

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, NOVEMBER 19, 2013  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>TH</sup> FLOOR COMMISSIONER'S HEARING ROOM  
NEW YORK, NY 10004

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

Commissioners Jose Araujo, 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  
Dorothy Delayo, Director, Personnel  
John Ward, Finance Officer  
John Luisi, ACCO, Procurement  
Gwendolyn Youngblood, DACCO, Procurement  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Anibal Luque, Temporary Contract Attorney, OGC  
Steven B. Denkberg, Counsel to the Commissioners  
Kenneth M. Moltner, Counsel to the Commissioners

GUEST: Anna-Maria L. Thomas  
Monica Bartley, CIDNY  
Kate Doran, LWV  
R. Sharpe, DOI  
L. Ramisiella, DOI  
Eric Freidman, CFB  
Alan Flacks, Member of the NY County Democratic Committee  
Cathy Gray  
Alex Camarda, Citizens Union  
K. Loving, CFB

Chester Soria  
Susan Lerner, Common Cause/NY  
Ian Hoffman, Common Cause/NY  
Artyov Matasov, City Council  
John D. Smith  
Michael Benjamin  
A.B. Britton, KLC USA  
Joan Thomas

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Secretary Soumas called the meeting to order at 1:38 PM while the Republican Commissioners convened a caucus.

Secretary Soumas recognized Susan Lerner, representing Common Cause/NY, who reported on behalf of Common Cause/NY and NYPIRG that in five different Poll Sites (two in the Bronx, two in Brooklyn, and one in Manhattan) there was a pattern where Poll Workers were misinforming voters. She provided the Commissioners and staff with copies of the written complaint.

Secretary Soumas recognized the Republican Commissioners who joined the meeting.

The Commissioners unanimously agreed to table the minutes of the October 22, 2013, October 29, 2013 and the November 12, 2013 Commissioners' Meetings.

Commissioner Rendino requested to discuss a Bronx Personnel matter in Executive Session.

Mr. Ryan reported that the New York City Council Committee on Governmental Operations has invited the Board to testify at a Hearing on Thursday, November 21, 2013 at 2:00 PM concerning the proposed statute for Instant Run-off legislation. A copy is included in the agenda. He asked for permission to testify and to discuss the operational impact this statute would have on the Board.

President Umane stated that the Board should not take a position, but it is important that they know the current scanners can handle only one iteration of the ballot.

President Umane recognized Alex Camara, representing Citizens Union, who provided a memorandum in support of both the Instant Run-off bill and the Online Sample Ballot Legislation. He reported that there is a substantial drop off between the Primary and Run-off Elections for both Absentee and Military voters. The Citizens Union thinks Instant Run-off voting is the best solution.

President Umane moved to authorize the Executive Director to compile information regarding what the Board would need to do to implement this. Commissioner Guastella seconded the motion, which was adopted unanimously.

Mr. Ryan reported that the Board received a Notice of Public Hearing from the NYS Assembly Standing Committee on Election Law/Assembly Subcommittee on Election Day Operations and Voter Disenfranchisement. The Hearing will be held on Monday, December 9, 2013 in the Assembly Hearing Room, 250 Broadway, New York NY to examine solutions to make voting, in person and absentee, more accessible for all voters, and to examine moving the state primary to June beginning in 2014. He asked the Commissioners to consider one of two motions:

- If there is consensus with respect to when the primary date should be and the Board wants to take an official position on that;
- Allow him to testify before the Assembly Committee within whatever parameters the Commissioners' deem.

Mr. Richman reported that, last year, the Commissioners modified the proposal, the legislature was asked to establish a calendar that provides at least 70 – 80 days between elections without giving a specific date.

President Umane moved not to take a position and to just give basic information on what it takes to determine the primary date, thus not making a recommendation as to the ultimate date, but continue the policy to provide the 70 – 80 days. Commissioner Sipp seconded the motion. The motion failed by a vote of 5 in favor (Umane, Michel, Sipp, Rendino, Shamoun), 2 opposed (Araujo and Guastella), and 2 abstentions (Soumas and Dent).

Commissioner Araujo moved to provide the Assembly Committee with all the information needed in order so they have a complete overview of what it takes to determine the Primary date. Commissioner Dent seconded the motion, which was adopted unanimously.

Commissioner Araujo moved to reconsider supporting the bill to examine moving the State Primary to June beginning in 2014. Commissioner Guastella seconded the motion. The motion did not receive the required number of affirmative votes for it to be adopted.

Mr. Ryan stated that the Board will give the Assembly Committee a parameter of, at minimum, 70 – 80 days.

Mr. Ryan asked the Commissioners to approve the recommendations for the transportation contract for the “For-Hire Vehicles” Transportation services for Board’s employees at the Brooklyn, Queens, Manhattan, Bronx Borough Offices and Warehouses. John Luisi and Gwendolyn Youngblood responded to questions from the Commissioners. Mr. Luisi explained that the contract is very good. It is also a very good policy that when we have goods and services that are relatively fungible, they seek responses from different vendors. After discussion, Commissioner Michel moved to approve the contract. Commissioner Araujo seconded the motion, which was adopted by a vote of 6 in favor (Umane, Michel, Dent, Soumas, Rendino, Shamoun) and 2 abstentions (Sipp and Guastella).

President Umame acknowledged that today is the 150<sup>th</sup> Anniversary of the Gettysburg Address. He also recognized that it is the 50<sup>th</sup> Anniversary of President John F. Kennedy’s assassination.

Mr. Richman reported that a copy of the proposed draft Independent Nominating Petition Rules for the 2014 Special Elections was distributed last week. In the General Election held on Tuesday, November 5, 2013, at least four members of the New York Legislature appeared to have won municipal office for

the term beginning on January 1, 2014. The Governor can call the Special Elections for 60 to 70 days from the date of occurrence of the vacancy. In order to be prepared for any contingency, the Board should adopt Rules for these Special Elections. He reported that the draft incorporates the changes made to the Rules for 2013. The only additional changes are set as follows:

- 1) In the initial portion of Rule C2, the words “**accurately and correctly stated**” were added with respect to the information stated on a cover sheet;
- 2) In Rule C2, subdivision (i), “**correctly**” was added.
- 3) In Rule D4, “**and/or as directed by the notice of non-compliance**” was added.

After discussion, Commissioner Araujo moved to approve the draft rules with amendments. Commissioner Dent seconded the motion, which was adopted unanimously.

John Ward presented the Commissioners with a copy of the Comparative Expenditures Report dated November 12, 2013 and a copy of the Vacancy Report dated November 19, 2013.

President Umame moved to convene an Executive Session to discuss litigation and personnel matters. Secretary Soumas seconded the motion, which was agreed to unanimously.

President Umane reconvened the open public meeting and reported that no action was taken in the Executive Session.

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

The President announced that the next meeting of the Commissioners will be held on Tuesday, November 26, 2013 at 1:30 P.M.