIDT, Commissioner
 10 NOAM KUGELMASS, Deputy Commissioner
 11 CARLA MOSS, Deputy Commissioner
 12 DON GARECHT, Deputy Commissioner

13 PRESENT:

14 FRED VOIGT, Legal Counsel
 15 CARMEN SEMINARA, Election Board Supervisor
 16 JOHN DAY, Warehouse
 17 PENNY MURCHISON, Train Board of Elections
 18 JOSEPH LYNCH, Election Material
 19 GARY FERRIS, Polling Material Supervisor
 20 GREG IRVING, Data Support Supervisor
 21 JORGE SANTANA
 22 BILL RUBIN
 23 BOB WARNER, Philadelphia Inquirer
 24 LUKE McKINSTRY, Committee of Seventy
 CHRIS BRENNAN, Daily News
 SETH BLUESTEIN
 JOHN FEATHERMAN
 CHARLES DICKENS

HELD AT: Delaware and Spring Garden Streets
 Philadelphia, Pennsylvania

REPORTED BY:

Renée Helmar, Shorthand Reporter

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1 (Whereupon, the proceedings
2 commenced at approximately 11:00
3 a.m.)

4 MADAME CHAIRWOMAN: I call the meeting to order.
5 We will start with reports from the supervisors.
6 Mr. Seminara.

7 MR. SEMINARA: Good morning, Commissioners.

8 As of -- as of today, February 14th (sic), we have
9 a total of 247 applications for absentee that we received.
10 The breakdown is: 63 regular applications, 55 of those were
11 alternative, 53 military and 76 military overseas.

12 Compared to four years ago, where the total was
13 366, it was slightly elevated.

14 Currently we have military and CVO labels that
15 we're processing now. My people are processing them,
16 waiting for the ballot, of course, to be ready to be mailed
17 out to them.

18 The unofficial list of candidates, of course, is
19 available online at the Department of State's Web site.

20 MADAME CHAIRWOMAN: Which is?

21 MR. SEMINARA: And that Web site is as follows, is
22 www.dos.state.pa.us. And it is under the heading Hot
23 Topics.

24 That concludes my report, Commissioners.

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1 MADAME CHAIRWOMAN: Thank you.

2 Mr. Ferris.

3 MR. FERRIS: Yes. Good morning, Commissioners.

4 We are currently still working on the polling
5 places that have refused, working on DOJ matters. We do
6 have 34 hearings scheduled, polling place change hearings
7 scheduled, for February 29th, here in this courtroom at 1
8 p.m. We will need a stenographer present for these
9 hearings. And I have a list of all the hearings to give you
10 after the meeting. If you have any questions I will go over
11 that with you.

12 The letters are being hand-delivered today and
13 tomorrow to the ward leaders notifying them of what's going
14 on. And we will be posting signs starting Tuesday in the
15 neighborhoods letting people know that these hearings are
16 occurring also.

17 That's all I have.

18 MADAME CHAIRWOMAN: That's it. Thank you.

19 Miss Murchison.

20 MS. MURCHISON: Good morning, Commissioners.

21 We just started our classes Monday. We are at
22 South Philly High.

23 This election we've noticed a larger turnout
24 versus last election. We have 101 so far, as of last night

1 that attended, versus last election where we only had 71
2 turnout.

3 And I think that is due to the letter that Gregory
4 and myself have changed notifying the board members of how
5 to come out.

6 And, also, I want to bring to your attention
7 unsettling -- last night we had an outbreak of mice, and our
8 class just dispersed because they were running all over the
9 cafeteria during the class, so...

10 MADAME CHAIRWOMAN: Okay. Yeah.

11 MS. MURCHISON: Yeah.

12 MR. LYNCH: People were scared.

13 MS. MURCHISON: Yeah. Me being one of them.

14 So, in case it comes to your attention --

15 MR. LYNCH: Don't eat lunch there.

16 MADAME CHAIRWOMAN: Okay. Thank you.

17 MS. MURCHISON: You're welcome.

18 MADAME CHAIRWOMAN: Anything else?

19 MS. MURCHISON: That concludes my report.

20 MADAME CHAIRWOMAN: Thank you very much.

21 Mr. Day.

22 MR. DAY: Right now the guys are still conducting
23 the PM test on the machines. They should be done that in
24 the next two weeks, and I will start laying out all the

1 material for the upcoming election.

2 And the guy is going to come, either late this
3 week or early next week, to service the blotters. So we got
4 that scheduled. Hopefully there is nothing wrong with them.

