

HEARINGS ON OPPORTUNITY TO BALLOT AND CONTINUATION OF
DESIGNATING PETITION MATTERS FOR THE SEPTEMBER 13, 2018
PRIMARY ELECTION AND THE STATED MEETING OF THE
COMMISSIONERS IN THE CITY OF NEW YORK
HELD ON TUESDAY, AUGUST 7, 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, Robert Siano, Frederic M. Umame

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
Valerie Vazquez, Director, Communications & Public Affairs
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Michael Carmicino, Administrative Associate, Candidate Records Unit
Raquel Torres, Administrative Assistant, Candidate Records Unit
Parnell Sena, Administrative Assistant, Candidate Records Unit
Steven Guglielmi, Director, Personnel2
Thomas Sattie, Associate Staff Analyst, Ballot Management
Amanda Berinato, Chief Clerk, Queens Office
Bart Haggerty, Deputy Chief Clerk, Queens Office
Gregory Lehman, Chief Clerk, Manhattan Office
Cynthia Doty, Deputy Chief Clerk, Manhattan Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: John Haggerty

Kate Doran, LWV
Robert Morgan
Monica Bartley, CIDNY
Steven Isler
John Tabacco
Jeff Griffin, for Addabbo
Alan Flacks, Member of NY County Democratic Committee
Dara Sheddon, for J. Tabacco
David Fischer, for Braunstein
Eric Katz, for Addabbo
Katherine James
Phil Orenstein
P. Farrell
Grant Lincoln, for Savino
John N. Scandalios, Vice Chair Queens Reform Party
Frank Morano
Katharine Loving, NYC CFB
Robert Straniere, for Dr. J. Ascherman

President Vargas called the meeting to order at 1:55 P.M.

President Vargas announced that the Commissioners will conduct the Hearings on challenges to Opportunity to Ballot Petitions as well as Designating Petitions for State and Local Public Offices as well as Party Positions to be contested in the September 13, 2018 Primary Elections.

President Vargas 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 Petition matters.

Mr. Richman called the Candidate Records Unit (CRU) Prima Facie Report for New York County. There were no appearances. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the Clerks' Report for New York County. There were no appearances. The Commissioners' determinations are reflected on the Clerks' Report on file at the Board.

Mr. Richman called the Counsel's Report on Specifications of Objection #QN 52-1, Objection of Susan Finley to the Conservative Opportunity to Ballot Petition for Member of the State Assembly in the 28th Assembly District. There were appearances by a candidate and/or their representative which is noted on Counsel's Report on file at the Board. The Commissioners' determinations are reflected on the Counsel's Report on file at the Board.

Mr. Richman called the Counsel's Report on Specifications of Objection #QN 53-1, Objection of Thomas M. Casey to the Conservative Opportunity to Ballot Petition for State Senator in the 11th State Senate District. There were appearances by a candidate and/or their representative which is noted on Counsel's Report on file at the Board. The Commissioners' determinations are reflected on the Counsel's Report on file at the Board.

President Vargas recognized Danniell Maio, a contact person for OTB Petitions, Conservative Party in the 28th AD, Queens County. Mr. Maio requested for the Commissioners to add an item to the Calendar concerning a non-compliance letter which he claimed the U.S. Post Office did not deliver to him. The Commissioners placed this item on second call for further review.

Mr. Richman called the Calendar for the Hearings on Designating Petition matters.

Mr. Richman called the Candidate Records Unit (CRU) Prima Facie Report for Richmond County. There were appearances by a candidate

and/or their representative which is noted on CRU Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman recalled a matter from the July 31, 2018 Hearings relating to Specifications of Objections QN 1-1, QN 43-1, QN 51-1, & QN 49-1 – Objections to the Reform Party Designation of Joseph P. Addabbo Jr. for State Senator in the 15th State Senate District. Copies of the memorandum from the Office of the General Counsel were circulated to the Commissioners for review. There were appearances by a candidate and/or their representative which is noted on the Report on file at the Board. The Commissioners' determinations are reflected on the Report on file at the Board.

Mr. Richman called the Clerks' Reports for Queens County. 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 the Reports on file at the Board.

Mr. Savino presented the Application of a Candidate for New York State Assembly, 73rd District, New York County, to have his name listed on the ballot as “Dr. Jeff Ascherman” for the upcoming 2018 elections. Copies of the memorandum from the Office of the General Counsel were circulated for review. There were appearances by a candidate and/or their representative which is noted on the Report on file at the Board. The Commissioners’ determinations are reflected on the Report on file at the Board.

