

1 MEETING OF THE COMMISSIONERS

2 * * * *

3 Wednesday, May 15, 2013

4 Philadelphia, Pennsylvania

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6 COMMISSIONERS PRESENT:

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

13 PRESENT:

14 FRED VOIGT, Legal Counsel
15 GARY FERRIS, Poll Material Supervisor
16 JOSEPH LYNCH, Election Material
17 DEBORAH MURCHISON, Election and Voter Registration
18 TIM DOWLING, Documents
19 GREGORY IRVING, Data Support Supervisor
20 SETH BLUESTEIN
21 GREGG KRAVITZ
22 LAURA C. DIJOLS, National Action Network
23 HOWARD BILOSKY
24 MOLLY MORRILL, Committee of Seventy
CHRIS BRENNAN, The Philadelphia Daily News

HELD AT: Delaware and Spring Garden Streets
Philadelphia, Pennsylvania

18 REPORTED BY:

19 Renée Helmar, Shorthand Reporter

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DAVID TOMSEN
THOMAS CAVANAUGH

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

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

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

6 MR. CHAIRMAN: Today is Wednesday, May 15th. This
7 is the Sunshine Meeting.

8 We are going to open the floor for public comment.

9 Are there any?

10 (Whereupon, there was no
11 response.)

12 MR. CHAIRMAN: Okay. We are going to move right
13 along to old business.

14 COMMISSIONER SCHMIDT: I don't have any old
15 business.

16 MR. CHAIRMAN: That would be considered old
17 business.

18 COMMISSIONER SCHMIDT: So, I wanted to raise the
19 issue of, the City Solicitor's Office in the last, I don't
20 know, 24 hours, 48 hours, has provided the department with
21 language for the department to request a waiver -- to
22 request a waiver from the Office of Labor Standards.

23 The waiver states opposition that we have. The
24 City Commissioners have requested an increase in our budget

1 sufficient to allow for increase in the compensation to pay
2 to election workers. We've all been very vocal and very
3 enthusiastic about that.

4 It also states that the position that the
5 department has had, that the election board workers are paid
6 on a per diem basis by the department and not paid on an
7 hourly basis by the department. There are some
8 administrative reasons for that.

9 And, in addition, the election board workers, at
10 least judge, majority and minority, are elected officials
11 just the same as we are, and their pay range is determined
12 by -- our pay range is set by legislation.

13 So, if you both consulted this I would like to
14 move that we vote on requesting a waiver.

15 MR. CHAIRMAN: I second.

16 COMMISSIONER SINGER: Will there be discussion?

17 MR. CHAIRMAN: The language has already existed
18 that the poll workers don't fall under a certain code in the
19 language.

20 Do you have a copy of the language?

21 COMMISSIONER SINGER: I do if it hasn't changed
22 since yesterday.

23 MR. CHAIRMAN: All right.

24 COMMISSIONER SINGER: I would like to say, that it

1 is my belief that it is very much in the best interest of
2 the City to raise the pay for poll workers. And because
3 this waiver really boils down to saying that it is not in
4 the best interest --

5 MR. VOIGT: That is not correct.

6 COMMISSIONER SINGER: -- then -- if I may finish,
7 please. If I may finish my comment.

8 MR. CHAIRMAN: Let her finish. Let her finish.

9 COMMISSIONER SINGER: I would like to say, that I
10 am not in favor of the Commissioners making this request for
11 a waiver.

12 MR. CHAIRMAN: Okay.

13 COMMISSIONER SCHMIDT: I just wanted to quickly
14 respond.

15 I know that I certainly share the position that we
16 should pay election board workers more.

17 The request to the Office of Labor Standards does
18 point out, that it is up to them to determine whether
19 something is -- a waiver is in the best interest of the City
20 or not, that we determine that something is in the best
21 interest of the City. This waiver does two things.

22 It restates our position that the election board
23 workers should -- that we have requested an increase in our
24 budget sufficient to allow for increase in compensation pay

1 for election board workers, and that they are paid per diem.

2 MR. CHAIRMAN: That would be City Council.

3 COMMISSIONER SCHMIDT: So I vote in favor.

4 MR. CHAIRMAN: Okay. I vote in favor.

5 COMMISSIONER SINGER: I vote against.

6 MR. CHAIRMAN: Okay. As the Chairman I am going

7 to read just a little bit of this language here.

8 It states, "The City Commissioners have
9 consistently believe, and continue to believe, that the
10 election workers, as defined above, are not covered
11 employees as defined in the Ordinance and are not subject to
12 its minimum wage requirement.

13 "Accordingly, the City Commissioners' Office
14 compensate election workers on per Election Day basis rather
15 than hourly basis. And the compensation of the election
16 workers is set based upon the Pennsylvania Election Code
17 25PS26822."

18 And this is something that has been ongoing from
19 2005. And every other Commissioner realizes that, of
20 course, there are 13 hours in the day, and that we pay the
21 election workers by elections.

