

HEARINGS ON INDEPENDENT NOMINATING PETITION
MATTERS FOR THE NOVEMBER 5, 2019 GENERAL ELECTION AND
THE MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JUNE 11, 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, 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
Travis Grodin, Contract Attorney, Office of the General Counsel
Steven Guglielmi, Director, Personnel
Valerie Vazquez, Director, Communication & Public Affairs
Sherwin Suss, Agency Chief Contracting Officer, Procurement Department
Gerald Sullivan, Chief Finance Officer, Finance Department
Debra Leible, Coordinator, Election Day Operations
Ariel Merkel, ADA Coordinator, ADA Unit
Stephen Thompson, Manager, Poll Site Device Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Matthew Graves, Project Coordinator, Candidate Records Unit
Rachel Torres, Administrative Assistant, Candidate Records Unit
Shanette Brown, Administrative Associate, Candidate Records Unit
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Monica Bartley, CIDNY

Jeff Buley
Adam Edwards, Common Cause
Katharine Loving, NYC CFB
Amanda Melillo, NYC CFB
Wendy Byrne, LWV NYC
Lulu Friesdat, Smart Elections
Bonnie Nelson, BVA
Cardon Pompey
Rosemarie Hameed
Walter Iwachiw
Bonnie Delaune

President Zaccone called the meeting to order at 1:36 P.M.

President Zaccone noted that Commissioner Siano is present via videoconference.

President Zaccone called the Hearings on Independent Nominating Petitions and related matters for the November 5, 2019 General Election.

President Zaccone stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings.

Mr. Richman called the Legal Prima Facie Report. There was an appearance by a candidate and/or their representative which is noted on the Report on file at the Board. The Commissioners' determinations are reflected on the Legal Prima Facie Report on file at the Board.

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

Mr. Richman reported on a petition Cover Sheet Review matter concerning Walter Iwachiw. Commissioner Araujo recused himself from this matter. Mr. Richman reported that last week the Board issued Mr. Iwachiw a Non-Compliance Notice (NCN) concerning an error on his Cover Sheet. Mr. Iwachiw attempted to cure the error and repeated the same error on the Amended Cover Sheet. Commissioner Umame moved to deem the Amended Cover Sheet as a "Not Valid Cure". Commissioner Michel seconded the motion, with Commissioner Araujo recusing himself. The motion was adopted.

Commissioner Araujo moved that in the event a judicial proceeding is commenced challenging any action taken by the full Board of Commissioners or a duly constituted Committee thereof regarding petitions, cover sheets, prima facie findings, specifications of objections and any other matters relating to the candidates appearing on the ballot for the November 5, 2019 General Election, the staff is directed to immediately request that the New York City Law Department represent the Board and/or the Commissioners and staff in such proceeding, defend the Board's actions and oppose any relief sought, as well as take any appeals necessary to preserve the Commissioners' findings and determinations. Before a vote was taken by the full Board, Commissioner Umane requested for a friendly amendment that any appeals be subject to the approval of the Board's Executive Committee. Commissioner Umane moved to adopt Commissioner Araujo's motion as amended. President Zaccone seconded the motion, which was unanimously adopted.

President Zaccone adjourned the Hearings and convened the regular stated Meeting of the Commissioners.

Commissioner Michel moved to adopt the May 30, 2019 minutes. Secretary Taylor seconded the motion, with Commissioners Camilo and Townsend abstaining. The motion was adopted.

Commissioner Michel moved to adopt the June 4, 2019 minutes. Commissioner Townsend seconded the motion, with Secretary Taylor abstaining. The motion was adopted.

President Zaccone reported that a member of the public requested to speak about cyber security issues with Robis prior to the selection of an Electronic Poll Book vendor for Early Voting. There was a consensus among the Commissioners to allow public comment.

President Zaccone recognized the following speaker for public comment:

1. Lulu Friesdat.

Mr. Suss presented a report on the selection of an Electronic Poll Book vendor for Early Voting. Copies of the E-Poll Book Procurement Report were previously circulated last week to the Commissioners for review. Mr. Suss provided a brief synopsis of the report. This was a

special procurement case pursuant to the City's Procurement Policy Board (PPB) Rules which allowed the Board to evaluate the product by best interest of the City and agency. Board staff members served on three Committees for User Experience (50% - ADA, Ease of Use, Training), Technology (35% - Equipment, Functionality, Security), and Feasibility (15% - Company Experience, Company Size & Capacity, Pricing). The Committees reviewed written materials and State Board, OGS and City Board questionnaires for each potential vendor. The Technology and User Experience Committees met with each potential vendor for a detailed demonstration of their system. The Committees met independently to discuss methodology to evaluate each vendor and each member voted independently. The scores from each Committee were assigned a weight in relation to the importance of the criteria as to the final determination. Each Committee member independently scored each vendor and the tallies were completed by the Procurement Department. The vendor with the highest overall score was KNOWINK. Three out of the five potential vendors reviewed by the City Board were authorized by the State Board. KNOWINK was authorized by the State Board. The Committees and Executive Management recommended selecting KNOWINK for an Electronic Poll Book system based on the overall scoring. Based on the staff's recommendation and report, Commissioner Araujo moved to select

