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How the Philadelphia Board of Elections ignores the Sunshine Act and systematically deprives the public of its rights

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The General Assembly finds that the right of the public to be present at all meetings of the agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process, and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

— Pa. Title 65 ([Sunshine Act](#)) § 702

The [What's New Pussycat incident](#) of June 17, 2020 has finally been displaced as the most colorful display of contempt for the [Pennsylvania Sunshine Act](#) and the public by Philadelphia's Board of Elections in recent years. The flurry of open, willful violations seen on [Jan 31, 2024](#) dashed any hope that the Board (comprising Philadelphia's City Commissioners) would cease its violations of the Act under its new Chair, Commissioner Omar Sabir.

This report lists violations and evasions we have documented since 2019. It concludes with our [recommendations](#) for improved compliance.

I. Official Actions The [Sunshine Act](#) requires that official actions on agency business be deliberated before the public and voted on before the public at open meetings. Official actions include those that incur liabilities, such as hiring decisions, which must be made at an open meeting when made by an agency or subgroup of an agency. *Violations are summary offenses under the criminal code, with fines assessed against officials personally upon conviction. 65 Pa.C.S. § 714*

Examples of violations or evasions of the Sunshine Act, including official actions:

- On April 29, 2019, before any contract with ES&S was signed, the Board (under then-Chair Giovanni Campbell) [took delivery of 83 voting machines](#) (value over \$650,000), incurring liability without approval at an open meeting.
- On Dec 17, 2019, the Board filed a [motion to intervene](#) in the federal case *Stein v Boockvar*, incurring liability without deliberating or voting at an open meeting.
- On Dec 18, 2019 the Board [delegated to unspecified deputies](#) the hiring for unspecified positions. The deputies never held an open meeting to fill the positions. It was never announced if they were filled or by whom.
- On Dec 18, 2019 and January 15, 2020 the Board voted to [delegate the duties of the Board Members](#) to one person, the Executive Director, a new position that is exempt from civil service rules and answers only to the Chair, Commissioner Lisa Deeley. The creation of a unitary chain of command under Deeley evades the

Sunshine Act by removing decisions from public view. It also appears to remove responsibilities from Commissioners that are set out in Pa. Election Code §302 and Phila. Code §2-112. Philadelphia's taxpayers [continue to pay](#) over \$270,000 a year for the salaries of two vestigial Commissioners, plus at least \$650,000 a year for an increasing number of personally appointed deputies.

- On Oct 7, 2020 an individual [described in Billy Penn](#) as “an outside spokesperson retained by the City Commissioners” [began appearing](#) in news articles. The Board never voted to incur liabilities by hiring or contracting for such a position.
- On Aug 13, 2021, the Commissioners Office [announced](#) that all exempt (non-civil-service) staff would be mandated to be vaccinated against Covid-19 ([archive](#)). There was no public meeting or vote to establish this policy, as required at [§ 704](#), if it is indeed a policy as presented.
- Until late July 2021 the Board never posted [meeting agendas in advance](#), and has only rarely notified the public of motions to be considered. This deprived the public of the “reasonable opportunity” to comment on matters of concern before the Board takes official action, required at [§710.1\(a\)](#). See objections made on [April 7, 2021](#), [April 21, 2021](#) and [April 28, 2021](#).
- At the July 30, 2021 meeting, the Chair claimed the agenda was posted 24 hours in advance; we then found it linked at the bottom of the [About Us](#) page. We have no way to confirm when it was posted.

UPDATE 1: On June 30, 2021 the Sunshine Act [was amended](#), effective Aug 29, to require that agendas be posted in advance. Agenda items cannot be added during a meeting, with three exceptions (see [Coleman v Parkland School District](#), pp15–16):

- (1) emergency business
- (2) de minimis business not involving fund expenditure or entering into a contract that arises within the 24 hours preceding the meeting, and
- (3) de minimis business raised by a resident/taxpayer during the meeting that does not involve fund expenditure or entering into a contract.

