

MEETING OF THE  
COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, APRIL 9, 2013  
AT 1:30 P.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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

Commissioners Araujo, Barrera, Dent, Guastella, Michel, Shamoun, 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 and Public Affairs  
Steven Ferguson, Director, Management Information Systems  
John Naudus, Manager, Electronic Voting Systems  
John Luisi, Agency Chief Contract Officer, Procurement  
Troy Johnson, Coordinator, Candidate Records Unit  
Nicholas Squicciarini, Facilities Manager  
Daniel Lavelle, Associate Staff Analyst, Phone Bank/Front Counter  
Stephen Thompson, HAVA Training Specialist, EDO  
Ryan Deahn, Administrative Assistant, Candidate Records Unit  
Giacomo Kmet, Temporary Contract Attorney, OGC  
Anibal Luque, Temporary Contract Attorney, OGC  
Kenneth M. Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Janny C.  
Monica Bartley, CIDNY  
Kate Doran, LWV  
Alexander Dillon, DOI  
Bert K., DOI

Nicole Scalise, for Council Member Gale A. Brewer  
Alex Camarda, Citizens Union  
K. Loving, CFB  
Cathy Gray  
Adam Collyer, Corporation Counsel  
John D. Smith  
Alan Flacks, Member of NY County Democratic Committee  
A.B. Britton, Kings L.C. GOP USA

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President Umane called the meeting to order at 1:33 P.M.

Commissioner Barrera moved to adopt the April 4, 2013 minutes. Commissioner Araujo seconded the motion, with President Umane abstaining. The motion was adopted. President Umane abstained because he was not present at the meeting.

President Umane moved to convene an Executive Session to discuss litigation matters with the New York City Law Department. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following Executive Session, the regular stated meeting reconvened.

President Umane noted that Secretary Soumas joined the meeting.

Commissioner Barrera reported that Co-op City's RiverBay Corporation requested to use seventy (70) lever voting machines for the purpose of conducting their Board of Directors' Election on May 22, 2013. A copy of the request is in the agenda. Commissioner Barrera recalled that the Commissioners have supported this request in the past. RiverBay Corporation would borrow the machines without the use of any Board personnel, and in particular, they would contract directly with the approved ballot printers, outside technicians, truckers and ancillary services. They will self certify the election without the use of any Board personnel and they will indemnify the Board if damage occurs to the voting machines. Commissioner Barrera noted that there is no expense to the Board. Commissioner Barrera moved to authorize RiverBay Corporation's request. Commissioner Araujo seconded the motion, with President Umane opposing. The motion was adopted. President Umane recalled that in previous years he has raised the same objections to this matter. He feels that the Board should not allow rentals to private parties.

Commissioner Barrera announced that she will be absent in the coming weeks due to maternity leave and designated Commissioner Araujo to handle Bronx Democratic matters during her leave. President Umane

announced that he has been handling Bronx Republican matters because he is the Senior Republican.

Mr. Naudus requested for the Commissioners' authorization to proceed with hiring additional temporary staff for the Electronic Voting System (EVS) Department. He recalled that this item was tabled at a previous meeting. Mr. Naudus stated that twenty (20) additional temporary staff members are needed to assist the Board's Contingency Plan Option #3. There is only a two (2) week window for all the post-election tasks to be completed from the September 10, 2013 Primary to the potential October 1, 2013 Run-off Primary; each borough needs assistance in the compressed timeframe. Commissioner Sipp inquired if the Board has received any new direction from the State Legislature with respect to moving the Primary Election date. Mr. Richman replied no. Commissioner Araujo inquired if the Board can hire the additional temporary staff based on the Board's existing temporary lines. Mr. Naudus stated that the twenty (20) additional temporary employees must have technical expertise. He stated that the additional temporary staff is needed by August 1, 2013 so they can start training. The temporary staff would be laid off if there is no Run-off Primary. President Umame raised concerns that it may be hard

recruiting staff to work in a sixty (60) to ninety (90) day window of employment. Mr. Richman stated that if the Commissioners authorize the request then it would give the Board a head start recruiting staff that has the technical expertise needed. The job description will be advertised and interviews will be held prior to June 30<sup>th</sup>. Commissioner Sipp moved to authorize Mr. Naudus to proceed with hiring additional temporary staff for the EVS Department. Commissioner Guastella seconded the motion, with Commissioner Araujo opposing. The motion was adopted.

