

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MAY 21, 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, John Flateau, 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
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Alex Camarda, Reinvent Albany
Rosemarie Hameed
Kate Doran, LWV
Monica Bartley, CIDNY
Laura Wood, Mayor's Office
Nisha Agawzi, Mayor's Office
Katharine Loving, CFB
Wendy Byrne, LWV NYC
LuLu Friesdat, Smart Elections
Joan Strabaugh, BVA
Perry Grossman, NYCLV
Patricia Nolan, BVA
Bonnie Nelson, BVA

Bonnie Delaune, Mayor's Office
Amanda Melillo, CFB
Rachel Bloom, Citizens Union
Wennie Chin, NYIC
Paul Westrick, NYIC
Alan Flacks, Member of NY County Democratic Committee

President Zaccone called the meeting to order at 1:40 P.M.

Commissioner Araujo moved to adopt the April 30, 2019 minutes. Commissioner Siano seconded the motion, which was unanimously adopted.

President Zaccone reported that copies of the May 7, 2019 draft minutes were distributed and will be added to next week's agenda.

Mr. Ryan provided an update on the May 14, 2019 Special Election in the 45th Council District in Kings County. The information follows:

- Certification of results is scheduled for Tuesday, June 4, 2019;
- The first day to start tallying military and absentee ballots is Wednesday, May 29, 2019;
- 98.53% of Portable Memory Device (PMD) sticks were read into the system for Election Night Results Reporting;

- There was approximately 38,000 hits on the Board's website for Election Night Results between the hours of 9:00 P.M. and 9:00 A.M. from May 14th to May 15th;
- The peak time for Election Night Results Reporting was at 9:10 P.M.;
- Poll worker attendance rate was at 81.4%;
- 100% of the tablets deployed in the field were functioning;
- 80% of poll workers "Checked-in" on the tablets;
- One (1) scanner was replaced out of sixty-seven (67) scanners deployed;
- Approximately 10,000 voters turned out. There were 92,000 eligible voters;
- There were no major issues in the field.

Mr. Ryan provided a report on the New York City Council Executive Budget Hearings on Fiscal Year 2020 that was held on Friday, May 17, 2019. The Board's Testimony was previously circulated to the Commissioners for review. Mr. Ryan reported that the Board requested for \$115.8 million for Personal Service (P.S.) for Board staff and poll workers, and \$130.1 million for Other Than Personal Service (O.T.P.S.) for general

needs for the agency and additional equipment costs associated with the Early Voting period and Election Day such as privacy booths, DS-200 scanners, Electronic Poll Books, and Ballot on Demand (BOD) system. \$100 million is expected to be used for Early Voting. Board staff researched and provided a budget number which allows flexibility for a BOD system. It was noted that the BOD system currently do not require State Board approval, but may change. Electronic Poll Books do not require the same certification process as electronic voting systems, but requires approval from the State Board. The State Board allowed the City Board to start the procurement process of Electronic Poll Books prior to the State Board's approval, with an added clause. A total of \$14.7 million was allocated by New York State for Electronic Poll Books to be divided amongst the sixty-two (62) counties. The State Board is in the process of developing a methodology to distribute funds based on the number of voters. A total of \$10 million was allocated by New York State with aid to localities funds which will be apportioned by the State, at the rate of \$15,000 per Early Voting site. The City will provide funding to the locality and then the State will reimburse the City. The State Board is scheduled to provide the City Board with an approved Electronic Poll Book vendors list by Thursday, June 6, 2019. The ACCO is currently compiling a detailed comparison list of each vendor for the Commissioners' review and

consideration. The summary report will detail the research and recommendation by staff. Based on the Board's procurement time table, the following schedule of meetings was established by the Commissioners:

- Tuesday, May 28, 2019 at 1:30 P.M. – Regular stated meeting of the Commissioners
- Thursday, May 30, 2019 at 12:00 P.M. – Public demonstration of Electronic Poll Books
- Tuesday, June 4, 2019 at 1:30 P.M. – Regular stated meeting of the Commissioners
- Friday, June 7, 2019 at 3:30 P.M. – Determination of Electronic Poll Book vendor

Mr. Ryan reported that the potential introduction of Rank Choice Voting for November was discussed at the City Council Hearing. He advised the City Council that the current State Board approved firmware that operates the DS-200 scanners does not accommodate Rank Choice Voting. Mr. Ryan explained to the City Council that based on whatever rules that are set on how to rank the choices, an approved algorithm would have to be developed to rank the votes and be applied manually to the process after the election. Election results for City Offices (Mayor, Comptroller, and Public Advocate) with Rank Choice Voting would not be available on Election Night unless the State Board approves a change to the firmware

that operates the tabulation. Mr. Ryan advised the City Council that if Rank Choice Voting is expanded to other City Offices, it increases the probability of 2-page ballots becoming the norm on Election Day. The City Council asked some questions about Early Voting and Electronic Poll Books which were addressed. The City Council asked how the Board will interact with the Civic Engagement Commission (CEC) with respect to poll site translators. Mr. Ryan advised the City Council that the Board expects Senate Bill 4036-A to move as well as a similar Assembly Bill. These bills set requirements for translators at the poll sites pursuant to a statutory scheme referencing Chapter 23-1101 of the Administrative Code which sets forth the ratio of City Planning. These bills reference what the Board has requested for in the past. If enacted into State Law, the Board would be mandated to provide the additional language services.