5 And that's it.

6 MADAME CHAIRWOMAN: Thank you.

7 Mr. Lynch.

8 MR. LYNCH: Yes. Good morning.

9 We actually started this morning proofing the new
10 splits.

11 Bob Passiore is linking the offices to the new
12 precincts as we speak.

13 Plus we're also doing -- we're still doing the
14 election material boxes and all the other election
15 materials, they're being marked up by our temps.

16 MADAME CHAIRWOMAN: Okay.

17 MR. LYNCH: And, again, if anybody wants to submit
18 any watcher requests we'll take them, even though we don't
19 have the Watch Books yet, but we can start looking them up,
20 so...

21 MADAME CHAIRWOMAN: Question about the splits.
22 Are those changes in boundaries of precincts, or -- what
23 does split mean? Does it mean that you're -- what does
24 split mean?

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1 MR. LYNCH: The new splits from the 2001, that
2 one, we reverted back to the 2001 splits that -- precincts.

3 So, Bob Passiore had to change them back to what
4 they -- he changed them -- remember how they changed?

5 MADAME CHAIRWOMAN: Let me tell you my confusion.

6 MR. LYNCH: Sure.

7 MADAME CHAIRWOMAN: I know that there was -- in
8 the originally proposed 2011 Pennsylvania Senate District
9 there was a division that was actually split so that we had
10 to petition the Commonwealth Court.

11 So -- so, when you say split, that's what I'm
12 thinking of, but it sounds like you're talking about
13 something different. So could you tell me what you mean by
14 a split?

15 MR. LYNCH: Yeah. The split is, they're split by
16 congressional districts, senatorial, state rep and council.

17 But council, obviously, we don't -- we don't -- we
18 don't have to worry about this election.

19 So, it's in the system, it comes out as a split,
20 like, First Senate, First Congressional, First Senatorial,
21 State Representative.

22 So, we have to check that now that Bob Passiore is
23 changing the system back to the 2001 districts. We have a
24 sheet that we go off, and we're making sure they all match

1 with the ward and divisions.

2 MADAME CHAIRWOMAN: So the question is, we're with
3 the existing wards and divisions, we're making sure that
4 each ward and division -- each division and each ward is --

5 MR. LYNCH: Is associated with the right --

6 MADAME CHAIRWOMAN: -- associated with the
7 correct --

8 MR. LYNCH: -- split.

9 MADAME CHAIRWOMAN: Thank you. Thank you very
10 much.

11 MR. LYNCH: Yeah.

12 MADAME CHAIRWOMAN: Yes. Anything else?

13 MR. LYNCH: And that's it.

14 MADAME CHAIRWOMAN: Thank you.

15 Mr. Irving.

16 MR. IRVING: Good morning, Commissioners.

17 The data units, both data imaging, are currently
18 up to date on new applications. They're processing
19 applications dated from yesterday and today. That includes
20 the VMRAS and the electronic applications from the
21 Department of Transportation.

22 We've also started processing absentee ballot
23 requests, okay.

24 Everything that we have has been completed and

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1 forwarded up to county boards so that they can begin to mail
2 out.

3 The letter which we send out for people who have
4 no party on their application, we received back 113 of those
5 so far out of about 500 that we did send back. And we began
6 processing -- we've processed those and we put a copy of the
7 letter with the party checked off onto each voter's record
8 so if anyone were to look that up they would actually see

9 where the voter signed and selected a party.

10 I've been receiving calls during the week from
11 candidates about petition reviews, because the statewide
12 candidates filed yesterday, and the legislative candidates,
13 they filed today.

14 I've discussed this with you prior to this meeting
15 about extending our hours, as we have in the past, and we
16 would like to have our hours extended so that we begin on
17 Saturday morning from 8 a.m. until 4:30 p.m. Saturday and
18 Sunday, and on weekdays from 8:30 a.m. until 7:30 p.m, with
19 the exception of Fridays. Fridays the norm has been, we're
20 out at 5:00. You know people work all week long, they want
21 to have a little time to do something. We want to continue
22 this up until the 27th, because the 27th is the deadline for
23 the last day which the court can fix hearings.

24 So, with your permission we'd like to put that

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1 into affect.

2 MADAME CHAIRWOMAN: Any objections?

3 COMMISSIONER SCHMIDT: No.

4 COMMISSIONER CLARK: No objection.

5 MADAME CHAIRWOMAN: No objections.

6 MR. IRVING: Okay. I'll have Rich Vito also post
7 that on the Web site.

8 And that's about it because we're up to date on
9 everything, Commissioner.

10 COMMISSIONER SCHMIDT: Greg, can you run through

11 the hours one more time? It's 8 a.m. until 4:30 p.m. on
12 Saturdays and Sundays?

