

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JULY 7, 2015
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Michael Michel
 Secretary Bianka Perez

Commissioners Jose Araujo, Ronald Castorina, John Flateau, Maria R. Guastella, Alan Schulkin, Michael Rendino, Simon Shamoun, 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
Nina M. Crispino, Director, Personnel
Steven Ferguson, Director, Management Information Systems
Beth Fossella, Coordinator, Voter Registration
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Marjorie Shea, League of Women Voters
 Sabrina Oudine, NYDLC
 Emily Forgione, CFB
 Anna-Maria Thomas
 Talia Werber, Citizens Union
 Celeste Katz, NY Daily News
 Alan Flacks, Member of NY County Democratic Committee

President Michel called the meeting to order at 1:55 P.M.

Commissioner Flateau moved to adopt the minutes for the June 23, 2015 meeting. Commissioner Guastella seconded the motion, with Commissioner Araujo abstaining. The motion was adopted. Commissioner Araujo abstained because he was not present at that meeting.

Commissioner Araujo moved to adopt the minutes for the June 30, 2015 meeting. Commissioner Flateau seconded the motion, with Commissioners Castorina, Guastella, Perez, and Rendino abstaining. The motion was adopted. Commissioners Castorina, Guastella, Perez, and Rendino abstained because they were not present at that meeting.

Mr. Ryan requested permission to conduct an analysis of combines of Election Districts (ED's) for the 2015 Primary Election at the conclusion of the Board's Hearings and will report back on the proposed combines. Commissioner Umane noted that there would be cost savings concerning voting machine transportation and delivery, ballots, and poll workers. In addition, this election year is expected to have a low voter turnout. Mr. Ryan reported that these are ED's within the poll site and have less than 100 voters. Commissioner Umane moved to request Executive Management and staff to conduct an analysis of combining ED's within the

poll site for the 2015 Primary Election. Commissioner Castorina seconded the motion, which was unanimously adopted.

Mr. Ryan requested authorization from the Commissioners to reduce the amount of Privacy Booths for the 2015 Primary Election in accordance with the New York State Elections rules and regulations, Section 6210.19, as per past practice. The Board can set the number of Privacy Booths to one (1) privacy booth for every 300 eligible voters in poll sites that have less than 6,000 eligible voters, and one (1) privacy booth for every 350 eligible voters in poll sites that have more than 6,000 eligible voters. Mr. Ryan recalled that in some elections the Board has one (1) privacy booth for every 250 eligible voters. Commissioner Umane moved to reduce the amount of Privacy Booths for the 2015 Primary Election in accordance with New York State Elections rules and regulations. The motion was seconded and unanimously adopted.

Mr. Ryan reported that the Buff Card Project citywide has been completed. The information follows:

- Buff Cards disposed of per borough
 - Queens – 20,076 lbs. in Phase 2.
 - Manhattan – 45,193 lbs.

- Bronx – 39,757 lbs.
- Brooklyn – 6,587 lbs. (All prior buff cards were disposed of in 2014)
- Staten Island – 2,286 lbs. in Phase 1. Executive Management is waiting for the final amount that was disposed of in Phase 2.

Mr. Ryan reported that the Board has been working diligently following the retention process and rules and it has also been streamlined. In addition, 2011 and 2012 ballots were disposed of and totaled 289,834 lbs. Additional space was obtained after the disposal. The information per borough follows:

- 32 Broadway – 320 Sq. Ft.
- Manhattan Office – 1,800 Sq. Ft.
- Manhattan VMF – 2,000 Sq. Ft.
- Staten Island – 750 Sq. Ft.
- Brooklyn – 2,948 Sq. Ft.
- Queens – 650 Sq. Ft.

The total cost savings for the spaces recaptured by the disposal of various documents at the listed facilities is \$160,019 per year. Mr. Ryan noted that the disposals created a much more efficient use of space and allow for a better work environment for the employees. The Board utilized

SHREDability which is a non-profit company that employs people with disadvantages.

