

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, NOVEMBER 13, 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

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
Steven Ferguson, Manager, Management Information Systems
Rosanna Rahmouni, Coordinator, Election Day Operations
Daniel Lavelle, Administrative Staff Analyst, Call Center
John Naudus, Manager, Electronic Voting Systems
Thomas Sattie, Administrative Staff Analyst, Ballot Coordinator
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Kenneth M. Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: George Fraser
 Michael Benjamin, NY Post
 Rich Shapiro, NY Daily News
 Alex Camarda, Citizens Union
 Cristian Salazar, Gotham Gazette
 L. Gross, NY1
 Patrick McClellan, for Assembly Member Kavanagh
 Heidi Goun

Susan Lerner, Common Cause/NY
Will Colegrove, for Council Member Gale Brewer
Marjorie Shea, WCC
Adrienne Kivelson, LWV
Shauna Denkensohn, CFB
Cathy Gray
A.B. Britton, KLC GOP USA
Alan Flacks, Member of NY County Democratic Committee

President Guastella called the meeting to order at 1:35 P.M.

President Guastella noted that Commissioner Sipp will be arriving late and requested to table the Executive Committee's ratification of authorization to pay staff for Monday, October 29, 2012.

Commissioner Umane moved to ratify the authorization to mail the revised Notice to Candidates. Commissioner Araujo seconded the motion, which was unanimously adopted. A copy of the revised Notice is in the agenda.

Commissioner Araujo moved to adopt the minutes of the October 9, 2012, October 16, 2012 and October 23, 2012 meetings.

Commissioner Dent seconded the motion, which was unanimously adopted.

Ms. Sandow provided an overview concerning the proactive efforts of the City Board for the November 6, 2012 General Election due to Hurricane Sandy. All voting equipment deliveries that were scheduled for Monday, October 29, 2012 were cancelled. All Poll Worker Training classes that were scheduled for Monday, October 29, 2012 and Tuesday, October 30, 2012 were cancelled. The Board held a conference call on Saturday, October 27, 2012 with all Borough Managers, Con Edison, and Long Island Power Authority (LIPA) to discuss a contingency plan for poll sites located in Zone A in case of storm damage. Board Staff printed hard copies of all pertinent information such as poll site lists, poll worker contacts and delivery schedules in the event they lost power. Aware of potential severe flooding, the Staten Island Office moved their voting machines to the Staten Island Armory. Board Offices were open Sunday, October 28, 2012 and Monday, October 29, 2012 to discuss storm preparedness. There was a Google group system for internal communications. All Board Offices were forced to close on Tuesday, October 30, 2012. Board Offices opened up on Wednesday, October 31,

2012 and Board Staff who were not affected by the hurricane worked in the lobbies in daylight hours with limited power processing absentee ballot applications and Expressed Mailed absentee ballots to the voters. There were many NYC citizens who volunteered to help out on Election Day so there was last minute poll worker training. Ms. Sandow thanked the NYC Campaign Finance Board (CFB) for providing the Board with volunteers. Board Staff inspected all private poll sites citywide to check for storm damage. There were a total of sixty (60) poll sites that needed to be relocated. DOITT and Verizon helped the Board revive its website and Board Staff posted a revised poll site list, revised poll worker training class schedule, and hours of operation for the Borough Offices. MIS Staff and DOITT updated the Board's Poll Site Locator. New last minute advertisements were developed for both major and community newspapers. Board Staff sent an email blast to good government groups, elected officials, and community groups with updated Election Day information. Board Staff developed an informational flyer for Zone A voters informing them of poll site changes. Ms. Sandow stated that the November 6, 2012 General Election was successful despite all of these circumstances and the last minute announcement of the Governor's Executive Order No. 62 which allowed voters to vote in any poll site by

affidavit ballot. She thanked the Federal and State agencies, NYC Office of the Mayor, NYC Department of Education (DOE), all utility workers, dedicated Board employees, and the 4.2 million NYC voters.