Mr. Ferguson provided an update on City Council Redistricting. He recalled that he received the Commissioners' approval for the 2013 Election District (ED) changes based on the City Council Redistricting. Mr. Ferguson reported he received the ED/AD Reports for Brooklyn and the Bronx. The Manhattan Office is expected to submit their ED/AD Report tomorrow. The Office of the General Counsel will submit all ED/AD reports to the Department of Justice (DOJ) for approval. Mr. Ferguson reported that the Chief Clerks and Deputy Chief Clerks were advised that their borough's Poll Site Change Reports must be submitted to the Office of the General Counsel as soon as possible. The reports will then be submitted to the DOJ for approval. The poll site files will be updated after the Board

receives approval. Mr. Ferguson reported that the Maptitude software will be updated by the end of the month. All of the Board's required materials will then be printed and distributed. Mr. Ferguson stated that the Board will be working with dual files (current and new) until the DOJ approves all reports. President Umane inquired about the submission deadline for the boroughs' poll site designations. Mr. Richman stated that the deadline to submit the reports to the Office of the General Counsel was April 1, 2013, but there is still sufficient time to submit the reports to the DOJ. He stated that he will re-email the 2013 Poll Site Designation Report template to all Chiefs. The Commissioners will review and formally approve their borough's poll site designations as soon as their spreadsheets are data entered.

Ms. Vazquez and Mr. Thompson provided an update on the citywide AD Monitor Reporting Tablet Application. Ms. Vazquez recalled that the Board conducted two (2) pilot programs using the Tablet and made some modifications to the application according to the staff's feedback. The modifications include a comment section for photographs, real time check-in and check-out feature, notes section, required fields, and push out alerts. Ms. Vazquez received an additional 430 Tablets which have an

inventory tracking system with serial numbers and are secured in one location at the Executive Office. A total of 180 AD Monitor Teams will be reporting back to the Board via Tablet. Ms. Vazquez reported that Verizon agreed to suspend service in increments after the elections which will be cost effective for the Board. These Tablets will also be used for the Board's Public Outreach Events. Mr. Thompson stated that an AD Monitor will be alerted if they try to submit their report without answering all of the required questions. If they cannot answer the required question, then they have to indicate the reason in the comment section in order to proceed to their next poll site report. Mr. Thompson stated that staff will be remotely reviewing all AD Monitor reports at the Executive Office. Commissioner Araujo inquired if the Board's Tablet information can be synced to a non-Board tablet. Mr. Thompson replied no. Commissioner Shamoun stated that the AD Monitor Tablet Application is great technology, but the AD Monitor Teams should still continue to call in any major problems to the Board's Call Center to ensure timeliness of the resolution. Commissioner Sipp inquired if the AD Monitors will receive hands-on training with the Tablets. Mr. Thompson replied yes. The training will be approximately one (1) hour. Commissioner Guastella inquired about the Tablet's connectivity and Instant Messaging. Mr. Thompson replied that it is 4G connection and

Instant Messaging is not available yet, but can be looked into for the future. Currently, only Borough Office staff can push out messages to the Tablets. Commissioner Araujo inquired if the remote monitoring of the reports will take place at the Executive Office as well as the Borough Offices. Mr. Thompson stated that the draft plan was to utilize one (1) or two (2) temporary employees from each Borough Office and have them monitor in the Executive Office. Ms. Sandow stated that she will hold meetings with all Chiefs and the Election Day Operations Unit to discuss if monitoring will be centrally located in Executive Office or in the Borough Offices. Commissioner Dent inquired about the total amount of Tablets that the Board owns. Ms. Vazquez replied 450. President Umane raised concerns about Tablets not returning to the Board after Election Day. Mr. Thompson stated that the Tablets can be wiped out and disconnected immediately by the Board. In addition, all Tablets are serial numbered and have a GPS tracking system.

Mr. Johnson and Mr. Deahn reported on Candidate Records Unit (CRU) improvements. Mr. Deahn reported that Board staff removed a wall in their office space to allow a better workflow during the petition review cycle. The open space can accommodate up to twenty-two (22)

employees and six (6) copy machines. Older CRU records were stored in the locked retention room. Commissioner Araujo inquired if there is a protocol in CRU with regards to the petition process. Mr. Deahn replied yes; there are workflow charts which are monitored by staff. He noted that a bi-partisan team will oversee the staff during the petition review process.

Mr. Lavelle and Mr. Thompson reported on preparations for the 2013 petition filing cycle. Mr. Lavelle stated that the Board is expecting a very busy petition cycle this year. There will be higher volumes of petitions submitted to the Board due to the lowered signature requirements. Mr. Lavelle requested that the Chief Clerks and Deputy Chief Clerks recommend key staff from their Borough Offices to assist the Executive Office. Mr. Lavelle reminded that the Commissioners' Hearing Room will be unavailable during the petition process.

