

MEETING OF THE
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, FEBRUARY 11, 2014
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Gregory C. Soumas
 Secretary Michael Michel

Commissioners Jose Miguel Araujo, Ronald Castorina, Julie Dent, Maria R. Guastella, Michael Rendino, Simon Shamoun, Frederic M. Umane

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Nina M. Crispino, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Monica Bartley, CIDNY
 Kate Doran, LWV
 Michael Benjamin
 Eric Schultz, DOI
 Rushelle Sharpe, DOI
 David Seitzer, NYC Council
 K. Loving, CFB
 John D. Smith
 Cathy Gray

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

Mr. Ryan reported on the proposed DS-200 system changes. On February 4, 2014, the State Board held a meeting concerning proposed changes to the DS-200. The technical changes will be made within the DS-200 machines themselves. It was found that many ballot jams occurred when a voter inserted their ballot into the scanner too timidly; if it took more than 3 seconds, the DS-200 recognized it as an error and timed-out. The poll workers then had to reset the machine. The DS-200 scanner's wheels start to turn when the ballot gets sensed to pull it in. The time-out mechanism period will be increased to 10 seconds to help reduce ballot jams. Mr. Ryan reported that he and Ms. Sandow brought the election night protocol to the attention of ES&S and the State Board. The election night protocol of the DS-200 is to print the unofficial election results tape from the Primary Portable Memory Device (PMD) which cannot be removed from the machine until the results tapes are printed. This protocol causes a substantial delay reporting out results to the public and press. The new protocol that was approved by the State Board follows: At the close of polls, poll workers will upload the unofficial election night results from the DS-200 machine to the Primary PMD, then download the results from the Primary PMD to the Back-up PMD. The Primary PMD will then be sent off to the Police Precincts where it can be uploaded. The unofficial

election night results tapes will be printed from the Back-up PMDs in the poll site. This new protocol will move out the unofficial election results about 45 minutes to 1 hour quicker on election night. It was confirmed that the unofficial election results would be downloaded from the Primary PMD to the Back-up PMD almost instantaneously. Mr. Ryan noted that the new election night protocol will benefit Board staff and the voting public. Additional information will be added to the DS-200 tape to more clearly indicate that the DS-200 is ready to be deployed on Election Day, and ES&S will be clarifying the messages for closing procedures. The first step is to get certification from the State Board, and then the second step is for Board staff to work internally on developing proper protocols. The Board has until June to work out all details. Commissioner Castorina confirmed that this new protocol will not impact the unofficial election night results tapes availability for the public, local parties, and press on election night. Secretary Michel noted that this new protocol will also allow the Board to post the unofficial election results on the Board's website faster. Ms. Sandow also reported that a message alert will be added to the DS-200 if a poll worker removes the PMD from the machine too quickly. The Board will work closely with the State Board and try to implement this new protocol for the 2014 November General Election.

Mr. Ryan presented the draft amended Procurement Procedures. The draft was circulated to the Commissioners yesterday for review. The Board is mandated to comply with the Procurement Procedures established by the New York State Law, the New York City Charter, the Procurement Policy Board, and the Comptroller of the City of New York. In order to ensure that that Board complies with these requirements, Mr. Ryan, Mr. Richman, Mr. Savino, Mr. Luisi and Ms. Youngblood has prepared these amended draft procedures which govern all Board procurement activities. All Board of Elections staff must comply with these procedures. Mr. Ryan requested approval of the draft procedures and reported that modifications are made to the PPB Rules over the course time, and requested for the Commissioners to authorize Executive Management to promulgate new Procurement Procedures, rather than seeking approval from the Commissioners, if the draft Procurement Procedures are adopted. Commissioner Umame recommended for any revisions to the Procurement Procedures to be presented to the full Board of Commissioners for approval. Commissioner Umame moved to adopt the Board's Procurement Procedures as amended. Commissioner Dent seconded the motion, which was unanimously adopted.

Commissioner Castorina requested to discuss a Staten Island personnel matter.

Commissioner Castorina moved to appoint Laurie Cachia, a Temporary Employee in the General Office, to the title of Clerk in the Staten Island Office, effective February 9, 2014, at the outgoing salary of Ann Perchiacca. Ms. Perchiacca, a Clerk in the Staten Island Office, tendered her resignation effective February 6, 2014. Commissioner Guastella seconded the motion, which was unanimously adopted.

President Soumas moved to convene an Executive Session to discuss litigation and personnel matters. Commissioner Dent seconded the motion, which was unanimously adopted.

