

MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, APRIL 26, 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, 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  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Yvonne Gouglet, NY Voters  
Cathy Gray  
Jay Michner, Poll Worker  
Kate Doran, LWV NYC  
Lurie Daniel Favos, Center for Law & Social Justice  
Jen Fernio, Daily News  
Fannie Conner, LWV/NYC  
A.B. Britton, K.L.C. GOP  
HL Frank  
Rich Calder, NY Post  
Mike McCabe, Brooklyn News Room  
Ada Vargas, Private Citizen  
Sarah McAllister, Private Citizen  
Nisi Jacobs, Private Citizen  
Erin Danna, Private Citizen

Jesse Robin, Private Citizen  
Sarah Elshfie, Private Citizen  
Beth Grundfest-Frigieri, Private Citizen  
Robert O'Donnell  
Sarah Gonzalez, WNYC  
Crystal Feng, AAFE  
Mitchel Cohen, WBAI Radio  
Sing-uh Han, Citizens Union  
Talia Werber, Citizens Union  
Nathan Tempey, Gothamist  
Julia Chung, Minkwan Center  
Edna Rosen, LWVNYC  
Robinson Rojas  
Sam Massol, Bridge Roots  
Megan Ahearn, NYPIRG  
Seth Siegel, NY Daily News  
Elliot Crown  
Marni Halasa  
Virginia Simson  
Smita Deshmukh, City Council  
Laurie Wen, City Council  
John Smith  
Erica Razook  
Susan Lerner, Common Cause/NY  
Jerry Vassamas, AALDEF  
Mirian Nevla  
Diana Finch, NYC Voters/Poll Worker  
Katharine Loving, NYC CFB  
Wendy Sacks  
Nabin Mandal  
Micah Woon  
Rich Newman  
Faring Wilkman, Press  
John Kirbon, Reason Revival Project

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

Commissioner Araujo moved to table the minutes for the April 12, 2016 meeting. President Umame seconded the motion, which was unanimously adopted.

Mr. Ryan presented the 2016-2017 Poll Site Designation Reports for the five (5) boroughs. Copies of the reports were distributed. The designations are for the period of May 1, 2016 through April 30, 2017, and as required by New York State Election Law, the poll sites have to be designated by the Commissioners no later than May 1<sup>st</sup>. Once approved, required notification to the designated poll sites will commence. Secretary Umame moved to adopt the 2016-2017 Poll Site Designation Reports for the five (5) boroughs as submitted. Before a vote was taken by the full Board, Commissioner Flateau inquired if the Borough Commissioners can amend the designations, if necessary, in the future. Mr. Ryan reported that if there are any emergencies at the designated poll sites, changes can be made by the Borough Commissioners in consultation with borough's Chief Clerk and Deputy Chief Clerk. President Perez moved to adopt the 2016-2017 Poll Site Designation Reports for the five (5) boroughs as submitted. Secretary Umame seconded the motion, which was unanimously adopted.

Mr. Richman requested the designation of a Cover Sheet Review Committee for the June 28, 2016 Federal Office Designating Petition filing period. The following schedule was designated by the Commissioners:

- Tuesday, April 26, 2016 after the Commissioners' Meeting
  - Secretary Umame and Commissioner Schulkin
- Thursday, April 28, 2016 at 2:00 P.M.
  - President Perez and Commissioner Shamoun

Public notice of the schedule will be posted at the Board and on the Board's website. In the event there are no matters for review by the Committee at a scheduled meeting, the General Counsel's office will notify the designated Commissioners by 12:00 P.M. and ensure that appropriate public notice is posted.