13 MR. IRVING: Saturdays and Sundays, yes.

14 COMMISSIONER SCHMIDT: And then Monday through
15 Friday --

16 MR. IRVING: Monday through Thursday 8:30 a.m.
17 until 7:30 p.m.

18 COMMISSIONER SCHMIDT: And Fridays?

19 MR. IRVING: And Fridays we're out at 5:00.

20 COMMISSIONER SCHMIDT: 8:30 until 5?

21 MR. IRVING: 8:30 until 5.

22 COMMISSIONER SCHMIDT: And on Presidents' Day?

23 MR. IRVING: Yes. We're going to be opened on
24 Presidents' Day. The Commissioner did authorize us to do

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1 that, also. And on the holiday it will be from 8 a.m.
2 until 4:30 p.m.

3 COMMISSIONER SCHMIDT: Okay. Saturday and Sunday
4 and Presidents' Day.

5 MR. IRVING: Right.

6 And as we start to dwindle down we'll start to
7 scale back on the personnel.

8 That concludes what I have for now.

9 MADAME CHAIRWOMAN: And is there anyone to give a
10 report from Mr. Dowling?

11 MR. IRVING: No. I was just informed that Mr.

12 Dowling had an emergency.

13 But from the top of my head, he's currently up to
14 date on everything of his campaigns. His part is sitting
15 out rejects. They've been out in the mail.

16 We haven't been able to mail ID cards, so they're
17 mounting up.

18 And then we have our machine, which is down. We
19 do have -- we have contacted a company about service to that
20 unit. And they're supposed to be making contact with me at
21 some point in time today.

22 They're pretty good. They usually get in here
23 right away and get things fixed. And once we get those,
24 we'll have those cards sealed so that he can mail those out.

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1 MADAME CHAIRWOMAN: Thank you.

2 MR. IRVING: I'll see to it that he issues all
3 three Commissioners a copy of his report when he comes in.

4 COMMISSIONER CLARK: Thank you.

5 MR. IRVING: You're welcome.

6 MADAME CHAIRWOMAN: Next item on the agenda, I'd
7 like to ask Deputy Santana to -- to present a proposal on
8 the appointment of -- on the recruitment of machine
9 inspectors for vacant divisions. Meaning, divisions where
10 the post of machine inspector is vacant.

11 DEPUTY COMMISSIONER SANTANA: We're proposing --

12 MADAME CHAIRWOMAN: Mr. Santana, stand up. Yeah.

13 DEPUTY COMMISSIONER SANTANA: Yeah. We're

14 proposing that the City Commissioners recruit and appoint
15 machine inspectors for Election Day in polling places where
16 there are vacant machine inspector positions as provided
17 for in the Pennsylvania Election Code.

18 This action could mitigate the potential loss of
19 some poll workers when the policy to end double pay is
20 enacted, which it has been.

21 The City Commissioners and/or Staff will speak
22 with affected ward leaders and judges of election to ensure
23 that every division has a machine inspector.

24 Approval of this proposal affirms Staff can

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1 develop a recruitment strategy for this purpose.

2 MADAME CHAIRWOMAN: So --

3 COMMISSIONER SCHMIDT: Can I ask just one more
4 time?

5 DEPUTY COMMISSIONER SANTANA: Sure.

6 COMMISSIONER SCHMIDT: So, the idea is, that all
7 the places where people were double paid, the -- the people
8 currently serving in those positions would be contacted by
9 --

10 DEPUTY COMMISSIONER SANTANA: The issue is, that
11 if you look at the vacancies, and the vacancies are --
12 there are vacancies in machine inspector already --

13 COMMISSIONER SCHMIDT: Right.

14 DEPUTY COMMISSIONER SANTANA: -- okay, already,

15 because there are multiple machine inspectors that are
16 potentially -- that could be sited at each site where we
17 only have one at times. Often the machine inspector
18 position, which is used for that secondary pay line, a lot
19 of what we did our research on, who's actually receiving
20 double pay, many of those positions are machine inspector
21 positions.

22 Machine inspectors are one of two positions that
23 City Commission actually has some say in terms of being able
24 to appoint, if need be, a position to fill the vacancy.

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1 So, that, therein, lies why we're speaking about
2 the machine inspectors.

3 COMMISSIONER CLARK: I'd just like to say, we -- I
4 mean, that's not anything new. We've always done that in
5 terms of, they would call or they would appoint someone,
6 the ward leaders and what not, to those.

