

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON THURSDAY, APRIL 26, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
 Secretary Frederic M. Umame

Commissioners Araujo, Barrera, Dent, Polanco, Soumas, Stupp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Raphael Savino, Director, Campaign Finance Reporting Enforcement
Valerie Vazquez, Director, Communications and Public Affairs
Dorothy Delayo, Director, Personnel
Steven Ferguson, Director, Management Information Systems
Troy Johnson, Coordinator, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballot Management
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: A.B. Britton, K.L.C. GOP USA
 Chi-Ser Tran, AALDEF
 Seth Grossman, City Council
 John D. Smith
 Alex Camarda, Citizens Union
 Mariana Blume

President Guastella called the meeting to order at 1:41 P.M.

Secretary Umane moved to table the minutes of the April 3, 2012, April 10, 2012, and April 17, 2012 meetings, which was unanimously adopted.

Mr. Richman recalled that Section 4-104 of the NYS Election Law requires the Board to designate poll sites in either public buildings or buildings that have either tax exemptions, tax abatements, or receive government funds to allow the Board to compel their use of poll sites on or before May 1st of each year. He distributed copies of the partial report to the Commissioners. Mr. Richman requested approval of the partial 2012 Poll Site Designation Report for Department of Education (DOE) sites citywide, New York City Housing Authority (NYCHA) sites citywide, and Staten Island's complete report. He also requested for the Commissioners to appoint the Executive Committee to act as a full Board to approve the remaining poll sites on Monday, April 30, 2012 in a public meeting in order to meet the requirements which has been done in past practice. Secretary Umane moved to designate the poll site designations in the three (3) reports presented and to appoint the Executive Committee to authorize the designation of the remaining poll sites on April 30, 2012. Commissioner Polanco seconded the motion, which was unanimously adopted.

President Guastella noted that Commissioner Soumas joined the meeting.

Mr. Richman presented a brief summary of the proceedings in Kings County relating to the 27th Senate District Special Election. He distributed copies of Judge Martin's decision that was issued last week to the Commissioners. Mr. Richman stated that the Brooklyn Office is still awaiting a final judicial determination in order to move forward. Secretary Umane stated that there needs to be 110 vote difference to avoid having a manual recount of 22,000 ballots. Mr. Richman stated that the Board may have to plan for a first full hand canvass in this contest before they can certify the election in order to meet the obligations under the Board's rules. Commissioner Dent thanked Mr. Richman for his comprehensive report. Ms. Sandow inquired about the amount of Board Staff that may be needed to conduct the hand canvass in the Brooklyn Office. Mr. Richman stated that the General Office Staff may have to assist the Brooklyn Office. Secretary Umane requested for guidelines and samples for the hand canvass process to be made available to the counsels. He noted that another issue will be the amount of bipartisan tables during the process. Ms. Sandow stated that they will create a plan for the hand canvass

process. Commissioner Dent stated that Chief Clerks and Deputy Chief Clerks will assist with the plan.

Commissioner Barrera requested to discuss a Bronx personnel matter in Executive Session.

Mr. Richman requested to discuss a litigation matter in Executive Session.

Mr. Johnson presented the proposed Order of the May 1, 2012 Hearings at 1:30pm on Specifications of Objections and Related Matters for the June 26, 2012 Federal Primary Election. He distributed copies of the Specifications filed citywide. Mr. Johnson suggested the order to be Bronx, Brooklyn, Manhattan, Staten Island and then Queens. Mr. Richman stated that a schedule will be posted for the public. Secretary Umame moved to adopt Mr. Johnson's proposed Order of the May 1, 2012 Hearings. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Ferguson requested approval of the Election District (ED) lines. Commissioner Barrera stated that she and Commissioner Polanco have reviewed the ED lines for Bronx County. Commissioner Polanco moved to adopt the ED lines for Bronx County. Commissioner Barrera seconded the motion, which was unanimously adopted. Mr. Ferguson stated that he will present the remaining boroughs' ED lines at the next meeting. Commissioner Soumas requested to review Manhattan's map with Secretary Umane during Executive Session.

Mr. Ferguson reported that he discovered an issue with the Assembly District (AD) lines concerning Liberty Island and Ellis Island. He stated that the islands were included in the New York County AD lines by the Legislature, but both islands are part of New Jersey as well. Mr. Richman stated that New York and New Jersey share the jurisdiction of those islands. There was a Supreme Court decision between the two (2) states in the early 1900's. The issue was which state would receive the sales tax on the sales shop built on the new ferry slip at Ellis Island. Mr. Richman stated that the Legislature had a credible claim to include these two (2) islands in New York County.

