

MEETING OF THE BOARD OF CANVASSERS AND
MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON THURSDAY, SEPTEMBER 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, Marie R. Guastella, Alan Schulkin, Simon Shamoun, Robert Siano, 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
Sherwin Suss, Agency Chief Contract Officer, Procurement
Brendaliz Candelaria, Deputy Chief Clerk, Bronx Office
Rocco Cirotti, Administrative Associate, Bronx Office
Don Bosco, Chief Clerk, Staten Island Office
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Gregory Lehman, Chief Clerk, Manhattan Office
Cynthia Doty, Deputy Chief Clerk, Manhattan Office
Daniel Ortiz, Deputy Chief Clerk, Brooklyn Office
Salvatore Barrera, Senior Administrative Assistant, Brooklyn Office
Bart Haggerty, Deputy Chief Clerk, Queens Office
Robert Pataky, Administrative Associate, Queens Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Amy Torres
Susan Lerner, Common Cause/NY
Judith Hertzberg, True Blue NY
Karen Wilson
Katherine Hawkland, Common Cause/NY
Jan Combodiano
Kate Doran, LWV
Erika Lorshbough, NYCLU
Julie Kerr, Brooklyn Voters All.
Kati Garrity, NYC Campaign Finance
Elise Nakrikan, Let NY Vote
Jan Cantler, Let NY Vote
Katharine Loving, CFB

President Vargas called the meeting to order at 1:45 P.M.

Pursuant to the provisions of Title 2 of Article 9 of the New York State Election Law, specifically Sections 9-204, 9-210 and 9-212, President Vargas called the meeting of the Board of Canvassers in the City of New York to order for the purposes of certifying the recanvass of votes cast on September 13, 2018 in the State and Local Public Offices and Party Position Primary Elections conducted within the City of New York.

To serve as the other Democratic Member of the Canvassing Board, President Vargas designated the Democratic Commissioner for the respective counties and Commissioner Araujo to serve with her for Bronx County. Secretary Zaccone designated the Republican Commissioner for

the respective counties and Commissioner Umame to serve with him for Richmond County.

The Deputy Chief Clerks of the Bronx and their staff have prepared and signed the Returns of Canvass for the September 13, 2018 State and Local Offices and Party Position Primary Elections in Bronx County, in accordance with this Board's Policies and Procedures. Ms. Candelaria and Mr. Cirotti, on behalf of Mr. Ribustello, presented them to the Canvassing Board for review and approval. Ms. Candelaria and Mr. Cirotti confirmed that the results presented are accurate and correct, there are no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Siano moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 13, 2018 State and Local Offices and Party Position Primary Elections conducted in Bronx County. President Vargas seconded the motion, which was unanimously adopted.

The Chief Clerk and Deputy Chief Clerk of Queens and their staff have prepared and signed the Returns of Canvass for the September 13, 2018 State and Local Offices and Party Position Primary Elections in Queens County, in accordance with this Board's Policies and Procedures. Mr. Haggerty and Mr. Pataky, on behalf of Ms. Berinato, presented them to the Canvassing Board for review and approval. Mr. Haggerty and Mr. Pataky confirmed that the results presented are accurate and correct. There was one (1) discrepancy and a Discrepancy Report is attached to the Returns of Canvass. Mr. Haggerty and Mr. Pataky confirmed that the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Araujo moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 13, 2018 State and Local Offices and Party Position Primary Elections conducted in Queens County. Commissioner Umane seconded the motion, which was unanimously adopted.

The Chief Clerk and Deputy Chief Clerk of Staten Island and their staff have prepared and signed the Returns of Canvass for the

September 13, 2018 State and Local Offices and Party Position Primary Elections in Richmond County, in accordance with this Board's Policies and Procedures. Mr. Bosco and Mr. Andriulli presented them to the Canvassing Board for review and approval. Mr. Bosco and Mr. Andriulli confirmed that the results presented are accurate and correct, there were no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Guastella moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 13, 2018 State and Local Offices and Party Position Primary Elections conducted in Richmond County. Secretary Zaccone seconded the motion, which was unanimously adopted.

The Chief Clerk and Deputy Chief Clerk of Manhattan and their staff have prepared and signed the Returns of Canvass for the September 13, 2018 State and Local Offices and Party Position Primary Elections in New York County, in accordance with this Board's Policies and Procedures. Mr. Lehman and Ms. Doty presented them to the Canvassing Board for review and approval. Mr. Lehman and Ms. Doty confirmed that

the results presented are accurate and correct, there were no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for these contests. Based on that report, Commissioner Umame moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 13, 2018 State and Local Offices and Party Position Primary Elections conducted in New York County. Commissioner Schulkin seconded the motion, which was unanimously adopted.

