

MEETING OF THE BOARD OF CANVASSERS AND
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, SEPTEMBER 18, 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, Marie 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, Office of the General Counsel
Raphael Savino, Deputy General Counsel, Office of the General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Steven Guglielmi, Director, Personnel
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Raquel Torres, Administrative Assistant, Candidate Records Unit
Parnell Sena, Administrative Assistant, Candidate Records Unit
Debra Leible, Coordinator, Election Day Operations
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Kate Doran, LWV
 Katharine Loving, CFB
 Catherine Grey
 Alan Flacks, Member of NY County Democratic Committee

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

In order to comply with the requirements of the New York State Election Law relating to the convening of Judicial District Nominating Conventions as set forth in Section 6-126 and Section 6-158(5) and Organizational Meetings of certain Democratic County Committees as mandated by Section 2-112 of the Election Law, President Vargas called the meeting of the Board of Canvassers in the City of New York to order, pursuant to the provisions of Title 2 of Article 9 of the State Election Law, specifically Sections 9-200 and 9-204, for the purposes of:

- provisionally certifying the recanvass of votes cast on election day ballots within the Counties within the City of New York on Primary Election Day, September 13, 2018, for Delegates and Alternate Delegates to the Judicial Conventions;
- provisionally certifying the uncontested elections of Democratic District Leader (Male and Female) and Member of the Democratic County Committee in Bronx and Queens Counties, and;
- authorize the Bronx and Queens County Commissioners' Committees to provisionally certify the recanvass of votes cast on Election Day ballots within the respective counties at the September 13, 2018 Primary for the contested party positions

of Democratic District Leader (Male or Female) and Member of the Democratic County Committee in Bronx and Queens Counties.

To serve as the other Democratic Member of the Canvassing Board, President Vargas designated the respective Democratic Commissioner for each County to sign the Provisional Certifications for these party positions, and Commissioner Araujo to serve as the other Democratic Member for Bronx County. Secretary Zaccone designated the Republican Commissioner for each County to serve with him as the other Republican Commissioner to sign the Provisional Certifications for these party positions, and designated Commissioner Shamoun to serve as the other Republican Member for Richmond County.

President Vargas stated that Section 9-200 of the New York State Election Law requires this Board to complete the canvass of the results of the Primary Election within nine (9) days of the Primary, with a statutory priority for Judicial Delegates and Alternates. However, the Election Law also mandates the convening of Judicial Conventions and organizational meetings of County Committees before the completion of the full

recanvass, which is mandated by Section 9-208(1) must be completed within 15 days after the Primary Election. In addition, the statutory deadline for the receipt of absentee and military ballots is seven (7) days after the Primary Election, which is this coming Thursday; the same day as that several conventions and meetings will be held.

As of today, the Board's staff has completed the recanvass of the votes cast on Election Day paper ballots cast at the poll sites last Thursday for the contested party positions of Delegate and Alternate Delegate to the Democratic Judicial Convention in the 1st, 2nd and 12th Judicial Districts, which are respectively New York, Kings and Bronx Counties. As done in prior years, based on the results of that recanvass, the Board will consider the Provisional Certifications for those party positions. In addition, many of these party positions were uncontested in last Thursday's primary elections.

In order to enable the Judicial District conventions to nominate candidates for Justice of the Supreme Court, Mr. Johnson presented to the Canvassing Board the Provisional Certification for the Votes Cast in several of the Counties within the City of New York at the September 13, 2018 Primary Election for Delegates and Alternates to the

Judicial Conventions. Mr. Johnson confirmed that the results presented for the recanvass of votes cast on Election Day paper ballots at the poll site on September 13, 2018 within the City of New York are accurate and correct, and the Certification reflects the election of those candidates for party position that were uncontested pursuant to Section 6-160(2) of the New York State Election Law. Based on that report, Commissioner Araujo moved that the Board of Canvassers approve the Provisional Certifications of votes cast within several of the Counties within the City of New York on Primary Day, September 13, 2018, on the Election Day paper ballots at the poll sites for the party position of Delegate and Alternate Delegate to the Judicial Conventions for the counties and political parties set forth in the respective Provisional Certification Reports along with those elected uncontested. Commissioner Umame seconded the motion, which was unanimously adopted.