22 This is in court.

23 And if it was per -- if it was per hourly rate and
24 retroactive it would cost the City about \$20 million or

1 more, okay.

2 So we voted to do the waiver.

3 Although, we agree that election workers should be
4 paid more, but not by hourly rate, but by rates set in terms
5 of the numbers that we had when we presented it to City
6 Council.

7 Thank you.

8 Okay. We're going to move right along.

9 Gary Ferris, please.

10 MR. FERRIS: Good morning, Commissioners.

11 We are continuing to make sure that the machines
12 are delivered to the proper polling places. All the
13 handicapped modification items are being delivered. They
14 should be finished up today or tomorrow.

15 We'll be hanging the blue handicapped signs over
16 the weekend.

17 Right now there has not been a change in any of
18 the polling places since last Wednesday.

19 There are rumors that there might be a problem
20 with one. If there is one I will be in contact with Fred so
21 that we can get a signed Court Order to move that one.

22 But right now everything that is on the Web and
23 that has been published and distributed is accurate
24 information as of this moment.

1 Other than that, just ready to go.

2 COMMISSIONER SINGER: Were signs reposted in the
3 38th Ward?

4 We got some -- we got some complaints this week
5 that there was one of the polling places that had moved in
6 the 38th Ward where some of the signs had come down.

7 Have those signs been replaced yet?

8 MR. FERRIS: Yes.

9 COMMISSIONER SINGER: Yes. Great. Thank you.

10 MR. FERRIS: And we also -- we also gave out a lot
11 of signs to some committee people and ward leaders who
12 actually volunteered to hang them up the night before the
13 election or the morning of the election since we don't have
14 a staff to do that, too.

15 So, there was some good response from some ward
16 leaders and the committee people to also help us out with
17 that.

18 COMMISSIONER SINGER: Thank you.

19 MR. CHAIRMAN: Okay. We're going to move right
20 along.

21 Is that all you have, Gary?

22 MR. FERRIS: Also, notices were sent out to every
23 individual voter where those divisions were changed. The
24 Commissioners approved sending out a letter to each

1 registered voter in those divisions that were affected.

2 I think it was approximately, like, 74 divisions.

3 So everyone should be getting a letter. The last, I
4 believe, were mailed out yesterday. So everyone should have
5 their notice by Friday the latest.

6 COMMISSIONER SCHMIDT: I'm sorry, Gary, did you
7 speak to the last minute refusals or any last minute
8 refusals since you received them?

9 MR. FERRIS: As of now -- anything from last
10 Wednesday until today there were a few that had refused --

11 COMMISSIONER SCHMIDT: Okay.

12 MR. FERRIS: -- but they're staying where they're
13 at after some convincing. Nothing has changed since last
14 Wednesday.

15 MR. VOIGT: There is one. There is one.

16 MR. FERRIS: There is one that is pending that
17 we're still working on. Right now it is staying where it's
18 at.

19 COMMISSIONER SCHMIDT: Okay.

20 MR. FERRIS: If there is a problem I'll be calling
21 Fred and we'll get a Court Order.

22 COMMISSIONER SCHMIDT: Thank you.

23 MR. FERRIS: And the last letters went out this
24 morning.

1 So, today is Wednesday so they should have them by
2 Friday. So everyone would be notified, you know, of any
3 change that has happened, okay.

4 MR. CHAIRMAN: Okay. Sounds good.

5 John Day, please.

6 MR. LYNCH: John Day is not here, I'll speak for
7 him. He's up there, they're still doing -- they're still
8 delivering the machines.

9 As of this morning they had 1,535 machines
10 delivered, and they are already at the pollingsites. At
11 that time they had a truck loaded up with 250 more, and
12 they'll still continue through the weekend and up until
13 Election Day.

14 So, he said, right now it is going smooth.

15 MR. CHAIRMAN: Okay.

16 MR. LYNCH: But it is just towards the end it
17 takes a little longer because now it is sporadic. They do
18 the multiple divisions first.

19 Like the schools and all them they're already
20 done.

21 But now it just takes longer in between because
22 they have to go further.

23 They are like single divisions in the polling
24 places. So it takes a little longer to deliver those.

1 And a lot of the machines get delivered on -- a
2 lot of the polling places want them delivered on Monday and
3 out by Wednesday. So they'll get hit heavy Monday with
4 delivering them.

5 And that was it for John. That's it for John at
6 the warehouse.

7 MR. CHAIRMAN: Okay. Ms. Murchison, please.

8 MS. MURCHISON: Good morning, Commissioners.

9 We're still downstairs filing. And I have
10 everything up and running for the schools.

11 Just have to make a second contact to give them a
12 reminder that we will be here Saturday.

13 That's all I have.

14 MR. CHAIRMAN: Okay. Thank you very much.

15 Mr. Lynch, please.

16 I'm sorry, Tim Dowling, please.

17 MR. DOWLING: As of yesterday, May 14th, was the
18 deadline to file an application for absentee ballot.

19 As of yesterday the paper applications that we
20 received were 1,290.

21 As of yesterday we received 431 ballots back.

22 Everything that was received yesterday application
23 wise was processed, the ballots were produced, and they were
24 taken down to Island Avenue by 9:00 last night by Joe Lynch

1 and Tommy Boland from my office.

