

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, DECEMBER 11, 2012  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

---

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

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

Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
John Ward, Finance Officer  
Valerie Vazquez, Director, Communications and Public Affairs  
Dorothy Delayo, Director, Personnel  
Troy Johnson, Coordinator, Candidate Records Unit  
Jeffrey Chin, Senior Computer Programmer, Electronic Voting Systems  
Raphael Savino, Director, Campaign Finance Enforcement Reporting  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Joel Bermejo, Temporary Contract Attorney, OGC  
Kenneth M. Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Garth Marchant  
Kate Doran, LWV  
Michael Benjamin  
Monica Bartley, CIDNY  
Artyom Matasov, for NYC Council  
Rachael Fauss, Citizens Union  
Augustine R., Citizens Union  
Patrick McClellan, for Assembly Member Kavanagh  
Will Colegrove, for Council Member Gale Brewer  
John D. Smith  
Cathy Gray

President Guastella called the meeting to order at 1:39 P.M

Commissioner Araujo moved to table the minutes of the December 4, 2012 meeting which was unanimously adopted.

Ms. Sandow provided a review of the Board's Testimony that was presented at the New York City Council Committee on Governmental Operations Hearing held on December 5, 2012. A copy of the Board's Testimony is in the agenda. Ms. Sandow stated that in the past the Board would testify before the good government groups. She stated that the order was reversed at this Hearing and it was great listening to positive and constructive feedback first. Ms. Sandow clarified the following statements that were made at the Hearing:

- It was suggested that the Board should deduct poll worker pay if they arrive late or leave early on Election Day – The Board currently takes proper action and reviews the poll site's timesheets and deducts pay if the poll workers do not work their full hours.

- It was stated that the Board does not email information notices to voters' and poll workers' email addresses – The Board does send email blasts, but due to Hurricane Sandy the email system was not restored in time to email notices about the General Election.
- It was suggested that poll worker assignments be reduced during Primary Elections and increased for General Elections, and that Election Districts should be combined when possible to save funds – The Board already enforces this when legally permissible.
- It was stated that the Board does not use the Voter Cards after Election Day – The Borough Offices use the Voter Cards to reconcile any discrepancies and are used as a reference when conducting Voter History.
- It was suggested that poll workers who made clerical errors or had behavioral issues in the poll site to be contacted and re-trained – The Borough Offices contact poll workers who had any clerical or behavioral issues on Election Day and are re-trained.

Ms. Sandow thanked all of the good government groups who worked with the Board in 2012. She stated that she looks forward working with them in the Closing Procedures Committee, Poll Worker Training

Committee, and Ballot Redesign Committee. Ms. Sandow thanked Council Member Gale Brewer for allowing the good government groups to speak before the Board testified. She stated that everyone at the Hearing was supportive and positive. Commissioner Polanco stated that this was one of the best City Council Hearings to date that had very constructive feedback for the Board. Commissioners Polanco and Schacher thanked Executive Management for doing a great job.

Ms. Sandow reported that she received a Notice of Public Hearing from the NYS Assembly Committee on Election Law scheduled for December 14, 2012 at 10:00 A.M. A copy of the Notice is in the agenda. The Hearing's subject is examining the policies to improve in-person voting in New York and the possible statutory and regulatory changes to make the process more user-friendly. She requested permission from the Commissioners to allow Mr. Richman and Mr. Savino to attend the Hearing. Secretary Umame stated that the Board should not take any position on early voting. Mr. Richman confirmed that the Board will not take any position and would only provide information. Secretary Umame moved for Executive Management to designate appropriate staff to attend the NYS Assembly Committee on Election Law Hearing on

December 14, 2012. President Guastella seconded the motion, which was unanimously adopted.

Mr. Johnson reported on the status of the Borough Certification Process for the November 6, 2012 General Election. He distributed copies of the status report concerning absentee, military, federal and affidavit ballots to the Commissioners. Mr. Johnson stated that he receives updates from the Borough Offices every night at 8:00 P.M. He reported the following status updates per borough:

- **Manhattan** – Validation and Registration Check are in progress, Scanned is not started;
- **Bronx** – Validation and Registration Check are completed, Scanned is not started;
- **Queens** – Absentee/Military/Federal ballots are completed, Affidavits are in progress;
- **Brooklyn** – Absentee/Military/Federal ballots are completed, Affidavits are in progress;
- **Staten Island** – Absentee/Military/Federal ballots are completed, Affidavits are completed.

Commissioner Araujo requested to certify the results as soon as the Borough Offices complete their certification tasks. Ms. Sandow suggested for the Commissioners to form a Subcommittee of two (2) Democrats and two (2) Republicans to meet either this Thursday or Friday to certify the boroughs that complete their certification process. Mr. Richman stated that the meeting would be public and a notice would be posted on the Board's website. Secretary Umane stated that he would rather certify all boroughs together at Tuesday's meeting and he does not want to serve on the Subcommittee. Commissioner Araujo moved to create a Commissioners' Subcommittee (2 Democrats and 2 Republicans) to certify the boroughs that complete their certification process either on Thursday or Friday. Commissioner Polanco seconded the motion. In a roll call vote, there were six (6) in favor (Araujo, Barrera, Dent, Polanco, Stupp, Guastella), one (1) opposed (Schacher), and one (1) abstention (Umane). The motion was adopted. Commissioners Polanco and Stupp were designated to serve for the Republicans. President Guastella and Commissioner Araujo were designated to serve for the Democrats. It was noted that a quorum of three (3) Commissioners can serve as the Subcommittee.

Ms. Vazquez reported that she received a request for information from the Governor's NYS Moreland Commission relating to Hurricane Sandy. The request is to investigate the response, preparation, and management of New York's power utility companies with respect to the storm. A copy of the Commission's request is in the agenda. Ms. Vazquez asked the Commissioners for guidance. Secretary Umane moved for Executive Management to respond to the NYS Moreland Commission's inquiry. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. O'Grady reported on the State Board's audit of scanners. He stated that the State Board randomly chooses thirty (30) scanner serial numbers per borough for inventory. The audit is scheduled to start on December 17, 2012. Each borough's Voting Machine Facility (VMF) Supervisor and one (1) employee will be accompanying Mr. O'Grady and the State Board's staff member.

Mr. Ward presented the Comparative Expenditures Report dated December 11, 2012. A copy of the report is in the agenda.

President Guastella recognized Garth Marchant, a member of the public, who stated that he will not be commencing a proceeding challenging the Special Election. He recalled that he claimed that the Board, in preparing the ballot for the 12<sup>th</sup> City Council District Special Election, did not comply with the requirements set forth in Rule A3 (2) of the Board's Independent Nominating Petition Rules for 2012. He raised concerns about fraudulent petition signatures for the "first come, first served" rule. Mr. Marchant stated that he contacted the Bronx County Democratic Leader who will be introducing a bill to change the rule.

Commissioner Schacher moved to convene an Executive Session to discuss law enforcement and personnel matters. President Guastella seconded the motion, which was unanimously adopted.

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

- I. The Commissioners moved a Trainer Assistant into the vacant position of Administrative Assistant, and used the title of Associate Staff Analyst at the incoming base annual salary of \$66,391;

II. Raphael Savino, Director of Campaign Finance Enforcement Reporting in the Executive Office, was appointed to the title of Deputy General Counsel & Campaign Finance Enforcement Counsel with a \$25,000 raise effective Sunday, December 9, 2012.

Commissioner Schacher moved to adjourn the meeting of the Commissioners. Commissioner Polanco seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, December 18, 2012 at 1:30 P.M.