

Approved # 3122

MEETING OF THE BOARD OF CANVASSERS  
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, SEPTEMBER 17, 2013  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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

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

Michael J. Ryan, Executive Director  
Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
Valerie Vazquez, Director, Communications & Public Affairs  
John Ward, Finance Officer  
Dorothy Delayo, Director, Personnel  
Daniel Lavelle, Associate Staff Analyst, Phone Bank Supervisor  
Troy Johnson, Coordinator, Candidate Records Unit  
Thomas Sattie, Associate Staff Analyst, Ballots/Candidate Records Unit  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Howie G.  
Cathy Gray  
Anna-Maria Thomas  
Kate Doran, LWV  
Ian Hoffman, Common Cause/NY  
Tom Kaplan, NY Times  
Monica Bartley, CIDNY  
Anna Claire Lopez, for Council Member Brian Kavanagh  
Chester Soria, Gotham Gazette

Katharine Loving, CFB  
Alex Camarda, Citizens Union  
John D. Smith  
Else Greenberg, DOI  
A. Brusky, DOI  
Michael Benjamin  
David Seitzer, NYC Council  
Will Colegrove, NYC Council  
Tym M., NYC Council  
Alan Flacks, Member of NY County Democratic Committee

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President Umane called the meeting to order at 1:54 P.M.

President Umane announced that the Commissioners would conduct the Meeting of the Board of Canvassers to provisionally certify the results of the September 10, 2013 Primary Election for Judicial Delegates and Alternates and Members of the County Committees.

President Umane designated Commissioner Sipp to serve as the other Republican Member of the Canvassing Board to sign the Provisional Certifications for these party positions.

Secretary Soumas designated Commissioner Dent to serve as the other Democratic Member of the Canvassing Board to sign the Provisional Certifications for these party positions.

Section 9-200 of the NYS Election Law requires the Board to certify the results of the Primary Election within nine (9) days of the Primary, with a statutory priority for Judicial Delegates and Alternates. However, the NYS Election Law also enables the conduct of Judicial Conventions and organizational meetings of County Committees before the completion of the full canvass. In addition, the deadline for the receipt of absentee ballots is today which is seven (7) days after the Primary Election. As of today, the Board's staff has completed the canvass of the votes cast on the lever voting machines at the poll sites last Tuesday. As done in prior years, based on the results of the canvass, the Board will consider the provisional certifications for those party positions.

Mr. Johnson presented the Provisional Certification for the votes cast in several of the counties within the City of New York at the September 10, 2013 Primary Election for Delegates and Alternates to the Judicial Conventions and Members of the County Committees. Mr. Johnson confirmed that the results presented for the canvass of votes cast on the lever voting machines at the poll sites are accurate and correct. Mr. Johnson confirmed that the certification reflects the election of those candidates for party position that were uncontested pursuant to

Section 6-160(2) of the NYS Election Law. Based on Mr. Johnson's report, Secretary Soumas moved that the Board of Canvassers approve the Provisional Certifications of votes cast within several of the Counties within the City of New York on September 10, 2013 Primary Day on the lever voting machines at the poll sites for the party position of Delegate and Alternate Delegate to the Judicial Conventions and Member of the County Committee for the counties and political parties set forth in the respective Provisional Certification Reports. Commissioner Dent seconded the motion, which was unanimously adopted.

President Umane reported that the New York County Committee's Organizational Meeting was scheduled for last night. The Executive Committee of the Commissioners provisionally certified the results for those party positions in accordance with the motion just adopted. Secretary Soumas moved that the Board of Canvassers ratifies the actions of the Executive Committee taken yesterday in approving the Provisional Certification of votes cast within New York County on September 10, 2013 Primary Day on the lever voting machines at the poll sites for the party position Member of the New York County Democratic Committee. President Umane seconded the motion, which was unanimously adopted.

Secretary Soumas moved to authorize the use of the Commissioners signature stamps as appropriate on the Provisional Certifications. Commissioner Michel seconded the motion, which was unanimously adopted.

Secretary Soumas moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the Commissioners of Elections. Commissioner Sipp seconded the motion, which was unanimously adopted.

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

Commissioner Dent moved to adopt the minutes of the August 27, 2013 and September 3, 2013 meetings. Secretary Soumas seconded the motion, with Commissioners Guastella and Barrera abstaining on the September 3, 2013 minutes, and Commissioners Araujo and Michel abstaining on the August 27, 2013 minutes. The motion was adopted. Commissioners Guastella, Barrera, Araujo and Michel noted that they abstained because they were not present at those meetings.

Mr. Ryan reported on the September 10, 2013 Primary Election. A total of 5,059 voting machines were delivered to over 1,300 poll sites citywide. On September 11<sup>th</sup> and 12<sup>th</sup>, the Board collected the voting machines from the poll sites and delivered them back to the Voting Machine Facilities citywide. The Notices to All Candidates were mailed which included the date and time to view the recanvass process of the voting machines. The recanvass started last Friday at 10:00 A.M. at the five (5) Borough Offices. During this process, Board staff verifies the vote totals on the lever voting machine against the poll worker's Recanvass Sheet which takes several days to be completed. Mr. Ryan reminded that these results are unofficial until they are certified by the full Board. The second phase of the recanvass process verifies the paper ballots (Emergency, Affidavit, Special, Military, and Absentee). Mr. Ryan stated that the Board's main focus is the accuracy of the vote totals. He reported that he directed staff to not release vote totals to anyone until the recanvass process is completed. Mr. Ryan reported that he was out in the field on Election Day and had positive experiences with the voters and lever voting machines. He reported that he tracked down the "massive problems" at certain poll sites that he found via Twitter. All matters were already remedied when he arrived at these poll sites. He noted that

inaccurate information is spread through Twitter which hinders voter confidence. Mr. Ryan reported that the recanvass and verification process in all five (5) boroughs has been completed and discrepancy reports are being reviewed. The preliminary unofficial results will be released to the public either today or tomorrow. The paper ballot recanvass is expected to be completed by Monday. Mr. Ryan stated that part of those absentee ballots include military ballots. He stated that service men and women are fighting for us for the right to vote, and there should be patience allowing their absentee ballots to be counted after the election.