Mr. Ryan provided a preliminary report on the April 19, 2016 Presidential Primary Election. Tablets were deployed to all 1,200 poll sites citywide to help assist voters identify their correct poll site and ED/AD. The tablets were also used citywide to upload the unofficial election night results at the poll sites. There was a successful pilot program in the Bronx where poll workers electronically "checked-in" on the tablets. After the pilot's data is reviewed, the Board's plan is to "check-in" and "check-out" all of the poll workers electronically. This will help with poll worker shortfalls at particular poll sites, and will also provide in-house efficiency with respect to

processing 30,000 poll workers in the payroll system. The peak of electronically uploading the unofficial election night results was at 9:20 P.M., and 75% of the results were tabulated by 10:00 P.M. He noted that the level of results reporting was very quick for the Presidential Primary compared to other boards of elections in the country. With respect to other issues that occurred in Brooklyn, Mr. Ryan reported that they were unfortunate and regrettable. Executive Management and staff will work closely with the Commissioners, good government groups, and government partners so this will not be repeated again. During a preliminary review, with respect to voter complaints that had to vote by affidavit ballot, most of these voters were found to be not enrolled in the particular Party and did not understand or was aware that New York State has closed primary elections. Mr. Ryan ensured that anyone who voted by affidavit ballot on Primary Day citywide is going to have their vote counted if they were eligible to vote in that election. He explained the various reasons why voters may have received an affidavit ballot at the poll site, and provided a detailed summary of the current post-election review process for affidavit ballots citywide. All affidavits will be sorted into "valid" and "potentially invalid" categories in each borough. For potentially invalid affidavits, there will be enhanced review. Staff will print the entire particular voter's registration documentation (voter buff card, voter data, voter history,

BOE activity) and attach it to each affidavit ballot envelope which will be extensively reviewed before it is finally invalidated. Every single piece of data will be looked into so if someone was improperly canceled from the voter rolls their vote will be counted. Each legally supported affidavit ballot will be validated and counted. There were a total of 37,214 affidavit ballots cast in Brooklyn which is not usual for an election with a lot of public interest. Mr. Ryan explained the specific process of canceling a voter in New York State and noted that the voter roll clean-up has been an ongoing process since March 4, 2014 citywide. It was noted that there were many criticisms in the past that the NYC voter rolls needed to be cleaned-up, so the Board started the process. Mr. Ryan reiterated that the purge happened over a period of time; it was not a last minute purge right before the 2016 Presidential Primary Election. It was explained that Intent to Cancel Notices are mailed to voters, which is then followed up with a Cancellation Notice if the Board receives no response from the voter. Those voters, who did not respond to the Board's Notices, will receive a final Confirmation Notice that they are being cancelled in the system. Notices were mailed to voters on May 26, 2015 and there was a subsequent June 18, 2015 purge, and then a July 5, 2015 purge. This information was made public at the July 7, 2015 Commissioners' Meeting which was live-streamed online and video archived on the Board's website.

In a preliminary perspective, Mr. Ryan noted that the first step for the Confirmation Notice might not have happened in Brooklyn and it is currently being investigated. The Board is working closely with the New York State Attorney General's Office Civil Rights Bureau on this matter. Secretary Umane noted that there has been a miscommunication by the Press concerning information from the Board. All Party lines have been affected by this purge, not just Democrats, and there may be legitimate voters who were removed from the voter rolls. There were approximately 78,000 Democrats, 12,000 Republicans, and the remaining are other Parties or no Party. It was noted that there are more Democrats because Brooklyn has the most enrolled Democrats in New York City. It was reported that the purge will not be reversed immediately because staff is still working on the list and some voters may have been purged properly. The Board will be reversing the purge once the list has been closely reviewed by staff, and will be updated for the June Federal Office Primary Election. The Board is also working closely with the State Board. Once the purges occurred on June 18, 2015 and July 5, 2015, the City Board's voter registration files did not fully upload to the State Board's official NYSE system for the bi-annual total voter registration numbers which are released on April 1<sup>st</sup> and November 1<sup>st</sup> every year. The City Board's numbers were correct, but the State Board's numbers were off. The Board is working closely with the

State Board to rectify this system issue. Mr. Ryan noted that the entire staff at the Board takes the public's trust very seriously, and apologized to the public for any actions that might have been taken by staff which caused any amount of voter trust in the voting process to erode. Mr. Ryan vouched for the staff's integrity despite what the Press has said about the Board.

Commissioner Flateau noted that the residents in the 59<sup>th</sup>, 62<sup>nd</sup>, and 65<sup>th</sup> Assembly Districts have been without representation, and moved to authorize the Executive Director to transmit the April 19, 2016 Special Elections preliminary election results to the Speaker of the Assembly. Mr. Ryan reported that the Board will also advise the Speaker of the amount of outstanding paper such as affidavit ballots, absentee ballots, military ballots, and federal ballots. President Perez requested for a friendly amendment to the motion to re-certify these Special Elections once all of the paper ballots for these ADs have been counted. Commissioner Grey seconded the motion as amended, which was unanimously adopted.

