

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, November 22, 2013
10:10 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARK
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN DAVID OH

BILLS 130002, 130687, and 130701
RESOLUTION 130023 and 130715

- - -

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COUNCILMAN GREENLEE: Good

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morning, everyone. Could I have

4

everybody's attention, please.

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This is the Committee on Law

6

and Government. We have established a

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quorum with Councilman Goode, Councilman

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Henon, and Council President Clarke, who

9

is a member of all committees. Also

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Councilman Oh, who is the sponsor of one

11

of the bills and resolutions we're

12

dealing with today, is also present.

13

Ms. Marconi, could you read the

14

title of the first bill before us today,

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please.

16

First, just for the record,

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Bill No. 130002 and Resolution 130023 are

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being held at the request of the sponsor

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to the call of the Chair.

20

Ms. Marconi, please read the

21

title of the first bill before us today.

22

THE CLERK: Bill No. 130678, an

23

ordinance amending Title 9-1100 of The

24

Philadelphia Code, "Fair Practices

25

Ordinance: Protections Against Unlawful

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Discrimination," by requiring reasonable
3 workplace accommodations for employees
4 who have needs related to pregnancy,
5 childbirth, or a related medical
6 condition and making technical changes,
7 all under certain terms and conditions.

8 COUNCILMAN GREENLEE: Who do
9 you have as your first witness?

10 Ms. Landau. I don't think she's here
11 yet, right? So why don't we hear from
12 Women's Law Project and PathWays. Why
13 don't you come up together, and then
14 we'll hear from Maternity Care.

15 As you're coming up, let me
16 just state for the record -- Rue, why
17 don't you come up.

18 (Witnesses approached witness
19 table.)

20 COUNCILMAN GREENLEE: Let me
21 just state for the record, this bill was
22 introduced by myself and other
23 Councilmembers, and I think it just
24 addresses a very basic need, and we use
25 the words that I think make it really

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 clear, reasonable accommodations for
3 pregnant workers. Those reasonable
4 accommodations, things like letting women
5 take a little extra break, letting them
6 drink water at their workplace, using
7 restrooms a little more frequently, that
8 kind of thing most employers do anyway,
9 but unfortunately sometimes we have to
10 pass the laws that deal with folks that
11 do not -- employers that do not do the
12 right thing. And I think this closes any
13 possible loopholes, any possible problems
14 that could -- or most problems that could
15 exist in the workplace for pregnant
16 workers.

17 So who would like to go first?
18 Rue, if you'd like to go first,
19 because -- are you ready? Or we could go
20 with Women's Law Project.

21 MS. LANDAU: I'm ready. I'm
22 always ready.

23 COUNCILMAN GREENLEE: I should
24 know better than that. Okay. Please
25 identify yourself for the record and

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 proceed. We have your written testimony.
3 If you'd like to read the whole thing,
4 fine. If not, we could --

5 MS. LANDAU: I would love to
6 read the whole thing, if it's okay.

7 COUNCILMAN GREENLEE: Great.
8 Thank you.

9 MS. LANDAU: Good afternoon,
10 Councilman Greenlee and members of the
11 Law and Government Committee. My name is
12 Rue Landau, the Executive Director of the
13 Philadelphia Commission on Human
14 Relations. As you know, the Commission
15 is the City agency that administers and
16 enforces the Fair Practices Ordinance,
17 the City law protecting people from
18 unlawful discrimination in employment,
19 public accommodations, and housing and
20 real property that Bill No. 130687 will
21 amend. I am joined here today by my
22 Deputy Director of our Compliance
23 Division, Reynelle Staley.

24 We appreciate the opportunity
25 to testify in support of Bill No. 130687

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 and highlight the issues affecting
3 Philadelphia families that the bill will
4 address.

5 The economic security of
6 Philadelphia families depends on the job
7 security of working women. About 53
8 percent of Philadelphia children are
9 raised by just one parent, the vast
10 majority in female-run households. Women
11 make up 53 percent of Philadelphia's
12 population and are primary or
13 co-breadwinners in nearly two-thirds of
14 all families. Every day Philadelphia
15 families rely on working women to meet
16 their everyday financial needs. Very
17 simply put, women cannot afford to lose
18 their jobs or income due to pregnancy or
19 childbirth.

20 While current federal, state,
21 and local laws prevent employers from
22 terminating or otherwise discriminating
23 against a woman because she is pregnant,
24 women still lose their jobs or lose their
25 income simply because they are pregnant.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 And the circumstances behind these job
3 losses are perfectly legal today.
4 Pregnant women who need to sit more, go
5 to medical appointments or make other
6 changes to their work arrangements
7 because of their pregnancy are not
8 entitled to such accommodations. The
9 federal Pregnancy Discrimination Act,
10 which protects women from harassment,
11 termination, and other common forms of
12 discrimination, does not provide any form
13 of reasonable accommodation for
14 pregnancy. The Americans with
15 Disabilities Act provides reasonable
16 accommodation for disabilities, but does
17 not recognize pregnancy as a disability.
18 So neither of these federal laws nor the
19 Fair Practices Ordinance requires
20 employers to provide reasonable
21 accommodations to pregnant women. We are
22 here to support Councilman Greenlee in
23 his effort to provide pregnant women with
24 the basic accommodations they need to
25 continue to work in Philadelphia.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 MS. STALEY: At the Commission,
3 we have seen cases of pregnant women
4 working in Philadelphia who have been
5 forced to choose between their wages and
6 their health. In many of these cases,
7 the Commission was powerless to help the
8 women because of the limits of the
9 current law. As examples, I offer the
10 cases of Nina, Jackie, and Valerie, three
11 women who have been given fake names to
12 preserve their privacy, but whose
13 complaints of employment discrimination
14 are real and were at some point pending
15 before our agency.

16 Nina was a nurse, and she was
17 pregnant. Her physician diagnosed her
18 with a condition that made her prone to
19 fainting and recommended that she be put
20 on light duty, which included no lifting,
21 pushing or pulling greater than 25 pounds
22 and no long periods of standing. Nina's
23 employer told her that when she took a
24 leave of absence -- that she could take a
25 leave of absence or resign. She was

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 terminated when she applied for an
3 extended leave of absence after her
4 doctor again recommended that she be put
5 on light duty.

6 Jackie was a waitress at a
7 local restaurant. She was pregnant and
8 had to use the restroom frequently due to
9 morning sickness. Her employer
10 terminated her, saying she turned into a
11 different person. He told Jackie he was
12 disappointed in her energy levels and
13 appearance. Commenting on her frequent
14 need to use the restroom due to her
15 morning sickness, he told Jackie he
16 didn't care if she was sick. She needed
17 to be on the floor because that was her
18 job.

19 Valerie, a pregnant residential
20 advisor for a drug rehab program, had her
21 hours reduced to the extent that she lost
22 her medical benefits when her employer
23 discovered that she was pregnant.

24 These women were not asking for
25 much. Nina needed to be on light duty.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Jackie needed to use the restroom. But
3 these women were without legal recourse
4 when they were denied basic reasonable
5 accommodations. They were forced out of
6 their jobs because their employers failed
7 to provide basic assistance to help them
8 continue to work while pregnant. They
9 were placed in a position that most
10 people would recognize as unjust, but
11 that our law does not recognize as
12 illegal in any way. The Commission
13 supports this bill because it would make
14 these kinds of employer actions illegal
15 and fill an important gap in employment
16 protections for pregnant women.

17 In hopes of furthering the
18 bill's legislative intent, the Commission
19 offers a few technical amendments.

20 First, we propose adding the
21 bill's protections to the legislative
22 findings. We believe this amendment
23 underscores the purpose behind the bill.

24 Second, we propose a series of
25 amendments to clarify how this bill

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 affects the rights of pregnant women. We
3 offer amendments to the definition of
4 Discrimination in Section 9-1102(1)(e)
5 and the list of employment practices in
6 Section 9-1103(1) that more clearly state
7 the discrimination based on pregnancy,
8 childbirth or related medical condition
9 is considered and has been for the last
10 35 years illegal discrimination in this
11 country.

12 We also propose making
13 employers responsible for both their
14 actions and inactions when it comes to
15 providing reasonable accommodation to
16 their pregnant employees. To a pregnant
17 woman who is unable to take a restroom or
18 water break, there is no difference
19 between an employer who simply ignores
20 her request and an employer who actively
21 refuses it. In both instances, her need
22 for reasonable accommodation is not met,
23 and since the result is the same, we
24 believe the treatment under the law
25 should be the same as well. We,

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 therefore, propose changing the phrase
3 "refuse to provide reasonable
4 accommodations" to "fail to provide
5 reasonable accommodations" wherever it is
6 used in the bill.

7 Finally, we propose clarifying
8 that the reasonable accommodation and
9 undue hardship standards that will apply
10 to pregnant women are intended to -- are
11 not intended to affect the standards that
12 already apply to disability and religious
13 accommodations. We, therefore, propose
14 moving the paragraph on reasonable
15 accommodation from the General
16 definitions Section to 9-1128, which is
17 Unlawful Employment Practices Based on
18 Pregnancy Childbirth, and Related Medical
19 Conditions. We also offer language
20 clarifying that the undue hardship
21 factors proposed in this bill are limited
22 to pregnancy, childbirth, and related
23 medical conditions. We believe these
24 amendments will give pregnant women the
25 reasonable accommodations that they need

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 without changing the reasonable
3 accommodations that people with
4 disabilities and various religious
5 beliefs already have.

