

HEARINGS ON DESIGNATING PETITIONS AND
OPPORTUNITY TO BALLOT PETITIONS FOR THE
SEPTEMBER 10, 2013 PRIMARY ELECTION
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 6, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umame
 Secretary Gregory C. Soumas

Commissioners Jose Araujo, Naomi Barrera, Julie Dent, Maria Guastella,
Michael Michel, Michael Rendino, Simon Shamoun, J.P. Sipp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
John Ward, Finance Officer
Valerie Vazquez, Director, Communications & Public Affairs
John Naudus, Manager, Electronic Voting Systems
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballot Management/CRU
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Giacomo Kmet, Contract Attorney, Office of the General Counsel
Anibal Luque, Contract Attorney, Office of the General Counsel
Alan Quigley, Law Student Intern, Office of the General Counsel
Matthew Bobrow, Law Student Intern, Office of the General Counsel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Anna-Maria L. Thomas
 Max Savinsky
 Kate Doran, LWV

John D. Smith
Bob Conroy
Greg Esposito
Monica Bartley, CIDNY
J. Melendez, NY Daily News
K. Loving, CFB
B. Kearney, DOI
Sara Brenko, for Council Member Gale A. Brewer
Celest Katz
Artyov Matosov, City Council
David Seitzer, City Council
Catherine Gray
Chris Oldeburg
Israel Martinez
A.B. Britton, KLC GOP USA
Michael Benjamin
Alan Flacks, Member of NY County Democratic Committee

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

Commissioner Guastella requested to add an item to the agenda.

Commissioner Guastella moved to appoint Michael Ryan as the Board's Executive Director. Commissioner Sipp seconded the motion. In a roll call vote, there were six (6) in favor (Guastella, Michel, Rendino, Shamoun, Sipp, Umane) and three (3) opposing (Araujo, Barrera, Dent). The motion was adopted.

President Umame announced that the Commissioners would conduct the Hearings on Designating Petition matters and Opportunity to Ballot Petition matters for the September 10, 2013 Primary Election, and stated the procedures to be followed during the Hearings.

President Umame called upon Mr. Richman to call the calendar for the Hearings. Mr. Richman reported that in accordance with the Commissioners' direction, notice was given to all interested and necessary parties concerning the Public Hearings to consider the Board's staff preliminary findings of Prima Facie Defects, Candidate Enrollment Issues, as well as Specifications of Objections, and other concerns relating to the September 10, 2013 Primary Election.

Mr. Richman called for the Hearings on Designating Petition matters.

Mr. Johnson presented the supplemental CRU Prima Facie Report for Bronx County, Kings County, New York County and Queens County. There were no appearances. Mr. Johnson reported that he received an email today concerning three (3) Candidate Enrollment Issues. Two (2) of the issues were resolved prior to the meeting. The third issue involves

candidate “Brain” Jordan whose name appears to be misspelled on his petition. President Umane recommended postponing this matter for one (1) week and to send the candidate a notice concerning the typographical error. Commissioner Barrera moved to adopt the CRU Prima Facie Report with the exception of candidate “Brain”/Brian Jordan. Commissioner Michel seconded the motion, which was unanimously adopted.

Secretary Soumas joined the meeting.

Mr. Richman recalled a matter concerning candidate Connis Mobley, Kings County. The Commissioners previously determined that the two (2) Petition Volumes that were not timely cured were to be excluded for consideration. At the Hearings, it was discovered that a third Volume also had a petition page numbering defect. The Board gave notice to the candidate on that date to cure the Volume and the attempted cure was filed within the three (3) days rule. The cure letter was slid under the binder clip attached to the Volume when it was submitted to the Board. Since there was not a Commissioners’ Petition and Cover Sheet Review Committee since the cure was filed, Mr. Richman asked for the full Board’s determination. President Umane stated that the cure letter was submitted

at the same time with the Petition Volume which could be identified as a whole set. President Umane moved to deem it a valid cure. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Richman called for the Second Call Hearings on Specification of Objections for Kings County. The Brooklyn Office Chiefs presented the Amended Clerk's Report for Specification No. 38. There was an appearance by a candidate and/or their representative which is noted on the Amended Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

Mr. Richman called for the Hearings on Opportunity to Ballot (OTB) matters.

Mr. Sattie presented the CRU Prima Facie Report for Queens County. He reported that the OTB petition for candidate Peter F. Vallone Jr. lacked a sufficient number of signatures on its face as well which was inadvertently omitted from the CRU Report. There were no appearances. Commissioner Araujo moved to adopt the CRU Prima Facie report as amended. Commissioner Michel seconded the motion, which was

unanimously adopted.

Mr. Richman called the Specifications of Objections for Bronx County. There was an appearance by a candidate and/or their representative which is noted on the Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

President Umane opened the floor for comments and/or questions from John D. Smith and Israel Martinez, members of the public.

President Umane adjourned the Hearings and convened the regular stated meeting of the Commissioners.

Commissioner Araujo moved to table the minutes of the July 30, 2013 meeting. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Naudus presented the draft Mechanical Lever Voting Machine Re-Canvass Procedure. This item was tabled at the previous meeting.

It was confirmed that the Office of the General Counsel and Executive Management reviewed and recommend the draft procedure to be adopted by the Commissioners. Commissioner Araujo moved to adopt the Mechanical Lever Voting Machine Re-Canvass Procedure. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Sattie presented the ballot layout for the 2013 Primary and Run-off Elections for the lever voting machines. Copies of the ballot layout were distributed to the Commissioners. Mr. Sattie confirmed that the ballot layout was designed as per past practice. Commissioner Araujo moved to adopt the ballot layout for the 2013 Primary and Run-off Elections for the lever voting machines. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Luisi requested permission to enter into an Intergovernmental Lease/License from the City of Philadelphia for two (2) Shoup Hole-Punch Machines and a sublease to Bradford & Bigelow (B&B) as a Shoup Ballot Strip provider. Copies of Mr. Luisi's report were distributed to the Commissioners. The Lessor is City of Philadelphia for ninety (90) days at a cost of \$1. The Sublessee is B&B which is a current vendor to the Board.

There are three (3) vendors supplying the Board with ballot strips for the upcoming Primary and potential Run-off Primary Elections. B&B anticipates needing to produce a greater quantity of ballot strips as a result of County Committee contests. President Umane inquired about insurance. Mr. Luisi reported that the City of New York is self-insured and that B&B would assume all obligations of the Board under the lease agreement and agrees to further indemnify the Board from any and all claims by the City of Philadelphia (or any other party) arising out of their use and transport of the equipment. President Umane moved to authorize the Board to enter into an agreement with the terms outlined which is not to exceed \$1. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Ward presented the Comparative Expenditures Report dated August 6, 2013. A copy of the report is in the agenda.

President Umane noted that the Board received letters from two (2) City Council Members requesting short lines on Election Day. Copies of the letters are in the Agenda. President Umane stated that the Board is endeavoring to train the poll workers about that issue.

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

The next stated meeting of the Commissioners will be held on Tuesday, August 13, 2013 at 1:30 P.M.