

MEETING OF THE BOARD OF CANVASSERS
AND MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JULY 2, 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 Guastella, Simon Shamoun,
J.P. Sipp

Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Dorothy Delayo, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
John Luisi, Agency Chief Contract Officer
Giacomo Kmet, Temporary Contract Attorney, OGC
Anibal Luque, Temporary Contract Attorney, OGC
Matthew Bobrow, Law Student Intern, OGC
Alan Quigley, Law Student Intern, OGC
Diane Rudiano, Chief Clerk, Brooklyn Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 John D. Smith
 John Phillies
 Alex Voetsch, Kavanagh
 J. Melendez, NY Daily News
 Michael Benjamin
 Stephanie Sipp, NYC Council

David Seitzer, Council
B. Kearney, DOI
Emma Gardephe, DOI
Kiara Deleon, DOI
Vivian Xie, DOI
Aryeh Roskics, DOI
Griffin Kenyan, DOI
Katherine Loving, CFB
Cathy Gray
Monica Bartley, CIDNY
M. Lloyd
Anthony Walker

President Umane called the meeting to order at 1:40 P.M.

President Umane requested to add an item to the agenda concerning the status of the Board's Asian-Indian Language Assistance Program for 2013.

Pursuant to the provisions of Title 2 of Article 9 of the NYS Election Law, specifically Section 9-204, President Umane announced that the Commissioners will conduct the Meeting of the Board of Canvassers in the City of New York concerning Amended Statements and Returns of Canvass for some offices in Kings County and the amended recapitulations of those affected contests which cross county boundaries in the November 6, 2012 General Election. President Umane designated

Commissioner Shamoun to serve as the other Republican Member of the Canvassing Board. Secretary Soumas designated Commissioner Dent to serve as the other Democratic Member of the Canvassing Board. Ms. Rudiano and Ms. Sattie reported on the events and activities in Brooklyn. In mid-April of this year, Board staff at the Brooklyn Office received a report comparing the votes cast in last year's General Election, as reflected on the adopted Statements and Returns of Canvass with voter turnout for that Election, which was compiled after processing the computer generated poll list books and completing voter history. This report alerted the Chief Clerks to potential discrepancies at ten (10) poll sites. At the direction of the Kings County Commissioners, staff undertook research which resulted in locating accurate scanner results tapes for all but two (2) sites. After giving the required notice to all affected candidates, the paper ballots cast at these two (2) sites were manually canvassed last week. As a result of the work by the Brooklyn staff, the Amended Statements and Returns of Canvass submitted accurately reflect all the votes cast in last November's General Election in Kings County. Ms. Rudiano and Ms. Sattie presented the signed Amended Statements and Returns of Canvass for the November 2, 2012 General Election conducted in Kings County for the affected public offices to the Commissioners for review and

approval. Ms. Rudiano and Ms. Sattie confirmed that the results presented are accurate and correct, all the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with and there are no discrepancies. Based on that report, Commissioner Dent moved that the Board of Canvassers certify the Amended Statements and Returns of Canvass for the November 2, 2012 General Election conducted in Kings County for the affected public offices. Commissioner Shamoun seconded the motion, which was unanimously adopted. Mr. Richman called the list of offices that were voted upon at the November General Election in Kings County and all or part of more than one other County within the City of New York that are affected by the Amended Certification; Electors for President/Vice President of the United States, United States Senator, Representative in Congress for the 7th Congressional District – Kings, New York, and Queens Counties, and Member of the NYS Senate for the 26th Senatorial District – Kings and New York Counties. Mr. Richman confirmed that the Amended Statements and Returns of Canvass did not change the results. Mr. Johnson presented the Amended Recapitulation Statements and Returns of Canvass for the General Election conducted on November 2, 2012 for those offices that we presented by Mr. Richman. Mr. Johnson confirmed that the Amended Recapitulation Statements and

Returns of Canvass accurately and correctly reflect the Amended Statements and Returns of Canvass for each contest as certified as amended by the Canvassing Board. Based on that report, Commissioner Dent moved to approve and adopt the Amended Recapitulation Statements and Returns of Canvass for the November 2, 2012 General Election conducted in Kings County for the offices listed in Mr. Richman's report. Commissioner Shamoun seconded the motion, which was unanimously adopted. Commissioner Dent moved to authorize the use of the designated Commissioners signature stamps on each of the Recapitulations. Commissioner Shamoun seconded the motion, which was unanimously adopted. Commissioner Dent moved to adjourn the meeting of the Board of Canvassers. Commissioner Shamoun seconded the motion, which was unanimously adopted.

President Umane reconvened the meeting of the Commissioners.

