

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
HELD ON TUESDAY, MARCH 12, 2013  
AT 1:30 P.M.

42 BROADWAY, 6<sup>TH</sup> FLOOR COMMISSIONER'S HEARING ROOM  
NEW YORK, NY 10004

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

Commissioners Araujo, Guastella, Barrera, Dent, Shamoun, Michel,  
Sipp

Dawn Sandow, Deputy Executive Director  
Pamela Perkins, Administrative Manager  
Steven H. Richman, General Counsel  
Raphael Savino, Deputy General Counsel  
Valerie Vazquez-Rivera, Director, Communications & Public Affairs  
John Ward, Finance Officer  
John Luisi, ACCO  
Dorothy Delayo, Director, Personnel  
John Naudus, Manager, EVS  
Yi Yu, Sr. Systems Analyst  
David Murillo, Sr. Systems Analyst  
Jeffrey Chin, Program Analyst  
John O'Grady, Chief Voting Machine Technician  
Yvette Overton, Temp Clerk, VEOU  
Clyde Brown, Temp Clerk, VEOU  
Efrain Melendez, Temp Clerk, VEOU  
Elysee Edmond, Temp Clerk, VEOU  
Stephen Thompson, HAVA Training Specialist, EDO  
Steve Ferguson, Director, MIS  
Thomas Sattie, Associate Staff Analyst, Ballot Management  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Stephen Denkberg, Counsel to the Commissioners  
Kenneth M. Moltner, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY  
Michael Benjamin  
Alex Camarda, Citizen's Union

Judd Ryan, ES&S  
David Selter, NYC Council  
Will Colegrove, NYC Council  
Loving, Campaign Finance Board  
Bergis, WNYC  
Kate Doran, LWV  
Alan Flacks

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President Umane called the meeting to order at 1:41 PM.

Commissioner Araujo moved to approve the draft minutes of the February 26 and March 5 Commissioner Meetings. Commissioner Soumas seconded the motion, which was adopted unanimously.

Dawn Sandow stated that she and Pamela Perkins are proud of the staff in the Voting Equipment Operations Unit and Electronic Voting Systems Unit as well as Stephen Thompson of the Election Day Operations Unit. She reported that the demonstration the Commissioners will see is a prototype that the staff built and programmed all on their own. It is something that will be beneficial to the voters of the City of New York and the agency.

John Naudus along with John O'Grady unveiled the first ever Poll Site Kiosk that will be at each Poll Site. Mr. Naudus reported that it has three primary purposes:

- 1) It allows Poll Workers to check in before 6 AM. The results of that check in are transmitted back to the General Office so there will be real time updates on staffing at the Poll Sites.
- 2) From 6 AM to 9 PM, it will operate as a Poll Site Locator, replacing the Street Finder and Poll Site List. An Information Clerk will direct the voter to the device, the voter key enters their address, and the device will give them their Poll Site and show a map with turn by turn directions to that Poll Site in a later version.
- 3) Lastly, at 9 PM it will serve as an unofficial Poll Site Recording device. At the close of the polls, Inspectors take the stick out of the scanners, walk across to the Kiosk, and insert the stick which will transmit results from that respective Poll Site to the Server at the General Office moving the ENR Project started in the

boroughs to the Poll Sites themselves. All meets statutory provisions.

Mr. Naudus took comments/questions from the Commissioners and public.

Commissioner Dent thanked the VEOU and EVS staff for the work performed on this project and congratulated them on a job well done.

President Umame moved that the Board take all steps necessary to move this project along to monitor and conduct the Election. Commissioner Guastella seconded the motion, which was adopted unanimously.

Dawn Sandow noted that the Board will present the Poll Site Kiosk to the NYC Council at the Hearing to be held on Thursday, March 14, 2013.

Mr. Richman reported that a draft copy of the 2013 Recommended Revisions to the New York State Election Law – Part

2 is being presented to the Commissioners for their approval. He summarized the proposals for their consideration.

a) Proposal 13 – A: recommending that the date of any run-off primary election be moved back one week to provide the Board and its staff with additional time between the elections was unanimously adopted by the Commissioners.

b) Proposal 13 – B: to amend the election law to authorize the use of mechanical lever voting machines in the City of New York for the Primary and Run Off Primary Elections in 2013 exclusively. This would be a one time authorization. Mr. Richman advised that there is a Senate provision, not similar to proposal B, which opts to use lever voting machines in any non-Federal election that it so chooses.

Ms. Sandow expressed an opinion that it's an option to vote on the Lever Machines.

c) Proposal 13 – C: to amend §9-100 of the NYS Election Law to temporarily repeal the requirement that the canvass of votes cast be conducted at the poll sites. It would, in affect, move the canvass processes from the poll site to a Central Borough Facility. There is a sunset provision for the Run Off

Primary Election only that wouldn't apply for the regular Primary Election. Commissioner Araujo moved to amend proposal #13-C to drop the sunset provision. Commissioner Umane seconded the motion, which did not pass by a vote of 5 in favor (Commissioners Umane, Araujo, Michel, Sipp, Shamoun) 4 opposed (Commissioners Soumas, Guastella, Barrera, Dent).

Raphael Savino reported that in his Statement in Support, he makes reference for the initial primary to be moved to June and asked the Commissioners for a determination. Commissioner Umane moved to adopt the provision that the Commissioners supported in 2011, in favor of a June Primary Election. Commissioner Barrera seconded the motion, which did not pass by a vote of 5 in favor (Commissioners Soumas, Barrera, Araujo, Guastella, Dent) 4 opposed (Commissioners Umane, Shamoun, Sipp, Michel). Commissioner Umane informed the Counsel that the statement should be deleted.

