

MEETING OF THE BOARD OF CANVASSERS
AND THE MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 24, 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 Jose Araujo, Naomi Barrera, Julie Dent, Maria Guastella,
Michael Michel, Michael Rendino, Simon Shamoun, J.P. Sipp

Michael J. Ryan, Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
John Ward, Finance Officer
Dorothy Delayo, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Thomas Sattie, Associate Staff Analyst, Ballots/Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Lisa Sattie, Administrative Associate, Staten Island Office
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Rocco Cirotti, Administrative Associate, Bronx Office
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office
Salvatore Barrera, Administrative Associate, Brooklyn Office
Gisela Mengler, Deputy Chief Clerk, Queens Office
Robert Pataky, Administrative Associate, Queens Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY
Anna-Maria Thomas
Kate Doran, LWV

Eric Friedman, CFB
Thomas Kaplan, NY Times
K. Loving, CFB
David Seitzer, NYC Council
Ian Hoffman, Common Cause/NY
Else G., DOI
A. Laurel-Smith
Alex Camarda, Citizens Union
John D. Smith
Michael Benjamin, NY Post
Samantha B., for Council Member Gale Brewer
Alan Flacks, Member of NY County Democratic Committee

President Umame called the meeting to order at 1:47 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Section 9-204, President Umame called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the recanvass of votes cast on September 10, 2013 in the Primary Elections in the City of New York.

To serve as the other Republican Member of the Canvassing Board, President Umame designated the Republican Commissioner for their respective counties to sign the certified statements. President Umame also designated Commissioner Sipp to serve with him for New York County and the Citywide Recapitulation.

To serve as the other Democratic Member of the Canvassing Board, Secretary Soumas designated the Democratic Commissioner for their respective counties to sign the certified statements. Secretary Soumas designated Commissioner Barrera to serve with him for New York County and the Citywide Recapitulation. He noted that Commissioner Dent was not present.

President Umane noted that Commissioner Rendino joined the meeting.

Mr. Ryan provided an overview of the Board's efforts relating to the canvass and recanvass of the Primary Election. He reported that the Board is prepared to move forward with the certification for Brooklyn, Queens, the Bronx and Staten Island. The paper ballot certification is an ongoing process in Manhattan, and the Return of Canvass is expected to be completed within the course of the next business days. Mr. Ryan requested authorization for the Executive Committee to certify the election once the Manhattan paper results are completed. Secretary Soumas moved to authorize the Executive Committee to certify the election once the Manhattan paper results are completed. President Umane seconded

the motion, which was unanimously adopted. Mr. Ryan stated that will allow the Board to complete the process without the necessity for the full Board to reconvene. An appropriate public notice will be posted.

Mr. Richman highlighted the Board's adopted Procedures for a manual canvass. In 2001, the Commissioners adopted Procedures for the conduct of the canvass and canvass mandated by the New York State Election Law. While there have been some modifications and additions, the Board's standard for requiring a manual canvass in those contests where the margin of victory is very narrow has generally received positive reviews. Section 4 - 4.5 of the Canvass Procedures provides that if the margin of victory in any particular contest is less than ten (10) votes or one-half percent of the total votes cast, there shall be a manual canvass of each paper ballot in that contest. Following the completion of the canvass and canvass of the votes cast in the September 10, 2013 Primary Election for the four (4) boroughs, several contests fall within the parameters of Section 4 - 4.5 of the Canvass Procedures - Democratic Primary for Member of the 36th Council District in Brooklyn, and Member of the Republican State Committee, Female, in the 29th and 30th Assembly Districts in Queens. Notices are being prepared and will be sent to the

candidates in those offices advising that the manual recanvass will commence on Thursday morning in their respective Borough Offices. There is pending litigation for two (2) of the contests. The manual recanvass in those contests will be conducted upon notice to the candidates later this week. Those contests will not be presented for action today. The Candidate Records Unit has provided each of the Commissioners with a listing of those contests those public officers and party positions elected from within the Boroughs of Brooklyn, the Bronx, Queens and Staten Island. Mr. Richman asked the Commissioners to authorize the appropriate Borough Commissioners to certify those contests once the manual recanvass is completed. Commissioner Michel requested for the notice provision in the rules. Mr. Richman stated that the notice provision is in Section 9-209 of the NYS Election Law.

