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MEETING OF THE COMMISSIONERS

\* \* \* \*

Wednesday, February 8, 2012

Philadelphia, Pennsylvania

\* \* \* \*

COMMISSIONERS PRESENT:

STEPHANIE SINGER, Chairwoman

ANTHONY CLARK, Commissioner

AL SCHMIDT, Commissioner

NOAM KUGELMASS, Deputy Commissioner

CARLA MOSS, Deputy Commissioner

DON GARECHT, Deputy Commissioner

PRESENT:

FRED VOIGT, Legal Counsel

CARMEN SEMINARA, Election Board Supervisor

JOHN DAY, Warehouse

PENNY MURCHISON, Train Board of Elections

TIMOTHY DOWLING, Documents

JOSEPH LYNCH, Election Material

GARY FERRIS, Polling Material Supervisor

GREG IRVING, Data Support Supervisor

JOE DeFELICE, Republican Party

DAVID THOMSON

BILL RUBIN

BOB WARNER, Philadelphia Inquirer

LUKE MCKINSTY, Committee of Seventy

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: I call the meeting to order.

Good morning, everyone.

(Whereupon, there was a

collective response.)

MADAME CHAIRWOMAN: The meeting is called to order.

We would like to start with any old business. If there is any old business from the Commissioners, okay, from the Commissioners?

(Whereupon, there was no

response.)

MADAME CHAIRWOMAN: Any new business from the

16 Commissioners?

17 (Whereupon, there was no  
18 response.)

19 MADAME CHAIRWOMAN: All right. We'll have the  
20 public portion in a moment, let's have the report from the  
21 supervisors, please.

22 Mr. Seminara.

23 MR. SEMINARA: Good morning, Commissioner.

24 MADAME CHAIRWOMAN: Good morning.

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1 MR. SEMINARA: As of today, February the 8th, we  
2 have a total of 159 applications for absentee. And of that  
3 total, 42 are regular absentee, 26 alternative, 44 military  
4 and 56 overseas. And out of that 159 total, 6 of them are  
5 returned for various reasons.

6 Two were missing signatures. Then we had two that  
7 were -- where the date of birth was missing. We mailed that  
8 back. And a couple for leaving the party box empty, beings  
9 this is a primary. So we mailed those back, also.

10 All of my supplies that are not date sensitive are  
11 stuffed and ready to go. I have my people doing that now.

12 I received, this morning, from Mr. Gregory Irving,  
13 the applications that are ready to go.

14 And what I'll do is, I'll take them back to the  
15 office and have my people get them ready to go. And then  
16 once the ballot is ready, once I receive the ballot from Joe  
17 Lynch, that's when we'll send it out.

18 Compared to four years ago, we have a total of  
19 193.

20 MADAME CHAIRWOMAN: And that is compared to how  
21 many now?

22 MR. SEMINARA: That's compared to 159 as of this  
23 year.

24 And that concludes my report.

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1 MADAME CHAIRWOMAN: Thank you.

2 Mr. Ferris.

3 MR. FERRIS: Okay. We are finishing up our  
4 canvassing on deceased that came from poll books. We're  
5 almost finished that.

6 As far as polling places, we have approximately 20  
7 to 30 polling places that have refused the use of their  
8 site, so we're still working on contacting committee people,  
9 ward leaders. We'll be canvassing those divisions if  
10 there's no leads for those.

11 We're also working on the Kerrigan lawsuit  
12 following up on DOJ matters.

13 We did have a meeting. I believe that everyone  
14 was briefed. Fred was at the meeting.

15 We did approve, for the doorbells, a poster at  
16 that meeting. And I will need to order those posters for  
17 this election, so I will need to get that. I believe that I  
18 will relay that to Carmen, and he will have someone make  
19 sure the translation is correct, the Spanish translation is  
20 correct, so that we can use these posters for this election.