Mr. Ryan reported that the General Office staff has been working closely with the Manhattan Office staff concerning the retention process. The Manhattan Voting Machine Facility maintains and organizes historical Board documents such as handwritten Voter Roll Books dating back to the early 1900's. Mr. Ryan contacted the Division of Records and Services (DORIS) and transferred eight (8) volumes of historical Voter Roll Books from 1917 and 1920. Women won the right to vote in New York State in 1917 and then women won the right to vote in America in 1920. These items will be on public display for a "Women in History" exhibit. Mr. Ryan is working with DORIS for a joint formal announcement about the exact specifics and location of the exhibit. All old voter enrollment books and maps will be released to DORIS by July 31st to be archived for long term preservation. In addition, it will allow for more space to be repurposed within the Manhattan Voting Machine Facility.

Commissioner Flateau inquired about the digitization of records. Mr. Ryan reported that most records are digitized and will provide a list of the exact items that are digitized in one (1) week.

Mr. Ryan reported on the Voter Cancellation Process. The total amount of Intent to Cancel (ITC) Letters mailed citywide were 168,197. The total amount of voters cancelled is 157,057. The total amount of National Change of Address (NCOA) Letters that are “Moved Out of the City” are 43,505, and the total amount of “Transfers” are 75,797. Commissioner Flateau inquired about the high amount of voter cancellations in Brooklyn based on the report. Mr. Ferguson reported that Brooklyn had a backlog of canceling. Ms. Sandow noted that there may have been a backlog due to certain election periods when ITC Letters cannot be mailed and Voter History has to be completed. Commissioner Flateau requested for cancellation numbers by Assembly District, if possible, for Brooklyn.

Mr. Ryan reported on the distribution of new Voter Registration Outreach Displays. A sample display was presented. The Commissioners’ Committee on Communications, Voter Registration and Outreach has been working on new Voter Registration Displays. The new displays are smaller in size and there was cost savings associated with the new display. The old display cost \$35 each and the new display is approximately \$21 each. These displays include voter registration forms in all five (5) languages, poll worker applications, and a QR Code for immediate access to the Board’s

website. These displays are planned to be distributed to all 59 Community Boards, all 51 City Council Members, all Borough Offices to use for voter outreach events, and all Front Counters in Board Offices. The Board will replenish these displays throughout the year when needed. Mr. Ryan reported that Public Libraries and U.S. Post Offices are required to have Voter Registration Displays according to the law. Commissioner Umame reminded that a Commissioners' Committee Report needs to be voted on by the full Board and requested to vote on the distribution of Voter Registration Displays. Commissioner Umame noted that he had concerns about distributing the displays in the City Council Member Offices. Commissioner Rendino reported that the Voter Outreach Team in the Bronx has been very proactive and received requests for voter registration displays from their local community boards and local businesses, in addition to their post offices and libraries. He reported that the Commissioners' Committee on Voter Outreach requested for smaller Voter Registration Displays which are easier to display. President Michel noted that he had concerns about distributing the displays in the Community Boards because there are many different languages in each borough. Mr. Ryan reported that the Board has the data for the covered languages in the targeted areas for purposes of ballot ordering and Voter Information Notices, and the Board can follow that pattern for the voter registrations in

the displays. It was noted that the Voter Registration Displays contained all five (5) languages for Public Libraries and U.S. Post Offices per past practice. Commissioner Araujo moved to follow the targeted patterns and use the existing language assistance plan that was previously established to be consistent with the policies and the law. Commissioner Fleteau seconded the motion. Before a vote was taken, Commissioner Castorina requested to amend Commissioner Araujo's motion adding to distribute the Voter Registration Display in five (5) languages in the Public Libraries and U.S. Post Offices citywide as per past practice. Commissioner Guastella seconded the amended motion, which was unanimously adopted. Mr. Ryan noted that all Borough Office and General Office Front Counter displays will contain the five (5) covered languages. Commissioner Guastella moved to distribute the Voter Registration Displays in all 59 Community Boards citywide. Commissioner Fleteau seconded the motion, with Commissioners Michel and Umane opposing. The motion was adopted. Commissioner Fleteau moved to distribute the Voter Registration Displays in all public elected official offices (Federal, Local, and State) citywide. Commissioner Schulkin seconded the motion, with Commissioners Michel and Umane opposing. The motion was adopted. President Michel noted that he opposed the motions because he was not given a report on the item to review in advance of the Commissioners'

Meeting. Commissioner Castorina commended the Commissioners' Committee on Voter Outreach on the newly designed Voter Registration Displays.