Such amendments to the agenda must be made by majority vote. The amended agenda must be posted by the next business day.

UPDATE 3: Starting on Aug 29, 2020, agendas were typically posted just minutes before the deadline at a link at the bottom of the About page. They missed the deadline on [Oct 6](#) and [Nov 22, 2021](#) and on [May 11, 2022](#), and blamed technical obstacles rather than their own needless delay until near the last minute. Agendas, since Aug 31, 2022 posted on [this page](#), now serve as the only [meeting announcements](#). Related violation of the requirements for announcing meetings and posting agendas include:

- At the March 2, 2022 meeting the Commissioners voted to add business to the agenda, per the new requirement at Sunshine Act 712.1, but did not post the [amended agenda](#) until the following weekend (posting is required by the next business day).
- At the [May 27, 2022 meeting](#) the Commissioners added an agenda item that staff “failed to include” by mistake. That’s not a legal reason to add an item.
- On [Nov 8, 2022](#) the Commissioners held a “Special Meeting” at 7am without the required 24-hour notice. An agenda was posted at 10:15pm the evening before. In the meeting, the Board approved a motion to include an “amendment” to that agenda that did not amend it and to consider that agenda as the “amended agenda.”
- For the 11am [Nov 9, 2022 meeting](#) the agenda was posted sometime that morning. Again Deeley moved to consider the agenda posted just hours before to be the “amended agenda.” The motion passed.
- The Commissioners announced the [Nov 11, 2022 meeting](#) and provided the agenda late, with an inaccurate date and time. It was corrected 13-15 hours before the meeting with no additional notification that the information changed.
- The Commissioners modified the agenda [less than 24 hours](#) before the [May 10, 2023 meeting](#), reversing a significant component of the proposed canvassing procedure, and then voted on and approved the altered motion, depriving the public of the opportunity to comment, required at [§ 710.1\(a\)](#).
- The Commissioners posted the agenda for the April 26, 2024 meeting sometime between 10:10am and 6:15pm, missing the 24-hour deadline again.

- The Commissioners amended the agenda during the [May 3, 2024](#) meeting, adding an item that was merely forgotten when the agenda was written and posted.
- On Sept 7, 2022 two Commissioners, a quorum of the Board, appeared together at a [press conference](#) where they discussed upcoming official business in speeches and with reporters in violation of [§ 704](#). They [reportedly said they would vote in favor](#) of it at the upcoming Sept 14 meeting. According to the Committee of Seventy's Sept 9 email newsletter, Commissioner Sabir said that he and his colleagues "will vote" for it, indicating that a decision was made outside the public meeting and before the public had the opportunity to comment, in violation of [§ 710.1](#). At the [Sept 14 meeting](#), with no debate, all three Commissioners voted for it.
- On Jan 11, 2023 the Board again voted, with no deliberation, to [delegate to unspecified deputies](#) hiring for unspecified positions. This motion removes this agency business from public view, evading the Sunshine Act.
- On [May 26, 2023](#), the Board voted to approve the counting of an unstated number of provisional ballots in a category named "Chain of Custody issue" after acting members Crumlish and Furlong, with Johnson listening, [discussed the issue off-mic](#), almost entirely inaudibly to the public, though mention of the ballots being found in the car of an unnamed ward leader could be heard. The microphones cut off below a certain threshold, facilitating illegal sidebar conversations such as this. The vote was taken without public deliberation, seemingly based on information withheld from the public yet shared among the Board members.
- At the [Sept 27, 2023 meeting](#) the chair, Judge James Crumlish had the audio muted and covered the microphone with his hand as he conferred briefly with the vice chair, Judge Vincent Furlong. There is no way for the public to know if the two discussed official business or not.
- During the [Nov 24, 2023 meeting](#) two Board members conversed for approximately 20 minutes with the microphones shut off.
- The livestream of the [Nov 30, 2023 meeting](#) (certification of election results) was entirely inaudible. Members of the public who relied on the Board's statement that they could watch online were deprived of the ability to hear any of the proceedings. The later-released [transcript](#) was missing many exchanges; it was obviously based only what was written in the script and not a true transcript.
- At the [Jan 31, 2024 meeting](#), new Chair Omar Sabir closed debate to prevent another member (Vice Chair Deeley) from speaking to a motion, skipped an item on the agenda that was provided to the public, refused to recognize valid points of order, and shut down another member's questioning, saying "we're not going to turn this meeting into a circus ... we're not going to do a debate." Motions were passed without any of their substance either shown to the public on the agenda or read out.
- At the [Feb 7, 2024 meeting](#), approved [new rules for public meetings](#) that restrict public comment to "action items that are listed on the agenda." Sabir also stated that "comment "must concern only matters to today's meeting agenda." The rules were available to the public only at the meeting and were not attached to the agenda posted 24 hours earlier, which said only "Motion to pass proposed public meetings rules for the Board Of Elections meetings." Another motion, to approved a budget, was voted without the proposed budget being published or read out. Sabir also attempted to ignore a Sunshine Act objection and proceed to a vote, and prevented a member from speaking to a motion.
- At the [Aug 14, 2024 meeting](#), approved a motion to put Dana Eckroade into the position of Deputy Executive Director. The published agenda did not include the name of the hire, state the salary or describe the position, nor were the duties or salary stated at the meeting. The Board does not have an Executive Director.
- Also at the Aug 14, 2024 meeting, the Director of Administration referred to a "warehouse construction payment structure." The Board never voted on any expenditure for work on the operations center. (It [never voted](#) on the original \$28M lease of the operations center either.)