President Vargas reported that organizational meetings for the Queens County and Bronx County Democratic County Committees have been called for this Thursday, September 20, 2018. As of today, the recanvass of votes cast in contested Primary Elections for the party positions of Male or Female Democratic District Leader and Member of the

Democratic County Committee in the aforementioned counties has not yet been completed. That process is ongoing and is expected to be completed within the next twenty-four (24) hours. In accordance with Section 7-122(1) of the Election Law, the party position of Member of the County Committee does not appear on any absentee, military or special ballot. Therefore, in order to enable respective Democratic County Committee to meet their legal obligations under the Election Law, President Vargas called upon Mr. Johnson to present to the Canvassing Board, the Provisional Certification for the uncontested contests of Democratic District Leader and Member of the Democratic Committee, elected in Queens and Bronx Counties at the September 13, 2018 Primary Election. Mr. Johnson and Mr. Weaver confirmed that the Provisional Certifications reflect the election of those candidates for party position stated therein, that were uncontested, pursuant to Section 6-160(2) of the New York State Election Law. Based on that report, Commissioner Araujo moved that the Board of Canvassers approve the Provisional Certifications of the election of uncontested candidates in Queens and Bronx Counties in the September 13, 2018 Primary Elections for the party positions of Democratic District Leader (Male and/or Female) and Member of the Democratic County as set forth in

the respective Provisional Certification Reports. Commissioner Umame seconded the motion, which was unanimously adopted.

Ms. Sandow requested for Mr. Richman to add Mr. Weaver, Co-Coordinator in the Candidate Records Unit, in future Certification scripts.

Commissioner Araujo moved for the full Board to authorize the Queens and Bronx Commissioners' Committees, respectively, pursuant to the authority vested in Section 3-212(5) of the NYS Election Law, to provisionally certify on behalf of the full Board, the recanvass of Election Day ballots cast in the contested Primary Elections for Democratic District Leader (Male or Female) and Member of the Democratic County Committee immediately upon completion of the recanvass of those ballots. Commissioner Umame seconded the motion, which was unanimously adopted.

Commissioner Araujo moved for staff to affix the appropriate Commissioners' signature stamps as previously designated on the Provisional Certifications as authorized or approved at this meeting.

Commissioner Umame seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to adjourn the Meeting of the Board of Canvassers and to convene the regular stated Meeting of the Commissioners. Commissioner Umame seconded the motion, which was unanimously adopted.

Secretary Zaccone moved to adopt the minutes for the September 6, 2018 meeting. Commissioner Guastella seconded the motion, with Commissioners Fleteau and Shamoun abstaining. The motion was adopted.

Mr. Ryan reported that the City Board is required to provide certified election results to the State Board by October 2, 2018. Executive Management recommended scheduling the Meeting of the Board of Canvassers and the regular stated Meeting of the Commissioners on Thursday, September 27, 2018 at 1:30 P.M. Commissioner Umame moved to adopt Executive Management's recommended Calendar, and to authorize a Commissioners' Subcommittee, evenly divided among

Democrats and Republicans, to serve in the event there is not a quorum present. Commissioner Michel seconded the motion, which was unanimously adopted.

Mr. Ryan requested to table the update on the September 13, 2018 Primary Election until the next meeting. He provided the following information on the citywide unofficial election results:

- Election Night Results Reporting peaked between 9:10 P.M. – 9:15 P.M.;
- There were a total of 987,702 hits on the Board's website in a 24 hour period. An increase of 665,871 hits from last year;
- A total of 97.76% of Portable Marking Devices (PMDs) were uploaded on Election Night. The other percentage will be counted during the post election canvass process;
- With 97% of votes uploaded, there were a total of 855,087 votes cast. In 2014, there were 310,273 ballots cast. In 2010, 340,000 ballots were cast, and in 2006, there were 400,000 ballots cast.

