

MEETING OF THE BOARD OF CANVASSERS AND
THE MEETING OF THE COMMISSIONERS OF ELECTIONS
HELD ON TUESDAY, JANUARY 22, 2013
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

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

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

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Raphael Savino, Deputy General Counsel/Campaign Finance Enforcement
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Ryan Deahn, Administrative Assistant, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballot Coordinator
Steven Ferguson, Director, Management Information Systems
Marie Lynch, Deputy Chief Clerk, Queens
Robert Pataky, Administrative Associate, Queens
Anthony Ribustello, Deputy Chief Clerk, Bronx
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx
Giacomo Kmet, Temporary Contract Attorney, OGC
Kenneth M. Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Cathy Gray
 Ericka Larsen, Office of Gale Brewer
 John D. Smith
 Geneva Butts

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

President Umame called the meeting of the Board of Canvassers in the City of New York to certify the amended results of the November 6, 2012 General Election in Bronx County, Queens County and Richmond County pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Section 9-204.

President Umame stated that at the Commissioners' Meeting held on December 18, 2012 the Commissioners designated a Committee to (1) perform all the duties and functions of the Board of Canvassers with respect to November 6, 2012 General Election held in New York County and all applicable districts that cross county boundaries, (2) that said Committee be composed of four (4) Commissioners (2 Democrats and 2 Republicans), and (3) that Committee will meet upon the call of the Committee Chair when the respective Statement and Return of Canvass is ready for review.

President Umane stated that ballots were delivered to the Bronx, Queens and Staten Island Offices from other boards of elections; therefore, the Board has to amend their certification.

President Umane called upon the Deputy Chief Clerks for Bronx County. Mr. Ribustello and Ms. Scott-McFadden presented the signed amended Statement and Return of Canvass for the General Election conducted in Bronx County on November 6, 2012. Mr. Ribustello and Ms. Scott-McFadden confirmed that the amended results presented are accurate and correct. All provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were no discrepancies. Mr. Ribustello and Ms. Scott-McFadden confirmed that the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed.

Commissioner Barrera moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in Bronx County on November 6, 2012. Commissioner Polanco seconded the motion, which was unanimously adopted.

President Umane thanked the Bronx Office Staff for all of their hard work.

President Umane called upon the Chief Clerk and Deputy Chief Clerk for Queens County. Ms. Lynch and Mr. Pataky, on behalf of the Chief Clerk, presented the signed amended Statement and Return of Canvass for the General Election conducted in Queens County on November 6, 2012. Ms. Lynch and Mr. Pataky confirmed that the amended results presented are accurate and correct. All provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were no discrepancies. Ms. Lynch and Mr. Pataky confirmed that the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed.

Commissioner Araujo moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in Queens County on November 6, 2012. Commissioner Stupp seconded the motion, which was unanimously adopted.

President Umane thanked the Queens Office Staff for all of their hard work.

President Umane stated that the Chief Clerk and Deputy Chief Clerk of the Staten Island Office were not present. Mr. Johnson reported that the Staten Island Chief and Deputy Chief Clerks submitted the signed amended Statement and Return of Canvass for the General Election conducted in Richmond County on November 6, 2012 to the Candidate Records Unit last week.

- President Umane called upon Troy Johnson to represent Richmond County. Based on the telephone conversation with the Staten Island Chief Clerk and Deputy Chief Clerk, Mr. Johnson confirmed that the amended results presented are accurate and correct. All provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were no discrepancies. It was confirmed that the audit of voter verifiable audit records required by Section 9-211 of the New York State Election Law has been successfully completed.

Commissioner Guastella moved that the Board of Canvassers certify the amended Statement and Return of Canvass for the General Election conducted in Richmond County on November 6, 2012. President Umane seconded the motion, which was unanimously adopted.

President Umane thanked the Staten Island Office Staff for all of their hard work.

President Umane moved to authorize the use of the Commissioners' signature stamps as appropriate on each amended Statement and Return of Canvass. Secretary Soumas seconded the motion, which was unanimously adopted.

Commissioner Schacher moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the Commissioners of Elections in the City of New York. President Umane seconded the motion, which was unanimously adopted.

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

Commissioner Araujo moved to table the minutes of the January 8, 2013 meeting. President Umame seconded the motion, which was unanimously adopted.

