

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 31, 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, John Flateau, Maria R. Guastella,
Michael Rendino, Alan Schulkin, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, 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
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Michael Benjamin
 Kate Doran, LWV NYC
 Cathy Gray
 Anna-Maria Thomas
 Susan Lerner, Common Cause/NY
 Katharine Loving, CFB
 John D. Smith
 Seth Flaxman, Democracy Works
 Tim McCormic, Citizens Union
 Mike Chenko, Citizens Union
 Alan Flacks, Member of NY County Democratic Committee

President Michel called the meeting to order at 1:41 P.M.

Executive Session was added to the agenda to discuss personnel and litigation matters.

Commissioner Araujo moved to adopt the minutes for the March 17, 2015 meeting. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan presented the draft Notice to Candidates for the May 5, 2015 Special Election. A copy of the draft was distributed to the Commissioners. Mr. Ryan reported that the Notice uses the standard language as per past practice and requested approval of the Notice. Commissioner Araujo moved to adopt the Notice to Candidates for the May 5, 2015 Special Election. Commissioner Umane seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the landscape style ballot layout option. At the previous meeting, the Commissioners requested for Mr. Naudus and staff to research and test landscape style ballots with the current software and scanners. Copies of sample ballots were distributed to the Commissioners. After analysis by staff, it was reported that a landscape style ballot can be considered for future Special Elections only; Primary and General Elections

have too complex ballots. President Michel reminded that the Commissioners' Committee on Ballot Design should be presented with all sample ballot options as soon as possible in the future. Mr. Ryan noted that he addressed that issue with staff, and Ms. Kontzamanis is establishing a master matrix calendar with the MIS Department which will indicate all of the important task deadlines for future elections. The master matrix calendar will be forwarded to all Managers and Commissioners. Mr. Naudus reported that the final sample ballots for the May 5, 2015 Special Election will be posted on the Board's website tomorrow.

Mr. Ryan reported on the State Government Information and Educational Day which was held on March 24, 2015 in Albany, NY. In attendance were various Board staff members including Commissioners Castorina, Guastella, Shamoun, Schulkin and Umane. The Board's 2015 Recommended Revisions packets were forwarded to the Legislature. Mr. Ryan reported that there was an extensive agenda and staff met with various law makers throughout the day discussing the Board's legislative proposals. There was an agreement that Board staff would meet with the Senate and Assembly to work on Assembly Member Kavanaugh's ballot friendly bill. There was a general consensus on most of the ballot design proposals such as Commissioner Shamoun's recommendation for bolded

lines around each contest to help prevent any confusion for the voters. Other ballot design improvements will be discussed as well to address the needs of the voters and NYC's complex ballot.

Mr. Ryan reported on the Knight Foundation's "Knight News Challenge Grant" concerning absentee ballot tracking and voter engagement tools including email reminders and/or text messages. Copies of the Knight Foundation's newsletter were distributed to the Commissioners. Mr. Ryan reported that the City Council has attempted to pass a law mandating the Board to track absentee ballots for voters. If the law is passed, the Board would need funding to implement the technology for a tracking system. If the Board was chosen for the Knight Foundation's grant, they could receive as much funds needed to implement the technology for an absentee ballot tracking system and other voter engagement tools for NYC. The Board would partner with Common Cause-NY, a good government group, and Democracy Works, a nonprofit organization. Mr. Ryan reported that he submitted a preliminary application for the "Knight News Challenge Grant" to secure a placeholder. The next deadline to submit an application is April 10, 2015. He noted that Susan Lerner from Common Cause-NY, and Seth Flaxman from Democracy Works, met last week with the Commissioners Committee on

Voter Education and Outreach and they discussed the grant. President Michel recognized Susan Lerner, a representative of Common Cause-NY, and Seth Flaxman, a representative of Democracy Works. Ms. Lerner provided background information on the Knight Foundation and Common Cause-NY's potential partnership with the Board. Mr. Flaxman provided background information on Democracy Works and its potential partnership with the Board. Common Cause-NY would help bring together a coalition of non-profits and government agencies to reach as many voters as possible and ensure that everyone in the city can take advantage of the new system. Democracy Works would implement technology for the Board using the United State Postal Service (USPS) Intelligent Mail Barcode (IMB) tracking system. The USPS IMB system could also be used for the Board's required notices. Democracy Works would also implement the technology for voter text message and/or email notifications which may include information such as reminders to return absentee ballots by the deadline, initial ballot mailing and return to the office, and poll site locations for Election Day. The technology could be implemented in time for the 2016 presidential elections. Mr. Ryan requested for the Commissioners to consider applying for the grant award. Commissioner Araujo suggested for the Board to submit an application for the grant by the deadline, and if the Board is qualified, to move forward with future meetings to discuss all the

details. Secretary Perez moved for the Board to apply for the Knight Foundation's "Knight News Challenge Grant" and if awarded, later decide to use the grant and for what purpose. Commissioner Guastella seconded the motion, with President Michel abstaining. The motion was adopted.

