

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JANUARY 19, 2016
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Bianka Perez
 Secretary Frederic M. Umane

Commissioners Jose Araujo, John Flateau, Michael Michel, Maria R. Guastella, Michael Rendino, Alan Schulkin, Simon Shamoun

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
Valerie Vazquez, Director, Communications & Public Affairs
Nina M. Crispino, Director, Personnel
John Naudus, Manager, Electronic Voting Systems
John O'Grady, Chief Voting Machine Technician, VEOU
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Katharine Loving, NYC CFB
 Kate Doran, LWV NYC
 Catherine Gray, LWV NYC
 Alan Flacks, Member of NY County Democratic Committee

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

Commissioner Guastella moved to adopt the minutes for the January 5, 2016 meeting. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Perez requested for the designation of Committee Members for 2016. It was noted that the Democratic Committee Members were nominated at the previous meeting. Secretary Umane requested to table this item until the end of the meeting.

Mr. Ryan reported that the Board received the City Clerk's Certificate of Vacancy for the 17th Councilmanic District, Bronx County, dated January 5, 2016. Copies of the notice were distributed to the Commissioners.

Mr. Richman presented the Draft Notice to All Candidates for the 2016 February Special Election which was prepared by the Candidate Records Unit (CRU). Copies of the draft were distributed to the Commissioners. Mr. Richman reported that the draft was reviewed by the Office of the General Counsel and it meets all requirements. President Perez moved to adopt the Notice to All Candidates for the 2016 February Special Election. Secretary Umane seconded the motion, which was unanimously adopted.

Mr. Richman requested for the appointment of a Cover Sheet Review Committee to meet immediately after the Commissioners' Meeting to review two (2) items. Four (4) Independent Nominating Petitions for the February 23, 2016 Special Election, Bronx County, have been filed to date. President Perez and Commissioner Rendino volunteered to serve as the Cover Sheet Review Committee for today's meeting. Mr. Richman reported that tonight is the last day to file petitions and another Cover Sheet Review Committee may be needed. The Cover Sheet Review Committee, consisting of President Perez and Commissioner Rendino, was scheduled for Wednesday, January 20, 2016 at 3:30 P.M. in the Bronx Office, if needed, and is subject to change. The President and Secretary confirmed the meeting. Notice will be posted on the Board's website. Mr. Richman was directed to notify the Cover Sheet Review Committee by 12:00 P.M. tomorrow about the status of filed petitions.

Secretary Umane reported that a candidate filed Independent Nominating Petitions with a name that exceed 15 characters and recommended for the full Board to review this issue. Candidate Joann Otero filed petitions with the name "Stronger Together". The Board normally sends notice to the candidate to conform with the statutory requirements, but military and absentee ballots have to be printed and

mailed by tomorrow, January 20, 2016, to meet requirements for the February 23, 2016 Special Election. Mr. Richman reported that it is the staff's recommendation to change the name to either "Strong Together" or "Stronger 2gether" and requested guidance from the Commissioners. Commissioner Shamoun recommended calling the candidate's contact person asking which name they prefer on the ballot during Executive Session. There was a consensus among the Commissioners to call the candidate's contact person.

Mr. Richman reported that there were Independent Nominating Petitions filed with names "Bronx Not For Sale" and "Bronx for All." He noted that there may be potential confusion with both names using the word "Bronx." Commissioner Umane reported that using the word "Bronx" is not an issue for confusion. He recalled that in the past some candidates have filed petitions using parts of a regular Party name which was an issue for confusion. Commissioner Michel moved to keep both names "Bronx Not For Sale" and "Bronx for All" as is. Commissioner Rendino seconded the motion, which was unanimously adopted.

Secretary Umane received the list of Committee Members for 2016 and recited it into the record as follows:

Executive Committee

- President Bianka Perez
- Secretary Frederic Umane

Budget & Finance Committee

- Commissioners Schulkin, Flateau, Umane & Rendino

Communications, Voter Registration and Outreach Committee

- Commissioners Schulkin, Flateau, Rendino & Shamoun

Management Information Systems and Services Committee

- Commissioners Flateau & Shamoun

Legislative Affairs Committee

- Commissioners Schulkin, Flateau, Shamoun & Umane

Personnel/Investigations Committee

- Commissioners Perez, Araujo, Michel & Rendino

Ballot Layout Committee

- Commissioners Araujo, Guastella, Michel & Rendino

Secretary Umane reported that the Ballot Layout Committee is subject to change when the new Staten Island Republican Commissioner is appointed.

