

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, SEPTEMBER 18, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR COMMISSIONER'S HEARING ROOM
NEW YORK, NY 10004

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

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Raphael Savino, Director, Campaign Finance Enforcement Reporting
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications & Public Affairs
John Naudus, Manager, EVS
John O'Grady, Chief Voting Machine Technician
Steve Ferguson, Director, MIS
Troy Johnson, Coordinator, Candidate Records Unit
Daniel Lavelle, Associate Staff Analyst, Phone Bank & Front Counters
Thomas Sattie, Associate Staff Analyst, Ballot Management
Beth Fossella, Coordinator, Voter Registration Unit

GUEST: Council Member Gale Brewer, Distr. 6 – New York
Seth Grossman, City Council
Will Colgrove, City Council
Jenna Adams, representing Assm. Kavanagh
Kate Duran, League of Women Voters
Ben Chasteen, Epoch Times
Krista Mermethe, Epoch Times
Antoinette Fuoto, Campaign Finance Board
Alex Camarda, Citizens' Union
Jeodora Popousk, Citizens' Union
Alan Flacks, Member of NY County Dem. Committee
Julie & Russell Yates, NYC Voters

President Guastella called the meeting to order at 1:40 PM.

President Guastella acknowledged the Hon. Gale Brewer, NYC Council Member, New York County.

Troy Johnson reported that there are several close contests where manual recanvass' may be required.

- 1) Male State Committee – 50th AD, KGS
 - a. Christopher H. Olechowski = 50.59% votes 5,820
 - b. Lincoln P. Restler = 49.41 votes 5,684.
- 2) Female State Committee – 54th AD, KGS
 - a. Darma V. Diaz = 50.22% votes 1,369
 - b. Paula A. Melendez =49.78% votes 1,357
- 3) Female State Committee – 72nd AD, New York
 - a. Micaela Lugo = 50.91% votes 1,951
 - b. Yuderka Valdez = 49.09% votes 1,881
- 4) Female District Leader – 40th AD, Part B, Queens
 - a. Eun Chul Kim = 49.80% votes 855
 - b. Martha Flores-Vazquez = 50.20% votes 862

5) Female County Committee – 53rd AD, KGS

a. Anusuya Chatterjee = 50.00% votes 8

b. Eldia Collado = 50.00% votes 8

He further reported that any contest with a margin of victory of less than one half of one percent requires a manual recount. The recanvass of votes as well as the canvass of any and all write-in votes cast on the Poll Site Voting Systems commenced on Friday, September 14 and will continue until such canvass/recanvass is completed. The canvass of all Absentee Ballots, Military, Federal, and Affidavit Ballots will commence on Friday, September 21, 2012.

John Naudus gave an overview of the new Election Night Results process by Memorandum. He reported that at the close of the polls on Election Night, Poll Workers pack the sticks into yellow bags. Those bags are then transported to Police Precincts where they are processed and read. The results are thus transmitted to a Secure File Transfer Protocol Server at the General Office where BOE staff processes the results and then turns them over to the NYPD. 75% of the sticks were delivered to the precincts and reported back to us. In comparing old to new processes, they estimate about 10% less vote in old process; more accurate in results reporting with new

process. There were some technical glitches with the internet and RFID tags however overall 97% of sticks were able to be read and results transmitted. There were bottlenecks that occurred at the 24th Precinct in Manhattan and the 83rd Precinct in Brooklyn where they could not get transmissions out however BOE staff will re-survey these sites to make sure room used that night was same space surveyed before the election. All 76 precincts were surveyed prior to the election and the rooms designated for the purpose of the transmission, had ample reception.

Commissioner Polanco thanked Mr. Naudus, John O'Grady, Stephen Thompson and their teams for a job well done.

In response to a question from Commissioner Araujo, Dawn Sandow reported that a meeting has been scheduled with the NYPD. The Occupy Wall Street Protest delayed them from meeting sooner. In addition, ENR Clerks will be retrained to impose that bags need to go out first; they will address the technical issues, increase bandwidth, and fine tune other areas to make this process better.

Commissioner Soumas recommended that there be fewer voters per scanner than State Rules will allow and since PMD sticks read unofficial results and transmits those numbers to ENR laptops, Poll Workers should not have to cut tally sheets at the end of the night, particularly in Manhattan. Commissioner Umane agreed that it should be researched; noting that it would be a lot easier for Poll Workers to take the tapes from scanners, put them on the Return of Canvass, to be transported with everything else. He reasoned that after the canvass process is completed in about a week, they can make a true evaluation of how it went and consider Commissioner Soumas' suggestion for future elections. Raphael Savino reported that State regulations allow up to 4,000 registered voters per scanner; current Policies and Procedures allow only 1,400 registered voters. Commissioner Soumas reported that at one poll site in Manhattan there were: 11 EDs, 17 Privacy Booths and 6 Scanners.

