

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, MAY 28, 2019 AT 1:30 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President John Wm. Zaccone
 Secretary Patricia Anne Taylor

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

Michael J. Ryan, Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Steven Guglielmi, Director, Personnel
Debra Leible, Coordinator, Election Day Operations
Sherwin Suss, Agency Chief Contract Officer
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Dave Evans, WABC-TV 7
 Rob Carthell, WABC-TV7
 Julie Kerr, Brooklyn Voters Alliance
 Jose Hernandez, United Spinal Association
 Amanda Ritchie, Brooklyn Voters Alliance
 Pat Nolan, Brooklyn Voters Alliance
 Jean Ryan
 Edith Prentiss
 Kate Doran, LWV
 N. Agarwal
 Laura Wood
 Bonnie Delaune
 Brendon West, CPD
 Wendy Byrne, LWV NYC

Jan Comsopiano, Brooklyn Voters Alliance
Bonnie Nelson, Brooklyn Voters Alliance
Amanda Melillo, CFB
Perry Grossman, NYCLU
Anna Sacerdole, NYCLU
Roe H. Bernstein, HLAA
Brigid Bergin, WNYC
Alan Flacks, Member of NY County Democratic Committee
Jarret Berg, Vote Early NY
Zach Borodkin, DRNY
David Marangio, BVA

President Zaccone called the meeting to order at 1:38 P.M.

Commissioner Araujo moved to adopt the May 7, 2019 minutes. Commissioner Townsend seconded the motion, with Commissioner Siano abstaining. The motion was adopted.

Commissioner Araujo moved to adopt the May 21, 2019 minutes. Commissioner Townsend seconded the motion, which was unanimously adopted.

Commissioner Umame moved to convene an Executive Session for a pending litigation matter. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed and President Zaccone reported that no formal action was taken on a pending litigation matter.

Ms. Perkins reported on the Borough Office hours of operation for the voter registration deadline for the June 25, 2019 Primary Election. The last day to register is Friday, May 31, 2019. Ms. Perkins recommended for all Borough Offices, except for the Bronx, to remain open until 7:00 P.M. for in-person voter registration on Friday, May 31, 2019. Ms. Perkins recalled that the Bronx does not have a Primary Election. Commissioner Umane moved to adopt the recommended schedule for all Borough Offices, except for the Bronx, to remain open until 7:00 P.M. for in-person registration on Friday, May 31, 2019. Commissioner Araujo seconded the motion, which was unanimously adopted.

Ms. Leible, in consultation with the Chief Clerks and Deputy Chief Clerks, recommended refresher training classes for Coordinators and AD Monitors for the June 25, 2019 Primary Election. The refresher training class would be two (2) hours long and Coordinators and AD Monitors would get paid \$50.00. Ms. Leible reported that the Board has provided refresher training classes in the past when there has been a long lapse of time

between elections. Commissioner Umame moved to approve refresher training classes for Coordinators and AD Monitors for the June 25, 2019 Primary Election as per past practice. Commissioner Araujo seconded the motion, which was unanimously adopted.

On behalf of the Candidate Records Unit, Mr. Richman presented the Revised Draft Notice to All Candidates for the June 25, 2019 Primary Election. Copies of the Revised Draft Notice were circulated to the Commissioners for review. Paragraphs #3 and #4 have been revised in accordance with the State Board's rules. The Office of the General Counsel has reviewed the revisions and it meets the statutory requirements. President Zaccone moved to adopt the Revised Notice to All Candidates for the June 25, 2019 Primary Election as presented. Commissioner Araujo seconded the motion, which was unanimously adopted.

Mr. Ryan reported on the use of Electronic Poll Books and Ballot on Demand (BOD) Systems for Early Voting. Public demonstrations will be conducted by five (5) vendors on Thursday, May 30, 2019 at 12:00 P.M. The State Board is scheduled to provide a list of final approved vendors to the City Board on Thursday, June 6, 2019. The Commissioners

have scheduled a Special Meeting on Friday, June 7, 2019 at 3:30 P.M. to determine a vendor selection. Mr. Ryan reported that the elimination of ballot stubs and center perforation provision has passed both Houses in the State Legislature. If signed by the Governor, a new ballot accountability system will be implemented before the Early Voting period. President Zaccone moved to adopt the use of Electronic Poll Books and a Ballot on Demand system for Early Voting. Secretary Taylor seconded the motion, which was unanimously adopted. President Zaccone clarified that Ballot Marking Devices (BMDs) will still be available at Early Voting poll sites.