6 We thank Councilman Greenlee
7 for sponsoring this bill to ensure that
8 pregnant women like Nina, Jackie, and
9 Valerie are not forced out of their job
10 over a bathroom break or other basic
11 needs related to pregnancy, and we thank
12 the Law and Government Committee again
13 for the opportunity to testify in support
14 of this bill.

15 Thank you.

16 COUNCILMAN GREENLEE: Thank you
17 both. And those amendments that you
18 suggest will be offered at the public
19 meeting for this bill, and I thank you
20 for all you do. And it is amazing to me
21 that those examples you give exist in the
22 City of Philadelphia. It's sad that we
23 have to do something like this, because I
24 think most employers do the right thing,
25 but it is just amazing. I'll just leave

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 it at that.

3 Why don't we hear from
4 everyone, and then if there's any
5 questions. So please. Yes. Please
6 identify yourself and proceed.

7 MS. BASS: My name is Amal
8 Bass. I'm a staff attorney at the
9 Women's Law Project.

10 The Women's Law Project
11 applauds Councilmembers Greenlee,
12 Reynolds Brown, and Bass for introducing
13 this important legislation to protect
14 pregnant workers in need of reasonable
15 job modifications. Thank you to
16 Councilman Greenlee for inviting the
17 Women's Law Project to testify.

18 The Women's Law Project is a
19 non-profit legal advocacy organization
20 based in Philadelphia that seeks to
21 advance the legal status of women and
22 girls through litigation, public policy
23 advocacy, public education, and
24 individual counseling. We work on a
25 variety of legal issues, including

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 addressing workplace discrimination. The
3 bill we are discussing today would
4 promote the health and economic security
5 of Philadelphia's women and their
6 families by ensuring fair treatment in
7 the workplace.

8 Over the past three years, an
9 increasing number of pregnant women have
10 contacted the Women's Law Project for
11 legal representation because of obstacles
12 they face at work. While many pregnant
13 women are able to work without needing
14 any job modifications, others may need
15 reasonable accommodations to perform the
16 essential functions of their jobs. Women
17 working in fields that involve frequent
18 bending, heavy lifting, standing for long
19 periods of time or that prohibit access
20 to water may find it difficult to work
21 under these conditions while they are
22 pregnant.

23 For example, a pregnant home
24 health aide who worked in Philadelphia
25 needed assistance lifting heavy patients.

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2 A pregnant garden center employee needed
3 assistance lifting plants, and a pregnant
4 pharmacist assistant needed a chair for
5 sitting during her shift.

6 All three of these women lost
7 their jobs when they requested temporary
8 accommodations, and all three called the
9 Women's Law Project for assistance. The
10 majority of women who have contacted the
11 Women's Law Project work in low-wage
12 jobs, are having healthy pregnancies, and
13 need only minor adjustments in the
14 workplace as their pregnancies progress.

15 Many women who face these types
16 of challenges in the workplace are
17 surprised to learn that the current laws
18 often do not require their employers to
19 grant their requests for reasonable job
20 modifications, even when all they need is
21 permission to carry a bottle of water at
22 work or to sit in a chair. When their
23 employers deny requests for
24 accommodations, women may be forced to
25 continue working under conditions that

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 are hazardous to their health and thus
3 endanger their pregnancies. They may be
4 forced to exhaust, prior to birth of
5 their babies, any leave they might have
6 had available under the Family Medical
7 Leave Act or their employer's policies,
8 and they may be forced to leave their
9 jobs and, if employer-provided, lose
10 their health insurance at a vulnerable
11 time. The loss of these jobs places
12 entire families at risk, particularly
13 when, as a recent Pew Research Study
14 showed, women are the primary or solo
15 breadwinner in 40 percent of all
16 households. Even if these women are able
17 to return to the workforce later, they do
18 so with a loss of seniority. The
19 resulting gap in their employment history
20 also puts them at a risk for reduced
21 income for the rest of their working
22 lives.

23 Existing laws such as the
24 Pregnancy Discrimination Act, known as
25 the PDA of Title VII, the Pennsylvania

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Human Relations Act, the Philadelphia
3 Fair Practices Ordinance, and the
4 Americans with Disabilities Act, as
5 amended in 2008, provide some protection
6 for pregnant workers. Many women have
7 found that these laws do not go far
8 enough. For example, courts have ruled
9 that the PDA does not provide legal
10 protection to a pregnant woman unless she
11 can identify a non-pregnant employee who
12 is similarly situated, which means
13 generally works in the same role, has
14 virtually the same limitations, and then
15 was treated better by the employer than
16 that pregnant woman was.

17 Many pregnant employees are
18 unable to identify such a similarly
19 situated person, often because they
20 simply do not know what accommodations
21 their employers have given to other
22 employees or what limitations those other
23 employees have. Furthermore, some courts
24 have allowed employers to refuse to
25 accommodate pregnant employees even when

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 they accommodate non-pregnant employees
3 with similar limitations if those
4 limitations are work related.

5 The ADA may provide some
6 protection for pregnant workers now that
7 the definition of disability under this
8 law has been expanded to include less
9 severe and temporary impairments.
10 However, it is unclear how this law will
11 apply to women who are having healthy
12 pregnancies and need only minor
13 adjustments in the workplace. According
14 to the Equal Employment Opportunity
15 Commission, pregnancy is not a
16 disability, but pregnancy-related
17 impairments that substantially limit a
18 major life activity could be a disability
19 under the law. It remains to be seen how
20 the courts will apply these amendments to
21 pregnant workers.

22 With this City Council bill,
23 Philadelphia has the opportunity to
24 clarify pregnant workers' rights and
25 employers' obligations in a way that

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 protects women and their families while
3 utilizing a legal framework that
4 minimizes the burden on employers. Like
5 the ADA, which was enacted in 1990, the
6 bill would only require employers to
7 provide requested accommodations if they
8 are reasonable and if such accommodations
9 will not cause an undue hardship to the
10 employer. It would apply to employees
11 who need accommodations related to
12 pregnancy, childbirth or related medical
13 conditions. This is a fair law that
14 balances the needs of pregnant workers
15 with the needs of employers.

16 This City Council bill also
17 gives Philadelphia the opportunity to
18 provide its pregnant workers with a
19 similar level of protection to what they
20 would have in New York City, which passed
21 its pregnant workers fairness bill
22 unanimously in September, and to what
23 they would have in several other states,
24 such as in California. These types of
25 laws have helped women stay healthy, keep

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 their jobs, and support their families
3 throughout and after their pregnancies.
4 It is time Philadelphia's women have the
5 same level of protection in the workplace
6 so that they are not forced to choose
7 between having a healthy pregnancy and
8 keeping their jobs. The health and
9 economic security of women and their
10 families should not be placed at risk
11 simply because a pregnant worker needs a
12 glass of water or help lifting a box.

13 The Women's Law Project
14 strongly supports this legislation.

15 Thank you for having us here
16 today.

17 COUNCILMAN GREENLEE: Thank
18 you. Thank you for your testimony. One
19 of these days we're going to beat New
20 York City in doing the right thing.

21 Diana.

22 MS. MARQUES: Good morning. My
23 name is Diana Marques. I'm the Policy
24 Analyst with --

25 COUNCILMAN GREENLEE: Maybe a

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 little closer to the microphone.

3 MS. MARQUES: Good morning. My

4 name is Diana Marques. I'm the Policy

5 Analyst for PathWays PA. PathWays PA

6 supports Councilman Greenlee's Bill

7 130687. PathWays PA began in 1978 as the

8 Women's Association for Women's

9 Alternatives, one of Pennsylvania's first

10 residential programs to keep low-income

11 vulnerable women together with their

12 children. Today we have grown to be the

13 Greater Philadelphia region's foremost

14 provider of residential and

15 community-based services, serving about

16 5,000 clients every year.

17 Three-quarters of women

18 entering the workforce will be pregnant

19 and employed at some point during their

20 lives. Those physical demanding jobs

21 will face conflict between their

22 obligations at work and the demands of

23 pregnancy. The stories are endless,

24 whether it's the retail worker who

25 fainted at work because she was denied a

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 drink of water, a desk clerk who was not
3 allowed to sit during her shift or an
4 airline worker who was pushed into unpaid
5 leave because her doctor requested that
6 she have lifting restrictions.

7 Sixty percent of women who are
8 in the workforce have the ten lowest
9 paying jobs. So those are predominantly
10 going to be the jobs where it's more
11 difficult to find reasonable
12 accommodations.

13 One of the last things I wanted
14 to highlight was that PathWays PA
15 publishes the Self-Sufficiency Standard,
16 and we do it here in Pennsylvania. It's
17 published nationwide. And one of the
18 things I wanted to highlight was for a
19 single working mother who has two
20 children in Philadelphia, the annual
21 salary she would have to have in order to
22 not rely on any type of public assistance
23 is \$57,746 a year. So as you can see,
24 not just single working women, but also
25 dual household incomes cannot afford to

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 lose income because of something like
3 this that, again, reasonable
4 accommodations we feel would allow the
5 employer as well as the worker to find a
6 good common ground.

7 So we do support Councilman
8 Greenlee's bill, and we hope for an
9 affirmative vote.

10 COUNCILMAN GREENLEE: Thank you
11 very much.

12 Any questions?

13 (No response.)