Mr. Ryan reminded the public that the Unofficial Election Night Results that are uploaded on the Board's website are only preliminary numbers. The

Board's website is not updated hourly with votes being cast. Absentee, Military, Federal and Affidavit ballots are currently being canvassed by staff. Mr. Ryan asked for patience for anyone interested in close contests. The balance of the Primary Election update will be reported at the next meeting.

Ms Leible reported on Refresher Classes for AD Monitors and Coordinators for the November 6, 2018 General Election. She reported that Refresher Classes are necessary and have been very helpful in past elections. They would be trained as close to the election as possible and paid \$50.00 for approximately 1.5 – 2 hours of training. Election Center is scheduled to train the Lead Trainers on October 9, 2018. The Borough Office staff would schedule the Refresher Classes for Coordinators and AD Monitors. Ms. Leible requested approval of the Refresher Classes. Secretary Zaccone moved to approve Refresher Classes for AD Monitors and Coordinators for the November 6, 2018 General Election. The motion was seconded, and unanimously adopted.

Mr. Ryan requested to add an item to the agenda concerning the Board's hours of operation for the last day to register to vote. The last day

to register as a new voter for the November 6, 2018 General Election is Friday, October 12, 2018. Executive Management recommended for all Borough Offices to remain open from 9:00 A.M. – 9:00 P.M. to receive voter registration forms using a skeleton crew. The General Office will be open regular business hours from 9:00 A.M. – 5:00 P.M. to receive voter registration forms. Commissioner Araujo moved to adopt the proposed hours of operation as presented. Commissioner Flateau seconded the motion, which was unanimously adopted.

Commissioner Umane requested for staff to remind the good government groups to submit their collected voter registration forms on a daily basis as they receive them, and not drop them off on the last day to register. He reminded that Board staff has to process the voter registrations in the system and it would help the voters' names to be printed in the poll books in a timely manner. Ms. Vazquez will send an email blast to the good government groups reminding them of this request.

Commissioner Araujo requested for staff to post an information notice concerning the last day to register for the General Election on the Board's website.

Secretary Zaccone reported that various staff members of the New York City Department of Education (DOE) were not friendly or compliant with the Board's needs on Primary Election Day, and the Staten Island Office Deputy Chief Clerk is compiling a list of poll site issues. Secretary Zaccone recommended for the other Borough Office's to do the same so one submission can be provided to the DOE Chancellor to resolve any issues in the future.

Commissioner Flateau inquired about potential Election Day worker shortages. Mr. Ryan reported that is always the Board's concerns which will continuously be worked on by staff.

Commissioner Shamoun recalled that the Mayor publicly announced a poll worker salary raise from \$200.00 to \$250.00, and inquired if the Board has heard any new information on the proposed raise. Mr. Ryan reported that it has not been followed up with official action from the Office of the Mayor. Ms. Perkins reported that the Board has requested action, but has not received an Executive Order to date. Commissioner Shamoun noted that poll workers are underpaid, and often unappreciated and vilified by the Press, and they deserve a salary raise. Mr. Ryan recalled that the

Board has been requesting a poll worker raise from the City Council and State Legislature for the past eight (8) years due to the current economic realities. Ms. Sandow noted that the last poll worker raise was in 2001 from an Executive Order from Mayor Giuliani. Mr. Ryan reported that the Mayor and State Legislature can only act on poll worker raises.

President Vargas recognized Kate Doran, a representative of the League of Women Voters, who inquired about the Board's hours of operation for the last day to register to vote.

Secretary Zaccone moved to convene an Executive Session for litigation. President Vargas seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and Mr. Ryan reported that there is nothing to report from Executive Session.

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

The next stated meeting of the Commissioners will be held on Thursday, September 27, 2018 at 1:30 P.M.