

Approved # 3207

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 22, 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, Ronald Castorina, John Flateau, Maria R. Guastella, 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
Valerie Vazquez, Director, Communications & Public Affairs
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Nina M. Crispino, Director, Personnel
Thomas Sattie, Coordinator, Ballots
John Naudus, Manager, Electronic Voting Systems
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Gary Popkin
Kate Doran, LWV NYC
Michael Benjamin
Catherine T. Gray
John Smith
Alan Flacks, Member of NY County Democratic Committee

President Michel called the meeting to order at 1:38 P.M.

Mr. Sattie presented an overview of the sample 2015 General Election ballot layout. He reported that there was a Commissioners Ballot Committee Meeting last Friday and they discussed various layouts and styles. For each respective borough, Mr. Sattie presented ballot samples of a six (6) column layout which allows for a larger font size and has the gridlines where there are no candidates for an election whited-out, and an eight (8) column layout which is more traditional but decreases the font size. The following suggestions were made for the sample ballots:

- Bold the lines between each party contest to delineate the races and may help eliminate over votes;
- Shade in the spaces where there are no candidates;
- Create a landscape view ballot for Staten Island which may increase the font size for the voters. Staten Island has only two (2) contests;
- On the Queens ballot, move up the Reform Party in line with other parties because there are no Working Family Party candidates for Civil Court countywide;
- Enlarge the back of the ballot instructions for the voters to a 12 point font size.

Per the Commissioners' direction, sample ballots will be created and emailed electronically to the Commissioners, Counsel to the

Commissioners, and the Office of the General Counsel for review. The Commissioners requested for the Office of the General Counsel to research and provide a memorandum concerning Section 7-116 of the New York State Election Law relating to removing blank spaces on the ballot where there are no candidates for the next meeting. Commissioner Guastella suggested asking the State Board for their opinion as well.

Commissioner Araujo moved to adopt the minutes for the September 15, 2015 meeting. Commissioner Flateau seconded the motion, with Commissioners Castorina, Guastella, and Perez abstaining. The motion was adopted.

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

President Michel recognized Gary Popkin, a Poll Site Coordinator at P.S. 321, who presented and distributed copies of his proposed Street Finder which was formatted with odd and even address pages and a larger font size. Mr. Popkin reported that his Street Finder is more user friendly for the Information Clerks to find addresses for the voters. President

Michel noted that Mr. Popkin's Street Finder will be submitted to the Election Day Operations Unit for review.

Mr. Ryan reported that the New York City Council Committee on Governmental Operations Hearings is scheduled on Thursday, October 1, 2015 and the Board was requested to testify. Copies of the Committee Green Sheet were distributed to the Commissioners. Mr. Ryan provided an overview of the bills and received direction on the following:

- Int. 464-2014 – The Commissioners agreed for the Board to continue its current absentee ballot process and determined that promoting absentee voting among jailed individuals is a Department of Corrections operations issue;
- Int. 628-2015 – The Board distributes 100,000 voter registration forms to the DOE each year and the DOE distributes them to their students. It was determined that the DOE has the ability to implement their own procedures to track and report on the distribution of registration forms. The Board's forms distributed outside of the agency are stamped with generic "Code 9" to protect the privacy of the individual. Mr. Ryan recalled that last year the Board testified to not track individuals based on a code specific to a particular City agency which may be sensitive to an

individual. The Board should take the same position on this bill as in the past;

- Int. 796-2015 – This bill does not relate to the Board;
- Res. 695-2015 – There are concerns that 16 and 17 year olds would pre-register to vote and have expectations to vote on Election Day before they are of age;
- Res. 848-2015 – Same day voting cannot be accomplished without Electronic Poll Books (E-Poll Books) and a Constitutional Amendment. The Board currently has online voter registration which may be confused with automatic registration. Online voter registration still needs a “wet signature” to be mailed to the Board. The only electronic “wet signature” the Board accepts is from the DMV. The electronic voter registrations still have to be reviewed by a bi-partisan team before it is processed in the system.

Commissioner Flateau inquired if the Board has taken any position in the past relating to Int. 420 which calls for giving permanent residents the right to vote in NYC municipal elections. Mr. Ryan reported that the Board was never formally asked to give a position on that matter.

Mr. Ryan requested authorization to prepare Testimony for the New York City Council Committee on Governmental Operations Hearing in line with the Commissioners' instructions. Commissioner Araujo moved to authorize Mr. Ryan to prepare Testimony in line with the Commissioners' instructions. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan requested authorization to combine Election Districts where permissible for the 2015 General Election, in line with the 2015 Primary Election, to deploy less equipment where possible. Commissioner Umane moved to authorize combines where permissible for the 2015 General Election. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Commissioner Flateau inquired if the Board will mail any other notices to voters before the 2015 General Election. It was reported that the New York City Campaign Finance Board prepares an Election Day candidate packet and mails them to all voters. Board notices will be mailed only to voters affected by the Special Elections in Staten Island and Queens, and Poll Site Change Notices if there is an emergency move. It was reported that all ETA poll site surveys are completed to date, so there

will be no more changes before the General Election. Additional ETA poll site surveys will be submitted to the Board and the 60 day mandate begins after the General Election. Mr. Ryan reported that there was a meeting with the Disability Rights Advocates (DRA) last week concerning the ETA poll site surveys and the 60 day mandate issue was discussed. They spoke about more flexibility to work on the issues for the needs of the accessibility community.

Mr. Richman requested for the establishment of the date for Hearings for Objections to Certificates of Nomination for the November 3, 2015 General Election. There was a consensus among the Commissioners to schedule the Hearings on Tuesday, September 29, 2015 at 1:30 P.M. The Candidate Records Unit will mail required notices to the candidates concerning the Hearings.

Mr. Ryan reported that the last day to accept in-person voter registration forms for the 2015 General Election is Friday, October 9, 2015. In the past, staff has stayed until Midnight to accept registration forms. Based on the upcoming election, Mr. Ryan and Ms. Sandow recommended for staff to stay until 7:00 P.M. instead of Midnight. President Michel moved

to adopt Mr. Ryan and Ms. Sandow's recommendation. Commissioner Guastella seconded the motion, which was unanimously adopted.

For informational purposes, Mr. Ryan reported the following:

- The Board's Agency Chief Contracting Officer (ACCO) will be attending the NWBE Diversity Conference, which is being sponsored by the City, on September 24, 2015. Mr. Ryan will provide an update on the conference at the next meeting;
- The Board's Finance Department filed a FEMA claim and it was approved. A total of \$4,780,005.87 will be going back into the City's fund.

Commissioner Castorina moved to convene an Executive Session for purposes of litigation and personnel. The motion was seconded, which was unanimously adopted.

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

- I. The Commissioners voted to authorize the New York City Law Department to oppose and defend the Board's interest with respect to the matter of Sloan V. BOE, et. al.

II. Betty Ann Canizio, the Deputy Chief Clerk of the Brooklyn Office, will be on extended medical leave. Daniel Ortiz will serve as the Acting Deputy Chief Clerk in her absence, retroactive to Ms. Canizio's leave date, which is the work week immediately following Ms. Canizio's last day.

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

The next stated meeting of the Commissioners will be held on Tuesday, September 29, 2015 at 1:30 P.M.