21 And that is briefly what it looks like (indicating).  
22 The transmitter will go here (indicating) for the  
23 doorbell. It will be attached to that poster, and this will  
24 be placed in the box so that the board of elections will  
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1 have that poster to put up on election morning.  
2 MADAME CHAIRWOMAN: So does this mean that we can  
3 assure people who ask about having to leave a door open that  
4 there will be a doorbell for any --  
5 MR. FERRIS: Yes. Anybody that has --  
6 MADAME CHAIRWOMAN: -- for any polling place that  
7 needs one?  
8 MR. FERRIS: Yes. Anyone that has asked so far or  
9 anyone that we have contacted through the Department of  
10 Justice work we're doing will be receiving a doorbell.  
11 Word of mouth is now spreading. The people, you  
12 know, would like a doorbell now so that they don't have to  
13 keep the doors opened. They're contacting us and they will  
14 be added to the list, so...  
15 MADAME CHAIRWOMAN: So if -- so if someone asks me  
16 I should direct them to e-mail you directly?  
17 MR. FERRIS: Yes. E-mail me directly --  
18 MADAME CHAIRWOMAN: Okay.  
19 MR. FERRIS: -- and I'll make sure it's put on the  
20 list and they get one.  
21 And probably within the next year we're probably  
22 going to have to look at ordering more doorbells as the  
23 number is increasing.  
24 MADAME CHAIRWOMAN: That's great news. Thank you.  
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1 MR. FERRIS: Yes.  
2 MADAME CHAIRWOMAN: Anything else?  
3 MR. FERRIS: No. That's it. We're doing good.  
4 Thanks.  
5 MADAME CHAIRWOMAN: Thanks.  
6 Mr. Lynch.  
7 MR. LYNCH: Yes. Good morning, Commissioners.  
8 We're still working on erasing the cartridges.  
9 We're almost done them. We'll be sending them up to the  
10 warehouse for John Day.  
11 I'm also still doing my inventory.  
12 Bob Passiore updated the new districts, and now  
13 he's working on the printouts to see -- making sure the  
14 printout reflects the new districts.  
15 And, also, I have -- I'll have to start working on  
16 the school ballot, finish putting audio on the school ballot  
17 for John Day up at the warehouse for the seminars starting  
18 next week, okay.  
19 And that's it.  
20 MADAME CHAIRWOMAN: Okay. And when you say the  
21 new districts, you mean the 2001 district?  
22 MR. LYNCH: 2001, yes.  
23 MADAME CHAIRWOMAN: Right.  
24 MR. LYNCH: For now, or whenever.

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1 MADAME CHAIRWOMAN: Yes.  
2 Miss Murchison.  
3 MS. MURCHINSON: Good morning, everyone.  
4 I'm getting prepared. Our first school starts  
5 February the 13th. That will be at South Philadelphia High.  
6 So I'm getting everything ready for the school.  
7 We're also doing some -- finishing up the filing  
8 from the previous General Election.  
9 That's all I have to report at this time.  
10 MADAME CHAIRWOMAN: Thank you.  
11 Mr. Day.  
12 COMMISSIONER SCHMIDT: How many -- I'm sorry, I  
13 just have one question. How many people attend the training  
14 every election approximately?  
15 MS. MURCHINSON: Every school is different.  
16 Like, South Philly is our first school, and the  
17 board members know there's a make-up school, so our weekday  
18 classes and turnouts will be very low because they know that  
19 they can come back the last week for the make up.  
20 We'll get, like, maybe 25, 30 per night.  
21 COMMISSIONER SCHMIDT: Okay.  
22 MS. MURCHINSON: That's a low number for the  
23 weekdays because they know that they have the weekend before  
24 the election to come back. And some of the schools are

