

MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, AUGUST 18, 2015  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT: Secretary Bianka Perez

Commissioners Jose Araujo, Ronald Castorina, John Flateau, Alan Schulkin, Michael Rendino, 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  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: John D. Smith  
Curtis Arluck  
K. Loving, CFB  
Cathy Gray, LWV  
M. Benjamin

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In President Michel's absence, Secretary Perez called the meeting to order at 1:36 P.M.

Commissioner Araujo moved to approve the minutes for the July 29, 2015, July 30, 2015 and August 4, 2015 Commissioners' Meetings. Commissioner Flataeu seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the ES&S National Advisory Board Conference which was held from August 5, 2015 through August 7, 2015. It was two (2) days of travel and one (1) working day, and the trip was in compliance with the NYC COIB Rules. The Conference held on August 6<sup>th</sup> allowed various election administrators throughout the country for the opportunity to discuss the following topics:

- Issues processing the elections;
- Potential long term financing and acquisition of voting machines;
- Potential capital financing from the vendor;
- Potential leasing options for voting machine equipment;
- Electronic poll books and the needs for various jurisdictions;
- Staff training for vendor independence;
- Different ways ES&S can assist with maintaining the voting system moving forward;
- Poll Worker recruitment.

Commissioner Umame recalled that every year the Board has identified and requested various improvements to the ES&S voting system and inquired if there were any relevant discussions on those requested improvements. Mr. Ryan reported that Executive Management regularly meets with ES&S and since New York City has a different certification process from other jurisdictions, it was not discussed. He reported that ES&S discussed a possible long term, next generation, DS200 at the Conference. The next generation DS200 is a combination of a DRE touch screen and a paper element. Mr. Ryan noted that the challenge with that machine would be New York State's full face ballot law. To be in compliance with New York City's Procurement Rules, there were no in depth details on ES&S' future products. Commissioner Flateau inquired if there were any items and/or issues that arose in relation to the busy 2016 election cycle. Mr. Ryan reported that when the Board meets with ES&S, they will discuss the sufficient amount of Board's technical staff and the supplemental ES&S staff who will work as a Team and manage any unanticipated problems that may arise. Mr. Ryan confirmed that the Board is on track training the Voting Machine Technician (VMT) staff with ES&S staff. He received a preliminary email from ES&S yesterday with a recent assessment of the training, and they reported that the Board's VMTs are further along than

anticipated. He will share ES&S' assessment with the Commissioners once he receives more information.

Mr. Ryan reported that the Board recently received a FOIL Request concerning his time and leave. He received a print out of his information and reported that he took off one (1) week for vacation in July 2014 and one (1) week for vacation in July 2015, and used 2.5 hours of sick leave for the last two (2) years he has been the Executive Director.

Commissioner Flateau raised concerns about recruiting 36,000 poll workers for the busy 2016 election cycle and requested for staff to stay on top of this issue. Mr. Ryan reported that recruiting poll workers has been more difficult since the 2010 implementation of the electronic voting systems. At the ES&S Conference, every jurisdiction in the country reported that they have problems recruiting poll workers. The Board and everyone else who is interested in the elections will have to develop new and creative ways to attract people to the system. Mr. Ryan reported that Executive Management has had numerous conversations with the City Council and the Mayor's Office about this issue. The current Mayor is interested in funding a public relations drive to recruit poll workers in advance since it is anticipated that 2016 General Election will be a widely

attended event. Executive Management and the Commissioners are always open to suggestions recruiting poll workers. Mr. Ryan noted that Los Angeles has a robust government workers as poll workers program. In New York City, there are a lot of different Unions and the issues of Time and Leave for employees would have to be agreed upon before that program could be implemented. Mr. Ryan reported that they will discuss with the City Council a program to recruit CUNY and/or High School students as poll workers starting from age 17 which is in accordance with the law.

Commissioner Schulkin reported that he has been receiving numerous inquiries from voters asking why their poll sites have been changed, and inquired if the Board should send out an announcement explaining that the changes are being made to comply with the ETA court case. Mr. Ryan stated that the Board has been trying to get that message out as much as possible at numerous public meetings. The matter has been discussed with the Mayor's Office and three (3) Borough Presidents to help push the information out to the voters. The Board's annual required Voter Information Notice has a more prominent design if the voter's poll site has been changed. Mr. Ryan noted that there are 1,241 poll sites citywide and there are a host of reasons why an individual poll site could have been

changed. Currently, there is pending litigation and it is possible that the wrong information could go out about the reasons why a poll site has been changed and does not recommend sending out an announcement.

Commissioner Castorina noted that it was a brief agenda today and inquired if it would be necessary to schedule a meeting next week and reported that numerous Commissioners will not be available. He recommended scheduling the next meeting on September 1, 2015. If there are any urgent issues that need to be addressed, an emergency meeting can be held, or the Executive Committee can make a decision and the full Board can ratify it at the next meeting. Commissioner Castorina moved to schedule the next Commissioners' Meeting on Tuesday, September 1, 2015. Secretary Perez seconded the motion, with Commissioner Rendino opposing. The motion was adopted.

Commissioner Rendino inquired about how much notice is supposed to be given if there is a poll site change. Mr. Ryan reported that by law, the annual required Voter Information Notice is mailed the first week of August which contains the voter's poll site. If there are any poll site changes after that time, a Poll Site Change Notice with prominent language on the front will be mailed to the affected voters at least five (5) days before the

election. The Board is trying to make the language and design as clear as possible on the Notice so it is not discarded. Mr. Denkberg recited Section 4-104(2) of the New York State Election Law concerning poll site change notices. Mr. Ryan reported that if there are any emergencies at the poll site and it cannot be used on Election Day, signage will be posted and Door Clerks will be available at the original poll site to direct the voters to the new poll site. The Board tries to make every effort to make sure voters are not inconvenienced.

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

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