

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MAY 28, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umame

Commissioners Jose Araujo, Julie Dent, Maria R. Guastella, Michael Michel, Simon Shamoun, J.P. Sipp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Valerie Vazquez, Director, Communications & Public Affairs
Steven Ferguson, Director, Management Information Systems
Daniel Lavelle, Associate Staff Analyst, Phone Bank/Front Counters
Giacomo Kmet, Temporary Contract Attorney, OGC
Kenneth Moltner, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY
Kate Doran, LWV
Tom Kaplan, New York Times
Brigid Bergin, WNYC
Joanne G. Else, COIB
Sung Mo Kim, COIB
Pat McClellan, for Assembly Member Brian Kavanaugh
K. Loving, CFB
Alexander Dillon, DOI
Alex Camarda, Citizens Union
Ceceilia Berkowitz

Margi Trapani, CIDNY
Nedia Havener, CIDNY
Shannon Delfini, Advance Group
Will Colegrove, for Council Member Gale Brewer
Kevin Ramnaraine, CFB
Susan Lerner, CC-NY
John D. Smith
Alan Flacks, Member of NY County Democratic Committee

President Umane called the meeting to order at 1:47 P.M.

Commissioner Araujo requested to discuss a Queens personnel matter in Executive Session.

Commissioner Michel requested to discuss an Executive Office personnel matter in Executive Session.

Commissioner Araujo moved to table the minutes of the May 14, 2013 meeting. President Umane seconded the motion, which was unanimously adopted.

Mr. Richman reported on the applications of the NYC Conflict of Interest Board (COIB) relating to the 2013 Election Cycle. A copy of his memorandum is in the agenda. Mr. Richman provided an overview of

the memorandum. Mr. Richman and Mr. Savino recommended that the Commissioners approve the application submitted by the COIB and direct Board staff to take the necessary steps to effectuate the applications contained therein. Commissioner Sipp moved that the Commissioners approve the applications submitted by the COIB and direct Board staff to take the necessary steps to effectuate the applications contained therein. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Richman reported on the Board's Annual State Government Education and Information Day Program which was held on May 21, 2013 in Albany, NY. President Umane, Commissioners Dent, Guastella and Shamoun, along with Ms. Sandow, Ms. Perkins, Mr. Savino and Mr. Richman met with dozens of members and staff of the NYS Legislature and the Executive Branch. The Board's delegation, led by President Umane, highlighted the Board's legislative priorities which are: (1) enabling the Board to conduct the September Primary and potential Run-off Primary by authorizing the use of the lever voting machines for those two elections and providing an extra week between them; and (2) improving the statutory framework to enable a more voter friendly ballot design. Generally, the

Board's message was well received. Some members of the State Legislature expressed support to bring back the lever machines for all elections, including their own, but the Board highlighted the urgent need to a very rapid determination with respect to the Board's immediate needs for 2013. Competing for the Legislators attention that day were representatives of the Board's voting system vendor ES&S who were engaged in a vigorous and not always accurate and fact-filled campaign seeking support for their desire to sell the Board more equipment and services as the answer to the critical timetable for the 2013 Primary and Run-off Primary Elections. The Board was asked to respond to their unsubstantiated claims and allegations, which they did. President Umane added that numerous good government groups reconsidered the lever machines and opposed the .5 percent post election recount procedures for the potential Run-off Primary due to the two (2) week window. He noted that the good government groups supported the .5 percent recount procedures in the past. Mr. Richman stated that the .5 percent recount procedures allows for accuracy of all ballots. President Umane stated the Board is an administrative agency and is constrained by NYS Election Law and the State Board's rules. Commissioner Sipp confirmed that there was no action in the Assembly with respect to using the lever machines for any

non-Federal election. Commissioner Sipp stated that the Board is an administrative agency and is following the current state of law. He stated that the Board cannot pass laws and that there is no relief yet. Ms. Sandow stated that this was not the first time that the Board went to Albany; the Board has been submitting their Recommended Revisions and concerns to the NYS Governor, Legislature and the City Council for a few years now. President Umane stated that the Board has provided documentation to members of the press to keep the record accurate. President Umane stated that the Board has been diligently trying to develop solutions for the potential Run-off Primary. Commissioner Shamoun stated that it was his first time attending the State Government Education and Information Day and noted that it was a great experience. He stated that the Board is trying to conduct the election in an efficient matter.

President Umane recognized Alan Flacks, a member of the public, who asked if there was a job fair-type employment table for the City Board at the State Government Education and Information Day. Mr. Richman replied no.

