

MEETING OF THE
COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, APRIL 17, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, EVS CONFERENCE ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
Secretary Frederic M. Umane

Commissioners Barrera, Dent, Polanco, Schacher, Sipp, Soumas, Stupp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Raphael Savino, Director, Campaign Finance Reporting Enforcement
Dorothy Delayo, Director, Personnel
Rachel Knipel, Coordinator, Language Assistance Program
Steven Ferguson, Manager, Management Information Systems
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Charles S. Webb, III, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, Women's City Club
Monica Bartley, CIDNY
Stewart Armstrong, Campaign Finance Board
Kate Doran, LWV
Cathy Gray
John D. Smith
Stella Ma, AALDEF
Chi-Sen Tran, AALDEF
Glen Manpatay, AALDEF
A.B. Britton, Kings GOP
Mariana Blume
Alan Flacks, Member of NY Democratic County Committee

President Guastella called the meeting to order at 1:35 P.M.

Commissioner Soumas moved to table the minutes of the April 3, 2012 and April 10, 2012 meetings. Commissioner Sipp seconded the motion, which was unanimously adopted.

Commissioner Polanco requested to discuss a Bronx personnel matter in Executive Session.

Commissioner Soumas requested to discuss a Manhattan personnel matter in Executive Session.

Mr. Richman requested to discuss an additional item concerning Cover Sheet Review in public session.

Mr. Richman reported on the City Board's 2012 State Government and Information Day in Albany, NY. A copy of his memorandum is in the agenda. Mr. Richman stated that given the unique electoral calendar for year 2012, the traditional dates of late April or early May would not work.

He requested for the Commissioners to authorize and direct him to begin discussions with the appropriate Chairs and their staff members to schedule the City Board's Day for Tuesday, May 22, 2012 as the preferred date. Commissioner Sipp moved to approve Mr. Richman's request. Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Richman reported that last night was the deadline to file petitions for the June 26, 2012 Federal Primary Election and there appears to be defects on various cover sheets. He requested for the President and Secretary to designate a Cover Sheet Review Committee meeting to be held after the Commissioners' meeting. Mr. Richman noted that Secretary Umame has not joined the meeting yet, so Commissioner Schacher, the senior Republican, will assist in designating a Committee. President Guastella and Commissioner Schacher designated Commissioner Soumas and Secretary Umame as the Cover Sheet Review Committee.

Mr. Johnson reported on the petitions that were filed at the Board for the June 26, 2012 Federal Primary. He distributed copies of his report to the Commissioners. (See attachment.)

Mr. Ferguson presented an update on the Election District Redistricting project. He stated that the process is moving extremely well. The base redistricting is complete for all boroughs. Mr. Ferguson reported that there are ten (10) "super" blocks, areas that exceed the statutory maximum of 1,150 voters. Those areas have to be physically surveyed and split. There are five (5) in Manhattan, three (3) in Brooklyn, one (1) in Queens and one (1) in the Bronx. The geography does not accommodate the voters. Mr. Richman stated that there are multiple high-rise buildings on those "super" blocks. Mr. Ferguson stated that there are some ED's that exceed 1,150 by five (5) to ten (10) voters. Mr. Richman added that the Board is not required to create a new ED unless there are more than 1,200 voters. Mr. Ferguson reported that staff started printing the new maps for the Borough Office Chief Clerks and Deputy Chief Clerks for political review.

Secretary Umame joined the meeting.

Mr. Ferguson requested for the Commissioners to review the new maps and to approve them at the next meeting so the file can be sent to NYC Department of City Planning (DCP) to move forward with the project.