Ms. Perkins reported on the approximate total of affidavit ballots cast citywide for the November 6, 2012 General Election. Ms. Perkins noted that the Borough Offices are still in the process of counting ballots. To date, the approximate total of affidavit ballots are:

- New York County – 100,000
- Bronx County – 35,000
- Queens County – 73,000
- Richmond County – 12,000
- Kings County – 90,000

Secretary Umane stated that this is a dramatic increase of affidavit ballots compared to past elections. He requested for Board Staff to research the amount that the Board has received in the past. Secretary Umane stated that the Board received the Governor's Executive Order at 5:00 P.M. on November 5, 2012, the day before the General Election. Secretary Umane stated that it was very hard to communicate the

Executive Order's residency requirements to over 36,000 Poll Workers. Secretary Umane stated that if the Board received the Executive Order sooner than the Board would be in a much better position anticipating those needs. Commissioner Schacher stated that she is proud of the Brooklyn Office Staff for doing a good job on Election Day. Commissioner Dent expressed her appreciation to all Board employees, Executive Staff, the Legal Team, and all poll workers. She stated that it was a difficult task. Commissioner Dent added that Commissioner Polanco did a wonderful job appearing on NY1 News on November 7, 2012, and that Commissioner Soumas submitted a letter outlining the success of the Board under all of these conditions.

President Guastella noted that Commissioner Sipp joined the meeting.

Mr. Savino stated that the Commissioners worked day and night to conduct the November 6, 2012 General Election and he thanked the poll workers in Breezy Point, Queens for doing a great job on Election Day. He stated that some poll workers lost their homes and still reported to work to provide assistance to the voters.

Mr. Ferguson provided an update on the Board's system recovery as a result of Hurricane Sandy. He stated that the Board's Executive Office was zoned for pre-empted shut down, therefore, MIS Staff preserved the hardware and systems. The Manhattan and Staten Island Office systems were switched over to the Queens Office. The Board started restoring system services on Wednesday, October 31, 2012. The Avid and S-Select Systems started to fully operate on Saturday, November 2, 2012, and the Board's Call Center was fully operational on Election Day. Mr. Ferguson added that the Board's primary Verizon contact office in downtown Manhattan was severely damaged during the storm.

Commissioner Polanco asked Mr. Ferguson to research electronic poll book tablets to modernize and speed up the Election Day process. Mr. Ferguson stated that he started researching that request and found an electronic poll book system. He stated that the Board could implement those tablets in the future, but it is costly. Mr. Ferguson stated that he will provide an update once he has obtained all information on this system.

Commissioner Araujo recommended creating a Commissioners' subcommittee on Modernization. Secretary Umame invited Commissioner Araujo to join the Commissioners' subcommittee on Technology.

Ms. Rahmouni reported on the approximate amount of assigned Poll Workers for the November 6, 2012 General Election. She stated that she will get the accurate figures when all paperwork is received. Ms. Rahmouni thanked the Poll Workers for all of their hard work. The citywide Poll Worker totals follow:

- 37,406 Vacancies
- 33,830 Assigned
- 3,576 Positions Not Filled
- 33,777 Trained
- 2,987 Training Classes

Ms. Sandow reported that Mr. O'Grady, Chief Voting Machine Technician of the Voting Equipment Operations Unit (VEOU), will provide an overview of his department's tasks at next week's meeting.

Mr. Lavelle reported on the Board's Call Center totals for the November 6, 2012 General Election. He reported that there were a total of 7,857 calls citywide. The citywide breakdown follows:

- Bronx – 1,119
- Brooklyn – 2,608
- Manhattan – 2,423
- Queens – 1,239
- Staten Island – 468

Mr. Lavelle reported that there were nine (9) major call categories. The categories and amount of calls follows:

- ADA Compliance – 48
- BMDs – 339
- ED Supply Carts – 77
- Poll Site – 453
- Poll Worker – 2,069
- Procedures – 189
- Scanners – 2,495
- Supplies – 2,091
- Other – 96

Secretary Umame requested for the amount of calls that the NYC 311 Call Center received concerning the election. Mr. Lavelle stated that he will provide that information before the meeting is adjourned.

Mr. Naudus presented the preliminary Election Night Results Process Citywide Report held on November 6, 2012. A copy of his report was distributed to the Commissioners. (See attached report.) Mr. Naudus provided an overview and reported that the Board received 98.5% of the Portable Memory Devices (PMDs) back to the Board. He recalled that the Board received 97% of the PMDs from the 2012 September Primary Election. Mr. Naudus thanked the NYC Police Officers and Poll Workers for returning the PMDs and supplies. Secretary Umame commended Mr. Naudus for doing a great job.

