

HEARINGS ON DELEGATES AND ALTERNATE DELEGATES
DESIGNATING PETITIONS FOR THE APRIL 19, 2016
PRESIDENTIAL ELECTION AND THE MEETING
OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, FEBRUARY 23, 2016
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Bianka Perez
 Secretary Frederic M. Umane

Commissioners Jose Araujo, John Flateau, Lisa Grey, Maria R. Guastella,
Michael Michel, Michael Rendino, Alan Schulkin, Simon Shamoun

Michael J. Ryan, Executive Director
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Administrative Associate, Candidate Records Unit
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV NYC
 Katharine Loving, NYC Camp. Fin. Bd.
 Catherine Gray, LWV NYC
 John D. Smith
 Michael Benjamin
 Arthur Schwartz, Bernie Sanders Campaign
 Jennifer O'Neil

President Perez called the meeting to order at 1:41 P.M.

President Perez announced that the Commissioners will be conducting the Hearings on matters related to Designating Petitions for Delegate to the Democratic National Convention to be voted on at the April 19, 2016 Presidential Primary. President Perez stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar.

Mr. Richman presented the Candidate Records Unit (CRU) Prima Facie Report. There were no appearances by a candidate and/or their representative. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

The President and Secretary cancelled the hearings on April 19, 2016 Special Election petition matters relating to the 59th, 62nd, and 65th Assembly Districts which was scheduled for Friday, February 26, 2016 at 1:30 P.M. Secretary Umame directed Mr. Richman to post a cancellation notice on the Board's website.

Commissioner Araujo requested for the list of candidates for the three (3) April 19, 2016 Special Elections to be emailed to him.

Mr. Richman requested authorization to print Election Day ballots based on the Commissioners' determinations made at this hearing. Secretary Umame moved to authorize the printing of Election Day ballots. President Perez seconded the motion, which was unanimously adopted.

Mr. Richman requested the New York City Law Department to defend the Board in any proceeding challenging the Commissioners' determinations made at this hearing. President Perez moved to authorize the New York City Law Department to defend the Board. Secretary Umame seconded the motion, which was unanimously adopted.

President Perez concluded the Hearings and convened the regular stated meeting of the Commissioners.

Mr. Ryan joined the meeting.

President Perez moved to approve the minutes for the February 16, 2016 meeting. Commissioner Guastella seconded the motion, with Commissioner Michel abstaining. The motion was adopted.

Mr. Richman presented the Draft Designating Petition and Opportunity to Ballot Petition Rules for the 2016 June and September Primary Elections. Copies of the draft were distributed. The only changes therein from the 2015 Rules are those that the Commissioners adopted with respect to the 2016 Presidential Primary Petition Rules, and the 2016 Independent Nominating Petition Rules in December 2015. Secretary Umame moved to adopt the Designating Petition and Opportunity to Ballot Petition Rules for the 2016 Primary Elections as submitted. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Richman requested for the appointment of a Cover Sheet Review Committee for the April 19, 2016 Special Election for Member of the Assembly, 65th AD, to meet immediately following the Commissioners' Meeting. Secretary Umame and Commissioner Schulkin volunteered to serve as the Cover Sheet Review Committee.

Mr. Ryan reported that the Board was invited to attend and testify at the New York City Council Committee on Governmental Operations Hearing scheduled on Monday, February 29, 2016 at 10:00 A.M. There are resolutions and proposed bills on the City Council's agenda. Historically, it has been the position of the Board to direct commentary to the legislative

body that potentially enacts the laws opposed to commenting on another body's resolutions. Mr. Ryan reminded that the Board's Government and Information Day will be held on March 22, 2016 where the Board will be submitting their recommended proposals and will directly address the resolutions. The Office of the General Counsel has conducted a legal analysis of the City Council's proposed mandates. Pursuant to Article 2, Section 8, of the State Constitution as well as the New York State Election Law which establishes the Board of Elections as a necessary bi-partisan agency, it has been the consistent opinion of the City Board that the State's statutory framework essentially occupies the field with respect to the workings of the City Board, and the establishment of the City Board as an independent body that has separate decision making authority concerning the process of conducting elections in the City of New York. It is Executive Management's and the Office of the General Counsel's view that the City Council would be precluded to act in these areas given the constitutional and statutory framework. Mr. Ryan provided a summary of the three (3) proposed mandates that directly relate to the Board which follows:

- Prop. Int. No. 62-A is a local law to amend the New York City Charter in relation to requiring notice on former poll sites on the day of any Primary, Special, or General Election in any of the four (4) calendar years prior to such day.

