

1 MEETING OF THE COMMISSIONERS

2 * * * *

3 Wednesday, November 7, 2012

4 Philadelphia, Pennsylvania

5 * * * *

6 COMMISSIONERS PRESENT:

STEPHANIE SINGER, Chairwoman
7 ANTHONY CLARK, Commissioner
AL SCHMIDT, Commissioner
8 DENNIS LEE, Deputy Commissioner
CARLA MOSS, Deputy Commissioner
9 DON GARECHT, Deputy Commissioner

10 PRESENT:

FRED VOIGT, Legal Counsel
11 CARMEN SEMINARA, Election Board Supervisor
PENNY MURCHISON, Train Members of Board of
12 Elections
KEVIN RICHARDSON, Record Imaging Supervisor
13 JOHN DAY, Warehouse
TIMOTHY DOWLING, Documents
14 JOSEPH LYNCH, Election Materials
GARY FERRIS, Polling Material Supervisor
15 GREGORY IRVING, Data Support Supervisor
SETH BLUESTEIN
16 GREG KRAVITZ

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

18
19 REPORTED BY:

Renée Helmar, Shorthand Reporter

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ELLEN MATTLEMAN KAPLAN, Committee of Seventy
JOSEPH DeFELICE, Republican Party
BOB WARNER, Philadelphia Inquirer
STEVE BOC
DAVE DAVIES
STEVE TAWA
LINDA NELSON, Human Relations Department

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

4 MADAME CHAIRWOMAN: Good morning, everybody.

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

7 MADAME CHAIRWOMAN: I call the meeting to order.

8 I would like to thank the entire City of
9 Philadelphia for getting out to vote and all the work
10 everybody did over this election season. And most
11 particularly I would like to thank the Staff of the Board of
12 Elections and my fellow Commissioners and the staff at City
13 Hall and here and at the warehouse for tremendous work
14 yesterday and grace under fire. And it was -- it was just
15 an honor to be here with you all. And thank you so much.
16 Thank you so much.

17 We will start with old business.

18 Is there any old business, Commissioner Clark?

19 COMMISSIONER CLARK: There is no old business.

20 MADAME CHAIRWOMAN: Commissioner Schmidt?

21 COMMISSIONER SCHMIDT: No.

22 MADAME CHAIRWOMAN: And none from me.

23 So, then, we proceed to the report of the
24 supervisors, Mr. Seminara.

1 MR. SEMINARA: Good morning, Commissioners.

2 I will start off this morning with the total
3 application count that we got from the 2012 Presidential
4 Election Cycle. I did leave a chart in front of you so that
5 you could follow with me. The total civilian applications
6 for absentee 11,195; alternative was 3,986; military 725;
7 civilian overseas was 1,587. I will not mention the other
8 categories just for the simple reason that our total count
9 of 9,902.

10 In '08, we received 23,112 applications.

11 The returns, we received 14,298 returns as of
12 yesterday. We segregated 1,530 of them that the Department
13 of State said we should segregate between Friday and today
14 for the various Executive Orders that the governor
15 requested.

16 In '08, we had 18,302 that was returned.

17 The only thing that I don't have is a count of
18 civilian ballots. They are not received yet, of course,
19 because they need to be timestamped by the 5th of the month
20 and returned by the 13th in order to be counted in our
21 computation.

22 I would also like to remind everyone that this
23 Friday, at 9:30 a.m, we will commence the canvassing and

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1 MR. VOIGT: No. It will start at 9.

2 MR. SEMINARA: I'm sorry. It is 9 a.m. on Friday,
3 we will commence the canvas and computation for this
4 election.

5 And that concludes my report.

6 MADAME CHAIRWOMAN: Thank you.

7 MR. SEMINARA: You're welcome.

8 MADAME CHAIRWOMAN: Thank you.

9 Ms. Murchison.

10 MS. MURCHISON: Good morning.

11 With the conclusion of the schools, before the
12 election we had a total for make up was 1,675 board members
13 to attend.

14 That's all I have.

15 MADAME CHAIRWOMAN: Thank you.

16 Mr. Ferris.

17 MR. FERRIS: Good morning, Commissioners.

18 Everything ran pretty well yesterday morning.

19 Most of our calls were the normal calls between 6
20 and 7 as far as polling places not being opened.

21 We probably had -- this is probably one of the
22 elections where we had the fewest calls of polling places

23 not being opened. Everything worked out well. We didn't
24 have any late openings or anything that we had to take

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1 further action with.