14 COUNCILMAN GREENLEE: Again,
15 thank you all for coming. Thank you for
16 all you do. And this and other issues we
17 worked with you on -- all of you on other
18 issues. So, again, we appreciate
19 everything you do. Thank you.

20 (Thank you.)

21 COUNCILMAN GREENLEE: I have
22 one more group on. Ms. Marconi, who do
23 we got?

24 THE CLERK: Gaynell Gillespie
25 from Maternity Care Coalition.

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2 COUNCILMAN GREENLEE: Is there
3 anyone else here that wants to testify on
4 this bill, Bill No. 130687?

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN GREENLEE: Good
8 morning to you both. Please identify
9 yourself for the record and proceed.

10 MS. GILLESPIE: My name is
11 Gaynell Gillespie.

12 COUNCILMAN GREENLEE: Good
13 morning.

14 MS. YIP: My name is Koyuki
15 Yip.

16 MS. GILLESPIE: Good morning,
17 Councilmembers. Again, I say my name is
18 Gaynell Gillespie. I am a Family
19 Advocate with Maternity Care Coalition
20 Early Head Start Program in South
21 Philadelphia, which provide quality early
22 care and education for some of our most
23 vulnerable families in the region. I am
24 here with Koyuki Yip, the Community
25 Engagement Coordinator at Maternity Care

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Coalition (MCC), to talk to you about the
3 Ordinance No. 130687, protecting pregnant
4 women workers and how this vital
5 legislation would help the pregnant
6 women, moms, and babies we serve every
7 day.

8 At MCC, we meet mothers and
9 children where they are. After
10 addressing basic needs such as food and
11 shelter, we help them find work so they
12 become empowered, self-sufficient, and
13 able to provide for themselves and their
14 family. Being able to work during and
15 after pregnancy is a big part of meeting
16 that goal.

17 I am here to tell you today a
18 story of a current client who has faced
19 pregnancy discrimination in the
20 workplace. Lisa, who is from Indonesia,
21 lives with her family, her husband, two
22 boys, a baby boy on the way, in South
23 Philadelphia. Lisa was fired from being
24 a seamstress because her pregnancy was
25 considered a liability. She worked in a

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 warehouse and paid the company van to
3 pick her up and drop her off daily. Some
4 aspects of her job required lifting heavy
5 boxes. She did this into her fourth
6 month of pregnancy. She did not mention
7 the impact of the heavy lifting of her
8 pregnancy, as she wanted to keep her job
9 because she needed extra income.
10 However, during her fourth month, she was
11 fired because the company stated to her
12 that her pregnancy was a liability. No
13 accommodations, adjustment or changes was
14 introduced to help continue doing the
15 main aspect of her job.

16 Lisa is no longer working. She
17 wants to have another baby later down the
18 road in hopes of having a girl. However,
19 because of being fired, she will be
20 getting her tubes tied after the birth of
21 her son. And I'm saying that today
22 because Lisa is on her way to the
23 hospital today, because if the baby is
24 not in the right position, they're going
25 to take the baby today. So she was at

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2 the office today and she was upset,
3 because she know what's going to happen
4 after she has the baby, that the decision
5 that she had to make because she needs to
6 work and she can't afford to be fired
7 again. And after I leave here, I'm going
8 to support her. I'm going to be there
9 with her, because today they might take
10 the baby, and then that process of her
11 getting her tubes tied would begin.

12 I just feel bad for her,
13 because women shouldn't have to go
14 through this in the workplace. Women
15 shouldn't have to make a decision to take
16 something away that they want to do. She
17 should have the right to have another
18 baby. And just because -- she already
19 feel bad because she's not from this
20 country and now she has to make a
21 decision to shorten her family and lose
22 the dream of having the girl that she
23 wants because she can't afford not to
24 work. And she said it was just so hard
25 for her to go through that again, to be

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 discriminated again and say you got to
3 leave because you're pregnant.

4 And I'm just talking to you
5 guys as straight as I can talk to make
6 sure that this is passed, that this
7 doesn't happen to anyone else again, how
8 we have to take this serious. It's not
9 fair that women can't work and make a
10 living and be pregnant.

11 So I just want to thank you
12 guys. I went off of what I was going to
13 say, because I'm speaking from my heart
14 because --

15 COUNCILMAN GREENLEE: That's
16 usually the best testimony.

17 MS. GILLESPIE: So I just want
18 you guys to please, please, please,
19 please make sure this is passed.

20 I thank you guys. I thank the
21 Councilman Green.

22 COUNCILMAN GREENLEE: Lee.

23 MS. GILLESPIE: Councilman
24 Greenlee. I'm sorry. Reynolds and Bass
25 for supporting the rights of pregnant

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2 women.

3 COUNCILMAN GREENLEE: Thank
4 you. Thank you both very much. Thank
5 you for what you do. And I think it was
6 important put a real, as the other
7 witnesses did, a real story on this.
8 We're talking about real people here.
9 We're not talking something in the
10 abstract. So thank you very much.

11 Any guess?

12 (No response.)

13 COUNCILMAN GREENLEE: Again,
14 one more time. Anybody else here to
15 testify on Bill 130687?

16 (No response.)

17 COUNCILMAN GREENLEE: Seeing
18 none, Ms. Marconi, will you please call
19 the other bill and the resolution before
20 us today.

21 THE CLERK: Bill No. 130701, an
22 ordinance providing for the submission to
23 the qualified electors of the City of
24 Philadelphia of an amendment to The
25 Philadelphia Home Rule Charter to permit

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 City elected officials to become
3 candidates for nomination or election to
4 public office without first resigning
5 from their City office, under certain
6 terms and conditions; fixing the date of
7 a special election for such purpose;
8 prescribing the form of ballot question
9 to be voted on; and authorizing the
10 appropriate officers to publish notice
11 and to make arrangements for the special
12 election; and

13 Resolution 130715, resolution
14 proposing an amendment to the "resign to
15 run" provision of the Philadelphia Home
16 Rule Charter so that City elected
17 officials may become candidates for
18 nomination or election to public office
19 without first resigning from their City
20 office, under certain terms and
21 conditions, and providing for the
22 submission of the amendment to the
23 electors of Philadelphia.

24 COUNCILMAN GREENLEE: Thank you
25 very much. Our first witness.

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2 THE CLERK: Joan Markman.

3 COUNCILMAN GREENLEE: I'm

4 sorry, Councilman Oh.

5 I'm sorry. Ms. Markman, please
6 have a seat.

7 Councilman Oh, the sponsor of
8 this bill and resolution. Councilman.

9 COUNCILMAN OH: Thank you very
10 much, Chairman. I've only been here a
11 short time, just a little less than two
12 years, but in that time, I have found
13 that this is not your grandfather's City
14 Council. Times certainly have changed,
15 and with it many of the issues that we
16 dealt with in the last two years, most of
17 the headline issues were related to state
18 and federal issues, AVI, which we were
19 required to do, whether or not we could
20 have relief for taxpayers dealing with
21 school funding and with sustainable
22 funding formulas. Many of these issues,
23 from what we're going to do with our
24 pension fund debt and the sales tax, are
25 very deeply related to what goes on in

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2 Harrisburg. However, in Harrisburg, we
3 are just one of 67 counties, and we are
4 unlike any other county in this state.
5 We have state representatives, both our
6 State Senators and State Reps, who
7 represent different sections of
8 Philadelphia's population on
9 state-related issues, and as we have
10 seen, oftentimes those very important
11 issues -- and they are important --
12 overshadow the issues of importance to
13 our local community.

14 The Mayor has gone to
15 Harrisburg, but so has our City Council
16 President and many of the individual
17 Councilmembers here, and we have all
18 taken a great interest in doing what we
19 can to help our city and our population,
20 whether it's in Washington, Harrisburg,
21 New York or other places.

22 The need to amend Resign to Run
23 can simply be put into five categories.
24 First of all, Resign to Run is
25 ineffective. Candidates do run. They

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 form exploratory committees. They raise
3 money. They simply don't announce that
4 they're running, and they time themselves
5 very well to ensure that they don't run
6 afoul of Resign to Run.

7 Resign to Run has been
8 generally ineffective in places, the few
9 places, in the U.S. where it has been
10 instituted. And nowhere in the U.S. has
11 it been instituted to the extent it has
12 been in Philadelphia. We alone have a
13 Resign to Run law where people could not,
14 candidates or elected officials in
15 particular, could not run while in
16 office. In any other jurisdiction of
17 these five states, they can. And there
18 is no city in a state that singularly has
19 a Resign to Run law outside of what the
20 state.

21 So in the other five states
22 where you do have something of a Resign
23 to Run law, it is statewide. There's no
24 other city or jurisdiction like
25 Philadelphia.

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2 The next thing is that the
3 Resign to Run law results in dishonesty.
4 People are running for office. They just
5 won't say that they are. They're raising
6 money and they're not saying what they're
7 raising it for. They always say they
8 don't know who is raising money for them
9 or for what reason. It's just really a
10 mystery, when in fact we understand and
11 know that they are running. They can't
12 be transparent. They'll blame the law.
13 If that's the case, then we should get
14 rid of this law so they can be honest and
15 transparent.

16 The Resign to Run law creates
17 less democracy, not more. There are
18 fewer qualified candidates, and there are
19 less candidates who are willing to come
20 forward. In addition, when someone
21 resigns a year before the actual
22 election, they oftentimes have to
23 supplement their income by getting a job,
24 typically at a law firm, an accounting
25 firm, a consulting firm, where they're

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2 really not doing much work there. Are
3 they not beholding to or will they not
4 end up being beholded to those entities?
5 Do we not know what they're doing?