7 I mean, we're in -- we're in compliance in terms
8 of --

9 DEPUTY COMMISSIONER SANTANA: Sure.

10 COMMISSIONER CLARK: -- making sure that we could
11 do that.

12 DEPUTY COMMISSIONER SANTANA: Sure.

13 COMMISSIONER CLARK: But let me also just say,
14 that those other positions are elected positions, and you
15 have to be very careful because, if you decide to put
16 someone in a position of, and I don't want to go to far

17 out, clerk or majority inspector, those are elected
18 positions, and also different parties that get a Court
19 Order and decide that they want someone to sit in a
20 position where you might have appointed someone. You can't
21 go against the Court, in terms of seating someone from the
22 Court, if another party decided to do that.

23 If the Republican Party decided to sit a minority
24 inspector, then if you have someone there that's a Democrat

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1 or -- or a Republican, it's not the person they put there
2 from the Court, then they could seat that person.

3 So, what we want to do is make sure we are in
4 compliance with the Court, also.

5 And that comes -- that leaves us in a position of
6 a case-by-case situation where -- where as though a person
7 has been sitting for two hours and then someone comes with a
8 Court Order, you have to make a decision -- rather, you're
9 going to pay that person or not pay that person.

10 That comes back to the situation where you say,
11 we're not going to pay double.

12 Now, double is, in my point of view, if you are a
13 judge of election and you get paid for judge of election
14 twice, that's double.

15 But if you're a judge of election and there's no
16 majority inspector and you decide to do their job, then
17 that's a case-by-case situation whether you're going to pay

18 them or not.

19 Our job is to make sure that the election get
20 run -- runs all the way through.

21 The situation with the person being majority
22 inspector is a situation for us to decide whether we're
23 going to pay them or not pay them.

24 And then, again, that could be a court issue or

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1 not, depending on, I guess, what we do as well.

2 So, I mean, I think that we ought to put that on
3 record.

4 MADAME CHAIRWOMAN: So, I would, if I may, the --
5 Commissioner Clark is absolutely correct, and Deputy
6 Commissioner Santana is well aware that the judge, minority
7 and majority inspectors are elected, either elected or
8 appointed or elected curb-stone election, and that this --
9 this proposal has -- says nothing about recruiting for
10 those positions. And certainly nothing about appointing,
11 because it is not in our power to appoint those positions.

12 I also want to remind everyone, that we have
13 passed, in a hearing, the policy on no more double pay. So
14 that is from the Commission point of view a decision that
15 has been made.

16 Did you want to say something?

17 COMMISSIONER SCHMIDT: Just that the issue with
18 the Court -- the Court Orders, because it's dealing
19 narrowly with machine inspectors, there would be no Court

20 Orders to fill vacant machine inspector positions that
21 would put us at odds with it, and there would be for judge
22 of elections, majority and minority. But we're not doing
23 that for machine inspectors. It's not the case. We won't
24 be at odds with the court.

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1 MADAME CHAIRWOMAN: Mr. Irving.

2 MR. IRVING: Yes. In the past it has been the
3 norm for -- if someone shows up to the polling place with a
4 Court Order, and that person is allowed to work because
5 they have an Order from Common Pleas Court saying that they
6 are to be seated.

7 Now, if they got a Court Order for a position
8 that's already occupied, the norm for this department has
9 been to find a position on that board for them to work that
10 day.

11 Now, when you do that, when you sign the spots on
12 the payroll sheets, sometimes people are filling out that
13 spot which says they're the second machine inspector, when
14 in actuality they're not.

15 But, see, if your division is only entitled to one
16 machine inspector and we see that line has two, it becomes
17 an issue of, well, are we crossing this person off when he's
18 been there for so long and he's worked it but the other guy
19 showed up with a Court Order?

20 Those are the things that we have to tweak.

21 MADAME CHAIRWOMAN: Yes.

22 MR. IRVING: And I hope we can get that resolved

23 and get something iron clad before Election Day.

24 MADAME CHAIRWOMAN: Um-hum.

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1 MR. IRVING: I don't like crossing people off, but

2 if we have to --

3 MADAME CHAIRWOMAN: Right.

4 I should clarify that, and Mr. Voigt, please

5 correct me if I'm wrong, a division is entitled to only one

6 machine inspector if there are no more than two --

7 MR. VOIGT: That's correct.

8 MADAME CHAIRWOMAN: -- voting machines --

9 MR. IRVING: Correct.

10 MADAME CHAIRWOMAN: -- at that place.

11 So, clarification, if someone has a Court Order to

12 be seated, say, as judge of election but they show up at

13 10:00 in the morning, do they still have the right to serve,

14 or --

15 MR. VOIGT: No.

16 MR. IRVING: No.

17 MR. VOIGT: No.

18 MR. IRVING: No. The time I have has always been

19 7:30.