President Umane noted that Commissioner Dent joined the meeting.

Ms. Scott-McFadden and Mr. Cirotti, on behalf of Mr. Ribustello, presented the signed the Return of Canvass for the Party Primary Elections conducted in Bronx County on September 10, 2013. They submitted them to the Canvassing Board for review and approval. Ms. Scott-McFadden

and Mr. Cirotti confirmed that the results presented are accurate and correct and the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were discrepancies which are included in a written report attached to the Return of Canvass. Ms. Scott-McFadden and Mr. Cirotti confirmed that the audit of the central count scanners used in this election required by Section 9-211 of the NYS Election Law and the Regulations of the State Board has been completed successfully. Based on that report, Commissioner Barrera moved that the Board of Canvassers certify the Return of Canvass for the Party Primary Elections conducted in Bronx County on September 10, 2013. Commissioner Rendino seconded the motion, which was unanimously adopted.

Ms. Sattie and Mr. Barrera, on behalf of Ms. Rudiano, presented the signed the Return of Canvass for the Party Primary Elections conducted in Kings County on September 10, 2013. They submitted them to the Canvassing Board for review and approval. Ms. Sattie and Mr. Barrera confirmed that the results presented are accurate and correct and the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were discrepancies which are

included in a written report attached to the Return of Canvass. Ms. Sattie and Mr. Barrera confirmed that the audit of the central count scanners used in this election required by Section 9-211 of the NYS Election Law and the Regulations of the State Board has been completed successfully. Based on that report, Commissioner Dent moved that the Board of Canvassers certify the Return of Canvass for the Party Primary Elections conducted in Kings County on September 10, 2013. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Ms. Mengler and Mr. Pataky, on behalf of Ms. Conacchio, presented the signed the Return of Canvass for the Party Primary Elections conducted in Queens County on September 10, 2013. They submitted them to the Canvassing Board for review and approval. Ms. Mengler and Mr. Pataky confirmed that the results presented are accurate and correct and the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were discrepancies which are included in a written report attached to the Return of Canvass. Ms. Mengler and Mr. Pataky confirmed that the audit of the central count scanners used in this election required by Section 9-211 of the NYS Election Law and the Regulations of the State Board has been completed

successfully. Mr. Richman noted that there is pending litigation in the 29th and 30th ADs in Queens County so those districts results would not be included in today's certification. Those districts will be manually recanvassed on Thursday at 9:30 A.M. A notice to the respective candidates went out via Express Mail today. Commissioner Michel stated that the Board already gave the respective candidates the required 24 hour notice for the canvass, and that there is no written rule to notify the candidates for a recanvass. He stated that these ADs are preventing the certification of the election. Mr. Richman stated that per past practice the Board always gave 24 hours notice to the candidates for both a canvass and recanvass. Secretary Soumas recommended to second call the 29th and 30th AD matters. Commissioner Michel moved to certify all the races in Queens County, except for the 29th and 30th ADs, and to start the manual recanvass today for the 29th AD as soon as possible. Secretary Soumas seconded the motion. Before a vote was taken, President Umane moved to certify all the races in Queens County except for the 29th and 30th ADs. Commissioner Barrera seconded the motion, which was unanimously adopted. Commissioner Michel stated that the 29th AD is not restrained by a Court Order and it can be manually recanvassed today rather than Thursday. President Umane stated that there is nothing specific in Federal

or State constitution on the issue of how much notice should be given for a recanvass, but it is important for the candidates to look at the ballots for stray marks. He stated that the idea of due process is to give notice for transparency. President Umane recommended for staff to call the 29th AD contact persons asking them to waive the 24 hour notice in order to start the recanvass today, and to send a notice to the candidates as well to preserve the Board's rules per past practices.