6 Once again, if they can serve
7 the public and they are serving the
8 public, they should do so and be
9 transparent and up front about the fact
10 that they are committed to public service
11 and would honestly like to serve the
12 people of their community in a broader
13 sense.

14 And, finally, the most
15 important reason I would say is because
16 it results in less advocacy for the
17 voters who elected the officials. And at
18 the end of the day, it's not about the
19 politicians. It's about the people. The
20 people of Philadelphia have less voice
21 than any other voter in this
22 Commonwealth.

23 So at another point in time
24 during this discussion, I would like to,
25 perhaps in answer to questions, certainly

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 say that I can go through the Resign to
3 Run laws that are in effect in Arizona,
4 Florida, Georgia, Hawaii, and Texas.
5 Recently, just this year, Arizona amended
6 its Resign to Run law. In any of these
7 jurisdictions, a sitting elected official
8 can run for another office so long as the
9 office that they run for, the term begins
10 after their term has ended. There is no
11 law as restrictive as Philadelphia. Las
12 Vegas, which had a law in 1997, it was
13 ruled unconstitutional in 2005. So,
14 again, only Philadelphia voters have less
15 voice than anybody else in this state.

16 Thank you very much.

17 COUNCILMAN GREENLEE: Thank
18 you, Councilman. Thank you for your
19 comments.

20 Ms. Markman, please, why don't
21 identify yourself and proceed.

22 MS. MARKMAN: I will. Good
23 morning, Chairman Greenlee and members of
24 the Committee and good morning,
25 Councilman Oh. My name is Joan Markman.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 I'm the City's Chief Integrity Officer.
3 Thank you for the opportunity to present
4 testimony on behalf of the Administration
5 regarding Bill No. 130701 and Resolution
6 130715. As proposed, the measure would
7 abolish the Resign to Run rule for City
8 elected officials effective in 2016.

9 The Administration's view is
10 that Resign to Run should not be changed.
11 As originally conceived by the framers of
12 the Charter, the provision protects the
13 work of all City personnel, elected or
14 not, by ensuring that they can attend to
15 their current existing City duties
16 without the very real distractions that
17 come with engaging in a campaign for new
18 elected office while still performing
19 their duties in their current offices.
20 The framers' even-handed application of
21 the rules to all personnel, elected or
22 not, is not only fair, but protects the
23 public's interest in being sure that all
24 City personnel are able to make the work
25 of City government their top priority.

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2 Philadelphia's history is full
3 of City officials who have resigned from
4 City office in order to seek a different
5 elected office. The requirement
6 undoubtedly poses difficult choices to
7 those who would run for another elected
8 office, but it is a requirement that the
9 City, its officials, and its voters have
10 come to accept since the Home Rule
11 Charter came into effect in the early
12 1950s.

13 Every Mayor who has served in
14 the last 30 years has resigned from a
15 City office at some point and
16 successfully gone on to become Mayor of
17 Philadelphia. A number of current and
18 former City Council members have also
19 resigned previously held offices in City
20 government at some point to then
21 successfully become members of Council.

22 For the last 60 years, every
23 City official and employee has known this
24 requirement and accepted it, eventually
25 making a personal decision out of respect

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 to the Charter to vacate a City position
3 in order to pursue his or her political
4 or personal ambition.

5 The real question here is, what
6 problem is this provision trying to
7 solve? And the Administration believes
8 that of all the major issues facing the
9 City, this one does not appear to be an
10 issue for which the public is demanding
11 change. And, in fact, as recently as
12 2007, voters were asked at the ballot box
13 to vote on another Resign to Run Charter
14 amendment, a proposed amendment, and
15 their response was very clear, keep the
16 Resign to Run provision and don't change
17 it.

18 This is a solution looking for
19 a problem. If a public employee
20 presently elected or not wishes to seek
21 an elected office other than reelection
22 to a current office, he or she should do
23 that and fully focus the necessary time,
24 attention, and effort on that endeavor,
25 but not on the City payroll and not while

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 funded by the Philadelphia taxpayers.
3 There is no need to change this
4 provision. The Charter framers got it
5 right for Philadelphia's government, its
6 employees, and its citizens.

7 For these reasons, the
8 Administration believes that this
9 proposed Charter amendment should not
10 proceed.

11 Thank you for the opportunity
12 to address the Committee on this topic,
13 and I'd be happy to answer questions.

14 COUNCILMAN GREENLEE: Thank
15 you, Ms. Markman. I just have a couple,
16 and I know other members have questions.

17 If I could just ask you, you
18 say in the testimony, it's a solution
19 looking for a problem. Councilman Oh
20 went over some of what he feels and I
21 think a lot of us feel are problems with
22 this, and what is your thought on the
23 issue that state officials, state elected
24 officials, federally elected officials do
25 not have to leave their office but City

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 officials do, and is that fair? Is that
3 equal, in your opinion?

4 MS. MARKMAN: Is it fair or is
5 it equal? It seems to me that what
6 this -- the issue that you're faced
7 with -- I don't know if you want to call
8 it a problem. It seems like it's a
9 policy issue. Either you trade off City
10 officials who, while being paid to do
11 their jobs, should be focusing on their
12 own -- the jobs that they've been elected
13 to do or are paid to do, whether they're
14 elected or not, versus the issue that
15 there may be a disadvantage to City
16 officials who want to run for statewide
17 or other offices other than their own.
18 I'm not suggesting that that is not a
19 disadvantage. It just seems to me as
20 well as to the Administration that when
21 you weigh the advantages on one side or
22 the other, the Administration comes down
23 in favor of having City officials stay in
24 their current position, and the
25 Administration believes that that better

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 serves the taxpayers than an additional
3 advantage that might be conferred by
4 allowing a current City officeholder to
5 run for other office.

6 COUNCILMAN GREENLEE: Okay.
7 There's been a lot of state and elected
8 officials -- state and federally elected
9 officials that have run for office,
10 obviously not having to resign, in
11 various mayoral races and other races.
12 Do you feel that those particular
13 individuals have not served in their
14 present position -- in the position they
15 were serving at that time fairly or they
16 were not serving the taxpayers?

17 MS. MARKMAN: Potentially, yes.
18 I think there's a much bigger distraction
19 by running for a different office while
20 you're currently serving in office than
21 you would have had you resigned from your
22 current office.

23 COUNCILMAN GREENLEE: I have to
24 say -- and you don't have to name
25 names -- give me examples of where some

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 of those people that you have evidence
3 did not serve their positions well.

4 MS. MARKMAN: I'm not
5 suggesting that I've got hard evidence.
6 I'm suggesting it's a plausible argument
7 and one the Administration supports, that
8 people who run for office that is not
9 their current office spend more time and
10 are more easily distracted. That's what
11 we believe.

12 COUNCILMAN GREENLEE: Okay. It
13 would just seem to me, though, that there
14 are instances, many instances, where
15 state officials did, and I would think if
16 it was a real problem, why isn't there
17 some evidence of that? In all fairness,
18 I have not heard of various other
19 officials, state and federal, that have
20 been accused or real evidence that they
21 have not paid attention also to their
22 duties that they were elected to, and
23 they're obviously paid by taxpayers too.

24 So I just throw that out there.
25 That seems to be to me one of the biggest

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 problems. You said it's a solution
3 looking for a problem. Well, tell me
4 where the problem is now with the state
5 officials.

6 MS. MARKMAN: I don't see that
7 there's a problem current -- I don't see
8 that it's a problem. It seems that there
9 are two competing policy considerations.
10 One, do you want your elected
11 officials -- or not just elected
12 officials, but people who work for the
13 taxpayers focusing their time, most of
14 their time and attention, on the job that
15 they are paid to do by the taxpayers.
16 And, you know, if you want that, is there
17 an advantage to be gained by distracting
18 them with an election for another office,
19 and are there advantages to be gained by
20 doing that in terms of representation in
21 the state or in some other place where
22 the elected -- the new office would be.
23 And it's a tradeoff, and the
24 Administration comes down on the side of
25 asking people who work for the City of

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Philadelphia to focus their attention on
3 the jobs that they are paid to do for the
4 citizens of Philadelphia while they hold
5 those jobs.

6 COUNCILMAN GREENLEE: Okay.

7 Thank you.

8 Councilman Goode and then
9 Councilman Green.

10 COUNCILMAN GOODE: Thank you,
11 Mr. Chairman.

12 Good morning, Ms. Markman.

13 MS. MARKMAN: Good morning.

14 COUNCILMAN GOODE: On a
15 personal note, as a matter of personal
16 perspective, my father texted me this
17 morning and said good morning and told me
18 where he was eating, I think at Bernie's,
19 56th and Market, when President Kennedy
20 was shot. I texted him back and said
21 good morning. Yeah, I'm sorry, I missed
22 the first half of the 1960s, joking with
23 him. I said it to say that I don't share
24 that moment with people historically of
25 what happened 50 years ago or 60 years

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2 ago. I don't know what was in the minds
3 of people who framed the Charter, but if
4 the Administration has given thought to
5 this, my simple question is, why did the
6 Charter framers allow sitting elected
7 officials to run for reelection?