John O'Grady reported that on Election Day,

- 2469 scanners were deployed.
- 465 calls required technical assistance; and
- 12 Scanners had to be replaced; 4 due to shipping problems and 8 were from mechanical issues.

In addition, there were:

- 1,061 BMDs deployed.
- Technicians responded to 108 calls.
- 7 BMDs had to be replaced.

He intends to meet with the Department of Education concerning room designation issues. The BOE received approximately 25 calls about Poll Sites in wrong location or not enough space. These situations were resolved either over the phone or through visits to the school. Ms. Sandow reported that the Chancellor did step in and make calls to the principals of those problem schools. These complaints amount to the huge number of calls received on Election Day.

Ms. Sandow also informed that thank you letters are being drafted to both the Chancellor and Commissioner Ray Kelly on behalf of the Commissioners of Elections.

In addition, Mr. O'Grady reported that equipment is starting to come in. All equipment; scanners, BMD, etc. should be back in VMFs tomorrow. 116 schools opened yesterday, we were able to retrieve equipment from 99 of them.

Daniel Lavelle reported that

- a) Call Center II is an Election Day Emergency Response Application that Poll Workers or anybody in the Poll Site can use to call in problems. On September 13th, the system logged in 2,836 incidents for the day. Incidents were resolved citywide in no more than 1 hour 26 minutes. Poll Workers, scanners, and supplies were the biggest issues, accounting for 81% of the calls.
- b) VOTE.NYC received 3,408 calls on Primary Day. A large majority of calls were inquiries on “Do I have a Primary?” “Where do I vote?” “Am I registered?”. 2,108 of those calls were handled by General Office Call Center personnel and the Staten Island Phone Bank received 1,300.

Valerie Vazquez provided the Commissioners with a mark up of an additional reminder notice designed by Vanguard. There have been numerous requests by various good government groups and some Elected Officials that the Board send a secondary mailer to all registered voters informing them where their Poll Site is located in advance of the election. She reported that funding was only provided for the legally required Information Notice and that the estimated cost of \$212,000 for the design and production of this new

mailer, a 4 x 6 postcard in cardstock, informing voters of their Poll Site would go out October 19th. This is a Reminder Notice with the date of the November election. It encourages recipient to visit the Board's website to view their sample ballot, there is also a QR code that one could scan and be directed to the website as well as our Poll Site's Mobile App. In addition, to the cost of production and design, the Board will incur \$1.6 million for postage by first class mail. This will have to be requested as a New Need Item in Budget for additional funds.

Commissioner Umane explained in response to an inquiry that the Board received additional funds to include additional pages for the new language in August mailer.

Councilwoman Brewer acknowledged that she has issued request to City Council for the additional mailer.

Commissioner Polanco reported that Deputy Executive Director testified before the City Council on August 8th there was a lot of concern regarding a second mailer; we get it regularly from the good government groups and the

media, he felt it is a “no brainer” and moved to authorize the request. Commissioner Dent seconded the motion.

Commissioner Umane stated that without the authorization, it would be inappropriate to start spending City money they don't have, especially when they are personally liable for going beyond the budget. There is a statutory framework for notices that are given out and it's not appropriate to do more than is required by the statute and they should comply with the law which is to mail a notice in August.

Commissioner Barrera agreed that the funding is necessary however a bulk of the complaints is that voters do not know where to vote therefore it should be done.

Ms. Vazquez reported that a USPS Barcode will be included in the price for postage that will show “chain of custody”, a service provided by the Post Office to track whether mail was delivered to an address.

Commissioner Polanco moved to amend his motion to approve the mailer as presented by Ms. Vazquez, only if funding from the City Council is provided. Commissioner Dent seconded the motion, which was adopted by a

vote of 6 in favor (Commissioners Guastella, Araujo, Barrera, Dent, Polanco, Soumas) 2 opposed (Commissioners Umane and Commissioner Schacher) 1 abstention (Commissioner Stupp).

Commissioner Guastella inquired about the voter's political affiliation noted on the front of sample postcard. Ms. Vazquez explained that they wanted to provide the voter's party affiliation in abbreviated or spelled out form however Dawn believes that it only needs to be done for Primary Elections; it would not be necessary for the November General Election.

