

ADDITIONAL HEARING ON PRIMA FACIE MATTERS RELATING TO
THE APRIL 19, 2016 PRESIDENTIAL ELECTION AND THE
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 1, 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, Lisa Grey, Michael Michel,
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
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Administrative Associate, Candidate Records Unit
Debra Leible, Coordinator, Election Day Operations
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV NYC
 Monica Bartley, CIDNY
 Katharine Loving, NYC Campaign Finance Bd.
 Sunjah H., Citizens Union
 Ed Cuesta, Dominicanos USA

President Perez called the meeting to order at 1:35 P.M.

President Perez announced that the Commissioners will be conducting an additional Hearing on matters related to Designating Petitions for Delegate to the Democratic National Convention to be voted on at the April 19, 2016 Presidential Primary. President Perez stated the procedures to be followed during the Hearing and called upon Mr. Richman to call the Calendar.

Mr. Richman provided background information and presented the Candidate Records Unit (CRU) Prima Facie Report. There were no appearances by a candidate and/or their representative. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

Mr. Richman requested the New York City Law Department to defend the Board in any proceeding challenging the Commissioners' determinations made at this hearing. President Perez moved to authorize the New York City Law Department to defend the Board. Commissioner Flateau seconded the motion, which was unanimously adopted.

President Perez concluded the Hearings and convened the regular stated meeting of the Commissioners.

Mr. Ryan joined the meeting.

President Perez moved to approve the minutes for the February 23, 2016 meeting. Commissioner Schulkin seconded the motion, which was unanimously adopted.

Mr. Richman presented the Draft Filing Calendar for the June 28, 2016 Federal Office Primary Election. Copies of the draft were distributed. The Board is required by Federal Court Order by a delivery service in accordance with the provisions of Section 1-106(3) of the New York State Election Law, as amended by Chapter 255 of the Laws of 2015, to certify the Federal Office ballot by Friday, May 6, 2016. Mr. Richman's recommendation to schedule the Hearings on Federal Designating Petitions is on Tuesday, May 3, 2016 at 1:30 P.M. and Hearings on Federal OTB Petitions is on Friday, May 6, 2016 at 1:30 P.M. It was reported that no action has been taken to date with respect to the Legislature combining the two (2) Primary elections. If approved, the law would be effective for 2017. Secretary Umame moved to adopt the Filing Calendar for the June 28, 2016 Federal Office Primary Election as presented. Secretary Perez seconded the motion, which was unanimously adopted. The full Calendar will be posted on the Board's website and at the Borough Offices.

Mr. Ryan reported on the New York City Council Committee on Governmental Operations Hearing which was held on Monday, February 29, 2016. Mr. Ryan and Ms. Sandow attended the Hearing and submitted written comprehensive Testimony, and provided brief oral Testimony. Mr. Ryan noted that it was a very well attended Hearing and there was a primary focus on the City Council's Resolutions. There was interest in Council Member Treyger's Resolution concerning Russian interpreters being provided at poll sites. There was a brief Q&A session and the Board answered some questions. Commissioner Flateau noted that the City Board could voluntarily consider pursuing some of the City Council's suggested initiatives if there was consensus among the Commissioners. Mr. Ryan noted that the message was conveyed orally with respect to cooperating with the City Council to respond to the voice of their constituents.

Mr. Ryan reported that the Board was requested to attend and testify at the New York City Council Fiscal Year 2017 Preliminary Budget Hearings scheduled for Monday, March 14, 2016. He requested authorization to attend and prepare Testimony. Commissioner Flateau requested for an internal debriefing on the budget before the Testimony is publicly submitted. President Perez recommended appointing the Finance