Mr. Ryan reported that there is a scheduling issue to get the absentee ballots disseminated for the Board's Nursing Home Program due to the closeness of the Primary Election and the inability to presently predict whether or not candidate Bill De Blasio will remain above 40%. He stated that staff expects to identify the 40% either today or tomorrow. Rather than print absentee ballots with the Mayoral Run-off Primary included on it to meet a timing deadline which may create voter confusion, he requested authorization to designate the Executive Committee to act on behalf of the full Board to make that determination with respect to printing the absentee ballots for the Run-off Primary. He reminded if candidate Bill

De Blasio fell below 40% that Mr. Thompson's concession has no legal binding effect; there will be a Mayoral Run-off. Commissioner Barrera requested for the total vote results to be circulated to the full Board of Commissioners before the Executive Committee acts on the matter. Commissioner Barrera confirmed that if the results numbers are above 40% for Bill De Blasio then Bill Thompson's name will not appear on the ballot. Mr. Ryan stated that there are no issues with the printing schedule of the lever voting machine strips concerning the Run-off Primary. Commissioner Araujo moved to authorize the Executive Committee to act on behalf of the full Board with respect to printing the Run-off Primary absentee ballots. The motion was seconded, with Commissioner Barrera abstaining. The motion was adopted.

President Umane opened the floor for questions and/or comments from Alan Flacks, a member of the public, who spoke about the USPS Meter Forever Stamps and that they have no post mark date.

President Umane opened the floor for questions and/or comments from Howard Greenbaum, a member of the public, who inquired about his poll worker assignment in Queens.

President Umane opened the floor for questions and/or comments from Alex Camarda, a representative of Citizens Union, who inquired about the deadline to send and receive the military absentee ballots for the Run-off Primary.

Mr. Lavelle reported that a total of 4,384 telephone calls were received in the Emergency Call Center on Primary Election Day. The borough breakdown follows:

- Manhattan – 1,032
- Brooklyn – 1,791
- Queens – 690
- Bronx – 727
- Staten Island – 144

Mr. Lavelle reported that a total of 3,079 telephone calls were received in the 866-VOTE-NYC Phone Banks in Manhattan and Staten Island on Primary Election Day. A total of 90 emails were received through the Phone Bank's email system. The Phone Bank's borough breakdown follows:

- Manhattan – 1,879

- Staten Island – 1,200

Mr. Ryan stated that a more detailed report concerning the Emergency Call Center and Phone Bank inquiries will be released once the content has been analyzed for duplicate and false calls.

Mr. Lavelle reported that a total of 133 inquiries were received through the new WebChat feature on Primary Election Day.

Mr. Johnson requested authorization for Borough Commissioners Committees to provisionally certify the results for the September 10, 2013 Primary Election for the party positions of Delegate and Alternate Delegate to a Judicial Convention or Member of a County Committee based on the recanvass of votes cast on the mechanical lever voting machines. He confirmed that the Office of the General Counsel reviewed this matter. Commissioner Sipp moved to adopt Mr. Johnson's recommendation. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Ward presented the Vacancy Report dated September 10, 2013

and the Comparative Expenditures Report dated September 17, 2013.

Copies of the reports are in the agenda.

President Umane opened the floor for questions and/or comments from Alan Flacks, a member of the public, who spoke about the following:

- NYPD Officers' knowledge of Exit Letters and Electioneering;
- Flacks V. BOE case;
- There was no lever switch on one (1) lever voting machine for his candidacy in the 101 ED/69 AD on Primary Election Day.

President Umane opened the floor for questions and/or comments from Kate Doran, a representative of the League of Women Voters, who spoke about the release levers on the lever voting machines which may have contributed to machine breakdowns.

President Umane opened the floor for questions and/or comments from Michael Benjamin, a member of the public, who inquired about the roles of Interpreters and the use of Ballot Marking Devices on Election Day.

President Umane opened the floor for questions and/or comments

from Catharine Gray, a Coordinator, who thanked Commissioner Shamoun and John Luisi for visiting her poll site on Election Day.

President Umane moved to convene Executive Session for purposes of litigation and personnel which was unanimously adopted.

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

- I. Based on a Disciplinary Hearing, the Commissioners placed Allan Inniss, a Clerk in the Queens Office, on one (1) year probation, effective immediately.

Commissioner Shamoun moved to defer the Brooklyn Commissioners' Committee to certify the provisional results of the County Committee as there are some paper ballots being counted today and tomorrow. Commissioner Araujo seconded the motion, which was unanimously adopted.

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

The next stated meeting of the Commissioners will be held on  
Tuesday, September 24, 2013 at 1:30 P.M.