Mr. Ferguson reported that the Legislature and Federal Court included the actual boundaries around each borough's shore lines in the middle of the ocean and/or river when they developed the new lines. He stated that there is a discrepancy because the current Council and Civil Court lines are still by the shorelines. Staff had to make ED's for these areas that do not have Council and Civil Court associated with them and there are no voters in these ED's. Mr. Ferguson noted that the Brooklyn Piers are part of Manhattan's district lines. Secretary Umane added that a part of the Bronx is part of Manhattan's lines as well. Mr. Ferguson stated that these lines will have to be adjusted. He stated that the Council Redistricting will occur next year. Mr. Richman requested for authorization to advise the City Council Districting Commission that the Federal and State lines now reflect the full length of each borough's jurisdiction which is in most cases in the middle of the ocean and/or river. Mr. Ferguson presented the New York County map for the Commissioners to review. Commissioner Polanco added that there was an issue with the lines in Bronx County as well. After the Commissioners analyzed the map, Secretary Umane moved to authorize the appropriate Board Staff to advise the City Council Districting Commission of the inconsistencies of the

current and prior AD lines. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Sattie presented an update concerning the sample “mock” ballot in five (5) languages on a 1-page and 2-page ballot system. He recalled that he presented this item at last week’s meeting and the Commissioners asked for cost estimates of a 2-page ballot system, and the time to print, mark and test them. Mr. Sattie stated that he used the estimates for 25% and 50% of Queens County. The information follows:

- The printing costs for 25% would be approximately \$200,000 and 50% would be approximately \$400,000;
- The time to print a 1-page ballot takes 2-3 days, and a 2-page ballot would take 2-3 additional days;
- The time to mark up a 1-page test ballot takes 2-3 days, and a 2-page test ballot would take 2-3 additional days;
- The time to test a 1-page ballot takes 2-3 days, and a 2-page ballot would take 2-3 additional days.

Mr. Sattie stated that it would take an additional week for a 2-page ballot process for Queens County. He noted that Mr. O’Grady assisted him with the figures for marking and testing the ballots. Mr. Sattie reported that

Ms. Rahmouni expressed concerns about additional Poll Worker training targeted towards the poll sites that would have a 2-page ballot system. She suggested having an additional Coordinator at those targeted poll sites as well. Mr. Sattie stated that there would be additional costs for those suggestions. He reported that he asked Mr. Naudus about producing ballots with a mandated 10 point font citywide. Mr. Naudus reported that a 10 point font would mandate a 2-page ballot with just English and Spanish languages citywide and the cost would be approximately \$3 - \$4 million, and the marking and testing of the ballots would take approximately 2 - 3 weeks.

Secretary Umane reported that he received a letter today from Citizens Union who suggested that the Board limit the ballot to two (2) languages citywide (English and another language) as a way to keep the ballot smaller. He stated that Citizens Union and the other good government groups think it would be a way to less expensively provide ballots. Secretary Umane asked Mr. Sattie to research their suggestion. Mr. Sattie noted that these changes do not affect the June 26, 2012 Federal Primary ballot. Commissioner Dent asked if there would be a 2-page ballot requirement citywide if the font was 9 point. Mr. Sattie stated

that he asked Mr. Naudus to research a 10 point font. He noted that 9 point is very close to 10 point so most likely it would require a 2-page ballot.

Mr. Ward presented the Vacancy Report dated April 26, 2012. A copy of the report is in the agenda.

Mr. Ward reported that the Board has funding for the June 26, 2012 Federal Office Primary Election because the Board's request for a Modified Need (MN) was adopted on Monday. Ms. Sandow thanked Mr. Ward for preparing the majority of the Board's Budget Testimony. Mr. Ward thanked his Finance Department Staff for assisting him.

Commissioner Dent thanked Ms. Vazquez for sending the requested Board information to Community Board #4 in Bushwick, Brooklyn. Community Board #4 added the Board's information concerning the Primary and General Elections in their newsletter. Commissioner Dent stated that newsletter is distributed to a huge amount of people.

Commissioner Stupp applauded the Queens Staff for working hard on the April 24, 2012 Presidential Primary Election and the Pilot Program in

Queens County. Ms. Sandow stated that the Queens Staff did a phenomenal job and the Pilot Program was a success.

President Guastella recognized A.B. Britton, a member of the public, who asked if the Board informed the voters about the April 24, 2012 Presidential Primary Election. The Commissioners replied yes. Ms. Vazquez stated that the Board placed the legally required notices in various citywide and covered language newspapers.

President Guastella recognized Mariana Blume, a member of the public, who raised concerns about the amount of Poll Workers who worked on Primary Day.

Commissioner Soumas moved to convene an Executive Session to discuss personnel and litigation matters, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and President Guastella reported on the actions that were taken in Executive Session.:

I. The Commissioners unanimously approved for Norma

Saunders, a Temporary Clerk in the Bronx Office, to fill the vacant position of the Voting Machine Technician line with the annual salary of \$30,088, effective April 22, 2012.

- II. The Commissioners unanimously approved to adjust Robert Hornack's salary, the Director of Supplies in the General Office, to the annual salary of \$60,871, effective April 1, 2012.
- III. The Commissioners unanimously appointed John Bougiamas, an Administrative Associate in the Queens Office, to replace Stephen Graves, as an Associate Staff Analyst, with the annual salary of \$69,711, effective April 22, 2012. Mr. Bougiamas will be temporary assigned in the Queens Office until the 2012 General Election and then assigned back to the General Office.
- IV. The Commissioners unanimously appointed Natalie Dubovici, an Administrative Assistant, to replace John Bougiamas, as an Administrative Associate with the annual salary of \$52,103, effective April 22, 2012. This line is transferred from the Queens Office to the Candidate Records Unit (CRU) in the General Office.

V. The Commissioners unanimously appointed Pierre Alcantara, a Temporary Clerk in the Queens Office, to replace Natalie Dubovici, to the position of Clerk, with an annual salary of \$27,927, effective April 22, 2012.

Commissioner Sipp moved to adjourn the meeting. President Guastella seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, May 1, 2012 at 1:30 P.M.