

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, MARCH 18, 2014  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

---

PRESENT: Secretary Michael Michel

Commissioners Jose Araujo, Ronald Castorina, Julie Dent, Maria R. Guastella, Michael Rendino, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
Valerie Vazquez, Director, Communications & Public Affairs  
John Naudus, Manager, Electronic Voting Systems  
John O'Grady, Chief Voting Machine Technician, VEOU  
Nina M. Crispino, Director, Personnel  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY  
Kate Doran, LWV  
Martin Livingston  
John D. Smith  
Annette Almazan, DOI  
Carolyn Sheehan, DOI  
Kathy Schwem  
David Seitzer, NYC Council  
K. Loving, CFB  
Cathy Gray

---

Secretary Michel called the meeting to order at 1:36 P.M.

Commissioner Umame moved to adopt the minutes of the March 11, 2014 meeting. Commissioner Dent seconded the motion, with Commissioner Guastella abstaining. The motion was adopted. Commissioner Guastella noted that she abstained because she was not present at that meeting.

Mr. Ryan reported that a Complaint was recently filed by John Liu and Friends of John Liu V. New York City Campaign Finance Board, Rose Gil Hearn, and the City of New York, with the United States District Court, Southern District of New York. A copy of the Complaint is in the agenda. This public document was reported for informational purposes only.

Mr. Ryan reported on the NYS Department of Motor Vehicles (DMV) electronic transmission of voter registration applications to the Board. On March 11, 2014, the Board started receiving DMV voter registration applications electronically. There will be no more paper applications which will streamline how the applications are received and integrated into the Board's system. The Board has worked closely with the State DMV and State Board on this matter.

Secretary Michel reported that a member of the public has requested to challenge a voter's registration.

Secretary Michel opened the floor for Martin Livingston, a member of the public, who challenged a voter's registration. Mr. Livingston presented his Challenge to a Voter Registration affidavit to the Commissioners. He reported that voter Henry Livingston does not live, and has not lived, at his current address. He has been the sole homeowner since 2007. Mr. Livingston swore before the Commissioners, pursuant to the provisions of Section 5-220(1) of the NYS Election Law, challenging the voter registration of Henry Livingston, 200 West End Avenue, Apt. 5H, New York, NY 10023, VSN # 411464954. Mr. Savino presented a copy of Henry Livingston's registration form. He noted that it was a regular voter registration form and has no voter history. The Commissioners verified the challenge and directed staff in the Manhattan Office to conduct the required inquiry into this challenge pursuant to the provisions of Article 5 of the NYS Election Law. Pending the completion of review, the voter is to be placed on the Challenge List, in accordance with Section 5-220(2) of the NYS Election Law.

Commissioner Rendino inquired how many DMV electronic voter registrations were received at the Board since March 11, 2014. Mr. Ryan reported that a total of 1,120 DMV electronic voter registrations were processed citywide since the new system went online. The Board stopped receiving DMV paper registrations on March 7, 2014. Every Tuesday and Friday, there will be a DMV data file dump of electronic registrations in the Board's system and bi-partisan teams will review the data. Mr. Ryan noted that the new electronic registrations will be a significant improvement. They will help prevent data entry errors, and the option of including the voter's middle initial will help identify voters with the same name much easier, especially when a voter needs to be removed from the voter rolls.

Mr. Ryan reported on a proposed working meeting with vendor ES&S in Omaha, NE. Pursuant to the Conflict of Interest Board (COIB) Rules, travel, lodging and meals paid by a vendor to a vendee are permissible as long as it is no more than necessary to accomplish the business for the City, and the Commissioners approve such working meeting in writing; a copy of the minutes is sufficient. Mr. Ryan provided an itinerary of the proposed working meeting:

- April 2, 2014 – Travel Day

- April 3, 2014 – Working Day (Agenda is TBD)
- April 4, 2014 – Return Day

The Board's staff members attending would be Mr. Ryan, Ms. Sandow, Mr. Naudus, Commissioners Dent and Castorina; a bi-partisan team. Mr. Ryan requested for the Commissioners to approve authorization for staff to attend the working meeting with ES&S in Omaha, NE. The working meeting is related to business with the current voting machines only. Commissioner Araujo moved to authorize staff to attend the working meeting with ES&S in Omaha, NE. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan reported that staff has been working on a Voting Information Center kiosk prototype which has been discussed at previous meetings about a year ago. The original prototype received approval from the Commissioners to move forward subject to budget approval. Mr. Ryan noted that the City Council's Hearing on Budget is scheduled on Tuesday, March 25, 2014 and he would like to present the modified prototype to them. The first prototype submission was approximately \$20 million dollars to build 3,000 kiosk machines in special kiosk carts. Staff has re-purposed the old lever machines to fit the kiosk components. The new prototype has

a double-sided touch-screen kiosk; one side is oriented for able body voters and one side is designed at a lower height for wheelchair bound voters. Mr. Ryan stated that he would like to make a recommendation to the City Council for full implementation and pilot program. Based on a unit price for all of the components needed to be purchased for 1,500 double-sided machines, is under \$6.8 million, and may be negotiated lower. A tablet based program would be approximately \$4.6 million for 3,000 tablets. Commissioner Araujo noted that the City Council and various community groups were impressed last year with the original kiosk idea and that's why the Board moved forward. The kiosk was redesigned by staff to bring the original price down from \$20 million to \$7 million. Commissioner Umame recalled that copyright/patent questions were raised at a previous meeting and the Commissioners directed staff to request an opinion from the NYC Corporation Counsel. Mr. Naudus reported that the Corporation Counsel's opinion deemed that a copyright/patent is not necessary because the Board is taking existing ideas and putting multiple products into one product. Mr. Ryan reported on the operating costs for the tablets vs. kiosks. The wireless cost for one (1) Verizon "Hot Spot" is \$314,910 with Firewall protection; only one (1) "Hot Spot" needs to be purchased. If the Board used tablets, a total of 3,000 tablets would be

needed citywide at a cost of \$719,020. It was noted that theft could be an issue at the poll sites.

Mr. Naudus provided a demonstration of the proposed Voting Information Center kiosk (VICKI) prototype for Election Day. The three (3) main functions of the proposed touch-screen kiosk follow:

1. Poll Worker Check-in – At the open of polls, poll workers would scan the QR code on their Notice to Work into the kiosk’s camera and a receipt would be printed for the poll worker. This new check-in function would monitor poll workers in real-time and would indicate the amount of stand-by poll workers needed to be deployed by the Board for each individual poll site. This electronic check-in feature would also aid the poll worker payroll process at the Board.
2. Information for Voters - Voters could look up their address electronically to locate their ED/AD table in the poll site. Should a voter be in the wrong poll site, a map with walking or driving directions would be available. All information would be updated on Election Day morning.
3. Closing the Polls – Poll workers would take the Portable Memory Devices (PMDs) from the scanners and plug into the kiosk which

would transmit the unofficial election night results to the Board and NYPD.

Following the demonstration, Mr. Naudus and Mr. O'Grady held a Question and Answer session for the Commissioners and public. The points of interest follow:

- Coordinators would monitor poll workers checking-in their Notices to Work to help prevent fraud.
- 1 kiosk per poll site. Larger poll sites would get more than 1 kiosk.
- 1 kiosk can serve 2 voters at a time.
- Each kiosk will have a Firewall and a full fledged router to prevent hacking of the unofficial election night results. Each kiosk would have a different Firewall encrypted code by ES&S.
- Kiosks would be staffed by Information Clerks to help assist voters.
- Kiosks would be built in-house by Board staff and housed inside of the old lever machine metal shells. The insides of the old lever machine would be salvaged; approximately 600 lbs. of salvable scrap metal per machine.