20 MADAME CHAIRWOMAN: 7:30?

21 MR. IRVING: 7:30.

22 MADAME CHAIRWOMAN: Okay.

23 MR. IRVING: You figure the circumstances have
24 been, they may even be a little late, but 7:30 is more than

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1 adequate.

2 MADAME CHAIRWOMAN: Thank you.

3 Any other comments or discussions?

4 DEPUTY COMMISSIONER SANTANA: If I can say one --
5 just one -- one thing?

6 MADAME CHAIRWOMAN: Yes.

7 DEPUTY COMMISSIONER SANTANA: So, we're actually
8 not far from this, from judges of elections, because we
9 have been making calls to judges of elections who have had,
10 say, issues of double pay or instances where they were just
11 missing a check, we have just been engaging them.

12 But we're asking them for feedback. And so far
13 it's been relatively positive.

14 They see this as an opportunity to -- they say,
15 let me try; let me try to fill that slot. And if I don't
16 I'll give you a call and let you know that I'm having
17 trouble filling that slot.

18 So, this -- this is going to be a developing
19 conversation that we do with the judge of elections with the
20 ward leaders to help -- basically, to help them with some
21 very challenging situations.

22 MADAME CHAIRWOMAN: Thank you.

23 Any -- any other discussion?

1 response.)

2 MADAME CHAIRWOMAN: So let's take a vote.

3 So, the proposal is, that we adopt the memo as
4 read -- the policy as read out by Deputy Santana.

5 Commissioner Schmidt?

6 COMMISSIONER SCHMIDT: I make a motion to adopt
7 that policy.

8 MADAME CHAIRWOMAN: Okay. I second the motion.

9 Commissioner Schmidt?

10 COMMISSIONER SCHMIDT: I vote in favor.

11 MADAME CHAIRWOMAN: Commissioner Clark?

12 COMMISSIONER CLARK: I vote in favor.

13 MADAME CHAIRWOMAN: And I vote in favor.

14 It's unanimous, the vote in favor.

15 Thank you very much, Deputy Santana.

16 Next item on the agenda is a proposal from
17 Commissioner Schmidt.

18 COMMISSIONER SCHMIDT: It's -- it's really a
19 proposal to -- to consider addressing an issue that I
20 became aware of in the last couple of weeks.

21 I met with Amy Kurland, the inspector general, to
22 discuss about -- to discuss her office and then to discuss
23 our office and what jurisdiction, if any, they had.

24 And they have no -- according to Miss Kurland they

1 have no jurisdiction over the City Commissioners' Office.
2 We're an independently elected office. And for all sorts of
3 good reasons.

4 The -- the issue that I have is, that while we're
5 an independent office, we have no internal or external over
6 site in terms of conducting administrative investigations or
7 criminal investigations or -- or anything like that.

8 And that's, at least in my experience working with
9 -- with public agencies, a pretty unique situation.

10 There's nobody that can -- that can fulfill that
11 role. We're big enough to be independent, but we're not big
12 enough to have an inspector general or a chief compliance
13 officer or a chief integrity officer or anything like that.

14 There are a couple of agencies that are also
15 independent in Philadelphia city government that have signed
16 MOUs with -- with the inspector general's office that would
17 consent to the inspector general having jurisdiction to
18 conduct investigations.

19 They drafted a very broad Memorandum of
20 Understanding, and I have some concerns with their draft.

21 It's -- so, what I'm asking the other
22 Commissioners to consider is, addressing this problem either
23 through some form of MOU with the inspector general, or
24 addressing it completely independently of the inspector

1 general through having someone serve in a -- in a chief
2 integrity officer position or something like that.

3 But it's -- it's a unique situation, and not a
4 good one that we have no internal or external over site to
5 conduct investigations.

6 So, I'm not moving for a vote or anything today,
7 but it is something that I would like us to address.

8 MADAME CHAIRWOMAN: Could you share with us your
9 concerns about the -- the MOU as drafted?

10 I assume that the copy you -- you sent us in
11 advance of this meeting, a -- a draft Memorandum of
12 Understanding, is that the one that you have objections to,
13 or was this drafted to take your objections --

14 COMMISSIONER SCHMIDT: No. I have objections to
15 it -- or I have concerns about it. I mean, it's very
16 broad.

17 It basically says, the inspector general has
18 complete jurisdiction over this office. And I have some
19 concerns about that.