Mr. Sattie reported on the affidavit ballots and envelopes requested on November 6, 2012 Election Day. He stated that due to the Governor's Executive Order No. 62 there was an expected increase of affidavit ballots and envelopes to be used. Board Staff understood that they would have to print copies of proofs and distribute them to the Borough Offices. There was a total of 28,000 extra affidavit ballot envelopes stored in the Board's

Executive Office. Mr. Sattie reported that by 7:30 A.M. on Election Day, there were requests for affidavit ballot envelopes. Boxes of 500 envelopes were delivered to those poll sites. By 9:30 A.M., there was a request for affidavit ballots. He emailed proofs of the ballots to the Borough Offices to print and distribute accordingly. There were approximately 60,000 affidavit ballots printed on Election Day between the Executive Office and Borough Offices. Mr. Sattie reported that by 12:00 P.M. the Board ran out of affidavit ballot envelopes in the Executive Office so Board Staff stapled affidavit oaths to plain white envelopes. Approximately 100,000 affidavit envelopes were delivered to the Borough Offices and poll sites. Mr. Sattie stated that this is the first time the Board ran out of affidavit ballots and envelopes which was caused by the Governor's Executive Order No. 62. Mr. Denkberg inquired the average amount of affidavit ballots used compared to the 2008 Presidential Election. Mr. Sattie stated that it was approximately a 30% increase citywide. He will receive the exact total amount once the recanvass is completed.

President Guastella recognized Shauna Denkensohn, a representative of the NYC Campaign Finance Board (CFB), who stated that the CFB was happy to help the Board during the General Election. She

stated that the CFB designed additional Election Day poll site posters and dispatched a lot of volunteers on Election Day. Ms. Denkensohn reported that the CFB has been relocated to 250 Broadway due to severe hurricane damage. Ms. Denkensohn thanked the Board for lending tables and chairs to the CFB. She reported that the CFB will be holding a hearing on November 26, 2012, but there is limited space in their new office. Ms. Sandow offered the CFB to use the Board's Commissioners' Hearing Room for their meeting.

Mr. Lavelle reported that the NYC 311 Call Center received a total of 5,022 calls and the majority of the calls were, "Where is my poll site?"

President Guastella recognized Susan Lerner, a representative of Common Cause NY, who stated that Board Staff and poll workers made an extraordinary effort on Election Day which was very challenging. She reported that her Poll Monitors visited twelve (12) busy poll sites. They found that voters were frustrated by long lines at poll sites due to affidavit ballots and poll site organization. The Common Cause Poll Monitors recommended for the poll workers to be trained on crowd control and poll site organization for the future.

President Guastella recognized Alan Flacks, a member of the public, who requested for the Police Officers to grant some leniency on Election Night for those voters rushing into their poll site to vote by 9:00pm. Mr. Flacks raised concerns that the Election Night PMD process to get unofficial results is still slower than the manual reporting.

President Guastella recognized Alex Camarda, a representative of Citizen's Union (CU), who stated that CU is interested absentee ballot applications and the tracking of absentee and affidavit ballots in Zone A, B, and C districts due to the hurricane. Mr. Camarda stated that CU would like to research if the affidavit ballots came from storm impacted districts or voters casting their ballots at random sites. Secretary Umame stated that the Board will be tracking all ballots and administrative guidelines will be discussed at this meeting.

President Guastella recognized George Fraser, a member of the public, who stated that he was a 2012 Presidential candidate and asked the Commissioners to veto the vote for President.

Mr. Richman reported that there were emergency poll site changes due to hurricane damage. The U.S. Department of Justice (DOJ) pre-cleared the Board's emergency submission within 24 hours. The DOJ pre-cleared the Governor's Executive Order No. 62 within 24 hours as well.

Mr. Richman presented the draft administrative guidelines for the implementation of the Governor's Executive Order No. 62 issued on November 5, 2012. A copy of the draft guidelines are in the agenda. He provided a summary of Part A – Identification and Transmission of Affidavit Ballots. Mr. Richman reported that Ms. Conacchio, Chief Clerk of the Queen Office, found a typographical error in Part A. Secretary Umame moved to adopt Part A – Administrative Guidelines Relating to Identification and Transmission of Affidavit Ballot with the typographical correction. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Richman provided a summary of Part B – Processing and Validation of Affidavit Ballots by Board of Elections in the City of New York. There was a consensus among the Commissioners to add a statement to the Part B guidelines stating, "If the voter provides an address outside the

nine designated NYS disaster counties, including addresses outside NYS, then that affidavit ballot envelope is invalid.”

