

Approved # 3383

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 13, 2019 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President John Wm. Zacccone
Secretary Patricia Anne Taylor

Commissioners Miguelina Camilo, John Flateau, Simon Shamoun,
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
Sherwin Suss, Agency Chief Contract Officer, Procurement
Steven Thompson, Manager, Poll Site Device/Tablet Unit
Steven Guglielmi, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Jan Combopiano, Brooklyn Voters Alliance
Kate Doran, LWV
Wendy Byrne, LWV
Alexis Mojica

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

President Zaccione recommended tabling the minutes for the July 26, 2019, July 29, 2019 and July 30, 2019 meetings due to an insufficient amount of Commissioners to vote on them. There was a consensus among the Commissioners to table these minutes for one (1) week.

Secretary Taylor moved to adopt the August 6, 2019 minutes. Commissioner Townsend seconded the motion, which was unanimously adopted.

Mr. Suss and Mr. Thompson provided updates on Cradlepoint devices. Cradlepoints are Wi-Fi devices with the highest connectivity bandwidth and will be utilized in each poll site during the Early Voting period and for poll worker training. There will be one (1) Cradlepoint device per Election District. This wireless network will allow for constant updates on the voter files, and Verizon and AT&T will work simultaneously to ensure there is no disconnection. Mr. Thompson reported that Verizon is currently building a Cradlepoint component box which contains an eight (8) hour battery, antennas and a modem. The Board will also provide additional back up batteries. Poll workers will only have to plug in the box to set it up in the poll site. Mr. Thompson confirmed that Cradlepoint devices are safe

with cyber security; NYC Department of Information Technology & Telecommunications' (DOITT) City Cyber Division, Verizon, AT&T, and Cradlepoint will ensure the Board's network is secure. Mr. Ryan noted that he communicates regularly with City Cyber. President Zaccone requested to schedule a meeting with the Commissioners, City Cyber Division and Executive Management in Executive Session.

Mr. Suss reported that he is currently working on obtaining the best price quote with NYC DOITT's Master Service Agreement on Cradlepoint devices. The ceiling price for the equipment is \$3,335,682.00 and labor is \$737,730.00 which is a total cost of \$4,073,412.00. Board staff is planning on ordering a total of 1,400 Cradlepoint devices with the necessary components. Mr. Thompson confirmed that there are enough devices should the Board expand the Early Voting sites next year. The Board will receive the newest model of Cradlepoint which is certified by the City, Verizon and AT&T. Mr. Ryan reported that funds are available to purchase the devices due to the early Fiscal Year; however, the Board may have to request New Needs in December. Mr. Suss reported that he is currently negotiating the additional costs, warranty and service agreement pricing with DOITT and will report back to the Commissioners.

Commissioner Umane moved to adopt the proposed Cradlepoint plan. President Zacccone seconded the motion, which was unanimously adopted.

Mr. Ryan provided Early Voting updates. The information is as follows:

- The General Office staff worked closely with Borough Office staff and KnowInk staff to update the Poll Worker Training Manual to incorporate the Poll Pad process, and to customize the device to comply with New York State Election Law;
- Lead Trainers and Adjunct Trainers have been trained to date. Training focused on Poll Pads;
- Basic Poll Worker Training started on August 5, 2019. A total of 2,493 poll workers have been trained to date out of 4,093 poll workers who are assigned to work which is a 57% attendance rate;
- Board staff is expected to complete Early Voting training materials by the end of August;
- Early Voting Poll Worker Training will begin on September 16, 2019;

- A total of 2,500 Poll Pads were received for Early Voting training purposes. There will be a 1-on-1 ratio for hands on training;
- The Board started receiving Charging Carts and lockable Security Carts for Poll Pads for training sites. An operational decision was made to make sure all carts and cases were delivered to the training sites so the poll workers can get familiar with the equipment;
- The Board will start accepting delivery of additional Poll Pads and Ballot on Demand Systems (BOD's) at the end of August;
- The Poll Pad staging area is at the 4112 Second Avenue warehouse in Brooklyn due to the inability to deliver them to the General Office because large semi-tractor trailers cannot fit down the block. The warehouse staff conducts inventory and then delivers them to the General Office;
- Commissioner Flateau inquired about the Board's Poll Worker Recruitment Plan. Ms. Vazquez reported that the Early Voting Poll Worker Recruitment Plan was launched on July 15, 2019 and the Board has received a total of 1,500 applications online to date. Approximately 3,000 poll workers are needed for Early Voting. General Office staff and KnowInk technicians will be

staffing the sites as well. A dedicated mailer will be sent after Labor Day to the existing pool of 36,000 poll workers to self-select dates they would be available to work for Early Voting. An application on SurveyMonkey.com to select dates to work for Early Voting is currently being developed. The existing Board's website ElectionDayWorker.com will be modified in the future for Early Voting;