- 1 kiosk is approximately 200 lbs. with all equipment inside.
- The kiosks would be plugged in the wall all day. Wireless tablets would have to be recharged throughout the day.
- All voters can use both sides of the kiosk.
- The poll workers just plug-in the kiosk when they open the polls; there is no equipment set-up process.
- The kiosk software can be updated in the future to allow more functionality. For example, staff could make enhancements to the kiosk to record and communicate to the Board if a voting machine is down, or for use at local Voter Registration drives.
- The kiosk could be fully rolled out by either the 2015 or 2016 General Election.
- It takes staff approximately 2 - 3 days to build 1 kiosk.
- Housing a kiosk in an old voting machine shell helps prevent theft and damage to the computer devices.
- Vibration dampers would be installed to protect the computer devices in the old lever machine's shell during trucking and delivery.

Commissioner Castorina recommended for a smaller kiosk device to be able to fit on the Information Table in the poll site instead of housing it in the large old lever machine shell.

Mr. Ryan noted that the kiosk prototype is not fully developed yet and it may have to be tweaked after a pilot program. He asked the Commissioners if they are in agreement with the concept and for authorization to present this kiosk prototype to the City Council to move forward with implementation of a pilot program.

Commissioner Dent recommended for the voting public to test the kiosk prototype before it is rolled out into the field.

Commissioner Umane moved to endorse the Voting Information Center kiosk (VICKI) and to raise the item at the City Council's Budget Hearing next week in order to take the next steps to fully implement it. Commissioner Guastella seconded the motion, which Commissioners Rendino and Castorina opposing. The motion was adopted.

Commissioner Shamoun recalled that he requested for Executive Management to look into tabbing the Poll Books alphabetically from A – Z to help speed up the voting process in poll sites on Election Day. Mr. Ryan reported that he started researching tabbing with the current print vendor. There would be a small cost associated because the balance of some pages may be empty when a page transitions to another letter of the alphabet. Mr. Ryan noted that the Poll Books will be tabbed in the future.

Commissioner Rendino moved to grant an advance of 200 hours of discretionary time to Shirelle Townes, a Clerk in the Bronx Office. Ms. Townes has been an employee for over 10 years and this advance of time complies with the appropriate rules and regulations. Commissioner Dent seconded the motion, which was unanimously adopted.

Commissioner Rendino noted that staff did a great job developing the Voting Information Center kiosk, and requested for hard copy reports of proposals to be distributed to the Commissioners in advance that includes breakdown of all costs in the future.

Commissioner Castorina noted that he would like hard copy reports with a breakdown of all costs as well, and added that he wants to implement a tool for voter assistance in the poll site, but recommends a smaller and cheaper kiosk device.

Commissioner Dent requested feedback from the members of public on the Voting Information Center kiosk prototype.

Secretary Michel recognized Cathy Gray, a Coordinator, who stated that she is in favor of the kiosk concept. She noted that the Coordinators will have to monitor the poll workers' check-in process to help prevent fraud.

Secretary Michel recognized Kate Doran, a representative of the League of Women Voters and a Coordinator, who stated that she is in favor of the kiosk concept and shares the same concerns as Ms. Gray. She noted that the target audience of the kiosk is for voters who do not own a smart phone.

Secretary Michel moved to convene an Executive Session for purposes of personnel and litigation. Commissioner Umane seconded the motion, which was unanimously adopted.

Following Executive Session, the regular stated meeting resumed and Secretary Michel reported the following action taken in Executive Session:

- I. Based on a Hearing conducted by the Brooklyn Commissioners Committee, the full Board of Commissioners unanimously agreed that Robert Marshall, a Voting Machine Technician in the Brooklyn Voting Machine Facility, is to be terminated, effective immediately.

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

The next stated meeting of the Commissioners will be held on Tuesday, March 25, 2014 at 1:30 P.M.