II. Executive Sessions The Sunshine Act permits agency members to hold non-public "executive sessions" [for limited, defined reasons](#). No official action may be taken during the executive session. The reason must be given at the prior or subsequent meeting. Because "the General Assembly intended that the public be able to determine from the reason given whether they are being properly excluded," the reason

“must be specific, indicating a real, discrete matter that is best addressed in private.” [Reading Eagle Co. v. Council](#), 156 Pa. Commw. 412, 417 (Pa. Cmmw. Ct. 1993).

However, members of the Board have regularly deliberated and decided on matters in executive session with their counsel, the city’s Law Department. In almost every case, these executive sessions have not met the required standards and sufficient reason has not been given, forming a pattern of violations that deprives the public of the rights given them by the Assembly.

Examples of Sunshine Act violations involving executive sessions:

- On [Sept 18, 2019](#), Board chair Judge Giovanni Campbell announced there had been an executive session on Sept 17. The explanation, that it “received legal advice,” was legally insufficient, making both the announcement and the executive session unlawful. Despite [an objection](#), he offered no further explanation.
- On [Aug 15, 2019](#), Campbell announced an executive session without giving the public a legally sufficient explanation. The Board then passed a [pre-written motion](#) that was obviously deliberated and approved outside the open meeting. The Sunshine Act specifies at § 708(c) that no executive session may be used as a subterfuge to defeat the open meetings requirement.
- On [Nov 8, 2019](#), the Board, led by Campbell, held an executive session with the Law Dept. just before the canvass of votes and did not announce it or explain it.
- In July 2020, [according to a news report](#), Commissioners Deeley and Sabir met with Governor Wolf and Mayor Kenney to discuss how to process mail ballots. Such a discussion of agency business by a quorum of the Board does not qualify as a permissible executive session. It can only take place at an open meeting.
- At the [Aug 27, 2020](#) meeting, Deeley announced there had been an executive session on July 9. The explanation, “to consult with our attorney on a legal matter,” was legally insufficient. The Commissioners repeated this violation on Oct 7, Oct 21 and Nov 9, 2020; [Feb 24](#) and [July 30, 2021](#); [Feb 16](#) and [Nov 8, 2022](#). In some cases, an objection was made on the spot but on no occasion was the violation corrected.
- On [May 3, 2023](#) an executive session was insufficiently announced, raising a public objection at the subsequent [May 10](#) meeting. At the [May 17](#) meeting, Board Chair Crumlish added more explanation (“regarding information and advice on ongoing litigation relating to undated and incorrectly-dated ballots”) in the course of claiming, incorrectly, to have already done so on May 3. (Compare [May 3 transcript](#) to [May 17 transcript](#).) The additional explanation still did not specify the case under discussion as required, nor did it occur at the meeting immediately before or after the executive session, as required at § 708(b).
- On [Sept 20, 2023](#) an executive session was again insufficiently announced (“to discuss pending litigation”). No case or even topic was specified. At the subsequent [Sept 27](#) meeting the chair offered an explanation, claiming to have done so previously, but the explanation was incomprehensible, failing to meet the standards set in [Reading Eagle v Council](#) (see our [Oct 11 public comment](#)).

