

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, OCTOBER 21, 2014
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Jose Miguel Araujo
 Secretary Michael Michel

Commissioners Ronald Castorina, John Flateau, Maria R. Guastella,
Bianka Perez, Michael Rendino, Alan Schulkin, Simon Shamoun,
Frederic M. Umane

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Debra Leible, Coordinator, Election Day Operations
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Erin Schultz, DOI
 Glen Vernberg, DOI
 John D. Smith
 K. Loving, CFB
 Eddie Cuesta, Dominicanas USA
 Michael Benjamin
 Alan Flacks, Member of NY County Democratic Committee

President Araujo called the meeting to order at 1:44 P.M.

Commissioner Rendino requested to discuss a voter registration matter at the end of the agenda.

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

Commissioner Schulkin requested to discuss the issue of the “164 year old voter.”

Commissioner Flateau requested to discuss voter registration matters.

Commissioner Perez requested to revisit a motion that was adopted at the previous meeting during Executive Session.

President Araujo moved to table the minutes of the October 14, 2014 meeting. Secretary Michel seconded the motion, which was unanimously adopted.

Ms. Leible presented the Poll Worker Exception Report for the November 4, 2014 General Election. The borough breakdown follows:

- Manhattan – 35 Spanish Interpreters (Approved by the Manhattan Commissioners)
- Queens – 15 Coordinators (Approved by the Queens Commissioners)
- Staten Island – 12 Coordinators, 8 Door Clerks, 34 Relief Poll Workers, 46 Information Clerks (Approved by the Staten Island Commissioners)
- Bronx – No Exceptions
- Brooklyn – No Exceptions

These exceptions are based on heavy voter turnout. Commissioner Castorina moved to approve the Poll Worker Exception Report for the November 4, 2014 General Election. Commissioner Guastella seconded the motion, which was unanimously adopted.

Commissioner Schulkin inquired about the “164 year old voter” news article and the Board’s remedy for the matter. Mr. Ryan reported that he had a follow-up interview with the reporter who brought this to the public’s attention, and he explained where that information generated. He reported that historically it was not legally required for women to indicate their date of birth on their voter registration application in the past. Prior to the time that a voter’s date of birth was required, women wrote either 18+, or 21+, or

a portion of their birthday without the year. Mr. Ryan researched Board records and found that there are approximately 850 active voters citywide who fall into this category. All of their dates of birth are listed as 01/01/1850 in the system. Mr. Ryan explained that in 1999, the AVID computer system was implemented and an outside vendor data entered the four (4) million voters' information into the system. The Board sent mailers to these "0000" date of birth voters confirming their information, but the Board did not receive confirmation responses back from every voter. When these voters registered, it was a legally compliant matter and the Board could not purge these voters. In 2006, the NYSVoter computer system was implemented by the State, and the default date of birth for the voters with no year, 18+, 21+, was settled upon and entered as 01/01/1850 in the system so no voter would be disenfranchised. A voter could not be entered into the electronic system with zeros (0000) for the year of birth. Mr. Ryan reported that there was a FOIL Request in the Bronx recently and this "164 year old voter" was brought to light. In an attempt to help the poll workers on Election Day, the age of the voter is printed next to their name in the Poll Book and the "164 year old voter" was found. Mr. Ryan recommended for the Board to send another mailer to this group of 850 voters concerning their date of birth. Ms. Sandow noted that other county boards of elections in New York State have the same issue in their

computer system as well. Secretary Michel inquired if the news reporter spoke to the Board before writing the story. Mr. Ryan stated that the news reporter wrote the story before the Board provided a statement. Commissioner Rendino raised concerns that some poll workers may challenge one of these voters for their age on Election Day. Commissioner Shamoun recommended for the Board to flag this group of 850 voters in the Poll Books to alert the poll workers of the 01/01/1850 date of birth; a special code or shading could be used and the poll worker could inform the voter to see if they would like to update their voter registration form. Mr. Ryan stated that he will look into that suggestion for future elections.

Commissioner Rendino asked Mr. Ryan if he is confident that the voter list has been updated citywide. Mr. Ryan reported that the voter list is as up to date as can be within the limits of the statute.

Commissioner Flateau inquired about the Board's Testimony for the City Council Hearing scheduled on October 23, 2014 concerning the bill on "Code 9" voter registration forms. Mr. Ryan reported that the Board will take no position on the bill and will provide implementation information only. He suggested for the Board not to monitor other City agencies and to only

provide the “Code 9” voter registration forms when they are requested by the agencies. Mr. Ryan reported that he had a preliminary meeting with the Mayor’s Office and they discussed .PDF voter registration forms that can be filled out electronically. The issue of “wet signatures” was discussed as well. It would be a system similar to the NYS DMV voter registration system. Mr. Ryan noted that Board staff would still have to review these electronic voter registration forms in a bi-partisan matter.

President Araujo recognized Alan Flacks, a member of the public, who spoke about the following:

- Unofficial result tapes on Election Night
- Recommended new I.D. badges with a better adhesive
- Recommended for Board staff to drink NYC tap water

President Araujo moved to convene an Executive Session for personnel matters. The motion was seconded, and unanimously adopted.

Following Executive Session, the public meeting resumed and President Araujo reported the following actions taken in Executive Session:

- I. In lieu of a Disciplinary Hearing, Naquan Grant, a Voting Machine Technician in the Queens Voting Machine Facility,

admitted to being in violation of the Board's Policies and Procedures and agreed to be placed on probation for a term of six (6) months, effective October 10, 2014. The vote was unanimously adopted.

- II. Philip DeStefano, a Voting Machine Technician in the Queens Voting Machine Facility, who has been employed at the Board since November 23, 1987, was granted a discretionary advance of 420 hours, to be used intermittently, retroactive beginning October 9, 2014. The vote was unanimously adopted.
- III. Jonathan Testaverde, a Voting Machine Technician in the Brooklyn Office, was granted an advance of 70 hours, retroactive as of October 14, 2014. The vote was unanimously adopted.

President Araujo reported that the intent of the Commissioners' motion, which was approved on October 14, 2014 during Executive Session, is to approve health insurance for all employees, except for Election Day workers, Trainers, and Assistant Trainers, effective immediately.

Secretary Michel moved to adjourn the meeting. The motion was seconded and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, October 28, 2014 at 1:30 P.M.