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SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 1

SENATE

TUESDAY, January 4, 1994

This being the day and hour fixed by the Constitution for the convening of the 178th Regular Session of the General Assembly, the Senate will come to order.

The PRESIDENT (Lieutenant Governor Mark S. Singel) called the Senate to order at 12:00 m. Eastern Standard Time.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Today, Heavenly Father, we pray for all in our great land whom You have called to positions of leadership and responsibility. We ask that You would send a special blessing upon this new Session of the Senate and the Members thereof. Keep them ever conscious that they are not only the servants of men but also servants of a just and righteous God. Guard and guide them, in that their labors and deliberations will prosper our Commonwealth and bring honor and glory to Your great name. Amen.

The PRESIDENT. The Chair thanks the Chaplain.

ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDENT. The next order of business will be the election of a President pro tempore, as required by Article II, Section 9, of the Constitution of the Commonwealth of Pennsylvania. This requires, in part, that "The Senate shall, at the beginning and close of each regular session...elect one of its members President pro tempore...."

Before taking up the nominations for the office of President pro tempore, the Chair would suggest, if there is no objection, in the event that there is only one candidate, that we dispense with the calling of the roll and ask for a voice vote on the nomination, if that is, in fact, the case. That certainly remains to be seen. The Chair hears no objection to that.

At this time, the Chair will accept nominations for the office of President pro tempore.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, at this time it gives me great pleasure to nominate my good friend, the gentleman from Lackawanna, Senator Bob Mellow, to complete the 1993-94

Session as President pro tempore. One year ago, almost to the day, we convened a new Session with the election of Bob Mellow as President pro tempore of the Senate. It was my honor then, as it is today, to place his name in nomination for this important Senate post. And I remain as convinced today as I was a year ago that Bob Mellow is a person uniquely suited to lead this body. Yes, Mr. President, it has been a year of acrimony, of bitter and sometimes below-the-belt debate. Just recall the headlines or the lead stories on the 11 o'clock news during the past year and you will be reminded of some of our fights. But it has also been a year of unparalleled accomplishments. They may not have received the same sensational headlines, but they did occur and have been recorded. And it is a tribute to the leadership of Bob Mellow that this body has had great legislative successes despite all the adversity.

Mr. President, we have been an equally, or nearly equally, divided body during the first year of this Session. That physical fact alone should explain some of the strenuous debate that has echoed in this Chamber. But, Mr. President, this body has shown time and again an ability to rise above the acrimony and pass benchmark legislation with strong support on both sides of the aisle. This could not have been done without the careful orchestration of a forceful, bright, and energetic Senate President pro tempore.

Under Bob Mellow's tenure, we enacted workers' compensation reform, a measure to encourage a multi-billion dollar investment in our telecommunications network, judicial reform, child health care legislation, tougher penalties against stalkers, and a proposed bond issue to renovate our parks and other State facilities. Mr. President, these were all bipartisan issues that had surfaced in previous Sessions, but they were approved and enacted in this Session under our current leadership, with Bob Mellow in charge as President pro tempore.

It is ironic, Mr. President, that a Senate capable of so much debate could accomplish so much. Maybe democracy works best when opposing parties or interests are nearly equal in strength and issues have to be worked out in a spirit of compromise, when one side does not overwhelm the other. But it does require a joint leadership to arrive at such compromise. Otherwise, two parties of nearly equal strength could easily bog down into a state of gridlock. And I emphasize, Mr. President, that this body did not succumb to gridlock. Instead, it has been unusually productive.

The list of accomplishments continues to grow. We may have paved the way for eventual local tax reform with our recent approval of a regional tax in Allegheny County that will

replace or reduce certain nuisance taxes. This could be a model of tax reform in other areas of Pennsylvania. We will encourage more child care workers with the enactment of a bill to forgive part of their educational loans. And Pennsylvania has finally joined most other States in removing the onerous practice of placing liens on the homes of welfare recipients. We look forward this year to the passage of health care reform legislation, building on what we have done for child health care. And we also anticipate the passage of a no-tax-increase State budget that continues the innovation of last year to provide a better balance of State support for our poorer school districts.

Bob Mellow will steer us through this ambitious course, Mr. President. He is a man who has held leadership positions throughout much of his long career in the Senate, and his own legislative accomplishments have been impressive. Say the words, "Mellow window," and thousands of State and public school employees know exactly what they mean - a humane and creative way of cutting government payroll costs by providing incentives for older employees to retire.

Concern for the environment may be a predominant theme in the 1990s, but it was an important issue for Bob Mellow as long as 21 years ago. Since serving as the first chairman of the State Senate Committee on Environmental Resources and Energy in 1973, he has been instrumental in the enactment of laws to regulate waste disposal, clean up the State's water supplies, implement a trash recycling program, and cleanse the air we breathe. Bob Mellow has the energy, the foresight, and the administrative ability to continue serving this body as an efficient and compassionate President pro tempore.

Mr. President, it is, therefore, a distinct privilege for me to nominate my longtime friend, Robert J. Mellow, to serve as President pro tempore of the Senate of Pennsylvania.

The PRESIDENT. And the Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, I rise to second the nomination of the gentleman from Lackawanna, Senator Robert J. Mellow, to serve as President pro tempore of the Senate. I have personally known Senator Mellow since he arrived in the Senate in December of 1970, and to all the things that the gentleman from Fayette, Senator Lincoln, has already stated for the record, I can only also add my second, not to be redundant.

I would like to also point out, however, that one of the reasons that Bob Mellow fits so well into the post of President pro tempore is that he spent 29 years preparing for that post by refereeing football games throughout the Commonwealth. There is no question in my mind that he can continue to referee as a President pro tempore should in all of the issues that come before this Chamber, and, again, it is my pleasure to second his nomination.

The PRESIDENT. Are there others who wish to second at this point?

Are there any other nominations?

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, preliminarily, I would like

to note that we would ask for a continuing objection to the vote and participation by the gentleman from the Second Senatorial District. I would just like to note that on the record as we begin the Session here in 1994.

But I rise at this time to place in nomination the name of a very good friend of mine and a person who began his legislative service at the same time I did back in 1974, 20 years ago today, and a person who served in this Chamber as the President pro tempore of the Senate from December of 1984 through November of 1992, and that person is the gentleman from Blair, Senator Bob Jubelirer.

Bob Jubelirer, as a veteran of 20 years of this Senate, has served with distinction not only for the people of his district, not only for the Members of the Republican Caucus whom he served as the President pro tempore during that 8-year period, but also as the Majority Leader of our Caucus the 4 years prior to that, but he also served with distinction for all of the Members of the Senate during his years as President pro tempore from 1984 to 1992.

Mr. President, I rise at this time to submit Senator Jubelirer's name for the office of President pro tempore not so much in the spirit of confrontation but in the recognition that, in fact, there are important issues that we face in 1994. I believe it is the position of the Members on our side of the aisle that this Senate should be led by Republican leadership. We believe we have every right to claim that, and for that reason I believe, as do the Members of my Caucus, that Senator Bob Jubelirer should serve for 1994 as the President pro tempore of this Senate, and I am very proud to nominate him at this time.

Thank you, Mr. President.

The PRESIDENT. And the Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, it gives me great pleasure to rise and second the nomination that the gentleman from Allegheny, Senator Fisher, made for the gentleman from Blair, Senator Bob Jubelirer, to be President pro tempore. He served a long period of time as President pro tempore of the Senate. It was a very distinguished time, I think, for the Senate, and with great pleasure, I second the nomination.

The PRESIDENT. Are there others who wish to be heard? Are there any other seconds to that nomination?

NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations? The Chair hears none and declares the nominations closed.

The candidates for the office of President pro tempore are the gentleman from Lackawanna, Senator Mellow, and the gentleman from Blair, Senator Jubelirer.

If it is agreeable to the Members of the Senate, we will proceed with a voice vote in this regard.

All of those in favor of the nomination of the gentleman from Lackawanna, Senator Mellow, for the office of President pro tempore, indicate by saying, "aye."

(Ayes.)

The PRESIDENT. All those in favor of the nomination of the gentleman from Blair, Senator Jubelirer, for the office of President pro tempore, indicate by saying, "aye."

(Ayes.)

(A voice vote having been taken, a majority was determined to have voted for Senator Mellow.)

The PRESIDENT. In the humble opinion of the Chair, the gentleman from Lackawanna, Senator Mellow, has it, and he is officially declared the President pro tempore of the Senate of the Commonwealth of Pennsylvania.

(Applause.)

COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT TO THE ROSTRUM

The PRESIDENT. The Chair takes pleasure in naming a committee to escort the President pro tempore to the rostrum for some remarks.

They are: the gentleman from Indiana, Senator Stapleton; the gentleman from Luzerne, Senator Musto; and the gentleman from Philadelphia, Senator Fattah.

The Chair would invite one of the Republican Members to escort as well, the gentleman from Allegheny, Senator Fisher.

The committee will proceed to Senator Mellow's desk and escort him to the rostrum.

(Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.)

ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT

The PRESIDENT. At this time, the oath of office will be administered to the newly elected President pro tempore by the Honorable James R. Kelley, Judge of the Commonwealth Court of Pennsylvania.

Please rise.

Judge KELLEY. Mr. President, on behalf of my colleagues in the judiciary, I want to extend to you our heartfelt best wishes for the new year. We, with you and the other body, look forward in jointly serving along with the executive, our respective spheres in the branches. Of course, it is a personal pleasure, as always, for me to come and be with you, particularly on this occasion, with whom I have served, the gentleman from Lackawanna, Senator Robert J. Mellow.

Senator Mellow, are you of free mind and without mental reservation prepared to take the oath today as President pro tempore of the Senate?

Senator MELLOW. I am.

Judge KELLEY. Accordingly, would you please put your left hand on the Bible and raise your right hand and repeat after me:

I, Senator Robert J. Mellow, do solemnly swear I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and I will

discharge the duties of my office with fidelity.

Sworn. Congratulations.

(Applause.)

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Thank you very much, Judge Kelley.

I would like the indulgence of the Senate just to make a few brief remarks, but before I do that, I would like to once again thank Jim Kelley, who had the opportunity of serving so many years as a Member of the Pennsylvania Senate. I would also like to congratulate Lieutenant Governor Mark Singel, who for a 6-month period of time during 1993 was able to serve as Governor of Pennsylvania while Governor Casey was recuperating. I think Governor Singel, serving in that capacity, did an outstanding job not only in representing the 12 million people who live in Pennsylvania but in representing himself and showing what his interest is in some of the very important, key legislation which he had to deal with.

I would also like to congratulate Governor Casey. Right before I came here to the Chamber this afternoon, I received a phone call from Governor Casey. It was a call of congratulations, but, more importantly, it was a call to the Members of the Senate to say that he wished each and every Member of the Senate well for the year of 1994. He wanted us to know that he is feeling fine and that he is prepared to get involved in every bit of legislative agenda that we have and to hopefully bring about successful conclusions to many of the items that are of such great importance to each and every one of us.

I would like to thank my longtime friend, the gentleman from Fayette, Bill Lincoln, once again for his nomination of me as President pro tempore of the Senate. This is the third time that Senator Lincoln has bestowed such an honor on me, and the friendship that I have with Bill Lincoln transcends the Senate and goes way beyond that. He is a very trusted and loyal friend, and for me he is a member of the family.

I would also like to thank the gentleman from Lehigh, Senator Afferbach, for seconding the nomination, and very appropriately he talked about the fact that I do officiate football. I have had people ask me over the years, is that not very hazardous as a public official? And I said back to them, there is no hazard whatsoever involved in officiating football because where can you, as an elected official, satisfy 50 percent of the people all the time? And as long as you can satisfy half of the people who are there, you have basically accomplished something that is major.

You know, back in January of 1993, which is one year tomorrow, I had the opportunity of taking this oath of office. The Chamber was a little bit different then than it is today, and I do not mean the physical makeup of the Chamber, but we have one less Member with us today than we had with us then, and that, of course, is the late Senator Francis Lynch, who passed away on Memorial Day of 1993. I think Senator Lincoln really pointed out something appropriately when he

said that throughout the year of 1993 there was a lot of division that took place in this body. There was a lot of debate that many of us would consider to be low level, and in many, many cases, there was not a great deal of regard for our fellow Members of the Senate. And if there is one thing that we should learn from the lessons of 1993, it is how fragile life is, that we are here today and there is no guarantee that any of us will be here tomorrow, as evidenced by the fact that Senator Lynch is no longer with us.

But if you take what took place in the 1993 remarks that I made, I talked about a few things, and I am just going to amplify briefly on those. First, we talked about the fact that we had to bring about a reform to workers' compensation. And with the help of my very good friend, the gentleman from Bradford, Senator Madigan, we were able to bring about a reform in workers' compensation in Pennsylvania. And I did not realize when we did that last summer how important it really was until I had the opportunity of talking to people not only in Pennsylvania but also in other States when they say that we in Pennsylvania are now a model for workers' compensation reform throughout the United States, and I want to congratulate Senator Madigan and thank him for the great help that he gave us in doing that. But that is something that we talked about on January 5, 1993.

Another thing that we talked about on the agenda was to be able to pass a budget on time without a tax increase. And not only were we able to pass a budget on time but we passed it 6 weeks ahead of time without a tax increase, and it is a budget that met the needs of the people of Pennsylvania. It met those educational needs, it met the needs of the economy, and it met the needs of the environment.

And the one thing that I am probably as proud of as any, and I think each and every Member of this Senate should be, is the fact that we have now opened up this body to live television coverage, where people outside of this beautiful facility can see exactly what is taking place in the people's business. And I would like, if I can, for just a moment to point out to the Members the locations of where our cameras are going to be. If you look over here to my right, which would be to your left, you will see next to the light standard there is one location of a camera that will be there. If you look over here to the left of the gentleman from Blair, Senator Jubelirer, you will see the location of another permanent camera that will be installed. If you look at the front of the Chamber, you will see a hole in the wall right here and a hole over here, which will be the location of two additional cameras. And if you look in the back of the Chamber, where currently we do have a television camera above the clock, that will be the location of the fifth camera. It is my hope that in a very, very short period of time those cameras will be on location, that the engineering room that we have at the rear of the Senate will be in operation, and that we will be able to deliver to the people their business, because what we are doing here is not our business, it is not our office, it is their office and it is their business.

And finally for 1994, if you will, probably the most

important issue that we are going to be faced with is health care and health care reform and how we might be able to fashion some kind of a program that will meet the needs of all the people of Pennsylvania. The gentleman from Philadelphia, Senator Williams, during this past summer and the fall of 1993, traveled throughout the Commonwealth, with bipartisan support, if you will, dealing with and talking to a number of people, holding focus groups, getting input from people who have to give us input if we are going to be prepared to properly draft legislation with regard to health care. This morning Senator Williams had a news conference. In that news conference he talked about his health care agenda and how he would like not necessarily to see the legislation fashioned but how he would like to see the issue developed in Pennsylvania so that we can do something in 1994. And those of us standing here are committed to help him to make sure that in Pennsylvania by the end of the year of 1994, not one single resident of the 12 million people who live here will ever again have to worry about the fact that if they or their family members may have a health problem they will be denied health care in Pennsylvania.

The other thing that is so upsetting to me, and I read it in one of our statewide newspapers just yesterday, is what is happening with the safety on our streets and the violence of youth in our communities. I believe over the weekend it was pointed out that eight people have been murdered in the city of Philadelphia in some type of street and gang violence since the first of the year. These are issues that we must deal with. These are things that we can no longer tolerate. We must take our streets back and we must give our people a good, safe place in which they can live, in which they can work, and in which they can educate their children.

Finally, my good friends, the important issue of a budget, a timely budget. In 1993 we passed a budget in May. There is no reason why in 1994 we cannot pass the same type of budget in May, one that deals with the needs, that deals with education, that deals with the economy, that deals with the environment, and one that will certainly address the very timely and very important issue of a tax reduction for business, so that we can make Pennsylvania a better place for people to work and a better place for people to do their business and to encourage businesses to move into Pennsylvania. I am personally committed to these issues. I am committed to health care reform. I am committed to do whatever it takes to eliminate the violence on our streets and the violence within our youth, and I am committed to do whatever I can to bring about a timely budget, one that meets the needs of all the people of Pennsylvania and one that this year will bring a reduction in business taxes in Pennsylvania.

On behalf of myself, my staff, and my family, I would like to thank the Members of the Senate for giving me such an honor. I will do everything I can within the energies that I have to make sure that I do the job properly and not disappoint anyone. Again, thank you very much for the honor you have bestowed on me today.

Thank you.

(Applause.)

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Acting Governor:

SB 880, SB 1126, and SB 1193.

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 315, SB 570 and SB 860.

SENATE BILL RETURNED WITHOUT APPROVAL

The PRESIDENT laid before the Senate the following veto message from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been returned without approval:

SB 248, entitled:

An Act amending the act of December 20, 1982 (P. L. 1442, No. 327), entitled "State Capitol Preservation Act," enlarging the scope of the act; and further providing for the Capitol Restoration Trust Fund and operating expenses of the Capitol Preservation Committee.