After Executive Session, President Soumas reconvened the regular stated public meeting.

Commissioner Umane moved to authorize Mr. Ryan to recite the Board's restatement of current practices for Asian-Indian language

assistance. President Soumas seconded the motion, which was unanimously adopted.

Mr. Ryan recited the following Board's restatement of current practices for Asian-Indian language assistance into the record:

"The Board of Elections in the City of New York complies with all applicable statutory and regulatory mandates, including Section 203 of the Voting Rights Act of 1965, as amended. In accordance with the foregoing policy, this Board, to meet its obligations with respect to the provision of Asian-Indian Language Assistance in Queens County, has and will continue to:

- Provide ballots and all other written materials for use by the voters in Bengali at all targeted poll sites.
- Translate into Bengali those portions of the Board's website directed to currently registered and/or prospective voters.
- Contingent upon the continued appropriation of funds by the City of New York, authorize and employ on a full time basis two qualified staff members as Bengali translators.
- Recruit qualified persons as poll workers to serve as Bengali, Hindi, and Punjabi interpreters, who provide assistance to voters at targeted poll sites during each Election Day. The Board makes best efforts to provide two interpreters at each targeted poll site. Poll sites targeted for language assistance based on Bengali surnames will receive Bengali interpreters; poll sites targeted for language assistance based on other Asian Indian surnames will receive Hindi interpreters. The Board seeks poll workers/interpreters who also speak Punjabi in addition to Hindi or Bengali to the extent that they can be recruited.

- Operate a toll free information hotline, commonly known as the “Phone Bank.” The Board uses its best efforts to staff this information hotline with two Bengali-speaking call takers and two Hindi-speaking call takers. We endeavor to select call takers for these positions who also speak Punjabi. Generally, the hotline is staffed with live operators from 9:00 a.m. to 5:00 p.m. on each business day and on each Election Day from 6:00 a.m. to 9:00 p.m.
- Annually train poll workers and other Election Day workers on their legal duties and responsibilities including the Board’s obligation to provide targeted language assistance.
- Assign for each election, at least one team of bi-partisan poll workers to serve on a Monitoring Team for each Assembly District within the City in which an election is being conducted. Each team is assigned to visit poll sites to help ensure that the conduct of the election is in accordance with all applicable statutes, regulations, and policies. Each team is provided with some extra supplies and materials, including, where appropriate, Bengali and Hindi signage, in the event that such materials are needed at a targeted poll site.
- Make its best efforts to place the statutorily prescribed legal notices for each election in newspapers in each of the covered languages, including in Bengali- and Hindi-language newspapers.

The Board has established a position on its full time staff called the Coordinator of the Language Assistance Program (the “LAP”), which is assigned to the Board’s Executive Office. Rachel Knipel is the current Coordinator of the LAP. Questions and concerns about the Board’s Asian-Indian language assistance program should be addressed to the Coordinator. The Board makes best efforts to respond to questions and concerns within 30 days. Additionally, from time to time, the Coordinator distributes information and solicits input concerning, among other things, Asian-Indian language assistance to interested persons and organizations. Any person or organization wishing to be included in these communications or wishing to comment on the Board’s language assistance plan for Asian-Indian voters should contact the Coordinator.

A poll site will be targeted for Asian-Indian assistance when, in accordance with estimations prepared by the New York City Department

of City Planning, utilizing available census data and surname lists supplied to such department:

- a. the most recent determination of the Director of the U.S. Census Bureau designates a County within the City for “Asian Indian” language assistance;
- b. 35 or more voters on a poll site’s voter roles have surnames that are included on the surname list; and
- c. a poll site has a population of at least 50 Asian-Indian Citizen Voting Age with Limited English Proficiency.

The Board also reviews and evaluates information gathered from previous elections and other relevant sources, including the journals submitted by the poll site interpreters as well as suggestions from interested persons and organizations (the “Information”). Notwithstanding the targeting formula, the Board may modify the poll sites targeted for Asian Indian language assistance based on that information. Additionally, the Coordinator makes available upon request (i) the list of poll sites that are targeted for Asian Indian language assistance for the current election cycle; and (ii) the list of poll sites targeted for Asian Indian language assistance in the previous election cycle at which Asian Indian language assistance will be discontinued based upon the Information.”

President Soumas moved to adjourn the meeting. Commissioner

Umane seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, February 18, 2014 at 1:30 P.M.