

Approved # 3352

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JANUARY 15, 2019 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR,EVS CONFERENCE ROOM
NEW YORK, NY 10004

PRESENT: President John Wm. Zaccone
Secretary Maria R. Guastella

Commissioners Jose Araujo, John Flateau, Michael Michel, Simon Shamoun, Robert Siano, Frederic M. Umane, Rosanna Vargas

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
Travis Grodin, Contract Attorney, Office of the General Counsel
Michael Bryant, Contract Attorney, Office of the General Counsel
Valerie Vazquez, Director, Communications & Public Affairs
Steven Guglielmi, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Katharine Loving, NYC CFB
Wendy Byrne, NYC LWV
Kate Doran, LWV
Steiner
Katherine Garrity, NYC CFB
Howard Graubard
Ayirini Fonseca-Sabune

President Zaccone called the meeting to order at 1:40 P.M.

Secretary Guastella moved to convene an Executive Session for litigation and personnel matters. Commissioner Araujo seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed.

President Zaccone requested to designate the Commissioners' Standing Committee Members for 2019. After discussion, President Zaccone moved to adopt the Standing Committee Members for 2019 the same as 2018, with the omission of Commissioner Vargas and the option of keeping her Committee slot open for a future Democratic Commissioner. Secretary Guastella seconded the motion, which was unanimously adopted.

Commissioner Araujo moved to adopt the minutes for the January 4, 2019 Commissioners' Meeting. Commissioner Umane seconded the motion, with Commissioner Flateau and Vargas abstaining. The motion was adopted.

Commissioner Araujo moved for the members of the Commissioners' Subcommittee, excluding Commissioner Schulkin, to adopt the minutes for the January 8, 2019 Commissioners' Meeting. President Zaccone seconded the motion, which was unanimously adopted.

Mr. Richman presented the February 26, 2019 Special Election Independent Nominating Petition matters. Copies of his memorandum were distributed to the Commissioners for review. Mr. Richman provided an overview of his report. He reported the following information:

- Six (6) independent bodies have included the word "People" or "Peoples" in their name. It is the staff's finding that this creates the possibility of confusion and that the five (5) independent bodies that filed after the first independent body be given the seven (7) days provided for in Section 6-138(3)(a) of the New York State Election Law to select another name or have this Board select a name. After discussion, Commissioner Araujo moved to adopt the Counsels' Report's recommendation as per past practice in accordance with Section 6-138(3)(a) of the New York State Election Law providing notice via overnight Express Mail. Commissioner Umane seconded the motion,

with Commissioners Flateau, Shamoun and Siano opposing.

The motion was adopted;

- Two (2) independent bodies have included the words “FIX” and “MTA” in the name of their independent bodies. It is the staff’s finding that this creates the possibility of confusion and that the second independent body that filed after the first independent body be given seven (7) days provided for in Section 6-138(3)(a) of the New York State Election Law to select another name or have the Board select a name.

Commissioner Umane moved to adopt the Counsels’ Report recommendation providing notice via overnight Express Mail.

President Zacccone seconded the motion, with Commissioner Flateau opposing. The motion was adopted;

- Four (4) independent bodies have selected for the name of their independent body, names that exceed fifteen (15) characters. It is the staff’s finding that these bodies be given the seven (7) days, as provided for in Section 7-106(11) of the NYS Election Law, to review their name to comply with the statute or have the Board select a name. President Zacccone moved to adopt the Counsels’ Report recommendation

providing notice via overnight Express Mail. Commissioner Umane seconded the motion, which was unanimously adopted. Commissioner Umane recommended sending notice via e-mail as well, if an e-mail address was provided.

Mr. Ryan requested to table the update on the Election Commissioners' Association (ECA) Winter Conference for one (1) week. Commissioner Umane moved to table the update on the ECA Winter Conference. Commissioner Vargas seconded the motion, which was unanimously adopted.

Mr. Richman requested for the appointment of a Commissioners' Cover Sheet Review Committee Meeting immediately following the regular meeting. President Zaccone and Secretary Guastella volunteered to serve on the Cover Sheet Review Committee.

Mr. Ryan requested to add an item to the agenda. Ms. Perkins reported that the deadline to register to vote for the February 16, 2019 Special Election is Saturday, February 16, 2019. Ms. Perkins recommended for the five (5) Borough Offices and General Office to be

open from 9:00 A.M. – 5:00 P.M. to accept voter registrations using a skeleton crew. Commissioner Umane moved to adopt Ms. Perkin's recommendation. Commissioner Siano seconded the motion, which was unanimously adopted.