2 Most of our phone calls were early in the morning,
3 were about the minority inspectors being sat. And we had
4 dispatched people out to some of those places. And the rest
5 of the day were, you know, the normal calls that everybody
6 else got as far as people not being in books registering,
7 where is their polling place, things like that. So it ran
8 really well.

9 We only had to replace three doorbells as opposed
10 to the last election.

11 So, as far as the DOJ is concerned, we did -- the
12 board workers did much better out there with the
13 modification items, and everything seemed to work out very
14 well.

15 MADAME CHAIRWOMAN: Thank you. Thank you.

16 Mr. Lynch.

17 MR. LYNCH: Good morning.

18 Well, yesterday was just another election. We had
19 to send quite a few provisional ballots out to certain
20 divisions. A total of 96 divisions we had to send more
21 ballots out to. We actually got about 26 of them back.

22 When we sent our people out, they would return them saying
23 that the judge of election didn't ask for them or didn't
24 need them.

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1 And today I'm starting to process -- I'm not
2 processing the absentee applications I'm just pulling the
3 RTC sheets to see if the people voted in person.

4 If they did vote in person, I pull them ballots
5 out and I set them aside. We're working on that today. We
6 just started this morning, so we're getting through that.
7 That's the process we'll start doing.

8 Other than that, yesterday, I guess, went pretty
9 smooth, all right.

10 MADAME CHAIRWOMAN: Thank you. Thank you.

11 Mr. Day.

12 MR. DAY: Yesterday we had 500 machine-related
13 calls. But I don't know how many hundreds of other calls we
14 had up in the radio room for various stuff.

15 We sent techs out to 236 places, and we resolved
16 264 of them by phone. We replaced 14 machines. We replaced
17 3 cartridges.

18 We had a couple of divisions that voted on the
19 wrong machines.

20 We had 40th Ward; 47th voted on 40;33, 40;33 voted

21 on 40;47, one machine each. And then we had 6;10 voted on
22 6;13, 6;13 voted on one of 6;10.
23 We have about a hundred machines back so far in
24 the warehouse this morning.

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1 That's it.
2 MADAME CHAIRWOMAN: Okay. Thank you.
3 Mr. Richardson.
4 MR. RICHARDSON: Good morning, Commissioners.
5 Currently we're unpacking the boxes right now. I
6 hope to have a ballpark figure on Monday on all voted,
7 returned, provisional ballots. Hopefully we should conclude
8 the unpacking by Friday.
9 MADAME CHAIRWOMAN: Thank you. Thank you.
10 Mr. Dowling.
11 MR. DOWLING: Good morning.
12 Yesterday my unit, we were just answering calls on
13 directing people where to go vote, where their polling
14 places were.
15 And in regards to bilingual interpreters, I only
16 had one call in the 37th Ward.
17 The bilingual showed up late and she was replaced.
18 And I went out there with Frank Martinez and we cleared up
19 the issue.

20 There were five precincts in the Potter Thomas
21 School, and they all had bilingual interpreters. So she was
22 told that she could work the next time.

23 That's about it.

24 MADAME CHAIRWOMAN: Okay. Mr. Irving.

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1 MR. IRVING: Good morning, Commissioners.

2 I want to start by saying thank you, Commissioner
3 Clark, Commissioner Singer, Commissioner Schmidt. Thank you
4 for all the help that you gave us throughout this period.
5 We don't get it done without your help. Whether you were
6 down here actually physically helping us, if you weren't
7 doing that you were on the phone constantly, a bit too much
8 for my pleasure, though. But we all have to do this to get
9 the election done. But thank you very much.

10 Fred Voigt, thank you. You were always there in
11 my ear, also. A bit too much, too. But thank you.

12 Thank you to the supervisory staff. Thank you,
13 guys. Thank you.

14 When people come up to me and say, you got another
15 one out, Greg. I said, no. I didn't get it out, we got it
16 out.

17 Make sure that you pass that along to your staff,
18 because we are one unit working all together. And I'm glad

19 that we work together. We got it done again, okay. Thank
20 you very much.