Commissioner Umane reminded everyone that there is a statutory requirement as to what should be included in the August mailer however no statutory guidelines for this so they can do what they want. Many of the criticisms came because incorrect Poll Site information was on the previous notices that went out, which lead to confusion and additional mailings so we should expect there may be errors made and there are additional cost. The Legislature has an August mailing so it doesn't impact the General Election so this can be viewed as a political mailing.

Commissioner Stupp elaborated that the statute mandates the first mailer to go out in August for the purpose that if corrections have to be made, it gives the voters time to respond back to the Board and have things changed. She suggested that we look at this further and have the mailer sent later in August, it may be helpful. Pamela Perkins reported that the Legislature moved the date to the first week in August from the third week.

Commissioner Guastella moved that the new mailer should have the voter's party affiliation abbreviated and not spelled out. Commissioner Polanco seconded the motion, which was adopted unanimously.

Raphael Savino and Thomas Sattie reported that there is not enough time to put new software in place to add Bengali to the November 6, 2012 General Election Ballot. Mr. Savino explained that this is due entirely that creating, testing for the scanners and BMDs, and certifying the software requires another year. The vendor expects to have that software approved and certified by March, 2013. Being aware of the fact that the scanners do not currently support Bengali language and there will be no instructions in Bengali on the scanner, it was suggest that the Board try an add Bengali to the Ballot in target areas. A meeting was held with the Executive Managers, Mr. Naudus,

Mr. Sattie, Charles Laramy (ES&S), himself and a member of the legal team yesterday to discuss options and these are concerns:

- 1) Scanners would not have instructions in Bengali
- 2) The BMDs would not be able to read Bengali language and provide oral or written assistance.
- 3) Whatever is on ballot can impact the scanner. It could fail to recognize the ballot based on how it views it.
- 4) Testing the software takes four months; two months by ES&S, two months of State Certification tests.
- 5) Absentee, Military, Federal and Special Ballots are being printed and are required to be out by Saturday, September 22, 2012

Mr. Savino recommends that they not attempt to add Bengali to the ballot for the November General Election in light of these facts.

Commissioner Schacher asked why this process takes one year to complete.

Mr. Savino reported that apparently the Bengali characters are dissimilar to any other language software.

Commissioner Araujo inquired about printing the ballot Bengali and having them hand counted.

Mr. Savino explained that there are different standards for hand counting as pursuant to State Regulation which have the operation of law as there are with votes that are counted in the scanner. If a voter does not fill in the circle on a ballot that goes through the scanner but circles the candidate's name the wish to vote for, the scanner would not count it. With a hand count, rules and regulation say you can tell the intended voter that in their vote counts. Then we'd be counting ballots in the same election with two completely different standards. In addition, the manpower to do the hand counts as well as privacy issues.

Commissioner Dent suggested that they meet with Elected Officials who represent these areas to inform there constituents. All our meeting have been with community groups, the mayor's office, city planning, the City Council and moving forward they will add Elected Officials.

Mr. Sattie reported that they are not recommending doing nothing. They are recommending that they follow the interim plan with the good government

groups and was adopted by Commissioner to provide a candidate list and sample ballot in Bengali in each of the designated Poll Sites in addition to the translators.

Mr. Ward presented the Commissioners with a copy of the Comparative Expenditures report dated September 18, 2012.

Commissioner Umane moved to send names of three people who voted in this past election and do not reside in NYC to the Manhattan District Attorney's Office based on a recent New York Post article concerning voter fraud. Commissioner Schacher seconded the motion, which did not pass by a vote of 4 in favor (Commissioners Guastella, Umane, Schacher, Stupp) 2 opposed (Commissioners Araujo and Soumas) 3 abstentions (Commissioners Barrera, Dent, Polanco).

President Guastella recognized Alan Flacks, a member of the public.

President Guastella recognized Julie Bacote-Yates and Russell Yates, who issued a challenge to Ingrid Bacote's aka Ingrid Denise Williams voter registration at address 250 West 65th Street, Apt #15 H, New York NY 10023. A copy of the Challenge Certification was provided.

President Guastella recognized Council Member Gale Brewer. The Councilwoman reported that she was at the 20th Precinct for about 3 hours on Election Day. She thanked the Commissioners, Executive Managers, and Board staff for the work they do and invited the Board to testify before the Governmental Operation Committee Meeting to be held on October 15, 2012 at 1:00 PM. On the agenda are bills support by the Board, good government groups, and a discussion on ways to improve.

President Guastella moved to convene a Democratic Caucus followed by an Executive Session to discuss litigation and personnel matters. Commissioner Dent seconded the motion, which was agreed to unanimously.

Commissioner Araujo moved to adjourn the meeting. Commissioner Barrera seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, September 25, 2012 at 1:30 P.M.