The Clerk read the veto message as follows:

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

December 23, 1993

TO THE HONORABLE, THE SENATE
OF THE COMMONWEALTH OF PENNSYLVANIA

I am returning herewith, without my approval, Senate Bill 248, Printer's No. 1526, entitled "~~AN ACT making appropriations to the Trustees of the University of Pennsylvania.~~ AMENDING THE ACT OF DECEMBER 20, 1982 (P.L. 1442, No. 327), ENTITLED 'AN ACT PROVIDING FOR THE HISTORIC PRESERVATION OF THE STATE CAPITOL BUILDING, ESTABLISHING A CAPITOL PRESERVATION COMMITTEE AND ESTABLISHING THE CAPITOL RESTORATION TRUST FUND,' ENLARGING THE SCOPE OF THE ACT; AND FURTHER PROVIDING FOR THE CAPITOL RESTORATION TRUST FUND AND OPERATING EXPENSES OF THE CAPITOL PRESERVATION COMMITTEE."

This bill amends the State Capitol Preservation Act by including the restoration and renovation of the Capitol Annex as part of the purpose of the Capitol Restoration Trust Fund. It also purports to transfer any money appropriated but not expended by the Department of General Services for the restoration and renovation of the Capitol Annex, plus interest, to the Trust Fund.

The only funds which are currently designated for this purpose are for a capital project which was authorized for legislative use in Act 1992-188. While money is technically appropriated for the project, it is from the proceeds of a future bond sale. Bonds are only sold to fund projects as money is needed to pay bills incurred for the project. This is in part to restrict debt service payments but also to comply with federal arbitrage requirements which would penalize the Commonwealth if bond proceeds are not distributed for projects within six months of the bond sale. Failure to pay the penalties could jeopardize the tax exempt status all our capital bonds. Requirements of the Capital Facilities Fund also limit payment of bond proceeds from the Fund to when financial costs of capital projects are legally due and payable. Thus, while the bill expands the scope of the Capitol Preservation Act to include restoration of the Capitol Annex, it does not actually transfer any funds for that purpose since no bond proceeds have been allocated to the Department of General Services for this project.

Furthermore, the language in Senate Bill 248 is not sufficient to effectuate a transfer of the Capitol Annex project to the Capitol Preservation Committee since the bill does not expressly authorize the Capitol Preservation Committee to engage in a capital project for the renovation and conversion of the Capitol Annex and does not remove the project from the control of the Department of General Services.

Clearly, the General Assembly intends through this legislation to move forward with restoration of the historic Capitol Annex building. While I feel compelled to veto Senate Bill 248 for the reasons specified above, I do not object to the underlying purpose of the bill. Therefore, it is my intention to advance the Capitol Annex restoration. After consultation with leaders of the General Assembly, the Budget Office will develop a schedule for the release of the previously authorized capital project. Under this approach, the Department of General Services will manage construction activities and consult with the Capitol Preservation Committee throughout that process.

ROBERT P. CASEY
Governor

The PRESIDENT. The communication and bill will be laid on the table.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 704** and **SB 1237**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 683** and **SB 684**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HR 147**.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

December 15, 1993

HB 850 and 851 — Committee on Consumer Protection and Professional Licensure.

HB 1145 and 1244 — Committee on Local Government.

HB 1474 — Committee on Public Health and Welfare.

December 16, 1993

HB 1085 — Committee on Labor and Industry.

HB 1472 — Committee on Agriculture and Rural Affairs.

December 20, 1993

HB 398 — Committee on Education.

HB 672 — Committee on Agriculture and Rural Affairs.

HB 1836 — Committee on Environmental Resources and Energy.

HB 1934 — Committee on Community and Economic Development.

HB 1956 — Committee on Judiciary.

HB 1992 — Committee on Game and Fisheries.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

December 15, 1993

Senators BORTNER, SCHWARTZ, REIBMAN, DAWIDA, HECKLER, STOUT, BRIGHTBILL, O'PAKE and STINSON presented to the Chair **SB 1473**, entitled:

An Act providing for research and development of air emissions reduction technologies; adding to the powers and duties of the Pennsylvania Energy Office; establishing the Reduced Air Emissions Research and Development Grant Fund; and directing 20% of the revenues received from air emission permit fees into the fund.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, December 15, 1993.

Senators BORTNER and STINSON presented to the Chair **SB 1474**, entitled:

An Act authorizing counties to impose sales and use taxes; authorizing municipalities to impose personal income and municipal service taxes; authorizing school districts to impose taxes on

personal income; providing for the levying, assessment and collection of such taxes; and providing for the powers and duties of the Department of Community Affairs and the Department of Revenue.

Which was committed to the Committee on FINANCE, December 15, 1993.

Senators BORTNER, SHUMAKER, STINSON, SCHWARTZ, REIBMAN and AFFLERBACH presented to the Chair **SB 1475**, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), entitled "The Dental Law," requiring completion of approved continuing education programs for renewal of dental licenses.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 15, 1993.

Senators LAVALLE, WILLIAMS, STAPLETON, MUSTO, BELAN, O'PAKE, BODACK, BELL, STINSON, LOEPER, HART, AFFLERBACH and ROBBINS presented to the Chair **SB 1476**, entitled:

An Act directing the Department of Transportation to delay the implementation of a vehicle enhanced emissions inspection program.

Which was committed to the Committee on TRANSPORTATION, December 15, 1993.

Senators HART, CORMAN, GREENLEAF, HECKLER and BELL presented to the Chair **SB 1477**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, establishing criteria to be followed by the Legislative Reapportionment Commission in performing its duties.

Which was committed to the Committee on STATE GOVERNMENT, December 15, 1993.

Senator ANDREZESKI presented to the Chair **SB 1478**, entitled:

An Act establishing the academic sports league as a model demonstration project and technical support network; and making an appropriation.

Which was committed to the Committee on EDUCATION, December 15, 1993.

Senators FISHER, ARMSTRONG, TILGHMAN and HECKLER presented to the Chair **SB 1479**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for the powers and duties of the board; establishing and providing for the powers and duties of the Pennsylvania Liquor Authority and the Pennsylvania Liquor System Divestiture Commission; providing for the privatization of the wholesale and retail liquor and wine system; and making repeals.

Which was committed to the Committee on LAW AND JUSTICE, December 15, 1993.

Senators HELFRICK, BRIGHTBILL, RHOADES and HART presented to the Chair **SB 1480**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for the forfeiture of pension benefits for convictions of certain sexual offenses.

Which was committed to the Committee on EDUCATION, December 15, 1993.

December 16, 1993

Senator STAPLETON presented to the Chair **SB 1481**, entitled:

An Act designating a section of S. R. 8001, S. R. 0422 and S. R. 4005 in Indiana County as Jimmy Stewart Boulevard.

Which was committed to the Committee on TRANSPORTATION, December 16, 1993.

Senators RHOADES, REIBMAN, CORMAN, AFFLERBACH, HART, WENGER, SALVATORE and SHUMAKER presented to the Chair **SB 1482**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for alternate security for performance of contracts.

Which was committed to the Committee on STATE GOVERNMENT, December 16, 1993.

Senators RHOADES, REIBMAN, BRIGHTBILL, CORMAN, SALVATORE and GREENLEAF presented to the Chair **SB 1483**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a parent involvement program.

Which was committed to the Committee on EDUCATION, December 16, 1993.

Senators RHOADES and MOWERY presented to the Chair **SB 1484**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the filling of vacancies in the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, December 16, 1993.

Senators RHOADES, CORMAN, REIBMAN and HELFRICK presented to the Chair **SB 1485**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for collective bargaining by requiring binding arbitration for settlement of impasses and strikes.

Which was committed to the Committee on EDUCATION, December 16, 1993.

December 17, 1993

Senators SALVATORE and GREENLEAF presented to the Chair **SB 1486**, entitled:

An Act specifying the grounds for termination of mobile cellular telecommunications service; providing for procedures;

limiting remedies; and providing for enforcement.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, December 17, 1993.

Senators FISHER and HART presented to the Chair **SB 1487**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law," limiting the rate of increase in the assessed value of certain property.

Which was committed to the Committee on FINANCE, December 17, 1993.

Senators CORMAN, HECKLER and HART presented to the Chair **SB 1488**, entitled:

An Act providing for the establishment and regulation of individual and employer-provided medical care savings accounts.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 17, 1993.

Senators GREENLEAF, BELAN, DAWIDA and STINSON presented to the Chair **SB 1489**, entitled:

An Act providing for grants by the Secretary of Community Affairs to promote social services for Pennsylvania's ethnic and multicultural communities and to insure that ethnic groups are not discriminated against or prohibited from receiving services because of language barriers, cultural obstacles, lack of education or lack of accessibility to government-related or public social programs; and making an appropriation.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, December 17, 1993.

December 20, 1993

Senator WILLIAMS presented to the Chair **SB 1490**, entitled:

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), entitled "Municipal Police Education and Training Law," providing for training of police officers hired by first class city housing authorities; and making a repeal.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, December 20, 1993.

Senator WILLIAMS presented to the Chair **SB 1491**, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), entitled, as amended, "Housing Authorities Law," further providing for the security officers of housing authorities by increasing their jurisdiction and by subjecting them to collective bargaining laws.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, December 20, 1993.

December 21, 1993

Senators FATTAH, SCHWARTZ, STINSON and JONES presented to the Chair **SB 1492**, entitled:

An Act amending the act of April 21, 1949 (P. L. 665, No. 155), entitled "First Class City Home Rule Act," providing for assault weapons; and making a repeal.

Which was committed to the Committee on JUDICIARY, December 21, 1993.

Senators FATTAH, SCHWARTZ, STINSON and JONES presented to the Chair SB 1493, entitled:

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), entitled "Second Class City Law," providing for assault weapons; and making a repeal.

Which was committed to the Committee on JUDICIARY, December 21, 1993.

December 22, 1993

Senator DAWIDA presented to the Chair SB 1494, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the abatement of and for other remedies relating to criminal street gang-related nuisances.

Which was committed to the Committee on JUDICIARY, December 22, 1993.

Senator DAWIDA presented to the Chair SB 1495, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of participating in criminal street gang activity; prohibiting the possession of firearms by persons found to be delinquent; providing for the confiscation of firearms and ammunition used in criminal gang activity and for the offense of supplying or selling of firearms used in criminal street gang activity; prohibiting the possession by or the sale of a handgun to any person under 18 years of age; and providing exceptions.

Which was committed to the Committee on JUDICIARY, December 22, 1993.

December 29, 1993

Senators GREENLEAF, BRIGHTBILL, CORMAN, FISHER, HECKLER, HELFRICK, MOWERY and TILGHMAN presented to the Chair SB 1496, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for qualifications of election officers and for applications for official absentee ballots; providing for mailing and handling of absentee ballot applications and ballots; and further providing for canvassing official absentee ballots and for violations of provisions relating to absentee ballots.

Which was committed to the Committee on STATE GOVERNMENT, December 29, 1993.

Senators GREENLEAF, BELL, FISHER, HART, HELFRICK and TILGHMAN presented to the Chair SB 1497, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a tax amnesia program.

Which was committed to the Committee on FINANCE, December 29, 1993.

Senators GREENLEAF, O'PAKE and AFFLERBACH presented to the Chair SB 1498, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for customary charge for treatment.

Which was committed to the Committee on BANKING AND INSURANCE, December 29, 1993.

Senators GREENLEAF and HECKLER presented to the Chair SB 1499, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for method of selection of arbitrators, for final best-offer arbitration, for strikes, for lockouts and for agreement and enforcement.

Which was committed to the Committee on EDUCATION, December 29, 1993.

Senators PUNT, BAKER, HELFRICK, CORMAN, BRIGHTBILL, TILGHMAN, WENGER and HECKLER presented to the Chair SB 1500, entitled:

An Act repealing the act of August 15, 1961 (P. L. 987, No. 442), entitled "Pennsylvania Prevailing Wage Act".

Which was committed to the Committee on LABOR AND INDUSTRY, December 29, 1993.

January 3, 1994

Senators FISHER, BRIGHTBILL, CORMAN, AFFLERBACH and WENGER presented to the Chair SB 1501, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for affidavits of candidates.

Which was committed to the Committee on STATE GOVERNMENT, January 3, 1994.

RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled, and referred as follows, which were read by the Clerk:

December 17, 1993

DESIGNATING MAY 15, 1994, AS "POLICE OFFICERS MEMORIAL DAY"; AND RECOGNIZING THE WEEK OF MAY 15, 1994, AS "POLICE WEEK"

Senators GREENLEAF, AFFLERBACH, BAKER, BELAN, BRIGHTBILL, CORMAN, FISHER, FUMO, HART, HELFRICK, LaVALLE, O'PAKE, PECORA, PORTERFIELD, ROBBINS, SALVATORE, SCHWARTZ, SHAFFER, SHUMAKER, STINSON, TILGHMAN, WENGER, RHOADES, LEMMOND and BELL offered the following

resolution (**Senate Resolution No. 82**), which was read and referred to the Committee on State Government:

In the Senate, December 17, 1993

A RESOLUTION

Designating May 15, 1994, as "Police Officers Memorial Day"; and recognizing the week of May 15, 1994, as "Police Week."

WHEREAS, May 15 is recognized nationally each year as "Police Officers Memorial Day"; and

WHEREAS, Communities across the nation set aside May 15 to pay tribute to the many police officers who have been killed or injured in the line of duty; and

WHEREAS, The police officers of this nation serve their communities with dedication and integrity every day of the year; and

WHEREAS, In recognition of the police officers who have been killed or injured in this Commonwealth, the Pennsylvania War Veterans' Memorial Fountain on the Capitol grounds will be illuminated in blue throughout the week of May 15, 1994; and

WHEREAS, The beauty of the fountain's flowing water and the backdrop of blue lighting will serve as a splendid tribute to Commonwealth police officers; therefore be it

RESOLVED, That the Senate designate May 15, 1994, as "Police Officers Memorial Day" and recognize the week of May 15, 1994, as "Police Week"; and be it further

RESOLVED, That on May 15, 1994, and throughout the week of May 15, all Pennsylvanians reflect on the contributions made to our communities by police officers and thank them for a job well done.

December 29, 1993

RECOGNIZING THE CONTRIBUTION OF THE AMUSEMENT INDUSTRY TO THE HISTORY AND ECONOMY OF PENNSYLVANIA; URGING THE COUNTY HISTORICAL SOCIETIES TO PRESERVE MATERIALS RELATING TO AMUSEMENT PARKS AND THE AMUSEMENT INDUSTRY; AND REQUESTING THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION TO PREPARE A BROCHURE RELATING TO HISTORIC CAROUSELS AND AMUSEMENT RIDES IN PENNSYLVANIA

Senators DAWIDA, JUBELIRER, STINSON, SALVATORE, GREENLEAF, AFFLERBACH, STAPLETON, HELFRICK, PORTERFIELD, O'PAKE, WENGER, MELLOW, HART, STOUT, FATTAH, SHUMAKER, SCANLON and BRIGHTBILL offered the following resolution (**Senate Resolution No. 83**), which was read and referred to the Committee on State Government:

In the Senate, December 29, 1993

A RESOLUTION

Recognizing the contribution of the amusement industry to the history and economy of Pennsylvania; urging the county historical societies to preserve materials relating to amuse-

ment parks and the amusement industry; and requesting the Pennsylvania Historical and Museum Commission to prepare a brochure relating to historic carousels and amusement rides in Pennsylvania.

WHEREAS, The year 1994 marks the 90th anniversary of the founding of the Philadelphia Toboggan Company by Henry B. Auchey and Chester E. Albright; and

WHEREAS, Some 75 hand-carved carousels were produced by the Philadelphia Toboggan Company between 1904 and 1936, many of which are still in existence throughout the United States; and

WHEREAS, The Philadelphia Toboggan Company designed and built over 100 wooden roller coasters and continues to manufacture rolling coaster cars and equipment used throughout the world; and

WHEREAS, Numerous other Commonwealth firms have produced amusement rides during the past century, including the Traver Engineering Company and the Chambers Manufacturing Company of Beaver Falls, the Ingersoll Construction Company of Pittsburgh and the Lusse Auto Scooter Company of Chalfont; and

WHEREAS, More than 200 local amusement parks have existed through this Commonwealth during the last century, many of which have since disappeared with little or no historical record; and

WHEREAS, The surviving amusement parks in this Commonwealth contain many examples of historic carousels and other historic amusement rides; and

WHEREAS, The year 1994 is the centennial of the construction of "Leap the Dips" at Lakemont Park in Altoona, which has been recognized by the American Coaster Enthusiasts as the oldest surviving roller coaster in the world; and

WHEREAS, An increase in public interest in traditional amusement parks represents a potential resource for tourism in this Commonwealth, bringing economic benefits to the citizens of this Commonwealth; therefore be it

RESOLVED, That the Senate recognize the year 1994, the centennial of the construction of the "Leap the Dips" scenic railway at Lakemont Park in Altoona and the 90th Anniversary of the Philadelphia Toboggan Company in Lansdale, as the "Year of the Amusement Industry" in this Commonwealth; and be it further

RESOLVED, That historical societies throughout this Commonwealth be urged to research and preserve information relating to amusement parks and industries in their respective areas; and be it further

RESOLVED, That the Pennsylvania Historical and Museum Commission be requested to prepare a brochure for public dissemination, listing the location of historic carousels and other amusement rides in this Commonwealth, with the cooperation of the Pennsylvania Amusement Park Association; and be it further

RESOLVED, That copies of this resolution be transmitted to the Philadelphia Toboggan Company, Lakemont Park and the Pennsylvania Amusement Park Association.