KNOWINK for Electronic Poll Books for Early Voting. Commissioner Townsend seconded the motion. Before vote was taken by the full Board, there was further discussion. In response to Commissioner Umane's question, Mr. Suss reported that KNOWINK's maintenance fee includes the licensing fee. Commissioner Shamoun reported that Commissioner Flateau could not be present at today's meeting, but he discussed this selection with senior staff and is in concurrence with KNOWINK. Commissioner Umane urged staff to negotiate the best price under the City's PPB guidelines and noted that the Commissioners can revisit the second or third vendor, if necessary. Based on the staff's recommendation and report, Commissioner Araujo moved to approve a contract with KNOWINK for Electronic Poll Books for Early Voting. Commissioner Townsend seconded the motion, with Commissioner Michel opposing. The motion was adopted. Mr. Suss recommended for the approval of a "not to exceed" number of E-Poll Book units to be purchased. He noted that the basis of the analysis is in the Procurement Report. The operational plan for deployment of E-Poll Books has not been finalized; however, the needs are not expected to exceed 10,000. Mr. Suss reported that in the event that more than 10,000 units are required, an additional request to the Commissioner will be submitted. The calculation for this number is as follows:

- Election Day
 - 5,400 units (1 for each ED);
 - 1,260 units (1 spare for each poll site);
- Training
 - 1,000 units (200 per borough);
- Early Voting
 - 2,300 units available for allocation.

Based on the report, President Zaccone moved to approve 10,000 Electronic Poll Book units. Commissioner Shamoun seconded the motion, which was unanimously adopted.

President Zaccone noted that the Board has the opportunity to revisit the second and third E-Poll Book vendors if there are difficulties with KNOWINK, and recommended to carefully examine the cyber security allegations of Robis if the Board chooses to explore. Mr. Ryan reported that staff will seek further instruction from the Commissioners if they explore the second or third vendors on the list.

Ms. Leible reported on Poll Worker Exceptions for Brooklyn, Queens, Staten Island, and Manhattan for the June 25, 2019 Primary Election. Copies of the Poll Worker Exceptions Report were distributed for review.

Ms. Leible reported that each borough's exceptions were previously approved by the respective Borough Committee. The boroughs' exceptions follow:

- Brooklyn – Total of 56;
- Queens – Requested to keep open until next week;
- Staten Island – Total of 20;
- Manhattan – No exceptions; subject to change.

Commissioner Shamoun moved to adopt the Poll Worker Exceptions for Brooklyn, Queens, Staten Island, and Manhattan for the June 25, 2019 Primary Election. President Zaccone seconded the motion, which was unanimously adopted.

President Zaccone requested for an update on the Board's letter to the New York State Senate Committee concerning the automatic voter registration bill. Mr. Ryan reported that he has been in communication with the Senate Committee and did not meet the deadline to submit a letter for their Hearing. The draft letter will be shared with the Senate Committee prior to their formal consideration for legislation. President Zaccone reminded to include the potential difficulties for the Board if the automatic voter registration bill is passed in its present form.

For information purposes, Mr. Ryan reported that he previously forwarded Mr. Richman's email concerning rank choice voting to the Commissioners. There is a press conference tomorrow and it seems that rank choice voting for all Citywide Offices is gaining traction. Mr. Ryan recalled that he has testified at the City Charter Revision Hearing and City Council Hearing about rank choice voting and reiterated that the present version of the firmware that operates the Board's DS-200 Scanners does not support rank choice voting. The City Board does not have the authority to make any modifications to the firmware in order to support rank choice voting. Any modifications to support rank choice voting would have to be made by the vendor through the State Board's change process, and then be ultimately approved by the State Board. If no modifications are made to the firmware, an algorithm would have to be developed in consultation with the vendor and be manually applied to the scanners' vote results based on the ground rules set by rank choice voting. Results would not be available on election night for City Office contests. It was also noted that the likelihood of multiple page ballots would increase exponentially. Mr. Ryan advised that the Board has to be prepared for implementation if rank choice voting passes.

President Zaccone requested for a follow-up report at next week's meeting concerning a proposed poll worker bonus to encourage people to work during the Early Voting period.

President Zaccone requested for a follow-up report on proposed poll site compensation for the Early Voting period. Mr. Ryan reported that staff is currently working on proposed poll site compensation. Commissioner Umame requested for the Board to get access to experienced DCAS real estate brokers for each borough to make a better determination for compensation.

It was noted that Commissioner Siano left the meeting.

President Zaccone requested for a follow-up on the New York City Campaign Finance Board's (CFB) voter registration portal. He recalled that CFB provided a public presentation at last week's meeting and the Commissioners made various suggestions to their online portal. Ms. Melillo, the Deputy Director of Public Affairs at CFB, confirmed that she forwarded the Commissioners' recommendations to their portal's vendor to make changes. The CFB's registration portal is scheduled to go live on Monday, June 17, 2019. Mr. Richman noted that there is still a question,

given the absence of clear guidance from the State Board, of how the City Board should process CFB's voter registration forms which does not have wet signatures. There is a conflict between State Law and Local Law. After discussion, Secretary Taylor moved to accept CFB's voter registration documents that will be delivered to the Board, and when there is not a wet signature, for Board staff to send the individual the standard "Missing Signature" letter (which will be updated with a clear modification of the language), and when the individual sends back their wet signature, they will be registered in the system. President Zaccone seconded the motion, with Commissioner Shamoun abstaining. The motion was adopted. Commissioner Shamoun noted that he abstained because he would like to conduct further research on this matter. It was noted that if the individual does not respond to the Board's letter and they vote by affidavit ballot, their wet signature can be captured and applied in the system for the next election.

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

Following Executive Session, the open public meeting resumed. President Zaccone reported that they discussed an attorney-client privilege matter and no formal action was taken at this time.

President Zaccone recognized the following speaker for public comment:

1. Rosemarie Hameed

The next stated meeting of the Commissioners will be held on Tuesday, June 18, 2019 at 1:30 P.M.

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