The matters discussed—and in some cases, decided—in these executive sessions may have been of public interest and import relating to the conduct of elections in Philadelphia, but the public has no way to know what was discussed and why the discussions took place out of its view.

III. Meeting Notice and Agendas When the Board isn’t explicitly violating the Sunshine Act, it often violates the intent of the Act by being *minimally compliant* with the Act, instead of trying to meet or exceed the Act’s requirements.

Since 2019, ignoring the spirit and in some cases the letter of the Sunshine Act, the Board:

- Fails to adequately inform the public of upcoming meetings:
 - With the exception of 2022, has not posted a schedule of regular meetings at the beginning of the calendar or fiscal year, as required by [§709](#). In 2022, [called its first meeting “special”](#) in order to avoid the 3 days notice requirement. Has rarely given more than the minimum legally required notice of any meeting; when there’s a standing weekly meeting typically no reminders are offered.

- Rarely announces meetings other than on its website (and possibly posted at its office), and has never offered members of the public a way to be notified. On May 13, 2021 posted a [single announcement](#) of regular Wednesday meetings, then starting June 9 updated a [single post](#) to cancel each meeting the day before, each update deleting the record of previous cancellations.
- Allowed meeting announcements to “age off” its former home page at [philadelphiavotes.com](#) so they were buried on successive pages, instead of maintaining a consistent home page location and link. For example, the June 8, 2022 meeting was never announced anywhere, in any form, except at the bottom of [this February 7 post](#) that by June 7 was nine pages removed from the home page.
- On the new website [vote.phila.gov](#) (introduced in August 2022), buries meeting information three levels deep. It can be found only by clicking open the Resources & Data menu item; then clicking on Commissioner Meetings, then clicking on an item labeled Agendas and Transcripts. Only the next upcoming meeting is listed there, rarely more than 24 hours in advance. For the 2022 general election cycle, the meeting information found there did not include a link to the [schedule of regular meetings](#). That schedule was only posted once, on Sept 7, and it was allowed to age off the home page by Oct 7.
- Has canceled meetings less than 24 hours in advance, contrary to § 709 (a). The cancellation of the July 14, 2021 meeting was posted only that morning. The cancellation of the Nov 23, 2022 meeting [was posted](#) less than 18 hours in advance.
- After stating on [Feb 3](#) and [Feb 24](#), 2023 that the May 17 (post-primary) meeting would be at 11311 Roosevelt Blvd, posted the meeting notice and agenda (deep in the website as usual) saying it would be at 387 City Hall, over 15 miles away. The notices from Feb were still up. After [we tweeted](#) about this seeming error, the notices were quietly corrected sometime late on May 16 or early May 17, saying that the meeting would be at 11311 Roosevelt. No additional effort was made to clarify the situation.
- Posted the [notice for the, May 19, 2023 canvass meeting](#) saying that the meeting would be at 12 noon on “Wednesday, May 19.” This meeting has normally taken place at 9 am on Friday. There was no way for the public to know when the meeting would actually take place, as it appeared that “Wednesday” and possibly “12:00 PM” were just left in place from the previous meeting notice. We believe that the meeting was therefore not an open meeting and that taking official action in it was a violation of Sunshine Act § 704. Since we had [already objected](#), it was an intentional one.
- Imposes unusually short time limits (2 minutes) on comments regardless of time constraints (few meetings last longer than 20 minutes); enforces time limit inconsistently and arbitrarily, contrary to the [recommendations](#) of the Open Records Office.
- Allows its chair to impose [arbitrary rules](#) on public comment, including a prohibition on comments on topics not coming before the Board (even before July 2021 when the Board started publishing agendas beforehand).
- Follows a prohibition on answering questions of any kind during public comment, except to say “[This is public comment](#)” or similar. The prohibition is arbitrarily ignored at the Chair’s discretion.
- Solicits emailed comments but does not read them out at meetings with rare exceptions including [Sept 13](#) and [Sept 27](#), 2023. The next [emailed comment](#) received, on [Oct 11, 2023](#) was not read out; its topic was Sunshine violations.
- Has rarely engaged in any deliberation at a public meeting; routinely passes pre-written motions unanimously without opening debate. For a glaring example of the scripting of agency business, see [May 25, 2022](#).
- Rarely publishes motions either before or after passage.
- Does not keep meeting minutes, as explicitly required by the Sunshine Act, let alone post minutes publicly. Therefore there is no official record of the agency’s business. The Commissioners and the temporary Board members, who are sitting Judges of the Common Pleas Court, have been reminded of the requirement to keep minutes on numerous occasions during meetings. Their failure to keep minutes is therefore purposeful and intentional.

