

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, AUGUST 14, 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. Umane

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Raphael Savino, Director, Campaign Finance Enforcement Reporting
Valerie Vazquez, Director, Communications and Public Affairs
Troy Johnson, Coordinator, Candidate Records Unit
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Byron Zinonos, Legal Student Intern, OGC
Jeffrey Lederman, Legal Student Intern, OGC
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Al Roundtree, NYCDLC
 Kate Doran, LWV
 Will Colegrove, NYCC
 Gale A. Brewer
 Gene Berardelli, for Gallo
 Stewart Armstrong, CFB
 Monica Bartley, CIDNY
 Alex Camarda, Citizens Union
 Eric Friedman, CFB
 Artyon N., City Council
 C. Mayers, CFB NYC VOTES

Maria Massa, DIRAD
John Michne, DIRAD
Russell Gallo
A.B. Britton, KLC USA
John D. Smith
Alan Flacks, Member of NY Democratic County Committee
Agustin Diaz
Juana Valentia
Michael Olnido
Jerry Skurnik
Michael Farrin

Secretary Umame called the meeting to order at 1:54 P.M.

Secretary Umame requested to discuss a Manhattan personnel matter in Executive Session.

Commissioner Dent requested to discuss a Brooklyn personnel matter in Executive Session.

Mr. Richman requested for the Commissioners to appoint a Commissioners' Cover Sheet Review Committee to be held after the meeting. Secretary Umame and Commissioner Araujo were designated as the Committee.

Commissioner Araujo moved to adopt the minutes of the June 19, 2012, July 3, 2012, July 10, 2012 and July 17, 2012 meetings. Commissioners Dent and Stupp abstained on the July 3, 2012 meetings. Secretary Umame abstained on the July 10, 2012 meetings. The motion was adopted.

Ms. Sandow thanked two (2) temporary staff members, Souad Jayid from Queens County and Mitchell Zink from Richmond County, for assisting the Communications and Public Affairs Department. Ms. Sandow congratulated Mr. Zink for receiving a full scholarship to the Catholic University of America.

Ms. Sandow provided a brief on the New York City Council Committee on Governmental Operations Hearing which was held on August 8, 2012. A copy of the Board's Testimony is in the agenda. She stated that Commissioner Polanco, Senior Staff and Department Managers represented the Board. The purpose for the Hearing was to assess the Board's performance for the June 26, 2012 Federal Primary Election. Ms. Sandow addressed the following topics in the Board's Testimony:

- Election Day Operations
- Post Election Day Activities
- Implementation of Asian-Indian Language
- Redistricting Process
- Queens Election Night Results Reporting Pilot
- Designating Petitions Filing Cycle
- Public Information Campaign
- New Poll Site Locator App for Smart Phones
- Unofficial Election Night Results Reporting Procedures
- Press Articles with Distorted Information about the Board

Ms. Sandow stated that she reviewed all testimonies of the good government groups. She noted that Alex Camarda, a representative of Citizens Union, praised the Board's new Election Night Results Reporting procedure and suggested the Board to use a consolidated Return of Canvass. Ms. Sandow stated that Susan Lerner, a representative of Common Cause, incorrectly stated that the Board was unable to provide accurate information identifying poll sites in the new Congressional Districts in the Poll Site Locator. Ms. Sandow stated that Ms. Lerner was referring to a message that appears on the State Board's website, not on the City Board's website. Kate Doran, a representative of League of Women

Voters, stated that she would like improved Poll Worker training and requested split-day Poll Worker shifts on Election Day. Ms. Sandow stated that the Board did not dismiss this request, but they have to prioritize their endeavors. She stated that the Board has to focus on recruiting more skilled Poll Workers who are comfortable with the new voting system, and then they will move to a split-day Pilot Program in the future. Ms. Sandow requested for good government groups to communicate with the Board on any issues or concerns before City Council Hearings and Election Day. She stated that she has an open door policy. Commissioner Stupp noted that she attended the Hearing as well. She commended Board Staff for doing a great job representing that the Board needs to follow the NYS Election Law. Commissioner Polanco stated that the City Council Hearing was webcasted and he would like the Board's meeting to be webcasted in the future as well. He commended Board Staff for doing a great job answering the City Council's questions. Commissioner Polanco reported that Council Member Rodriguez held a press conference prior to the Hearing along with Senator Espaillat. CM Rodriguez stated that a staffer named Carmen De La Rosa was not listed in the Poll Book on Primary Day so she had to vote by Affidavit ballot. Board Staff immediately identified the staffer in the system and it was found

that she signed the Poll Book and voted by scanner. Commissioner Polanco stated that the Board provided CM Rodriguez with copies of that information at the Hearing. It was found that the staffer Carmen De La Rosa spells her name differently than her family and her mother's name is Carmen Delarosa. Commissioner Polanco stated that Carmen De La Rosa's name was not on the same page in the Poll Book as her family's name due to the spelling variation. It was found that her mother Carmen Delarosa signed the poll book and voted on the Scanner. Carmen De La Rosa received valid credit for voting by Affidavit ballot on June 26, 2012 Federal Primary Day. Commissioner Polanco reported that Senator Espaillat testified and introduced a bill to reform the City Board. The Board would consist of five (5) members; the Speaker and the Mayor would appoint the other three (3) members. Commissioner Polanco stated that the bill is unconstitutional and that it is very important for the Board to be bipartisan. He does not think that Senator Espaillat understands the NYS Election Law and how the City Council investigates the Commissioners before appointing them to the Board. Commissioner Polanco stated that no Executive can appoint or replace members and in turn they cannot dictate how the election results are certified. He stated that the City Board is designed to be transparent and has its checks and balances.

