

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON FRIDAY, MARCH 15, 2019 AT 1:00 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President John Wm. Zaccone
 Secretary Patricia Anne Taylor

Commissioners Jose Araujo, Miguelina Camilo, Michael Michel, Simon Shamoun, Robert Siano, Tiffany Townsend, Frederic M. Umane

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
Michael Bryant, Contract Attorney, Office of the General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Steven Guglielmi, Director, Personnel
Sherwin Suss, Agency Chief Contract Officer, Procurement
Kenneth Moltner, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Katharine Loving, NYC CFB
 Joan Strasburgh
 Bonnie Nelson, Brooklyn Voters Alliance
 Pat Nolan, Brooklyn Voters Alliance
 Amanda Ritchie, Brooklyn Voters Alliance
 Julie Kerr, Brooklyn Voters Alliance
 David Merigano, Brooklyn Voters Alliance

President Zaccone called the meeting to order at 1:05 P.M.

Commissioner Flateau moved to adopt the minutes for the February 19, 2019 meeting. Commissioner Siano seconded the motion, with Commissioners Camilo, Michel and Taylor abstaining. The motion was not adopted.

Commissioner Siano moved to adopt the minutes for the March 5, 2019 meeting. Commissioner Araujo seconded the motion, with Commissioners Flateau and Michel abstaining. The motion was adopted.

Mr. Richman presented the designation of polling places for the period of March 15, 2019 through March 14, 2020, pursuant to Section 4-104 (1) of the New York State Election Law. Copies of the five (5) boroughs' 2019 – 2020 Poll Site Designation Reports were circulated to the Commissioners for review as well as the Draft Resolution of the Commissioners for Designating Poll Sites for 2019 – 2020. Mr. Richman noted that Early Voting sites will be chosen by May 1st in accordance with the law. The borough Commissioner Committees have previously approved their borough's 2019 – 2020 Poll Site Designation Report in consultation with their Borough Office Chief Clerks and Deputy Chief Clerks. Mr. Ryan requested for full Board approval of the five (5)

boroughs' Poll Site Designation Reports as submitted. Commissioner Umane moved to adopt the Resolution of the Commissioners of Elections in the City of New York for Designating Poll Sites for 2019 – 2020 and to include the Resolution in the meeting minutes. Commissioner Araujo seconded the motion, which was unanimously adopted. The Resolution of the Commissioners of Elections in the City of New York for Designating Poll Sites for 2019 – 2020 follows:

Be it Resolved by the Commissioners of Elections in the City of New York, in an open public meeting held on March 15, 2019, that:

1. The Reports and Recommendations for the designation of polling places for the period of March 15, 2019 through March 14, 2020, prepared by the respective borough offices' staff as presented by the respective Chief Clerks and Deputy Chief Clerks and approved by the respective Borough Commissioners' Committee are hereby approved by the Board of Elections in the City of New York [hereinafter "Board"];
2. The locations, sites and/or facilities set forth therein are designated as polling places, pursuant to the provisions of §4-104 of the New York State Election Law [hereinafter "Election Law"], as amended by Chapter 5 of the Laws of 2019;
3. The building(s) as set forth therein, are either publicly owned or leased, exempt from taxation or receive government funding or support, and is under the control of the entity or organization set forth therein, for use as a place for the conduct of voting and voter registration during the period of March 15, 2019 through March 14, 2020;
4. The specific room(s) or area(s) within such building(s), as set forth therein, are hereby designated to be used for voting and voter registration, which are located "as close as possible to a convenient" exterior entrance and which are "accessible to physically disabled voters" and comply with the statutory requirements set forth in §4-104 of the Election Law;