Mr. Suss reported on the process for evaluation and purchase of Electronic Poll Books (E-Poll) and Ballot on Demand system for the Early Voting period. Copies of a detailed vendor comparison chart and score card were distributed to the Commissioners for review. Mr. Suss reported that there were a total of eight (8) vendors under consideration and each vendor was given a detailed questionnaire by both the State Board and City Board. Three (3) Committees consisting of City Board staff were created to evaluate E-Poll Books and Ballot on Demand systems:

- Committee 1 – Technology
 - Equipment Type

- Functionality
- Security
- Committee 2 – Operating Use
 - Equipment set up and monitoring
 - ADA compatibility
 - Voter interface
 - Poll worker interface
 - Training – Support
- Committee 3 – Finance
 - Pricing
 - Experience
 - Number of Jurisdictions

It was noted that the Board would order E-Poll Books for the Early Voting period as well as for Election Day. Mr. Suss confirmed that the vendor comparison charts and score card meet the requirement of the City's Procurement Policy Board (PPB) Rules. Commissioner Flateau requested for a subcategory to be added to the chart concerning the M/WBE certification status of the vendors. President Zaccone moved to adopt the procedures presented for the evaluation and purchase of E-Poll Books and Ballot on Demand system pursuant to the City's PPB Rules. Secretary Taylor seconded the motion, which was unanimously adopted. Commissioner Umame noted that the Board's score card is available to the public for review.

Mr. Suss reported on proposed compensation for Early Voting sites at private properties. He recommended for the Board to use the service of CoStar, a real estate information company, for property research and analytics on short term leasing. Many agencies use CoStar's service such as NYC Department of City Administrative Services (DCAS) and NYC Department of Finance. It was noted that the Board's needs are unusual as the Early Voting leasing period is for eleven (11) days this year. There was a consensus among the Commissioners for Mr. Suss to ask DCAS to use their resources to research rates for the Board's Early Voting private sites that have been designated instead of subscribing to a yearly service, and to request a demonstration of CoStar's services for staff. After research is conducted, proposed compensation for Early Voting sites will be addressed.

Mr. Suss reported on proposed compensation for Early Voting poll workers. It is the recommendation of Board staff, which includes the borough Office Chief Clerks and Deputy Chief Clerks, for Coordinators to receive \$350 per day and Poll Workers to receive \$250 per day as the current Election Day compensation. Mr. Ryan noted that it will be difficult to recruit poll workers to commit to work all nine (9) election days during the Early Voting period, which includes two (2) days of extended hours and

weekends. There was a recommendation to implement an incentive performance bonus if the poll worker works all Early Voting days and Election Day. It was noted that there is no guidance on poll worker pay in the new Early Voting legislation. Mr. Ryan reported that the Board's poll worker recruitment process starts in July. Commissioner Umame moved to adopt the current Election Day pay for Early Voting Coordinators to receive \$350 per day and Early Voting poll workers to receive \$250 per day, and to keep this matter open for consideration in the future for an incentive performance bonus in the event there is an issue with recruiting poll workers. Commissioner Flateau seconded the motion. Before a vote was taken, President Zaccone requested a friendly amendment for staff to develop incentive proposals for the Commissioners' consideration. The amendment was accepted, and the motion was unanimously adopted.

Mr. Ryan opened a discussion on additional equipment needs for Early Voting. For the Early Voting period, there will be a need for additional DS-200 Scanners, BMDs, and Privacy Booths, which depends on the configuration of poll sites and amount of voters per site. The evaluation will be completed after the procurement process of E-Poll Books and BOD systems. This item will be addressed further in the future.

Mr. Ryan reported on the New York City Campaign Finance Board's (CFB) electronic voter registration portal. He had a conversation with Amy Loprest, the Executive Director of CFB, requesting an update on their plans concerning Local Law 238. CFB's current plan is to establish an online portal to allow the electronic import of a voter's signature by the voter, not a Third Party. The voter would take a photograph of their signature and then upload the image themselves onto a voter registration form online. For the moment, this resolves some of the City Board's concerns with respect to the State Board's disagreement about a Third Party pulling voters' signatures off another document and pasting onto voter registration forms without the individuals' consent or knowledge. There is a question on how the City Board will process these voter registration forms when they arrive. Mr. Ryan reported that the CFB could either print those voter registration forms and deliver them to the Board to process, or provide the data electronically to be imported into a queue such as DMV, Deaths and Duplicates. It was noted that the CFB is not designated on the State Board's list to engage in voter registration activities electronically, and it is the State Board's decision on how to process voter registration forms. There was a consensus among the Commissioners for the Office of the General Counsel to conduct an analysis of the State Law and Local Law concerning this matter and to provide a memo to the

Commissioners. In response to Commissioner Araujo's request, the CFB will provide a public demonstration of their electronic voter registration portal at the next Commissioners' Meeting.

President Zaccone recognized the following speakers for public comment:

1. Edith Prentiss;
2. Jose Hernandez;
3. Jean Ryan;
4. Perry Grossman;
5. Zach Borodkin;
6. David Marengo;
7. Ruth Bernstein;
8. Alan Flacks.

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

President Zaccone reminded that the public demonstration on Electronic Poll Books and Ballot on Demand systems will be conducted on

Thursday, May 30, 2019 at 12:00 P.M. Members of the public can submit their questions and/or comments in writing.

The next stated meeting of the Commissioners will be held on Tuesday, June 4, 2019 at 1:30 P.M.