Among other requirements, minutes are required to include the topic of any public comments, but the topics of e-mailed public comments, even when voted to be “added to the record,” are not mentioned in the meeting and therefore do not appear in the transcripts, and these comments are often not included with the transcripts; see

[April 19, 2023 transcript](#).

On one occasion, after the Feb 14, 2024 meeting, when there was a technical issue with the video stream, [the Board posted “minutes”](#) rather than a “transcript.” However, they were never voted on or approved at any subsequent meeting. (The inability to produce a transcript for this meeting demonstrates that the Nov 30, 2023, transcript, below, was falsified.)

- Did not post meeting transcripts until September 2020.
Although the Board began to publish transcripts [on the website](#) at that time, there was never a vote on it, so they are under no obligation to continue.
- Posted a falsified transcript of its [Nov 30, 2023 meeting](#). The signed certification page of that transcript, as well as preceding and following transcripts are undated and indeed, all duplicates of the same signed page.
- Until late 2020, did not stream or post video of its meetings, whether in-person or virtual.
Since early 2019 [POVPhilly](#), an all-volunteer group, has been recording the meetings and posting the videos; see [video.povphilly.org](#). In late 2020, the Board started streaming and posting meeting videos on the [Commissioners’ YouTube channel](#), but since there was never a vote to do so, they are under no obligation to continue. On March 23, 2021 the Board set up a [consistent URL](#) for livestreams of meetings.
- [Moved](#) its public meetings to an [outlying part of the city](#), at 11311 Roosevelt Blvd in the far Northeast, as of May 19, 2021. In 2022 some meetings were held in Center City and in other parts of the city except during canvassing. In 2024 they returned to the Roosevelt Blvd location.
- Does not provide ASL interpretation.

IV. Virtual Meetings During the Covid-19 pandemic, it was necessary to limit in-person meetings.¹ Like many public agencies,² the Board moved to a virtual-only format through the spring and summer of 2020.

Taking the opportunity to make its meetings even more opaque, the Board:

- Did not (until mid-June 2020) update the instructions on how to participate in the online meetings. The instructions disappeared from the front of [philadelphiavotes.com](#). Since the posting was misnamed, it was not identifiable as the instructions for non-weekly meetings that occurred.
- Used Zoom's webinar format to prevent members of the public from seeing if other members of the public were present and if those who wished to comment were recognized or ignored, and from seeing Board members' reactions or if they were engaged in (illegal) sidebar discussion via chat or other means.
- Failed to announce which Board members were present or whether there was a quorum. Because of the webinar format, the public couldn't see if they were present unless they spoke. For example on [June 22, 2020](#) it was not possible to tell if Board members other than the Chair were present. When asked if there was a quorum, the Chair simply didn't answer. In fact, per the transcript acquired in late 2021, she was the only Board member present. There was no quorum. Similarly, at the May 6, 2020 meeting Schmidt was not present but attendees had no way to know that.
- Recorded meetings via Zoom but did not post the recordings, although not restricted from doing so in any way.
- On June 17, 2020, the meeting in which election results were to be read out, stated they would “be back shortly.” Then they [played “What’s New Pussycat”](#) on repeat for a total of nearly two hours while a static placeholder screen was shown. Members of the public were forced to listen continuously in order to be aware of the resumption of the meeting.