5. The one year period of this designation, includes the following scheduled elections: June 25, 2019 Primary Election and the November 5, 2019 General Election and that the dates for any Primary Election, including a Presidential Primary, may be changed by an act of the Legislature of the State of New York;
6. Additional dates for the conduct of local voter registration or any special election may be established at a later date in accordance with the provisions of applicable law;
7. The poll sites designated herein are also designated for use as a possible early voting poll site, pursuant to Section 8-600 of the New York State Election Law, as amended by Chapter 6 of the Laws of 2019;
8. In accordance with the provisions of §4-104(3) of the Election Law, a building designated herein to be a poll site and is a publicly owned or leased building (excluding a public school), the controlling entity may file a written request for cancellation of this designation with the Board of Elections at the address printed above. Such request must be made not later than thirty days after the date of this notice. Within twenty days of receipt, the Board will re-examine whether such use would unreasonably interfere with the usual activities conducted in the building. In the event of an affirmative determination, the Board may cancel the designation;
9. In accordance with the provisions of §4-104(3-a) and (3-b) of the Election Law, any person or entity which controls a building for which a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation has been provided by any agency of the state or any political subdivision thereof or is conducting any program, activity or service for which a loan, grant, contract, subsidy or reimbursement has been provided by any agency of the state or any political subdivision thereof shall agree to make available for voting and voter registration designated by the Board or be subject to the loss of such benefit;
10. Section 16-115 of the Election Law establishes the Board's right and ability to seek judicial intervention to compel compliance with the designation set forth herein. The Board anticipates the cooperation and assistance of all parties in this matter and trusts that the Board will not be required to commence a proceeding under this provision of the Election Law.

President Zaccone noted that Commissioner Shamoun joined the meeting.

President Zaccone moved to adopt the minutes for the February 19, 2019 meeting. Commissioner Araujo seconded the motion, with Commissioners Camilo, Michel and Taylor abstaining. The motion was adopted.

Mr. Ryan requested to add the Commissioners' Finance Committee Report to the agenda. He reported that the Commissioners' Finance Committee met today and recommended the following contracts to be approved by the full Board:

- Phoenix Metal Products – This is a contract to replace and supplement a number of privacy booths. This is a new vendor who was awarded the contract through competitive sealed bidding. This privacy booth is similar in appearance, color and function to the current privacy booths. The Voting Equipment Operation Unit (VEOU) staff found that these new booths have a stronger frame than the current booths. The current contract is for 600 units at \$250 per unit for a total of \$150,000. The

original vendor also bid on this contract, but came in at a price of \$346 per unit. The full Board unanimously adopted the Commissioners' Finance Committee's recommendation to move forward with the Phoenix Metal Products contract;

- FJC Security Services Inc. – This is a contract for armed security guards at all agency locations. This contract was procured through competitive sealed bidding under the DCAS Master agreement for security services. FJC came in as the lowest price among the vendors under the DCAS category. The full Board unanimously adopted the Commissioners' Finance Committee's recommendation to move forward with the FJC Security Services Inc. contract;
- Clear Ballot – This is a contract to provide software, equipment and training to allow the agency to perform automated auditing of the DS-200 scanner ballots that complies with the 3% audit requirement of Section 9-211 (1) of the NYS Election Law. This contract is a sole source procurement under the PPB Rules. The Clear Ballot system is the only automated audit system that is approved for use in New York State by the State Board of Elections. The automated auditing rules approved by the State

Board require the automated audit tool being used be totally independent from the voting system that is being audited. The initial cost for purchasing equipment and software is \$2,013,387. This includes training and support for the first two (2) years. The cost to renew software licenses will be \$313,375 per year after year two. This request is for the initial two year expenditure and an additional two (2) years of license fees for a four year total cost of \$2,640,137. The Clear Ballot system can be modified as needed in the future if there are any system changes in New York City. The full Board unanimously adopted the Commissioners' Finance Committee's recommendation to move forward with the Clear Ballot contract.

President Zaccone noted that Commissioner Townsend joined the meeting.

President Zaccone recognized the following members of the public, representing the Brooklyn Voters Alliance, who spoke about Early Voting:

1. Amanda Ritchie
2. Bonnie Nelson

3. Julie Kerr

4. David Merigano

President Zaccone recognized Kate Doran, a representative of the League of Women Voters, who requested a copy of the Poll Site Designation Report.

President Zaccone moved to convene an Executive Session for personnel and litigation matters. Commissioner Siano seconded the motion, which was unanimously adopted.

After Executive Session, the open public meeting resumed, and President Zaccone reported that a personnel matter was taken in Executive Session will be reported at a later time.

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

The next stated meeting of the Commissioners will be held on Tuesday, March 19, 2019 at 1:30 P.M.