

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, DECEMBER 3, 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 Naomi Barrera, Julie Dent, Maria R. 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
Giacomo Kmet, Temporary Contract Attorney, OGC
Anibal Luque, Temporary Contract Attorney, OGC
John Ward, Finance Officer
Valerie Vazquez, Director, Communications & Public Affairs
Dorothy Delayo, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Administrative Assistant, Candidate Records Unit
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Lisa Sattie, Administrative Associate, Staten Island Office
Robert Pataky, Administrative Associate, Queens Office
Gisela Mengler, Deputy Chief Clerk, Queens Office
Anthony Ribustello, Deputy Chief Clerk, Bronx Office
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Diane Rudiano, Chief Clerk, Brooklyn Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office
Gregory Lehman, Chief Clerk, Manhattan Office
Timothy Gay, Deputy Chief Clerk, Manhattan Office
Kenneth Moltner, Counsel to the Commissioners

Steven B. Denkberg, Counsel to the Commissioners

GUEST: P. Paul
Cathy Gray
Kate Doran, LWV
Michael Benjamin
Alex Camarda, Citizens Union
David Seitzer, NYC Council
Elsie Greenbaum, DOI
Lindsey Ramsiella, DOI
Hin Hon Wong, AALDEF
Alan Flacks, Member of NY County Democratic Committee
K. Loving, CFB
Eric Friedman, CFB
Eleanor Capogrosso, Esq.

President Umane called the meeting to order at 1:46 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Section 9-204, President Umane convened the meeting of the Board of Canvassers in the City of New York to certify the results of the November 5, 2013 General Election. The November 5, 2013 General Election included the election for the three (3) Citywide Offices - Mayor, Public Advocate and Comptroller of the City of New York, the five (5) Borough Presidents, all fifty-one (51) Members of the New York City Council, District Attorneys in Kings and New York Counties, Justices of the New York State Supreme Court, and Judge of the New York City Civil Court in all boroughs, except Staten Island, as well as Special Elections for

Member of the New York State Assembly in Brooklyn and the Bronx. Chapter 99 of the Laws of the State of New York for 2013 also extended the statutory deadlines for the Board to receive Absentee and Military ballots for the General Election. This year, with the Primary, Runoff Primary and General Election conducted in a span of just eight (8) weeks, the Board's staff has and continues to work seven (7) days a week, twelve (12) hours or more a day, to ensure that every vote is counted accurately and correctly.

President Umame announced that the Manhattan Chief Clerk and Deputy Chief Clerk will be arriving late to the meeting of the Board of Canvassers.

To serve as the other Republican Member of the Canvassing Board, President Umame designated the Republican Commissioners for their respective counties and Commissioner Sipp to serve with him for New York County and the Citywide and multi-county recaps.

To serve as the other Democratic Member of the Canvassing Board, Secretary Soumas designated the Democratic Commissioners for their

respective counties and Commissioner Barrera to serve with him for New York County and the Citywide and multi-county recaps.

Mr. Ribustello and Ms. Scott-McFadden presented the signed Statement and Return of Canvass for the General Election and Special Election conducted in the Borough of the Bronx on November 5, 2013 for review and approval. They confirmed that the results presented are accurate and correct, and all provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. A detailed Discrepancy Report which is fully explainable is attached to the Return of Canvass. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law for both poll site and central count scanners have been completed successfully. Based on that report, Commissioner Barrera moved that the Board of Canvassers certify the Statement and Return of Canvass for the General Election and the Special Election conducted in the Borough of the Bronx on November 5, 2013. Commissioner Dent seconded the motion, which was unanimously adopted.

Ms. Rudiano and Ms. Sattie presented the signed Statement and Return of Canvass for the General Election and Special Election conducted in the Borough of Brooklyn on November 5, 2013 for review and approval. They confirmed that the results presented are accurate and correct, and all provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. A detailed Discrepancy Report which is fully explainable is attached to the Return of Canvass. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law for both poll site and central count scanners have been completed successfully. Based on that report, Commissioner Dent moved that the Board of Canvassers certify the Statement and Return of Canvass for the General Election and the Special Election conducted in the Borough of Brooklyn on November 5, 2013. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Ms. Mengler and Mr. Pataky presented the signed Statement and Return of Canvass for the General Election conducted in the Borough of Queens on November 5, 2013 for review and approval. They confirmed that the results presented are accurate and correct, and all provisions of the NYS Election Law and the Board's adopted Policies and Procedures

were complied with. A detailed Discrepancy Report which is fully explainable is attached to the Return of Canvass. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law for both poll site and central count scanners have been completed successfully. Based on that report, Commissioner Michel moved that the Board of Canvassers certify the Statement and Return of Canvass for the General Election conducted in the Borough of Queens on November 5, 2013. Secretary Soumas seconded the motion, which was unanimously adopted.

