

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 11, 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 Araujo, John Flateau, Alan Schulkin, Michael Rendino, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Valerie Vazquez, Director, Communications & Public Affairs
John O'Grady, Senior Voting Machine Technician, VEOU
Susan Caicedo, Associate Staff Analyst, VEOU
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Keen Burger
 Sarina Trangle, City & State
 Kate Doran, LWV
 Katharine Loving, CFB
 M. Benjamin
 Alan Flacks, Member of NY County Democratic Committee

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

Mr. Richman reported that there was a Legal Prima Facie notice that was mailed on July 16, 2015, but was not included on the Hearings Calendar due to a clerical error. The matter concerns candidate Joan B. Braunstein, 2nd Judicial District, Republican Party, Kings County, for the September 10, 2015 Primary Election. A revised notice was sent to the candidate last week concerning this Hearing. Mr. Richman presented the Legal Prima Facie Report. There were no appearances. The Commissioners' determinations are reflected on the Legal Facie Report on file at the Board.

Commissioner Araujo moved to table the minutes for the July 29, 2015 and July 30, 2015 Commissioners' Meetings. The motion was seconded, which was unanimously adopted.

Mr. Richman reported that Mr. Johnson prepared the draft Notice to Candidates for the September 10, 2015 Primary Election. The Office of the General Counsel (OGC) reviewed the draft notice. Mr. Richman reported that the notice contains all pertinent information and recommended for the Commissioners to approve it. Commissioner Umame moved to adopt the Notice to Candidates for the September 10, 2015 Primary Election.

Commissioner Flateau seconded the motion, which was unanimously adopted.

Commissioner Flateau requested to discuss a Brooklyn personnel matter in Executive Session.

Commissioner Araujo requested to discuss litigation in Executive Session.

Commissioner Umane inquired about increasing the number of Election District (ED) combines within the poll site for the elections as it is expected to be a light voter turnout. He asked about the requirements for combines. Mr. Richman and Mr. Savino cited Sections 4-104(c) and 4-104(5)(b) of the New York State Election Law which concerns combines. Commissioner Umane recommended utilizing the provisions of the law to the fullest extent in order to keep the election costs down. He requested for staff to notify the Borough Office Chief Clerk and Deputy Chief Clerks of the ED combines requirements so they have the necessary information to make any decisions for their borough. There was a consensus among the Commissioners to increase the number of ED's within the poll site for the elections. The Office of the General Counsel will

send an email to the Borough Office Chief Clerks and Deputy Chief Clerks concerning the requirements of combining ED's.

Mr. O'Grady answered questions concerning the Board's accessibility project with Evan Terry Associates (ETA). He reported that he attended ETA's ADA sensitivity training on June 29, 2015 and it was very informative. Commissioner Araujo asked questions concerning the ETA poll site project and the reported information follows:

- Procedures for the ETA accessibility project were created for the Board's Poll Site Surveyor Team.
- If a poll site is deemed inaccessible, the Borough Chief Clerk and Deputy Chief Clerk are notified via email.
- There are a total of 12 Lead Poll Site Surveyors from all Borough Offices, in a bipartisan fashion, working on the ETA project with Mr. O'Grady's Voting Equipment Operations Unit (VEOU) in the General Office. Every Borough Office staff member catalogues the draft surveys and the Lead Surveyors compare their findings to the final surveys as a Team. The Lead Poll Site Surveyors inform their borough's Chief Clerk and Deputy Chief Clerk of their findings.

President Michel reported that there have been problems in every borough with poll sites and they are trying hard to find solutions. There is a particular accessibility issue with poll site J.H.S. 93 in Queens which was deemed inaccessible by ETA. There are 5,000 voters at this poll site and he expressed concerns notifying these voters that their site has been changed. President Michel reported that the closest ADA compliant site is 19 blocks away from the original site which takes 20 minutes to walk to. Mr. Ryan reported that Executive Management holds weekly meetings with the Poll Site Surveyor Teams, and bi-weekly meetings with the Mayor's Office of Governmental Operations and other affected City agencies such as DOE, NYCHA, OEM, etc., to engage in the ETA ADA process. They discuss temporary solutions and permanent solutions to these poll sites. Mr. Ryan reported that staff just began receiving the Final Surveys from ETA and the vast majority of poll sites need minor fixes such as adding traffic cones to prevent bumping into protruding objects. Mr. Ryan explained that the ETA ADA Project is a complex internal and external process, and staff is trying to develop creative solutions for free access to voting. If a poll site is deemed inaccessible by ETA, the process gets moved back to the Borough Office and staff checks to see if the poll site can be moved to another location in the same building or nearby. It was noted that the Borough's Commissioners Committee has to approve any

poll site changes. For the future, Commissioner Araujo requested for detailed reasons on the Poll Site Survey Report explaining why certain poll sites are not accessible so he has enough information in advance for approvals. Commissioner Flateau reiterated the importance of voter notification if any poll sites need to be moved. Poll Site Change Notices will be mailed to the affected voters. In addition, if there are any emergencies at the poll site and it cannot be used on Election Day, voter notification signage will be posted and poll workers will be available at the original poll site to direct the voters to the new poll site.

President Michel inquired if the Voting Machine Technicians (VMTs) have been trained to change the batteries on the voting machines. Mr. O'Grady reported that all permanent VMTs have been trained, as well as the temporary employees who may become permanent VMTs. For the future, President Michel suggested for the VMTs to change the batteries and perform the preventative maintenance simultaneously as a more efficient method saving time with opening and closing the machines. Mr. O'Grady noted that he will modify the VMT procedures.

Mr. Ryan reported that the ETA ADA sensitivity training has been recorded and copies of the DVDs are available for the Commissioners.

President Michel recognized Alan Flacks, a member of the public, who spoke about the Board's Voter Information Notices, U.S. postal regulations concerning zip codes and apartment numbers, and the hiring of poll workers for the 2016 General Election.

President Michel recognized Keen Burger, a District Leader for the 66th AD - Part A – New York County, who spoke about the candidates in her district for the 2015 Primary Election.

Commissioner Flateau commended the Board for the public statement celebrating the 50th Anniversary of the Voting Rights Act. The statement is attached to the agenda.

Commissioner Flateau moved to convene an Executive Session for personnel and litigation matters. Secretary Perez seconded the motion, which was unanimously adopted.

Following Executive Session, the regular public meeting resumed and Mr. Ryan reported the following action taken in Executive Session:

- I. The Commissioners unanimously granted a discretionary advance of 420 hours to Verna Lee, a Clerk in the Brooklyn

Office, retroactive to August 1, 2015, if necessary, to be used upon the exhaustion of her current leave balances.

Commissioner Flateau moved to adjourn the meeting. Commissioner Shamoun seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, August 18, 2015 at 1:30 P.M.