8 MS. MARKMAN: To run for
9 reelection?

10 COUNCILMAN GOODE: To run for
11 reelection.

12 MS. MARKMAN: I assume that it
13 is because -- first of all, we have no
14 term limits, so that if you were not
15 allowed to run for reelection, I think it
16 would be four years and done, and my
17 guess is is that they saw some value in
18 continuity from having people who
19 maintain some current elected positions,
20 obviously not Mayor, but some current
21 elected positions be filled by the same
22 people from term to term, and if you
23 can't run for election, then that's not
24 possible.

25 COUNCILMAN GOODE: Well, aside

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 from the issue of term limits, couldn't
3 it also be the case -- and I can't go 60
4 years back to know -- that people take an
5 oath of office to serve out their term
6 and that they --

7 MS. MARKMAN: That could very
8 well be.

9 COUNCILMAN GOODE: -- should be
10 required to serve out their term?

11 MS. MARKMAN: It could very
12 well be.

13 COUNCILMAN GOODE: So isn't
14 that contradictory that certain people
15 are able to serve out their term with the
16 thought that they will continue to
17 actually do their jobs and other people
18 are not allowed to serve out their term,
19 even though they took an oath of office
20 to serve out their term?

21 MS. MARKMAN: Well, if the
22 framers -- that distinction existed 50 or
23 60 years ago as it exists today, so the
24 framers chose to break out this category
25 or this requirement that officeholders

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 who want to run for another office resign
3 to run. So obviously they saw a
4 distinction. I don't pretend to know
5 what the distinction was, but they saw a
6 distinction and --

7 COUNCILMAN GOODE: So do you
8 believe that they believed that the Mayor
9 and City Council and other municipal
10 elected officials were doing their jobs
11 while they were running for reelection?

12 MS. MARKMAN: I'm sorry. I
13 don't understand your question.

14 COUNCILMAN GOODE: Do you
15 believe that the Charter framers believed
16 that the Mayor and City Council and other
17 municipal elected officials were doing
18 their jobs while they were running for
19 reelection?

20 MS. MARKMAN: I assume so,
21 because that's the distinction that they
22 made in the Charter.

23 COUNCILMAN GOODE: Is it
24 possible for the Mayor and City Council
25 and other municipal elected officials to

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 do their job while they're running for
3 reelection?

4 MS. MARKMAN: While they are
5 running for reelection?

6 COUNCILMAN GOODE: Yes.

7 MS. MARKMAN: Yes.

8 COUNCILMAN GOODE: So what's
9 the difference between that and running
10 for another office?

11 MS. MARKMAN: Well, I would
12 suggest it perhaps depends on the office
13 that you're running for. If you're
14 running for a much bigger office, an
15 office that takes you out of the City, an
16 office that requires a lot more
17 fundraising, that you can much more
18 easily be distracted than if you are
19 running for reelection. And, again, it
20 is the framers who made that distinction,
21 and perhaps that is what they thought.

22 COUNCILMAN GOODE: Just to be
23 honest and blunt about it, it's a
24 political campaign for another office.
25 You're not serving in a separate office,

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 you're just running for that office, and
3 campaigns are run much differently 60
4 years later. A lot of campaigns,
5 particularly for higher office, which I'm
6 assuming that to some extent this bill is
7 about, are mostly media campaigns. So is
8 it really a threat that someone can't do
9 a job that they've already been doing for
10 at least three years or more and have a
11 separate campaign for another office?

12 MS. MARKMAN: I don't know if
13 the word "threat" is appropriate. It's
14 certainly a risk that this Administration
15 believes is not worth it.

16 COUNCILMAN GOODE: Do you
17 believe that political candidates,
18 particularly those who are elected
19 officials, actually run their own
20 campaigns?

21 MS. MARKMAN: Excuse me?

22 COUNCILMAN GOODE: Do you
23 believe that political candidates,
24 particularly those that are elected
25 officials, actually run their own

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 campaigns?

3 MS. MARKMAN: I certainly know
4 that they hire people to run campaigns,
5 but I also assume that officials who are
6 running for office are heavily involved
7 in those campaigns and in the decisions
8 that go into running those campaigns.

9 COUNCILMAN GOODE: Okay. Just,
10 lastly, particularly since we're talking
11 about municipal elected officials and we
12 have to deal with the issue of politics.
13 As the saying goes, all politics is
14 local. What issues do you believe are
15 actually different for any municipal
16 elected official who is serving in one
17 capacity and then running for another
18 office? Are municipal elected officials,
19 particularly the Mayor, members of
20 Council and some other positions, maybe
21 City Controller, are they already
22 concerned with their constituents' issues
23 and probably most likely are promoting
24 the same policy positions?

25 MS. MARKMAN: I'm sorry. I

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 don't understand your question.

3 COUNCILMAN GOODE: The question
4 is, to what extent is the same job if
5 your job is as a policy-maker to promote
6 the positions that you take within your
7 elected office and have a separate
8 campaign that promotes the same policy
9 positions? What's the difference?

10 MS. MARKMAN: I'm sorry. I
11 still don't understand the question.

12 COUNCILMAN GOODE: What
13 adjustments would an elected official
14 really have to make in terms of framing a
15 campaign in terms of their policy
16 positions?

17 MS. MARKMAN: I don't know that
18 it's -- if I understand your question, I
19 have two responses. First of all, I
20 don't think it's just a matter of
21 changing policy. I think it's a matter
22 of time and attention and, you know,
23 absence from your current job that could
24 be necessitated, particularly in the
25 instance of -- let me finish my answer.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Particularly in the instance of a
3 position for which the official would run
4 that is either larger than the district
5 or outside the City of Philadelphia or
6 something like that. So that's just
7 geography. It's time. It's that kind of
8 stuff.

9 As far as policy positions go,
10 I -- there may be different policy.
11 There may be more policy. There may be
12 different kinds of questions that the
13 elected official and would-be candidate
14 would have to get involved in and take
15 time to learn, again, depending on the
16 nature of the office other than
17 reelection to which that person is
18 running.

19 COUNCILMAN GOODE: But, once
20 again, for the record, you have no
21 specific examples of that?

22 MS. MARKMAN: No, I do not.

23 COUNCILMAN GOODE: Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilman.

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2 Councilman Green.

3 COUNCILMAN GREEN: Thank you,

4 Mr. Chairman.

5 Good morning.

6 MS. MARKMAN: Good morning.

7 COUNCILMAN GREEN: Councilman

8 Goode made, to me, a very good point,

9 which is we don't know the intent of the

10 framers of the Charter. Are you aware

11 that the Charter change passed and got

12 done with, in part, compromise and

13 support of the democratic machine that

14 ran the City in the 1950s?

15 MS. MARKMAN: No, I did not

16 know that.

17 COUNCILMAN GREEN: Okay. Is it

18 just as likely that the boss of the

19 democratic party at the time didn't want

20 people who are elected to City office to

21 become entrepreneurs or become -- to have

22 the ability to challenge State Senators,

23 State Reps, Congress people that the

24 party also put in place at that time? So

25 essentially if you wanted to run for an

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 office other than the one that the party
3 gave you back then, you would need the
4 permission essentially of the party to
5 make sure that the party supported you if
6 you wanted to move to a different office,
7 like Congress, like State Senate, et
8 cetera. Isn't that just as likely a
9 scenario?

10 MS. MARKMAN: I don't know if
11 that was a scenario or not.

12 COUNCILMAN GREEN: That's my
13 point, we don't know. And so to say that
14 the framers got it right without knowing
15 their intent or motivation, I think a lot
16 of what is in the Charter is there
17 because of compromises that maybe the
18 framers, many of whom were the reformers
19 in Philadelphia, didn't agree with at the
20 time, because they had to get it done.

21 MS. MARKMAN: That could very
22 well be. I mean, all this stuff,
23 everything that's written, every
24 ordinance, every chart I assume is the
25 result of politics. I mean, that's just

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 how it works. But the Administration's
3 point is it has worked.

4 COUNCILMAN GREEN: No. I
5 understand.

6 MS. MARKMAN: However it came
7 into being, it has worked. It has served
8 the citizens well. I do see the issues
9 that Councilman Oh raises. I'm not
10 suggesting that they're not real. I'm
11 not suggesting that they're not something
12 that are worth thinking about. It's just
13 it's not worth, in the Administration's
14 view, changing what has worked to solve
15 the issues that the Administration
16 doesn't see as perhaps as big issues as
17 Councilman Oh does.

18 COUNCILMAN GREEN: I'm sorry.
19 I'm a data-based sort of legislator. So
20 could you tell me what evidence we have
21 that it's worked? I mean, in terms of
22 empirical data or some -- I hear it's
23 worked, but that seems like subjective.
24 Objectively how can you say it's worked?

25 MS. MARKMAN: Well, how can we

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 say it's not worked?

3 COUNCILMAN GREEN: That's my
4 point. Thank you.

5 Those are all my questions for
6 now.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Any other questions for
10 Ms. Markman?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, thank you very much.

14 MS. MARKMAN: Thank you.

15 COUNCILMAN GREENLEE: Ms.

16 Marconi, why don't we call a couple
17 people up to a panel at the same time.

18 THE CLERK: Ellen Kaplan, Shane
19 Creamer.

20 COUNCILMAN GREENLEE: Thank
21 you. If you both come forward, please.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GREENLEE:

25 Ms. Kaplan, if you'd like to go first,

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 you can just state your name for the
3 record. As I was saying before the
4 hearing, we have your testimony. So if
5 you would like to summarize your
6 statements, I'd appreciate that.