Mr. Richman stated that he distributed the draft Designating and Opportunity to Ballot Petition Rules and Filing Calendar for the September 10, 2013 Primary Election to the Commissioners. He stated that he will ask the Commissioners to consider and approve the Calendar and recommended dates at the next meeting.

Mr. Luisi and Mr. Squicciarini requested authorization to renew a NYS Office of General Services (OGS) contract with Stanley Convergent Security Solutions, Inc. Mr. Luisi reported that it is a five (5) year renewal for maintenance of the security cameras and monitoring of the alarms located in all Borough Offices. The total amount of the renewal is \$678,180 which breaks down to \$135,636 per year. Commissioner Araujo inquired about the security cameras. Mr. Squicciarini stated that the cameras are motion activated. Commissioner Michel inquired about the monitoring of the security camera film. Mr. Squicciarini stated that the film is recorded via DVR and Borough Office staff can log into the DVR to review the film. Commissioner Michel asked if he can log into a computer to monitor the live security film on a daily basis. Mr. Squicciarini stated that the Board's current computer bandwidth is not high-speed so it does not have live footage capability. Commissioner Michel inquired about a separate internet option to view the live film. Mr. Ferguson stated that there are certain City regulations about using non-City networks. He stated that the Board needs a better infrastructure to handle live video. Mr. Luisi stated that the contract has expired, but the vendor is still monitoring all equipment on a daily basis. Commissioner Araujo noted that it is difficult to monitor staff in the Queens Voting Machine Facility because it is separate from the main office.

Commissioner Michel stated that he does not want to approve the security renewal until he receives more information about live video monitoring. Ms. Sandow stated that staff will look into the Queens Commissioners' request.

President Umame recognized Alex Camarda, a representative of Citizens Union, who inquired about the Board's position concerning the Run-off Primary issue and compliance with the Federal MOVE Act. Mr. Richman stated that under the current statutory framework, the Commissioners adopted a modification to use the scanners requiring the State Board to change the testing process and to change the number of scanners to be deployed for the Run-off. The City Board is waiting for the State Board's action. In addition, City Board staff has submitted the Board's Recommended Revisions to the NYS Election Law - Part II to Albany. The Board is scheduling their Education and Information Day for May 21, 2013. Mr. Richman stated that it is virtually impossible for any voter to receive an absentee ballot for the possible Run-off Primary under the current statute. It has been a perennial problem and the Board has called this matter to the Legislature since 2001. Mr. Richman reminded that the Federal MOVE Act does not apply to non-federal elections.

Mr. Camarda asked for the Board's position on the Instant Run-off Voting (IRV) system. President Umame stated that he would like the full Board to view a formal presentation on the IRV system. He stated that a number of provisions would need to be changed in the NYS Election Law to accommodate IRV. President Umame noted that he personally reads online articles by Rob Richie who writes about the IRV system. He asked Mr. Camarda if he could help contact someone to give the Board a formal presentation on the IRV system. Mr. Savino stated that he has spoken to Rob Richie about this subject and Mr. Richie is sending him detailed information on the IRV system. The Board will look into this item for the future.

Mr. Ward presented the Vacancy Report dated April 9, 2013. A copy of the report is in the agenda.

Mr. Ward reported on Hurricane Sandy FEMA reimbursement. The federal government is currently in the process of reimbursing City agencies that were affected by Hurricane Sandy. Board staff is currently preparing a \$5 million package for the Office of Emergency Management (OEM) and

Office of Management and Budget (OMB). The funds would go directly into the City's general fund.

Mr. Ward provided an update on the Fiscal Year 2014 (FY14) New Needs Budget. The Board received \$114 million in FY13 which had two (2) events. The Board received \$72 million for FY14 and there will be three (3) events, not including the Run-off Primary. Mr. Ward stated that the Board's Testimony outlines the needs for \$62 million not including the possible Run-off Primary. A high-level meeting is scheduled tomorrow with Mark Page who is the Executive Director of OMB. Mr. Ward will have more information at the next meeting.

President Umane moved to convene an Executive Session to discuss personnel matters which was unanimously adopted.

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

- I. The Commissioners unanimously appointed Debra Leible as the Director of Election Day Operations, at the current annual salary of \$92,190, effective immediately.

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

The next stated meeting of the Commissioners is scheduled for Tuesday, April 16, 2013 at 1:30 P.M.