Secretary Soumas moved to adopt the minutes of the June 25, 2013 meeting. Commissioner Araujo seconded the motion, with Commissioner Guastella abstaining. The motion was adopted.

Mr. Johnson presented the revised draft of a letter, pursuant to the NYS Election Law, that is to be sent to all candidates for public office notifying them that petitions have been filed in their name. Copies of the draft letter were distributed to the Commissioners. Mr. Johnson reported that a paragraph was added to the letter reminding Candidates and Political Committees of their obligation to file statements disclosing information about contributions received and expenditures made in connection with an election. The draft revised letter was reviewed by the Office of the General Counsel. Mr. Savino stated that staff requests for this reminder statement to be printed onto signs near the Board's Front Counters, Candidate Records Unit, and Petition Room, and to be added to the Notice to Candidates Letter as well. The goal of the reminder statement is to receive complete financial compliance which would result in less campaign finance enforcement tasks at the Board. Commissioner Araujo requested for this reminder statement to be posted on the Board's website as well. President Umane noted that the Candidates Letter is required by the NYS Election Law. President Umane moved to adopt the revised Candidates Letter which contains the added reminder statement. Commissioner Sipp seconded the motion, which was unanimously adopted.

Mr. Johnson presented the draft revised Candidate Records Unit (CRU) Operating Procedures. Copies of the draft procedures were distributed to the Commissioners. Mr. Johnson reported that there were no substantial changes; there were typographical edits. The procedures set basic guidelines for CRU employees performing the tasks. The Office of the General Counsel reviewed the revised procedures. Commissioner Araujo moved to adopt the revised Candidate Records Unit Operating Procedures. Commissioner Dent seconded the motion, which was unanimously adopted.

In Mr. Ward's absence, Mr. Luisi presented the Vacancy Report dated July 2, 2013. A copy of the report is in the agenda.

President Umane requested for Mr. Richman to report on status of the Board's Asian-Indian Language Assistance Program for 2013. Mr. Richman reported that the Board will be in full compliance with the requirements of Section 203 of the Voting Rights Act with respect to Asian-Indian language assistance for the 2013 Election Cycle and beyond. Board staff has reviewed the State Board's certified modifications and upgrades to the software and hardware for the ES&S ballot scanners so

that the Bengali language will appear on all appropriate ballots as well as the audio and video components of the Ballot Marking Devices (BMDs). Bengali can also be printed on ballot strips if the lever voting machines are authorized to be used for the Primary and Run-off Primary Elections. The formula for the targeting of Asian-Indian language assistance remains unchanged from last year. That data was sent to the NYC Department of City Planning based on the revised 2013 Election District boundaries following the City Council redistricting. The Board should receive a response in one (1) week and then assignments will be made for both poll site ballots and poll site interpreters. The Board continues its outreach program to recruit a sufficient number of poll site interpreters and continues to call upon community groups and civic groups to provide assistance. This Board will be in full compliance for the 2013 Primary, Run-off Primary and General Election under the Federal Voting Rights Act.

Mr. Richman introduced Alan Quigley, the new Brooklyn Law School student intern, who will be assisting the Office of the General Counsel this summer.

Mr. Richman reported that he received a phone call this morning that the bill authorizing the use of the lever voting machines will be delivered to the Governor today. President Umame moved for Mr. Richman to prepare and send a letter to the Governor strongly urging the Governor to sign the bill to authorize the use of the lever voting machines. Commissioner Sipp seconded the motion, which was unanimously adopted. Commissioner Sipp noted that utilizing the lever voting machines would be a huge cost savings with respect to printing ballots.

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

Following Executive Session, the public meeting resumed and President Umame announced the following actions taken in Executive Session:

- I. The Commissioners approved the schedule of additional Temporary Clerks starting on July 15, 2013 through December 1, 2013 or the date of certification for the 2013 General Election;

- II. The CWA Local 1183 Union has agreed to extend the time to make a decision for the Disciplinary Hearing concerning Parnell Sena;
- III. The Commissioners appointed the Cover Sheet Review Committee schedule which follows:
- July 9th – Commissioners Sipp and Barrera
 - July 10th – Commissioners Sipp and Dent
 - July 11th – Commissioners Shamoun and Araujo
 - July 12th – Commissioners Shamoun and Barrera
 - July 15th – Commissioners Michel and Barrera
 - July 16th – Commissioners Umane and Guastella
- IV. The Commissioners adopted a policy and certificate regarding the possession of badges by Board personnel which Ms. Delayo, the Director of Personnel, will implement. The purpose is to identify which employees have and do not have a badge;
- V. The June 18, 2013 Commissioners' Minutes should be amended to reflect Commissioner Dent's abstention on the motion to rescind Bank Time.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, July 9, 2013 at 1:30 P.M.