Mr. Ferguson reported that the Borough Offices need to start working on poll site modifications by June 1, 2012 so they will be ready for the 2012 September Primary. He noted that when the Board gets the file back from the DCP the Board will have to realign the entire voter file. Mr. Ferguson reported that 6,307 ED's citywide were reduced to 5,276 ED's. The 5 borough breakdown of the reduction of ED's follows:

- Queens - From 1,561 to 1,248
- Manhattan - From 1,290 to 1,159
- Bronx - From 1,014 to 914
- Brooklyn - From 2,081 to 1,681
- Staten Island - From 361 to 274

Mr. Ferguson stated that there might be some adjustments to these ED figures. He stated that the ED Redistricting Project moved quickly due to the great assistance of Caliper Corporation, MIS Staff and Borough Office Staff. The Commissioners thanked Mr. Ferguson.

Mr. Ferguson reported that the ballots are posted on the Board's website for the April 24, 2012 Presidential Primary.

Ms. Perkins requested for the Commissioners to consider meeting next Thursday instead of Tuesday due to the April 24, 2012 Primary Election. Mr. Richman stated that the ED Redistricting Plan and the five (5) boroughs 2012 Poll Site Designation Reports have to be approved. Secretary Umame moved to schedule the next Commissioners' Meeting on Thursday, April 26, 2012 at 1:30pm and if there are not enough Commissioners present then they should proceed as a Commissioners Committee, consisting of equal Republicans and Democrats, to act on behalf of the Board on those matters. Commissioner Sipp seconded the motion, with Commissioner Schacher opposing. The motion was adopted. Commissioner Schacher stated that she cannot attend the next meeting. Mr. Richman requested for the Commissioners to review both items with their Borough Office Chief Clerk and Deputy Chief Clerk before the next meeting.

Ms. Knipel stated that Board Staff presently anticipates taking the following actions to provide language assistance to limited English proficient voters who speak a designated Asian-Indian language for the June 26, 2012 Federal Primary Election. She distributed copies of the draft interim plan to the Commissioners. Ms. Knipel stated that various Board

Managers, NYC Law Department Staff, and several Community Groups developed this interim plan together. She stated that staff would work towards implementing as many of the elements of this interim plan as possible within the limited time before the June election. Ms. Knipel stated that it is important to note that many elements of the interim plan are dependent upon factors outside of the Board's control. The plan depends upon the availability of necessary funding from the Office of Management and Budget (OMB). Many elements depend upon the staff's ability to recruit Bengali and Hindi/Punjabi full-time translators and other Election Day poll site interpreters for the first time. Ms. Knipel stated that targeting and other elements of the plan are constrained by the fact that the poll site boundaries have been necessarily delayed by the late legislative determination of district lines. Ms. Knipel requested approval of the interim plan for the provision of language assistance to designated Asian-Indian languages for the June 26, 2012 Federal Primary Election. Ms. Knipel summarized the tasks of a Translator/Interpreter with Bengali language skills and a Phone Bank Clerk with Hindi/Punjabi language skills for the Board's various departments. Mr. Richman reiterated that this is an interim plan. Secretary Umame asked if the NYC Law Department Staff signed-off on this interim plan. Ms. Knipel replied yes. Ms. Knipel added that there is

a workstream consisting of five (5) community groups that helped create the interim plan. Secretary Umane asked if the community groups fully understand the Board's interim plan. Ms. Knipel confirmed that the groups have been actively working with the Board on this plan and that they also assisted with the designation of the Asian-Indian languages. Commissioner Dent asked Ms. Knipel and Ms. Sandow if they reached out to the local community boards. Ms. Knipel stated that the Board plans on contacting those boards during recruitment. Secretary Umane moved to adopt the interim plan for the June 26, 2012 Federal Primary Election. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Sattie presented sample "mock" ballots in five (5) languages on a 1-page and 2-page ballot. Commissioner Stupp asked Mr. Sattie to produce sample "mock" ballots after last week's meeting when Bengali was approved to be the designated written Asian-Indian language. Mr. Sattie noted that he added English as the 5th language on the sample ballot because the Board does not have Bengali language characters yet. Mr. Sattie stated that the font size is 5 point and last year the font size was 6 point. Commissioner Dent stated that she and her fellow Commissioners

