

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JUNE 11, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane
 Secretary Gregory C. Soumas

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
Valerie Vazquez, Director, Communications & Public Affairs
John Naudus, Manager, Management Information Systems
Stephen Thompson, HAVA Training Specialist, Election Day Operations
Debra Leible, Coordinator, Election Day Operations
Giacomo Kmet, Temporary Contract Attorney, OGC
Anibal Luque, Temporary Contract Attorney, OGC
Matthew Bobrow, Law Student Intern, OGC
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jane Lloyd, Fort Orange Press
 Monica Bartley, CIDNY
 Kate Doran, LWV
 B. Kearney, DOI
 K. Loving, CFB
 J. Meberdnee, NY Daily News
 David Seitzer, NYC Council

John D. Smith
Bill Johnert

President Umane called the meeting to order at 1:38 P.M.

President Umane announced that Commissioner Araujo was in attendance for the Executive Session at last week's meeting and requested that the June 4, 2013 Minutes be amended to reflect his attendance. Commissioner Araujo moved to adopt the minutes of the June 4, 2013 meeting as amended. Commissioner Michel seconded the motion, which was unanimously adopted.

President Umane reported that a statement by Alan Flacks, a member of the public, was mischaracterized in the May 28, 2013 Minutes and should be revised. President Umane moved to recall the adopted May 28, 2013 Minutes to make the appropriate amendments, and then readopt the amended Minutes at the next meeting. The motion was unanimously adopted.

Mr. Richman and Mr. Naudus presented the State Board's response to the City Board's request for written confirmation of the authorized options

with respect to poll site scanners and Ballot Marking Devices to be used for the 2013 Run-off Primary Election. A copy of the memorandum is in the agenda. It is the staff's recommendation for the Commissioners to adopt the State Board approved options for use by the City Board with respect to the potential 2013 Run-off Primary Election's testing procedures [headed "Test Deck" and "Hash Check" in the State Board's document]. It contains those changes which the staff identified as necessary to provide the City Board with the opportunity to meet its obligations under the Commissioners approved Plan for the Conduct of the 2013 Primary and Run-off Primary Elections dated March 5, 2013. With respect to that portion of the State Board's approved options captioned "Building the Run-off Election," after review, staff does not see any benefit or saving of either time or cost, in any of the three (3) options set forth in the State Board's options. Mr. Richman and Mr. Naudus stated that staff recommends for the Commissioners to direct staff to continue planning to implement the previously approved Plan, incorporating only the authorized options headed "Test Deck" and "Hash Check." All options have been explored. These methods are the most cost and time effective to comply with the current statutory requirements. Commissioner Araujo moved to adopt Mr. Richman's and Mr. Naudus'

recommendation. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Richman introduced Matthew Bobrow, the new law student intern, who will be assisting the Office of the General Counsel this summer.

Mr. O'Grady reported on the RFID Project – Directive 1. Directive 1 is a system of asset protection and inventory control in the Executive Office, Borough Offices and Voting Machine Facilities (VMF's). All Tablets and voting equipment have been tagged. General Office staff will tag all existing assets in the General Office as well as the Borough Offices. VEOU staff will also create processes for accepting new assets and the disposal or relocation of assets.

Mr. O'Grady presented the draft Directive 1 – Procedures. Copies of the draft procedures were distributed to the Commissioners. Mr. O'Grady provided an overview of the draft procedures. President Umame requested for procedures on how to determine if an item is damaged and needs to be disposed. There was a consensus that the procedures should be amended in Part 2.0 to include that the ultimate

determination for disposals should be signed-off by Executive Office staff based on the recommendation of the Borough Site Supervisor. Commissioner Araujo moved to adopt the Directive 1 - Procedures subject to the additional amendment in Part 2.0 - Roles and Responsibilities. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. O'Grady presented a demonstration of Blue Ballot Bins vs. Cardboard Boxes for the potential 2013 Run-off Primary Election with scanners. The Blue Ballot Bins currently support the ballots in the bottom of the scanners. All scanners used for the Primary Election would be returned to the VMF's to be reprogrammed for the potential Run-off Primary in the short two (2) week timeframe. The Blue Ballot Bins used in the Primary would have to be replaced with new bins for the Run-off Primary. A total of 2,600 Blue Ballot Bins would be needed for the potential 2013 Run-off Primary. Blue Ballot Bins cost \$150 each and Cardboard Boxes cost \$13.87 each; a total cost savings of \$353,938. The Cardboard Boxes have been tested with ballots and they function as the Blue Ballot Bins. The Cardboard Boxes would be properly secured with red plastic seals and they would be labeled with poll site and scanner identification.

One difference is that the Blue Ballot Bins' top flaps arrive locked in the scanner cart on Election Day and Inspectors have to unlock those flaps before the polls open. The Cardboard Boxes would be stored open in the scanner cart. The lid would be stored directly underneath the Cardboard Box in the scanner cart to prevent misplacement of the lids. It was recommended that tape should be placed on the Cardboard Boxes where the Inspectors can sign-off on a chain of custody. There was discussion about the durability of the Cardboard Boxes. President Umane moved to table this item for two (2) weeks to receive further information, which was unanimously adopted.

