

HEARINGS ON MATTERS RELATING TO THE
APRIL 24, 2018 SPECIAL ELECTION AND THE
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 6, 2018 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Rosanna Vargas
 Secretary John Wm. Zaccone

Commissioners Jose Araujo, John Flateau, Michael Michel, Alan Schulkin,
Simon Shamoun, Robert Siano, Frederic M. Umane

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Joshua Williams, Contract Attorney, General Counsel
Steven Guglielmi, Director, Personnel
Valerie Vazquez, Director, Communications and Public Affairs
Troy Johnson, Coordinator, Candidate Records Unit
Michael Carmicino, Administrative Associate, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Margarita Lugo, Project Coordinator, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballot Management
Anthony Ribustello, Deputy Chief Clerk, Bronx Office
Brendaliz Candelaria, Deputy Chief Clerk, Bronx Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marissa Soto, for Sepulveda
 Oshrie Zak, for Objectors
 Kate Doran, LWVNYC
 Juan Pagan
 Wendy Byrne, LWVNYC
 Amanda Melillo, CFB

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

President Vargas announced that the Commissioners will conduct the Hearings on challenges to Independent Nominating Petitions for the April 24, 2018 Special Election.

President Vargas stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar. The Calendar was posted for the public as required.

Mr. Richman called the Candidate Records Unit (CRU) Prima Facie Report for the 32nd Senatorial District, Bronx County. There was an appearance by a candidate and/or their representative which is noted on the CRU Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the Counsel's Report on the Specification of Objections BX 3-1; Objections of Brenda Johnson to Petition filed on behalf of candidate Michael Beltzer (Petition I.D. # BX 1800226) for the Public Office of New York State Senate – 32nd District. There were appearances by a candidate and/or their representative which is noted on the Counsel's

Report on file at the Board. The Commissioners' determinations are reflected on the Counsel's Report on file at the Board.

Mr. Richman called the Counsel's Report on the Specification of Objections BX 9-1; Objections of Carolina C. Santos to petition filed on behalf of candidate Michael Beltzer (Petition I.D. # BX1800226) for the Public Office of New York State Senate – 32nd Senate District. There were appearances by a candidate and/or their representative which is noted on the Counsel's Report on file at the Board. The Commissioners' determinations are reflected on the Counsel's Report on file at the Board.

Commissioner Umame joined the meeting.

Mr. Richman called the Counsel's Report on the Specification of Objections BX 8-1; Objections of Pamela Stewart-Martinez to the Democratic Certificate of Nomination filed on behalf of candidate Luis Sepulveda for the Public Office of New York State Senate – 32nd Senate District. There were appearances by a candidate and/or their representative which is noted on the Counsel's Report on file at the Board. The Commissioners' determinations are reflected on the Counsel's Report on file at the Board.

Mr. Richman requested for the New York City Law Department to defend the Board if any matters arise concerning the Commissioners' determinations at today's Hearings. Commissioner Araujo moved for the New York City Law Department to defend the Board as requested. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Mr. Richman requested authorization for the military ballots to be printed and mailed by Saturday, March 10th in accordance with the law. Commissioner Araujo moved to authorize staff to print and mail the military ballots as requested. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Sattie reported on the sample ballot layouts. Copies of sample ballots were distributed to the Commissioners at the previous meeting for review. Mr. Sattie reported that all ballots would have a 12 point font, and asked for the Commissioners' preference of either a portrait or landscape style. Secretary Zaccone requested for the Commissioners' Ballot Committee to be recognized in the future, and for sample ballots to be initially presented and reviewed with the Ballot Committee in the future. Secretary Zaccone suggested using a landscape style ballot. In response

to Commissioner Araujo, Mr. Sattie reported that only Richmond County has used a landscape style in the past for a wholly contained Special Election in Staten Island. To be consistent with past practice, Commissioner Schulkin moved to adopt a portrait style ballot citywide. The motion was seconded, and unanimously adopted.

Mr. Richman reported that Friday, March 9, 2018 is the last day to institute court proceedings based on today's Independent Nominating Petition Hearings.

Mr. Richman provided a summary of the suggested deletions/additions to the Board's 2017 Recommended Revisions to the New York State Election Law for the 2018 legislative proposals. Copies of the 2017 Recommended Revisions and the staff's recommendations were previously emailed and distributed to the Commissioners for review. The Commissioners discussed the suggested deletions/additions and made the following determinations:

1. Delete Runoff date proposal (Proposal #17-15) – Secretary Zaccone moved to keep Proposal 17-15 and to amend the memo's statement in support to reflect the Board's respective needs. Commissioner Siano seconded the motion, with Commissioner Flateau abstaining.