21 Now we begin the process of post-election work,
22 okay.

23 As Mr. Richardson pointed out, they're starting to
24 breakdown.

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1 We're going to start updating records of people
2 who voted this past election. There is no time frame on
3 that for when that will be finished.

4 But all of our post-election work started
5 commencing at 8:00 this morning. So we're well on our way
6 to wrapping up this election so that we can get everything
7 certified.

8 Once again, thank you.

9 MADAME CHAIRWOMAN: Thank you. Thank you.

10 Okay. So, onto new business.

11 Commissioner Clark?

12 COMMISSIONER CLARK: No new business.

13 MADAME CHAIRWOMAN: Any from your office?

14 COMMISSIONER CLARK: No. Not that I know of yet.

15 MADAME CHAIRWOMAN: Okay. Commissioner Schmidt?

16 COMMISSIONER SCHMIDT: I do.

17 I want to thank the supervisors and staff at the

18 Board of Elections for doing an absolutely amazing job of
19 which we are all very proud. Literally working through the
20 eye of a hurricane. And that's no exaggeration. It's right
21 out our window.

22 And when an organization, any organization, is
23 going full tilt, we're able to see up close what a great job
24 so many people do, and what they do well, and what we can do

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1 better.

2 So, in the weeks ahead my office will be reaching
3 out, the Commissioners will all be reaching out to the
4 supervisors and staff to figure out, you know, what it is
5 that we can do better.

6 A new beginning, however, requires new leadership.
7 And at this point I'd make a motion to reorganize the
8 Commission to replace Commissioner Singer as Chair and to
9 nominate Commissioner Anthony Clark and myself as Co-Chairs
10 of the Commission.

11 COMMISSIONER CLARK: I second that.

12 MADAME CHAIRWOMAN: Well, do we need a vote?

13 MR. VOIGT: Yes. You do.

14 COMMISSIONER SCHMIDT: I vote in favor.

15 COMMISSIONER CLARK: I vote in favor.

16 MADAME CHAIRWOMAN: I vote against.

17 Anymore new business?

18 COMMISSIONER SCHMIDT: No.

19 MADAME CHAIRWOMAN: Public comments.

20 Miss Kaplan.

21 MS. KAPLAN: Good morning.

22 And, again, I want to extend the thanks from the

23 Committee of Seventy for a lot of hard work and long hours

24 in this office.

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1 We got, as you know, many, many reports of voters

2 whose names appeared in the SURE System as registered

3 voters, but were not in the Poll Books. And these included

4 voters who were newly registered as well as voters who have

5 been voting for some time. The reports are still coming

6 into the office, but we are compiling a list of those

7 people, which we will be happy to give to the Commissioners.

8 But I'm asking, do you have an explanation for why

9 this occurred? Why would it be that somebody would be

10 registered in the SURE System and not in the Poll Books, or

11 I assume the supplemental pages?

12 COMMISSIONER SCHMIDT: May I?

13 MADAME CHAIRWOMAN: I defer to the Co-Chair.

14 Please.

15 COMMISSIONER SCHMIDT: As we begin the official

16 count, we'll get to see up close on a granular level exactly
17 what happened on Election Day so that we can determine
18 whether it's, you know, something out of the ordinary or
19 not. Whether people were registered, but maybe not voting
20 at the division in which they were registered was one issue.

21 As you know I was on the phone with the Committee
22 of Seventy throughout the day, all day yesterday, responding
23 to the issues that you are raising in the field to look at
24 these incidents up close, to ask the election boards, you

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1 know, what really happened.

2 We responded to a number of -- which turned out to
3 be, in many cases, false alarms during the day, that there
4 were not supplemental sheets provided. And we found that
5 there were supplemental sheets provided.

6 But it was also true that many times the election
7 boards did not remember to look for them in their election
8 box, or couldn't find them at first, and found them later
9 on.

10 And that was one of the reasons why -- one of the
11 reasons why there seemed to be this issue occurring and
12 reoccurring, if they were registered, that the election
13 boards didn't consult or didn't see their supplementals at
14 first.

15 But at least every case that I went to in person,
16 they were -- they had done so before we visited or calling
17 them.

18 There was a curious thing, though, that occurred
19 where, throughout the day the news of these alarms would
20 spread. And as that happened -- I have specific examples of
21 walking into polling places where the election board would
22 say -- I would say, you know, how's everything going today?