President Perez opened the floor to members of the public and allowed each member two (2) minutes to speak:

1. Jay Wishner, a poll worker, raised concerns about the New York State voter cancellation process and a Coordinator procedural issue that occurred at his poll site on Primary Day. Board staff collected Mr. Wishner's information to look into this matter further.
2. Julia Chung, a representative of the Minkwan Center in Queens, raised concerns about two (2) Asian American voters whose names were missing from the voter rolls. Board staff collected the voters' information to look into this matter further.
3. Kate Doran, a representative of the League of Women Voters and a poll site Coordinator, raised concerns about affidavit voters not receiving affidavit ballots and the importance of recruiting and training poll workers.
4. Lurie Daniel Favos, General Counsel at Medgar Evers College's Center for Law & Justice, raised concerns about the voter purge and voter disfranchisement. Board staff collected the names of these voters to look into further.
5. Susan Lerner, a representative of Common Cause/NY, raised concerns about poll sites opening late and a voter who claimed she has been voting for 50 years, but her name was not found in the online database or in the Poll Book. Board staff collected voter's information to look into further.

6. Talia Werber, Policy & Research Manager of Citizens Union, reported that she received many calls before Primary Day concerning changing Party enrollments and same day voter registration, and recommended for the Board to include same day voter registration in the Board's Legislative Agenda to the State, and inquired about the Board's response to the Mayor's Proposal.
7. Jerry Vassamas, a representative from AALDEF, reported that he conducted Asian American Exit Polls at 18 poll sites in the 65<sup>th</sup> AD on Primary Day, and will be submitting a letter to the Board containing his observations.
8. A.B. Britton, a representative from the Kings County GOP Leadership Council, requested for the Board to reinstate Diane Rudiano and reported that he has registered many African American and Caribbean Republican voters.
9. Yvonne Gouglet, a member of the public, raised concerns about voters who could not vote on Primary Day and recommended for all affidavit ballots to be counted.
10. Ada Vargas, a member of the public, recommended for all affidavit ballots to be verified and counted.
11. Niecy Jacobs, a member of the public, raised concerns about Primary Day poll site operations in Tribeca.

12. Sarah McCallister, a CUNY Professor, inquired about the Exit Poll numbers and the unofficial election results for Sanders and Clinton.
13. Beth Grundfest-Frigieri, a member of the public, raised concerns about voter confusion between affidavit ballots and Court Order voting on machines.
14. Megan Ahearn, Program Director of NYPIRG, requested for immediate reinstatement of the purged voters in Brooklyn and requested for the step-by-step instructions to provide clarity for advocates.
15. Erica Razook, a member of the public, reported that she monitored poll sites on Primary Day and received questions from many voters about the voting process.
16. Mitchel Cohen, a representative of WBAI Radio, inquired about access and security of the Board's voter database.
17. Diana Finch, a poll worker in the Bronx, spoke about the Notices to Work poll worker mailing and the voter purge in Brooklyn.
18. Marni Halasa and Elliot Crown, members of the public, requested for the name of the voting system and inquired about the tabulation process.

19. Susan Lerner, a representative of Common Cause/NY, urged the Board to accept the Mayor's Proposal and noted that she will be back at a later time to address the proposal further.

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

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

- I. The Commissioners granted 100 hours of Discretionary Advance of Time due to illness, to Luann Kubler, a Clerk in the Brooklyn Office, to be used as needed, and is retroactive to April 18, 2016;
- II. The Commissioners appointed Frank Tosi as Acting Deputy Chief Clerk of the Bronx Office, who will remain in the position until Anthony Ribustello returns from medical leave;
- III. The full Board of Commissioners unanimously affirmed the Executive Committee's action last week of suspending Diane Rudiano, Chief Clerk of the Brooklyn Office, without pay.

The next stated meeting of the Commissioners will be held on  
Tuesday, May 3, 2016 at 1:30 P.M.