

HEARINGS ON OPPORTUNITY TO BALLOT PETITIONS AND RELATED
MATTERS, CONTINUATION OF HEARINGS ON DESIGNATING
PETITIONS FOR THE SEPTEMBER 12, 2017 PRIMARY ELECTION, AND
THE STATED MEETING OF THE COMMISSIONERS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 8, 2017 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane
 Secretary Rosanna Vargas

Commissioners Jose Araujo, Maria R. Guastella, Michael Michel, Alan
Schulkin, Robert Siano, John Wm. Zaccone

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
Joshua Williams, Contract Attorney, Office of the General Counsel
Nia Stanford, Contract Attorney, Office of the General Counsel
Dennis Futoryan, Law Student Summer Intern
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Project Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Michael Carmicino, Administrative Associate, Candidate Records Unit
Shanette Brown, Administrative Assistant, Candidate Records Unit
Nina M. Crispino, Director, Personnel
John P. O'Grady, Chief Voting Machine Technician, VEOU
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Lisa Sattie, Administrative Associate, Staten Island Office
Brendaliz Candelaria, Deputy Chief Clerk, Bronx Office
Rocco Cirotti, Administrative Associate, Bronx Office
Greg Lehman, Chief Clerk, Manhattan Office
William Allen, Deputy Chief Clerk, Manhattan Office
Alvin Samuels, Administrative Associate, Manhattan Office
Kenneth Moltner, Counsel to the Commissioners

Steven B. Denkberg, Counsel to the Commissioners

GUEST: A. Barksdale
W. Iwachiw
M. Torres-Trujillo
K. Loving, NYC CFB
Maria Ortiz
Victor Ortiz
Meredith Korck
Arthur Greig
Keith Lilly
Ali Najmi
John Haggerty, for Tobacco
Andrew Tulloch
LaShawn Henry
Kate Doran, LWV NYC
Martin Connor
Wendy Byrne, LWV NYC
Ayeomoni Oluwasayo, BLAC
O.S.
Ruby Muhammed
Jim Galloway
J.L. Condell
Perry Grossman, NYCLV
Will Stachs
A. Klapp, BLAC
Cenadra G., BLAC/TBI
Kaelyn Smith, BLAC/TBI
Russel Cheek, TBI
Corey Ortega
Gricel Ortiz-Thompson
Catherine Gray
Dimitri Glinski
C. Miner
S. Jean
Elisa
T.W.
John Tobacco
Carmine Bruno
A.A.
Frank Morano

Robert Lizardo
Beverly Akta
Eisley Constantine
C. Muhane
Everly Brown
Neil Grimaldi
Alan Flacks, Member of NY County Democratic Committee

President Umane called the meeting to order at 1:32 P.M.

President Umane announced that the Commissioners will conduct the hearings on challenges to Opportunity to Ballot (OTB) petitions as well as the conclusion of hearings on designation petitions for Public Offices as well as Party Positions to be contested in the September 12, 2017 Primary Election.

President Umane stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings. The Calendar was posted for the public as required.

Mr. Richman called the Calendar for the Hearings on OTB petitions.

Mr. Richman called the OTB Legal Prima Facie Report. There were no appearances. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the Candidate Record's Unit OTB Prima Facie Report. There were no appearances. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the OTB Clerks' Reports for Specifications of Objections for Queens County. There were no appearances. The Commissioners' determinations are reflected on each Clerks' Report acted upon which are on file at the Board.

Mr. Richman called the OTB Clerks' Report for Specifications of Objections for Citywide Office. There was an appearance by a candidate and/or their representative which is noted on the Clerks' Report on file at the Board. The Commissioners' determinations are reflected on each Clerks' Report acted upon.

Mr. Richman called the Calendar for the continuation of Designating Petition matters.

Mr. Richman presented the Candidate Records Unit's Prima Facie Report on Designating Petitions. There were no appearances. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman reported that Kimberly Maribel, a candidate for County Committee in New York County, submitted a letter to the Board requesting to be removed from the ballot because she was not aware of it. A copy of her letter was circulated to the Commissioners for review. President Umane moved to remove Kimberly Maribel from the ballot per her written request. Before a vote was taken, Secretary Vargas requested for staff to print Ms. Maribel's voter registration record to compare signatures with her letter. This item was tabled upon further review.

Mr. Weaver reported that Earl Louis Morris contacted him this morning concerning his removal from the Primary Election ballot at last week's Hearings. Mr. Morris' name was listed on CRU's Enrollment Issues Report. Mr. Morris reported to Mr. Weaver that he has the same name and same address as his father. Board staff had inadvertently linked Mr. Morris' enrollment information to his father's enrollment information in

the system. President Umame requested for written communication from Mr. Morris concerning this matter for the Board's consideration.

Mr. Richman called the Clerks' Report for Specification of Objections for Bronx County – Spec. No. BX 34-1. There were appearances by a candidate and/or their representative which is noted on the Clerks' Report on file at the Board. This matter was placed on second call.

