

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JUNE 16, 2015
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Bianka Perez

Commissioners Jose Miguel Araujo, Ronald Castorina, John Flateau,
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
Nina M. Crispino, Director, Personnel
John O'Grady, Chief Voting Machine Technician, VEOU
John Naudus, Manager, Electronic Voting Systems
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: John D. Smith
Kate Doran, LWV NYC
K. Loving, CFB
S. Oudine, NYDLC
C. Gray
Rachel Fauss, Citizens Union
Tara Werber, Citizens Union
Judd Ryan, ES&S
Alan Flacks, Member of NY Democratic County Committee

In the absence of President Michel, Secretary Perez called the
meeting to order at 1:43 P.M.

Commissioner Araujo reported that he submitted a revision for the minutes of the June 9, 2015 meeting. Commissioner Flateau reported that he has a revision as well. Commissioner Araujo moved to table the minutes of the June 9, 2015 meeting until the next meeting. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan reported that the initial five (5) year preventative maintenance contract for the ES&S DS200 Scanners and AutoMARK Ballot Marking Devices (BMD's) expires in August and the Board has to move forward with scheduled maintenance of the machines. Executive Management, Mr. O'Grady and Mr. Naudus have been working closely with ES&S on developing a protocol and training process to move forward to have the Voting Machine Technicians (VMT's) perform some of the voting machine maintenance to allow for vendor independence and cost savings. At the Commissioners' request, Judd Ryan, the Regional Vice President of ES&S, was present to answer any questions concerning the VMT training. Commissioner Araujo inquired about the tasks that the current VMT's are performing. Mr. O'Grady reported that all permanent VMT's citywide are at Level 1. Level 1 VMT's tasks include pre-qualification for the Scanners and BMDs, running test ballots, cleaning the screens and roller heads, EQC's – formatting and loading the correct Portable Memory Device (PMD) sticks

into the machines, sealing the machines, hash code checking, periodic testing which occurs about 5 times a year statewide, and changing the batteries on the BMDs with ES&S assistance. Mr. O'Grady reported that part of Level 2 training is starting tomorrow. The VMT's will be changing batteries on the Scanners for the first time with ES&S instructors. Mr. Judd Ryan presented the Hardware Maintenance Program for Levels 1, 2, and 3 VMT's. A copy of the plan was distributed and the information follows:

- New York State implemented new voting systems in compliance with HAVA (Help America Vote Act) and were purchased with federal funds. The VMT program is a path is to protect the Board's original investment and to stay on the current voting system as long as the Board wants;
- The five (5) year warranty expires in August 2015 and the voting system will be in use for two (2) more election cycles (8 – 10 years);
- Routine maintenance includes battery replacement, repairing or replacing components, maintaining parts inventory, and certifying engineering change orders;
- To increase vendor independence, the maintenance will be performed in-house at the Board which will save on costs;

- The Voting Machine Technician Program has 3 Levels:
 - Level 1 – Equipment set-up, logic and accuracy testing, and delivery prep;
 - Level 2 – Cleaning, lubricating, calibrating, and battery replacement. Training classes will be conducted in-house at the Borough Offices;
 - Level 3 – Fully certified to make all types of repairs; an equivalent to a degree in Electronics. Training classes will be conducted at the ES&S Office in Omaha, NE;
- Results and Impact of the Program:
 - Providing additional skills for the VMT's. They will be tested and evaluated to ensure that the training was effective and are able to perform the work;
 - Potentially a 50% reduction in hardware maintenance costs for the Board.

In response to various Commissioners' questions and concerns, Judd Ryan reported the following information:

- Routine preventative maintenance for ES&S staff includes tightening of belts, lubrication, cleaning, and a detailed checklist

involving 40-50 components for each product. The VMTs currently do not perform these tasks;

- Other large jurisdictions that use the same ES&S voting systems are Miami, FL, Minneapolis, MN, Cleveland, OH, Dallas, TX, Detroit, MI, Albany, NY, Nassau County, Erie County, Rockland County, statewide in Maryland, Rhode Island, North Dakota, South Dakota, and Michigan. Approximately 60% of the nation uses ES&S;
- There is no successor to the DS200 Scanner yet. ES&S designed a successor to the AutoMARK BMD called ExpressVote BMD which will be submitted for certification in New York State in August 2015;
- ES&S has electronic poll books. The jurisdictions that currently use ES&S electronic poll books are Georgia, Maryland, Chicago, IL, Memphis, TN, Nashville, TN and 15 counties in Ohio;
- Level 2 VMT training classes will be a total of 3 days with 6 students per ES&S instructor. Each student will receive a training manual, hands-on training, and an examination, at a cost of \$2,000 per student. Training will be conducted in quarters when there is no election. The training cost is a set

per diem when ES&S sends staff to Board locations. Per Commissioner Castorina's request, Judd Ryan agreed to look into negotiating a lower cost for each student due to the high volume of students at the Board;

- The ES&S preventative maintenance contract is a New York State Office of General Services contract and is non-negotiable. The highest level of maintenance would be full support from ES&S at a cost of \$175 per voting machine totaling \$1.5 million per year. If enough VMTs successfully pass the Level 2 training course and ES&S is just maintaining parts and performing repairs, the potential cost savings of maintenance would be approximately \$865,000 for the first year;
- The initial cost of each voting machine was \$6,500;
- Level 1 VMT's are currently trained to set-up and operate the equipment, load qualification code, feed test decks, and print out results for the DS200 Scanners and AutoMark BMDs. ES&S staff is currently supervising the creation and organization of test decks, providing assistance in the burn room where there is preparation of the media, and the ultimate reading of PMD sticks. ES&S staff also addresses questions and trouble shooting of the voting machines.

- Level 3 VMT requires soldering components on the voting machine's motherboard and requires an electronics degree.
- ES&S and the Board will work together to ensure that the VMT's are at the right Level in order to protect the integrity of the process.
- ES&S can entertain locking into a series of steady rates with the Board, depending on what Level the VMT's are at, moving into the future.

Mr. Ryan noted that some VMT's may not progress to Level 2 after the training classes and evaluation. When all training has been conducted, Mr. O'Grady estimates that out of 100 permanent VMTs, there will be 25 Level 1 VMT's, 50 Level 2 VMT's, and 25 Level 3 VMT's citywide which will vary for each Borough Office. Throughout the years, there will be turnover in staff as well. Mr. O'Grady and Mr. Naudus recommended that Level 1 VMT's should have at least two (2) years of election cycle experience before they proceed to the next level of training, and Level 2 should have at least four (4) years. Mr. Naudus reported that ES&S staff has been overseeing Board staff for the past four (4) years and ES&S slowly became less hands-on. Mr. Ryan reported that Executive Management and staff meet with ES&S pre-election and post-election to discuss a myriad of

issues. Mr. Ryan reported that there will be future public discussions with the Commissioners concerning compensation for Level 1, 2 and 3 VMTs. Mr. Ryan reported that the Board could have taken the simplistic approach to accept highest level of ES&S preventative maintenance, but instead they developed a plan with ES&S to save tax-payers' funds in the future. The process presented allows maximum flexibility to protect the machines and to protect the voting system, and gives the Board an opportunity to reduce funds. The process will be evaluated and re-evaluated with each election event and the staff's ability and turnover.

Secretary Perez recognized Alan Flacks, a member of the public, who spoke about New York Daily News editorial about the Board.

Following Executive Session, the open public meeting resumed and Secretary Perez reported that no reportable actions were taken in Executive Session.

Secretary Perez moved to adjourn the meeting. Commissioner Araujo seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners will be held on Tuesday, June 23, 2015 at 1:30 P.M.