Mr. Richman inquired whether to substitute anything as justification and stated that if they do 60 to 70 days, then there can not be a Run Off even in September.

Commissioner Umane stated that the Commissioners are constrained by the law regarding Run Offs. The Board's position is that 60 to 70 days is needed, ideally, between elections. However, the Board has no statutory authority to wait 60 to 70 days in order to do a Run Off. The fact that we're hamstrung by the Run Off provision has nothing to do with the Board's position and what a practical view is of the amount of time needed to do our scanners. So, it seems that it's not inconsistent.

Commissioner Umane moved to reconsider Commissioner Sipp's motion in support of the Senate's proposal with an asterisk to mention the Gelb issues. Commissioner Sipp seconded the motion, which was adopted by a vote of 6 in favor (Commissioners Umane, Sipp, Shamoun, Araujo, Dent, Michel) 3 opposed (Commissioners Soumas, Barrera, Guastella). Commissioner Umane informed the Counsel that the statement should be deleted.

Commissioner Soumas expressed his disagreement and explained the reason for it. Since the Presidential Election in 2000, the Board has been headed in a different direction in terms of the electronic voting and the Board is obligated to continue going forward in that direction. Two months ago, Michael Benjamin wrote an article in the New York Post that he agrees with noting that the Board has to keep moving forward in finding new ways to do things. Technology is going to happen and he thinks the Board should keep moving forward with that. Last week, he moved that the Board adopt the only legally viable option and all three of the options are a step backwards.

Commissioner Guastella noted that a year ago, the Board was in Albany and called paranoid, controlling, and accused of being worried about things that weren't going to happen; Commissioner Soumas is correct that the Board needs to continue moving forward. The Commissioners made a voted to adopt Option 3. She was content with that decision and now they are going backwards.

Commissioner Umane disagreed and commented that going back to paper is a step backwards and that the mechanical machines

were advancement. He noted his comments last week when they moved to adopt them and the reason they went to mechanical machine is that paper is so unreliable, slow, and tedious. We have the scanners they are with us now but we have an opportunity here to try and make advances and go back to lever machines and stay away from the scanners, which gives the Board more options to choose from.

President Umane recalled Commissioner Araujo's motion to amend Option C, removing the sunset provision. The motion was adopted by roll call vote of 8 in favor (Commissioner Umane, Araujo, Guastella, Barrera, Dent, Sipp, Michel, Shamoun) 1 opposed (Commissioner Soumas).

President Umane recognized Alex Camara, Citizen Union. He stated that Citizen Union opposes any bill that returns to the Lever Machines.

President Umane recognized Monica Bartley, CIDNY. She is also against any consideration to use the Lever Machines.

Mr. O'Grady reported that various ballot boxes designs being considered in Option 4 proposal. He gave a description of each and cost.

- a) A corrugated cardboard ballot box with a slit on one side is \$15.
- b) A plastic ballot box with a counter on it is \$195.
- c) A metal corrugated cardboard box is approximately \$500.

Mr. O'Grady asked for approval to purchase ED signs using HAVA funds. A sign would be placed in a clear plastic shipping label measuring 12"x15" that is positioned on top of a 7' poll. Commissioner Guastella moved to approve the request. Commissioner Michel seconded the motion, which was adopted unanimously.

Rachel Knipel reported that Board staff (John Naudus, Masoud Masum, and Syeeda Hossain) visited the State Board's Office in Albany to proof Bengali on the DS200 and Automark. The staff went through each screen and notified ES&S technicians of edits that had to be made. These edits included adjusting the font size in bolding,

deleting words that appeared twice, and making changes to format. All changes were completed by ES&S overnight.

Thomas Sattis reported on the Ballot Layout and Design Meeting with Elected Officials and Advocacy Groups. The topic of discussion was how to improve the ballot layout and design inside the constraints of the current Election Law, which included:

- Changing the ballot layout from portrait to landscape (NYC currently uses portrait ballot layout)
- Placing picture instructions on the front of ballot
- Placing ED information on front of ballot (currently information is on the back).
- Placing the oval directly left of candidates name (currently appears above left)
- Use light shading or thick lines to distinguish different parts of ballot (neither currently being used).

President Umane recognized Katherine Grey, a member of the public.

John Luisi asked the Commissioners to approve an Emergency Telephone Procurement plan. He reported that Verizon has no intention of replacing the copper wire damaged in the aftermath of Hurricane Sandy, which supplied our phone system. He recommended using the vendor Purelogic to replace our phone systems with internet protocol systems. After discussion, Commissioner Barrera moved to approve the request. Commissioner Sipp seconded the motion, which was adopted unanimously.

President Umane recognized Alan Flacks, a member of the public.

Ralph Morales gave the Commissioners a copy of the revised Poll Site Lease for approval. He reported that Commissioner Araujo's recommended changes have been incorporated. After a question and comment period, Commissioner Araujo moved to approve the revised Poll Site Lease as presented. Commissioner Guastella seconded the motion, which was adopted unanimously.

Nicholas Zimmitti provided the Commissioners with the revised 2013 – 2014 County Poll Worker Application for approval. The Commissioners recommended that important information such as email and phone number be emphasized with an asterisk. President Umane moved to adopt the 2013 – 2014 County Poll Worker Application as amended. Commissioner Michel seconded the motion, which was adopted unanimously.

John Ward presented the Commissioners with a copy of the Vacancy report dated March 12, 2013.

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

President Umane reconvened the open public meeting and reported that the following action was taken in the Executive Session:

- a) Unanimously approved a request authorizing the Borough Managers, Chief Clerks and Deputy Chief

Clerks, to go to the Project Management Practical run by DCAS.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, March 19, 2013 at 1:30 P.M.