This purposeful abuse of the public replicated a practical joke from a [comedy routine](#) by John Mulaney, in which customers at a diner are tormented by repeated plays of the song on the jukebox. Mulaney is a favorite of Deeley's deputy Nick Custodio. Custodio [“apologized”](#) at the next meeting “to those who did not enjoy it.”

¹ [Act 15 of 2020](#) allowed agencies to continue meeting while providing some flexibility to meet virtually during the pandemic. See also: [Is your school district violating the Sunshine Act during COVID?](#), J. Chadwick Schnee, Esq.

² The Pennsylvania District Attorneys Association [has advised](#) that “when officials are not able to comply with the Act, they seek other ways of complying with the spirit of the law, which is to ensure that the public at large has an opportunity to view their government in action.”

CASE STUDY:

The “public” meeting of August 27, 2020

When meetings resumed in August 2020, after a two-month hiatus, the Philadelphia Board of Elections made it even more difficult for the public to participate. Despite the ongoing Covid-19 pandemic, meetings leading up to the November election would be in-person only, at an obscure, unfamiliar location.

The Board’s Tuesday August 25 [announcement](#) said meetings would resume with an in-person Special Meeting on **August 27**. No agenda was given beyond the obvious: “concerning the 2020 General and Special Elections.” On August 26, the Board posted [one tweet](#) about the meeting, and separately posted a [press release](#) describing one motion to be made.

The August 27 meeting (and three more, through September 23) took place at the new voting machine warehouse at [3500 Scotts Lane](#) in East Falls, far from public transportation, a [half-mile walk](#) from the nearest bus stop along a [narrow, dangerous road](#) with incomplete sidewalks.

Despite the Covid pandemic and the difficulty of accessing this location, virtual participation via Zoom was cut off and the [former instructions](#) were [deleted](#). The announcement stated that those who could not attend could submit public comments by email, but no deadline was given. Emailed comments were [not read to the public](#) during the meeting (a practice that has continued until September 2023).



Though the business of the meeting was brief and attendees were few, the chair limited in-person comments to two minutes. (The Office of Open Records [cites three minutes](#) as a “common limit.”) Asked why the meetings were taken off-line, the Board members remained silent. The meeting ended in under 13 minutes.

As the presidential election loomed, public interest was at a fever pitch. Yet the first Board of Elections meeting in two months drew only four members of the public. If not for [our recording and posting](#), only those four would ever know what happened at that meeting.

Members of the public were told that transcripts were available from the court reporting company (two weeks after the meeting, at \$2.95/page or \$175 each, whichever is more), or by filing a Right-to-Know request for the transcript (rarely fulfilled in less than 5 weeks). In September, after [it was revealed](#) that there is no restriction on the Board distributing transcripts for free, the Board, without announcing it, [began posting transcripts](#) in a well-hidden location on its web site, but only back to August 27, 2020 and not promptly. Emailed comments are included only as non-searchable image files, or left out entirely.

For more, see these articles from WHYY News:

[Philly election meeting in far-flung warehouse criticized for hindering public input](#) (8/31/20)

[Philly election officials said a contract barred them from releasing transcripts. It didn't.](#) (9/14/20)

RECOMMENDATIONS for genuinely open Sunshine Act meetings

These are POVPhilly's recommendations for changes in the Philadelphia Board of Elections' meeting practices in order to meet the requirements of the [Pennsylvania Sunshine Act](#)—in letter and in spirit—and the [best practices](#) recommended by the Pennsylvania Office of Open Records.