23 And the response was, there are all these people
24 showing up, they're registered to vote, but they are not in

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1 the book.

2 And I said, well, did you check the supplemental?

3 And the response was, yeah. They're not in the
4 supplemental either.

5 Well, how many did you have?

6 Well, I had none. We have none here, but it's
7 happening all over the city.

8 So, we ended up with this echo chamber occurring.

9 And that doesn't mean there weren't legitimate
10 problems. That's what the official count tells us. We
11 walked through it.

12 It's just, at this point, it would be walking down
13 a road of hypotheticals to determine and decide now whether

14 something did or did not occur.

15 MS. KAPLAN: With all due respect, and I certainly
16 read your comments in the paper that it was an echo chamber,
17 and I do appreciate the number of times that I spoke both to
18 you and to Commissioner Singer throughout the day in trying
19 to address these issues.

20 And, Commissioner Clark, I look forward to finding
21 out how we can have a line of communication with --

22 COMMISSIONER CLARK: Absolutely.

23 MS. KAPLAN: -- the Committee of Seventy, because
24 I certainly included you on every E-mail that I sent to the

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1 City Commissioners as well.

2 COMMISSIONER CLARK: Thank you very much.

3 MS. KAPLAN: And I think that the bottom line
4 issue is, that there were many, many voters who were
5 reported to us, again, both people who have voted at the
6 same polling place for a long time, and people who were
7 newly registered who were not in either the Poll Books or
8 the supplemental pages.

9 So -- for people who did find the supplemental
10 pages.

11 So, the issue is, how -- why did that happen? How
12 can we correct that so it doesn't happen again?

13 And if you could also explain, in your opinion,
14 why somebody would appear in the registry and not be on
15 either the Poll Books or the supplemental pages?

16 COMMISSIONER SCHMIDT: Miss Kaplan, I think that
17 is a great question, and that's really the point of our
18 effort to walk through and see what happened on Election Day
19 and to develop recommendations for improving operations and
20 when they're warranted. But it doesn't make sense to
21 respond now when we haven't even gone through the first
22 batch of provisional ballots.

23 Again, it doesn't mean what you're saying isn't
24 true, we just don't know, and it would be irresponsible to

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1 respond until we have concrete examples in front of us.

2 There were -- one reason why issues began to
3 inflate was a suggestion that completing all the voter
4 registration forms in the weeks before the election after
5 the deadline, after October 9th, somehow contributed to this
6 problem.

7 And at the same time, it became an internally
8 inconsistent argument, I know this voter is registered here,
9 they've been voting here for 25 years. But, that somehow
10 that it's tied into new registrations being processed.

11 So, I think that everything you're raising is very

12 concerning and worth exploring. And that's part of what we
13 do as we move forward.

14 MS. KAPLAN: Will you be making a public statement
15 after you do your investigating?

16 COMMISSIONER SCHMIDT: Absolutely.

17 MS. KAPLAN: Okay. Thank you.

18 COMMISSIONER SCHMIDT: And thanks for all your
19 help yesterday.

20 MS. KAPLAN: Thank you.

21 MR. DeFELICE: First off, congratulations on the
22 new positions.

23 Joe DeFelice, State Republican Party.

24 I'm riding today on another issue. Commissioner

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1 Schmidt, you're obviously well aware of this, but I was in
2 constant communication with your office, specifically with
3 your Chief Deputy Don Garecht yesterday, our issue is
4 concerning the issues with all these minority inspectors.

5 As you know, we filed for Court Orders for over
6 300 minority inspectors in the City of Philadelphia due to
7 vacancies on the election board. The most we'd ever done
8 prior to that was roughly 140 in the General of 2010.

9 Immediately before the Primary Election this year,
10 immediately to the Primary Election this year, I believe

11 that it was Miss Chapman, who was formerly in Commissioner
12 Singer's office, provided us a list of all the -- all the
13 divisions in the city with vacancies.

14 So we realized prior to that we had put people in
15 the divisions where there were not -- maybe somebody was
16 elected or appointed, but they just hadn't showed up on the
17 payroll sheet.

18 So, this time we limited the area we went, we
19 limited that in scope and we targeted registered
20 Republicans, because in the past we had also run into issues
21 where they're trying to put Democrats in, in these
22 positions.