Mr. Moltner called the Clerks' Reports for Specifications of Objections for New York County – Spec. Nos. NY 139-1, NY 166/167/168, NY 170/171/172, NY 174/175/176, NY 209 – 1/2/5/6/7/8/9/10/11/15/16/17/18/19/20/21/22/23/24/25/26/27/28. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Clerks' Reports on file at the Board. The Commissioners' determinations are reflected on each Clerks' Report acted upon.

Commissioner Guastella joined the meeting.

Mr. Richman recalled the matter concerning Kimberly Maribel, a candidate for County Committee in New York County, who submitted a

letter to the Board requesting to be removed from the ballot. Board staff printed a copy of her voter registration record to compare signatures with her submitted letter. It was determined that the signatures appeared to be the same. President Umane moved to remove Kimberly Maribel from County Committee on the ballot per her written request. Secretary Vargas seconded the motion, which was unanimously adopted.

President Umane temporarily adjourned the Hearings and convened the regular stated meeting of the Commissioners.

Commissioner Araujo moved to adopt the minutes for the August 1, 2017 meeting. Commissioner Siano seconded the motion, which was unanimously adopted.

On behalf of Mr. Johnson, Mr. Richman presented the Draft Notice to All Candidates for the September 12, 2017 Primary Election. Copies of the Draft Notice were circulated to the Commissioners. Mr. Richman reported that CRU prepared the Draft Notice and it meets all statutory requirements. Commissioner Schulkin moved to adopt the Notice to All Candidates for the September 12, 2017 Primary Election. The motion was seconded, and unanimously adopted.

Mr. Ryan reported that Mr. O'Grady requested to add an item to the agenda.

Mr. O'Grady requested to increase the amount of eligible voters from 1,400 to 2,000 per scanner for the Primary Election and potential Run-off Primary Election. This increase will enable the Board to meet the two (2) week turnaround deadline in the event there is a Run-off Primary Election. A total of 789 scanners will not have to be prepared and deployed citywide for the Primary and Run-off. It was noted that this plan is compliant with the law. Commissioner Schulkin moved to accept the requested change. Commissioner Guastella seconded the motion, which was unanimously adopted.

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

Following Executive Session, the open public meeting resumed.

President Umame called all Hearing matters that were placed on second call. The Commissioners' determinations are reflected on each Report which are on file at the Board.

Mr. Ryan reported the following action that was taken in Executive Session:

- I. The Commissioners granted 210 hours Advance of Time to Rhonda Cook, an Administrative Assistant in the General Office, to be used intermittently, and will be paid back with her leave balances upon her return. Ms. Cook's agency start date is October 15, 2000.

Mr. Ryan reported that there are three (3) members of the public who have requested to speak about the LeFrak City poll site in Queens County. Mr. Ryan provided a summary and update on the LeFrak City poll site. He reported that the Board received a written complaint, dated July 26, 2017, concerning the poll site being moved to two (2) other locations approximately three (3) blocks away from LeFrak City. There were a total of five (5) Election Districts split into two (2) poll sites. Mr. Ryan explained that Evan Terry Associates (ETA) was mandated by Federal Court to survey all 1,200 poll sites citywide for ADA requirements. ETA surveyed

LeFrak City and found that the poll site's designated room is not ADA compliant. There were total of five (5) ED's in the designated room and wheelchair users cannot move freely and independently due to the amount of voting equipment. Mr. Ryan reported that LeFrak City's lower management staff has been historically difficult to work with to explore alternative poll rooms within the complex. Board staff spoke with LeFrak City's landlord and upper management this past Monday and they ensured full cooperation with the Board moving forward. The Commissioners stated that they want to work with LeFrak City to try and keep all voters within the LeFrak City complex. Board staff has been instructed to survey other areas in the complex. Mr. Ryan reported that the Lobby will be surveyed, but there are potential issues such as privacy, electricity outlets, and air conditioning. It was noted that the Board's Annual Voter Information Notices are mailed to all voters citywide between August 1st – August 5th and any poll site changes are highlighted and bolded on the Notice. If a poll site changes at a later date, the Board mails a Poll Site Change Notice to the affected voters before the election.

President Umame opened the floor for the following members of the public who advocated for the Board to not move LeFrak City's poll site:

- Bertha Lewis, President of Black Leadership Action Coalition;

- Ruby Mohammed, LeFrak City tenant;
- Jim Galloway, LeFrak City tenant.

Mr. Ryan reiterated that Board staff will be reaching out to LeFrak City's upper management to arrange a walk-through to survey alternative rooms within the complex. Commissioner Zaccone suggested for the advocates to contact Federal Court concerning the Order for ADA compliance in all poll sites.

President Umane recognized Alan Flacks, a member of the public, who spoke about the Board's security at the Commissioners' Meetings.

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, August 15, 2017 at 1:30 P.M.