GENERAL COMMUNICATIONS

ANNUAL REPORT ON LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
 Department of Public Welfare
 P. O. Box 2675
 Harrisburg, PA 17105-2675

December 14, 1993

Mr. Gary E. Crowell, Chief Clerk
 Senate of Pennsylvania
 Harrisburg, Pennsylvania 17120

Dear Mr. Crowell:

In accordance with the Energy Conservation and Assistance Act, Act 1986-122, P.L. 1398, enclosed is the Annual Report on the Low Income Home Energy Assistance Program (LIHEAP) for the period July 1, 1992 to June 30, 1993.

If you have any questions about the report, please do not hesitate to call Ms. Reesa A. Motley-McMurtry, Director, Office of Federal and State Relations, at 783-2554.

Sincerely,

KAREN F. SNIDER,
 Secretary

The PRESIDENT. This report will be filed in the Library.

**ANNUAL REPORT OF THE STATE
 FOOD PURCHASE PROGRAM**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
 Department of Agriculture
 2301 North Cameron St.
 Harrisburg, PA 17110-9408

December 22, 1993

Mr. Mark R. Corrigan
 Secretary of the Senate
 462 Capitol Building
 Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

In accordance with the requirements of the General Appropriations Act of 1985, Act 5A (Senate Bill 652, Printer's No. 1281) and the legislative language of the 1992-93 State Budget, I provide to your office a report summarizing the activity under the State Food Purchase Program for the year ended June 30, 1993.

The program, authorized by the Legislature and administered by the Department's Bureau of Government Donated Food, provides cash grants to each of the state's 67 counties for the purchase of food for distribution to needy individuals on the county's weighted percentage of the state's total unemployment, Medical Assistance Recipients, non-cash grant Food Stamp Recipients, and households with earned income receiving assistance.

The report includes:

- Exhibit "A" Allocation and Expenditure of Funds
- Exhibit "B" Participation Report
- Exhibit "C" Variety, Pounds and Cost of Food Purchased

If you have any questions concerning this report or require additional information, please do not hesitate to contact me.

Sincerely,

BOYD E. WOLFF,
 Secretary

The PRESIDENT. This report will be filed in the Library.

RESIGNATION FROM STANDING COMMITTEE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

December 17, 1993

Honorable Robert J. Mellow
 President Pro Tempore
 Senate of Pennsylvania
 292 Main Capitol
 Harrisburg, Pennsylvania 17120

Dear Senator Mellow:

I resign from the Aging and Youth Committee.
 Thank you for your attention to this matter.

Sincerely,

J. WILLIAM LINCOLN
 State Senator

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

SB 704 and SB 1237.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LINCOLN offered the following resolution, which was read, considered, and adopted:

In the Senate, January 4, 1994

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 25, 1994 unless sooner recalled by the President of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, January 18, 1994, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of January 18, 1994, it reconvene on Monday, January 24, 1994, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

SENATE RESOLUTION

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I offer the following resolution and ask unanimous consent for it to be considered today, and I would like to have an opportunity to make a few remarks on it.

The PRESIDENT. Senator Jubelirer asks unanimous consent for the immediate consideration of a resolution. The Chair hears no objection.

The Clerk will read the resolution.

EXTENDING GRATITUDE TO ALBERT S. SPORIK FOR HIS SERVICE WITH THE SENATE

Senators JUBELIRER, LINCOLN and SHUMAKER offered the following resolution (**Senate Resolution No. 84**), which was read as follows:

In the Senate, January 4, 1994

A RESOLUTION

Extending gratitude to Albert S. Sporik for his service with the Senate.

WHEREAS, Albert S. Sporik is retiring as Reading Clerk of the Senate, effective January 4, 1994; and

WHEREAS, Albert S. Sporik was employed by the Senate in 1977 as a Security Officer and was appointed Reading Clerk in 1981; and

WHEREAS, Albert S. Sporik has served the Senate with loyalty, diligence and competence during the tenure as Reading Clerk; and

WHEREAS, Albert S. Sporik has maintained a cheerful, courteous, and professional demeanor during 12 years of Senate sessions, some of which were filled with rancor and confusion; therefore be it

RESOLVED, That the Senate extend its gratitude to Albert S. Sporik for his service with the Senate and extend its best wishes to him and his wife for a long and enjoyable life; and be it further

RESOLVED, That a copy of this resolution, sponsored by Senators Jubelirer, Lincoln and Shumaker, be forwarded to Albert S. Sporik.

The PRESIDENT. The Chair thanks the Clerk for reading that tribute.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 84, ADOPTED

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, before we vote on the resolution, I would just like to make a few comments, and I

suspect that Al Sporik might be in his office at this time and I hope he is listening.

Mr. President, we have been very fortunate, certainly over my service here in the last couple of decades, to have some outstanding people give of their time and of their lives to the Senate of Pennsylvania, and Al Sporik clearly is that kind of person, a public servant, if you will, in the truest sense of those words. Al has chosen to retire, and I at least want to put on the record my appreciation as a Member of the Senate, as a leader in the Senate, for his long, dedicated service to the members of the Senate and his courteous, cheerful manner in which he offered those services, always a calm voice, always a cheery smile. It did not matter if you were a Republican or Democrat, a Senator or a member of the staff, or just a member of the public, Al Sporik had a kind word for everyone.

And so, Mr. President, as we begin this year, 1994, I want to take the opportunity to not only wish Al Sporik and his family a very healthy and happy new year, I would also like to wish him a very happy and healthy retirement and good life, one he richly deserves. Those feelings, I am sure, are shared by every Member of the Senate who is here today and those who could not make it because of the weather.

I thank you, Mr. President, for the opportunity to put these remarks on the record.

And the question recurring,

Will the Senate adopt the resolution?

(A voice vote having been taken, the question was determined in the affirmative.)

The PRESIDENT. The resolution is adopted.

MOTION TO RECONSIDER SB 974

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I move that the vote by which Senate Bill No. 974 was nonconcurrent in be reconsidered.

The PRESIDENT. Senator Jubelirer moves that the vote by which Senate Bill No. 974 was nonconcurrent in be reconsidered.

Senator Jubelirer's motion to reconsider is noted and will be filed.

MOTION TO RECONSIDER SB 1190

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I move to reconsider the vote by which Senate Bill No. 1190 was referred to the Committee on Rules and Executive Nominations.

The PRESIDENT. Senator Jubelirer also moves that the vote by which Senate Bill No. 1190 was referred to the Committee on Rules and Executive Nominations be reconsidered.

The gentleman's motion is noted and it will be filed accordingly.

HOUSE MESSAGE**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess adjournment.

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Aloysius V. Marhefka and to the Allentown Central Catholic High School Football Team by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Edward H. Rutter, Mr. and Mrs. Norman H. Wenger, Dale E. Groff and to Robert H. Weaver by Senator Armstrong.

Congratulations of the Senate were extended to James Rattie, Ryan Taylor, William J. Scott III, Eric Ditter, Erle Smith, Dexter A. Massarotti, Lukens, Incorporated, and to the Great Valley High School Student Council by Senator Baker.

Congratulations of the Senate were extended to Elizabeth Staruch by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. James Maitland, Jason L. Nasino and to Glenn A. Driver, Jr., by Senator Bell.

Congratulations of the Senate were extended to Albert L. Hydeman, Jr., by Senator Bortner.

Congratulations of the Senate were extended to Maggie M. Bilby and to Helen Shearer by Senator Corman.

Congratulations of the Senate were extended to Don and Shirley Froehlich, Reverend Father Garrett Dorsey and to Ralph D. Tive by Senator Dawida.

Congratulations of the Senate were extended to Kevin Hein by Senators Dawida and Bodack.

Congratulations of the Senate were extended to David Binns and to the Mount Lebanon High School Girls' Soccer Team of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Dr. Arnold W. Webster by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph W. Hallowell, Mr. and Mrs. Robert P. Hopkins, John Paul Silli, George J. Hauptfuhrer, Jr., Elaine Shay, Edwin Dace MacFarland III, Upper Dublin High School Marching Band of Fort Washington, Hatboro-Horsham High School Marching Band of Horsham and to the Public Spirit, Montgomery Newspapers, of Hatboro by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent V. Palese, Richard Hasson and Greg Waslo IV, Tim Vermillion and Jim Armstrong, Beau Elliott, Chris J.

Bistolas and to Sergeant Randy Vulakovich by Senator Hart.

Congratulations of the Senate were extended to David S. Spence, John T. Welsh, Sr., Dr. Vail P. Garvin, Justin V. Behrens and to the Soccer Team of Villa Joseph Marie High School of Holland by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. William Ellis Beyer, Mr. and Mrs. Howard Z. Reed, Mr. and Mrs. Walter E. Fidler, Jr., Mr. and Mrs. John E. Buchhalter, Mr. and Mrs. Robert Bostian, Mr. and Mrs. Robert E. Dorman, Mr. and Mrs. William J. Beitz, Sr., Mr. and Mrs. F. R. Bastian, Ronald E. and Linda M. Zerbe, Lieutenant James B. Kockler, Matthew P. Bourbeau, W. Jason Swallow and to Francis Heller by Senator Helfrick.

Congratulations of the Senate were extended to Bradford W. Mitchell and to Michael Zumpino by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. James C. Wilson, Jr., and to Angeline Martino Laraia by Senator Jubelirer.

Congratulations of the Senate were extended to Lucas A. Klobetanz and to Alfonso DeMark by Senator LaValle.

Congratulations of the Senate were extended to Joseph V. Lakas, Sr., and to Thomas George by Senators LaValle and Shaffer.

Congratulations of the Senate were extended to Dr. and Mrs. Alfred M. Camp, Stuart Emerson, Michael Banta, Donald W. Emerson, Helen A. O'Connor, Paulo Ganem Souto, Dr. Norberto Odebrecht, Dr. Emilio Alves Odebrecht, the Honorable Dr. Antonio Carlos Peixoto De Magalhaes and to the Dallas Senior High School Football Team by Senator Lemmond.

Congratulations of the Senate were extended to Fred Williams by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. LaVerne J. Livengood and to Justin Davis by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. George H. Wright, Mr. and Mrs. A. Rankin Johnson, Jr., Mr. and Mrs. Lawrence Plank, Mr. and Mrs. Paul D. Hafer, Mr. and Mrs. Fred A. Davis, Mr. and Mrs. Robert J. Klein, Sr., Mr. and Mrs. Maynard S. Bliss, Mr. and Mrs. Joseph Bujan, Mr. and Mrs. Marshall Frazier, Mr. and Mrs. Ralph Kinley, Mary Ruby Peck, Seth D. Vaughn, Fadime Verhoeven, Nick Homer, Jeff Homer and to Joshua Matthew Laidacker by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Michael F. Alu, Mr. and Mrs. John J. Cardoni, William Trubiloff and to Yolanda Castellani by Senator Mellow.

Congratulations of the Senate were extended to Robert Leonardi by Senators Mellow, Musto, and Lemmond.

Congratulations of the Senate were extended to Robert M. Frey and to the Harrisburg Academy of Wormleysburg by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. George Troy and to Theodore Vesloski by Senator Musto.

Congratulations of the Senate were extended to Dr. Rocco F. Chirieleison by Senator O'Pake.

Congratulations of the Senate were extended to Russell Smith Walters III and to Jim Huckabone by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Walter A. Schmidt and to Lee Bobincheck by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Weiser and to Mr. and Mrs. Bruce Hagey by Senator Reibman.

Congratulations of the Senate were extended to Jean Smail Wismer and to Christopher J. Yohe by Senator Robbins.

Congratulations of the Senate were extended to William R. Collins by Senator Salvatore.

Congratulations of the Senate were extended to the Northwest Meals on Wheels by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Lester Hall and to Barbara Elizabeth Whitehill by Senator Shaffer.

Congratulations of the Senate were extended to George Ebersole, Fred Davis, William R. Grove, The Harrisburg Area Radio Reading Service, Turkey Hill of Hummelstown, McDonalds of Derry Township, Pizza Hut of Derry Township, Murphy's Home Center of Swatara Township, Suburban Propane of Swatara Township, Pennsylvania Emergency Management Agency, Handwerk Materials, Incorporated, Hummelstown Police Department, Lower Swatara Police Department, Elizabethtown Fire Department, Middletown Area Emergency Medical Service, Community General Osteopathic Hospital, University Hospital, Chaplain's Office, Harrisburg Bureau of Fire, Fire & Rescue Products of New Kingston, Lower Swatara Volunteer Fire Department, Mine Safety Unit of the Pennsylvania Department of Environmental Resources, Rescue 9 Unit of the Dover Township Volunteer Fire Department, Rescue 2 Unit of the Campbelltown Volunteer Fire Department, Rescue 1 Unit of the Palmyra Volunteer Fire Department, Liberty Fire Company, Middletown Station 2, Rescue 5 of York County, Paxtonia Volunteer Fire Department, Hershey Volunteer Fire Department, Carlisle Volunteer Fire Department, Harrisburg Bureau of Fire, Rescue Hose Company, Middletown Station 3, Hummelstown Volunteer Fire Department, Haz Mat 15 of Cumberland County, Lebanon County EMA Director Clyde Miller, Baltimore County Collapse Rescue Team, Chambers Hill Volunteer Fire Department, Union Hose Company, Middletown Station 1, Central Pennsylvania Critical Incident Stress Debriefing Team, Rutherford Volunteer Fire Department of Swatara Township, Lower Swatara Emergency Medical Service, Hummelstown Emergency Medical Service, Chambers Hill Fire Department of Swatara Township, Middletown School District and to Dauphin County Communications Center by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. John Haney, Jr., Mr. and Mrs. Walter Quay Fleming, Mr. and Mrs. Paul Demich, Mr. and Mrs. Victor Schall, Mr. and Mrs. Darwin Crocker, Mr. and Mrs. Ralph Dunbar, Mr. and Mrs. Guido Colo and to Oreste Martini by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Gerald C. Clutter, Mr. and Mrs. Norman P. Wagner, Mr.

and Mrs. Hamilton Post and to Mr. and Mrs. Gerald Headley by Senator Stout.

Congratulations of the Senate were extended to Kathryn Elizabeth Binkley Gring by Senator Wenger.

Congratulations of the Senate were extended to Shonda Schilling and to Emily Salvatore by Senator Williams.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Condolences of the Senate were extended to the family of the late William Henry Kerr, the family of the late Lewis G. Taylor III and the family of the late Donald G. Saul by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Honorable Herbert H. DeBeary, Sr., by Senator Fattah.

Condolences of the Senate were extended to the family of the late Albert Taxin by Senator Fumo.

Condolences of the Senate were extended to the family of the late Robert Van der Voort by Senator Hart.

POINT OF INFORMATION

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I would like to have a point of clarification, please.

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. Just for matter of the record, the second motion made by the gentleman from Blair, Senator Jubelirer, to reconsider the vote by which Senate Bill No. 1190 was recommitted to the Committee on Rules and Executive Nominations, there has not actually been a vote taken on that reconsideration, has there? It is just a motion filed, so that on the next regular Session day we will vote on that?

The PRESIDENT. The gentleman is correct.

Senator LINCOLN. Okay, thank you very much.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I think it would be appropriate at this point for me, representing the Members of my Caucus, to perhaps make some response to the significant remarks of the gentleman from Lackawanna, Senator Mellow, and perhaps comment on some things that I think need to at least be placed on the record.

Mr. President, I congratulate Senator Mellow on his election as President pro tempore and look forward to working together on an agenda that, frankly, I believe is a very common agenda from Senate Democrats to Governor Casey and perhaps House Democrats and House Republicans, although I am not in a position to comment on that. But I frankly believe that 1994 must be somewhat different from 1993 in the sense that re-

ardless of the equal division that appears to be on the floor of this Senate, we have an agenda that needs to be dealt with, and the people of Pennsylvania expect no less of us.

Mr. President, a year ago perhaps this Senate was much like the weather is today - very stormy and unpredictable. It was just a year ago that, unfortunately, great controversy came in the setting of the time of the Bucks County election. Further controversy came in the setting of the Second District election, and, of course, incredible controversy came over that election in the Second District of Pennsylvania, an election that, as the gentleman from Allegheny, Senator Fisher, indicated today, we still put a continuing objection to William Stinson's seating in this Senate pending the results of proceedings before the Civil Rights Division of the Justice Department and the Attorney General in the criminal area, as well as Commonwealth Court and Common Pleas Court in Philadelphia in the civil area, and one that will continue to plague this Senate until it is resolved.

Mr. President, having said that, that is going to be with us, we know it is going to be with us, but I still believe that it is possible to accomplish many of the things that Senator Mellow has suggested, as well as my comments to Governor Casey this morning when he called to tell me that he would be bringing leadership together with the hope of trying to gain some consensus on things. I said I looked forward to that, that we will happily participate, that we recognize that we may not always agree on some things, but without question we want to be players at the table, want to have the opportunity to negotiate and compromise, and, frankly, nothing has changed in 1994 that was in 1993. And that is all we have ever wanted to do, to be players in the process and to recognize that there are different views and that there will be solutions that need and cry out for compromise and negotiation, and that, Mr. President, will be in the best interests of the people of Pennsylvania.

I extend to each and every Member a healthy and happy new year. Again, I think the gentleman from Lackawanna, Senator Mellow, put it in perspective - look at the situation with the loss of one of our Members last year, with the absolute miraculous recovery of Governor Bob Casey and the courage that he has exhibited through a very difficult period of time. I have no doubt that the genuine goodwill engendered by that will hopefully at least get us working together and, as I said, negotiating and compromising.