Mr. Johnson presented the draft Notice to All Candidates for the February 19, 2013 Special Election for the 31st Council District in Queens. He distributed copies to the Commissioners and requested approval of the draft. Commissioner Araujo moved to adopt the Notice to All Candidates for the February 19, 2013 Special Election for the 31st Council District in Queens. Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Johnson reported on the petitions filed for the February 19, 2013 Special Election for the 31st Council District in Queens. He distributed copies of the report to the Commissioners. Commissioners Araujo and Stupp were designated to serve on the Commissioners' Committee to Review Independent Nominating Petitions for the February 19, 2013

Special Election in Queens. Commissioner Polanco volunteered to serve on the Commissioners' Committee, if needed. Public notice will be posted on the Board's website when the Committee Meeting is called.

Ms. Perkins requested to add an item to the agenda concerning her report of the Election Assistance Commission's (EAC) panel discussion which was held on January 9, 2013 in Washington, DC. Ms. Perkins and Ms. Sandow attended the meeting. Ms. Perkins stated that the roundtable discussion focused on the 2012 Presidential election cycle and the challenges and issues that occurred during the election. The goal was to identify which aspects of the process may need to be modified and begin developing best practices for addressing issues. Local election officials, advocates, leading academics and observers of the election process were in attendance. Ms. Perkins reported that other jurisdictions in the U.S. faced the same problems as New York City on General Election Day such as long lines, voters bottle-necking at the sign-in tables, and receiving high amounts of provisional ballots. Other jurisdictions also had issues with poll worker recruitment and being understaffed at their office. Ms. Perkins stated that they discussed the Board's Hurricane Sandy contingency plan, the preparations for redistricting for the 2012 Primary and General

Elections, and the positive new developments such as the Quick Response (QR) Code, Election Night Unofficial Results Reporting, AD Monitor Tablets, and the Poll Site Locator App. Ms. Sandow reported that Robert Giles, the Director of New Jersey Division of Elections, was in contact with his Governor throughout the entire Hurricane Sandy preparations. NJ Elections also created an App which texted voters an updated list of any poll site moves due to storm damage. President Umame inquired how NJ Elections received the voters' cell phone numbers. Ms. Sandow stated that they used a free service called V.I.P. President Umame suggested for the Board to look into that service in the future. Ms. Sandow reported that Executive Management plan to meet with V.I.P and NJ Elections in the future. Ms. Sandow stated that the EAC panel was very impressed with the City Board's accomplishments. She reported that the Board sent out a press release about the EAC roundtable discussion, but no one picked up the story. Ms. Sandow reported that a L.A. County Elections Official discussed their multi-language ballots. Executive Management plans on holding a conference call with L.A. County Elections to discuss these ballots and lessons learned. Ms. Sandow stated that the majority of the jurisdictions reported that used Electronic Poll Books on Election Day had many issues because the technology is new.

President Umane recognized Kate Doran, a representative of the League of Women Voters, who thanked Executive Management for publicly acknowledging the good government groups at the EAC roundtable.

President Umane recognized Catherine Gray, a member of the public, who stated that she was very impressed by the City Board's presentation at the EAC roundtable. Mr. Gray noted that the panel discussion had interesting concepts of new voting as well.

President Umane thanked Ms. Sandow and Ms. Perkins for representing the City Board in a positive manner at the EAC roundtable.

Mr. Sattie reported on the amounts of absentee, affidavit, and poll site ballots to order for the February 19, 2013 Special Election for the 31st Council District in Queens. He distributed copies of his draft report to the Commissioners. Mr. Sattie reported that his department used both the registration totals and election results from the Special Election for the 27th Senate that was held on March 20, 2012. The voter turnout for those contests was 15.4% with 22,259 votes counted. Mr. Sattie suggested the following amounts to order:

- Absentee Ballots – 1,500
- Affidavit Ballots – 50 per ED
- Poll Site Ballots – 75% of all registered voters in the 31st CD

Mr. Sattie requested for the Commissioners to approve to use this methodology to order all absentee, affidavit and poll site ballots for the Special Election. Commissioner Araujo moved to adopt Mr. Sattie's recommendation. Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Sattie reported on the ballot layout for the February 19, 2013 Special Election for the 31st Council District in Queens. He distributed copies of ballot layout options to the Commissioners. Commissioner Araujo reported that he and Commissioner Stupp had the opportunity to review these options in advance and they recommend Option #3 which is portrait style, has nine (9) columns across, and uses a 10 point font for the candidates' first name and a 10.5 point font for their last name. President Umane inquired if the order in which the candidates are placed on the ballot was determined by a bipartisan team. Mr. Sattie and Mr. Johnson confirmed that a bipartisan team reviewed the petitions that were filed with the Board. Commissioner Araujo moved to adopt Option #3.

Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Ward reported on the Comparative Expenditures Report dated January 22, 2013. A copy of the report is in the agenda.

Mr. Savino reported on the legislative items that were discussed at the Election Commissioners' Association (ECA) Conference last week. The ECA approved thirteen (13) legislative proposals. Mr. Savino recalled that he forwarded a summary report to the Commissioners prior to the meeting. Some of the proposals include changing the 2013 Primary Election date, increasing the size of Election Districts, having more flexible standards designating poll workers, making Local Registration optional, revising Article 7 and Article 9, and having no public school on Election Day.

Mr. Savino reported on the roundtable discussion with the State Board at the ECA Conference regarding the 2013 Primary and Run-off Primary Election. They discussed the City Board's potential options for the 2013 Primary, adding a blank space for an email address on the voter

registration form, and the possibility of using bilingual ballots. Mr. Savino reported that the State Board agreed the best option would be changing the date of the Primary Election and they acted favorably to the idea of email spaces on voter registration forms. The State Board would have to approve and add the blank email space so they recommended for the City Board to send a formal request concerning this matter. Commissioner Polanco moved for the City Board to send a formal request to the State Board asking them to add a blank space for an email address on the voter registration form. Commissioner Soumas seconded the motion, which was unanimously adopted. Mr. Savino reported that the possibility of using bilingual ballots has to be researched more. There is a great concern about an increase in testing time of all the ballot decks. Testing time is critical for preparing an election. Mr. Savino stated that L.A. County Elections has a language option on their voter registration where the voter can choose their specific language. Ms. Sandow added that L.A. County Elections uses specifically trained Ballot Inspectors to distribute ballots at poll sites as well. She stated that Board Staff is currently researching and compiling information on the possibility of using bilingual ballots in the future.

Ms. Fossella and Mr. Ferguson reported on the Department of Motor Vehicle's (DMV) on-line voter registration applications. Mr. Ferguson stated that the DMV is in Phase II of this Motor Voter Project. The DMV plans to eliminate the paper voter registration forms which are mailed from the DMV's Central Office to the Board's Executive Office. The DMV would scan the voter registration documents and save as a .Tif format then transmit that information to the Board on a daily basis on the same secured NYCE Voter system. Mr. Ferguson stated that hard copies of the voters' signatures are retained by the DMV for a total of eight (8) years. The time stamping process of the voter registration forms would be handled by the Board's system as they are received. The review of the voter registration forms would continue to be conducted by a bipartisan team in the Borough Offices. The DMV plans on meeting with each NY county board of elections by the summer. Ms. Fossella stated that DMV's Phase II eliminates hard copies, the scanning process, and manual data entering into the system. Commissioner Barrera stated that she supports "going green" and that this new system would also eliminate voter registration duplicates.

Mr. Ferguson reported on Electronic Poll Books. He stated that he has been researching this item and that he will follow up at a later date when he has more information. Commissioner Polanco stated that he is very excited for Electronic Poll Books and inquired when the Commissioners will receive an update. Mr. Ferguson stated that he is preparing an analysis of each Electronic Poll Book company. He reported that I.S. Elections is a partner with Electronic Administration and they are specifically looking into New York State requirements and he plans to schedule a meeting with them in the near future. Currently, the total cost is \$720 per tablet and a \$100 per year licensing fee. Mr. Ferguson stated that many tablets would be needed in each poll site citywide. There was a consensus among the Commissioners that \$720 per tablet is too costly. Mr. Ferguson stated that the price includes the tablet with the Electronic Poll Book program, but prices can be negotiated. Mr. Ferguson stated that he will report on this item at a later date.

Mr. O'Grady reported on the expiration of the warranty for the Ballot Marking Devices (BMDs). The Board has a total 1,779 BMDs citywide and the warranty with ES&S expires in September 2013. ES&S offers three (3) warranty packages; Gold, Silver or Bronze.

Mr. O'Grady's staff is currently looking into the best package and price for the Board and he will report on the findings in one (1) week.

Mr. O'Grady presented a prototype of the potential new Privacy Sleeves. Voters would place their marked ballot into the sleeve in the Privacy Booth, and then slide-up the ballot in the sleeve to feed it directly into the scanner to ensure 100% privacy from poll workers and other voters. Instructions would be printed on each privacy sleeve. Ms. Sandow stated that the Board received many complaints from voters that their ballot was not 100% private from the poll workers. The new privacy sleeves would be laminated for durability and would be reused each election. The sleeves are currently priced at \$5 each and the Board would need to order 55,000. The total estimated cost would be \$275,000. Ms. Sandow stated that the Voting Machine Technicians (VMTs) would not have to spend additional time attaching and fixing the Privacy Sleeve instructions in the Privacy Booths which would be a cost savings. There was a consensus among the Commissioners that the new Privacy Sleeve was too costly. Ms. Perkins stated that the Board would negotiate a cheaper price with the vendor. Mr. O'Grady stated that he will research this item more and will report at a later date.

