

MEETING OF THE COMMISSIONERS OF ELECTIONS  
IN THE CITY OF NEW YORK  
HELD ON TUESDAY, MAY 24, 2016  
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 Bianka Perez  
                  Secretary Frederic M. Umane

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

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  
Nina M. Crispino, Director, Personnel  
Troy Johnson, Coordinator, Candidate Records Unit  
Matthew Graves, Administrative Associate, Candidate Records Unit  
Bart Haggerty, Deputy Chief Clerk, Queens Office  
Robert Pataky, Administrative Associate, Queens Office  
Daniel Ortiz, Administrative Associate, Brooklyn Office  
Salvatore Barrera, Administrative Associate, Brooklyn Office  
Kenneth Moltner, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Kate Doran, LWVNYC  
                  Anna-Maria Thomas  
                  A.B. Britton, KLC GOP Kings NY  
                  John D. Smith  
                  Sunj-ah Han, Citizens Union  
                  Cathy Gray  
                  Katharine Loving, NYC Campaign Finance Bd.  
                  E. Cuesta, Dominicanos USA  
                  Victor S.

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President Perez called the meeting to order at 1:44 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Sections 9-204, 9-210 and 9-212, President Perez convened the Meeting of the Board of Canvassers in the City of New York for the purposes of re-certifying the recanvass of votes cast on April 19, 2016 Republican and Democratic Presidential Primary Elections in Queens County and Kings County, the Special Election for the 59<sup>th</sup> Assembly District in Kings County, and the citywide Primary cross-over districts.

To serve as the other Democratic member of the Canvassing Board, President Perez designated the Democratic Commissioners for the respective counties to serve with her for the Citywide Recaps.

To serve as the other Republican member of the Canvassing Board, Secretary Umane designated the Republican Commissioner for the respective counties and Commissioner Michel to serve with him for New York County and the Citywide Recaps.

Mr. Haggerty, Deputy Chief Clerk, and Mr. Pataky, Administrative Associate on behalf of the Chief Clerk, of Queens and their staff have prepared and signed the Amended Returns of Canvass for the April 19, 2016 Republican and Democratic Presidential Primary Elections, in accordance with the Board's Policies and Procedures. Mr. Haggerty and Mr. Pataky presented the Amended Returns of Canvass to the Canvassing Board for review and approval. Mr. Haggerty and Mr. Pataky confirmed that the results presented are accurate and correct, there are no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Amended Returns of Canvass for the April 19, 2016 Republican and Democratic Presidential Primary Elections in Queens County. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Ortiz, Administrative Associate, and Mr. Barrera, Administrative Associate, on behalf of the Brooklyn Office and the staff have prepared and signed the Amended Returns of Canvass for the April 19, 2016 Republican and Democratic Presidential Primary Elections and the Special Election for

the 59<sup>th</sup> Assembly District in Kings County, in accordance with the Board's Policies and Procedures. Mr. Ortiz and Mr. Barrera presented the Amended Returns of Canvass to the Canvassing Board for review and approval. Mr. Ortiz and Mr. Barrera confirmed that the results presented are accurate and correct, there are no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed. Based on that report, Commissioner Flateau moved that the Board of Canvassers certify the Amended Returns of Canvass for the April 19, 2016 Republican and Democratic Presidential Primary Elections and the Special Election for the 59<sup>th</sup> Assembly District in Kings County. Commissioner Araujo seconded the motion, which was unanimously adopted.

Secretary Umame moved to approve and adopt the Recap Statement and the Amended Return of Canvass for the Presidential Primary Elections conducted on April 19, 2016 for those Congressional Districts which cross county lines within the City of New York. Commissioner Araujo seconded the motion, which was unanimously adopted.

Secretary Umane moved to authorize the use of the Commissioners' signature stamps as appropriate on each Statement and Amended Return of Canvass. Commissioner Flateau seconded the motion, which was unanimously adopted.

The meeting of the Board of Canvassers was unanimously adjourned.

President Perez convened the regular stated meeting of the Commissioners.

Commissioner Guastella moved to adopt the minutes for the May 17, 2016 meeting. Commissioner Flateau seconded the motion, with President Perez and Commissioner Grey abstaining. The motion was adopted.

Mr. Richman reported that the Candidate Records Unit (CRU) prepared a draft Notice to all Candidates for the June 28, 2016 Federal Primary Election. Copies of the draft were distributed. It was reported that the draft was reviewed by all respective staff members and it meets the statutory requirements. President Perez moved to adopt the Notice to all

Candidates for the June 28, 2016 Federal Primary Election as submitted. Secretary Umame seconded the motion, which was unanimously adopted.

Mr. Ryan reported that he testified at Congresswoman Nydia M. Velazquez's town hall meeting, "Fragile at Fifty: The Urgent Need to Strengthen and Restore the Voting Rights Act" on May 20, 2016. The co-hosts were Congresswoman Grace Meng and Congressman Hakeem Jeffries. The main topic was the Voting Rights Act and the restrictions post the Shelby decision. After the Board provided testimony, good government groups spoke and the main issue was poll worker recruitment and obtaining better workers at all poll sites in NYC and across the U.S. During the Q&A session, there were many questions concerning the July 2015 voter list maintenance. Mr. Ryan reported that overall the representatives of the town hall meeting were satisfied with the Board's presentation.