Mr. Ryan provided a report on the Early Voting program. Copies of Executive Management's memorandum were circulated to the Commissioners for review. Highlights from the report follow:

- Since the enactment of Early Voting on January 24, 2019, Executive Staff has conducted regular weekly meetings with the Borough Office Chief Clerks, Deputy Chief Clerks, and

relevant management staff to prepare for Early Voting in October 2019;

- To date, Executive Management and staff have consulted with numerous jurisdictions, its election consultant, and various vendors in an effort to leverage available expertise regarding Early Voting;
- Ms. Sandow traveled to Chicago in February 2019 to observe Early Voting during an election;
- Board staff has conducted research utilizing publicly available information and data as well as information provided by Election Center;
- Early Voting in New York will be nine (9) consecutive days of voting ending on the Sunday immediately before Election Day. Poll sites will be required to be set up, secured, and staffed for the entire duration of the Early Voting period;
- The jurisdictions consulted have provided advice and relevant feedback to questions posed by the City Board. The following are some points raised by the jurisdictions:
 - The Early Voting program should be viewed as a work in progress that will continue to evolve with each passing

- election. The Board should establish a foundation and then build upon the foundation over time;
- An Early Voting Unit must be established as the needs are different from single day elections;
 - Electronic Poll Books are essential to proper Early Voting management and operation;
 - Early Voting tends to be lightly attended in the first several days and participation increases as Election Day nears;
- The jurisdictions consulted have various tabulation vendors, Electronic Poll Book vendors and requirements for conducting Early Voting. Board staff has made an effort to extract as much of the advice from jurisdictions that utilize the same tabulation vendor as the Board and similar operations standards.

There will be a specific Early Voting mailer for all voters which will be mailed closer to October. An Early Voting public education program will be established with specific branding and messaging in print, radio, and online ads as well as community engagement. The Board's vendor Vanguard will be assisting with development of the Early Voting public education program which will be tied in with the "VOTE NYC" branding that Vanguard

developed in the past. President Zaccone recommended for the Commissioners' Public Outreach Committee to meet and discuss the Early Voting public education program before presenting it to the full Board. Commissioner Townsend requested to serve on the Commissioners' Public Outreach Committee. Commissioners Shamoun, Siano, Flateau, and Townsend are serving on the Public Outreach Committee. Poll worker recruitment will also be an element of the Early Voting program. Mr. Ryan reported that the Board would like a Municipal Workers as Poll Workers program and Students as Poll Workers program such as Los Angeles County. The Mayor, Speaker of the NYC Council, and Union Labor leaders have to back the program in order for it to be implemented. There was a consensus among the Commissioners to send a formal letter to the Mayor's Office, Speaker's Office, and Chancellor of CUNY regarding a Municipal Workers as Poll Workers Program and Students as Poll Workers Program.

Mr. Ryan reported that the Board received an invitation to testify at the New York State Senate Standing Committee on Elections Hearing concerning Automatic Voter Registration scheduled on Thursday, May 30, 2019 in Albany, NY. Commissioner Umame moved for the Board to only submit written Testimony on the issues the City Board would face

with automatic voter registration and to not take a position on this matter. Secretary Taylor seconded the motion, which was unanimously adopted.

On behalf of the Candidate Records Unit, Mr. Richman presented the Draft Notice to All Candidates for the June 25, 2019 Primary Election. It was reviewed by the Office of the General Counsel and meets all statutory requirements. President Zaccone moved to adopt the Notice to All Candidates for the June 25, 2019 Primary Election as presented. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Richman provided an overview of the New York State Open Meetings Law. Copies of the New York State Committee on Open Government Laws and FAQ's were previously circulated to the Commissioners for review. Mr. Richman provided a summary on the following items:

- What is a meeting?
- Who is covered by the Open Meetings Law?
- Notice of meetings
- The site of meetings
- Records to be discussed

- What is an “executive session”?
- When can a meeting be closed?
- What can a public body discuss in executive session?
- Public participation at meetings
- Meeting minutes
- Exemptions from the law

Commissioner Araujo moved to convene an Executive Session for a pending litigation matter and personnel to discuss employee disciplinary matters. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed. President Zaccone reported that no action was taken on pending litigation and two (2) personnel actions were taken and will be reported at a later date.

The following personnel actions were taken by the unanimous decision of the Board of Commissioners in Executive Session:

- I. The Commissioners ratified the Stipulation of Settlement signed by Regina Mercer on April 17, 2019. Ms. Mercer holds the title of Clerk;
- II. The authorization to hire Surendra Kalikapersaud, effective May 5, 2019, as a Senior Systems Analyst in the EVS Department, at a starting salary of \$100,600.00.

President Zaccone recognized Bonnie Nelson, a member of the Brooklyn Voters Alliance, who inquired about Brooklyn's Early Voting sites and regionalized Early Voting.

President Zaccone recognized Rosemarie Hameed, a member of the public, who inquired about poll worker paychecks and the Board's Nursing Home Program.

President Zaccone recognized LuLu Friestad, a representative of Smart Elections, who spoke about the cyber security of election systems.

President Zaccone recognized Wennie Chin, a member of New York Immigration Committee, who spoke about Early Voting poll sites.

President Zaccone recognized Alan Flacks, a member of the public, who spoke about New York State's Open Meetings Law.

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

The next stated meeting of the Commissioners will be held on Tuesday, May 28, 2019 at 1:30 P.M.