7 Please, go forward.

8 MS. KAPLAN: Thank you,
9 Councilman Greenlee. I'm Ellen Mattleman
10 Kaplan. I'm Vice President and Policy
11 Director of the Committee of Seventy.
12 We're here today to support, although
13 somewhat reluctantly, amending the
14 Charter amendment that requires City
15 elected officials to resign for running
16 for another public office, and we're
17 doing this because we really believe that
18 Philadelphia needs more competitive
19 elections and we believe that eliminating
20 Resign to Run will have that effect.

21 It was mentioned before that
22 Resign to Run was defeated by the voters
23 in May of 2007. It's the only Charter
24 amendment to lose in the last 12 years
25 that I know of, and I believe that

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Councilmembers who vote for this and want
3 the voters to approve it have to make a
4 pretty strong case. But we think there
5 is a case to be made, and here's why:

6 We think that the current rule
7 really does preclude many qualified
8 candidates from running for other
9 offices, other public offices, not just
10 City offices but state and federal
11 offices as well, and this one-party town
12 already makes it especially hard for
13 republicans to win City office, except
14 for seats that are guaranteed for a
15 member of the minority party. And unless
16 a candidate is really convinced that he
17 or she is going to be a sure bet to win,
18 the risks of being unemployed and without
19 an income for months and sometimes for
20 longer than that are pretty steep.

21 A recent example of the
22 downside of Resign to Run just happened
23 in the 2011 mayoral election. No
24 democrat on this Council or any other
25 City elected official, for that matter,

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 democrat or republican, was willing to
3 leave their job to run against them, and
4 the upshot was that there was a virtual
5 unknown topping the GOP ticket and a
6 pretty uninspiring Council race because
7 there was no competition.

8 The Committee of Seventy really
9 does believe that competition brings out
10 the best in candidates, because they're
11 forced to talk about issues that they may
12 not have to talk about if an election is
13 a slam dunk, as it certainly was for the
14 Mayor's race in 2011. And in our point
15 of view, it is logical to believe that
16 voters will be more interested in an
17 election and the ideas will flow and
18 there'll be more public debate if there's
19 more competition in an election.

20 We also believe that citizens
21 want to keep the people they elect to
22 office and that Resign to Run has forced
23 candidates out prematurely, and that this
24 is problematic. We all know that when
25 Mayor Nutter resigned, he actually

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 resigned in 2006 to run for Mayor, 2007,
3 and the 4th District went for several
4 months before there was a special
5 election to replace him.

6 We still think that eliminating
7 Resign to Run as proposed by Councilman
8 Oh still requires a pretty big sacrifice,
9 because City elected officials could not
10 run for reelection, with two exceptions,
11 which I'll get to in a minute, and at the
12 same time run, let's say, for Mayor of
13 Philadelphia. And so we don't believe
14 that frivolous candidates are going to
15 throw their hat in the ring if Resign to
16 Run is eliminated. It's a pretty serious
17 decision, especially since, for example,
18 there are no term limits on
19 Councilmembers. So if you're making a
20 decision to run for Mayor, you fill out
21 your term, but you're not going to have
22 this job to come back to. So that's a
23 pretty serious decision that somebody
24 would have to make.

25 Thirdly, as was mentioned

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 before, City and non-City officeholders
3 would be on equal footing. Elected
4 officials who represent Philadelphia on
5 the federal and state level do not have
6 to resign to run. We saw that in 2007
7 when Congressmen Brady and Fattah didn't
8 have to resign. State Representative
9 Dwight Evans didn't have to resign
10 either, and they all had jobs to fall
11 back on when they lost that election.

12 As Councilman Green mentioned,
13 there were some policy reasons behind
14 Resign to Run when it was put into the
15 Charter in 1951, which I don't have to
16 remind you was 62 years ago. And just
17 parenthetically, I think it would be
18 fantastic if this City Council were to
19 spearhead a total revisiting of the City
20 Charter, because 62 years later there are
21 a lot of things in that Charter related
22 to technology and many other reasons that
23 simply are not true in 2013, and we've
24 discussed some of them in other hearings
25 of City Council.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 But the fear was that
3 Council -- excuse me; that elected
4 officials, if they were running for
5 another public office and didn't have to
6 resign, could intimidate or unduly
7 influence the people they supervise.
8 Well, given the political activity
9 rule/restrictions we have today and some
10 other City laws, I just don't think that
11 that's really valid in 2013. Do I think
12 you folks have -- let's say if you didn't
13 have to resign, you're serving out your
14 term, do I think you wouldn't be here
15 when you needed to be here? I'm sure
16 that you would. So I'm not concerned
17 about that either. Maybe if you were
18 campaigning for a federal office if it
19 was in the same election cycle, you might
20 have to be somewhere else, but I really
21 believe that this is mostly going to
22 affect City elected officials wanting to
23 run for another City office, mostly the
24 Mayor of Philadelphia.

25 Resign to Run provisions for

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 elected officials in other cities are
3 very rare. Pew did a survey in February
4 2011 of 12 cities, and only Dallas and
5 Phoenix have Resign to Run provisions.
6 Unlike Philadelphia, however, both cities
7 have term limits for Councilmembers, and
8 Phoenix actually exempts Councilmembers
9 from having to resign if they're in the
10 last year of their term.

11 We do have two concerns. One
12 is, we really appreciate how much work
13 Councilman Oh put into this and also
14 appreciate that it wouldn't go into
15 effect until January 2016. Given how
16 close we are to the election and the
17 Mayor's race frankly is already underway,
18 we think it would look -- it would
19 certainly be and be perceived to be
20 self-serving if this were to be amended
21 to be effective for 2015. And we also
22 think that having a later effective date
23 would allow time to close any potential
24 problems in the City finance law that
25 could crop up as a result of eliminating

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Resign to Run, and it's good that we have
3 Shane here today to talk about what some
4 of those could be.

5 Also, we do not favor any
6 amendment that would allow a City elected
7 official to run for reelection at the
8 same time he or she is running for
9 another public office. We're very aware
10 that there have been other situations
11 outside of Philadelphia. I think there
12 was a situation not all that long ago
13 maybe in Delaware County where somebody
14 was running for the State Legislature and
15 also for Delaware County Council or
16 Commission, whatever they call it there,
17 and really we think it's not fair to the
18 voters if somebody is running for an
19 office they may not end up actually
20 holding.

21 So in sum, we believe
22 eliminating Resign to Run will allow more
23 dedicated Philadelphians to run for
24 public office and enable all
25 Philadelphians to have real choices at

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 the polls. So we urge this committee's
3 support for eliminating Resign to Run.

4 Thanks so much.

5 COUNCILMAN GREENLEE: Thank
6 you, Ms. Kaplan.

7 Why don't we hear from
8 Mr. Creamer and then we'll have any
9 questions.

10 MR. CREAMER: Thank you,
11 Mr. Chairman, members of the Committee
12 and Councilman Oh. My name is Shane
13 Creamer. I'm the Executive Director of
14 the Philadelphia Board of Ethics. Thank
15 you for this opportunity to testify this
16 morning on behalf of the Board on Bill
17 No. 130701 and corresponding Resolution
18 No. 130715.

19 Resolution 130715 would amend
20 Section 10-107(5) of the Philadelphia
21 Home Rule Charter by allowing City
22 elected officials to run for a different
23 elective office without first resigning.
24 Charter Section 4-1100 provides the Board
25 with jurisdictions to administer and

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 enforce this Charter provision.

3 While the Ethics Board does not
4 have a position on the primary policy
5 change in this resolution, it does
6 believe that two components for the bill
7 are critical.

8 The first critical component,
9 as mentioned by Ellen, is the limitation
10 on running for no more than one public
11 office at a time. If this limitation
12 were removed, it would raise several
13 issues under the City's campaign finance
14 law, which the Board administers and
15 enforces. If City elected officials were
16 allowed to simultaneously run for two
17 offices, it would increase the potential
18 for violations of what is called the
19 single committee rule in our campaign
20 finance law. That rule requires City
21 candidates to use only one political
22 committee and one checking account to
23 receive contributions and to make
24 expenditures to influence a covered
25 election. Under that rule, candidates

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 simultaneously running for two offices
3 would have to establish separate
4 committees and checking accounts for each
5 race and would have to ensure that money
6 from each committee is used only to
7 influence the particular race that
8 committee was established for and not the
9 second race in which the official is also
10 a candidate.

11 Second, the Pennsylvania
12 Election Code would require the same
13 person to serve as treasurer for both
14 committees. So one person would be
15 responsible for making expenditures and
16 disclosures for two campaigns for one
17 elected official, thereby increasing the
18 potential for cross-expenditures that
19 might violate the single committee rule
20 and disclosure errors.

21 Third, with two committees
22 campaigning concurrently, an individual
23 or PAC could make maximum contributions
24 to each race, thereby doubling the amount
25 of money they could otherwise give to a

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 single candidate. This would tend to
3 undermine the purpose of contribution
4 limits, which is to limit the influence
5 of large donors.

6 Multiple contributions to the
7 same person could also raise problems for
8 donors seeking City contracts or
9 financial assistance under the City's
10 contracting law. That's Chapter 17-1400.
11 Because those contributions to a single
12 individual running for two City offices
13 may be subject to aggregation under that
14 law, which might subject the donor to a
15 bar on City contracts or financial
16 assistance during that official's term of
17 office.

