

MEETING OF COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JUNE 12, 2012
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Frederic M. Umame

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Raphael Savino, Director, Campaign Finance Enforcement Reporting
Valerie Vazquez, Director, Communications and Public Affairs
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Byron Zinonos, Law Student Summer Intern, OGC
Jeffrey Lederman, Law Student Summer Intern, OGC
Thomas Sattie, Associate Staff Analyst, Ballot Management
Rachel Knipel, Coordinator, Language Assistance Program
Stephen Thompson, HAVA Training Specialist, EDO
Steven B. Denkberg, Counsel to the Commissioners

GUEST: John D. Smith
Patrick McClellan, for Assembly Member Kavanagh
Marjorie Shea, League of Women Voters
Al Roundtree, NYDLC
Seth Grossman, City Council
A.B. Britton, K.L.C. GOP – USA
Monica Bartley, CIDNY
Juhann Ulrich, for Council Member Gale Brewer
Alex Camarda, Citizens Union
Isabel Pitaro, Citizens Union

Secretary Umame called the meeting to order at 1:36 P.M. He announced that President Guastella will not be present.

Commissioner Araujo requested to discuss a Queens personnel matter in Executive Session.

Commissioner Araujo moved to adopt the minutes of the May 8, 2012, May 15, 2012 and May 29, 2012 meetings, which was unanimously adopted.

Ms. Sandow reported that the 97th Annual Election Commissioners' Association Summer Conference is scheduled for Tuesday, July 31, 2012 thru Friday, August 3, 2012. She noted that the Board's Hearings on Designation Petitions are scheduled for start on July 31, 2012 and continue to August 3, 2012, if necessary. Ms. Sandow recommended sending Senior Staff to the Conference on a case-by-case basis during that time period. Secretary Umame agreed and stated that staff has to consider their primary duties at the Board before attending the Conference.

Commissioner Polanco moved to send Board Staff to the Election Commissioners' Association Summer Conference per past practice. Secretary Umame seconded the motion, which was unanimously adopted.

Commissioner Polanco reported that he attended the City Council's Committee on Governmental Operations Hearing yesterday concerning Resolution No. 1343. He requested that in the future for the Board to send a representative to provide facts even if the Board does not take a position at the Hearing.

Mr. Richman presented the draft Filing Calendar and Independent Nomination Petition Rules for the November 6, 2012 General Election. Copies of the draft Calendar and Rules are in the agenda. Mr. Richman reviewed the drafts and requested approval. Commissioner Dent moved to adopt the Filing Calendar and Independent Nomination Petition Rules for the November 6, 2012 General Election. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Richman introduced Jeffrey Lederman and Byron Zinonos, the Law Student Summer Interns who began working in the Office of the

General Counsel yesterday. Mr. Lederman is a student at New York Law School and Mr. Zinonos is a student at Brooklyn Law School. The Commissioners welcomed Mr. Lederman and Mr. Zinonos. Commissioner Polanco was concerned that the interns are both Democrats. He requested for a bi-partisan team of interns in the future. Mr. Richman stated that the Law Student Summer Interns have a two (2) part interview process and they are hired based on skills, not by Party. Mr. Savino noted that a Republican student was offered the position which was based on her skills, but accepted an offer at another agency instead.

Mr. Savino requested permission for the Legal Staff to attend the New York State Bar Association Seminar on Election Law scheduled on June 21, 2012 from 8:30 A.M. until 12:30 P.M. Commissioner Barrera inquired about the cost to attend the seminar and credits. Mr. Richman stated that the Board reimburses the Legal Staff for the seminar and they will receive credits. Mr. Savino stated the registration is approximately \$200 per member. Commissioner Polanco moved to authorize the four (4) admitted attorneys in the Office of the General Counsel to attend the New York State Bar Association Seminar on Election Law on

June 21, 2012. Commissioner Dent seconded the motion, which was unanimously adopted.

Commissioner Polanco asked Mr. Richman and Mr. Savino what is preventing the City Board's Election Night Reporting (ENR) Pilot Program in Queens from being implemented citywide. Mr. Richman stated that the NYS Election Law provides that the Board hands over the Return of Canvass to the NYPD Officers who then transmits the results to the press. He stated that the NYS Election Law needs to be changed and then precleared by the U.S. Department of Justice (DOJ). Commissioner Polanco stated that he wants to get unofficial results the fastest way possible on Election Night. Mr. Richman stated that the Board's legislative proposal authorizes that if the media purchased a satellite reporting system for the Police Precincts then the NYPD Officers could insert the Portable Memory Device (PMD) to retrieve the unofficial results faster. Secretary Umane stated that if the press upgraded the current system in the Police Precincts then perhaps there would not be any cutting and pasting of the results tapes on Election Night. Mr. Savino stated that the NYS Election Law allows the media to upgrade the systems, but they have not upgraded to match the new voting systems. Commissioner Polanco stated that he

would like to have a change by the November 6, 2012 General Election. Ms. Sandow reported that Board Staff met with Assembly Member Brian Kavanagh last Friday to discuss his Resolution No. 1343. She stated that he was very open to the Board's recommendations and Executive Management received his revised bill today. The revised bill will be reviewed by staff and presented to the Commissioners.