20 We can tailor the MOU to be more narrow to say,
21 you have jurisdiction to do X, Y and Z independently, or you
22 have jurisdiction to do it if it has been notified, the
23 Commissioners, before you initiated an investigation.

24 There is a whole host of different things that we

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1 can do to address it. This is the most comprehensive sort
2 of umbrella type of jurisdiction.

3 I spoke to people in the other agencies that have
4 signed MOUs with the inspector general's office, and they
5 bought up some -- some good aspects to it, and they brought
6 up some -- some concerns about it.

7 So, we're just trying to learn from their
8 experience what -- what -- what these MOUs have -- have,
9 sort of, brought about.

10 So, we can really tailor it with them however we
11 like.

12 MADAME CHAIRWOMAN: Okay. So, can we -- what I
13 suggest we do is, that -- I have just a few things that
14 concern me that I would like to let you know of, and
15 perhaps Commissioner Clark does as well, and then can we
16 depend on you to draft an MOU that you think we might be
17 able to pass so that we can --

18 COMMISSIONER SCHMIDT: Yes. Absolutely.

19 MADAME CHAIRWOMAN: -- discuss it at the next
20 meeting; terrific.

21 So -- so, I had a few questions. First of all, in
22 paragraph one it -- the target -- the investigations would
23 be of employees, or any employee of a contracted agency, and
24 I wonder if that includes poll workers or not, and whether

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1 it should include poll workers or not?

2 So --

3 COMMISSIONER SCHMIDT: Okay.

4 MADAME CHAIRWOMAN: -- that's one question I would
5 like answered.

6 COMMISSIONER SCHMIDT: I know it's drafted, but
7 what they mean by contracted agency would be a contractor
8 that does work with our office.

9 But, I mean, that's a good point, if -- if poll
10 workers are contracted employees, then --

11 MADAME CHAIRWOMAN: And then -- and then, like,
12 another point in paragraph two, it gives them quite a lot
13 of control to the maximum extent feasible, consistently
14 maintaining the integrity of an investigation.

15 And I have concern about that phrase, that --

16 COMMISSIONER SCHMIDT: I agree.

17 MADAME CHAIRWOMAN: -- it's vague.

18 I also have concern about item four, which
19 mentions the -- that the City Commissioners' Office and OIG
20 agree to revisit OIG access to further resource from the
21 Commissioners' Office.

22 And I also would like to understand more of what
23 that means and what we're signing away if we sign that.

24 COMMISSIONER SCHMIDT: To visit that issue

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1 typically with other MOUs with the IG, we would detail a
2 person to the -- to the OIG's office, that they would
3 essentially deputize to conduct investigations.

4 So, we would pay their salary so that they can
5 conduct investigations of -- of our office.

6 The original draft of this had that in it. That's
7 what they have with the Sheriff's Office, and I think with
8 the First Judicial District, and we ask that they take that
9 out.

10 What that is saying is, that we would agree to --
11 to discuss it in the future if it's -- if it's warranted.

12 And, also, that either agency can -- can -- can
13 end the MOU unilaterally or together.

14 MADAME CHAIRWOMAN: Okay.

15 COMMISSIONER SCHMIDT: So, this is a draft of,
16 really, their most comprehensive approach, you know.

17 One of the -- one of the issues, to be -- to be
18 frank about it is, the Inspector General's Office is
19 independent of the mayor, but it is part of the Executive
20 Branch.

21 And it has been the Mayor's position that our
22 office should not be an elected office, and that it should
23 not exist the way that it is currently constituted.

24 So, one of my concerns is providing jurisdiction

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1 to an agency in the Executive Branch for over site of our
2 office when the Executive Branch's position is, that we
3 should not exist in our current form.

4 So, that is probably the biggest concern that I
5 have.

6 MADAME CHAIRWOMAN: Although the Finance

7 Department seems to already be in a position --

8 COMMISSIONER SCHMIDT: Yes. That's right.

9 COMMISSIONER CLARK: Absolutely.

10 MADAME CHAIRWOMAN: And where might members of the

11 public see the MOU that we're looking at?

12 COMMISSIONER SCHMIDT: We have -- we have copies

13 if anyone is interested.

14 MADAME CHAIRWOMAN: Thank you.

15 COMMISSIONER SCHMIDT: And it is a draft.

16 MADAME CHAIRWOMAN: Any --

17 COMMISSIONER CLARK: I mean, they've already --

18 this is not anything that is new, they have already been

19 able to investigate us and what not.

20 COMMISSIONER SCHMIDT: They claim that they

21 haven't.