Mr. O'Grady presented the draft Phase I Plan of the relocation of the mechanical lever machines into the current Voting Machine Facilities (VMFs). Copies of his draft report were distributed to the Commissioners. Mr. O'Grady provided an overview of his report. The mechanical lever machines are currently stored in the 4312 Second Avenue warehouse in Brooklyn. The boroughs' ED supply carts would be swapped with the mechanical lever machines. Commissioner Sipp stated that the Board is prepping the scanners and mechanical lever machines due to the current bill. He stated that the Board is an administrative agency and is required to

follow the New York State statute. Commissioner Sipp stated that the current bill is at a stand-still and is also interfering with poll worker training. President Umame stated that there are sixty-four (64) Board staff members citywide who worked on the mechanical lever machines in the past. Mr. O'Grady requested approval to implement the Phase I Plan. President Umame moved to implement the Phase I Plan in the event that the Legislature passes the current bill to use the mechanical lever machines. Commissioner Sipp seconded the motion, which was unanimously adopted.

Commissioner Guastella requested a status update of the new ED/AD signage. Mr. O'Grady reported that the State Board approved the ED/AD signage with HAVA funds and he is currently waiting for an OGS contract.

Ms. Sandow reported that the State Board approved the email address space on the voter registration forms and they provided the Board with the English translation. The State Board has not provided the Board with the other covered languages yet. This is preventing the City Board from ordering the voter registration forms from the print vendor.

Ms. Sandow requested approval to have the City Board translators translate the word “email” in the four (4) covered languages to send to the State Board for approval in case their vendor did not meet the deadline of Friday, June 14, 2013. Mr. Richman stated that the State Board is required to promulgate the voter registration forms in all covered languages for the City Board. Ms. Sandow suggested for the City Board’s translators to send their translations of “email” to the State Board for their approval to expedite the process. Commissioner Araujo moved to authorize the City Board translators to translate the word “email” in the four (4) covered languages to send to the State Board for approval in case their vendor did not meet the deadline of Friday, June 14, 2013. Commissioner Sipp seconded the motion, with Commissioner Soumas opposing. The motion was adopted.

Ms. Leible and Mr. Thompson reported on the pre-printed ED/AD on the Voter Cards. The pre-printing will help eliminate wait time at the poll sites. There is an additional cost to pre-print the ED/AD Voter Cards and to wrap the cards in ED/AD order. The total additional cost is approximately \$50,000. President Umane noted that Council Member Gale Brewer has requested for a way to speed up the Voter Card process on Election Day

and pre-printing the cards would help even though there is an additional cost. President Umane moved to adopt the pre-printed ED/AD on the Voter Cards. Commissioner Sipp seconded the motion, with Commissioner Soumas opposing. The motion was adopted. Commissioner Shamoun requested for staff to research peel-off labels for voters' names in the Poll Books. The labels could be placed on the Voter Cards instead of hand writing the names which would also reduce wait time on Election Day. Mr. Thompson stated that he will look into that request with Xerox and MIS staff.

Mr. Thompson reported on the modification for Information Clerk requirements. A copy of the report is in the agenda. Mr. Thompson requested for the Commissioners' authorization to adjust the poll site requirements for Information Clerks. Commissioner Guastella inquired if the Board is urging the poll workers to use PollSiteLocator.com on Election Day. Mr. Thompson replied yes. Commissioner Sipp moved to adopt the modification. There was no second. The motion was not adopted. President Umane moved to table this item which was unanimously adopted.

Mr. Thompson reported on Election Day Operations actions for the 2013 Primary and potential Run-off Primary Elections. Mr. Thompson requested for the Commissioners' authorization to spend one (1) day training the poll workers in the Train the Trainer Classes on the lever machines using the 2009 Poll Worker Procedures. There have been no changes to the lever machines since 2009. Mr. Thompson reported that a consultant is currently assisting the Board revising the poll worker exams and poll worker curriculum to be more engaging. If lever machines are implemented for the election, the AD Monitors will be using hard copy reports because the Tablet App is currently designed for the electronic voting systems and there is not enough time to redesign and reprogram the Tablets. President Umane stated that there is a lot of helpful information in the Tablet App that can be used for accessibility issues. Mr. Thompson stated that he will research the Tablets further and will report back to the Commissioners. Commissioner Shamoun moved to authorize Mr. Thompson's request to spend one (1) day training the poll workers in the Train the Trainer Classes on the lever machines using the 2009 Poll Worker Procedures. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Ward presented the Comparative Expenditures Report dated June 11, 2013. A copy of the report is in the agenda.

President Umane opened the floor for comments from Alex Camarda, a representative of Citizens Union.

President Umane moved to convene an Executive Session for purposes of personnel. Commissioner Araujo 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. The application of Hector Ramirez, an Associate Staff Analyst in the Executive Office, request for a Leave of Absence without pay beginning immediately was denied. Mr. Ramirez's request for a Leave of Absence without pay will be effective when he becomes a candidate for public office under the Board's Policies and Standards on political activities is approved;

- II. The revised job description for the permanent Voting Machine Technicians was approved;
- III. The recommended allocation of the additional twenty-two (22) Voting Machine Technicians (VMT's) permanent positions at the Borough's Voting Machine Facilities (VMF's) was approved. The allocations by borough are: Staten Island – 4, Bronx – 4, Brooklyn – 4, Queens – 4, and Manhattan – 6. Manhattan received an allocation of 6 positions because they were short VMTs. The VMTs will be equally divided by Republican and Democrat. The 23rd VMT position was not allocated or designated. All VMT positions are contingent upon the enactment of the Mayor's Executive Budget.

President Umane moved to adjourn the meeting which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 18, 2013 at 1:30 P.M.