

MEETING OF THE BOARD OF CANVASSERS AND  
THE MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, MARCH 8, 2016  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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PRESENT:       President Bianka Perez  
                  Secretary Frederic M. Umane

Commissioners Jose Araujo, John Flateau, Lisa Grey, Maria R. Guastella,  
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  
Valerie Vazquez, Director, Communications & Public Affairs  
Nina M. Crispino, Director, Personnel  
Troy Johnson, Coordinator, Candidate Records Unit  
Rayvon Weaver, Project Coordinator, Candidate Records Unit  
Frank Tosi, Administrative Associate, Bronx Office  
Lissette Poll, Acting Deputy Chief Clerk, Bronx Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Jeffrey Buss, for Riverbay  
                  Francine Jones, for Riverbay  
                  Sunj-ah H., Citizens Union  
                  Katharine Loving, NYC Campaign Finance Bd.  
                  Kate Doran, LWV NYC  
                  Cathy Gray, LWV NYC

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President Perez called the meeting to order at 1:37 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, President Perez called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the recanvass of votes cast on February 23, 2016 in the Special Election conducted in the Borough of the Bronx for Member of the City Council in the 17<sup>th</sup> Council District.

To serve as the other Democratic Member of the Canvassing Board, President Perez designated Commissioner Araujo to serve with her on the Board of Canvassers. To serve as the other Republican Member of the Canvassing Board, Secretary Umame designated Commissioner Rendino to serve with him on the Board of Canvassers.

The Deputy Chief Clerk and Acting Deputy Chief Clerk of the Bronx and their staff have prepared and signed the Returns of Canvass for the February 23, 2016 Special Elections conducted in the 17<sup>th</sup> Council Districts in Bronx County. Ms. Poll, Acting Deputy Chief Clerk, and Mr. Tosi, on behalf of Mr. Ribustello, presented the Returns of Canvass to the Canvassing Board for review and approval. Ms. Poll and Mr. Tosi confirmed that the results presented are accurate and correct, there are no discrepancies, and the audit of voter verifiable audit record for both poll site

and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed. Commissioner Flateau requested for the tallies of each contest. Mr. Richman read the tallies of each contest into the record. Based on that report, Commissioner Rendino moved that the Board of Canvassers certify the Returns of Canvass for the February 23, 2016 Special Elections conducted in the 17<sup>th</sup> Council Districts in Bronx County. Commissioner Flateau seconded the motion, which was unanimously adopted.

Secretary Umane moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Return of Canvass. President Perez seconded the motion, which was unanimously adopted.

Secretary Umane moved to adjourn the meeting of the Board of Canvassers and convene the stated meeting of the Commissioners in the City of New York. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Ryan joined the meeting.

Commissioner Rendino moved to approve the minutes for the March 1, 2016 meeting. Commissioner Schulkin seconded the motion, with Commissioner Guastella abstaining. The motion was adopted.

Mr. Ryan reported on the request from RiverBay Corporation for use of lever machines for their Board of Director's Election to be held on May 18, 2016 which was tabled at the previous meeting. Copies of the request were redistributed. At the previous meeting, concerns were raised about costs and time associated with the Voting Machine Technicians (VMT's) preparing the lever machines, to ensure they are functional for RiverBay, during the Board's busy election cycle. Mr. Ryan reported that the Board's VMT's would prepare the lever machines during the course of their normal work day to ensure all parts are working, then would hand them over to RiverBay Corporation personnel. RiverBay Corporation personnel would set up the lever machines for their election. President Perez recognized Francine Jones, Election Committee Chair for RiverBay Corporation, and Jeffrey Buss, General Counsel for RiverBay Corporation, who spoke about the history of Co-op City and their request. Mr. Buss noted that their election serves approximately 57,000 residents in their community. RiverBay would use their own personnel and incur all costs associated with their election. Their election would also create jobs for the

Board's Democratic and Republican poll workers. Secretary Umane noted that he has always opposed this request in the past because there are private companies that rent voting machines, and inquired if RiverBay has looked into any other options. Mr. Buss reported that RiverBay has explored private voting machine companies, but he found that the Board's lever machines have more integrity than any other option. Commissioner Rendino noted that the lever machines would be utilized for public use and moved to accept the request from RiverBay Corporation for use of lever machines for their Board of Director's Election to be held on May 18, 2016. President Perez recommended a friendly amendment to allow the use of lever machines to be open to any public, private, or non-profit organization, if requested, in the future. Commissioner Rendino accepted the amendment. President Perez seconded the motion as amended. In a vote of seven (7) in favor (Flateau, Grey, Guastella, Michel, Perez, Rendino, Shamoun), two (2) opposed (Umane, Schulkin), and one (1) abstention (Araujo), the motion was adopted.

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

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

- I. The Commissioners authorized Executive Management to notify the Conflicts of Interest Board (COIB) with respect to the individuals who have substantial policy making and discretion authority that consists of the following:
  - 10 Commissioners;
  - 4 Members of Executive Management;
  - General Counsel and Deputy General Counsel;
  - 10 Borough Office Chief Clerks & Deputy Chief Clerks.

Commissioner Araujo moved to adjourn the meeting. Secretary Umane seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, March 15, 2016 at 1:30 P.M.