President Umane noted that Commissioner Araujo joined the meeting.

President Umane moved for staff to contact the respective parties in the 29th AD in Queens County to ask if they can come to the Queens Office sooner than Thursday for the recanvass, and as soon as there is a determination by the Court for the 30th AD, it can be recanvassed as well. Commissioner Michel seconded the motion, which was unanimously adopted. Mr. Richman stated that a notice went out to the 30th AD parties this morning and a notice will be sent to the 29th AD parties today. The CRU staff was given the task to contact the respective parties for the 29th and 30th ADs in Queens County.

Mr. Andriulli and Ms. Sattie, on behalf of Ms. Del Giorno, presented the signed the Return of Canvass for the Party Primary Elections conducted in Richmond County on September 10, 2013. They submitted them to the Canvassing Board for review and approval. Mr. Andriulli and Ms. Sattie confirmed that the results presented are accurate and correct and the provisions of the NYS Election Law and the Board's adopted Policies and Procedures were complied with. There were discrepancies which are included in a written report attached to the Return of Canvass. Mr. Andriulli and Ms. Sattie confirmed that the audit of the central count scanners used in this election required by Section 9-211 of the NYS Election Law and the Regulations of the State Board has been completed successfully. Based on that report, Secretary Soumas moved that the Board of Canvassers certify the Return of Canvass for the Party Primary Elections conducted in Richmond County on September 10, 2013. Commissioner Guastella seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to approve and adopt the Recap Statement and Return of Canvass for the Party Primary Elections

conducted on September 10, 2013 and for those Districts which cross county lines between one (1) or more of the four (4) boroughs that were just certified. Commissioner Dent seconded the motion, which was unanimously adopted.

Commissioner Dent moved to authorize the use of the Commissioners signature stamps as appropriate on the Certifications. Secretary Soumas seconded the motion, which was unanimously adopted.

Commissioner Dent moved for the respective Borough Commissioners' Committees to certify the recanvass results for the 36th CD in Kings County, and the 29th & 30th ADs in Queens County, and that the Executive Committee to certify the Citywide recaps when its completed. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Commissioner Dent moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the Commissioners of Elections. Secretary Soumas seconded the motion, which was unanimously adopted.

Secretary Soumas moved to table the minutes of the September 17, 2013 meeting. President Umane seconded the motion, which was unanimously adopted.

Mr. Johnson presented the CRU Prima Facie Report for the Hearings on Prima Facie Matters for the November 5, 2013 General Election. There were no appearances. Commissioner Araujo moved to adopt the CRU Prima Facie Report concerning candidate Peter F. Vallone Jr. Commissioner Barrera seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report concerning candidate Kathy B. Huang. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Ward presented the Vacancy Report dated September 24, 2013. A copy of the report is in the agenda.

President Umane opened the floor for questions and/or comments from Alex Camarda, a representative of Citizens Union, who spoke about the Board's data in the Mayor's Management Report and the Board's

Annual Report.

President Umane opened the floor for questions and/or comments from Abby Laurel-Smith, a member of the public, who inquired about his candidacy for Mayor. President Umane requested for CRU staff to research Mr. Laurel-Smith's inquiry and placed this item on second call.

President Umane moved to convene an Executive Session for purposes of litigation and personnel. The motion which was seconded and unanimously adopted.

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

- I. The Commissioners granted an advance of ninety (90) days of time for Jerri Carmicino, an Administrative Assistant in the General Office, and John Colesanti, a Clerk in the Bronx Office. Both employees have more than ten (10) years of City service which complies with the rules.

President Umane recalled the matter concerning Mr. Laurel-Smith. CRU staff presented the relevant documents. It was found that Mr. Laurel-

Smith was removed from the ballot because he did not comply with the candidate's requirements in accordance with the NYS Election Law and the Board's Procedures.

President Umane reminded that the Run-off Primary Election will be conducted on Tuesday, October 1, 2013.

President Umane moved to adjourn the meeting. The motion was seconded, and unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, October 8, 2013 at 1:30 P.M.