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1 really, really high with their turnouts.  
2 Like Northeast Public, Ryan, their turnouts are  
3 very, very high.  
4 COMMISSIONER SCHMIDT: And how about in total; the  
5 total number of all the schools?  
6 MS. MURCHINSON: Total, last year we had 3100.  
7 COMMISSIONER SCHMIDT: Thirty-one hundred, okay.  
8 Thank you, ma'am.  
9 MADAME CHAIRWOMAN: Anything else?  
10 MS. MURCHINSON: That's it.  
11 MADAME CHAIRWOMAN: Thank you.  
12 MS. MURCHINSON: You're welcome.  
13 MADAME CHAIRWOMAN: Mr. Day.  
14 MR. DAY: Right now the guys are putting in all  
15 the service codes in the machines, checking the machines out  
16 still.  
17 And like Joe said, he's going to give me the  
18 ballot, I'll get the school machines ready.  
19 The trucker has been notified. He'll be there  
20 Monday morning to pick up the machines, deliver the machines  
21 to school.  
22 Everything is going good. We got all our supplies  
23 in. So everything is right on track.  
24 MADAME CHAIRWOMAN: Thank you.

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1 Mr. Dowling.  
2 MR. DOWLING: Okay. As of yesterday registration  
3 total stand at 8,386 applications received in the Documents  
4 Unit. That's an increase from last week of approximately  
5 1,225. Of those applications there were 223 applications

6 that were rejected for various reasons. And 39 of those  
7 applications were for other counties and other states, which  
8 have all been mailed out.

9 The rejects are all up to date. Everything has  
10 been sent out in the mail.

11 They have until the 15th day before the election  
12 to appeal their rejection. And they were sent an  
13 application that's stamped "Appeal Primary."

14 If they choose to appeal their rejection they just  
15 fill the form out and we accept that as their appeal and  
16 process the application.

17 As I said last week, I was almost complete  
18 changing the 911 precincts that I changed under the 2011  
19 Plan back. That's all complete. All 911 precincts are back  
20 to the 2001 Plan.

21 And people are already coming in checking their  
22 petitions. So that file is correct.

23 The only changes that were made were the  
24 congressional districts, which still stand under the 2011

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1 Plan. And they are all up to date, also.

2 And that's it.

3 COMMISSIONER SCHMIDT: For the voting registration  
4 applications, were there any groups that turned in large  
5 numbers or picked up large numbers in the last week?

6 MR. DOWLING: The last group that came in that  
7 picked up a group of 2 boxes of registrations, that's 3000  
8 applications, was the Philadelphia Unemployment Project.  
9 They have yet to turn anything in. Organizing for America,  
10 they're out on the street. They haven't picked up any bulk  
11 registrations lately, but some of the applications that  
12 they're turning in are -- there is a 28-day window from when  
13 the applicant filled it out till the time Organizing for  
14 America turned it in to us.

15 And at that range, it goes from -- the last group  
16 they turned in went from 6 days from when the date the  
17 applicant signed it up to the 28 days.

18 So, in that window, if one of those applicants  
19 filled out another application for a different address and  
20 that came in before that, last one in is what happens.

21 COMMISSIONER SCHMIDT: Even if it is dated -- even  
22 if the one is dated earlier than that?

23 MR. DOWLING: Well, Greg could expand on that a  
24 little better under his report.

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1 COMMISSIONER SCHMIDT: Okay.

2 MR. DOWLING: But when it gets hectic, you're just  
3 adding in -- it's the last -- it's the date of the  
4 application that we receive it, regardless of when the  
5 applicant filled it out.

6 MADAME CHAIRWOMAN: Let me just ask you that  
7 again, because I want to be totally clear.

8 So, the date that is assigned to the application  
9 is the date that we receive it --

10 MR. DOWLING: In the office.

11 MADAME CHAIRWOMAN: -- in the office, and the date  
12 that the person actually signed and dated is something  
13 different?

14 MR. DOWLING: Yeah. Because sometimes people will  
15 put their birth date in there.

16 So, I mean, sometimes, you know, it's -- it's by  
17 when we receive it.

18 MADAME CHAIRWOMAN: Okay.

19 MR. DOWLING: And like I said, Greg can explain  
20 that a little further.

21 MADAME CHAIRWOMAN: And that is the date also that  
22 matters, when people sign petitions?

23 MR. DOWLING: Yes. That's very important.

24 MADAME CHAIRWOMAN: Yes.

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1 MR. DOWLING: That's why any applications that  
2 come into your offices have to be stamped in that day.