Commissioner Polanco volunteered to work with Ms. Vazquez to sit down with all of the Editorial Boards to answer any of their questions or concerns. He stated that the media will always have their views, but he would like to be as transparent as possible.

Ms. Perkins provided a brief on the New York City Department of Education (DOE) meeting concerning the September 13, 2012 Primary Election. The meeting was held on August 13, 2012. The purpose of the meeting was to discuss any poll site designation issues, the schedule for delivery of voting equipment before and after Election Day, to provide an updated list of emergency DOE telephone numbers, and the transmission of information on Election Day to minimize the time to resolve any issues. The DOE requested to be emailed by the Board if there are issues on Election Day. The DOE reported that the Principals will be returning to their school on August 27, 2012 to prepare for school year. The DOE will send them a special message reminding them of the election date and time. DOE Staff will be reaching out to the Principals to develop a plan to ensure that the poll site locations are available and to reinforce the designated poll site rooms on Election Day. Ms. Perkins stated that they

also discussed the date for the required Local Registration event and they will follow up with them.

Mr. Richman reported on the names of independent bodies for the November 6, 2012 Special Election for Member of the City Council, 12th District, Bronx, for the Commissioners consideration and determination. A copy of his memorandum is in the agenda. Mr. Richman stated that there are names that can cause potential confusion and such potential is sufficient to warrant the issuance of a notice to select another name. The Commissioners determined that Group A (People First, Community First and Children First) was acceptable. Secretary Umame moved that Group B (Unity in the Community and Unity in Solidarity) should receive notices to select another name. Commissioner Schacher seconded the motion, which was unanimously adopted. Mr. Richman stated that the names of independent bodies which filed petitions that exceed 15 characters are:

- Restore Trust and Integrity – 24 characters
- Unity in the Community – 19 characters
- Unity in Solidarity – 17 characters

Mr. Richman stated that based on the prior determinations of the Board, and confirmed by several judicial determinations, it is the staff's

recommendation that the Commissioners should determine that each of the forgoing names exceeds the statutory standard and given the need to present the most readable and voter friendly ballot as possible, notice be issued forthwith to enable them to select a name in conformance with the provisions of the NYS Election Law. Secretary Umane moved to send notices to the independent bodies which filed petitions that exceed 15 characters. Commissioner Schacher seconded the motion, which was unanimously adopted.

Mr. Johnson presented the draft Notice to All Candidates for the September 13, 2012 Primary Election. A copy of the draft is in the agenda. Commissioner Sipp moved to adopt the Notice to All Candidates. Commissioner Barrera seconded the motion, which was unanimously adopted.

Ms. Vazquez provided a public education update. She received voter feedback on the newly redesigned Voter Information Notice. Some voters praised the large text, reader friendly layout and the adhesive seal. There were some concerns that there was an additional language on the Notice and that the voter's party affiliation was printed on the outside of the mailer.

It was confirmed that the party was always printed on the outside, but it was a smaller font and it was abbreviated. Ms. Vazquez recommended printing the party affiliation on the inside of the mailer next year. Secretary Umane stated that the party was always printed on the outside so the voter knew if they had a Primary Election or not. Mr. Richman noted that this is legal and that party affiliation is public information. Ms. Vazquez stated that all options can be explored before the mailer is designed next year.

Mr. Ward presented the Vacancy Report dated August 14, 2012. A copy of the report is in the agenda.

Secretary Umane stated that he received a letter from NYS Assembly Member Barbara M. Clark and requested for the Office of the General Counsel Staff to respond. There were several items that were not accurate in her letter. Commissioner Araujo asked Mr. Richman to work with the Queens Chief Clerks on this letter.

President Guastella recognized Alan Flacks, a member of the public, who spoke about zero (0) ED tallies on the Return of Canvass sheet on Election Night and Poll Worker split-day shifts.

Commissioner Barrera moved to convene an Executive Session to discuss personnel and litigation matters. Secretary Umame seconded the motion, which was unanimously adopted.

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

- I. The Commissioners unanimously granted Charlotte Jordan, a Clerk in the Manhattan Office, ninety (90) days of medical leave retroactive to her last day of pay.

Commissioner Schacher moved to adjourn the meeting. Commissioner Dent seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, August 21, 2012 at 1:30 P.M.