The motion was adopted. Proposal #17-15 will change to Proposal #18-15;

2. Modify the publications proposal (Proposal #17-11) – The State enacted a law eliminating the requirement to publish candidates' addresses, but the law still requires that the candidates' list has to be published. If modified, the deletion would reflect the same rationale to save on taxpayers' money. Commissioner Umame moved to adopt the modification of Proposal #17-11 as submitted. Commissioner Araujo seconded the motion, which was unanimously adopted;
3. New proposal – A statutory addition to explicitly allow delivery of cast absentee ballots to a poll site on the day of election before 9:00 P.M. This addition would clarify a current ambiguous provision of the law. There was consensus among the Commissioners to leave this proposal out of the 2018 Recommended Revisions and to raise this matter for discussion at the Board's Legislative Education Day;
4. New proposal – To make email addresses that are submitted on voter registration forms confidential from public inspection and disclosure, like driver's license/non-driver's ID numbers, the last four digits of Social Security numbers, and fax numbers. Commissioner Umame moved to create a new Proposal to keep cell phone numbers and email addresses confidential from public inspection and disclosure

that are submitted on voter registration forms. Secretary Zaccone seconded the motion, which was unanimously adopted;

5. New proposal – If a political party establishes by Rule that it will conduct an open Primary (i.e. open to voters not enrolled in any other political party), then the number of signatures required for a Designating or OTB petition for that Party Primary will be required to have either the statutory minimum or 5% of the voters eligible to vote in that Primary (including non-enrolled/blanks), and not just enrolled members of the political party. (It only took a handful of signatures, approximately 11, to create a citywide OTB for Mayor in a Reform Party Primary last year.) Commissioner Araujo moved to adopt the new Proposal as submitted. Secretary Zaccone seconded the motion, with Commissioners Umane, Siano and Flateau abstaining. The motion was adopted;

6. Proposal #17-10 – Chief Clerk Greg Lehman strongly recommended to move Proposal #17-10 up on the Board's list of priorities due to scarce real estate for poll sites in New York City. This proposal authorizes the Board to create Election Districts with up to 4,000 active registrants. The New York State Election Commissioners' Association modified its related proposal reducing the maximum number of voters in an ED to 2,250 from the prior recommendation of

3,000 voters. Commissioner Araujo moved to adopt Proposal #17-10 for the Board to be authorized to create ED's with up to 4,000 active registrants for New York City. Commissioner Schulkin seconded the motion, with Commissioner Flateau abstaining. The motion was adopted.

Mr. Richman requested for the order of priority for the Board's 2018 legislative proposals. The Commissioners unanimously agreed to the following order of the 2018 Recommended Revisions:

- Proposal #1 – Improving the design of the ballot to better serve the voters;
- Proposal #2 – Provides that students in public schools are not scheduled for classes on the day of the Primary or General Election;
- Proposal #3 – The new proposal concerning the confidentiality of cell phone numbers and email addresses provided on voter registration forms;
- Proposal #4 – Increasing the statutory minimum compensation per day for poll workers and coordinators within NYC;
- Switch Proposal #6 (Provides that the Police Officer arrives one hour before the opening of polls) with Proposal #10

(Authorizes the Boards of Elections to create EDs with up to 4,000 active registrants);

- Proposal #16 - The new proposal concerning changes in the number of signatures required to qualify a Designating/OTB petition if a political party establishes by Rule that it will conduct an open Primary;
- The remaining proposals will be moved down the list.

Commissioner Umane moved to adopt the Board's 2018 Recommended Revisions to the New York State Election Law as amended and revised. Commissioner Araujo seconded the motion, which was unanimously adopted. Commissioner Umane noted that all of the Board's proposals are important, but due to time constraints and to be effective, staff should strongly push the top three (3) proposals at the 2018 Legislative Education Day. Ms. Sandow noted that Ms. Kontzamanis will email the adopted 2018 Recommended Revisions to the Members of the Legislature. Mr. Richman reported that hard copies will be mailed to Albany for the Legislative Education Day on Tuesday, March 13, 2018.

Mr. Ryan provided an update on voter registration processing using the data recently provided by the State Board of Elections:

- **Death Records remaining to be processed:**
 - Manhattan – 5,007
 - Brooklyn – 910
 - Queens – 7,654
 - Bronx – Complete
 - Staten Island – Complete
 - Total amount of Death Records cancelled from last week citywide – 13,930
 - Total amount of Death Records remaining to be processed – 13,570

President Vargas recognized Kate Doran, a representative of the League of Women Voters, who inquired about the Board’s Annual Report and the Republican Commissioners’ opinion on the topic of Early Voting.

Commissioner Siano moved to convene an Executive Session for personnel matters. The motion was seconded, and unanimously adopted.

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

- I. The Commissioners granted 70 hours Advance of Time to Vanessa Steckler, a Trainer Assistant in the General Office, effective March 7, 2018. Ms. Steckler's agency start date is March 1, 2010;
- II. To create consistency between similar positions in the General Office and the Borough Offices, the Commissioners approved that each Chief Clerk and Deputy Chief Clerk, at their discretion and consultation with their Borough Commissioners, shall be able to appoint Administrative Associates to the appropriate Assistant position, in accordance with the salary structures established in the General Office, for a total of ten (10) positions citywide.

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

President Vargas reminded the public that the Commissioners will not be meeting next Tuesday due to the 2018 Legislative Education Day.

The next stated meeting of the Commissioners will be held on Tuesday, March 20, 2018 at 1:30 P.M.