President Umame recognized Alex Camarda, a representative of Citizens Union, who recalled that he sent a statement along with numerous good government groups and civil rights groups, in opposition using lever machines to address the time constraints imposed by the potential Run-off Election, and questioned the State Board's suggestion of testing 5 ballots verse 450 ballots. Mr. Camarda inquired if the Legislature discussed these matters at the State Government Education and Information Day. Mr. Richman reported that the State Board has not provided an approved formal response on any of the options yet. President Umame stated that he hopes that the Legislature will take action. He noted that the Board will be criticized either way.

President Umame recognized Susan Lerner, a representative of Common Cause (CC), who stated that CC advocates for the use of the modern electronic voting machines for the upcoming election. CC raises concerns about poll worker and public confusion if different technology is used, and stated that there are other statistical recount procedures other than the current .5 percent recount procedures which can be used in the short two (2) week time frame.

Mr. Lavelle reported on the new email feature in the Phone Bank System. He distributed copies of his report to the Commissioners. The new email address is ElectionInfo@boe.nyc.ny.us which is located on the Board's website in the "Contact NYC Board of Elections" section. The Phone Bank agent has an email queue and the agent clicks on the "Responses" button. Mr. Lavelle stated that responses for Frequently Asked Questions (FAQ's) were created for faster response time. President Umane inquired if the Office of the General Counsel (OGC) reviewed the FAQ's responses. Mr. Lavelle replied no. President Umane recommended for the OGC to review the responses.

Mr. Ferguson provided an update on the new telephone system in the Executive Office. The new system had to be installed due to Hurricane Sandy. The cut-over was conducted on May 15, 2013 and the Executive Office kept the same telephone numbers.

Mr. Ferguson provided an update on the Board's post redistricting publications. He recalled that the Board received the new lines late. All Enrollment Books are complete. All maps will start printing tomorrow.

Street Finders for Staten Island, Queens and Brooklyn are complete. Street Finders for Manhattan and Bronx will be complete soon.

Ms. Vazquez reported that SUNY Downtown Medical Center requested to use one (1) lever machine and two (2) Voting Machine Technicians for their upcoming election; the date is to be determined. SUNY Downtown Medical Center would incur all costs. Ms. Sandow stated that there is a private company that the Medical Center could use for their staffing needs. President Umame stated that he has consistently opposed loaning lever machines to private bodies in the past. Commissioner Sipp moved to loan one (1) lever machine to SUNY Downtown Medical Center with no Board staff members. Commissioner Dent seconded the motion, with President Umame opposing. The motion was adopted.

Susan Lerner, a representative of Common Cause, reported on the "Running Elections Efficiently, A Best Practices Convening" workshop which was held at Columbia University on May 20, 2013. Ms. Vazquez attended this event on behalf of the Board. Ms. Lerner reported that election administrators from across the United States participated in this event. There were discussion panels on early voting, registration

modernization, online registration and voter education, post election procedures, and disaster preparedness and Election Day challenges due to Hurricane Sandy. The feedback was positive and attendees made new contacts. Ms. Lerner stated that Common Cause is currently uploading video of the workshop online for all to view. Ms. Lerner thanked the Board for their support.

Mr. Ward presented the Vacancy Report dated May 21, 2013. A copy of the report is in the agenda.

Mr. Ward presented the Comparative Expenditure's Report dated May 28, 2013. A copy of the report is in the agenda.

President Umane recognized Alan Flacks, a member of the public, who commended Ms. Vazquez for a job well done at the Board, and stated that the NYC DOI's investigation concerning supposed patronage appointments at the Board is ludicrous in light of Commissioner Rose Gill Hearn's patronage appointment at the NYC DOI.

Commissioner Araujo moved to convene an Executive Session for purposes of personnel matters. President Umane seconded the motion, which was unanimously adopted.

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

- I. Based on a Disciplinary Hearing, the Commissioners unanimously approved a determination concerning Walter Steinmetz, a Voting Machine Technician in the Queens Voting Machine Facility, and Michael Naudus, a Voting Machine Technician in the Queens Voting Machine Facility. Mr. Steinmetz will lose two (2) days of vacation time. Mr. Naudus will lose five (5) days of vacation time and will be placed on probation for one (1) year. Union Local 1183, Mr. Steinmetz and Mr. Naudus consented to this determination;
- II. The Commissioners unanimously granted an advance of 84 hours of sick leave to Pranvera Kote, a Clerk in the Executive Office.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, June 4, 2013 at 1:30 P.M.