

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MARCH 15, 2017
AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umame
Secretary Rosanna Vargas

Commissioners Jose Araujo, John Flateau, Maria R. Guastella, 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
Valerie Vazquez, Director, Communications & Public Affairs
John O'Grady, Chief Voting Machine Technician, VEOU
John Naudus, Manager, Electronic Voting Systems
Thomas Sattie, Associate Staff Analyst, Ballot Management
Kenneth Moltner, Counsel to the Commissioners

GUEST: Kate Doran, LWVNYC
Katharine Loving, NYC Campaign Finance Board
Alan Flacks, Member of NY County Democratic Committee

President Umame called the meeting to order at 1:43 P.M.

Mr. Ryan reported on the Board's Draft 2017 Recommended Revisions to the New York State Election Law which will be submitted at the March 28, 2017 Annual State Government and Information Day in

Albany, NY. Copies of the draft were previously circulated to the Commissioners for review. Mr. Ryan reported that the recommended proposals are in the same order as last year's legislative package. The only substantial change is the costs associated with the mandated Local Registration Day which increased since 2012 due to the 2016 Presidential Election. President Umame recommended reducing the number of proposals in hopes of getting some proposals passed. He recommended deleting Proposal # 17-11 which requires an amendment to the Election Law to require the City Board to maintain a voting system storage and preparation facility in each borough of the City. He recalled that in the past the City wanted to economize on rent and have one central Voting Machine Facility (VMF). Historically, the City Board has maintained a VMF in each borough and there have been no issues.

Secretary Vargas and Commissioner Rendino joined the meeting.

Commissioner Flateau moved to remove Proposal #17-11 from the Draft 2017 Recommended Revisions. President Umame seconded the motion, which was unanimously adopted. President Umame recommended deleting Proposal #17-13 which requires an amendment to Section 5-614 of the Election Law which concerns all voter registration activities and

functions be conducted using bipartisan approval for every board of elections in New York State. President Umane noted that the City Board follows a bipartisan procedure based on Statewide Voter Registration system which complies with the law and believed this recommendation should be considered by the NYS Election Commissioners' Association. Commissioner Flateau moved to delete Proposal #17-13 from the Draft 2017 Recommended Revisions. Commissioner Guastella seconded the motion, which was unanimously adopted. President Umane recommended deleting Proposal #17-16 to amend Section 4-136 of the Election Law to establish minimum funding allocation for the support of the Board's operations. There has always been an issue of having enough funding in the City's budget, but there has been no budget funding issue the past few years as the Board now has a good relationship with the City. It was noted that there has not been any movement in the past on this Proposal. Commissioner Flateau moved to delete Proposal #17-16 from the Draft 2017 Recommended Revisions. Commissioner Guastella seconded the motion, which was unanimously adopted. Ms. Sandow recommended moving up the date in Proposal #17-17 which is to amend Section 5-708(5)(a) to change the time period for the annual National Change of Address System check for registered voters. Ms. Sandow noted that there needs to be enough time for voter list maintenance. After

discussion, Executive Management recommended moving the month to January instead of May to ensure the voter poll books are accurate. President Umane moved to change the month from May to January in Proposal #17-17. The motion was seconded and unanimously adopted. Ms. Sandow recommended moving up Proposal #17-17 in the Legislative Package. Commissioner Flateau moved to move Proposal #17-17 to Proposal #17-04. The motion was seconded and unanimously adopted. Commissioner Araujo requested for dates on Proposals when the Board first started asking the Legislature for changes in future Recommended Revisions so that the Commissioners can keep track of them. It was noted that the Election Commissioners' Association's legislative package's main priorities are Election District size and closing schools on both Primary and General Election Day. President Umane moved to adopt the 2017 Recommended Revisions as amended, to be renumbered based upon the Commissioners' actions, and to send copies to Albany in advance of the meeting. Commissioner Flateau seconded the motion, which was unanimously adopted.

