

HEARINGS ON MATTERS RELATING TO THE
MAY 5, 2015 SPECIAL ELECTION AND THE
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 17, 2015
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Michael Michel
 Secretary Bianka Perez

Commissioners Jose Miguel Araujo, Ronald Castorina, John Flateau,
Maria R. Guastella, Michael Rendino, Alan Schulkin, Simon Shamoun,
Frederic M. Umane

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
John Naudus, Manager, Electronic Voting Systems
Thomas Sattie, Ballot Coordinator, Candidate Records Unit
Nina M. Crispino, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV NYC
 Cathy Gray
 Sam Maslow
 Martin E. Connor
 K. Loving, CFB
 L. Wen, City Council
 John D. Smith
 Walter Iwachiw

President Michel called the meeting to order at 1:31 P.M.

President Michel announced that the Commissioners will convene the Hearings on matters relating to the May 5, 2015 Special Election for Member of Congress in the 11th Congressional District, composed of parts of Staten Island and Brooklyn, and the 43rd Assembly District in Brooklyn. Notice was given to all interested and necessary parties concerning the Hearings relating to the May 5, 2015 Special Election, and Notice was posted on the Board's website and at all front counters. President Michel stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings.

Mr. Richman called the CRU Prima Facie Calendar. There was an appearance by a candidate and/or their representative which is noted on the CRU Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

Mr. Richman presented the Counsel's Report on Specifications of Objection K-3. There was an appearance by a candidate and/or their representative which is noted on the Counsel's Report on file at the Board.

Commissioner Umane moved to adopt the Counsel's Report. Commissioner Araujo seconded the motion, with Commissioner Flateau recusing himself. The motion was adopted.

Mr. Sattie presented the ballot layout option for the 43rd AD. Based on the Commissioners' actions of the Hearings, it is the only ballot that has an independent candidate. A sample ballot was distributed to the Commissioners. Commissioner Umane noted that the Commissioners are in agreement that the font size is too small. Commissioner Castorina inquired if the ballot could be designed in landscape view to allow for a larger font size. Mr. Sattie reported that the ballot system is currently set-up in portrait style which may present problems if changed to landscape style. Mr. Naudus reported that to increase the font size to a 10 or 11 point, the ballot could be laid out in six (6) columns with a wrap around. The ballot layout has been portrait style since 2010 and it would take approximately two (2) to three (3) days to test every aspect of a landscape style ballot. He noted that Military ballots have to be mailed out no later than Saturday, March 21, 2015. Commissioner Castorina requested for staff to test ballots in a landscape style for possible future use. President Michel requested for at least two (2) sample ballot layout designs (portrait and landscape) for the Commissioners to decide from in the future.

Mr. Naudus reported that he will undergo further analysis of a landscape ballot and will present his findings at the next Commissioners' Meeting. Commissioners Araujo and Castorina requested for sample ballot layouts to be presented as early as possible in the future so the Commissioners' Ballot Layout Committee and full Board have more time to choose a layout.

President Michel recognized Sam Maslow, a representative for candidate Geoffrey A. Davis of the "Love Yourself" independent body, who inquired about the ballot layout for the May 5, 2015 Special Election.

Commissioner Araujo requested for the sample ballot to be posted on the Board's website.

Commissioner Umane moved to adopt a six (6) column ballot with a wrap around, increasing the timing marks from two (2) to three (3) in each Party's space, using the largest font possible, and for staff to conduct the necessary testing for landscape style ballots and to present any issues to the Commissioners at the next meeting. (The first row across on the ballot will read: Democrat Party, Republican Party, Conservative Party, Green Party, Working Families Party, Independent Party, and the wrap around under the first row will read: Women's Equality Party under Independence

Party, Reform Party under Working Families Party, and Love Yourself Party under Green Party.) Commissioner Araujo seconded the motion, with Commissioner Flateau abstaining. The motion was adopted.

Mr. Richman requested authorization to print Military and Federal Ballots, followed by absentee ballots, based on the Commissioners' determinations made at this meeting. Commissioner Umane moved to authorize the printing Military and Federal Ballots, followed by absentee ballots, based on the Commissioners' determinations made at this meeting. Commissioner Castorina seconded the motion, which was unanimously adopted.

Mr. Richman recommended requesting the New York City Law Department to defend the Board in any proceeding challenging the Commissioners' determinations at this meeting. Commissioner Umane authorized to request the New York City Law Department to defend the Board in any proceeding challenging the Commissioners' determinations at this meeting. Commissioner Perez seconded the motion, which was unanimously adopted.

The Commissioners adjourned the Hearings and convened the regular stated meeting of the Commissioners.

Commissioner Schulkin moved to adopt the minutes for the March 10, 2015 meeting. Secretary Perez seconded the motion, with Commissioners Araujo and Castorina abstaining. The motion was adopted. Commissioners Araujo and Castorina abstained because they were not present at that meeting.

In Mr. Ryan's absence, Ms. Sandow reported that Chairman Edward F. Cox of the New York Republican State Committee submitted a letter to the Board concerning the Queens County Republican Committee, dated March 13, 2015. A copy of the letter is included in the agenda. Ms. Sandow recalled that last year, two (2) conflicting Certificates were filed at the Board for two (2) Chairmen for the Queens County Republican Committee which resulted in competing lawsuits. Ms. Sandow recited Chairman Cox's letter into the record - "I have been advised that competing and conflicting Organizational Certificates have been filed with your offices pursuant to Election Law 2-112 regarding the Queens County Republican Committee. Please be advised that as Chairman of the New York Republican State Committee, for purposes of its own organization and

Rules and for powers and duties bestowed upon County Committees by the Election Law (including Article 14), I recognize and empower the organizational slate headed by Robert Turner as Chairman of the Queens County Republican Committee. (Certificate attached).” President Michel moved to accept the letter submitted by the New York Republican State Committee recognizing Robert Turner as the Chairman of the Queens County Republican Committee. Commissioner Umane seconded the motion, which was unanimously adopted.

Commissioner Umane moved to adjourn the meeting. The motion was seconded, and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, March 31, 2015 at 1:30 P.M.