We include examples of other state and local agencies that have done many of these things, even during the pandemic. When the Board carries out a recommendation, we'll add a ☀️ to it.

Meetings should be as open and as accessible as possible.

- ☝️ Post meeting announcements and participation instructions in a consistent, obvious location on the website, on a dedicated web page for meetings. (ex. [Phila. Parking Authority](#))
- ☀️ Post and publicize a full meeting schedule at the beginning of the year, as required by §709. This was [done](#), to the degree practical, for the first time in 2022, although the first meeting had to be labeled “special” because of insufficient notice. A similar situation recurred in 2024.
- ☝️ Provide an email signup for meeting notifications so that interested members of the public don't have to check the website every day. (ex. [Phila. Planning Commission](#))
- ☝️ Ensure there's a [lawful reason](#) for every executive session, and [explain it as the law requires](#). The lawful reasons are listed at Sunshine Act §708(a), and the standards for explanation are given in [Reading Eagle Co. v. Council](#), 156 Pa. Commw. 412, 417 (Pa. Cmmw. Ct. 1993)

Before each meeting:

- ☀️ [Post a full agenda](#) prominently at least 24 hours in advance including possible topics of deliberation and motions likely to be considered; include any handouts or relevant documents if available. (ex. [Allegheny Co. Board of Elections](#), [Beaver Co. Board of Commissioners](#))
UPDATE: Since August 29, 2021, the Sunshine Act has required that [agendas be posted at least 24 hours in advance](#). Since then, the Board usually posts them minutes before the deadline, but has missed the deadline several times, typically blaming a “technical obstacle.” The existence of agendas is never mentioned in meeting announcements ([example](#)) or anywhere else.
- ☝️ Include a link to the agenda and participation instructions (or to a dedicated meeting URL) in all announcements of the meeting, including on social media.

During each meeting:

- ☝️ State for the record which Board members are present and if there is a quorum.
- ☝️ Correct/approve the minutes of the previous meeting (§706 requires keeping of minutes).
- ☝️ Allow public comments to be up to [3 minutes long](#), or longer when time is available; take care to “[not show partiality](#) to some commenters over others.”
- ☝️ Answer the public's questions when possible, as the Office of Open Records [recommends](#); allow Board members to speak for themselves. (ex. [Delaware Co. Board of Elections](#))
- ☀️ If public comments are emailed in, read or summarize these comments publicly. (ex. [Delaware Co. Board of Elections](#))
Starting on [Sept. 13, 2023](#), Secretary Furlong read out emailed comments.

- 👥 Open a specific public comment period before each motion is voted, along with a general public comment period at the end of the meeting, as recommended by OOR. (ex. [Delaware Co. Board of Elections](#))
- 👥 Conduct genuine discussions and debate during meetings before the public (ex. [Delaware Co. Board of Elections](#)) rather than scripted statements followed by predetermined votes.
- 🔊 Ensure that Board members and staff speak audibly or are amplified so they can be heard clearly, and so that speech-to-text tools used by some members of the public will work. Explain special terms and jargon.
Since late 2020, audio has been improved, especially for in-person attendees, with a [notable exception](#) on May 26, 2023.
- 👥 Provide ASL (American Sign Language) interpretation. (ex. [Board of Education](#))
- 🔊 If a recess is announced, tell the public approximately when the meeting will resume, instead of making them wait indefinitely (as most notably done on June 17, 2020 in the “[What’s New Pussycat?](#)” incident).
Done appropriately on [June 1, 2021](#); not so well on [May 31, 2022](#).
- 👥 Announce executive sessions in accordance with the requirements of Sunshine Act §708(b) and [Reading Eagle Co. v Council](#) (1993). See also [these guidelines](#).