23 But this time, beginning in April, we began
24 targeting those positions specifically anywhere in the City

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1 of Philadelphia where there were vacancies, calling in the
2 registered Republicans, letting them know that vacancies
3 exist, providing them with the paperwork and the street list
4 to go out and get the signatures they provided.

5 We submitted 307, I believe, petitions to the
6 Court of Common Pleas.

7 After -- immediately following that -- prior to
8 that, I communicated with Fred Voigt and Seth Bluestein in
9 Commissioner Schmidt's office with regards to posting

10 polling places.

11 It was an 8 1/2-by-14-inch page in English and
12 Spanish notifying that a hearing would be held at City Hall,
13 10 a.m. on October 24th. We did that in three different
14 places outside the polling place in three different
15 divisions with registered voters in the City of Philadelphia
16 posting these. We held that hearing.

17 Immediately upon filing we served Democrat City
18 Committee, we served the Commissioners' offices, we
19 obviously filed, and we also served the Republican City
20 Committee. So we're making all the various parties aware of
21 this situation.

22 We went to court. And after much haggling with, I
23 believe the woman is Miss Losier who is the counsel for
24 Democrat City Committee, we ended up -- we only ended up

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1 getting rid of roughly five or six of those petitions. All
2 those 307, roughly, 301 went through. They were being good
3 by Judge Dembe. And immediately we began preparing to get
4 the stuff out.

5 And I realized the storm had gotten a little in
6 the way, but we notified Commissioner Schmidt's office.
7 They, I think, I'm not sure what Commissioners did, but
8 notice was sent out to the polling places.

9 Yesterday morning -- I mean, let's be honest, I'm
10 not trying to get into a conversation, we knew this was
11 going to happen. The Commission knew this was going to
12 happen, because it happens every election. Every single
13 election that a minority is appointed they are kicked out of
14 the polling places.

15 However, we've never done the volume that we did
16 yesterday.

17 We had done 140, now we did 300.

18 We had over 75 minority inspectors rejected from
19 polling places yesterday.

20 Things said to them such as, we don't have
21 Republicans around here; Republicans aren't welcomed here;
22 we don't do things like this. We run a good board, why are
23 you getting in the way? Everything has been fine here for
24 the last 30 years, and now you want to come along and put

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1 Republicans in here and mess it up.

2 It is unfortunate, but we do have a Republican
3 Party in this system, and we do have spots reserved for the
4 minority party.

5 Something needs to be corrected with this.

6 I mean, this was the number one story on the
7 Drudge Report yesterday, Fox News. Republican officials.

8 And we're not talking about poll watchers.

9 An article by Chris Brennan today, he spoke about
10 poll watchers.

11 They're party people, not paid party people.

12 These people are city officials for the day. They
13 essentially work, and they are representatives of the voters
14 within that voting district.

15 So, we're going to have -- I know we're having a
16 status conference with Judge Dembe on how we're going to
17 streamline the filing procedures, but I believe that we
18 should also consider, you know, working obviously, you know,
19 with the new Chair with the Commission and as a whole to
20 figure out how we're going to do this going forward, because
21 I don't plan on going anywhere, and this is a project that
22 seems to be working for my party, at least, and I'm here to
23 represent my party, the Republican Party. And we're going
24 to continue doing that going forward.

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1 So, my plan is, hopefully after this we can speak,
2 and maybe this is a situation where we sit down, maybe we
3 can sit down with Democrat City Committee, maybe something
4 we open up to the ward leaders to determine how we are going
5 to streamline this.

6 But having it happen at 6:30 in the morning, and

7 every one of our people were told to be there 6:30. If you
8 are late, go home, because we don't want -- that's not --
9 that's not what we're into. We make sure that you are there
10 at 6:30 in the morning.

11 We sent them all to the city training. We
12 notified them of all the city trainings.

13 Last Saturday they knew Finletter, they knew to
14 come here 9, 10, 11, skip 12 for lunch, 1, 2, 3. Same thing
15 with South Philadelphia on Sunday. So everyone was well
16 aware.

17 And I really hope that we can get past this
18 because, it was -- I think it was a bit of an embarrassment
19 for the City of Philadelphia and just the whole entire
20 election.

21 That's pretty much my piece.

22 COMMISSIONER CLARK: Let me just say, that's a
23 legitimate -- that is a legitimate question on what we will
24 do in terms of trying to make that more -- make more people

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1 aware of that.