3 And we got a few down from City Hall the other day  
4 and none of them were stamped in. And it's very important  
5 that they get clocked in, because the applicant dates, some  
6 of them were from the third, which was last Friday, and we  
7 didn't get them until Monday. And because there was no date  
8 on them, we have to presume that they came in that day, and  
9 they got clocked in for that day.

10 So, if those people signed a petition on the  
11 third, and their signature gets challenged, that could be  
12 thrown off the petition. That could be stricken.

13 That's why it is important to have every  
14 application clocked in as soon as you get it.

15 MADAME CHAIRWOMAN: Thank you.

16 MR. DOWLING: You're welcome.

17 MADAME CHAIRWOMAN: Anything else?

18 MR. DOWLING: That's it.

19 MADAME CHAIRWOMAN: Mr. Irving.

20 MR. IRVING: Good morning, Commissioners.

21 Let me start with Timmy's -- add on to what Timmy  
22 was saying.

23 To your question, Commissioner Schmidt, we go by  
24 the date in which we receive it into this office. That's

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1 when they're clocked in. And that will become that person's  
2 date of registration.

3 This is why Mr. Dowling always asks that these  
4 campaigns and these groups outside get them into us as soon  
5 as possible because, John Q. Public, if he doesn't have a  
6 response in two weeks he's filling out another one and  
7 sending it back.

8 Sometimes people move, and it will put them back  
9 at the old address. So that's why we go by the most recent  
10 date. And that's according to the State Law, okay.

11 I submitted a report to -- a six-page report to  
12 each of you this morning. That's all the activity we've had  
13 from all of our documents, paper and our electronic format.  
14 That goes from November 9th of 2011, up until yesterday's  
15 work that was in there, okay.

16 It's broken down by each type of class, okay.  
17 I'm going to send up a report to each one of your  
18 offices which has -- explains each code that we have in the  
19 system. So that will help your staff better as they're  
20 working, and help those field questions.

21 Currently, out of the work which we received in  
22 for the last past week we have 1,200 pieces of paper which  
23 has to be added in. And staff is currently downstairs  
24 working on those.

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1 We have 2,500 electronic applications which are  
2 being worked on.

3 We also processed 3,400 civilian overseas and  
4 military absentee ballots, the applications, okay.

5 Those were the labels that Mr. Seminara was  
6 speaking of, which I submitted to him earlier. And we have  
7 about 180 left out of that group.

8 We've been honoring requests from potential  
9 candidates to come in and check their petitions.

10 So far we've had nine different potential  
11 candidates come in. I actually have two people downstairs  
12 now, downstairs working on theirs right now. And we've  
13 gotten calls where we're going to have at least four other  
14 people in today, okay. We keep doing this right on through  
15 up until they file. And once they file, then we begin  
16 checking upon requests, also.

17 Our Records Department right now, they're  
18 currently looking through old poll books. They're doing,  
19 like, a backup for missing signatures, okay.

20 We already scanned the 2011 General form. But  
21 they're going back a year further. They're going back to  
22 the election further. And they're going back to the  
23 primary, and they're looking to see if there is anything,  
24 that people didn't vote in '11 General, so that we can place

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1 them on. We want to have as many as possible.

2 We also ran into a problem where Commissioner  
3 Schmidt's staff brought it to my attention. It happened in  
4 the 36 Ward. There was a complaint where someone had --  
5 they said they had about 100 records in their poll book when  
6 they didn't have any signatures at all. And that's a lot.  
7 That's a lot.

8 We examined those books. It was Seth Bluestein.  
9 Me and Seth sat down and went through those books. And we  
10 did find -- it wasn't 100, but it was quite a bit in there.