Commissioner Schulkin spoke about the Special Election in the 65th Assembly District, New York County, which is to be held on the same

day as the April 19, 2016 Presidential Primary Election. He raised concerns that there has been miscommunication and confusion with the press giving out wrong information about the Board handling these three (3) elections in the poll site. Mr. Ryan noted that NY1 News reported misinformation about the Board and he has corrected their report last Friday. The NY1 News interview with Mr. Ryan will be airing on television tonight at 7:00 P.M. Mr. Ryan explained that the Board is a ministerial agency that follows the directives of the Executive Office. The issue that arose was having the DS200 voting machines set for either a Primary or General Election for the Special Election. There are two (2) options and one (1) requires less space and one (1) more space in the poll site. He explained the Board's legal authority to designate poll room(s) in poll sites for the period of May 1st – April 30th every year in accordance with the NYS Election Law. The April 19, 2016 Special Election falls in the window of authority for designations and some sites may or may not have another room available for Election Day, or the site may not agree to provide an additional room. There was discussion that any change would need governmental action. Commissioner Schulkin noted that there will be space issues in Manhattan poll sites if there are two (2) separate elections held on the same day using more voting equipment while complying with ADA requirements and a large voter turnout. He expressed concerns

about three (3) different ballots in the poll site on Election Day and inquired if all elections could be on one (1) ballot. Commissioners Flateau and Guastella requested to include the 59th A.D., Kings County, and 62nd A.D., Richmond County, Special Elections in the discussion as well. Mr. Naudus explained the two (2) ballot options for the ES&S voting machines which follows:

- Option #1 – Two (2) separate elections in the poll site with separate voting machines; everything duplicated. There would be three (3) separate ballots (Republican Primary, Democratic Primary, and Special Election) with the usual ballot layout. There would be a Primary Election scanner and Special Election scanner. It was noted that the ballots could be color coded. The voting machine would reject a ballot to the voter if it is inserted in the wrong scanner. This option would create space issues in a designated poll room if it is a small room.
- Option #2 – The voting machines could be programmed to scan the Primary Election ballot and Special Election ballot. It would be two (2) separate ballots and the ballot could have perforations. It cannot be on the same page. The Special Election ballot would have to be designed to have columns running down, not across in a row. The voting machines would have to be programmed as

Primary and General Elections. The voting system would think the Special Election is a non-partisan election for it to work. The scanner counts the pages, not the ballots, so it will not add up in reconciliation as it would in a typical election. A landscape-style layout would have issues due to Democratic Delegates. There would be instructions for the voters on the ballot for the elections, as well as additional instructions for the poll workers.

It was requested for Mr. O'Grady to compile information on the poll sites in the 65th A.D., 59th A.D. and 62nd A.D. to see if there is potential additional and accessible space in the building if duplicate machines will be needed. Mr. Ryan and Ms. Sandow reported that Board staff has known about these issues and have been looking into potential solutions for this busy election year. There is enough equipment to handle these elections, but it is a layout issue. Ms. Sandow reported that this issue has been discussed with elected officials in Albany as well. There was consensus among the Commissioners to table this discussion until the next meeting.

President Perez recognized Alan Flacks, a member of the public, who spoke about the ballot layout if there were no Alternate Delegates.

Mr. Richman reported that staff called candidate Joann Otero's contact person and he requested for "Strong Together" on the ballot. Secretary Umame moved to adopt "Strong Together" per the contact person's request. Commissioner Guastella seconded the motion, which was unanimously adopted.

Secretary Umame moved to convene Executive Session for personnel matters. Commissioner Guastella seconded the motion, which was unanimously adopted.

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

- I. Ralph Morales, an Associate Staff Analyst in the General Office, was granted an advance of 420 hours of sick leave which is to be paid back upon his return;
- II. The Commissioners determined the allocation of temporary employees for the upcoming election cycle which is to be divided evenly among parties. The allocation follows:
 - Manhattan Office – 80
 - Bronx Office – 50
 - Queens Office – 60

- Brooklyn Office – 60
- Staten Island Office – 30
- General Office – To be determined at a later date

The date to hire the temporary employees will be determined by the needs of the election cycle;

- III. The Commissioners approved the job description for the American Disabilities Act (ADA) Coordinator, a Technical position, which is subject to appropriate job posting.

President Perez recognized Alan Flacks, a member of the public, who spoke about the following:

- NY Republicans do not have Delegates and NY Democrats do not have Alternate Delegates which may help with the ballot layout;
- Post Office zip code requirement and candidacy;
- Consider asking candidates to include VSN #'s on their petitions, as an option, which may assist the Board's Candidate Records Unit staff.

President Perez moved to adjourn the meeting. Secretary Umame seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, January 26, 2016 at 1:30 P.M.