With those words, Mr. President, at this time I would offer for the record the latest group of clippings from the Philadelphia Inquirer which does indeed relate to the tainted election in the Second Senatorial District, and I would offer to place those on the record at this time.

Mr. President, that basically concludes my remarks, but I will repeat again that the people of Pennsylvania expect us to do our jobs, work together, pass budgets on time, sit down together, iron out our differences, and do the will of the people of Pennsylvania. Other than that, Mr. President, it will be a plague on all of us, and no one escapes from that. I think all of us recognize that, hopefully, the storm of 1994 which exists today will be the only kind of storm we will have. We may

have our differences, but certainly on this side we pledge to work together to iron out those differences, with the hope that we can have a better year in 1994 than we did in 1993.

Thank you, Mr. President, for the opportunity to make these remarks, and again, I wish each and every Member and staff and all those who are here today a healthy, happy, productive, and fulfilling 1994.

(The following articles were made a part of the record at the request of the gentleman from Blair, Senator JUBELIRER:)

"FAKE VOTER SIGN-UPS ARE RIFE IN DIVISION"

Of 24 registrations, 20 appear to be bogus. "This is fraud," an outraged resident said.

By Vernon Loeb
(Inquirer Staff Writer 12/8/93)

Camille Cade is a registered voter in Philadelphia's Second Senate District.

So is Ramon Sosa.

And Tony Ezell.

All three were signed up to vote in the third division of the 43d Ward on Oct. 4, the final day that individuals could register in the recent election.

All three were signed up to get absentee ballots.

They have one other thing in common.

None of them lives within 300 miles of Philadelphia.

Cade, Sosa and Ezell are among 24 individuals who were newly enrolled as voters from that division on Oct. 4.

And they are among 20 of those individuals whose registrations appear to be bogus. Some were notable for their comical errors.

Most of the registrations were filled out in the names of voters who once lived at the addresses listed on the forms. But current residents say many of those individuals haven't lived in the district for years.

The source of all but one of the 24 names appears to have been a July 1993 list of voters in the division who were purged from the registration rolls because they failed to vote in the previous five elections.

Oddly, no absentee ballots were recorded as being cast in the division -- some arrived downtown at the offices of the city commissioners but were not counted because they missed the 5 p.m. deadline on the Friday before the Nov. 2 election.

But the third division of the 43d Ward remains a remarkable example of the frenetic, last-minute effort by still-unidentified field operatives in the Second State Senate District to increase voter registrations and absentee balloting among Democratic voters.

"It's fraud, it's fraud," said Dorothy Finley, standing in her doorway on the 4300 block of North Franklin Street as she peered at a voter registration and absentee-ballot application submitted in her name.

"That is definitely not my signature," Finley said, unable to contain her sense of outrage. "This is fraud. This is a shame."

The Inquirer interviewed current residents at all 24 addresses listed on those forms. In only four of the cases were documents signed by those in whose names they were filed.

One of those four, Maritza Santiago, of the 4200 block of North Fairhill Street, said she filled out a voter registration form, absentee-ballot application and the envelope containing her ballot after operatives told her there was "a new way to vote" from home without going to the polls. State election law permits

registered voters to cast absentee ballots only if they are too sick to get to the polls or will be out of town on Election Day.

Whoever filed the suspect documents -- residents say they do not know their identities -- made some humorous mistakes in recording or fabricating birthdates, names and, in one case, sex.

They also refused to take no for an answer.

Jacqueline Cade, who lives on the 4300 block of North Seventh Street, remembers telling the person who came to her house that her daughter, Camille, had moved to Pittsburgh years ago.

"Someone came out here to ask me about her," Jacqueline Cade said. "They said something about her being an absentee vote. I told him she doesn't live here. He asked if he could fill [the registration form] out for her, or maybe I could -- and I said absolutely not."

Someone registered Camille Cade anyway.

Miguel Angel Sosa, who lives on the 4300 block of Marshall Street, tells a similar story about a Democratic operative who came inquiring about his brother, Ramon.

"Somebody came to my house and I said, 'He go to Puerto Rico and he not coming back.'"

Somebody registered him anyway -- and even managed to spell his name wrong.

Luz Class, who lives on the 4300 block of North Sixth Street, told a Democratic operative that her daughter, Rose Torres, no longer lived at the address.

"A Spanish guy came here two times, and we told him she no live here no more," Class said. "She no live here no more and she no vote this year."

But she is registered, nonetheless.

Antha Ezell, who lives on the 4300 block of North Franklin Street, told the operative that her brother, Tony, had been in Florida for the past 2 1/2 years.

No matter -- someone registered him to vote. "That's not his handwriting at all," his sister said, staring at the form filed in his name.

Joseph Paladino, who lives on the 4300 block of North Franklin, said he simply received a verification card in the mail informing him of his new voter registration. Whoever had registered him listed his birthdate as Sept. 17, 1958. They were off by 12 years. "I'm Sept. 23, 1946," Paladino said.

Across the street, David McFarland also disavowed any knowledge of the voter registration form and absentee-ballot application filled out in his name, which listed his birthdate as Aug. 7, 1969. McFarland said he was born in 1932 -- 37 years earlier.

And several doors down, Carmen Rivera looked at the voter registration forms filed in the names of Julio Alvarez and Hector Ramos -- both supposedly residing at her home -- and declared them bogus.

"They don't live here, I don't even know who they are," she said. "I don't know why they're filling these things out."

Bob Lee, the city's top voter registration official, and Frederick L. Voigt, executive secretary of the election watchdog Committee of Seventy, speculated last week that the pattern in the division appeared to be the work of those receiving rewards -- verbal or financial -- for every new registration they produced.

All too often, in such cases where registration bounties are offered, Voigt said, unscrupulous workers file fake documents in the names of people they know will never vote, just to pocket the money.

And the beauty of filing registrations on the last possible day, Lee said, is that it is impossible to get caught before the election.

The state's election code, Lee said, prohibits election officials from striking a voter from the registration rolls less than 15 days before an election. It also requires that anyone in line to be stricken receive notification four days in advance, which effectively means that the investigative work on all possibly fraudulent registrations must be completed 19 days before an election.

By 19 days before the election, however, election officials have barely entered all the last-minute registrations into the system. They come in 29 days before the election and take a week to enter.

Once they are entered, a verification card goes out to the voter. But by the time those verification cards start coming back from bad addresses -- flagging possibly phony registrations -- the election is less than 15 days away and the law prohibits striking a voter from the rolls.

If a registration is received on the last day and has been properly filled out, Lee said, that person's name "is going to be registered on Election Day by law," even if there is evidence suggesting the registration is phony.

Had anyone discovered right before the election, in other words, that Ramon Rivera had been registered to vote at an Asian laundromat, it wouldn't have mattered.

The laundromat is called Liberty Laundry, at 703 Bristol St., owned by Lim Bun Seng. A clerk behind a small counter in the rear of the laundry said last week that Rivera hadn't lived there for a year.

Alexis Gomez was registered at 4312 N. Franklin St. His aunt, Nanatte Colon, remembered telling someone who came to the door that her nephew no longer lived there. But he was registered anyway -- as a woman and as a Republican, according to the boxes checked on his registration form, which made him the only Republican among the 24 last-minute registrants.

Alicia Robinson was registered at 4331 N. Eighth St. A relative, Shelly Robinson, said Alicia no longer lived at the address and hadn't filled out the form. "That doesn't look like her writing at all," Shelly Robinson said.

Eva Rivera was registered to vote at 4342 N. Eighth St. Shown her registration form yesterday, Alma Rivera, Eva's mother, said that neither the handwriting nor the birthdate was hers.

She could relate to Dorothy Finley, the woman on her doorstep trying to contain her outrage, peering at two election documents in her name but not her signature.

"I hope they get down to the bottom of this thing," Finley said. "This is fraud. This is dirty politics."

"2 CITY AIDES TO APPEAR BEFORE PA. GRAND JURY"

The panel is probing allegations of absentee-ballot fraud in the Second District race.

By Sergio R. Bustos,
Robert Zausner
and Jeff Gelles
(Inquirer Staff Writers 12/8/93)

HARRISBURG -- Two Rendell administration officials who were detached to work full time on the state Senate campaign of William Stinson have been called to appear before a state grand jury investigating allegations of absentee-ballot fraud, sources familiar with the inquiry said yesterday.

Ruth I. Birchett, who took a leave of absence from the Mayor's Office of Community Services to serve as a field coor-

dinator for Stinson, and Joseph S. Martz, who resigned as deputy commissioner of public property to manage Stinson's campaign, are among several Stinson campaign workers who have been called, sources said.

Birchett was present yesterday morning on the fifth floor of the South Office Building here as the grand jury began its investigation. She declined to say why. It was unclear whether she appeared before the grand jury.

Sources said Birchett may have been asked to speak with investigators, and could be called later to testify. Reached later by phone, Birchett said: "I can't make any comment about anything....I just don't have anything to say."

One government source said Martz, who was rehired by the Rendell administration after the Nov. 2 election, did not appear yesterday. He might testify today, the source said.

The source said fewer than 10 people had been subpoenaed so far, among them Birchett, Martz and Bob Lee, a city election official who said he had been asked to appear as an informational witness because of his knowledge of city election procedures and the Second District contest.

Stinson defeated Republican Bruce Marks in the election by 461 votes, but the outcome has been called into question by allegations of improprieties in absentee voting. The Inquirer has interviewed more than 280 Second District voters who described apparent irregularities. In 28 instances, voters said their names appear to have been forged on absentee-voting documents.

The grand jury session yesterday was part of an investigation begun into the election by Attorney General Ernie Preate, Jr.

Four other workers called to testify were Josue Santiago, a Stinson campaign field coordinator in the Latino community; Peter Medina, a Democratic committeeman; Angel Ascencio, and Ramon Pratts.

In an earlier interview, Medina said he distributed absentee ballots as a favor to Santiago, whom he described as a friend. Medina said he had not misled or interfered with any voters.

Ascencio, in a previous interview, said he had been recruited by Santiago, who he said promised to pay him \$20 a day to sign up people for absentee ballots and an additional \$1 for each completed ballot he collected. He said he had collected about a dozen completed ballots from voters.

Pratts has refused to discuss his role in the Stinson campaign.

Both Medina and Ascencio said earlier this week that they had received subpoenas. Both said they had done nothing wrong.

"I'm going. I've got nothing to fear," Medina said.

Santiago, too, has refused to discuss his campaign activities. "I have to check with my superiors to talk to you," he said in an interview last month. Asked who those superiors were, he said: "Mr. Stinson." Later he referred questions to Stinson's press secretary, Chris Simeral, who said: "He says he doesn't have the answers. I can't make him talk to you, or to me."

Birchett has also refused to discuss the campaign since the election. She served as Stinson's field coordinator in predominantly black and Latino wards within the district.

Martz and Birchett were paid by Rendell's campaign committee for their work for Stinson.

At 8:45 a.m. yesterday, Birchett, accompanied by two lawyers, took an elevator to the fifth floor of the South Office Building. About two hours later, after returning to the ground floor, she referred all questions to the two lawyers. The lawyers, who declined to give their names, refused to discuss Birchett's presence in Harrisburg.

Medina, who says he has been active in local Democratic politics for more than 20 years, has defended his campaign ac-

tivities.

"I didn't tell people how to vote, Republican or Democratic," Medina said in an interview last month. "I didn't do anything but take the ballots to the people he [Santiago] told me to."

Asked why he would distribute absentee ballots to people who apparently did not qualify for them, Medina replied: "I did what I was told and I thought the law had changed."

"NEW TACTICS REPORTED IN 2D DISTRICT RACE"

In the Northeast, voters tell stories of deadlines ignored, ballots never seen, votes cast twice.

(The Philadelphia Inquirer 12/12/93)

On Oct. 28, the new way to vote came to Gray Manor Apartments.

Days before the election, Democratic workers paid a visit to the managers of the senior citizens home at Eighth Street and Cecil B. Moore Avenue and asked to set up a voter information table.

This was not an unusual request -- salespeople and politicians frequently visit. So on Oct. 28, four campaign workers set up shop at a table near the piano in the community room.

Within hours, 23 of the apartments' 135 residents had signed applications for absentee ballots -- even though the deadline for applying had passed two days before.

The 23 residents also signed envelopes that would contain their ballots -- even though at least 12 of them say they never saw or filled out an actual ballot.

Tressie Gunn, 67, was one of the Gray Manor residents who says she never saw a ballot.

"I went up to the table when it was my turn, and the man asked me my name and I told him Tressie Gunn, and he just started signing me up," she said. "He would ask me a few questions, and then he would write down what I said, and then when he finished I signed a form."

One question the man did not ask, according to Gunn, was for whom she wanted to vote.

"No, he didn't ask me and I didn't tell him," said Gunn with a shake of her gray hair. "He just told me to sign my name."

One woman at Gray Manor ended up casting two absentee ballots -- and both counted in the Second Senatorial District election that put Democrat William Stinson in the state Senate and the Democrats in the majority.

Of 1,757 absentee ballots cast in the election, 79 percent went to Stinson. Republican Bruce Marks narrowly outpolled him on the machines; the absentee votes provided the margin of victory -- 461 votes.

Since the election, The Inquirer has interviewed 333 Second District voters who described apparent irregularities in absentee balloting. In 52 instances, voters' names appear to have been forged on absentee-voting documents.

In some neighborhoods, voters were told of a "new way to vote" that meant filling out a ballot at home as a matter of convenience. Or filling out one for a relative. Or allowing a helpful stranger to fill the ballot out.

Under election laws, to vote absentee, a person must be either physically unable to go to the polls or out of the county on Election Day.

But in interviews this week across a broad section of the Northeast, including Hunting Park, Juniata Park, Feltonville, Castor and Frankford, voters told of new tactics used by campaign workers to circumvent the laws.

In this new way to vote, deadlines did not always matter.

Filling out a ballot -- even seeing a ballot -- was sometimes optional.

In this new way to vote, it was possible for Fannie Fuller to vote twice.

And in this new way to vote, campaign workers tracked down voters on the last day to file absentee ballots and waited right there until the ballots were filled out.

In an interview Friday night, Stinson said he had no knowledge -- and would never have approved -- of anyone soliciting absentee ballots without showing the ballot to the voter.

"I am sick and tired of this whole goddamn thing," Stinson said. "I wish it was over. I am sick and tired of hearing this every day of my life. I wish I had a name to give to you. I wish I knew. I would like to get to the bottom of this more than anyone."

In the 33d Ward -- where Stinson is ward leader -- the two days before the deadline for absentee ballots saw a flurry of door-to-door canvassing to collect the ballots in some instances under pressure.

In all, 53 of the total 155 absentee ballots collected from the 33d Ward were obtained in those last two days -- and then rushed down to be time-stamped before 5 p.m. Oct. 29. The absentee vote went to Stinson, 110-45, but he lost at the machines, 2,000-1,685.

In Juniata Park, Democratic campaign workers went the distance to obtain an absentee ballot from Stanley Pliszka.

Pliszka is 23, healthy and could easily have voted at the polls.

Nevertheless, workers came to his house in the 4200 block of Castor Avenue on Oct. 4 to register him and help him with his absentee ballot application.

But when they returned on Oct. 29 -- the deadline for absentee ballots -- he was at work. Where? they asked his dad. At the J Street Cafe.

So off they went, tracking him down at his job. "They started hassling me," Pliszka said. "They actually came to my job."

They told him to fill out the ballot -- "so I wouldn't have to go to the polls." They said that day was the last day, and they needed to take the ballot with them. Pliszka complied.

Adeline Donato, who lives nearby in the 4300 block of J Street in the Second Division of the 33d Ward, said Stinson himself dropped by and registered her. Donato has polio and wears leg braces.

Donato, 77, had always been a Republican, but she told Stinson she would register Democrat since he was nice enough to get her the absentee ballot.

Late in the afternoon Oct. 29, she recalls, "two nice girls" came by with her ballot. She asked them to leave it. They refused. They asked her whom she wanted to vote for.

Donato said she became angry and flustered -- it was late, she had company and did not want the girls hanging around.

Finally, she told them to just cast her vote for the guy who got her the ballot.

At Gray Manor, officials said "the whole staff is disgusted" with what happened.

"We thought it was to help the tenants," one Gray Manor official said. "We thought it was legit, but they were just trying to take advantage of them."

For three days last week, investigators from the state Attorney General's Office interviewed Gray Manor residents who voted absentee.

Many of the residents are outraged at what has happened to them. Many believe they were the victims of voter fraud.

"They took advantage of the old folk," said James Joyce, 79.

"We got ripped off. That's all in the hell it was to it."

Joyce, who uses a wheelchair, remembered going to the community room that Thursday in October and filling out an absentee ballot envelope, but not the ballot itself.

"This is the form we filled out," he said, looking at a photocopy of his signed ballot envelope. "But we didn't fill the big one out," he said of the ballot form.

The whole experience -- the confusion of the mass signups, questions from state investigators, the attention of the media -- has left some of these citizens sorry they participated in the process at all.

Their old way of voting -- the van that arrived each Election Day to drive them to the polling place -- was so much less trouble, say the residents of Gray Manor.