- It was noted that the Board already sends out a required Voter Information Notice every year to all registered voters, and for those voters that had a poll site change, the information is highlighted and includes the new poll site.
- Prop. Int. No. 463-A is a local law to amend the New York City Charter in relation to providing e-mail and/or text message notifications to New York City voters related to voting for local, state, and federal elections.
 - It was noted that the Board already collects email addresses via Voter Registration Forms, from the Board's website through the Election Day Worker (EDW) system, and at voter registration public outreach events citywide. Email notifications are already done by the Board. It was noted that this proposed mandate would also require the Board to email specific sample ballots to each voter, but sample ballots are already publicly posted on the Board's website for each election. It would be costly and an administrative burden to send a specific sample ballot to each voter.
- Prop. Int. No. 848 is a local law to amend the New York City Charter in relation to requiring the Board to mail voting histories to

voters informing him/her of which elections they voted in for the previous four (4) calendar years.

- It was noted that voter history is already accessible via the public computer terminals at each Borough Office, General Office, or via a FOIL request. These mailings would be costly and an administrative burden for the Board.

There was discussion concerning these proposed mandates. It was noted that the Board wants to be as customer friendly for the voters as possible, but the Board should not accept mandates from the City Council that does not have authority over the Board. It was noted that the Board will take the City Council's suggestions into consideration to be as cooperative as possible, and reiterated that these proposed mandates already exist at the Board, or already have been worked on at the Board. Secretary Umane moved to authorize Senior Management to attend and testify at the City Council Hearing, and to take the positions consistent with what the Board has made consistently in the past. Commissioner Flateau requested for a friendly amendment to the motion with respect to excluding the language of "taking positions consistent with what the Board has made consistently in the past." He noted that he has been a Commissioner for a short period time. Secretary Umane accepted the friendly amendment and moved to

adopt the motion. Commissioner Flateau seconded the motion, which was unanimously adopted.

Secretary Umane reminded the public that there is a Special Election in Bronx County today. The polls are open from 6:00 A.M. to 9:00 P.M. He noted that the television and newspaper media outlets have not covered the Special Election.

President Perez recognized Arthur Schwartz, an attorney for the Bernie Sanders campaign, who requested information concerning the petition hearings that were held before the meeting.

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

Following Executive Session, the public meeting resumed and Mr. Ryan reported the following actions that were taken in Executive Session:

- I. The Commissioners unanimously appointed Rina Ghosh as Hindi/Punjabi Interpreter, with an annual salary of \$31,431, retroactive to February 14, 2016;
- II. The Commissioners unanimously granted a discretionary advance of time of 210 hours for Jeffrey Lodge, a Voting Machine Technician in the Brooklyn Voting Machine Facility, effective immediately. Mr. Lodge has been a Board employee since October 10, 2004;
- III. The Commissioners unanimously granted a discretionary advance of time of 210 hours for Elizabeth Roncetti, an Administrative Assistant in the Brooklyn Office, retroactive to January 3, 2016, to be paid back from her accruals upon her return to work;
- IV. The Commissioners unanimously appointed Frank Correa as Voting Machine Technician, which is on a Technical line, not affiliated with any Borough or Party, and is subject to a minimum vote of six (6) Commissioners, with an annual salary of \$31,465, effective immediately, subject to Personnel and Payroll processing.

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

The next stated meeting of the Commissioners will be held on Tuesday, March 1, 2016 at 1:30 P.M.