always had a concern that the font size is too small on the ballot. She stated that it's the Board's job to make sure that the voters can read the ballots. Commissioner Dent stated that the font size on the 2-page ballot is larger. Mr. Sattie stated that the font size is 9 point. Commissioner Dent stated that the Board has to create a ballot that the 4.6 million voters can read. She strongly reiterated that the Commissioners do not want these ballots with the smaller font size. She stated that the sample "mock" ballots were produced to show how small the font would appear with the additional language. Commissioner Stupp agreed with Commissioner Dent. She does not want to see any voter try to read these ballots with a small font size. Commissioner Stupp stated that her second request was for Mr. Sattie to check the overlap in the pocket squares in Queens County. Mr. Richman stated that all ballots and font sizes have to be uniform citywide. Commissioner Soumas stated that the Commissioners do not object to adding languages on the ballot, but they object the statutory scheme that gives the Board a single-face ballot with 5 point type. Commissioner Polanco inquired if the Commissioners could unilaterally make a decision to choose a 10 point font size and to use a 2-page ballot system. Mr. Richman stated yes, but the ballot and font size has to be uniform citywide. Commissioner Soumas asked if it would be subject to

preclearance. Mr. Richman stated that he will research his inquiry. Commissioner Stupp asked when staff would know if there is an overlap of five (5) languages on the ballot in Queens County. Mr. Richman explained that if the ED boundaries are approved by the Commissioners and the DCP is able to reconfigure the entire voter list, then the Board can then go through the process of identifying which poll sites will have the targeting formula for language assistance. The report could be produced by July, the latest. Secretary Umane suggested for Mr. Sattie to research the cost estimates of a 2-page ballot system citywide, the amount of time to conduct tests of the ballot, and the amount of staff to do that task. He noted that the Board has never implemented a 2-page ballot in the past. Secretary Umane suggested for the Board to do a press release once staff has all of the applicable information to discuss the concerns and choices that the Board is researching. Commissioner Schacher stated that she cannot read the font on the 1-page ballot. She stated that the Board has to implement a 2-page ballot. Secretary Umane agreed that the font is too small on a 1-page ballot and is concerned about the tremendous printing costs of a 2-page ballot. Commissioner Polanco asked Mr. Sattie to work with Mr. Ward on the cost estimates for a 2-page ballot. Mr. Sattie stated that he will have the cost estimates for the next meeting. Secretary Umane

asked Mr. Sattie to work with the EDO Department as well to discuss the testing of a 2-page ballot. Commissioner Stupp inquired about the cost of the current ballots. Mr. Sattie stated that a 14" ballot costs 52 cents per page, and 17" and 19" ballots cost 65 cents per page.

President Guastella recognized Cathy Gray, a member of the public, who asked that if the font size is chosen to be larger and the ballot is in five (5) languages for Queens County only, if the ballot will be 2-pages for citywide, or 1-page ballot if it all fits. Mr. Richman stated that it would depend on the specific contests and number of candidates for that election. He stated that the Board would have to research the scenarios before they chose a font size.

Ms. Fossella presented the draft letter to the State Board regarding Bengali voter registration forms and absentee ballot applications. She stated that according to the Voting Rights Act of 1965, the State Board is to provide information concerning voter registration and the absentee ballot application in the languages that are designated. Ms. Fossella stated that her draft letter requests the State Board to provide a Bengali voter registration form and an absentee ballot application for the City Board.

Commissioner Sipp moved to authorize Ms. Fossella to send the letter to the State Board. Commissioner Dent seconded the motion. Before a vote, Commissioner Barrera requested for a friendly amendment to revise the letter by inserting a "RE:" line concerning the matter. Commissioner Sipp moved to authorize Ms. Fossella to send the letter to the State Board as amended. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Ward presented the Comparative Expenditures Report dated April 17, 2012. A copy of the report is in the agenda.