"I hate that I signed," said a 62-year-old who says she never saw the ballot form herself. "I wished that I hadn't done it. I'm never going to vote like this again. Never."

Resident Fannie Fuller said someone telephoned her in early October and asked her whether she planned to vote. She said she had hoped to go to the polls but wasn't sure how she could get there on Election Day. The person on the other end of the phone offered to get her an absentee ballot.

A few days later, a man came to Gray Manor and had her sign an application for an absentee ballot. A few days later, another man brought her the ballot itself. She filled it out in the community room and checked the box marked "Democratic." The man took the ballot and put it in an envelope.

"They put it in a big envelope," said Fuller, 86. "They said, 'I'm going to let you see me seal this.'"

A few weeks later, when workers appeared in the community room, Fuller was asked to sign up again. She did, but this time she didn't see the ballot.

Only after the election did Fuller find out she had voted twice -- both times absentee.

"I know one thing -- I won't do this no more," Fuller said.

Gray Manor was not the only place where citizens voted without ever seeing a ballot.

Mae Lombardi, 71, of the 4000 block of Maywood Street, said she recalled registering to vote and applying for an absentee ballot. It was Stinson himself, she said, who came by her house.

But, she insisted, she never voted. She was in the hospital in late October when the absentee ballot was filled out in her name and taken to the Board of Elections.

"That's not my signature," she said, when shown the envelope that contained her ballot. "They stole my ballot. I did nothing."

Stinson said he supplied some absentee ballot applications to citizens. He says he had nothing to do with the casting of absentee ballots.

In Hunting Park, Roberto Riveria looked at a copy of an absentee ballot and shook his head no. He never saw one of those, he said.

Riveria said he believed he was voting in absentia when he signed the absentee ballot application.

Riveria's wife, Lissette, said committeewoman Barbara Landers came by the house to talk to them about voting in absentia. An attempt to reach Landers for comment Friday night was unsuccessful. In earlier interviews, she has denied any wrongdoing.

Lissette Riveria said she could not vote because she is not a citizen, but her husband filled out the application. "She said that that was the easy way to vote," she said. Landers told her that "the whole block was agreed" on absentee ballots being the way to vote, Riveria said.

"RENDELL HAS FEW TROUBLES WITH BALLOTS"

"Convenience voting" occurs in every state, he said of the alleged absentee-voting abuses.

By Katherine Seelye
(Inquirer Staff Writer 12/19/93)

Mayor Rendell says that voting by absentee ballot as a matter of convenience is such a widespread practice that what occurred last month in the city's Second Senate District was not out of the ordinary.

"Convenience voting occurs in every state, every election," the mayor said in an interview last week in response to questions about the disputed Nov. 2 state Senate election, which Democrat William Stinson lost on the voting machines and won after absentee ballots were counted.

"If you examined wards in Philadelphia or any other city in any election," the mayor said, "you would find a significant pattern of absentee ballots being cast for convenience, where they shouldn't be. In fact, that is such a pattern that the State of California went ahead and made it legal to cast absentee ballots for convenience."

Rendell said that because of such widespread abuse, he wanted to tighten the rules here regarding absentee ballots.

"We should change the law to make it absolutely clear that the only way an absentee ballot can be distributed is either by mail to a voter who requests it, to their house, or by the voter picking it up in person," he said. "No absentee ballots should be distributed by any political workers."

As he has since the election, Rendell continued to maintain that the problems in the Second District were minor. He pinpointed the difficulty as one of offering campaign workers a bounty for bringing in absentee ballots.

"If there was a mistake made, it was the campaign person who offered up cash for ballots turned in," he said. "It's not against the law, by the way. But it is a mistake, because that's an incentive for people to get a ballot at all costs. I would prefer, if you're using paid election workers, that they should be paid by the hour."

Rendell criticized *The Inquirer*, which has published a number of stories about voters who said they had been misled into casting absentee ballots.

The mayor said the newspaper had looked only at wards in which minority voters predominate and had not examined wards in which whites predominate and in which absentee ballots could have been abused by supporters of the Republican candidate, Bruce Marks.

"The *Inquirer* should look at all of the majority wards as well as the minority wards," Rendell said. "If I found a campaign where five campaign workers, not voters, deliberately and knowingly violated absentee-ballot laws, that would raise an inference on my part that maybe out in the field they were violating absentee-ballot laws, wouldn't it?"

The *Inquirer* has reported that four Marks campaign workers voted improperly by absentee ballot in the Second District race. A fifth worker voted improperly, but not in the Second District race.

Despite the mayor's suggestion that misuse of absentee ballots may be common in Philadelphia, experts elsewhere paint a different picture.

Spadic attempts may be made by a handful of unqualified people to vote by mail in any given election, they say, but is not a widespread practice, and abuse is extremely limited.

California did change its election law, but officials there said

it was not in response to any pattern of use or misuse of mailed ballots, but rather because the state wanted to increase voter turnout by making it easier for people to vote.

Rendell proposes tightening the rules regarding absentee ballots at a time when other states are relaxing them to make it easier for voters to cast their ballots by mail.

"That's the opposite of the way the rest of the country is going," said State Sen. Allyson Schwartz (D., Phila.), who chairs the state government committee, which was looking at how to increase voter participation before the current dispute arose. "If anything, we're trying to make it easier for people to vote."

She said it may be harder to relax rules here after the state Senate race generated controversy, as did the allegations that "street money" was used to suppress minority voter turnout on Election Day in the New Jersey governor's race.

"Because of what happened in both cases," Schwartz said, "people will be concerned about coerciveness. I hope to strike the right balance that protects the ballot but encourages participation."

Among the changes Schwartz's committee is weighing are allowing people to file absentee ballots up until 5 p.m. the day before Election Day instead of 5 p.m. on the Friday before Election Day, and allowing people to register to vote as late as two weeks before an election instead of 30 days, as is the case now.

Few election officials agreed that there was a need for correction of absentee-ballot abuses such as those reported in the Pennsylvania state Senate race or described by Mayor Rendell as a chronic circumstance.

Pennsylvania's constitution allows absentee balloting only by those who will be out of the county on Election Day or who are sick or disabled. Campaign workers here say they routinely give ballots to the elderly, even if they can get to the polls.

In the Stinson-Marks contest, voters have described the delivery of ballots by partisan workers instead of the mail, forged signatures on some ballot documents, ballots cast after the deadline, and the counting of ballots before the polls close.

Asked whether there was widespread "convenience balloting" in Pittsburgh, Mark Wolosik, director of elections in Allegheny County, said: "No. I don't get any sense of that."

He said he never had heard the term "convenience" balloting.

"On the average, we have one or two absentee ballots challenged in any election," Wolosik said. In last month's election, he said, his office received zero complaints involving absentee ballots, and none was challenged.

He said that workers such as private-duty nurses who are on call 24 hours a day periodically ask if they can vote by absentee ballot, but the county doesn't permit them. "That's what the law says," he said. "You have to be out of the county or too ill to get to the polls."

In Scranton, which has a large proportion of elderly voters, "We never say you should vote by absentee ballot because you are old," said Victor Di Pasquale, director of voter registration for Lackawanna County. "I'm not saying it doesn't happen, but it's not any kind of problem."

Di Pasquale said that county officials rigorously abided by the rules governing absentee ballots. "The ballot has to be mailed or hand carried by the elector," he said. "We lock our ballots in a vault the minute they come from the printer. We guard them with our life. The people down there [in Philadelphia] seem to be going door-to-door with the ballot itself. That's unbelievable."

While Rendell said that California liberalized absentee-balloting rules because "convenience balloting was so widespread, election experts said that was not the case.

"That's not why California did it," said Curtis Gans, director of the Committee for the Study of the American Electorate in Washington. The change, made in 1978, was not implemented to counteract fraud or in response to high demand, Gans said, but to increase participation.

"In what I think was a misguided attempt to boost turnout, California created a no-fault absentee ballot," he said, meaning the voter doesn't need to give a reason to vote by mail.

Gans said that although some urban areas probably stretch the definition of who qualified for absentee ballots, especially concerning the disabled and the elderly, "it tends not to be massive...."

"Fraud does not go on everywhere," he added. "Forgery does not go on everywhere. In California, the Democrats wanted to boost turnout."

"IN 2D, A TALE OF PAYING TO VOTE"

The buck-for-a-ballot story was one of many told by residents. All involved absentee voting in the state Senate race.

(The Philadelphia Inquirer 12/19/93)

This article was written by Inquirer staff writer Amy S. Rosenberg based on reporting by Jim Detjen, Mark Fazlollah, Marjorie Valbrun, Craig McCoy, Sergio R. Bustos, Carolyn Acker, Richard Jones, Karen E. Quinones Miller, Lea Sitton, Vernon Loeb, Denise-Marie Santiago, Marc Duvoisin, Jeff Gelles, Tim Panaccio, Larry Copeland and Rosenberg.

In late October, a man came to Anna Seidelmann's house on North Venango Street, in the Seventh Ward, of the Second Senate District.

As recounted by the frail, 74-year-old Seidelmann, the visitor said he worked for Democrat William Stinson and told her that new election rules allowed her to vote from home.

After a short interview, Seidelmann says, the man filled out a form he had brought with him and told her she had just voted for Stinson -- even though she did not get to see the ballot.

Then the man asked her for \$1.

"I've been voting here for 50 years. I've never seen anything like this before," she said.

She gave him the dollar, observing that he added it to "a thick roll of \$1 bills."

The fee for Anna Seidelmann's absentee ballot is among the most unusual approaches yet described by people who say they were asked to cast absentee ballots in the state Senate contest between Stinson and Republican Bruce Marks.

It was not the only strange tale voters told last week to Inquirer reporters canvassing working-class neighborhoods of the Second Senate District.

There was a man who said he was told to note on an absentee ballot form that he was blind -- although the man was not blind.

There was the man who said he was told to seek an absentee ballot because of a broken back -- although his back was not broken.

Since the election, The Inquirer has interviewed 336 Second District voters who told of casting absentee ballots that were suspect. In another 117 cases voters have described irregularities in the absent voting process. In 60 instances absentee-voting documents appear to have been forged.

"I'm just trying to get a job at City Hall, I have to get so many votes. I hope I can get yours," is what a worker told Samuel Maldonado, of the 2700 block of North Waterloo Street.

Tillie Parris, 84, of the 1500 block of McKinley Street, said two Republican Party workers told her that she "could fill out another ballot even after I told them I had already sent in my application with my Democratic representative."

Jean Roane 31, of Eleanor Street in the 49th Ward, Ninth Division, said she was told the voting place had been shut down "to save the city money." A neighbor three doors down was also told "there was no polling place to vote."

Some voters said in interviews that unknown doctors had been recorded on their absentee ballot applications without their knowledge.

Other voters found after the election that they were recorded as having phantom disabilities that supposedly qualified them to vote absentee.

"I'm supposed to be blind?" said Thomas Hudnell, 71, of the Ninth Division of the 49th Ward in Olney. "I saw you come in here. I let you in. How can I be blind?"

And Edwin Blankenhorn, despite reports to the contrary, would like it known that his back is just fine, thank you.

The 69-year-old Olney man, from the 49th Ward, Ninth Division, was listed on his application as having a broken back treated by a Dr. Gonzalez. Plus, his first name is listed as Edward. "Is that right?" he said, when shown the broken-back entry. "Where it's broken at? Let me know. I never filled anything out, and I never signed anything.

He further reported he has never been treated by a doctor named Gonzalez. Blankenhorn did not vote.

Some voters themselves appear to be phantoms.

City records show that a Nilda A. Zeno, 28, of the 4300 block of Paul Street, registered on Oct 4 -- the last day possible in the Stinson-Marks race -- and later voted by absentee ballot. But no Nilda Zeno could be found Friday at that address.

The home phone number listed on the registration form is at an apartment in the 6300 block of North Fairhill Street, outside the Second Senate District. A woman who answered at the number said Zeno had moved out several years ago and now lived on Frankford Avenue.

There is no telephone listing for a Nilda Zeno on Frankford Avenue -- or anywhere else in Philadelphia. Two other people with the surname Zeno are listed in the phone directory. Both said last night they had never heard of a Nilda Zeno.

In Frankford's 62d Ward, Fourth Division, Dorothy Kucera, 81, had no idea a vote had been cast in her name until after the election.

She said the last time she saw the absentee ballot that was sent to her house -- even though she insisted she did not need one -- was when her Democratic committeeman, Tom McAteer, came by to collect it.

"I told him I didn't intend to sign it," she said. "He said, 'Do you still have it?' I said, 'Yes, it's on my kitchen table.'"

She says the committeeman then asked for the ballot back.

"I thought to myself, why would he want that back?" she said.

On Election Day, her absentee ballot was opened and recorded on her voter registration.

Kucera has no idea who voted in her name, and the ballot declaration envelope was unavailable from the city records.

McAteer would not comment on Kucera's ballot.

Joanne Wilson, of the 2000 block of North Darien Street, looked at a reporter quizzically last week when shown a photocopy of an application for an absentee ballot with what appeared to be her signature.

"I don't even write like this," Wilson said.

Then she examined the copy closer.

"Somebody tried to forge my name and they spelled my name wrong," she said. "My name is J-O-A-N-N-E, with an 'E.' The name on the application is spelled J-O-A-N-N."

She said there was another error on the ballot application, which lists her date of birth as Dec. 12, 1927.

"I wasn't born in 1927," she said. "I was born in 1965."

"I just turned 28 Sunday," she said.

"I ain't 65," she said. "I hope I live to be 65. Do I look that old?"

She said she never saw the application for a ballot but saw the absentee ballot envelope sometime in the last week of October, when she was standing at Eighth and Norris Streets. That was when two women and a man told her that if she signed the envelope, she'd be working on the polls.

"They said I'd get paid," she said.

She said they told her they would help her contact the person who coordinated the poll workers, but she never heard from them again.

When asked if she knew what the envelope was for, she said, "No, what was it?"

When told that the envelope was for voting she said, "I was voting for somebody? Get outta here."

And there were Sava and Bertha Petrovic, of the 3500 block of North Ella Street in the Seventh Ward. Bertha Petrovic said her husband always votes absentee because he is sick.

She just was elected Division 12 election judge, the first Democrat in 12 years, but she said she voted against Stinson at the polls because of the tactics of campaign workers.

She said her husband's absentee vote was cast by mail Oct. 18, but on four occasions after he mailed in his ballot, groups of Stinson workers came to their house to ask him to sign an absentee ballot.

And there's Lois de Marteleire, 19, in good health and a first-time voter. She remembers two campaign workers coming to her house in the 4200 block of Penn and asking her to fill out an absentee ballot. One worker suggested that the only fast way to vote was to vote for a Democrat.

"He told me to put down an X in the corner if I were a Democrat. He said if I wanted to vote Republican, I would have to fill the entire form out," said de Marteleire. "He said, mark the X and you're a Democrat. He didn't tell me I was voting all Democrat."

The young voter said she intended to vote for Stinson anyway. "I don't feel misled," she said.

Ethel Bailey, who lives in the 23d Ward, said a man and a woman visited her Nov. 1, the night before the election, and asked her and her neighbor, Arthur Hardy, to fill out absentee ballots.

The deadline for filing an absentee ballot was Oct. 29.

Bailey, who is confined to a wheelchair, lives on the first floor of an apartment building in the 1700 block of East Orthodox Street. Hardy lives on the second.

Bailey said that the woman went upstairs to give Hardy a ballot, while the man stayed downstairs to help her fill out her ballot.

Neighbor Patricia Minor, who often helps Bailey, said she was there the night the pair visited.

"Y'all are working late," Minor remembers saying to the man.

"He said, 'We've got to get these done before the election tomorrow. We've got about 100 more to do,'" she recalled.

"They seemed to follow all the rules," Minor said. "He said to me, 'Now I want you to witness this.'"

"I thought it was strange," Minor said. "I said to Mrs. Bailey

that this is something strange."

"MORE TALES OF ABSENTEE VOTE FRAUD"

Second District voters say documents were forged. In one division, four registrations appear to have been faked.

(The Philadelphia Inquirer 12/26/93)

Marisol Cuadrado was sweeping her porch on a balmy October evening when she was approached by a man who asked her if she was registered to vote.

She replied that she wasn't, and the visitor had her fill out what he described as a voter-registration form. A few days later, Cuadrado said, another man appeared at her door with an absentee ballot.

"He said, 'Check over here and sign it,'" said Cuadrado, who lives in the 2800 block of North Waterloo Street in North Philadelphia. "I didn't even see who I was voting for, and he didn't let me pick who I wanted to vote for. He then left the house. It all happened very fast."

The Ballot was filed with the city Board of Elections and counted in the Nov. 2 special election in the Second Senate District.

Since the election. The Inquirer has interviewed 338 voters who cast suspect absentee ballots. Some said campaign workers persuaded them to vote absentee as a matter of convenience, even though they did not meet the legal requirements to do so. Others said workers filled out their ballot for them or tried to influence their vote.

In 61 cases, people who have examined voting records bearing their names said the documents contained forgeries. In addition, nearly two dozen absentee votes were cast in the names of people who had moved from the Second District, the state or the country long ago, or who appear not to exist.

Interviews over the last week produced fresh evidence of a concerted campaign to get out the absentee vote, often in disregard of the rules:

*In the 62d Ward in Northeast Philadelphia's 43d Ward, someone filed an application for an absentee ballot in mid-October -- for a man who had died a month earlier.