22 COMMISSIONER CLARK: They haven't investigated us?

23 COMMISSIONER SCHMIDT: That they have no -- that

24 they have no ability to move forward with --

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1 MR. VOIGT: The Ethics Commission.

2 COMMISSIONER SCHMIDT: Yes. The Ethics Commission

3 does.

4 COMMISSIONER CLARK: Right.

5 COMMISSIONER SCHMIDT: And has.

6 The inspector general was saying they haven't

7 because they can't because we are independent of them.

8 COMMISSIONER CLARK: Right.

9 Are we done with that piece of information?

10 I want to put a motion on the floor real quick.

11 MADAME CHAIRWOMAN: That's not on the agenda, no.

12 COMMISSIONER CLARK: I think it is something that

13 we all agree with.

14 MADAME CHAIRWOMAN: It needs to be on the agenda.

15 Thank you.

16 Okay. So this --

17 COMMISSIONER CLARK: Well, we -- wait. Hold on.

18 We don't have to exactly put it on the agenda, we can make

19 our own agenda as we go --

20 MADAME CHAIRWOMAN: Well, yes.

21 COMMISSIONER CLARK: -- as three Commissioners.

22 MADAME CHAIRWOMAN: We've made the agenda for this

23 meeting, and we have a process for developing the agenda,

24 and I will not entertain a motion or a discussion that is

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1 not on the agenda.

2 So, this concludes the --

3 COMMISSIONER CLARK: Well, hold on a second.

4 MADAME CHAIRWOMAN: -- Commissioners' part of the

5 meeting --

6 COMMISSIONER CLARK: Hold on a second.

7 MADAME CHAIRWOMAN: -- and I'd like to invite the

8 public if they have any comments or questions.

9 COMMISSIONER CLARK: Hold on a second. I just

10 wanted to put a motion on the floor.

11 MADAME CHAIRWOMAN: It is not appropriate.

12 There's no motion called for on this topic. If you'd like
13 to introduce a topic --

14 COMMISSIONER CLARK: You don't know what the topic
15 is.

16 MADAME CHAIRWOMAN: That's right. It's not on --
17 because it's not on the agenda.

18 COMMISSIONER CLARK: It don't (sic) have to be on
19 the agenda.

20 MADAME CHAIRWOMAN: Yes. It does. I am the Chair
21 and it has to be on the agenda.

22 COMMISSIONER SCHMIDT: Let me -- let me just
23 clarify for one second.

24 The idea behind creating an agenda is, that it

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1 would allow the three of us to prepare for the issues that
2 we would be voting on, so that things didn't, kind of, come
3 up that we would be --

4 COMMISSIONER CLARK: Well, let me just say this --

5 COMMISSIONER SCHMIDT: -- wasn't prepared to have
6 some --

7 COMMISSIONER CLARK: The idea of the Sunshine
8 Meeting is to speak about some things publicly that you
9 want to speak about.

10 MADAME CHAIRWOMAN: That is absolutely true, and
11 they need --

12 COMMISSIONER CLARK: The Executive -- hold on;
13 hold on.
14 MADAME CHAIRWOMAN: -- to be on the agenda.
15 COMMISSIONER CLARK: Hold on; hold on; hold on;
16 hold on.
17 And the Executive Meeting is a meeting where we
18 can vote on different things and talk about it the next
19 Sunshine Meeting.
20 But any Sunshine Meeting you can discuss issues of
21 -- if you wanted to make a vote on something.
22 MADAME CHAIRWOMAN: That's not true.
23 COMMISSIONER CLARK: You can't put together an
24 agenda in secrecy.

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1 MADAME CHAIRWOMAN: That's correct.
2 COMMISSIONER CLARK: That's clear.
3 MADAME CHAIRWOMAN: That's correct.
4 COMMISSIONER CLARK: So you can't come and say
5 that there is an agenda already.
6 Now, we can agree on some things.
7 But you can't say -- if you put together an
8 agenda, who did you put the agenda with?
9 COMMISSIONER SCHMIDT: We -- we all agreed last
10 week --
11 COMMISSIONER CLARK: No.
12 COMMISSIONER SCHMIDT: -- that we would --

13 COMMISSIONER CLARK: We would talk about some
14 things.
15 COMMISSIONER SCHMIDT: -- circulate items for the
16 agenda.
17 COMMISSIONER CLARK: But we didn't put --
18 MADAME CHAIRWOMAN: No. That we would circulate
19 items for the agenda. And you received a copy.
20 COMMISSIONER SCHMIDT: Any item on the list.
21 COMMISSIONER CLARK: Okay. But if you listen to
22 what I'm saying --
23 MADAME CHAIRWOMAN: You received a copy of the
24 agenda --