The Chief Clerk and Deputy Chief Clerk of Brooklyn and their staff have prepared and signed the Returns of Canvass for the September 13, 2018 State and Local Offices and Party Position Primary Elections in Kings County, in accordance with this Board's Policies and Procedures. Mr. Ortiz and Mr. Barrera, on behalf of Mr. Riley, presented them to the Canvassing Board for review and approval. Mr. Ortiz and Mr. Barrera confirmed that the results presented are accurate and correct, there were no discrepancies, and the audit of voter verifiable audit records for both the poll site and central count scanners required by Section 9-211 of the New York State Election Law has been successfully completed for

these contests. Based on that report, Commissioner Shamoun moved that the Board of Canvassers certify the Returns of Canvass submitted for the September 13, 2018 State and Local Offices and Party Position Primary Elections conducted in Kings County. Commissioner Flateau seconded the motion, which was unanimously adopted.

The Commissioners thanked the Borough Office and General Office staff for their hard work.

Commissioner Araujo moved to approve and adopt the Recap Statement and Return of Canvass for those Public Offices and Party Positions Primary Elections conducted on September 13, 2018 for those political subdivisions which cross county lines within the City of New York. Commissioner Umane seconded the motion, which was unanimously adopted.

President Vargas and Secretary Zaccone designated their designees, Commissioners Araujo and Umane, to be the second signatures on the Cross Over Districts Recaps as well.

Secretary Zaccone moved to electronically affix the appropriate Commissioners' signatures as previously designated on each Statement and Return of Canvass. Commissioner Umame seconded the motion, which was unanimously adopted.

Commissioner Umame moved to adjourn the meeting of the Board of Canvassers and to convene the weekly stated meeting of the Commissioners of Elections in the City of New York. Secretary Zaccone seconded the motion, which was unanimously adopted.

President Vargas moved to adopt the minutes from the September 18, 2018 meeting. Commissioner Flateau seconded the motion, with Commissioner Siano abstaining. The motion was adopted.

Mr. Ryan requested for direction concerning a Certificate of Declination of Kenneth D. Shaeffer as the Working Families Party (WFP) Candidate for Attorney General. Mr. Shaeffer accepted a nomination for a judicial position and filed the Certificate of Declination with both the City Board and State Board. Mr. Ryan requested a motion from the Commissioners to direct the Candidate Records Unit to remove

the Certificate from the ledger with the appropriate notation that it was a nullity. Commissioner Araujo moved to remove the Certificate of Kenneth D. Shaeffer from the City Board's ledger as per past practice. Commissioner Flateau seconded the motion, which was unanimously adopted. Commissioner Umane inquired if a Certificate of Substitution was filed. Mr. Richman reported that the WFP has until October 9, 2018 to file a Certificate of Substitution.

Mr. Ryan reported on an Application of Candidate Marina C. Mundy to appear on the November 6, 2018 General Election ballot as Marina Cora Mundy for Justice of the Supreme Court in the 13th District, Richmond County. Staff found that her voter registration indicates her name as Marina Cora Mundy and there is no attempt to deceive the public. Based on the Application, Secretary Zaccone moved to adopt the request. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Mr. Richman reported on the Draft Notice to All Candidates for the November 6, 2018 General Election. The Candidate Records Unit prepared the Draft Notice and the Office of the General Counsel reviewed

and approved the Draft. Secretary Zaccone moved to adopt the Notice to All Candidates for the November 6, 2018 General Election as submitted. Commissioner Vargas seconded the motion, which was unanimously adopted.

Mr. Ryan requested to add a Commissioners' Finance Committee Report to the Agenda and an Executive Session for litigation.

Mr. Ryan provided an overview of the Commissioners' Finance Committee Report for review and consideration by the full Board. The information follows:

- **Afterhours Car Service for Queens and the Bronx** – A total of sixteen (16) car services were specifically notified and the Board received four (4) responses. The bids were awarded to the lowest bidder for each class:
 - Queens Office – Charge & Ride for the period of January 1, 2019 through December 31, 2021 with the contract not to exceed \$814,000;

- Queens VMF – Dial Car for the period of January 1, 2019 through December 31, 2021 with the contract not to exceed \$1,082,000;
- Bronx Office and VMF – Concord Limousine for the period of January 1, 2019 through December 31, 2021 with the contract not to exceed \$459,288.