*In a single division in North Philadelphia's 43d Ward, seemingly phony registration forms and ballot applications were filed on behalf of four voters. None live at the addresses listed. In two cases, the voters' supposed homes are vacant buildings.

Sloppiness was also a problem. Because of a mistake by officials in the same division, Stinson was almost credited with seven absentee votes that were never cast. City election officials, who corrected the error after the Marks campaign called it to their attention, said the incident demonstrated the need for better training of poll officials.

Absentee ballots provided the margin of victory for Stinson, a ward leader and former aide to Mayor Rendell. Stinson lost narrowly to Marks on the voting machines, but took nearly 80 percent of the absentee ballots, putting him 461 votes ahead overall.

The seat became vacant in May, when State Sen. Francis J. Lynch, a 20-year Democratic incumbent, died at 72. The election was to fill the remaining 14 months of Lynch's term. The victory allowed Democrats to retain control of the Senate, and with it, prized perks and committee assignments.

Marks, a former aide to U.S. Sen. Arlen Specter (R., Pa.), is trying to overturn the election in court, contending that Stinson engaged in massive absentee-ballot fraud. The state Attorney General's Office and the U.S. Justice Department are in-

vestigating the allegations, based in part on The Inquirer's findings.

By law, registered voters can cast absentee ballots only if they are too sick to get to the polls or expect to be out of town on Election Day. People over 65 can vote absentee if their polling place is not wheelchair-accessible.

Ballots must be marked in secret. It is illegal to help a voter fill out a ballot, unless he is physically unable to do so.

The campaign workers who banged on doors on the 2700 block of North Hope Street in the weeks before Nov. 2 did not seem to care about such niceties.

Juana Tiburcio and her companion, Norberto Roman, said they voted absentee after two visitors told them about an innovation in the electoral process.

"We are going to vote at the polls, like we do every election," said Tiburcio. "But these two people told us a new law allowed us to vote from home."

Neyda and Leyda Padua, 20-year-old twin sisters who live in the 3300 block of North Front Street, said field workers who visited their house also talked up the advantages of absentee voting.

"They told me a lot of people were doing it this way," said Neyda Padua. "They said it was much more convenient and less hassle."

Both women signed applications. Neyda Padua said that when a man returned later with ballots, "he said Democrats were for poor people and Republicans were for the rich people.

"He was really pushy, very pushy," she said.

Leyda Padua said that she asked the visitor for help in filling out the ballot. "He said, 'Just fill out whatever box is the party you want to vote for, and we'll fill out the rest for you,'" she said. "It was kind of weird. He looked like he had an attitude that day."

Leyda Padua's ballot was cast and counted. Her sister's was filed with the Board of Elections, but it is unclear from city records whether it was added to the tally.

The workers who went door-to-door in the 2700 block of North Mascher Street said their aim was to make sure people exercised the franchise. They did not get an absentee vote out of Delis Mestre, but it wasn't for lack of trying.

"They said they just wanted to make sure I planned to vote," said Mestre, 43. "So they had me sign something they said was just to ensure that I was going to vote."

This was an application for an absentee ballot, which was filed with the elections board. Later, Mestre said, a man stopped by and had her sign the back of an envelope. This was the official envelope in which ballots must be returned to the city.

Mestre said she was never shown a ballot.

Confused, Mestre went to her polling place on Election Day and voted by machine. Poll officials then voided the absentee ballot in accordance with state law.

Mestre shook her head as she examined copies of voting records -- including the envelope that contained what was supposedly her vote.

"Nobody ever explained any of this to me," she said. "I get very disgusted talking about this whole thing."

Another absentee ballot was filed -- and counted -- in the name of Deborah Topping, of the 1600 block of Orthodox Street.

Topping, 42, said that she never saw a ballot, much less filled one out, and that the handwriting on the envelope is not hers.

An absentee voter is required to sign the back of the envelope and print his or her name and address. Whoever did so in

Topping's case misspelled her name Debra.

"I didn't vote at all," she said. "I wouldn't know who to vote for."

Phony documents also appear to have been filed in the name of Donald Fornwalt, of the 5400 block of Erdick Street.

An application bearing his name and address was filed with the elections board at 9:40 a.m. Oct. 14. Fornwalt's relatives said he could not possibly have filled out or signed the document. He died Sept. 9, they said, after suffering a massive stroke.

The date of birth listed on the application is incorrect, and the signature appears fake, said Fornwalt's daughter, Mary Hancock. She said that in the last months of his life, her father was so feeble he could not write his name and was marking checks with an X.

"The last thing on his mind was a ballot," she said.

Though an application was filed, it appears that no ballot was ever cast in Fornwalt's name.

The Inquirer's review of voting records turned up a cluster of apparently phony registrations and ballot applications in the Sixth Division of the 43d Ward -- a handful of rowhouse blocks between Fifth and Sixth Streets near Hunting Park Avenue.

The forms were filed in October on behalf of four voters. One was Felipe Rosa, identified as a 46-year-old carpenter living in a rowhouse on the 4100 block of North Fairhill Street. Relatives said Rosa had not lived there for three years.

Five relatives examined copies of the registration and ballot application and said the signatures appeared to be forged. On both, Rosa's given name was misspelled Felipe.

A registration and application were also filed for Edwin Rosario, 29, of the 4100 block of North Reese Street. The people living at the address said they had been there 11 years and had never heard of Edwin Rosario.

Another pair of forms was filed for Jose Rosado, 36, at a neighboring house on the 4100 block of North Reese. The property, a two-story rowhouse, is vacant, and the owner said it has been since April. He added that he did not know a Jose Rosado.

City records indicate that Efrain Irizarry, 38, also registered and applied for an absentee ballot from 4100 North Reese. This is a vacant two-story apartment building, with windows broken on all sides and unopened mail strewn across the vestibule.

The four names were purged from the city's list of registered voters in July because the people had failed to vote in five consecutive elections. Election officials said it appeared that whoever filed the documents pulled the names from a list of purged voters.

The Board of Elections issued absentee ballots for those four voters and three others in the Sixth Division, but none of the ballots was returned by the deadline -- 5 p.m. Oct. 29. As a result, none was delivered to the local polling place to be counted Nov. 2.

Nevertheless, the division's election board -- six people paid \$25 to \$60 to run the polling place -- recorded seven absentee votes for Stinson. The officials, all Democrats, said they did so because they found green carbon copies of the voters' absentee-ballot applications. The copies are part of the paper trail documenting each absentee vote and are delivered to polling places on Election Day.

Joseph C. Moretti, the division's election judge, said he credited the votes to Stinson because the green carbons indicated the seven voters were all registered Democrats. The error was caught when Marks challenged the totals from the division.

Alexander Z. Talmadge Jr., a Democratic member of the City Commissioners, Philadelphia's board of elections, said the

city should expand training for local poll officials to "make them more educated, particularly about absentee ballots."

**"ANATOMY OF THE MESS IN
THE 2D SENATE DISTRICT"**

(The Philadelphia Inquirer 12/30/93)

By Vanessa Williams, Katharine Seelye
and Karen E. Quinones-Miller

As usual, Mayor Rendell was late. I was early afternoon on Election Day by the time he joined several other politicians and consultants halfway through their traditional luncheon at Famous Deli on Fourth Street in Queen Village.

In the midst of the raucous chatter, the mayor announced matter-of-factly that he had been working the polls in the Northeast all morning for Democrat William G. Stinson, who was running for the state Senate in the city's Second District.

Based on what Rendell saw, Stinson was losing.

As some sat shocked, absorbing the assessment, Rendell reached over, swiped the remaining half of District Attorney Lynne M. Abraham's sandwich, and crammed it into his mouth. In exchange, he handed her a dollar bill, which she playfully stuffed down the front of her blouse. From across the room, State Sen. Vincent J. Fumo shouted at Abraham to get up to the Northeast and press the flesh for Stinson.

"Now!" Fumo roared.

"I'm going! I'm going!" Abraham said, rushing out.

Everyone laughed, but this was no joke.

The humble Second District, inhabited mostly by conservative working-class whites at one end and impoverished blacks and Latinos at the other, had become one of the most bitterly contested pieces of political real estate in Pennsylvania history.

The party that won would control the state Senate -- and with it, committee chairmanships, the \$15 billion state budget, and the clout to funnel money back home, not to mention the perks and privileges that accrue to the majority, from big offices to prime parking spots.

Fumo and Rendell had as much on the line as anyone. If the Democrats lost, Fumo would be shorn of his powerful post as chairman of the Senate Appropriations Committee, a perch from which he influenced actions across the state.

If Fumo lost Appropriations, the Democratic-controlled pipeline that was pumping an estimated \$80 million to \$90 million a year in state funds into Philadelphia through the Rendell administration almost certainly would be disrupted. And Rendell's early success in revitalizing Philadelphia's image -- and his own -- could hit a brick wall.

So how did the Democrats face this challenge? They fielded a weak candidate. They ran an inept campaign that never engaged most voters and took others for granted. They underestimated their opponent, and, according to some insiders, when it became apparent the race was slipping away, they panicked.

In the closing weeks of the campaign, Ruth Birchett and Joseph Martz, two members of Rendell's staff who were detached to run the campaign, and Robert O'Brien, a local union official, oversaw a stepped-up drive to sign up absentee voters.

Campaign workers and local political leaders familiar with the Stinson campaign tell how a small army of street workers was recruited and dispatched door-to-door enlisting Second District residents to vote by absentee ballot.

Street canvassers tell of meetings at which goals were set and instructions were given on how to sign up absentee voters. They say they also were promised a fee if they collected a

certain number of ballots.

In some wards in the district, committeemen and committeewomen also worked on the absentee-ballot drive. None reported getting money for the effort.

The field work produced a bumper crop: Stinson won nearly 80 percent of 1,757 absentee ballots cast, and thereby won the election.

Since Nov. 2, hundreds of Second District voters have told The Inquirer that they were misled into casting absentee ballots for Stinson. The senator said he and his campaign aides did nothing wrong. He said his success in collecting absentee ballots was the result of a superior field organization that identified qualified absentee voters. Birchett and Martz have declined to comment on their campaign activities.

The Republicans have challenged the outcome in court; contention over the seat has paralyzed the Senate -- where a near fistfight erupted the day Stinson was seated, and state and federal officials have launched investigations.

As David Buffington, editor of a political newsletter in Harrisburg, put it just before the election: "The Democrats have taken a race that should have been a cakewalk and turned it into a tightrope walk."

This is how it happened:

The scramble for the Second District -- which stretches from Northeast Philadelphia to central North Philadelphia -- began in May, with the death at age 72 of Sen. Francis J. Lynch. Lynch had represented the district for two decades. Democrats had assumed control of the Senate in January for the first time since 1980, and the vacancy in the Second District threatened their majority.

Lynch's death left the Senate with an equal number of Democrats and Republicans and created a second vacancy in the upper chamber. The first open seat, in Bucks County, was certain to be filled by a Republican in a special election in July. Pressure was on to ensure that Lynch's seat would be filled by a Democrat in November, enabling the party to retain procedural control through the tie-breaking vote of the lieutenant governor.

So determined were the Democrats not to let Republicans regain control of the Senate -- if only for a few months -- that they adjourned the upper chamber in June to wait out results of the Second District race.

In Philadelphia, several people floated their names for Democratic Party backing. There would be no primary; the 16 ward leaders in the district would pick the candidate.

The possibilities included Tina Tartaglione, daughter of City Commissioner Marge Tartaglione; Harvey Rice, a former deputy controller who had run a close second to Lynch in the 1990 primary; Patricia Hughes, a ward leader and a former city councilwoman, and Stinson, an uncharismatic party soldier in the Rendell administration.

Tartaglione was said to have been ruled out because party bosses did not want to further empower her political family. Rice, who presented himself as a reform politician, declined to court the ward leaders. Hughes did not have enough backing.

Stinson, 49, longtime Democratic leader of the 33d Ward and owner of a jewelry store on South Seventh Street and a beauty parlor in Juniata Park, had lost two previous runs for local office.

His first elective foray was in the 1990 Senate primary, in which the party put him up against Lynch, an old-style party warhorse who had the worst attendance record in the Senate. Stinson boasted a galaxy of Democratic support: Rendell, then a lawyer in private practice planning his mayoral bid, was finance chairman; City Controller Jonathan Saidel was an hon-

orary chairman; Robert A. Brady, chairman of the City Democratic Committee, was campaign chairman.

In the four-way primary, Stinson straggled in third. He did show a knack for generating absentee ballots. In the 1990 primary, absentee ballots cast for Stinson surpassed those cast for the winner, Lynch, 304 to 231. Indeed, Stinson got nearly half of all absentee votes cast for the four Democrats combined. He was so far behind in the voting-machine tally that his absentee ballots did not affect the outcome.

In 1991, Stinson ran for City Council. In the primary, he faced Daniel P. McElhatton, an independent Democrat who ran as a reformer.

Stinson lost narrowly on the voting-machine tally, while again rolling up an absentee-ballot landslide, 539 to 112 -- making the race a virtual tie. After a recount, McElhatton's margin was 17 votes, the smallest in the history of Philadelphia elections.

After backing McElhatton in the general election, Stinson took a patronage job in Rendell's office as assistant deputy mayor for economic development at \$50,000 a year. Stinson was permitted to work for the city while remaining a ward leader and staying active in partisan politics.

The Philadelphia Home Rule Charter prohibits city employees from engaging in partisan political activity. Under a city solicitor's opinion from the 1950's, members of City Council and their staffs are exempt. Stinson was put on the City Council payroll, enabling him to continue to dabble in politics.

On June 14 of this year, two weeks after Lynch died, Stinson resigned his city job and launched his campaign for the Senate.

On June 30, with Stinson voting, the 16 ward leaders unanimously chose him as the Democratic nominee for the special election.

Some party leaders said privately that he was not an electrifying candidate. After the election -- and the controversy it caused -- no one was eager to take credit for naming him. According to one insider, Rendell thought Fumo wanted Stinson, Fumo thought Brady wanted him, and Brady thought Rendell wanted him.

"The process picked him," says Howard Cain, a political adviser to Fumo. "Sometimes you gotta dance with the girl you brought."

Shortly after the election, Rendell mused that perhaps he should have intervened to insist on a stronger candidate, someone such as Rice. He didn't, he said, mainly out of loyalty to Stinson, who had worked for him and lost a couple of close elections and had, at the party's request, taken on Lynch.

On the Republican side, Bruce Marks quickly emerged as the only candidate.

A 36-year-old lawyer who had worked for U. S. Sen. Arlen Specter, Marks had come within 851 votes of beating Lynch in November 1990. In June, with Specter's backing, Marks got the blessing of city GOP boss William A. Meehan. In July, he won the unanimous support of the GOP ward leaders. From the beginning, Marks' campaign appeared more organized.

Stinson held no public kickoff. Marks staged his announcement in front of Ziegler Elementary School in Northeast Philadelphia and identified himself with an issue important to the district -- education. He said that he favored so-called school choice and that he had successfully argued in court against forced school busing, two positions with strong local appeal.

Still, conventional wisdom put Stinson ahead. "We figured if Lynch could win this district," said one party insider, "any Democrat could win."

Beneath conventional wisdom brewed concern. Democratic strategists were aware that their 2-1 registration edge, which looked great on paper, was deceptive. Numerous Republicans had done well there. Some even had won.

"Some of the old-line Democrats thought it was a 2-1 edge," said one insider, "but professional people understood that this thing wasn't a lock at all. The mayor and Vince [Fumo] recognized that this wasn't going to be an easy race."

On Aug. 5, several of the city's key Democratic strategists gathered in Fumo's office to take the measure of the campaign.

From Rendell's office, there were David L. Cohen, the mayor's chief of staff, and Jerry Murphy, deputy mayor for labor. Fumo was there, and so was Cain. U. S. Rep. Robert Borski sent his administrative assistant, Jack Dempsey. Brady was there. Neil Oxman, a political consultant, attended. So did Stinson.

They had serious concerns.

The Democrats expected turnout to be low, because it was an off-year election. And their biggest registration advantage was in the district's southernmost wards, where most voters were minorities. The party couldn't count on them to turn out for Stinson.

"You don't have to be a rocket scientist to understand why," Cain said recently, recalling the August meeting. "Go look at those neighborhoods. If I lived there, I wouldn't turn out except to shoot the son of a bitch who was running for office."

Another reliable pocket of Democratic votes, the so-called Jewish triangle around Oxford Circle, also posed a problem. The Democrats assumed that Marks, who is Jewish, would fare well there.

During the meeting, Oxman says, he warned that Stinson could lose:

"I said to Vince, you won't win with \$250,000, and everyone agreed they had to run an extraordinary campaign. There was a sense that we have to get a real campaign manager. Bill acknowledged that he had to prepare on the issues. Everyone knew they had to raise money. There was no talk about absentee ballots, no talk of registration."

Dempsey agreed. "There was a consensus that Stinson was going to have to do some other things that maybe weren't done in the past, like media-type stuff," he recalled recently. The discussion focused mainly on the need to raise money to pay for television, direct mail and other more expensive campaign tools.

Another worry, but one not addressed at the meeting, was that the candidate himself might be a hard sell. Stinson could point to few accomplishments. He had no charisma on the stump and projected little presence on television. "You can't sell a product in a brown wrapper," one party stalwart said later. "I went out with him to a couple of spots, and there just wasn't a click there."