Mr. Ryan reported that the Evan Terry Associates (ETA) poll site surveys concerning accessibility, pursuant to a Federal Court Order, are still in the process of being reviewed by staff. At a roundtable meeting with the Mayor's Office of Operations and over 30 agency representatives, Mr. Ryan was advised by the Mayor's Office of Disabilities that City agencies do not have the expertise to challenge ETA's recommendations. The ETA are expert advocates for the disability community and are court appointed for the process, so if they find a poll site inaccessible that has no permanent or temporary solution, it cannot be challenged. Poll sites that require a permanent solution but have no temporary solution will result in the poll site being changed. Mr. Ryan reported that there is a misconception among the public about this process. Another similar room at the poll site's location can be surveyed to see if it meets the requirements of a poll site. The Board has to comply with the Federal Court Order and it is beyond the control of the Board if a poll site has to be moved. Notices will be mailed to those affected voters if their poll site has been changed. President Michel inquired about ETA training for the

Commissioner Umane reported that there was a matter concerning Bronx petition numbers for the petition numbering; certain duplicate numbers were handed out. One party came to the Board and requested for 650 numbers, and were given numbers 1 through 650. Subsequently, another party came to the Board and requested for 20 numbers, and were given numbers 1 through 20. That party filed the petitions yesterday with the numbering of 1 through 7 which was among the numbers handed out. This was a ministerial error and created a potential ambiguity. After staff discovered the mistake, they gave new numbers to these petition volumes and are now filed with the new numbers. An issue came up concerning Cover Sheets because the Cover Sheets were filed relating back to the numbers that they were given which have now been changed. It would be unfair to penalize and reject those Cover Sheets by having a regular Committee Hearing due to the Board's ministerial error. A sheet was prepared by staff to act as a key with the new numbers to be used when reviewing the Cover Sheets. Matthew Graves, an employee in the Candidate Records Unit, testified under oath concerning the matter. Mr. Graves confirmed that Commissioner Umane's statement is consistent of what happened. Mr. Graves presented a list which indicates what the numbers were and what the numbers are now which was prepared by staff in the ordinary course of business. A copy of the list was distributed to the

Commissioners. Column #1 represents the actual numbers filed and Column #2 represents the new numbers that were given. Commissioner Umane recommended allowing the originally filed Cover Sheets to be used with this key so staff can interpret and confirm that the Cover Sheets are either correct or incorrect. It is not intended to correct any other error that might have been made in the filing of those petitions other than the reference to the petition based on the key. Commissioner Umane moved to use this submitted list as a key for purposes of correcting the ministerial error as stated. Commissioner Castorina seconded the motion, with Commissioner Flateau abstaining. The motion was adopted. President Michel added that the purpose of the key is so the group does not have to re-file an amended Cover Sheet. Mr. Ryan noted that if there was any defect in the Cover Sheet independent of the sequencing of the numbers any potential defect is not being passed on. This was a ministerial error made by the Board for the I.D. numbers only. The adopted key will be reflected in the official record and minutes when adopted.

President Michel recognized Alan Flacks, a member of the public, who spoke about a matter concerning hand delivering documents for the Commissioners to the 42 Broadway Front Counter mailboxes instead of mailing.

President Michel moved to convene Executive Session for purposes of personnel. The motion was seconded and unanimously adopted.

After Executive Session, the public meeting resumed and Mr. Ryan reported the following actions taken in Executive Session:

- I. The Commissioners unanimously granted an additional 35 hours Advance of Time to Elizabeth English, an Administrative Assistant in the Bronx Office, and an employee since August 2007, to be paid back with her accruals upon her return. This grant is effective once all of her accrued hours have been exhausted;
- II. The Commissioners unanimously adopted a procedure that once someone is moved into a title in which there is a probationary period attached and/or will apply if there is a disciplinary process that requires a new or extension of probation. The Borough Chief and Deputies, Executive Management, and the Borough Commissioners, will be notified via email 60 days prior to the expiration of the probation period. Along with the email notification, an updated evaluation will be sent. In addition to an email notification, the Commissioners will receive a hard copy of the email and evaluation placed in their mailbox in the event there is a problem with electronic transmission. The notification will also be place in the personnel file.

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

The next stated meeting of the Commissioners will be held on Tuesday, July 14, 2015 at 1:30 P.M.