- Commissioner Umane inquired if the Board has considered or established payment for poll workers who attend Early Voting training class as an incentive. Executive Management reported that they will look into this item and report back to the Commissioners;
- In response to President Zacccone, Mr. Ryan confirmed that Ballot Marking Devices (BMD's) will be available at Early Voting sites. All accessibility requirements will be implemented at Early Voting sites;
- President Zacccone inquired about the ES&S equipment purchases. Mr. Ryan reported that additional BMD's and DS-200 Scanners had to be purchased. These are the same current models because the new models are currently not available for the Board. The BMD's and DS-200 Scanners are

on the NYS OGS contract and the NYC Comptroller had some questions before signing off on it. The Board responded and is waiting for a response which is due back to the Board on August 19th. Mr. Ryan reported that the vendors ensured the Board that this is not an impediment and the equipment will arrive on time.

Commissioner Flateau inquired about the City Charter Commission questions and ballot layout for the General Election. Mr. Ryan reported that the preliminary ballot layout has begun and will be finalized after September 3, 2019 in accordance with the law. The two (2) newly established parties, SAM Party and Libertarian Party, operate differently under organizational rules and the Board has to wait until September 3, 2019 for them to conduct their candidate filing requirements.

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

Following Executive Session, the open public meeting resumed. The following actions were taken by the unanimous decision of the Commissioners:

- I. To assist with the implementation of Early Voting, each Borough has been approved to have two (2) positions to assist the Chief Clerks and Deputy Chief Clerks. These will be original jurisdiction positions and Executive Management will advise of the appropriate payroll title moving forward. For the Voting Machine Technicians Unit, the Board will hire a total of 120 Voting Machine Technicians citywide to implement Early Voting, effective Sunday, August 18, 2019. President Zaccione moved to ratify the Commissioners' actions that were taken in Executive Session. Commissioner Umane second the motion, which was unanimously adopted;
- II. Mark Genetti, a Voting Machine Technician, was granted 32 hours of an Advance of Time. This grant is effective August 12, 2019. Mr. Genetti's agency start date is October 16, 2013;

III. The Commissioners ratified the Stipulation of Settlement signed by Kevin Dixon on August 8, 2019. Mr. Dixon holds the title of Administrative Assistant.

President Zaccione recognized the following speaker for public comment:

1. Jan Combopiano.

Commissioner Umane requested to add a Freedom of Information Law (FOIL) matter to the agenda. Mr. Savino recalled that there was a FOIL Request filed by the New York Civil Liberties Union (NYCLU) in May 2019. At the time, the Board anticipated compiling and reviewing all the records they requested within sixty (60) days. However, due to the June 25, 2019 Primary Election handcounts in Queens, Manhattan and Staten Island and litigation on two of those matters, the Board could not provide the information within sixty (60) days. The NYCLU filed an appeal to the Board. Mr. Savino reported that the Board will provide the documents they are legally entitled to, however, staff has to review and search all email communications to ensure that they are not privileged and are relevant to their request. It is a very voluminous request concerning

Early Voting sites. Mr. Savino reported that he recently requested for NYCLU to narrow the scope by providing suggested search terms which would speed up the turnaround time. Mr. Savino reported that the Board has to respond to NYCLU within ten (10) days which is Monday, August 19, 2019 and as the Board's Records Access Appeals Officer requested guidance in this matter. Commissioner Flateau inquired if there are some items that can be submitted to NYCLU as the request is being processed. Mr. Savino reported that public Commissioners' Meeting Minutes, Agendas and Commissioners' Meeting video links concerning Early Voting sites have been compiled and can be provided to them as soon as possible. With no quorum present, President Zacccone moved that the Executive Committee consider the FOIL Appeal, direct Board staff to provide any available documents that are not subject to privilege or exclusions immediately, and to conduct a search for the other documents as soon as practical, to be completed and transmitted no more than ninety (90) days, or to go back to the Commissioners with an explanation why, and transmit in writing a copy of this determination to NYCLU as well as the NYS Committee on Open Government, which is subject to ratification by the full Board of Commissioners. Secretary Taylor seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, August 20, 2019 at 1:30 P.M.

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