2 What happens is, like you say, you get a Court
3 Order, a person is a minority inspector and it is not known
4 by a lot of judges that the minority inspector picks the
5 clerk, which is also a Republican.

6 That is something that we will do in terms of this
7 Commission, to address some of the judges of election with
8 something that would give them some information and more
9 education on the fact that a lot of the African-American
10 wards, that they don't have any Republicans sitting, and
11 sometimes they'll have a Democrat sitting in a Republican
12 spot where you don't have a person. And so they get used to
13 that for about six or seven years. And they think that,
14 that person is just supposed to be there.

15 And, of course, that's Federal Law that the
16 Democrats have three and the Republicans have two in the
17 Democratic area.

18 So, what we'll do is, we'll make sure that we
19 focus in on that and get that information over to people,
20 judges of election, that is experiencing that type of Court
21 Order that have had Democrats sitting in areas where there
22 have not been many Republicans.

23 MR. DeFELICE: Thank you.

24 COMMISSIONER CLARK: Yeah. We run across that.

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1 COMMISSIONER SCHMIDT: The experience I think that
2 we all shared with the district attorney's office was, I
3 think they really did a very impressive job responding to
4 these issues throughout the day, especially, you know, in

5 the morning when most of them hit.

6 We had several meetings with the district
7 attorney's office before the election, and they really came
8 through. They have the ability to enforce the law when we
9 have the ability to implement it. And we certainly commend
10 responsiveness.

11 MR. DeFELICE: And I would agree. And I think the
12 response from the Sheriff's Department was excellent, the
13 response from the district attorney was excellent.

14 However, I mean, there was obviously a disconnect.

15 And I realize it is a high turnout election, and
16 there is a lot of different things going on in this type of
17 high turnout election. It was just that, you know, we're
18 running into court to get Court Orders for people that
19 already had Court Orders. So these were, like, more Court
20 Orders on top.

21 And originally it was, like, how do we get them
22 out there?

23 Well, it's on the party. And then, you know, we
24 said that, let's get an order to send the sheriffs out with

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1 all these various Court Orders to all these polling places.
2 And we're going to have to tell our people, don't go home.
3 Now these people are intimidated; now they're

4 scared.

5 I mean, there was threats of violence. They don't
6 want to walk back into that polling place.

7 What we tell them is, if you go home they're going
8 to say you abandoned your positions and then you won't get
9 paid.

10 And that's another thing. I mean, in situations
11 where this happened, I think that we may need to re-evaluate
12 the payroll sheets before we start cutting checks to some of
13 these people that were essentially just disobeying the law.

14 I don't know what the law is on that. That's
15 something that maybe the Commission can look into it.

16 I don't think that we should pay people for bad
17 behavior.

18 MADAME CHAIRWOMAN: Mr. DeFelice, I would like
19 simply to say, that at any time that is convenient to you I
20 would love to sit down to talk about how to streamline the
21 process and make sure that it is clear to poll workers well
22 before the beginning of Election Day who is on the election
23 board.

24 And thank you for bringing the issue, keeping the

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1 issue at attention.

2 MR. DeFELICE: Thank you.

3 COMMISSIONER SCHMIDT: Greg, did you have
4 something to add?

5 MR. IRVING: Yes.

6 Joe, during the training sessions we do emphasize
7 to our poll workers, that if someone does appear with a
8 Court Order, they are to be seated, okay. That's something
9 that we do tell them, okay.

10 And we also tell them, contact us if they have any
11 issue when they are not seated, okay.

12 But they don't -- we get contacted sometimes and
13 we'll disperse somebody out there, you know, to rectify the
14 situation.

15 But we do inform our board members.

16 But like you said, if you got a Democratic
17 Division that's been Democratic for 30 years, they're going
18 to say, ah, I don't understand, you know.

19 That's something that we'll all have to sit down
20 and volley around to get that resolved.

21 But we do inform them, Joe.

22 MR. DeFELICE: And let me stress, my criticism
23 wasn't necessarily at the -- my criticism is at the election
24 board, not -- not -- not --

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1 MR. IRVING: Right. Right. I understand that.

2 MR. DeFELICE: The Commission, you guys -- and I
3 have been around a long time, like I said, I don't plan on
4 going anywhere. I get -- I get how it works out in the
5 neighborhoods.