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1 COMMISSIONER CLARK: But this is what I'm saying,
2 we are not bound by an agenda; that's what I'm trying to
3 say. That if we wanted to speak about something else we
4 could.
5 MADAME CHAIRWOMAN: No. Only -- no.
6 COMMISSIONER CLARK: Now --
7 MADAME CHAIRWOMAN: If two of the Commissioners
8 vote -- I suppose that with the -- no.
9 COMMISSIONER CLARK: If you --
10 MADAME CHAIRWOMAN: No. I'm sorry. No. If it is
11 not on the agenda, it is not to be discussed.
12 If there are topics you would like to discuss,
13 please let my office know by 9 a.m. before the next Sunshine
14 Meeting --

15 COMMISSIONER CLARK: That's not -- that's not --
16 MADAME CHAIRWOMAN: -- and we will put them on the
17 agenda --
18 COMMISSIONER CLARK: That's not how --
19 MADAME CHAIRWOMAN: -- and we will be glad --
20 COMMISSIONER CLARK: -- three Commissioners do it.
21 MADAME CHAIRWOMAN: -- to --
22 COMMISSIONER CLARK: Now, if you want to speak
23 about something and that you just wanted to put a motion on
24 the floor and you agreed with the motion that we voted,

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1 that's what I mean, that the vote that we do.
2 COMMISSIONER SCHMIDT: I, personally, don't see
3 any harm in bringing up issues that are of concern to us,
4 but I am not prepared to vote on any motion, so there is no
5 point in so making a motion.
6 COMMISSIONER CLARK: Okay. Well, I made a motion
7 that you are not prepared to vote on a motion.
8 Well, what I am basically saying is, that if we
9 want to bring up something, as three Commissioners we are
10 not bound by an agenda.
11 MADAME CHAIRWOMAN: I do not agree, Commissioner
12 Clark.
13 COMMISSIONER CLARK: Well, that's your opinion,
14 it's not a fact.
15 MADAME CHAIRWOMAN: That's true. But I am the

16 Chair of this Commission, and that gives me -- that gives
17 me the undisputed right to run the meeting and to set the
18 agenda.

19 And I would be delighted to receive from you a
20 suggestion on an agenda item and I would put it on the
21 agenda. Please send it to my office by 9 a.m. Monday
22 morning.

23 I would like to proceed to the public comment and
24 question part of the meeting.

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1 Are there any public comments or questions?

2 Yes, sir.

3 MR. DICKENS: I have a -- I'm fairly new to this
4 process. I wanted to know -- my name is Charles Dickens; I
5 am committee person in the 16th Ward; 8th Division.

6 I wanted to know if there has been any
7 consideration or any process whereby we may consider
8 actually placing photos of the candidates at the polling
9 booths so that it would allow some individuals with
10 intellectual disabilities to better identify with the
11 candidate?

12 Myself being a parent of an individual with
13 intellectual disabilities as well as an advocate and social
14 worker for intellectual disabilities, I know that a lot of
15 times their cognitive deficits don't allow them to be able
16 to read things they print, but they can identify with a
17 picture.

18 Like, if you show them a picture, oh, you know,
19 that's such and such.

20 So, I just wanted to know if there's something
21 being considered or processed to assist them fully of some
22 sort which I believe would improve that participation in the
23 voting process?

24 MADAME CHAIRWOMAN: So, thank you very much for

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1 the question, and I hope that we will be able to continue
2 the discussion of your constituents as you see them and
3 their concerns.

4 And I hope that you will give your contact
5 information to Deputy Santana, who is sitting right in front
6 of you, if you would like to continue the conversation.

7 This Commission has certainly never considered the
8 thing that you suggest of about having photographs of
9 candidates in the voting booths. That would be covered by
10 State Law. It's not something that we could do ourselves.

11 However, you should be aware, that there is a
12 provision for assistance for voters who have handicaps. And
13 someone in my office would be glad to help you understand
14 what that law is and how it works.

15 Thank you very much.

16 MR. DICKENS: Thank you.

17 MADAME CHAIRWOMAN: Any other questions or
18 comments from the public?

19 (Whereupon, there was no
20 response.)
21 MADAME CHAIRWOMAN: Seeing none, hearing none, I
22 adjourn the meeting.
23 The next meeting will be at 11 a.m. next Wednesday
24 in the same place.

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1 And there will be an Executive Session later
2 today.
3 (Whereupon, the proceeding was
4 adjourned at approximately 11:35
5 a.m.)

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1 C E R T I F I C A T E

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

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

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Renée Helmar

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Shorthand Reporter

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