Committee to review the Testimony with Executive Management prior to the Hearing. Commissioner Flateau moved to appoint the Finance Committee to review the Testimony prior to the City Council's Hearing. President Perez seconded the motion, which was unanimously adopted. Secretary Umane moved to authorize Executive Management to prepare budget Testimony and attend the New York City Council Fiscal Year 2017 Preliminary Budget Hearings and to include the Finance Committee prior to submission of Testimony. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan reported that the Board received a request from the RiverBay Corporation for use of lever machines for their Board of Director's Election to be held on May 18, 2016. Copies of the letter were distributed to the Commissioners. Secretary Umane provided background information on the request. RiverBay Co-op City has borrowed the Board's lever machines for the past thirteen (13) years and they incur all costs and insurance associated with their election. Secretary Umane noted that he has always opposed this request in the past because there are private companies that rent voting machines and the lever machines are in storage. It was noted that other groups have requested for lever machines in the past, but the Board has opposed. Commissioner Rendino noted that

RiverBay has borrowed the Board's lever machines for the past thirteen (13) years and they have created jobs for both Republican and Democratic poll workers during their election. There was discussion among the Commissioners and concerns were raised about costs and time associated with the Board's Voting Machine Technicians (VMT's) prepping the lever machines to make sure they are functional during the Board's busy election cycle. Commissioner Schulkin noted that the VMT's should focus on the electronic voting machines for the Board's elections and moved to oppose RiverBay's request. Before a vote was taken by the full Board, Commissioner Michel recommended tabling this request for one (1) week so the Commissioners can ask their staff to check on the status of the lever machines. Commissioner Schulkin withdrew his motion. President Perez tabled RiverBay Corporation's request for one (1) week and recommended for the Board to have a consistent procedure moving forward. At the next meeting, the Commissioners will also discuss allowing all private, non-profit, CUNY, or City bodies if they request to borrow lever machines.

Mr. Ryan reported that Executive Management recommends for all Coordinators citywide and the Poll Workers who are working in the upcoming Special Election's Assembly Districts during the Presidential Primary to attend a refresher training class. The class would be two (2)

hours long and they will be paid \$50. The refresher class would focus on the ballot's orientation and the distribution of different sets of ballots. Mr. Ryan confirmed that there are sufficient funds within the budget for these refresher classes. The \$50 pay would be an incentive for those Coordinators and poll workers to attend the refresher class. It was noted that according to the New York State Election Law, the refresher class cannot be mandatory. Commissioner Flateau raised concerns about the training not being mandatory due to the special circumstances in the affected Assembly Districts. Commissioner Flateau recommended for the reserve pool of poll workers to be retrained as well. Commissioner Shamoun noted that he will have a meeting with Brooklyn Office EDO staff to ensure their poll workers are trained at the maximum level for the upcoming election. Secretary Umane moved for the Board to retrain all Coordinators citywide and the affected poll workers who will be working in the three (3) affected ADs in the Special Election, at a rate of \$50 per person, for the upcoming Presidential Primary. President Perez seconded the motion, with Commissioner Flateau abstaining. The motion was adopted.

Mr. Ryan reported that there is a proposal to increase the AD Monitor Teams for the Presidential Election cycle; an increase to three (3)

AD Monitor teams per AD, instead of two (2) AD Monitor teams per AD. General Office EDO staff and Borough Office EDO staff made this recommendation and Executive Management concurs. Secretary Umame inquired if the request is needed for all four (4) elections. Ms. Leible reported that she can report back to the Commissioners at a later meeting to discuss those ADs that are expected to not have that much activity and will only need two (2) AD Monitor Teams. Commissioner Schulkin moved to approve increasing AD Monitor Teams up to three (3) teams per AD for the Presidential Election cycle, where appropriate, as needed. Commissioner Flateau seconded the motion, which was unanimously adopted.

Commissioner Schulkin requested for Mr. Richman and Mr. Savino to attend Executive Session for one (1) matter.

President Perez moved to convene Executive Session for personnel matters. The motion was seconded, which was unanimously adopted.

Following Executive Session, the public meeting resumed and President Perez reported the following action that was taken in Executive Session:

- I. The Commissioners granted discretionary advance of time of 420 hours for Sheila Del Giorno, Chief Clerk of the Staten Island Office, effective March 5, 2016, due to a medical condition.

Commissioner Schulkin 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, March 8, 2016 at 1:30 P.M.