Ms. Perkins requested approval for John Naudus, the Manager of the EVS Department, to meet with the ES&S technical staff for an End to End Review of ES&S product upgrade at the Corporate Office in Omaha, NE on May 21, 2012 through May 25, 2012. Ms. Perkins stated that Mr. Naudus would get a hands-on experience on the products and would meet with other county boards as well. Secretary Umane asked if the City Board can afford to have Mr. Naudus out of the office during those dates. He also asked if ES&S is paying for his flight and accommodations because it seems like a sales and marketing event for ES&S. Mr. Richman stated that

a contract vendor cannot provide any service, gratuity or gifts to the City Board. Secretary Umame stated that he noticed there is a new machine indicated in ES&S's letter. Commissioner Schacher asked if ES&S can come to the Board's Executive Office instead.

President Guastella recognized Charles Laramy, a representative from ES&S, who stated that the new machine is the DS850 which is a central count machine that is already released. He stated that the DS850 will be certified by the New York State Board with the next firmware release this year. Mr. Richman stated that the existing TeamWork system will be decertified for absentee and affidavit ballots. The new central count system allows scannable paper ballots for absentee and affidavit ballots. Commissioner Soumas requested for ES&S to come to the City Board instead. Mr. Laramy stated that there will be several ES&S experts at the End to End Review in Omaha. Commissioner Soumas stated that the City Board is entirely different than other county boards. Commissioner Polanco asked if another EVS staff member can attend the End to End Review in Omaha instead of Mr. Naudus. He stated that it is important to have a City Board representative at the Review. Ms. Sandow stated that she will look into that request with Mr. Naudus.

Commissioner Sipp moved to convene an Executive Session to discuss personnel and litigation matters. Commissioner Polanco seconded the motion, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and President Guastella reported on the actions that were taken in Executive Session.:

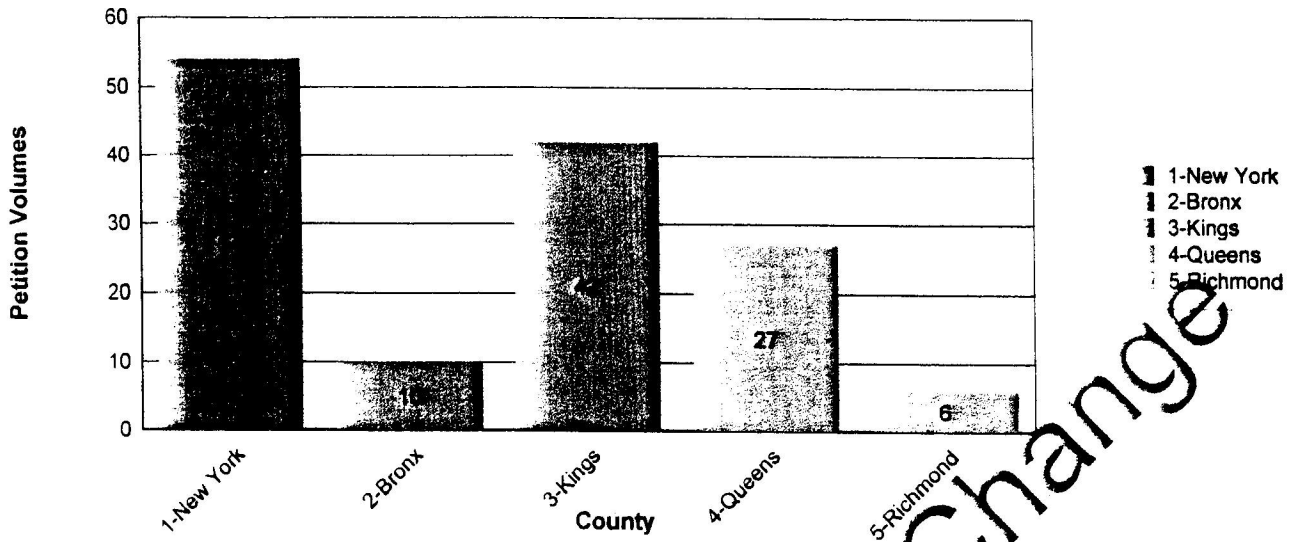
- I. The Commissioners unanimously approved the Committee Report to demote Parnell Sena, an Administrative Assistant in the Manhattan Office, to the title of Clerk with an annual salary of \$27,927 and to be placed on one (1) year probation;
- II. The Commissioners unanimously approved the Committee Report to demote William Griffin, an Administrative Assistant in the Bronx Office, to the title of Voting Machine Technician with an annual salary of \$30,088 and to be placed on one (1) year probation;
- III. The Commissioners unanimously approved to move Michael Spirito, a Temporary Clerk in the Bronx Office, to the position of Clerk with an annual salary of \$29,323.
- IV. The Commissioners unanimously approved the appointment of