Commissioner Barrera raised concerns about tracking duplicate ballots. Mr. Richman stated that the Borough Offices will be placing the affidavit ballot envelopes in ED/ AD order, names in alphabetical order, and will check the Poll List Books to ensure there is no duplicate voting. Bi-partisan teams will check all ballots and there may be random draws.

Secretary Umane moved to use the pre-existing standard that an affidavit ballot takes precedence over any other ballot cast in the correct Assembly District, correct borough, the City of New York, and in a County Outside the City of New York. Commissioner Schacher seconded the motion, which was unanimously adopted.

Commissioner Sipp stated that these administrative guidelines were created by the Board to effectuate the Governor’s Executive Order No. 62.

The Commissioners discussed the possibility of affidavit ballots contained in an envelope that does not conform to the prescribed statutory

format. It was reported that some poll sites ran out of affidavit ballot envelopes so the poll workers used plain white envelopes. Commissioner Araujo suggested that if there is enough information to identify a voter, such as a printed name and address, then their ballot should be valid. Commissioner Polanco moved to waive the affidavit oath statement and voter's signature as long as there is a name and address on the envelope. Commissioner Barrera seconded the motion, which was unanimously adopted.

There was a consensus among the Commissioners to request guidance from the State Board concerning affidavit ballots not contained in any envelope and to set these ballots aside until they receive direction.

President Guastella recognized Alex Camarda, a representative of Citizen's Union, who supported the Board to seek guidance from the State Board concerning an affidavit ballot not contained in any envelope.

President Guastella recognized Cathy Gray, a Coordinator, who stated that the Coordinators' Journals should indicate if their poll site ran out of ballots or not.

Commissioner Sipp moved for the Board to request guidance from the State Board on purely hand-written ballots and to set these ballots aside until they receive direction. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Guastella recognized Alex Camarda, a representative of Citizen's Union, who inquired about change of addresses and voter registrations on affidavit envelopes that do not have enough information. Mr. Richman stated that regular affidavit ballot envelopes will be processed according to the usual procedure, but "hybrid" affidavit envelopes will not be used for an automatic change.

There was a consensus among the Commissioners to request guidance from the State Board concerning affidavit ballots cast in the wrong poll site with write-in votes from the voter's correct poll site.

President Guastella recognized Alan Flacks, a member of the public, who inquired about out of state ballots.

President Guastella recognized Susan Lerner, a representative of Common Cause NY, who supported handwritten ballots in the voter's handwriting and placed in sealed envelopes. She stated that affidavit ballots out of county should be valid if the voter wrote in the candidate's name because the voter's intent is clear.

Secretary Umame moved to adopt Part B – Processing and Validation of Affidavit Ballots by the Board as amended subject to the State Board's guidance. Commissioner Schacher seconded the motion, which was unanimously adopted. Mr. Richman stated that he will distribute these administrative guidelines to the Borough Offices today. Also, he will request guidance from the State Board and submit these guidelines to the DOJ for pre-clearance today.

Mr. Ward presented the Vacancy Report dated November 6, 2012. A copy of the report is in the agenda.

Mr. Ward presented the Comparative Expenditures Report dated November 13, 2012. A copy of the report is in the agenda.

Ms. Perkins requested for the Board to be closed on Friday, November 23, 2012 in lieu of Election Day which is per past practice. Commissioner Dent moved to approve Ms. Perkins's request. Secretary Umane seconded the motion, which was unanimously adopted.

Commissioner Sipp moved to convene an Executive Session to discuss personnel matters. Commissioner Dent seconded the motion, which was unanimously adopted.

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

- I. By a vote of six (6) in favor (Barrera, Dent, Guastella, Polanco, Sipp, Schacher) and two (2) opposed (Umane and Araujo), the Commissioners directed that all Board employees will get paid a total of seven (7) hours for Tuesday, October 30, 2012 due to Hurricane Sandy;
- II. By a vote of seven (7) in favor (Araujo, Barrera, Dent, Guastella, Polanco, Sipp, Schacher) and one (1) opposed (Umane), any Permanent or Temporary Board employees that

reported to work on Monday, October 29, 2012 will get paid a total of seven (7) hours, and all Staten Island Office employees will get paid a total of seven (7) hours.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, November 20, 2012 at 1:30 P.M.