18 Allowing an elected official to
19 simultaneously run for two offices would
20 also heighten a concern identified in the
21 annotation to Charter Section 10-107(5),
22 which explains that the Resign to Run
23 provision is required because an elected
24 official, quote, "may neglect his
25 official duties in the interest of his

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 candidacy," close quote. An elected
3 official simultaneously running for two
4 different offices might be more
5 distracted from his or her official
6 duties when compared to an elected
7 official running for a single office,
8 whether it is for reelection or election
9 to a different office.

10 The second critical component
11 of Resolution 130715, also mentioned by
12 Ellen, is the January 1st, 2016 effective
13 date. This means that the amendment to
14 the Charter, if approved, would not apply
15 in the next municipal election in 2015
16 when the Mayor's race will be an open
17 seat. The 2016 effective date,
18 therefore, tends to undercut the
19 potential for cynicism that the change is
20 being advanced to favor a particular
21 elected official or officials, because
22 they would still have to resign to run
23 for a different City elective office in
24 2015.

25 That concludes my testimony.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 I'd be happy to answer any questions.

3 Thank you.

4 COUNCILMAN GREENLEE: Thank
5 you. Just one question, just procedural,
6 Mr. Creamer. Are your comments of the
7 Board or of the staff?

8 MR. CREAMER: These remarks are
9 sanctioned by the Board. They come
10 from -- I'm speaking on behalf of the
11 Board.

12 COUNCILMAN GREENLEE: So you're
13 speaking on behalf of the Board of
14 Ethics. Thank you.

15 Councilman Goode.

16 COUNCILMAN GOODE: Thank you,
17 Mr. Chairman.

18 Even though it was not
19 necessarily contained within either one
20 of your testimony, although you spoke on
21 it briefly, the Administration testified
22 about the last Charter change and the
23 fact that it failed, as if they could
24 read the voters minds. Do either one of
25 you, particularly Ms. Kaplan, have any

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 recollection of that Charter change?

3 MS. KAPLAN: I'm sorry. I just
4 want to say, I wear hearing aids and it's
5 very hard for me in this big room.

6 COUNCILMAN GOODE: Do you have
7 any recollection of the Charter change in
8 2007?

9 MS. KAPLAN: In 2007? Very
10 well.

11 COUNCILMAN GOODE: And the
12 campaign against the Charter amendment
13 was launched when?

14 MS. KAPLAN: We supported the
15 Charter amendment, so it wasn't launched
16 by us. The Committee of Seventy was in
17 support of it.

18 When was it launched? You
19 know, it's interesting, because I went
20 back to the articles from 2007 and I was
21 actually looking to see if there was any
22 organized opposition to the Charter
23 change, and I didn't really find it. I
24 know both the Inquirer and the Daily News
25 were opposed to it, but what they said,

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 as I remember, is that it would cause
3 grandstanding and dealmaking if current
4 elected officials were allowed to stay in
5 office and were running for Mayor.

6 COUNCILMAN GOODE: Essentially
7 what they said was, they didn't want
8 anyone to challenge their endorsed
9 candidate who they wanted to win the
10 primary in 2011.

11 You can respond to that, if
12 you'd like. That's what they said in the
13 editorials. The only opposition to the
14 Charter change came from the editorial
15 boards, who had already picked a
16 candidate and then launched a campaign
17 against the Charter amendment,
18 essentially saying we want people to come
19 out and vote for this candidate and we
20 don't want that candidate challenged in
21 2011 from someone in City Council.

22 MS. KAPLAN: I'll go back and
23 look at that. Again, I understand their
24 concern and obviously the voters did as
25 well, but, again, the Committee of

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 Seventy did support the Charter change
3 and we'll do so again.

4 COUNCILMAN GOODE: But I'm just
5 trying to for the record not even just
6 make that assertion, although I've
7 already made it, but beyond that, suggest
8 that there was no organized effort.

9 There weren't community groups organizing
10 against the Charter amendment. The only
11 opposition that you said you could find
12 were the editorial boards, and they made
13 it very clear that they didn't want
14 candidates coming out of City Council in
15 2011. You can go back and read it.

16 That's pretty much what it said.

17 MS. KAPLAN: Well, that's not
18 the way we feel.

19 COUNCILMAN GOODE: I agree with
20 about 100 percent of what both of you
21 said, but the reason why this was not
22 changed then was for the same cynical
23 reasons of why we need to do it the right
24 way this time.

25 MS. KAPLAN: Well, I believe

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 that the editorial boards obviously
3 votes -- we'll have to talk to them, and
4 maybe Councilman Oh already has. Perhaps
5 their position would be different if the
6 Charter amendment is put before them now
7 six and a half years later, but I believe
8 if the bill is altered to impact the 2015
9 race, I believe that they will be --

10 COUNCILMAN GOODE: People
11 shouldn't get the chance to make a policy
12 decision based upon whether they want
13 competition, whether they don't want
14 competition in 2011 but now they don't
15 want competition in 2015. They shouldn't
16 be able to decide when they want
17 competition. I'm just putting that on
18 the record.

19 Thank you.

20 MR. CREAMER: Councilman Goode,
21 I'd just like to point out the Ethics
22 Board took no position back in 2007 on
23 that Charter change. We were still
24 trying to figure out how to get pencils
25 and notepads back then.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 COUNCILMAN GREENLEE:

3 Mr. Creamer, just one question for you,
4 similar to what I asked Ms. Markman.
5 Towards the end of your written
6 testimony, you talk about the concern
7 that an elected official may neglect
8 official duties, and I guess my question
9 is kind of similar, if this was discussed
10 before the Board. Obviously we've been
11 talking about state and federal officials
12 do not have to resign. Any particular
13 concern or evidence that any of those
14 individuals when they ran neglected their
15 duties?

16 MR. CREAMER: I'm not aware of
17 any. I haven't studied this issue in
18 terms of or seen any studies documenting
19 levels of distraction. I just note that
20 I mention it because the distraction
21 concern is raised in the annotations to
22 the Charter, so it was one of two
23 concerns that the framers had, and I do
24 think that even without empirical data,
25 one could say -- could easily conclude

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 that running for two offices
3 simultaneously would offer a higher level
4 of distraction compared to running for a
5 single office, whether that is reelection
6 or another office. And I think the
7 distinction between distraction running
8 for reelection versus another office,
9 unless you're running for President of
10 the United States and also for reelection
11 in City Council, I don't think that the
12 level of distraction would be different
13 even if you're running for a --
14 significantly different if you're running
15 for a different office than you're
16 holding currently.

17 COUNCILMAN GREENLEE: Okay.

18 MS. KAPLAN: And, Councilman,
19 there were studies that were done of
20 voting records of people who have run for
21 President of the United States, McCain
22 and Ryan, and it is true that their
23 voting records -- they voted on fewer
24 matters when they were running for
25 President of the United States. But

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 personally I think it's a very different
3 situation --

4 COUNCILMAN GREENLEE: I was
5 going to say that.

6 MS. KAPLAN: -- if somebody is
7 running in the City of Philadelphia, and
8 I really believe that actually a
9 candidate's profile would be much
10 increased if he or she did their job and
11 did it very, very well and certainly
12 would be noted if they were not present
13 for votes or doing their regular jobs.

14 COUNCILMAN GREENLEE: Just as a
15 practical matter, obviously if you're a
16 City Council person, for example, you're
17 here in Philadelphia. Obviously if
18 you're a state official or a federal
19 official, you're supposed to be at least
20 sometimes in Harrisburg and Washington.
21 So I think that the possibility of not
22 being present in your job is even less, I
23 would think, with a City official than it
24 would be with a state or federal
25 official, who now do not have to resign.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 MR. CREAMER: I think there's
3 more overlap for a City official who is
4 running for even a different City
5 position with their current job and the
6 running for the different office compared
7 to what you just mentioned.

8 COUNCILMAN GREENLEE: Okay.
9 Thank you.

10 Any other questions?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, thank you both very much. Thank
14 you for your time.

15 We do have written testimony in
16 support of this bill and resolution from
17 the League of Women Voters. I believe
18 Councilman -- Mr. Sanchez, you would like
19 to testify?

20 MR. SANCHEZ: Yes.

21 COUNCILMAN GREENLEE: While
22 you're coming up, Councilman Oh, I think
23 there's some other written testimony you
24 just want to refer to and it will be made
25 part of the record.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 COUNCILMAN OH: Yes. For the
3 record, I have the written testimony --

4 COUNCILMAN GREENLEE: Hold on
5 one second, Councilman.

6 Okay. Go ahead.

7 COUNCILMAN OH: Thank you. For
8 the record, I have the written testimony
9 of David Thornburgh, Executive Director
10 of the Fels Institute of Government,
11 University of Pennsylvania, in favor of
12 the amendment to Resign to Run. I also
13 have the written testimony of Rachel
14 Lawton, President of the League of Women
15 Voters of Philadelphia, again in favor of
16 amending Resign to Run.

17 Thank you very much.

18 COUNCILMAN GREENLEE: Thank
19 you, Councilman. And, again, they will
20 be made part of the record. Thank you.

21 Mr. Sanchez, please identify
22 yourself for the record.

23 MR. SANCHEZ: Good morning,
24 everyone. My name is Tomas Sanchez and I
25 am Chairman of LEAD, the Latino

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 Empowerment Alliance of Delaware Valley.
3 LEAD was formed in 2008 to promote the
4 social and political advancement of the
5 Latino community in the Delaware Valley.
6 I'm here this morning to speak in favor
7 of City Council Resolution No. 130715.