Joel Bermejo and Giacomo Kmet as temporary Financial Clerks
in the Executive Office at a rate of \$17.07 per hour.

Commissioner Schacher moved to adjourn the meeting.
Commissioner Dent seconded the motion, which was unanimously
adopted.

The next stated meeting of the Commissioners is scheduled for
Thursday, April 26, 2012 at 1:30 P.M.

Count of Petition Volumes Filed by County



BOARD OF ELECTIONS
IN THE CITY OF NEW YORK
PRINTED AS OF:
4/17/2012 9:00:56AM

Petition Volumes Filed Report
Federal Primary - 06/26/2012

TENTATIVE
SUBJECT TO CHANGE



1-New York

Democratic

12	31	32	33	46	67	68	69
79	80	81	82	83	100	101	102
103	104	105	106	119	120	144	145
146	147	148	149	150	151	152	153
154	155	156	157	158	159	160	

Total for Democratic: 39

Republican

47	48	49	50	51	52	54	57
59	61	161					

Total for Republican: 11



1-New York

Working Families

109 111 112

Total for Working Families: 3

Independence

62

Total for Independence: 1

Total for 1-New York: 54

Tentative Subject To Change



2-Bronx

Democratic

23 95 155

Total for Democratic: 3

Republican

13 14 15

Total for Republican: 3

Conservative

112 113

Total for Conservative: 2

Working Families

143

Total for Working Families: 1

Green

139

Total for Green: 1

Total for 2-Bronx: 10

Tentative Subject To Change



3-Kings

Democratic

25	26	27	28	34	37	41	42
43	44	45	46	47	52	53	54
55	56	60	61	62	72	73	75
76	77	109					

Total for Democratic: 27

Republican

88	110	111					
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Total for Republican: 3

Conservative

19	20	22	23	24			
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Total for Conservative: 5

Working Families

91	94	99					
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Total for Working Families: 3

Independence

89							
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Total for Independence: 1

Tentative Subject To Change



3-Kings

Green

87 100 101

Total for Green: 3

Total for 3-Kings: 42

Tentative Subject To Change



4-Queens

Democratic

60	70	79	80	90	98	99	106
107	162	172	173				

Total for Democratic: 12

Republican

119	120	121	122	123	124	170
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Total for Republican: 7

Conservative

163	164
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Total for Conservative: 2

Working Families

136	137
-----	-----

Total for Working Families: 2

Independence

138	165	166
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Total for Independence: 3

Tentative Subject To Change



4-Queens

Green

129

Total for Green: 1

Total for 4-Queens: 27

Tentative Subject To Change



5-Richmond

Democratic

19 20

Total for Democratic: 2

Republican

25 26

Total for Republican: 2

Working Families

51

Total for Working Families: 1

Independence

45

Total for Independence: 1

Total for 5-Richmond: 6

Tentative Subject To Change



Total for Federal Primary - 06/26/2012: 139

Tentative Subject To Change