

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, OCTOBER 10, 2017 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umame
 Secretary Rosanna Vargas

Commissioners Jose Araujo, John Flateau, Maria R. Guastella, Michael Michel, Alan Schulkin, Robert Siano, Simon Shamoun, John Wm. Zaccone

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
Steven Guglielmi, Acting Director, Personnel
Valerie Vazquez, Director, Communications & Public Affairs
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWVNYC
 Wendy Byrne, LWVNYC
 Kavita Pawria, NYC Mayor's Office
 Bitta Mostofi, NYC Mayor's Office
 Alan Flacks, Member of NY County Democratic Committee

President Umame called the meeting to order at 2:02 P.M.

President Umame opened the floor for Bitta Mostofi, a representative of the Mayor's Office of Immigrant Affairs (MOIA), who provided an

overview about a voting access initiative for Russian and Haitian Creole language Interpreters at select poll sites on Election Day in Community Board Districts 13 and 18 in Brooklyn. The New York City Council has funded this initiative for the General Election and the MOIA has hired a temp agency to recruit Russian and Haitian Creole language Interpreters. The MOIA requested for the Board to participate in the pilot program and to permit the Board's Coordinators and Poll Workers to work with their Interpreters, for the Board to supply voting materials to the MOIA to be translated, and for their Interpreters to receive Board training. In response to the MOIA's request, the Commissioners and staff raised numerous concerns with the initiative. President Umane explained that there are stipulations for Interpreters and there has been litigation in the past concerning language. By law, the Board's Interpreters must be a bipartisan team of one Republican and one Democrat when assisting a voter with instructions in the poll site. The Board follows both Federal and State Law concerning language requirements. Mr. Richman explained Section 203 of the Voting Rights Act. The U.S. Department of Justice's approved plan for the Board includes English, Spanish, Korean, Chinese, and Asian Indian languages in specific areas citywide. There could be an equal protection claim for other language groups if the Board participated in the MOIA's initiative. In addition, there were concerns about a Mayor and City Council

sponsored program for the General Election in which they are candidates running for re-election and could raise issues of conflict. There were concerns about the specific communities chosen by the MOIA as there are other similar communities citywide that would be excluded. Board staff explained that a voter can bring someone, excluding their employer, to assist them in the poll site on Election Day. Staff noted that if the MOIA wants to assist voters on Election Day, their staff can stand 100 feet away from the poll site entrance with signage. Board staff noted that all voter and poll worker materials, including the ballots, are posted on the Board's website and can be freely utilized by the MOIA. On behalf of the Commissioners, President Umane thanked Ms. Mostofi for her presentation.

Commissioner Flateau reported two (2) edits to be made in the minutes for the October 3, 2017 meeting on page 2 in the first paragraph. Commissioner Schulkin moved to adopt the minutes for the October 3, 2017 meeting as amended. Commissioner Flateau seconded the motion, which was unanimously adopted.

President Umane added a litigation matter to Executive Session.

Mr. Ryan provided an update on the September 12, 2017 Primary Election. The information follows:

- There was a total of 3,945,873 eligible voters;
- A total of 492,721 voters cast their ballot, which is 12.5% of the eligible voter population;
- A total of 2,990 Portable Marking Devices (PMD's) were deployed. A total of 2,934 PMD's were read on Election Night, which is 98% of the PMD's;
- There were a total of 655,871 hits on the Board's website for Election Night Results. There was an increase of approximately 150,000 website hits since the last election;
- 9:10 P.M. was the peak time for uploading the Election Night Results. This time has been a developing pattern for the Primary Elections;
- There were 5 poll sites citywide which opened late;
- A total of 2,973 scanners were deployed and 10 were replaced;
- A total of 1,286 Ballot Marking Devices (BMD's) were deployed and 16 were replaced. The BMD's had issues because they are old models and will be replaced in the future;

- The average Voting Machine Technician (VMT) response time was 39 minutes for the scanners and 47 minutes for the BMD's;
- There was a total of 302 ballot jams in the scanners citywide;
- A total of 19 individual ramp vendors delivered and installed 353 ADA ramp systems. Board staff delivered and installed 459 ADA ramps;
- A total of 1,100 cones were deployed to detect barriers for accessibility in the poll site;
- There was 1 new ramp vendor who had specific difficulty due the amount of work and lack of staff. This issue will be addressed for the future;
- A total of 30,618 poll workers were assigned to work. A total of 25,910 poll workers' payroll has been completed to date. There was 80% of poll worker attendance;
- There were issues recruiting language assistance Interpreters and staff is in the process of looking into this issue. President Umame recommended for staff to reach out to the community groups and the NYC Mayor's Office of Immigrant Services for assistance;

- A total of 2,926 tablets were deployed – 2,426 were poll site tablets, 348 were field tablets, and 152 were active tablets in the Police Precincts. The tablets have replaced the laptops in the Police Precincts for Election Night Results;

Commissioner Fleteau inquired about the amount of absentee and affidavit ballots submitted citywide. President Umane inquired about the amount of valid and invalid write-ins citywide. Mr. Ryan will report on these items at the next meeting.

Commissioner Zaccone moved to convene Executive Session for purposes of litigation. The motion was seconded and unanimously adopted.

Following Executive Session, the open public meeting resumed. President Umane stated that there is nothing to report from Executive Session because it was a litigation matter.

Commissioner Zaccone moved to adjourn the meeting. Commissioner Fleteau seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, October 17, 2017 at 1:30 P.M.