

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, FEBRUARY 27, 2018 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Rosanna Vargas
Secretary John Wm. Zaccone

Commissioners Jose Araujo, John Flateau, Maria R. Guastella, Michael Michel, Alan Schulkin, Simon Shamoun, Frederic M. Umane

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
Steven Guglielmi, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWVNYC
Katharine Loving, NYC Campaign Finance Bd.
Wendy Byrne, LWVNYC
Amanda Melillo, CFB
Alan Flacks, Member of NY County Democratic Committee

President Vargas called the meeting to order at 1:37 P.M.

Secretary Zaccone moved to adopt the minutes for the February 20, 2018 meeting. The motion was seconded, with

Commissioners Guastella and Umame abstaining. The motion was adopted.

Mr. Richman presented the Draft Designating Petition and Opportunity to Ballot Petition Rules for 2018. Copies of the Draft Rules were previously distributed for review. Mr. Richman reported that the Draft Rules reflect the changes made by the Commissioners when they adopted the Independent Nominating Petition Rules for 2018, as well as the recent changes made by the State Board to the Sample Cover Sheet, reflecting both statutory amendments, and the request of the City Board to permit the submission of an email address. In addition, Mr. Richman recommended that Rule C2 be revised to include a new subdivision (j) to reflect Chapter 307 of the Laws of 2017 (effective December 1, 2017) and to read as follows:

- Pursuant to Election Law, Section 4-123, a candidate for Member of the New York State Assembly or New York State Senate has the option to include on their cover sheet, the candidate's website address, which if submitted, will be published on the State Board of Elections website.

Commissioner Schulkin moved to adopt the Designating Petition and Opportunity to Ballot Petition Rules for 2018 with the addition as submitted. Secretary Zaccone seconded the motion, which was unanimously adopted.

Mr. Richman presented the Draft Filing Calendar for the June 26, 2018 Federal Office Primary Election. Copies of the Draft Calendar were previously distributed for review. The recommended dates for the Hearings on Designating Petitions and related matters are Tuesday, May 1, 2018 at 1:30 P.M and Wednesday, May 2, 2018 at 1:30 P.M. (if necessary). The recommended date for the Hearings on Opportunity to Ballot Petitions and related matters is Tuesday, May 8, 2018 at 1:30 P.M. Commissioner Guastella inquired if the time can be adjusted if a Hearing is necessary on Wednesday, May 2, 2018. It was reported that the time can be changed and/or a Commissioners' Committee can be appointed for that meeting. Commissioner Araujo moved to adopt the Filing Calendar for the June 26, 2018 Federal Office Primary Election as submitted. President Vargas seconded the motion, which was unanimously adopted. Mr. Richman noted that the Calendar will be posted on the Board's website. Commissioner Araujo requested for the Calendar to be emailed to the Commissioners as well.

Secretary Zaccone suggested for the Board to set-up and use one (1) specific email address for notice to candidates to make it easier to track those correspondences and help prevent any confusion; several staff members can have access to that specific email address. It was noted that both the Borough Offices and Candidate Records Unit send notice to candidates. Each Borough Office could have one (1) specific email address and CRU can have one (1) specific email address. Commissioner Umame noted that procedures for staff would have to be created as well. Mr. Ryan reported that he will look into his request with the MIS Department.

Mr. Ryan provided an update on voter registration processing. He noted for public discourse that the word “purge” has been misrepresented in news articles by various news outlets, and clarified that voter list maintenance is a mandatory function pursuant to Federal and State Law. Mr. Ryan reported the following list maintenance information:

- **Potential Duplicates:**
 - Manhattan – 12,627 in process
 - Bronx – Complete
 - Brooklyn – 10,081 in process (as of 2/26/18)
 - Queens – 9,427 in process

- Staten Island – Complete
- A total of 78,943 potential Duplicates were in the queue for processing, and 32,135 are currently remaining to be processed;
- **Duplicate entries matched to Death Records:**
 - Manhattan – 4,139
 - Bronx – 11,870
 - Brooklyn – 10,573
 - Queens – 6,189
 - Staten Island – 6,423
 - Total records removed which includes Duplicates – 39,114

Mr. Ryan clarified that these records were provided to the City Board by the State Board which historically dates back to 2007. There were indications in the past that the City Board was failing to remove deceased voters from the voter rolls. The City Board now has a detailed list from the State Board and staff is processing these potential deceased voters with the records currently in the system. Commissioner Michel reiterated that the list maintenance program is mandatory pursuant to Federal and State Law, and State Board regulations. Mr. Ryan reported that he will provide an open and transparent update on voter registration processing every week until the work is completed.

Mr. Ryan reported that there are personnel and litigation matters for Executive Session.

Mr. Ryan reported that copies of sample ballot layouts were distributed to the Commissioners for review, and can be discussed at a future meeting. Commissioner Umame requested for the sample ballots to be emailed to the Commissioners as well. Commissioner Araujo requested for sample ballots to be initially presented to the Commissioners' Ballot Committee so that the Committee can discuss and make their recommendation to the full Board.

Based on recent news reports, Secretary Zaccone clarified to news reporters that the Commissioners of Elections run the Board and requested for the reporters to get their facts straight for the future. He asked reporters to consider the Commissioners as appropriate for their position at the Board.

For informational purposes, Mr. Richman reported that the Board will be submitting Recommended Revisions to the New York State Election Law at the 2018 Legislative Session on March 13, 2018 in Albany, NY. Copies of the 2017 Recommended Revisions, with an attachment

containing suggestions by staff, were distributed to the Commissioners for review. Mr. Richman requested for an adoption of the 2018 Recommended Revisions at the next meeting. Commissioner Flateau requested for the staff's suggestions to be emailed to the Commissioners in bullet point form.

President Vargas reported that members of the public who wish to speak must fill out a form in advance of the meeting.

President Vargas recognized Alan Flacks, a member of the public, who spoke about voters who have two (2) addresses in New York and could potentially vote in the City and Upstate.

Commissioner Umane moved to convene an Executive Session for personnel and litigation matters. Secretary Zaccone seconded the motion, which was 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 Stipulation of Settlement between the Board and Bruce Rothman, a Clerk in the Brooklyn Office, as duly executed by

Mr. Rothman, Ms. Ellaby, and Mr. Guglielmi, was unanimously approved by the full Board, pursuant to the terms and conditions set forth within the Stipulation;

- II. The Commissioners granted 210 hours Advance of Time to Patricia Cortez, a Trainer Assistant in the General Office, retroactive to February 22, 2018. Ms. Cortez's agency start date is May 15, 1961.

Commissioner Umame moved to adjourn the meeting. Commissioner Flateau seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, March 6, 2018 at 1:30 P.M.