When the race took shape after Labor Day, Marks already had a strong base. He had pounded on doors all summer, often escorted by popular Northeast Republican State Reps. John J. Taylor, Chris R. Wogan and John M. Perzel. He had begun mailing fliers that introduced him, spelled out his platform and reminded voters that he was the lawyer who had successfully argued against school busing.

Stinson had been nearly invisible. He had little campaign structure. There was no manager. His top consultant, Steve Kaplan, who also worked in the Rendell administration, was only filling in until mid-September, when he left for California.

Two weeks after Labor Day weekend, a survey conducted for AFSCME, the public-employee union, set off alarms: Marks was leading Stinson by nine points.

"The poll said to me that Mr. Stinson was behind in terms of getting his message across, whatever his message was, that he needed to do some more work, and that the campaign wasn't over," said Barry Bogarde, AFSCME's legislative director. "In fact, at that point, it hadn't even begun."

About the same time, Marks' organization, which had been researching Stinson's record, made some discoveries:

Stinson had been fined \$5,000 in 1986 and 1987 for paying city business-privilege taxes late and had not paid the fine until just before he announced his candidacy. He also had been fined \$500 in 1992 for having an illegal sign on his Center City jewelry store, and had yet to pay that.

In addition, the Office of the Secretary of the Commonwealth was looking into a political action committee that Stinson had formed shortly after his 1991 City Council loss. The PAC, called The Committee of 17 -- after the number of votes by which he had lost -- had failed to file required finance reports explaining how it had spent money over the previous 18 months.

Marks' direct-mail firm of Murray & Associates of Princeton drew up red and white fliers that screamed: "Bill Stinson Breaks Our Laws."

"Stinson people were amazed at the voraciousness of the negative campaigning that Marks did," Cain said later.

While some of Marks' tactics drew criticism -- the Democrats accused him of running a race-based campaign -- the Republican was setting the agenda for the campaign and had the momentum.

At the same time, Rendell and Fumo were sending an emphatic message to the Stinson campaign: Win. Everything is on the line.

By the time it was over, Marks and Stinson together spent more than \$725,000 in campaign contributions to try to win the Second District seat for the 14 remaining months of Lynch's term.

Fumo pumped in tens of thousands of dollars -- the exact amount is unknown because hundreds of thousands of dollars moved among various political committees. He also sent the Stinson campaign his top political advisers.

Rendell's mayoral campaign fund lent Stinson \$50,000. The mayor also had lent him two of his own employees, Martz and Birchett, and his campaign fund paid their salaries plus Kaplan's totaling \$21,750 for the campaign.

Yet the Stinson workers seemed unable to gain the upper hand. They ran a TV ad saying Marks had not voted in two elections. When Marks complained -- he said the ad was false, that the only election he had missed was the 1991 primary, when he had been working for mayoral candidate Ronald D. Castille -- the Stinson campaign pulled the ad.

Stinson's campaign also had intraparty problems.

Instead of relying on campaign workers who knew the Second District's neighborhoods, he relied heavily on outsiders. Several local ward leaders felt snubbed.

"Bill used his own forces. They ran the campaign," said Patricia Hughes, leader of the Seventh Ward, who worked hard for Stinson in his unsuccessful 1990 senatorial bid. When she visited the campaign headquarters this time, she said, "I didn't even recognize anyone in the campaign office."

The chief outsiders were Martz, Birchett and union official O'Brien. None of the three would discuss the campaign with The Inquirer.

Martz, a deputy city property commissioner who had worked in Rendell's 1991 campaign, was named campaign manager in mid-September.

Birchett, a deputy director in the Mayor's Office of Com-

munity Services, served as Stinson's field coordinator for African American and Latino wards.

O'Brien, a trustee with the Sheet Metal Workers' Union Local No. 19, was hired as a field coordinator with responsibility for the 33d Ward and those to the north -- essentially white voters. The Stinson campaign paid \$1,400 per week for five weeks to the union for O'Brien's services. That's the amount that O'Brien would have made had he been working as a sheet-metal worker, says Tom Kelly, president of the union, which was backing Stinson because it viewed him as pro-labor.

Some Democrats later said privately that Martz did not have the experience to run a campaign of this magnitude and importance. And they said they resented the salary being paid O'Brien. Black and Latino political leaders said they were insulted that Stinson brought in Birchett, who does not live in the district, to run field operations in their neighborhoods.

State Sen. Hardy Williams, a West Philadelphia Democrat, was so dismayed by what he said was Stinson's apparent disregard of minority neighborhoods that he went to Robert J. Mellow, president pro tempore of the state Senate and head of the Democratic State Senate Campaign Committee, and secured \$25,000 to run a last-minute get-out-the-vote effort.

"I just had no idea what they [Stinson campaign leaders] were doing with the Latino and black vote," Williams said. "The assumption was that it would be a close election, and I thought it would be crazy to lose by 200 votes."

So Williams set up his own operation for but not with Stinson, and Stinson said he was not privy to Williams' activities.

Williams dispensed his money through Friends of Hardy Williams, his own campaign committee. Asked why he did not work with Stinson, Williams said after the election, "You don't involve yourselves with the same fools who obviously didn't see a value as great as I saw to getting that vote out....I wanted to stay as far away from the campaign as I could."

Williams recruited Mercedes Sanchez, a North Philadelphia businessman, who organized a group called Latinos for a Democratic Majority. With \$2,000 from Williams, Sanchez opened an office at Fifth Street and Girard Avenue. The Williams committee also paid for motorcades, for printing and distribution of Stinson fliers, and for radio and newspaper ads directed at Latino voters.

Cain, Fumo's political consultant, said he joined the campaign at the end to focus on Election Day turnout. Both Williams and Cain said their efforts did not include canvassing for absentee ballots. As a strategy, Cain said, "I don't like absentee ballots. For the amount of vote that you get, versus the time and/or expense you have to invest, you never get a return."

There was plenty of return in this election. Stinson's absentee-ballot effort began in a modest way in late September, when campaign workers blitzed the district trying to register voters before the Oct. 4 deadline.

In the following days, the campaign began signing up absentee voters aggressively.

The effort soon became a campaign within the campaign. A zealous workforce fanned through the Second District and told residents of a "new way of voting": Vote from home, even if you are in good health; vote from home because you are a mother; vote Democratic because the Democrats have a shorter ballot; vote from home as a bonus for voting so often in the past; fill the ballot out while campaign workers wait; let the worker fill it out for you.

State law permits voters to use absentee ballots only if they are too sick or infirm to get to the polls or will be out of town on Election Day.

Street workers tell varying tales of how they were paid. Some say they received a fee for each ballot. Others say they were paid a daily fee. Still others say they received a one-time fee.

It is not illegal to use campaign workers to sign up absentee voters, nor is there any law against paying workers to collect absentee ballots. The state attorney general and the U. S. Department of Justice investigations are focusing on whether voters who did not qualify to vote absentee were misled into casting improper ballots. The investigations also are looking into possible forgeries and other abuses of absentee documents.

Since the election, The Inquirer has reported that 338 voters told the newspaper of casting suspect absentee ballots; in 61 cases, people who have examined voting documents said the documents contained forged signatures. In addition, the newspaper has reported, nearly two dozen absentee votes were cast in the names of people who had moved from the Second District, the state or the nation long ago or who could not be found to exist.

Stinson said that he waged a "very aggressive" absentee-ballot effort. He said great pains were taken to make sure that workers understood the law on absentee ballots.

Stinson said the absentee-ballot effort was supervised by field coordinators, Birchett and O'Brien, who worked under Martz.

Birchett worked with two assistants: Josue Santiago, a Puerto Rican community activist, and Sultan Mateen, a community activist who last year helped Specter win re-election to a third six-year term in the U. S. Senate.

Campaign-finance records show Santiago was paid \$300 per week for the last three weeks of the campaign and was given \$500 in street money to distribute on Nov. 2. Stinson said Santiago was recommended by Latino political leaders. Stinson said Latino leaders also had suggested Santiago for a permanent staff position if Stinson was elected.

Records show Mateen was paid \$400 a week for six weeks of the campaign and was given \$2,000 in street money to distribute on Election Day. His wife, Debra, was paid \$1,000 total.

Two street workers identify Mateen's house as a meeting place for people who were recruited to the absentee-ballot campaign.

Raymond Smith, 42, an unemployed laborer, says he was one of the foot soldiers in the absentee campaign.

Smith said that in early October, he was told by a woman who lives in his building that if he wanted to make some money, he should go to Mateen's house and he would be given instructions on how to sign up to work on the polls on Election Day.

When he arrived, Smith said, he was made the following offer:

"I was supposed to get 20 people to sign something, some absentee ballot thing to vote. And then if I got enough people, they would pay me the \$50 on Election Day to work on the polls."

Smith said it was Mateen who gave him and the 25 to 30 others their orders.

"They showed everybody how to do it [fill out the forms] and what neighborhoods to go into, but then we just knocked on anybody's door to ask them if they wanted to sign up to vote," said Smith. "They didn't give you a list of names or anything. You had to find the people yourself."

Smith said he signed up about 10 people to vote absentee and brought the signed documents to Mateen's house. He said he was told that he was now qualified to work on Election Day -- but he overslept on Election Day, and so got nothing for his

efforts.

Yalania Miller, who lives near Smith, says she was recruited.

Miller, an Air Force veteran, said she showed up at Mateen's house at 10 a.m. "two Saturdays before the election." She said two meetings were held at Mateen's that day: one on absentee ballots, another on distribution of leaflets and posters. Miller said she wanted to attend the absentee meeting, but was told she could not.

"I asked to be in the group that was doing the absentee balloting, because the word was that those were the people who were going to make the real money," said Miller.

Miller said that while she was at the meeting for people who would hang campaign posters and give out leaflets, a woman she said she did not know presided over the meeting for the people who would be doing the absentee balloting. Between 25 and 30 people attended that meeting, Miller said.

Omjasisa Kentu, chairman of the Grass Roots Political Network, of which Mateen is a longtime member, says Mateen had told him that absentee-balloting classes were conducted at his house.

"Sultan informed me that Ruthie [Birchett] did the class at his house with the potential workers. Sultan said she gave out the instructions; she fielded the questions" about how to collect absentee-ballot applications.

Kentu said the Stinson campaign approached him in late September asking whether his group would do field work in the African American wards. After an initial contact, negotiations fizzled, Kentu says.

Kentu said it was not until much later that he found out Sultan, who is in charge of the organization's political education committee, had been involved in the Stinson campaign.

"What Sultan did he did totally independent of the organization; he broke ranks," said Kentu. Kentu said that he asked Mateen why he had gotten involved with the Stinson campaign after the organization had decided not to work on it.

"He said, 'Kentu, I did nothing wrong. They had the classes at my house, and I introduced her and she did the classes. She was the one who answered all the questions,'" said Kentu, recalling the conversation.

"According to Sultan, all he did was provide her with the workers and the meeting place," Kentu said.

Birchett has declined to comment on her activities. Mateen denies that he or Birchett held any meetings for absentee balloting at his house.

"I don't know nothing about anything done wrong," said Mateen.

"Ruthie Birchett never gave any of my people instructions on absentee balloting, she never held meetings at my place," Mateen said on another occasion. "She directed us to paid professionals, who held the meeting and instructed us on what had to be done."

Mateen would not elaborate on what he meant by "paid professionals."

Clem Moragne, leader of the 37th Ward, said that on a Thursday night in late October, Stinson and Birchett visited his ward meeting at the Salvation Army community center at 11th and Huntingdon Streets.

Besides the usual campaign spiel, Moragne said, "They said they needed help with absentee ballots....They said they were going to meet at a certain place that Saturday and work on absentee ballots." He said he did not take note of the meeting place because he did not intend to volunteer for the effort. "I don't do absentee ballots," Moragne said.

Birchett's assistant Josue Santiago was identified by three

employees of a Spanish-language community newspaper as the person who recruited them to canvass Puerto Rican neighborhoods for absentee voters.

Two of the employees said Santiago gave them a stack of absentee-ballot applications and street lists and told them to go out and sign up voters. They said they were told they would earn \$20 a day, plus \$1 for each completed ballot turned in.

Santiago has declined repeated requests to be interviewed about his activities in the campaign. He once told *The Inquirer* that before he could comment, "I have to check with my superiors." When asked who those superiors were, he said: "Mr. Stinson."

Stinson said he did not supervise Santiago's activities. "No one answered to me directly," he said. "No coordinator came back and said, 'Bill, this is what we're doing.'"

Stinson said he did not know if Santiago had offered canvassers money to collect absentee ballots.

One Latino political leader said Stinson was aware that, on at least one occasion, a fee for ballots was discussed. The political leader, who spoke on the condition of anonymity, said that about three weeks before the election, Stinson met with a group of Latino activists who were concerned that the Democrat's campaign had ignored Puerto Rican voters. Birchett and Santiago accompanied Stinson to the meeting, the source said.

Toward the end of the meeting, the source said, Birchett announced that the campaign needed 20 absentee ballots out of each division and would pay canvassers \$10 for each ballot collected. The political leader said the request was turned down. "We told them it was too late to start doing absentee ballots," he said.

City Councilman Angel Ortiz was at that meeting. As he was preparing to leave, he recalled in a recent interview, Birchett began talking about the campaign's absentee ballot effort. He said he did not hear her offer cash or ballots.

Ortiz defended Birchett and Santiago. "It isn't the Josues who planned this; it isn't even the Ruth Birchetts who planned this....She might have been told to do something, that might have been it, but I don't think those are the individuals who cooked up that sort of plan," Ortiz said.

Martz, the campaign manager, was aware that there were low-turnout areas in the district. Rendell said the deputy property commissioner, who was on loan to the Stinson campaign, told him that "he [Martz] determined he should make an effort" to go after absentees in those areas.

Rendell said Martz told him he had given clear instructions that absentee canvassing should be done legally; a memo had been posted at Stinson headquarters about how to properly obtain absentee ballots. Rendell said Martz would not post such a memo and simultaneously encourage people to violate election rules.

The mayor said it seemed clear that someone created an atmosphere in which someone -- he said he did not know who -- felt compelled to push the limits of the election laws.

"If you're asking me, 'Do I believe that some Democratic committee people were whipped up into a frenzy'" by somebody and pursued improper ballots, Rendell said, "Absolutely."

One thing is certain: The absentee harvest for Stinson was a dramatic departure from the pattern of in the Second District.

Three years ago, Lynch got three absentee votes from the entire 20th Ward, Marks got none. This year, Stinson got 46 absentee votes in the ward. Marks got one.

In the 37th Ward, which was not a part of the Second District in 1990, Stinson got 58 absentee votes, Marks, none.

Moragne, the Democratic ward leader, said that was more

than had been cast in his ward in all the elections during the last 25 years combined.

William A. Meehan, the city's GOP boss, is one of many local politicians with a theory of what happened in the Second District. He said the campaign "just got caught short" and panicked.

"Did they have a meeting and sit down and say, 'Let's cheat?' No. You don't give orders for it. You get people who get over-enthusiastic, who are trying to impress people with what they can deliver.

Stinson's backers say they are comfortable with such an interpretation, except that one insider quibbles with one detail: "We were panicking all the way through."

Mark's view is less benign.

In papers filed last week in U.S. District Court, Marks contends that Birchett and Martz helped organize widespread abuse of absentee ballots that Marks says resulted in Stinson's election. His lawsuit contends that the two were aided by others, including city election officials who allowed Stinson workers to distribute hundreds of absentee ballots, instead of mailing them or delivering them directly to voters.

"You have these campaign organizations," Marks said, "and Cain and Martz don't know what's going on? If people give you money, they want to know what's going on. People on the street have to be coordinated. No one goes through those [bad] areas who aren't being paid and getting something for it."

Arthur Makadon, the lawyer for Birchett and Martz, dismissed Marks' allegations. He said neither Birchett nor Martz was involved in any ballot irregularities.

Election Day brought more chaos to the Stinson camp.

Scores of paid campaign workers were criss-crossing the district. Ward leaders, angered that they did not share in the extra money, privately acknowledged that they did not work hard to get out the vote for Stinson.

Latinos for a Democratic Senate used more than \$11,000 in street money to hire about 100 workers who went door to door, urging people to vote for Stinson. Most were paid \$50 each, though more experienced operatives got more.

Williams' effort in the Second District -- which included paying Maria Del Pilar, a Latino radio personality, \$500 to drive around in a sound car and urge voters to the polls -- cost \$22,850, according to the Friends of Hardy Williams financial report filed earlier this month.

Fumo's money -- tens of thousands of dollars that flowed in and out of various committees -- went primarily for get-out-the-vote efforts. One of his committees gave \$18,000 to Birchett for what was recorded as "legitimate Election Day expenses."

Several dozen Election Day workers were recruited by One Day At A Time, a recovery program for alcoholics and drug abusers. The program was paid \$2,090 for "election day workers," according to the Hardy Williams campaign committee financial report.

At least a dozen labor unions, committed to preserving a Senate Democratic majority, provided teams to work for Stinson on Election Day.

The Democratic Party sent its headliners -- Rendell, Abraham and Saidel, each of whom is Jewish -- into the Oxford Circle area to try to staunch the flow of liberal Jewish voters to Marks.

Rendell started working the polls at 7 a.m. in Marks' home ward. "My mother worked the same polling place as Rendell," Marks said. "He'd say, 'I'm the mayor,' and she'd say, 'I may not be the mayor, but I'm the mother.'"