Commissioner Umame noted that he could not attend the Commissioners' Finance Committee Meeting and inquired if car service companies with Apps are eligible through the City's Vendex system. Mr. Ryan reported that Mr. Suss conducted a full assessment of the car service App companies and the Board cannot use them. The App vendors require a credit card and have a \$2,500 limit, and would not meet the financial needs of the Board based on the current City limits. Commissioner Umame noted that car service can be a tremendous burden on staff. Staff sometimes wait over an hour for pickup. He noted that car service App companies might be beneficial for pickup and financial reasons. Mr. Suss will circulate his car service App report for the Commissioners' review and the issue can be revisited in the future. Commissioner Flateau inquired if any efforts were made to solicit car companies that are minority and women-owned businesses, and noted that has always been his concern with contracts.

President Vargas reported that the Commissioners' Finance Committee discussed that concern in the meeting. Mr. Ryan reported that Mr. Suss is preparing a detailed report which will be circulated to the Commissioners. Mr. Ryan reported that the four (4) car service responders are not Minority and Women-owned Business Enterprises (M/WBE), but appropriate advertising was placed in the City Record to all vendors;

- **Stanley Convergent** – This is a contract to provide camera and equipment for security and monitoring of all Board office and warehouse locations. The term of this contract is 28 months with a not to exceed cost of this contract of \$370,720.00. The vendor was obtained through a negotiated acquisition under an existing NYS OGS contract. This vendor was the previous successful bidder. The Board will move forward with this contract unless the Commissioners raises objection;
- **Environmental Systems Research Institute, Inc. (ESRI)** – This is a service provided to create Election District Maps. There are other services available through ESRI which will allow for the digitizing of the ADA Checklist and Coordinator Journals. There is access to a 3-D mapping and modeling

system to facilitate poll site move evaluations and topography. There are other software expansions as well. The contract term is from September 1, 2018 through November 29, 2020 with a not to exceed NYS OGS contract of \$271,253. Mr. Ryan noted that the Board moved from Maptitude to ESRI and staff is very satisfied utilizing ESRI's services;

- **Carahsoft Technology** – This contract is for the Acquia content management platform for the Board's website. The term of the contract is from November 1, 2018 through November 29, 2020 with a not to exceed NYS OGS contract of \$163,443;
- **Election Systems & Software (ES&S)** – The agency contract with ES&S is set to expire on January 31, 2019. The State Board extended the machine vendors' contracts from February 1, 2019 through January 31, 2021. The State Board has not completed their RFP process for any new systems. The contract is a not to exceed cost of \$16,692.254. This registering process is to ensure the contract is in place by January 31, 2019, but the Board does not have to use it.

Commissioner Schulkin moved to adopt the Commissioners' Finance Committee Report as presented. President Vargas seconded the motion, with Commissioner Flateau abstaining on the Afterhours Car Service Contract and the ES&S contract. The motion was adopted.

Mr. Ryan reported that there are members of the public who wish to address the Commissioners. President Vargas recognized the following speakers:

- 1) Elise Nakhrikian, a member of Let New York Vote, who spoke about improving the voting process;
- 2) Jan Cantler, a member of Let New York Vote and a volunteer at Common Cause, who spoke about voter issues at poll sites. Ms. Cantler will provide specific issues to Ms. Vazquez so that Board staff can look into them;
- 3) Amy Torres, the Director of Policy and Advocacy with the Chinese-American Planning Council and partner of Let New York Vote, who spoke about voter issues at poll sites. Ms. Torres will provide specific issues to Ms. Vazquez so that Board staff can look into them. Mr. Ryan requested

assistance with recruiting language Interpreters for Election Day;

- 4) Susan Lerner, the Executive Director of Common Cause and a leader of the Let New York Vote coalition, who spoke about voter issue at poll sites that were not solvable on the spot. Ms. Lerner will be submitting a detailed report to the Board.

Commissioner Flateau requested assistance from Common Cause to advocate for poll worker raises. On behalf of the Commissioners, President Vargas thanked the speakers for assisting voters on Election Day.

Commissioner Schulkin moved to convene an Executive Session for personnel and litigation matters. Commissioner Umame 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 280 hours Advance of Time to Shawn Boyd, an Administrative Associate in the Bronx Office,

retroactive to September 4, 2018. Mr. Boyd's agency start date is August 22, 2004;

- II. The Commissioners granted 49 hours Advance of Time to Abigail McGloster, Senior Administrative Assistant in the Manhattan Office, retroactive to September 10, 2018. Ms. McGloster's agency start date is March 25, 2012.

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

The next stated meeting of the Commissioners will be held on Tuesday, October 7, 2018 at 1:30 P.M.