Mr. O'Grady presented a prototype of the potential new ED signs for poll sites. The signs would stand seven (7) feet tall behind the ED tables which would be very visible to all voters, especially to voters in wheelchairs. The signs are made of light PVC, are easily assembled in three (3) pieces, and fit inside the ED Supply Carts. A total of 5,500 signs would be needed citywide and the cost is \$65 each. There was a consensus among the Commissioners that the new sign was too costly. Ms. Perkins stated that the Board would negotiate a cheaper price with the vendor. Mr. O'Grady stated that he will research to see if this item was eligible under the HAVA grant program. Mr. Denkberg stated that these new signs were a great idea because some poll workers hang the current ED signs in different places in the poll sites. The new signs would make it uniform throughout the city. Commissioner Guastella concurred with Mr. Denkberg. Commissioner Araujo suggested using colored paper to make the sign stand out. Commissioner Polanco moved to authorize Mr. O'Grady and his staff to begin the process of researching these signs in more depth. Commissioner Guastella seconded the motion, which was unanimously adopted.

Mr. Naudus reported on ES&S firmware upgrades. He stated that the 5001 version is now available which is currently being downloaded in the Queens County voting machines for the February 19, 2013 Special Election. The 5001 version incorporates the revised over-vote message. Mr. Naudus reported that the 5002 version supports Bengali language and is expected to be released to the Board in April 2013. The 5002 version will be downloaded on the voting machines for the 2013 Primary Election. President Umane recalled that the Commissioners had many firmware suggestions for ES&S last year. He requested for Mr. Naudus to send a letter to the State Board requesting them to focus on the City Board's suggestions to incorporate into the firmware. President Umane stated that the State Board would have to approve the Board's suggestions, and then ES&S would modify the firmware, and then the firmware would have to be tested which is a very lengthy process. President Umane asked Mr. Naudus to also research the HAVA grant program to see if it covers upgrades to the firmware.

Mr. Naudus reported on Central Count Scanning systems for absentee and affidavit ballots. The ES&S vendor uses a certified DS850 system which is high speed (scans approximately 3,000 ballots per minute)

and uses the current Election Management System (EMS). The Dominion vendor uses a certified ICC system which is medium speed (scans approximately 60 ballots per minute). He reported that the Clear Ballot vendor is in negotiations certifying their scanning system which scans both Dominion and ES&S ballots. The vendor did not have a system for public display yet. Mr. Naudus asked permission to create an Evaluation Committee to research certified Central Count Scanning systems. President Umane asked for the Evaluation Committee to develop a comparison chart of all the scanners for the Commissioners. Commissioner Polanco moved to authorize Mr. Naudus to create an Evaluation Committee to research Central Count Scanning systems. Commissioner Schacher seconded the motion, which was unanimously adopted.

Commissioner Polanco stated that he is in favor of the no paper Direct-Recording Electronic (DRE) voting systems. Mr. Savino noted that many good government groups oppose the DRE voting system.

President Umane recognized Alan Flacks, a member of the public, who requested for the agenda to be printed back-to-back and for

candidates' apartment numbers, if applicable, be required on their petition sheets. Mr. Flacks asked for the Commissioners to consider his request when the next set of Petition Rules is adopted. Commissioner Polanco stated that he will raise Mr. Flack's request when the Rules are presented to the full Board.

President Umane moved to convene an Executive Session to discuss personnel matters. Secretary Soumas seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and President Umane reported on the actions taken in Executive Session:

- I. Yamile Salmon, a Temporary Financial Clerk in the Executive Office, was appointed to the title of Administrative Assistant at the outgoing salary of \$42,659, retroactive to the date of Roy Ellefson's termination;
- II. Trevor Worrell, an Administrative Assistant in the Manhattan Office, was appointed to the title of Administrative Associate/Manhattan Office Manager at the outgoing salary of \$62,300, retroactive to the date that Cynthia Belton retired.

Secretary Soumas moved to adjourn the meeting. President Umane seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners is scheduled for Tuesday, January 29, 2013 at 1:30 P.M.