A few hours later, Rendell reported to his friends at Famous

Deli that their candidate was going down.

His concern proved well-founded. After the polls closed at 8 p.m., Stinson appeared to have lost. It was so close that neither candidate conceded. Eventually, the machine tally showed Marks ahead by 564 votes.

Absentee ballots reversed the apparent outcome. Stinson won 79.2 percent of the 1,757 absentee ballots cast, enough to give him 461 votes more than Marks and be declared the winner.

"VOTING THE OLD WAY, FROM
A HOUSE THAT ISN'T HOME"

They came from many places to vote in the Second.

(The Philadelphia Inquirer 12/31/93)

This story was written by Inquirer staff writer Thomas Ferrick Jr. based on his reporting and that of Daniel Rubin, Lea Sitton, Mark Fazlollah, Craig R. McCoy, Sergio Bustos, Neill A. Borowski, Alan Hasbrouck, Pam Belluck, Rich Henson, Fawn Vrazo, David Lee Preston and Wanda Motley.

Like any party activist, Francis X. McDade was a busy man on Election Day in Philadelphia last month.

McDade, a Democratic committeeman in Olney's 42d Ward, worked as the voting-machine inspector in his division on Nov. 2. His job was to reset the machine after each person voted.

His wife, Eileen, was judge of elections at the same polling place in the 16th division. Her job was to oversee all balloting.

The two McDades voted from the 16th that day. By absentee ballot, two of their three children did, too.

There is one thing askew in this family portrait of political activism.

None of the McDades lives (sic) in the 16th division, or in the 42d Ward, or in Philadelphia.

They live in Montgomery County.

While the McDades' voter-registration cards list their address as 217 E. Robat St., a two-story rowhouse owned by a fellow Democratic committeeman, they have owned a graystone Victorian twin in Cheltenham Township since 1971. Public documents have listed them at that address for years.

McDade, 55, a machinist who works for Philadelphia Newspapers Inc., which publishes The Inquirer and Daily News, declined requests for an interview as did his wife.

As part of its examination of the special election in the Second State Senate District, The Inquirer looked at the voting and registration habits of the ward leaders, elected officials and committee people in that district.

The examination found cases of people who don't live where they are registered, of ward leaders who reside outside the city, of committee people whose houses serve as the voting address of relatives who live elsewhere.

In the Nov. 2 special election, Second District voters told of campaign workers who touted a "new way" of voting -- casting absentee ballots. But there are also old-fashioned ways of voting -- politics as it's been practiced for years in the wards of Philadelphia.

In this world, where a person lives and where a person registers to vote can be in different sections of town. The voter can live out of town. Or even out of state.

In this world, some children never leave the nest -- at least when it comes to voting -- even when they are in their 30s and have houses and families elsewhere.

In this world, official voter lists show as many as a dozen adults registered in two-and three-story rowhouses. Or 14 registered

from a one-floor apartment above a corner grocery. Or four registered from a funeral home.

No claim is made here that these types of cases are unique to the Second District or to one party. The Second is just one slice of the city: Only about 15 percent of the city's 800,000 voters live there.

Determining where a person resides for voting purposes is not an exact science. A lot of complex questions have to be answered, from where the voter spends most of his or her time to more abstract issues such as the voter's intent.

If found to have lied on a registration card or to have engaged in what state law calls "unlawful voting," the voter can be punished by fines, jail terms or both. In practice, prosecutions are rare. The last time a Philadelphian was convicted of vote fraud was 1979.

State Rep. Matthew J. Cianciulli Jr., who was sentenced to three years in federal prison for his role in getting people who lived outside his district to register -- including about 20 who voted from his corner grocery store in South Philadelphia.

Frederick L. Voigt said that what Cianciulli did was an example of "wretched excess" that caught the attention of federal investigators.

In general, though, the courts have given the benefit of the doubt to voters so as not to deny them the right to vote, according to Voigt, executive secretary of the Committee of Seventy, an independent group that monitors elections in Philadelphia.

"There are indicators of residence, which usually involve certain questions: Can a person live there?" Is it a store? Where do you get your mail? Where do you insure your car?" Voigt said. "But basically, if you can live there and you say you do live there -- for voting purposes -- the courts have treated this with a degree of liberality."

Election boards treat disputes over residency as administrative matters. Sometimes the boards hold hearings on disputed cases. If they find against the voter, there is no penalty or fine. They simply strike the name from the rolls.

The City Commissioners, who oversee elections, find thousands of cases each year of voters who have moved, left town or died. They strike the names from the rolls.

The Commissioners' office also sends out periodic first-class mailings to various wards and investigates all letters returned as undeliverable. And it gets lists several times each year from the state Bureau of Vital Statistics of people who have died. Can someone slip through the net?

"Yep," said Bob Lee, the city's voter-registration administrator. "If we don't get a return from the post office or the occupant telling us a voter doesn't live there anymore, we can't follow it because we don't have the lead."

The experts says (sic) the system counts on voters and political leaders to let the city know who has changed addresses. Not everyone does.

Take Lee's boss, for example.

Margaret Tartaglione is chair of the City Commissioners. In addition to overseeing elections, she is also Democratic leader of the 62d Ward.

Seven people are registered to vote from her home at 1407 Van Kirk St. in the Northeast. Most are family members. One of them is her daughter, Mary Ann, 30, who voted in November, using that address.

Public documents indicate Mary Ann moved this spring to the 63d Ward -- which is outside the Second District -- to live on the 600 block of Hoffnagle Street.

The law allows voters to cast ballots from their old addresses if they have moved less than 30 days before an election.

Otherwise they must register from their new residences.

Contacted at her Hoffnagle Street home, Mary Ann Taglione declined to comment. Her mother also declined, referring all questions to the city lawyers handling queries on election matters.

For ward leaders and committee people, ability to deliver votes enhances power, prestige, and access to patronage jobs and street money. They know every vote matters.

The superheated contest between Democrat William G. Stinson and Republican Bruce Marks is proof of that. Of 40,573 votes cast in the special election, Stinson won 459. That averages to fewer than two votes per division.

In races like that, even a modest rowhouse can be a center of power.

The rowhouse on 3355 N. Mascher St. has seen better days.

Its mud-brown stucco walls are sprayed with graffiti. The ground floor windows are broken. The mauve mini-blinds are tattered and shut.

This is the address of Joan Hughes and Phyllis M. Wildonger -- mother and daughter -- who also serve as Democratic committee people. In Philadelphia, committee people are elected every fourth primary election by voters from the same party in their division.

Phyllis is the niece of Patricia Hughes, the former city councilwoman and Democratic leader of the Seventh Ward, who lives on nearby Kip Street.

Phyllis has a patronage job at the Philadelphia Parking Authority. She was active as a street worker in the Stinson campaign.

Six people voted out of 3355 Mascher on Nov. 2. Two lived there at the time.

Two others -- Phyllis Wildonger and her husband, Steven -- were found last week at dinnertime at their home on East Cornwall Street in Kensington, which is in another ward and outside the Second Senate District.

"I have nothing to say," she said, then added, "I just moved here two weeks before the election."

The couple has had mail forwarded to the Cornwall Street home for a year. Their drivers' licenses also list that as their residence. So does a Stinson campaign finance report listing expenses paid to Phyllis Wildonger between June and November.

Two other Mascher Street voters were found closer to the old home -- about 10 blocks away on Reese Street.

One of them was Frances Hughes, Phyllis' younger sister. The other is her husband, Lawrence R. Kauffman.

Frances said that she "used to live" on Mascher Street, but added that Kauffman never lived in the house. He said he had.

It's been "10 years since I lived there," he said. He said that he and Frances had "always been registered from Mascher Street. I had no reason to change it back."

He said that he and Frances go to Hancock and Ontario, to a legion post, to vote. "It's easier for me to walk up there," he said. If he had changed his registration to the Reese Street address, he said, he and his wife would have to vote at a Spanish-speaking polling place, which they did not want to do.

"It's the same district and everything," he said. "Just a different polling place."

For her part, Phyllis Wildonger says she was entitled to vote in the November election from her old home. "My residence is still on Mascher Street. It is my mother's house. It is my primary residence."

The house on Mascher Street, which had been owned by Joan and Daniel B. Hughes Jr., was sold at sheriff's sale this month.

Bill Rieger can regale you with tales about the area around his house on Rising Sun Avenue, a few blocks behind Temple University Hospital.

How it used to be an all-German neighborhood. How his family has lived there for 100 years. How W. C. Fields used to live across the street.

W. C. Fields is long gone from the neighborhood. There is reason to think that Bill Rieger is, too.

Rieger, a state representative from the 179th District and Democratic leader of the 43d Ward, is still registered from 1141 Rising Sun Ave. He and his wife voted using that address on Nov. 2.

He spends his time at another home he owns on Frankford Avenue, eight-and-one-half miles north of 1141 Rising Sun.

The Frankford Avenue house, which Rieger has owned since 1976, is outside his House district, his ward and the Second Senate District.

As early as 1978, Rieger was questioned about the home in Frankford Avenue. He said that he had bought it for his son and that he lived there from time to time.

When political rivals conducted early-morning stakeouts of both homes during the 1988 Democratic primary, they only found him emerging from the one in Frankford Avenue, according to Alan McHale, who was the campaign manager of Ben Ramos, Rieger's opponent in that race and now a deputy mayor.

"He was never, ever at the Rising Sun address [in the mornings]," McHale said.

Ramos complained to the State Ethics Commission, whose chairman wrote to Rieger informing him "a serious question exists as to whether you have violated other laws concerning the requirement that you reside in your legislative district."

The commission referred the matter to the state Attorney General, who took no action, according to spokesman Robert Gentzel.

Today, the title is still in the name of Rieger, his wife and son. Rieger's green Cadillac with House of Representative plates is still routinely berthed in the driveway. So is his red Buick Park Avenue, leased by the state for \$557 a month.

And Rieger continues to maintain Rising Sun Avenue is his home.

"It's bull--, it's bull--," he said this week by phone from his Frankford Avenue address. He said his son owns the Frankford Avenue house and that "my wife is arthritic and she lives up here."

Two days after the election he suffered a heart attack, he said. "My wife is up here a lot. And then I had the heart attack and I was alone down there [on Rising Sun] with no one to take care of me."

Fortunato "Fred" Perri Jr., 31, is Republican leader of the 23d Ward. His father, Fred Sr. is a former state legislator and ward leader, who now works in the city court system.

The family home at 1320 Arrott St. is owned by the father. The son is listed on voting records as living in the house since 1972. He voted Nov. 2 using the Arrott Street address.

Fred Jr. also owns a home in Bucks County, one he bought in 1992 on Meadowbrook Road in Upper Southampton.

His telephone number is listed as this address in the Bucks County directory. State records show his drivers license from the Meadowbrook Road.

Contacted by The Inquirer, Perri first said he was living in Upper Southampton and correctly added that ward leaders can live outside their wards.

When it was pointed out that Perri voted out of his Arrott Street address, Perri amended his statement to say he lived in

both places.

"I've been living there off and on, going back and forth" he said, declining to estimate what percent of the time his family was at the Meadowbrook address.

"I don't think there's anything improper," he said. "Your casual readers are going to draw their own conclusion. Whatever conclusions they draw is entirely up to them."

Finally, a visit to the Rotondo family.

Its base of power is the 18th division of the 43d Ward in Hunting Park. Anthony is a Democratic committeeman there and served as judge of elections on Nov. 2.

On Election Day, four people voted from a funeral home at 529 Rising Sun Ave. that once belonged to Rotondo's family. None of them lives there.

Rotondo and his wife, Karen, are registered to vote from a house across the street at 534 Rising Sun. They voted from that address on Nov. 2.

A Spanish-speaking woman who answered the door at 534 said that five Rotondos lived there. A next-door neighbor said they had moved out "years ago."

Records list an address for Anthony and Karen in the Holmesburg section, which is in the Fifth Senatorial District.

Among the funeral-home voters are Rotondo's mother, Theresa, his grandfather and his sister.

The fourth voter is Joseph F. Toland Jr., whose mother said he has lived in New Jersey for three or four years. "He does not vote," Teresa Klein said of her son, a roofer.

Records show that Toland was registered to vote from the funeral home in 1989 and that he has voted in nine elections since then -- seven times by absentee ballot.

Efforts to talk with Toland were unsuccessful.

Rotondo, who is clerk in the Register of Will office, did not respond to messages left last week at his home and city office. Last month he said, "I really don't have anything to say because whatever I say, you're going to misconstrue...I'm not answering your questions."

Len E. Ellis, who owns the funeral home at 529-31 Rising Sun Ave., said none of the four people who voted from his address lives there. He does not even know two of them, he said.

"I was not aware that all of them were voting out of my address," Ellis said last Thursday, who bought the funeral home from Rotondo in 1990.

Reached last Thursday at her Rhawnhurst house, which lies in the Second Senatorial District, Theresa Rotondo dismissed the fuss over her voter registration.

"I only vote once," she said. "Nobody pays me to vote."

CALENDAR

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, before I respond or make some remarks, could we return to the Calendar? I would move that all bills on the Calendar go over in their order without prejudice as to the days.

The PRESIDENT. Senator Lincoln moves that the bills do go over in their order without prejudice as to the days.

Senator LINCOLN. Mr. President, it is my understanding that will keep the days from accumulating.

The PRESIDENT. The gentleman is correct.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

PETITIONS AND REMONSTRANCES

(Continued)

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, the gentleman from Blair, Senator Jubelirer, started off his comments with a reference to the weather, and I would say that stormy weather also brings some good things with it at times. It fills wells, it replenishes the aquifers and the water supplies, and it cleanses, and I think the stormy weather of last year, it is very well recorded what those storms brought with them in legislative accomplishments. So, stormy weather can be good and it can be bad, but it also can bring about some good things.

I think that it is unfortunate that the controversy over the election in the Second District continues. It is unfortunate that it is going to continue to be a plague on this house because it is a strange thing, the gentleman from Blair, Senator Jubelirer's party won the Philadelphia Inquirer fight hands down. We will not even say it was a 9 to 1 fight. It was a 10 to 0 fight. And probably in most other media in that area it was a very one-sided reporting effort, and the stories that are filed today are meaningless as far as I am concerned, because in the courts, where this issue is finally being resolved, the issue is being given a fair and legal hearing, and to this date, January 4, 1994, there has been no change from November 2, 1993. It has been one month since there has been any decision, aside from the fact that a Federal judge yesterday recused himself from hearing any further information on this case, and I think it is obvious as to why that was done, because one of the primary participants in it played a very great part in that judge becoming a judge, and I have no question about the man's integrity. I think it is just a continuing saga, a continuation of the saga that we see.

It will end, and I have no doubt that it will end in the same manner that the situation is right now, that the Senator from the Second District is now William Stinson, will be William Stinson until November 30 of this year, and beyond that it will be determined by the voters, once again, in the Second District. I understand that the Republicans would like to continue making this challenge for legal purposes, and I have no problem with that. And as long as the only motion that is made is like that of the gentleman from Allegheny, Senator Fisher's motion earlier today, or statements earlier today, I probably will not respond, but I think that statements of the gentleman from Blair, Senator Jubelirer, and the fact that he has continued to carry this fight to the newspapers, have to be responded to, and I do that with a great deal of respect for the position that Senator Jubelirer is coming from.

I also would like to say that even though there was a great deal of acrimony last year, if you listened closely, which unfortunately I do not think anybody did when I was nominating the gentleman from Lackawanna, Senator Mellow, I spoke to the bipartisan efforts that were made, and many, many great efforts were made to get some good legislation passed last year. I look forward to that. I have nothing but respect for the gentleman from Blair, Senator Jubelirer. He and I have had our differences at these microphones, and I think most people would be amazed at how that goes away when we walk out of here. I look forward to continuing to learn from him in debate, and it is a learning process for me at times, debating such a skilled person as Bob Jubelirer, and I look forward to working

with him both here and in private, whatever it may take to continue the process of moving forward so that we do accomplish a lot of good things in 1994.

I wish everyone Godspeed for '94, good health, a good year, maybe not quite as good a year for the Republicans as the Democrats, but I wish you a good year anyway.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, everybody has been thanked today except one group - that is the group of Senators who came here today. I do not know about the rest of them, but I had enough sense to come up last night. But coming down along the river for about 2 miles when you could see only about 25 feet in front of you, and there had been a snow plow up the road the other way, I realize how hazardous it was for other Senators who came from farther distances. There is about 4 or 5 inches of snow on the ground. It arrived around 6:30 this morning, and I understand that in nearby parts of Pennsylvania there is a foot of snow. And so that we can maintain the 25-25 membership of this Senate, please take care going home.

The PRESIDENT. The Chair thanks the gentleman from Delaware, and in the interest of passing along some information, the Chair would take this opportunity to announce to the Members of the Senate that the State government will be closing down at 1 o'clock this afternoon and that the Senate itself, by and large, will be shutting down as well.

The Chair would also advise that, indeed, there are more than 12 inches of accumulation in various parts of the State, with as much as another foot of snow expected in the next 24 hours. That being the case, the Chair would simply advise all Members to be careful driving home and to get out of town. The gentleman from Schuylkill, Senator Rhoades, suggests that everybody reconvene in the Poconos.

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Tuesday, January 25, 1994, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:53 p.m., Eastern Standard Time.