Commissioner Rendino requested to add an item to the agenda.

Mr. Ryan reported on the Board's Testimony which was presented before the City Council's Committee on Governmental Operations on Fiscal Year 2016 Preliminary Budget which was held on March 19, 2015. A copy of the Board's Testimony is in the agenda. Mr. Ryan provided an overview of the Board's FY16 budget projections. He reported that the initial statutory warranties for the electronic voting systems have expired and extended warranties are needed for battery replacement and preventative maintenance. Commissioner Araujo requested for Mr. O'Grady to report on the status and timeline of the Voting Machine Technician (VMT) Level I, II, III ES&S preventative maintenance training and testing plan at a future Commissioners' Meeting, preferably at the end of April. President Michel requested for Judd Ryan, a representative of ES&S, to report at the Commissioners' Meeting as well. Mr. Ryan also reported that he discussed the costs associated with the federal court mandated contract with Evan

Terry Associates (ETA) which mandates third-party surveyors for poll sites, and the professional installation of accessibility equipment for election events. The contract is not to exceed \$5,000 per poll site and ETA is presently working at risk. Mr. Ryan reported that the ETA surveyors found that some poll sites need major fixes such as doorways widened or building of ramps, and some poll sites need minor fixes such as accessibility signage or placement of traffic cones. Commissioner Araujo recalled that there was a presentation on mobile RV poll sites over a year and a half ago and inquired if there were any other discussions on that idea. Mr. Ryan reported that there were ad hoc discussions, but there were no advancements on that idea. He noted that due to the compliance timeframe, one vendor would not be able to handle all of the needs of the poll sites moving forward into the future. Mr. Ryan noted that it is a complex process. He reported that he reached out to the Mayor's Office of Operations and they coordinated a meeting, scheduled on April 24, 2015, with high-level staff members from the NYC Department of Education, NYC Housing Authority, NYC Parks and Recreation Department, NYC Department of Transportation, and perhaps more agencies, to compare notes and discuss any remedial work that has already been scheduled for their own agency's ADA compliance. Commissioner Araujo inquired if the other agencies have the same standards as the Board.

Mr. Ryan reported that they are different; ETA is using federal standards which are more stringent than City of New York ADA standards. Commissioner Umame noted that the standards are different for elections.

Commissioner Rendino reported that Co-op City's RiverBay Corporation requested to borrow seventy (70) lever voting machines for the purpose of conducting their annual Board of Directors Election. RiverBay Corporation would incur all costs for their elections, as per prior year requests. RiverBay requested for staff to be hired as Election Day workers, equally divided Republicans and Democrats. There is no expense to the Board. Commissioner Rendino moved to approve Co-op City's RiverBay Corporation's request. Secretary Perez seconded the motion, with Commissioner Umame opposing and Commissioner Flateau abstaining. The motion was adopted. Commissioner Umame recalled that in previous years he has raised the same objections to this matter. In the past, the Commissioners adopted a policy to not allow rentals to private parties.

President Michel recognized Alan Flacks, a member of the public, who spoke about the NYS Election Law concerning write-in votes, and inquired if there was any movement in Albany concerning the Board's

Legislative Proposals concerning poll worker pay raises and closing schools on Primary Day.

President Michel moved to convene an Executive Session for purposes of personnel and litigation matters. The motion was seconded, and unanimously adopted.

Following Executive Session, the public meeting resumed.

Commissioner Araujo reported that the Commissioners Committee on Personnel recommends a 5% increase in compensation for Temporary Clerks, effective the pay period immediately following the implementation of the increases provided for the collective bargaining agreement with Local 1183 CWA. The Committee Report was unanimously adopted.

Commissioner Umame reported that the Commissioners voted on an issue in connection with the United Spinal Association litigation concerning accessibility issues. The Commissioners unanimously consented to the Plaintiffs' representatives to observe the training classes (Training the Trainers and Training the Poll Workers) to ensure the appropriate level of

emphasis is being placed on accessibility training and concerns dealing with voters with various accessibility issues.

Mr. Ryan reported the following personnel actions that were taken in Executive Session:

- I. The Commissioners unanimously appointed Katarina Sohn, as Korean Translator, at the incoming annual salary of \$40,628. The effective date is subject to Ms. Sohn's immediate availability;
- II. The Commissioners unanimously adopted the following Manhattan personnel matters:
 - o Advance of 70 hours for Reginald Stark
 - o Advance of 105 hours for Tesha Thompkins
 - o Advance of 154 hours for Rennie Hill

All of these leave balances are subject to repayment;

- III. There was a ratification of an Executive Committee decision in which Commissioner Araujo recused himself. Raquel Torres, an Administrative Assistant in the Queens Office, was granted an advance of 140 hours, retroactive to the date she went on leave, and is subject to repayment.

President 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, April 14, 2015 at 1:30 P.M.