11 So what we did was, I had someone go through those  
12 books again and look for more signatures, okay. And that  
13 appeared to be a printing problem. That appeared to be a  
14 printing problem.

15 I contacted our vendor. And I sent him a test  
16 disk of that ward. So he is going to run that and see what  
17 he comes up with, okay.

18 For the time being that concludes my report.

19 MADAME CHAIRWOMAN: Thank you very much.

20 MR. IRVING: You're welcome.

21 MADAME CHAIRWOMAN: I would like to open the floor  
22 to the public for questions and comments.

23 Mr. DeFelice.

24 MR. DeFELICE: Hi; Joe DeFelice.

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1 Thanks again for the last two weeks that I've  
2 received the election report in Excel format.

3 And I was going through the election report in  
4 Excel format. I found some things that, kind of, jumped out  
5 at me, and I'm just putting it forth to the Commission.

6 Total number of election board workers paid over  
7 the \$120 threshold was, I guess, would be a judge making 100  
8 plus the 20 for the training, 424; total number of election  
9 board workers from outside of Philadelphia, 52, including 7  
10 from New Jersey, 4 from Delaware and 1 from New York City.  
11 That was just, you know -- that was interesting because, in  
12 order to work in Philadelphia, for the most part, you need  
13 to be a Philadelphia resident, except, I guess, on the  
14 election board. Total paid election board workers from  
15 outside of Philadelphia, \$5,020; total number of election  
16 boards under the age of 18; 16, including a 12 year old in  
17 the 37th Ward; total numbers of employees that signed more  
18 than once, 488; total number of 108-year-old people working  
19 on the boards, one, which I just thought that was  
20 interesting, a 108-year-old person. But it's very  
21 plausible. Total number of people working in two divisions,  
22 for the first thousand that I counted, we found 11,  
23 including one that signed and got paid for both 64;3 and  
24 64;9.

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1 64;3, both out of Brown School, which is just off  
2 of Solly and Frankford; 64;9 votes out of Abraham Lincoln,  
3 which is at Ryan and Rowland, roughly a mile away, for that  
4 person to be in those two -- we get in a situation where,  
5 and we had plenty of them, that were, you know, 55;19 and  
6 55;11, they both go in Mayfair School. Or even a situation  
7 where 55;19 and 64;12, two different wards, but in the same  
8 school. This was a situation where there's two entirely  
9 separate polling places. And, again, it could be a  
10 different person, but the same name, same date of birth,  
11 same address, both in the 64th Ward.

12 And, finally, and I put this to the Commission,  
13 I'm sure they've done this before, but I ask if they would  
14 do it again. In Pennsylvania the minimum wage law was put  
15 into effect July 2009, and was set at \$7.25 per hour, which  
16 equals \$101 for a 14-hour work day.

17 I call it a 14-hour work day because, technically  
18 I guess the election board workers only need to be there  
19 from 7 until 8, or is it 6:30 to 8:30?

20 I mean, I'm just --

21 MR. DAY: You have to set everything up, so you  
22 have to be there at 6:30.

23 MADAME CHAIRWOMAN: They have to set things up.  
24 And there aren't fixed hours, but they have to set things up

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1 and they have to take things down at the end of the day.  
2 And there are things that they must do that happen outside  
3 of the time the polls open.

4 MR. DeFELICE: Okay. So, I mean, I guess it would  
5 be a fair estimate to say that it would be a 14-hour work  
6 day.

7 So, out of that, 4,858 people -- 4,858 people made  
8 less than the minimum wage in Philadelphia election boards  
9 --

10 MR. VOIGT: That is a matter of --

11 MR. DeFELICE: -- in November 2011.

12 MR. VOIGT: That is a subject of litigation as we  
13 speak.

14 MR. DeFELICE: Thank you.

15 And that was -- I just thought that I would bring  
16 it to your attention.

17 COMMISSIONER SCHMIDT: We did -- do you mind if I  
18 address for a second?

19 MADAME CHAIRWOMAN: Go ahead.

20 COMMISSIONER SCHMIDT: We did our own study, and  
21 kind of preliminarily, what you're also telling our people  
22 who serve as translators in two divisions, which is okay as  
23 I understand in the settlement with the Department of  
24 Justice. So there is nothing wrong with them being, say, in  
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1 two divisions provided they're co-located locations.