8 LEAD believes that this
9 legislation will benefit the City of
10 Philadelphia and the Delaware Valley by
11 allowing the City's most experienced
12 political leaders the municipal policy,
13 its currently elected officials, the
14 opportunity to play a leading role in the
15 public discourse of ideas.

16 Election campaigns are not just
17 about winning. They are also an
18 opportunity to discuss public policy and
19 to bring certain issues to light and to
20 delve into the impact of these problems
21 and seek solutions.

22 The marketplace of ideas in a
23 democracy is most often on display during
24 election campaigns, but the current
25 Resign to Run policy acts as a detriment

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 to this basic democratic principle by
3 sidelining our most experienced municipal
4 political leaders. The problems that
5 cities face -- and not just cities like
6 Philadelphia, Pittsburgh, and Allentown,
7 but also smaller cities like Chester,
8 Reading, and Hazelton -- are distinct
9 from the issues faced by the rest of
10 rural or suburban Pennsylvania. These
11 issues are best understood by the
12 political leaders that confront these
13 problems on a daily basis, and that is
14 the City's municipal elected officials.

15 The City's Charter restriction,
16 while having the worthwhile goal of
17 ensuring that elected officials spend
18 their time on the job that they're
19 elected to perform, acts as an impediment
20 to the City's ability to best promote its
21 public policy positions in other levels
22 of government that directly impact the
23 sustainability of Pennsylvania cities.

24 Because of the issues that are
25 under their direct jurisdiction, the

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 mindset of a state elected official or a
3 federal elected official while perhaps
4 still a resident of Philadelphia is often
5 different than that of the municipal
6 elected official, and that difference
7 affects their campaign priorities and
8 platform. LEAD believes that since urban
9 policy is greatly impacted by state and
10 federal policy, that the City of
11 Philadelphia has the duty to try to
12 influence these policies at the point
13 where the most people are paying
14 attention to these issues, and that is
15 during election campaigns.

16 Under current regulations, that
17 cannot happen, and as a result, the City
18 of Philadelphia loses one of its best
19 opportunity to sway public opinion in
20 favor of its public policy position.

21 Along the same vein is the
22 issue of diversity of opinion that is
23 often formed by experiences based on
24 racial, ethnic, gender, religious or
25 sexual orientation affiliations. These

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 affiliations often impact our
3 perspectives and, therefore, impact our
4 politics. The City of Philadelphia is
5 the most diverse city in Pennsylvania.
6 In City government alone, we have women
7 elected officials, African American
8 elected officials, Asian, Latino, Muslim,
9 Jewish, Italian, and Irish elected
10 officials. This diversity of people's
11 backgrounds of opinions and perspectives
12 are a strength for the City that plays
13 out on many different levels every day.
14 Unfortunately, that is not true
15 throughout the State of Pennsylvania
16 where diversity is the exception, not the
17 norm.

18 However, by adopting this
19 legislation, we can help bring the
20 benefits of diversity to the marketplace
21 of democratic ideas and promote policies
22 which benefit the City of Philadelphia.
23 LEAD, therefore, urges City Council to
24 adopt Resolution No. 130715.

25 Thank you for giving me the

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 opportunity to present this testimony and
3 for your attention to this matter.

4 COUNCILMAN GREENLEE: Thank
5 you, sir. I appreciate your time.

6 MR. SANCHEZ: This particular
7 testimony was shaped more in terms of
8 City officials running for state or
9 federal offices. Most of the discussion
10 this morning was about City officials
11 perhaps running for Mayor or other --

12 COUNCILMAN GREENLEE: I wonder
13 why.

14 MR. SANCHEZ: -- City offices.
15 But I think it's important for you to
16 consider the fact that now you can run
17 for, my understanding, and correct me if
18 I'm wrong, that you could run for
19 Congress, for example and still remain a
20 City --

21 COUNCILMAN GREENLEE: You mean
22 if this passes?

23 MR. SANCHEZ: Yes.

24 COUNCILMAN GREENLEE: Yes.
25 It's not limiting to the City, yeah.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 MR. SANCHEZ: Okay.

3 COUNCILMAN GREENLEE: Okay.

4 Any questions or comments?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing

7 none, thank you. Thank you very much.

8 Is there anyone else here to

9 testify on this bill and resolution?

10 (No response.)

11 COUNCILMAN GREENLEE: Seeing

12 none, Councilman Oh, did you want to add

13 something?

14 COUNCILMAN OH: Yes, but I'd

15 like to check with your expertise first.

16 COUNCILMAN GREENLEE: That

17 could be dangerous, but okay.

18 (Pause.)

19 COUNCILMAN GREENLEE: We're

20 just working out some little

21 administrative technical issues here.

22 Councilman Oh, before we go

23 into the public meeting, I know there's

24 amendments that will be offered to the

25 resolution at the public meeting. Could

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 you just explain them a little bit for
3 us, please.

4 COUNCILMAN OH: Yes. In
5 reviewing the State of Arizona, State of
6 Florida, State of Georgia, State of
7 Hawaii, State of Texas, which are the
8 only five states that have restrictive
9 Resign to Run, all of them far less
10 stringent than ours. In fact, in any of
11 them, you can run for two offices, but
12 you have to make a choice -- well,
13 actually, you can't run for concurrent
14 offices. So our Resign to Run is the
15 most stringent.

16 My amendment makes it clear, as
17 had been in the past constitutional
18 decisions made in courts in Florida as
19 well as in Arizona defining the issue of
20 what is it to run, all of them coming
21 down on the side that the running is the
22 actual filing of nomination --

23 COUNCILMAN GREENLEE: Placing
24 your name on the ballot.

25 COUNCILMAN OH: Right. So what

1 11/22/13 - LAW & GOV. - BILL 130002, etc.
2 my bill amendment clarifies is that in
3 the year that you are running for
4 reelection, your name cannot appear on
5 the ballot more than one time.

6 COUNCILMAN GREENLEE: Okay.
7 Thank you. Does the Committee has any
8 questions about that? We understand
9 that?

10 (No response.)

11 COUNCILMAN GREENLEE: All
12 right.

13 We're back at it. Just to
14 conclude the public hearing, once again,
15 let me state for the record that at the
16 request of the sponsor, Bill No. 130002
17 and Resolution 130023 will be held to the
18 call of the Chair.

19 No other testimony on the bills
20 and resolutions that we've heard
21 testimony on, that will conclude the
22 public hearing.

23 We will now go into the public
24 meeting, and the Chair recognizes
25 Councilman Goode regarding an amendment

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 to Bill No. 130687.

3 COUNCILMAN GOODE: Thank you,
4 Mr. Chairman. I move that the amendment
5 to Bill No. 130687 be approved.

6 (Duly seconded.)

7 COUNCILMAN GREENLEE: It's been
8 moved and seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN GREENLEE: Opposed?

12 (No response.)

13 COUNCILMAN GREENLEE: Hearing
14 none, the bill is amended.

15 Councilman Goode.

16 COUNCILMAN GOODE: Thank you,
17 Mr. Chairman. I move that Bill No.
18 130687, as amended, be reported out of
19 this committee with a favorable
20 recommendation, that the rules of Council
21 be suspended so as to permit first
22 reading at our next Council session.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: It's been
25 moved and properly seconded.

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 All in favor?

3 (Aye.)

4 COUNCILMAN GREENLEE: Opposed?

5 (No response.)

6 COUNCILMAN GREENLEE: Hearing

7 none, Bill No. 130687, as amended,

8 reported out of this committee favorably

9 with a rules suspension.

10 Councilman Goode, Bill No.

11 130701.

12 COUNCILMAN GOODE: Thank you,

13 Mr. Chairman. I move that Bill No.

14 130701 be reported out of this committee

15 with a favorable recommendation, that the

16 rules of Council be suspended so as to

17 permit first reading at our next Council

18 session.

19 (Duly seconded.)

20 COUNCILMAN GREENLEE: It's been

21 moved and seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN GREENLEE: Opposed?

25 (No response.)

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 COUNCILMAN GREENLEE: Hearing
3 none, Bill No. 130701 reported out of
4 this committee favorably with a rules
5 suspension.

6 Councilman Goode.

7 COUNCILMAN GOODE: I move that
8 Resolution 130715 be amended.

9 (Duly seconded.)

10 COUNCILMAN GREENLEE: It's been
11 moved and seconded that the amendment
12 which has been distributed to the
13 Committee be approved.

14 All in favor?

15 (Aye.)

16 COUNCILMAN GREENLEE: Opposed?

17 (No response.)

18 COUNCILMAN GREENLEE: Hearing
19 none, the resolution is amended.

20 Councilman Goode.

21 COUNCILMAN GOODE: I move that
22 Bill No. 130715, as amended, be reported
23 out of this committee with a favorable
24 recommendation.

25 (Duly seconded.)

1 11/22/13 - LAW & GOV. - BILL 130002, etc.

2 COUNCILMAN GREENLEE: It's been
3 moved and seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN GREENLEE: Opposed?

7 (No response.)

8 COUNCILMAN GREENLEE: Hearing
9 none, Resolution No. 130715, as amended,
10 is reported out of this committee with a
11 favorable recommendation.

12 There being no further business
13 before this committee, that concludes our
14 proceedings for this morning.

15 Thank you all very much for
16 your participation.

17 (Committee on Law and
18 Government concluded at 11:35 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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