6 But my point is, it's like -- see, you get the
7 people that come to trainings, and you're saying there's a
8 lot of other things going on and, well, that doesn't happen
9 in my division. And all of a sudden it does happen in their
10 division. And then they're, like, oh, what am I supposed to
11 do?

12 Well, I got to work today because I planned on
13 being here.

14 Well, I'm not going home. I don't know you, you
15 go home.

16 COMMISSIONER CLARK: Let me say this, Joe. The
17 big problem is this, the person with the Court Order has a
18 Court Order. The person they have with them that might be
19 the minority inspector that they want to appoint don't.

20 And, so, that's -- and, so, the judge will say,
21 well, we're not seating this person because they don't have
22 a Court Order.

23 But the rights are, the minority inspector can
24 appoint the clerk.

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1 And that's something that we have to, you know,
2 make sure that they know.

3 MR. DeFELICE: Thank you.

4 MR. WARNER: On the same subject, basically I've
5 heard Joe make the same speech both after the last three
6 elections and also before the election. He predicted this.

7 I wanted to ask what the Commissioners did with
8 the warning this was likely to happen; what did you do
9 before this election to try and tell -- notify the election
10 boards or the ward leaders that this was happening?

11 You had a list of all 301 people; didn't you?

12 COMMISSIONER SCHMIDT: We did.

13 And what we did this year was something new to try
14 to address that reoccurring problem. And that was right
15 after Judge Dembe made her rulings on the appointments of
16 minority inspectors.

17 We approached the Court for certifications. And
18 as soon as we receive them we mailed copies of those
19 certificates out to every judge of elections on a board
20 where a minority inspector was appointed, to every ward
21 leader of a ward where minority inspectors were appointed
22 and to each of the parties. That is something that had
23 never been done before this year. It obviously doesn't fix
24 the whole problem.

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1 The worst part of it is, that the timing of the
2 Court's decision on appointing minority inspectors is so
3 close to Election Day that we almost literally have to run
4 the Court Orders back, make copies of them, get the
5 envelopes and everything prepared and get them in the mail
6 so that they can, you know, hopefully arrive on Monday the
7 day before the election.

8 MADAME CHAIRWOMAN: Was that -- was that a
9 Commission decision?

10 COMMISSIONER SCHMIDT: For what?

11 MADAME CHAIRWOMAN: To respond in the way that you
12 described.

13 COMMISSIONER SCHMIDT: Yes. We made it in the
14 spring. We did it in the spring and we did it in the
15 general.

16 DEPUTY COMMISSIONER LEE: It is the same thing we
17 did in the general.

18 COMMISSIONER SCHMIDT: Yes.

19 MADAME CHAIRWOMAN: I would like to say, that,
20 personally, just as an individual Commissioner, I contacted,
21 when I got the list, of -- before the hearing of which
22 divisions the Republicans were asking for appointments in, I
23 started contacting, personally, every single Democratic ward
24 leader. And by Monday of this week I had personally

1 contacted or attempted several times. I think that I
2 contacted everybody. There may be an exception or two. But
3 I talked to every single Democratic ward leader to let them
4 know which divisions in their ward were affected, and to ask
5 them to please do what they could to reach out to the board
6 of elections.

7 MR. WARNER: So -- but the bottom line is, I mean,
8 you made efforts to contact -- you're not sure whether the
9 judges of election actually got -- got word in advance of
10 Election Day?

11 COMMISSIONER SCHMIDT: Well, we don't send the
12 letters by certified --

13 MR. WARNER: Right.

14 COMMISSIONER SCHMIDT: -- mail or anything like
15 that. We just need to try to get the information to them as
16 soon as possible.

17 Any other -- in closing, we'll adjourn until
18 Friday, November 9th, at 9 a.m, as Carmen said, to commence
19 the official canvas of the vote of the November 6th General
20 Election, where we will swear in the employees and begin
21 with the 1st Ward; 1st Division.

22 Now, I will entertain a motion to adjourn.

23 COMMISSIONER CLARK: I second.

24 COMMISSIONER SCHMIDT: I vote we adjourn; the

1 meeting is adjourned.

2 (Whereupon, the proceeding was

3 adjourned at approximately 11:35

4 a.m.)

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

2

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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19 Renée Helmar

20 Shorthand Reporter

21

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