2 So when you back those numbers out, it's actually  
3 more, like a little over 300 people, who got paid for more  
4 than one polling place. But more than one position on  
5 Election Day.

6 But what was the surprise is, there was some who  
7 got paid for three positions on Election Day.

8 So they would function as a majority and a  
9 minority -- a majority inspector and a machine inspector in  
10 one division, and the division next to it also function as  
11 the translator or something like that. So they got paid  
12 more than \$300 for Election Day. And that's anomalous,  
13 but -- but it did occur.

14 If you -- if you take the lower number, like 320;  
15 330 people number, it would come up to a little over \$32,000  
16 per election, or \$64,000 a year.

17 But those, I mean -- just, kind of, looking at it,  
18 those aren't necessarily -- if you didn't -- if you didn't  
19 pay them, it doesn't necessarily result in saving \$64,000  
20 because other people could serve in those positions. It's  
21 not like a flat out, you change the policy and then you save  
22 \$64,000.

23 MR. DeFELICE: I guess that is the question. I  
24 mean, do we need those positions; and assuming that we do, I  
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1 mean, is it possible that we limit the amount of people on  
2 the election boards and pay them more, or is the situation  
3 where we should have more people on the election boards and  
4 pay them this so minimum wage?

5 MADAME CHAIRWOMAN: So, Mr. DeFelice, first of

6 all, thank you so much for your analyzing that data. And if  
7 you were willing to share it with the Commission, I, for  
8 one, would be delighted to see it.

9 So, if you could just e-mail it to me, if you  
10 would like to.

11 Second of all, the number of precincts and the  
12 number of workers is a matter of State Law. So it's not  
13 something under our direct control.

14 We also will not be double paying in the next  
15 election or any future election. And this is something that  
16 we've already started to inform community leaders about,  
17 that we will be stopping the double payment except, perhaps,  
18 for the interpreters, if it's -- we're looking into the  
19 legality of that.

20 But we -- and -- and any anomalies that you've  
21 found, I would like to address.

22 MR. DeFELICE: Thank you.

23 MADAME CHAIRWOMAN: Yes.

24 MR. THOMSON: My name is David Thomson, from the

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1 15th Ward.

2 I'd just like to ask, what publicity is given to  
3 the training schools, number one; and do -- I know it, but  
4 how many other people know that any citizen can go to those  
5 training? You don't get paid if you're not working on the  
6 board. That anyone can go to the training.

7 And sometimes you learn something you otherwise  
8 wouldn't be familiar on things.

9 So -- but how do we know where they are?

10 Because I know that it comes from some of the ward  
11 organizations, but how would others know that it exists;  
12 where it is; what time, all that?

13 MADAME CHAIRWOMAN: Miss Murchison.

14 MS. MURCHINSON: All the elected board members are  
15 notified via in the mail.

16 MADAME CHAIRWOMAN: All the elected board members  
17 are notified by mail?

18 MS. MURCHINSON: By mail, yes.

19 MADAME CHAIRWOMAN: And --

20 MR. IRVING: Plus the -- excuse me, Commissioner.

21 MADAME CHAIRWOMAN: Yes.

22 MR. IRVING: Plus the schedule is posted on the  
23 Web site.

24 MADAME CHAIRWOMAN: And the schedule is posted on

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1 the Commissioners' Web site.

2 Thank you.

3 Any other -- Mr. Rubin.

4 MR. RUBIN: Will there be extended hours for  
5 candidates or possible candidates for nights and weekends  
6 when the petitions are due, and going to be able to use the  
7 machines and the activities here?