Secretary Vargas moved to adopt the minutes for the March 7, 2017 meeting. Commissioner Flateau seconded the motion, with President Umane abstaining. The motion was adopted.

Commissioner Araujo inquired if the City Board has spoken with the State Board concerning certain routine pre-election and post-election testing of the DS-200 voting machines. Mr. Ryan reported that the Board has been operating under the State Board's process and there is nothing new to report. Mr. O'Grady reported that there have been no issues with the testing.

Mr. Ryan reported on the recommended options for the potential 2017 Citywide Office Run-off Election. Copies of the various options were distributed to the Commissioners for review. Mr. Ryan reported that the Borough Office Chief Clerks and Deputy Chief Clerks provided feedback on these recommendations. The staff's preference is Option #1 to ask the Legislature to extend the time between the Primary Election and Run-off Election from a two (2) week timeframe to a three (3) week timeframe using the poll site optical scanning system to conduct the Run-off. If the State Legislature passes legislation, the Run-off would be held on October 3, 2017. Mr. Ryan noted that if legislation is not passed, the Board has a potential plan for the two (2) week timeframe. Under Option #1, Mr. Ryan explained that the Commissioners would meet on the afternoon of Wednesday, September 13, 2017 to determine the ballot layout and approve the printing for the Run-off Election based on the voting machine

counts. Mr. Naudus reported that he would then create ballots for the boroughs which would be proofed by staff by mid-day Thursday, September 14, 2017 depending on the amount of contests. The print vendor would then start producing ballots and test ballots will be delivered to the Board by Saturday, September 16, 2017 to enable the testing of the scanners and BMDs to begin. There would be a five (5) ballot test deck pattern, as authorized by the State Board, for the Run-off Primary (elimination of randomly marked ballots and in addition to Standard three (3) ballot test deck), to significantly reduce the time for testing completion. President Umane believed that the potential Run-off Election should be operated the same way as all other elections with respect to testing, and noted that the SHOUP machines were utilized for the 2013 Run-off Election. After discussion, Commissioner Araujo moved to accept Option #1 using the poll site optical scanning system to conduct the Run-off within a three (3) week timeframe with the elimination of the random marked ballots in addition to the standard test desk, if the State Legislature passes legislation. Commissioner Flateau requested for a friendly amendment to include the date of the potential Run-off which would be conducted on Tuesday, October 3, 2017. The motion was seconded, with President Umane opposing and Commissioner Rendino abstaining. The

motion was adopted. Mr. Ryan noted that if legislation is not passed, the Board will be left with the Option #2 two (2) week timeframe.

Commissioner Flateau requested for an update on the March 13, 2017 City Council Budget Hearing. Mr. Ryan requested to give a full report at the next meeting. The item will be placed on next week's agenda.

Commissioner Rendino inquired if the Board was invited to participate in the NYC Votes "Student Voter Registration Day" on Friday, March 17, 2017. Mr. Ryan reported that VAAC has let the New York Immigration Coalition organize the "Student Voter Registration Day" this year. The Board was invited late last week and Ms. Vazquez is still waiting for details on the event which will be forwarded to the Commissioners for review. Commissioner Rendino noted that he would like the Board to participate if possible.

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

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

- I. The Commissioners granted 156 hours of Advance of Time to Ellen Giwa, an Administrative Assistant in the General Office, to be paid back with her leave balances upon her return. Ms. Giwa's agency start date is September 8, 2008;
- II. The Commissioners granted 210 hours of Advance of Time to Charlette Jordan, a Clerk in the Manhattan Office, to be paid back with her leave balances upon her return. Ms. Jordan's agency start date is October 1, 2000;
- III. A Stipulation of Settlement dated March 2, 2017 for William Truscio, an Administrative Assistant in the General Office, was ratified by the full Board of Commissioners.

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

The next stated meeting of the Commissioners will be held on March 21, 2017 at 1:30 P.M.