

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, APRIL 2, 2019 AT 1:30 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, John Flateau, 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
Valerie Vazquez, Director, Communications & Public Affairs
Steven Guglielmi, Director, Personnel
Sherwin Suss, Agency Chief Contracting Officer, Procurement
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Patricia Jagendorf
 Bonnie Nelson, BK Voters Alliance
 Jan Compopiano, BK Voters Alliance
 Julie Kerr, BK Voters Alliance
 Sue Yellin, BK Voters Alliance
 Susan Lerner, Common Cause
 Crystal Bitton

President Zaccone called the meeting to order at 1:43 P.M.

Commissioner Flateau moved to adopt the minutes for the March 26, 2019 Commissioners' Meeting. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ryan recalled that the New York State Legislature passed the Early Voting law which will be implemented for the November 5, 2019 General Election and all elections thereafter. Early Voting will be a nine (9) day period which ends on the Sunday before the election event. Mr. Ryan noted that during a light election year there could be over 100 ballot styles, and during a heavy election year there could be over 4,000 ballot styles. These paper ballot styles would have to be searched and pulled off shelves in the poll site for voters during Early Voting. Ballot security would have to be provided 24/7 at the poll sites during the Early Voting period. Mr. Ryan reported that the Board is in the process of exploring Ballot on Demand delivery systems for the Early Voting process and there are two (2) vendors who are approved by the State. The following vendors provided demonstrations for the Board:

1. Dominion ImageCast Evolution (ICE)

2. ES&S Ballot on Demand and Express Vote XL

After each demonstration, the Commissioners held a Q&A session with the vendor.

Mr. Ryan reported that there is a challenge to a voter registration. President Zaccone recognized Patricia D. Jagendorf, a member of the public, who challenged the voter registration of Tia Tidwell, 28-12 36th Street, Astoria, NY 11103, D.O.B. 11/3/85, VSN # 412414200. Ms. Jagendorf reported that she has been receiving voter mail for Ms. Tidwell at her address. Ms. Jagendorf explained that she has lived at that address since 2004 and Ms. Tidwell does not live in her building. The Commissioners reviewed the voter registration of Ms. Tidwell. After discussion, Ms. Jagendorf signed and submitted her "Challenge to a Voter Registration" affidavit to the Commissioners. Pursuant to the provisions of Section 5-220(1) of the New York State Election Law, Ms. Jagendorf swore before the Commissioners challenging the voter registration of Tia Tidwell, 28-12 36 Street, Astoria, NY 11103, D.O.B. 11/3/85, VSN # 412414200. This voter will be placed on the Challenge List in accordance with Section 5-220(2) of the New York State Election Law. A bi-partisan team in the Queens Office will conduct the

required inquiry into this challenge pursuant to the provisions of Article 5 of the New York State Election Law.

President Zaccone recognized the following members of the public who spoke about the potential new voting systems for Early Voting:

1. Bonnie Nelson, Brooklyn Voters Alliance
2. Jan Compopiano, Brooklyn Voters Alliance
3. Julie Kerr, Brooklyn Voters Alliance
4. Susan Lerner, Common Cause

President Zaccone recognized Crystal Bitton, a member of the public.

Mr. Richman reported on the hours for the last day to file a Certificate of Acceptance or Declination of Nomination for the May 14, 2019 Special Election and Petition Filing for June 25, 2019 Primary Election. He noted that the Board faced a similar issue in 2018. According to Section 1-104 (1) of the NYS Election Law, the Board shall be open for the filing of documents relating to elections between 9am and 5pm, except on the last day to file any specific documents and is open until Midnight. Tomorrow, April 3, 2019, is the last day to file Certificates of Acceptances or

Declinations for the May 14, 2019 Special Election. According to last year's policy, if any document comes in for the June 25, 2019 Primary Election after 5pm, it will be clocked in and recorded as being received as 9am the next business day. Mr. Richman requested approval of this standing policy for this petition cycle. President Umame moved to continue this standing policy that was adopted last year and is subject to change at a future date. Commissioner Camilo seconded the motion, which was unanimously adopted.

Mr. Richman reported on Independent Body Names for the May 14, 2019 Special Election for Member of the City Council, 45th Council District, Borough of Brooklyn, that creates the possibility for confusion and exceeds the character limitation. Copies of his memorandum were circulated to the Commissioners for their review and consideration. The following issues were presented:

- Possibility of Confusion – There is a possibility of confusion for “Community First”. Two (2) independent bodies have included the word “community” and “first” in the name of their independent bodies. The names are “Community First” and “Putting Our Community First”. It is the staff's finding that this

creates the possibility of confusion, and that the seven (7) days provided for in the statute to have the candidate select another name or have the Board select a name. If approved, the appropriate notices will be sent via email as well as overnight mail;

- Excess Characters in Name – One (1) independent body has selected a name of their independent body that exceeds fifteen (15) characters, “Putting Our Community First”. It is the staff’s finding that this body be given seven (7) days, as provided for in the statute, to have the candidate Anthony Alexis review their name to comply with the statute or have the Board select a name. If approved, the appropriate notices will be sent via email as well as overnight mail.

Mr. Richman reported that Section 10-108 of the NYS Election Law directs the Board to distribute military ballots no later than 45 days before a Special Election. For the May 14, 2019 Special Election that day was Saturday, March 30, 2019, two (2) days before the last day to file Independent Nominating Petitions. Section 6-138(3)(a) provides that the candidate have seven (7) days to respond to a Commissioners’ determination. Mr. Richman recommended for the Commissioners to

authorize and direct Board staff to seek from candidate Anthony Alexis or his counsel a more rapid response, 24 hours from the time of the transmission of the notice via email to make a selection. In the event that a selection is not made in that time frame, he recommended that the Commissioners select an alternative name, so that military ballots can be completed and distribution begins in a good faith effort at compliance before the end of this week. Commissioner Flateau moved to adopt Mr. Richman's recommendations as presented with an amendment to authorize the Commissioners' Executive Committee to make a determination, if necessary. Commissioner Umame seconded the motion, which was unanimously adopted.

Mr. Richman requested for the appointment of Commissioners' Cover Sheet Review Committee Meetings for Week # 1 for Designating Petitions for the June 25, 2019 Primary Election. The designated schedule follows:

- Tuesday, April 2, 2019, immediately following Comm. Mtg.
 - President Zacccone and Secretary Taylor
- Wednesday, April 3, 2019 at 3:30 P.M.
 - Commissioner Araujo and Commissioner Shamoun
- Thursday, April 4, 2019 at 3:30 P.M.

- Commissioner Araujo and Commissioner Michel
- Friday, April 5, 2019 at 3:30 P.M.
 - President Zaccone and Commissioner Camilo
- Monday, April 8, 2019 at 3:00 P.M.
 - Commissioner Araujo and Commissioner Michel

Public notice will be posted on the Board's website and Front Counters.

Mr. Ryan requested to add a Commissioners' Finance Committee Report to the agenda. The Commissioners' Finance Committee met today and recommended the following contract for the full Board's review and consideration:

- **QED Inc.** – This is a contract to continue and update the agency's Checkpoint software and hardware which provides cyber security for the agency's internet related services. This contract is an extended micro purchase. The lowest bid was QED Inc. at a total of \$143,336. The request for approval of the six (6) month bid is for \$143,336.

The full Board of Commissioners ratified the Commissioners' Finance Committee's recommendation to move forward with this contract.

Commissioner Araujo moved to adjourn the meeting. The motion was seconded, and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, April 9, 2019 at 1:30 P.M.