8 MADAME CHAIRWOMAN: I don't know the answer to  
9 that question, but I will find it for you, unless someone  
10 can answer that right off the bat.

11 MR. IRVING: Yes.  
12 MADAME CHAIRWOMAN: Mr. Irving.  
13 MR. IRVING: Well, Commissioner, at some point in  
14 time, probably within the next week, once the petitions are  
15 filed, I will be contacting you and asking you that we  
16 extend our hours to accommodate the candidates as we have  
17 always done in the past.  
18 The Commission always does it. But at some point  
19 in time if we didn't do it there would be -- with this being  
20 a -- we would be notified by a Commonwealth Court Judge that  
21 we have to extend these hours, okay.

22 MADAME CHAIRWOMAN: Yes.  
23 MR. IRVING: But there is a limit, as you're aware  
24 of, Mr. Rubin, there is a limited time that they have to

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1 check so that they can file the challenge, so...  
2 MADAME CHAIRWOMAN: Thank you for the question,  
3 Mr. Rubin, and we will continue with the practice that we've  
4 used in the past.

5 MR. RUBIN: So it will be opened?  
6 MR. IRVING: Yes.  
7 MR. RUBIN: Great. Thank you.  
8 When the information is released on the poll  
9 workers, is the Social Security number included in that, or  
10 is it redacted?

11 MR. VOIGT: It is redacted.  
12 MADAME CHAIRWOMAN: It's redacted.  
13 Any other questions from the --  
14 COMMISSIONER CLARK: Counsel.

15 MR. VOIGT: Just so everyone is aware, Judge  
16 Surrick from the Eastern District, heard argument on  
17 injunctive relief with regard to the reapportionment for the  
18 senate and the house on Monday. He said publicly that he  
19 would have a decision promptly. We do not have a decision  
20 as of yet.

21 As everyone knows, I would assume, the 2001 lines  
22 are still in full force and effect. And the boundaries and  
23 residency requirements pertaining thereto are still in full  
24 force and effect, unless and until a decision is rendered.

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1 Setting that decision of the Supreme Court aside, they  
2 still -- that is what we are bound by.

3 Now, keep in mind that whatever the decision for  
4 injunctive relief that is rendered by the District Court is  
5 subject to appeal to the Circuit Court of Appeals.

6 So, there is -- the finality that we know of, as  
7 we speak, is the decision of the Pennsylvania Supreme Court.

8 Once Judge Surrick renders his decision, we will  
9 then be subject and be bound by his decision unless and  
10 until it's appealed to the Third Circuit.

11 So, everyone should be very clear as to where we  
12 are right now.

13 To a certainty, we know what we are bound by. We  
14 do not know what we -- what decision will be made in the  
15 future either by the District Court or by the Circuit Court

16 of Appeals.  
17 MADAME CHAIRWOMAN: Thank.  
18 Any other questions or comments from the public?  
19 (Whereupon there was no  
20 response.)  
21 MADAME CHAIRWOMAN: I would like to move that the  
22 meeting be adjourned.  
23 COMMISSIONER SCHMIDT: Move.  
24 COMMISSIONER CLARK: Second.

0025  
1 MADAME CHAIRWOMAN: Meeting is adjourned until  
2 next Wednesday at 11:00.  
3 (Whereupon, the proceeding was  
4 adjourned at approximately 11:28  
5 a.m.)  
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0026  
1 C E R T I F I C A T E  
2  
3 I, RENÉE HELMAR, a Shorthand Reporter, and Notary  
4 Public, certify that the foregoing is a true and accurate  
5 transcript of the proceedings which were held at the time,  
6 place and on the date herein before set forth.  
7 I further certify that I am neither attorney, nor  
8 counsel for, nor related to or employed by, any of the  
9 parties to the action in which these proceedings were taken,  
10 and further that I am not a relative or employee of any  
11 attorney or counsel employed in this action, nor am I  
12 financially interested in this case.  
13  
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17 Renée Helmar  
18 Shorthand Reporter  
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