Mr. Ryan reported on the Reform Party poll site consolidation for the June 28, 2016 Federal Primary Election. He recalled that this item was raised at the previous meeting, and Executive Management and staff have had discussions with the State Board on this matter. Section 4-104 (5)(a) of the New York State Election Law gives the right to consolidate poll sites within reason. A portion of the Election Law points the local board of

elections to the State Board's Rules and Regulations for further clarification. The State Board's Rules and Regulations do not have an established dispositive standard for reasonableness. It was noted that there are sixty-two (62) New York State county board of elections all with varying degrees of challenges they face to accomplish elections, and the ultimate reasonableness standard is left to the local Boards when doing consolidation who should know their community better than a central State location. Executive Management recommended consolidating the poll sites and notifying the Reform Party voters with a voter education plan. For the limited purpose of this specific Reform Party Primary Election event, to dispense the use of the DS-200 scanners, and to use privacy envelopes at the poll sites and the voter's ballot would be placed into that privacy envelope. It was noted that the OTB is an all "write-in" only election and the DS-200 scanners would only capture the number of people filling in the oval on the ballot which ultimately would have to be reviewed for the "write-in" candidate. Given the very low number of ballots, manually counting envelopes makes sense. It also allows maximizing the potential of voter ballot secrecy so no voter's name will be tied to the "write-in" candidate they voted for and the ballots will be mixed at a central location to ensure voter privacy. It was also recommended that the entire registered Reform Party voters citywide to be printed into a single poll list

book for each poll site, so if a voter moves within the City before the June 28, 2016 Primary, their name would appear in the poll list book and they can vote by the privacy envelope which concerns the Motor Voter law. It was noted that June 3, 2016 is the voter registration deadline for the Reform Party election. Mr. Ryan noted that the Commissioners' determinations can be by a borough level to determine how many additional poll sites are needed due to a geographical or Congressional District basis, or utilizing the Borough Offices as a backup poll site. Mr. Ryan recommended for the Borough Offices to be a fully staffed poll site because the Judges will be assigned there on Election Day. All boroughs are affected, except Staten Island. There are 17 registered Reform Party voters that live within a Congressional District where there is no other Primary Election. There are 75 registered Reform Party voters citywide. It was noted that a Ballot Marking Device (BMD) will be deployed at every site as well. Secretary Umame noted that Commissioner Shamoun had an alternative idea of treating the 17 Reform Party voters that live within a Congressional District where there is no other Primary Election as those voters in the Board's Nursing Home Program. Bi-partisan staff would visit those Reform Party voters to give them a ballot. Mr. Ryan noted that preserving voter secrecy came to the surface during staff discussions. Secretary Umame raised concerns about potential voter fraud having a

single Poll List Book for all of the registered Reform Party citywide. It was noted that there would have to be a process in place to track and confirm so there is no voter fraud. Mr. Ryan noted that the full Board can vote to defer the Borough Committees to determine the configuration of poll sites for their specific borough. He added that there were discussions with the State Board staff about a much larger potential collapsing of poll sites than just the Assembly Districts. The conversation started with keeping only the Borough Offices open for this unique circumstance, and State Board staff did not oppose the idea. The State Board stated that there needs to be an articulated basis why it is reasonable under the unique set of circumstances at whatever level of consolidation the City Board decides. Poll sites can be expanded based upon the reasonableness and unreasonableness. The issue of transportation per borough was considered as well. Secretary Umane suggested for the concept of the plan to be consistent for the boroughs. Commissioner Araujo recommended for the Commissioners Committees to discuss a plan with their boroughs' Chief Clerks, Deputy Chief Clerks and staff to create a master plan for their borough which will then be presented to the full Board for approval. It was noted that voter and poll worker notification and education are needed for the Reform Party issues as well. Mr. Ryan noted that there would be four (4) Inspectors per Borough Office, if made into a

poll site, which would be dealing solely with the Reform Party issues. Secretary Umane moved to adopt the plan as amended, and for each Commissioner Committee to present their boroughs' plan to the full Board at the next meeting. Commissioner Araujo seconded the motion, which was unanimously adopted. Mr. Ryan noted that if the plans need to be finalized in advance of the next meeting, Executive Management will contact the Executive Committee. Secretary Umane thanked Executive Management for developing a plan for the unusual set of circumstances.

President Perez moved to convene an Executive Session for purposes of personnel. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and Mr. Ryan reported the following action taken in Executive Session:

- I. Brendaliz Candelaria was appointed Deputy Chief Clerk of the Bronx Office, effective May 31, 2016, with the starting salary.

The next stated meeting of the Commissioners will be held on Tuesday, June 7, 2016 at 1:30 P.M.