President Vargas recalled the matter concerning Danniell Maio, a contact person for OTB Petitions, Conservative Party in the 28th AD, Queens County, concerning a non-compliance letter which he claimed the U.S. Post Office did not deliver to him. The Commissioners and staff reviewed all documents relating to this matter. It was found that the letter was correctly addressed to Mr. Maio’s address, but the Post Office did not deliver it according to the USPS tracking information. Commissioner Umane moved to extend a three (3) day cure period to Mr. Maio. Commissioner Flateau seconded the motion. In a roll call vote, by a vote of six (6) in favor (Flateau, Guastella, Shamoun, Siano, Umane, Vargas) and

four (4) abstentions (Araujo, Michel, Schulkin, Zaccone), the motion was adopted.

President Vargas moved to adjourn the Hearings. The motion was seconded and unanimously adopted.

The Commissioners convened a five (5) minute break.

Following the five (5) minute break, President Vargas convened the regular stated meeting of the Commissioners.

President Vargas noted that Commissioner Shamoun was not present.

Commissioner Flateau moved to adopt the minutes for the July 31, 2018 meeting. Commissioner Araujo seconded the motion, which was unanimously adopted.

Secretary Zaccone moved to adopt the minutes for the August 1, 2018 meeting. Commissioner Umane seconded the motion, with Commissioner Michel abstaining. The motion was adopted.

Mr. Sattie presented a sample ballot layout for the September 13, 2018 Primary Election for the Commissioners review and approval. Copies of sample ballots were distributed for review. Commissioner Araujo noted that the Commissioners' Ballot Committee could not meet due to the Petition Hearings and the Ballot Committee requested Mr. Sattie to present to the full Board instead. Mr. Ryan noted that the State Board has not set the ballot order yet. Mr. Sattie reported that the font size is 12 point citywide. Secretary Zaccone noted that the bracket design for Delegates and Alternate Delegates seem to be unclear. Mr. Sattie reported that the brackets are required and the sample layout was designed in accordance with the New York State Election Law. Mr. Sattie noted that the Board has submitted recommended revisions of the New York State Election Law relating to ballot design in the past five (5) years and one recommendation was to remove the brackets. Mr. Sattie reported that this year there was separate random draw for Party Positions that specify gender as required by law. He noted that Female won and all

Female Party Positions will appear above all Male Party Positions. Commissioner Michel moved to adopt the sample ballot layout for the September 13, 2018 Primary Election as presented. Commissioner Araujo seconded the motion, which was unanimously adopted. In response to Commissioner Flateau's request, Mr. Sattie confirmed that the Chief Clerks and Deputy Chief Clerks are included to review the sample ballots as well. Mr. Richman reported that Military Ballots and Absentee Ballots must be mailed no later than thirty-two (32) days before the election in accordance with the law. Commissioner Araujo moved to authorize staff to prepare and mail Military Ballots and Absentee Ballots based on the information received from both the State Board and any Court decisions no later than Friday, August 10, 2018. The motion was seconded and unanimously adopted.

On behalf of Mr. Johnson, Mr. Richman presented the Draft Notice to All Candidates for the September 13, 2018 Primary Election. Copies of the Draft Notice were circulated to the Commissioners for review. Mr. Richman reported that the Draft Notice was prepared by the Candidate Records Unit and meets all statutory requirements. Commissioner Umame moved to adopt the Notice to All Candidates for the September 13, 2018 Primary

Election as presented. Commissioner Flateau seconded the motion, which was unanimously adopted.

Mr. Ryan requested for a Commissioners' Cover Sheet Review Committee to be designated and to meet immediately after the meeting. Secretary Zaccone and Commissioner Schulkin volunteered to serve as the Commissioners' Cover Sheet Review Committee.

Commissioner Flataeu requested to discuss a personnel matter in Executive Session.

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

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

- I. The Commissioners granted 49 hours Advance of Time to Reginald Stark, a Senior Voting Machine Technician in the

Brooklyn Office, retroactive to July 22, 2018. Mr. Stark's agency start date is July 14, 2002;

- II. The Commissioners granted 210 hours Advance of Time to Francenia Sims-Hall, an Administrative Assistant in the Brooklyn Office, retroactive to August 5, 2018. Ms. Sims-Hall's agency start date is June 21, 1996.

Secretary Zaccone moved to adjourn the meeting. President Vargas seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, August 14, 2018 at 1:30 P.M.