Commissioner Vargas announced that she is resigning from the Board today to pursue another legal career. Commissioner Vargas moved to designate Commissioner Araujo as the Democratic Member of the Bronx Commissioners Committee, until a new Bronx Democratic Commissioner is appointed. Commissioner Guastella seconded the motion, which was unanimously adopted. On behalf of the Commissioners, President Zacccone thanked Commissioner Vargas for her years of service at the Board. On behalf of Executive Management, Mr. Ryan thanked Commissioner Vargas as well.

President Zacccone recognized Sarah Steiner, a member of the public, who inquired about a petition filing procedure.

For informational purposes, Commissioner Umane reported that a total of 24 candidates filed Independent Nominating Petitions for the

February 26, 2019 Special Election. A total of 23 candidates filed for Public Advocate.

President Zaccone recognized Kate Doran, a representative of the League of Women Voters, who inquired about Commissioners' Committee Meetings and Early Voting.

President Zaccone recognized speaker Ayirini Fonseca-Sabune, Chief Democracy Officer of DemocracyNYC, who followed-up on her proposal concerning the Mayor's interpreters for the February 26, 2019 Special Election. In response to Ms. Fonseca-Sabune's reported information, several Commissioners raised concerns about the following items in DemocracyNYC's proposal:

- DemocracyNYC's geographic distribution of interpreters citywide and methodology for selecting the languages citywide. It is currently a rough calculation and not one specific formula for each election. The Board's interpreter formula is mandated by statutory requirements of Section 203 of the National Voting Rights Act, the U.S. Department of Justice, and Federal Court Consent Decrees, and remains the same for each election;

- Bipartisanship is not addressed;
- The proposal is not based on 100% voter turnout for each election;
- Interpreter recruitment may be an issue between the Board and DemocracyNYC. DemocracyNYC's interpreter hourly rate of pay is \$16.00 which is more than the Board's interpreter rate of \$250.00 per Election Day. DemocracyNYC's interpreters work in shifts. The Board's interpreters are required to work the entire day from 5:00 A.M. until the close of polls;
- Under Section 8-306(2) of the New York State Election Law, any voter who requests assistance may not be helped by the voter's employer or agent of the employer or officer or agent of the voter's union. The Mayor's interpreters cannot assist City employees. There was an inquiry if DemocracyNYC's interpreters ask voters if they work for the City of New York before assisting them.
- DemocracyNYC's interpreters cannot interfere with poll site ADA accessibility that the Board is required to provide under a Federal Consent Decree.

The Board noted that they are the administrator of elections and have to be very careful of any outside entity on Election Day based on strict guidelines and statutes. There has to be no influence on how votes are cast.

Mr. Ryan reported that approximately 100 voters requested assistance from DemocracyNYC's poll site interpreters in the 2018 General Election citywide. Ms. Sandow reported that the amount is based on the returned Affidavit Oaths that were signed by both the voter and interpreter. President Zaccone requested for DemocracyNYC's assistance totals for the 2017 General Election and 2018 General Election. Commissioner Umane thanked Ms. Fonseca-Sabune for assisting the Board with a problematic CUNY poll site in Manhattan. The Board requested assistance from DemocracyNYC with Early Voting in public school poll sites, if the law is signed by the Governor. Ms. Fonseca-Sabune reported that she will address the Board's concerns at the next meeting.

Mr. Ryan reported the following actions that were taken in Executive Session:

- I. The Commissioners granted 35 hours Advance of Time to Kim A. Laidla-Ziegler, a Permanent Financial Clerk in the Bronx Office, to be used as needed, retroactive to December 10, 2018. Ms. Ladler-Ziegler's agency start date is July 9, 2007;
- II. The Commissioners granted 210 hours Advance of Time to Cynthia A. Pyne, a Clerk in the Queens Office, effective

January 25, 2019. Ms. Pain's agency start date is March 2, 1997;

III. The New York City Conflict of Interests Board (COIB) granted a waiver to Georgea Kontzamanis, Operations Manager in the General Office, to volunteer with the Federation of Hellenic Societies.

President Zaccone moved to adjourn the meeting. Commissioner Michel seconded the motion, which was unanimously adopted.

The next stated meeting of the Commissioners will be held on Tuesday, January 23, 2018 at 1:30 P.M.