After each meeting:

- 👥 Publicly post the approved minutes of the previous meeting within 24 hours; include any handouts or other documents that are on the record. (ex. [Historical Commission](#))
- 🔊 Publicly post the full transcript within one week after the meeting, ideally at least 24 hours before the next meeting. See [Philly election officials said a contract barred them from releasing transcripts. It didn’t](#) (WHYY).
Sometime in September 2020, without any public announcement, transcripts started appearing [here](#). They’re typically posted 2–4 weeks later, and go back only to August 27, 2020.
- 🔊 Include in the public posting any public comments that were emailed in.
The emailed comments have occasionally been included, but as non-searchable images. They should be included as text, equivalent to in-person comments.
- 👥 Include in the public posting any followup responses to public comments. (ex. [Gas Commission](#))
- 🌞 Post video of meetings (ex. [Planning Commission](#))
Meeting livestreams started on Oct. 7, 2020 and a [consistent URL](#) was set up on March 23, 2021; so far [the videos](#) remain available at [this YouTube channel](#).

Meetings held in-person should be set up to encourage public participation.

- 🔊 [Moved](#) its public meetings to an [outlying part of the city](#), at 11311 Roosevelt Blvd in the far Northeast, as of May 19, 2021. In 2022 some meetings were held in Center City and in other parts of the city except during canvassing. In 2024 they returned to the Roosevelt Blvd location.
- 👥 Hold meetings in a location that is central, is reasonably accessible by public transportation and meets ADA requirements.
Sept 30, 2020: [Meetings moved](#) from the Delaware & Spring Garden offices to the Convention Center.

Feb 10, 2021: [Meetings moved to the Liacouras Center at Temple University](#); the location is very central and the room itself was accessible. However the only correct entrance to the building was not indicated by any signage and was not attended. Its disability access function was not working.

May 19, 2021: [Meetings moved to the new 11311 Roosevelt Blvd operations center](#) — nearly as far from Philadelphia's center of population as possible while remaining within city limits.

Sept 15, 2021: [Meetings moved to 1515 Arch St. in Center City](#), a much more central and accessible location.

Feb 7, 2022: [Roving meetings announced, in locations around the city, returning to 11311 Roosevelt Blvd during canvassing.](#)

Sept 14, 2022: [Meetings took place in City Hall](#), returning to 11311 Roosevelt Blvd for canvassing.

2023: [Regular meetings moved to City Hall](#), returning to Roosevelt Blvd for canvassing.

2024: [All meetings returned to 11311 Roosevelt Blvd.](#)

- 👥 Provide clear, complete directions to the meeting location in the meeting announcement; include accessibility and public transit information.

Virtual/online participation should replicate in-person participation as closely as possible.

- ☀️ Allow the public to see all Board members who are present, throughout the meeting; in Zoom, "pin" their videos. (ex. [Delaware Co. Board of Elections](#))
As of Oct. 7, 2020 the [YouTube livestreams](#) show all Board members who are present.
- 👥 Provide a way for virtual attendees to make public comments. Make those comments equally available to the public. (ex. [Board of Education](#))
- 👥 Allow the public to see the other attendees or see that they are attending, and to see who has virtually "raised their hand" or otherwise indicated they want to comment.
- ☁️ Allow anyone speaking at the meeting, including members of the public, to be seen on video. *The livestream video typically shows the back of the speaker's head at Roosevelt Blvd, and doesn't show them at all at other meeting locations.*
- 👥 Use the chat or similar function to share any documents or handouts; save and post the chat and any shared documents as part of the transcript and minutes.

FURTHER RESOURCES

[Pennsylvania Office of Open Records](#)

[Pennsylvania Freedom of Information Coalition](#)

[Guide to the Pennsylvania Sunshine Act](#) (Pennsylvania News Media Association)

[Citizen's Guide to the Pennsylvania Sunshine Act](#) (Widener University School of Law, 2010)

[Open Meetings Laws in Pennsylvania](#) (Digital Media Law Project)

[Exceptions to the Sunshine Act](#) (Leventry, Haschak & Rodkey, LLC, 2012)

[Pennsylvania courts offer guidelines for executive sessions](#) (Fox Rothschild LLP, 2016)