Mr. Andriulli and Ms. Sattie presented the signed Statement and Return of Canvass for the General Election conducted in the Borough of Staten Island on November 5, 2013 for review and approval. They confirmed that the results presented are accurate and correct, and all provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were no discrepancies. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law for both poll site and central count scanners have been completed successfully. Based on that report, Commissioner Guastella moved that the Board of Canvassers certify the Statement and Return of

Canvass for the General Election conducted in the Borough of Staten Island on November 5, 2013. Commissioner Sipp seconded the motion, which was unanimously adopted.

President Umane moved to recess the meeting of the Board of Canvassers and to convene the regular stated meeting of the Commissioners. The meeting of the Board of Canvassers will reconvene when the Manhattan Chief Clerk and Deputy Chief Clerk arrive. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Ryan requested to add an Executive Session to the agenda for purposes of personnel.

Commissioner Guastella moved to approve the minutes of the November 19, 2013 meeting. The motion was seconded, with Commissioner Barrera abstaining. The motion was adopted. Commissioner Barrera noted that she abstained because she was not present at that meeting.

Mr. Ward presented the Vacancy Report dated December 3, 2013.

A copy of the report is in the agenda.

Mr. Savino requested to discuss a litigation matter in Executive Session.

President Umane recognized Eleanor Capogrosso, Esq., a member of the public, who submitted her complaint concerning appointed NYC judges who misrepresented their professional qualifications during their campaigns and requested that the Board look into this matter. Ms. Capogrosso submitted her letter to the Board for review. President Umane replied that the Board does not have authority to act on this matter.

Secretary Soumas moved to convene an Executive Session for purposes of personnel and litigation. 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, Rick Yin, a Chinese Language Translator in the General Office, was dismissed, effective immediately. The vote was unanimously adopted;
- II. Joanne Liu, a Chinese Language Translator in the General Office, resigned before her Disciplinary Hearing, effective immediately;
- III. A motion was made to give back-pay to Dawn Sandow, Deputy Executive Director, and Pamela Perkins, Administrative Manager, for the period of time they acted as Executive Director and Deputy Executive Director, subject to approval from the NYC Office of Management and Budget and the NYC Office of Payroll Administration. There was a vote of seven (7) in favor (Barrera, Dent, Guastella, Michel, Rendino, Shamoun, Umane) and two (2) opposed (Soumas, Sipp). The motion was adopted.

President Umane reconvened the meeting of the Board of Canvassers.

Mr. Lehman and Mr. Gay presented the signed Statement and Return of Canvass for the General Election conducted in the Borough of Manhattan on November 5, 2013 for review and approval. They confirmed that the results presented are accurate and correct, and all provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. A detailed Discrepancy Report which is fully explainable is attached to the Return of Canvass. The audit of voter verifiable audit records required by Section 9-211 of the NYS Election Law for both poll site and central count scanners have been completed successfully. Based on that report, Secretary Soumas moved that the Board of Canvassers certify the Statement and Return of Canvass for the General Election conducted in the Borough of Manhattan on November 5, 2013. President Umane seconded the motion, which was unanimously adopted.

Secretary Soumas moved to approve and adopt the Recap Statement and Return of Canvass for the General Election conducted on November 5, 2013 for the three (3) Citywide Offices – Mayor, Public Advocate and Comptroller, and those City Council Districts which cross borough lines within the City of New York, and whose respective boroughs'

Statement and Return of Canvass have been approved today. Commissioner Barrera seconded the motion, which was unanimously adopted.

Commissioner Barrera moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Return of Canvass. Commissioner Michel seconded the motion, which was unanimously adopted.

Commissioner Dent moved to adjourn the meeting of the Board of Canvassers. Commissioner Sipp seconded the motion, which was unanimously adopted.

Mr. Ryan recognized that Commissioner Sipp indicated to President Umane that he will not be seeking reappointment as Commissioner. Mr. Ryan stated that Commissioner Sipp's particular input, lawyering, and sensibility will be missed at the Board, and thanked him for his service for the City of New York and Staten Island. Commissioner Sipp stated that it was a pleasure serving New York City citizens and the Board for the past five (5) years.

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, December 10, 2013 at 1:30 P.M.