Mr. Sattie presented the revised draft report concerning bilingual ballots. A copy of the draft report is in the agenda. Mr. Sattie summarized his revised report. Commissioner Araujo asked Ms. Sattie's preference relating to testing the ballots. Mr. Sattie stated that it would be the easiest to comprehensively test the random sampling of each language in the same amounts that is currently prescribed. The time to test would not be affected. Commissioner Araujo confirmed that method does not interfere with the integrity of the testing of the ballots. Commissioner Araujo moved to adopt the revised report concerning bilingual ballots and to send a letter to the State Board requesting guidance for testing the test ballots. Commissioner Polanco seconded the motion, which was unanimously adopted. Secretary Umame asked if the original memorandum has been

sent to the Governor's Counsel and the Senate and Assembly. Mr. Richman replied yes and the Board is waiting for a response.

President Guastella recognized Alex Camarda, a representative of Citizens Union, who requested for ballot cost comparisons. Mr. Sattie stated that he will provide the estimated ballot costs.

Ms. Knipel presented the proposed designated Bengali/Hindi poll site list for the June 26, 2012 Federal Office Primary Election for Asian-Indian coverage under Section 203 of the Federal Voting Rights Act. She distributed copies of the list to the Commissioners. Ms. Knipel summarized the report. She stated that there are 32 poll sites designated to receive Bengali assistance and 50 sites designated to receive Hindi assistance. The proposed list was derived from consultation with the Board's Asian-Indian Working Group, the Board's MIS Department, and the Department of City Planning. Similar to the Board's Chinese Language Plan, these sites were targeted based on certain criteria. The poll site had to have at least 35 names on the Bengali or "Other Asian Indian" surname lists, and based on U.S. Census data, have at least 50 Bengali or Other Asian Indian Limited English Proficient Voting Age Citizens. Ms. Knipel

requested approval of the list to be designated for the June 26, 2012 Federal Office Primary Election. Commissioner Araujo stated that the Commissioners received this list last week via email and he has reviewed it. Commissioner Araujo moved to adopt the designated Bengali/Hindi poll site list for the June 26, 2012 Federal Office Primary Election. Commissioner Stupp seconded the motion, which was unanimously adopted.

On behalf of Ms. Rahmouni, Mr. Thompson presented the Exception Reports for the June 26, 2012 Federal Office Primary Election for Staten Island, Brooklyn and Manhattan. Mr. Thompson stated that the reports have been reviewed and approved by the respective Borough Commissioners and Chief Clerks and Deputy Chief Clerks. He reported that Queens County and Bronx County have not submitted an Exception Report. Commissioner Soumas moved to approve Manhattan's Exception Report. Secretary Umane seconded the motion. Commissioner Dent moved to approve Brooklyn's Exception Report. Before a vote on the motions, Secretary Umane suggested to approve all reports in one (1) motion. Mr. Thompson reported that the Staten Island Borough Commissioners have signed their Exception Report. Commissioner

Soumas moved to approve the Exception Reports for Staten Island, Brooklyn and Manhattan. Secretary Umane seconded the motion, which was unanimously adopted.

Mr. Ward presented the Comparative Expenditures report dated June 12, 2012. A copy of the report is in the agenda.

Secretary Umane recalled that there was an issue regarding the matter how NYC treats close elections and the matter how the rest of NYS treats elections. He stated that there are many districts that overlap and in a close race there might be two (2) ways of canvassing the ballots post-election. Mr. Richman stated that if the margin of victory of votes is canvassed by the City Board and is less than one half of one percent of 10 votes then they would move forward with a hand count. He stated that the City Board has a pre-cleared standard in NYC and that they may have litigation in the upcoming election. Commissioner Araujo inquired if the State Board has responded to this matter. Mr. Richman replied no. He stated there was discussion in 2011 after the close race in Nassau County in 2010, but no standard has been reached. The Appellate

Division, Fourth Department, ruled that if the margin of victory in the contest is one (1) vote then they are entitled to a hand recount.

Secretary Umane recognized Marjorie Shea, a representative of Women's City Club, who spoke on behalf of the League of Women Voters. Ms. Shea thanked Commissioner Polanco for appearing at the Campaign Finance Board's Voter Assistance Advisory Committee (VAAC) yesterday. She recommended for the Board to read a copy of "Who Votes" which references the City Board's materials. Ms. Shea urged the Board to work with VAAC because they have a lot of expertise and resources. Secretary Umane requested for Senior Staff to get copies of "Who Votes" for the Commissioners. Ms. Sandow noted that Ms. Vazquez attends the meetings every month.

Secretary Umane recognized Alan Flacks, a member of the public, who requested for the Board to print the Commissioners' Agenda back to back to save funds.

Secretary Umame moved to convene an Executive Session to discuss personnel matters. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following the Executive Session, the open public meeting resumed and Secretary Umame reported on the actions taken in Executive Session.:

- I. The Commissioners unanimously approved to place Nicholas Bellucci, an Administrative Assistant in the General Office, on one (1) year probation, effective immediately. Mr. Bellucci's work assignment may be changed by Executive Management.
- II. The Commissioners unanimously approved to use a Temporary Agency to hire the Bengali/Hindi/Punjabi Translators for the Phone Bank and Bengali Translators for translations pending the hiring of permanent staff for those positions, by the Queens Commissioners. The temporary employees will be hired at will.

Commissioner Araujo moved to adjourn the meeting. Secretary Umame seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, June 19, 2012 at 1:30 P.M.