2 So, everything that we had in the office yesterday
3 by 5:00 those ballots are in the mail today.

4 Campaign Finance. Friday was the deadline for
5 Traffic Court candidates, all judicial offices, City
6 Controller and DA.

7 Most have filed, but there are still quite a few
8 people that have not met the requirement under State Law to
9 file their reports the second Friday before the election.

10 They're also required to file 24-hour reports.

11 I'm not getting many of those in, either.

12 If candidates are receiving monies of \$500 or more
13 between May 7th, and Election Day they're required to report
14 that within 24 hours.

15 Anyone that does not file those reports they will
16 be assessed fines. And those fines continue to accrue up
17 until a maximum fine of 250 until the report is filed or
18 they reach the maximum fine.

19 Bilingual interpreters. We sent out our
20 assignment letters.

21 For this election we're covering 329 precincts
22 with bilingual interpreters.

23 And as you all probably know, the PA Supreme Court
24 has approved the reapportionment plan for the Statehouse and

1 Senate, which will take affect for 2014 Elections.

2 That's all I have.

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

4 MR. LYNCH: Yeah. Good morning, Commissioners.

5 This morning we finished packing the 1,687
6 election material boxes. All your wish lists were put in.
7 Everything that you wanted was put in the box.

8 We'll start shipping them out Friday morning to
9 the police stations.

10 People -- the judges can pick up the boxes from 8
11 a.m. to 8 p.m. Saturday and Sunday, and Monday 8 to 5.

12 COMMISSIONER SINGER: I'm sorry, could you say
13 those times again, please?

14 MR. LYNCH: Saturday and Sunday 8 a.m. to 8 p.m.,
15 Monday 8 a.m. to 5 p.m -- or until they are done. Monday
16 until they are done delivering.

17 The other thing is, we have a make-up class being
18 held here on the sixth floor Saturday. Also at Finletter
19 School. And that's at Front and Godfrey, Finletter. And
20 South Philadelphia High School to make up class on Sunday.

21 All right. Yesterday Garret Dietz and Rich Vito
22 did a system test. Everything went well. We'll probably do
23 another test tomorrow. That's taken care of.

24 Joyce Roll -- we're still doing request for

1 watchers and requests for even pink sheets, sample ballots.

2 So we're getting them.

3 We have 51 Democratic Wards done and 20 Republican
4 Wards done. We are waiting for more of them, for those to
5 come in.

6 And that's about it.

7 MR. DOWLING: Just a quick add on to Joe's.

8 The cards for the judges to pick up the material
9 boxes went out last Saturday. They were put in the mail
10 last Saturday morning. So it is enough time for them to get
11 their cards.

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

13 MR. IRVING: Good morning, Commissioners.

14 It seems like everything that I wanted to talk
15 about is covered by all of our supervisors today, okay.

16 The letters regarding the polling place changes,
17 we sent out 28,289 letters to households, okay. Like they
18 said, the last ones went out in this morning's mail. They
19 should be receiving them tomorrow or the following day,
20 okay.

21 Other than that, the staff is downstairs filing
22 away the Affidavits from 2012 General. And we're working on
23 fine tuning preparations for this election, which we are
24 just about there now, okay.

1 And that's all I have for you guys today.

2 MR. CHAIRMAN: Okay.

3 MR. VOIGT: Just to remind everyone, the next
4 meeting of the Commission is 11:00 the day after Election
5 Day here, and Friday at 9:00 of next week.

6 They will be sitting as a return board, as
7 mandated by statute, to take the return.

8 MR. CHAIRMAN: Okay. This meeting is adjourned to
9 the call --

10 COMMISSIONER SINGER: Actually -- sorry. I just
11 wanted to make one comment.

12 I wanted to thank Joe Lynch and Rich Vito for
13 putting the maps, the new division maps, in the boxes, and
14 Rich Vito for splitting up all those files and putting them
15 on the Web.

16 Thank you very much.

17 MR. LYNCH: Can I just say one thing?

18 I thought Friday, Fred, wasn't it 9:30 for --

19 MR. VOIGT: No.

20 MR. LYNCH: Pardon me?

21 MR. VOIGT: It is 9 in the statute.

22 MR. LYNCH: All right.

23 MR. CHAIRMAN: Okay. This meeting is adjourned to
24 the call of the Chair. Thank you.

1 (Whereupon, the proceeding was
2 adjourned at approximately 11:20
3 a.m.)
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C E R T I F I C A T E

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

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

Renée Helmar
Shorthand Reporter