

MEETING OF THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK
HELD ON TUESDAY, JANUARY 14, 2020 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, Miguelina Camilo, John Flateau, Michael Michel, Tiffany Townsend, Frederic M. Umane

Michael J. Ryan, Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Valerie Vazquez, Director, Communications and Public Affairs
Steven Guglielmi, Director, Personnel
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Ali Najmi
 Kate Doran, LWV
 Eve Grassfield, Mayor's Office
 Katharine Loving, NYC Campaign Finance Board
 Wendy Byrne, LWV
 Pat Nolan, BVA
 Bonnie Nelson, BVA
 Haden Mishal, OPA
 Jarret Berg, Vote Early NY

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

Commissioner Flateau moved to adopt the minutes for the November 26, 2019 meeting. Commissioner Camilo seconded the motion, with Commissioners Araujo and Michel abstaining. The motion was adopted.

Commissioner Araujo moved to adopt the minutes for the December 17, 2019 meeting. Commissioner Flateau seconded the motion, with Commissioners Shamoun and Townsend abstaining. The motion was adopted.

Pursuant to Section 3-212(1) of the New York State Election Law, President Zaccone recommended for the Commissioners to elect the Board Officers for the Year 2020. Commissioner Araujo moved to nominate Secretary Taylor to serve as President for the Year 2020. Commissioner Flateau seconded the motion, which was unanimously adopted. President Zaccone moved to nominate Commissioner Umane to serve as Secretary for the Year 2020. Commissioner Michel seconded the motion, which was unanimously adopted.

On behalf of the Commissioners, Commissioner Araujo thanked President Taylor and Commissioner Zaccone for their hard work serving as the Executive Committee in 2019.

President Taylor reported on the designation of the Commissioners Committee Members for 2020. She requested for the Commissioners to submit their Committee requests in writing to her by Friday, January 16, 2020. Commissioner Araujo noted that he will be submitting his Committee requests today. The designation of Committee Members for 2020 will be conducted at the next meeting.

Mr. Richman provided a brief legislative update. Copies of the State Board's summary of bills for 2019 were circulated to the Commissioners for review. A total of 52 individual Chapters were enacted amending the New York State Election Law in 2019. The most significant enactment in 2019 was Chapter 6 – Early Voting, and effective on January 1, 2020, Chapter 2 – 16 Year old pre-registration. Mr. Richman reported that additional enactments are expected in 2020. Secretary Umane requested for the summary of bills to be emailed to the Commissioners.

Mr. Richman provided a report on the Election Commissioners' Association of the State of New York's (NYSECA) Annual Winter Conference which was held from January 6, 2020 through January 9, 2020 in Albany, NY. Mr. Richman reported that President Taylor was appointed to the NYSECA Legislative Committee on behalf of the Democratic Caucus. There was an Election Law Committee Meeting and the NYSECA Legislative Committee unanimously adopted a total of eight (8) Election Law Proposals for 2020. Copies of the proposals were circulated to the Commissioners for review. The two (2) most significant applications for the City Board was Proposal #7 which calls for the proper funding by Governor Cuomo, NYS Legislature, State Board, and county boards of elections to cover the growing mandates, and Proposal #8 which calls for New York State Capital Funding for replacement of voting systems purchased on or after January 1, 2019, administered by the State Board. The President and Chair of the Legislative Committee will share these proposals with the members of the NYS Legislature and Governor's Office. Secretary Umare requested for the NYSECA Legislative Committee proposals to be emailed to the Commissioners. Mr. Richman reported that the State Board discussed the Presidential Primary Election. The Democratic Party will have a Primary to include both Presidential and Delegate candidates. The State Board does not anticipate a Republican Party Primary at this time.

There were sessions to discuss the security of voting systems conducted by the U.S. Department of Homeland Security, Cyber Security and Information Security Agency, and Albany's Division of the Federal Bureau of Investigation (FBI). The U.S. Congress appropriated \$245 million nationwide to ensure election security systems and the State Board anticipates approximately \$40 million in funds to ensure cyber security for county boards of elections. In response to Commissioner Araujo's inquiry about countywide Early Voting, the Erie County Board of Elections explained to the City Board that it took an extensive time to have their ES&S voting equipment tested. Erie County utilized a Ballot on Demand printing system and Tenex E-Poll Book system. It was noted that English and Spanish are the only required languages in Erie County. Erie County produced an updated paper poll list every day as a backup and had staff deliver the lists to the poll sites before 5:00 A.M. every morning during Early Voting. Commissioner Flateau reported that there was an informal discussion with the Nassau County Board of Elections about countywide Early Voting and that they had some glitches. It was noted that English and Spanish are the only required languages in Nassau County, and they utilizes the same voting systems as the City Board.

Mr. Richman reported that on January 10, 2020, the U.S. District Court for the Southern District of New York by Judge Deborah Batts, confirmed that the Order entered in 2013, by its own terms expired on December 31, 2019, and based on the representations of Counsel for the Plaintiffs, the matter is concluded. The Court directed the Clerk to close the case. Mr. Richman reported that the Board is in full compliance with respect to the terms of the corrective plan with the Disability Rights Advocates. A copy of the Order was previously circulated to Executive Management. Commissioner Shamoun requested for the Order to be emailed to the Commissioners for review.

Mr. Ryan reported that Common Cause challenged the State Board to include inactive voters in the poll list book at poll sites and to eliminate affidavit ballots. Common Cause prevailed to include inactive voters in the poll list book at poll sites in New York State. Affidavit ballots will remain in effect so that people are not disenfranchised to vote. The Court determined that the U.S. Constitution guarantees people the right to vote, but does not guarantee the method to vote. Mr. Ryan reported that additional information will be provided at the next meeting.

Secretary Umame and Commissioner Araujo requested to discuss personnel matters in Executive Session. President Taylor added an Executive Session to the agenda.

Mr. Richman requested for the Commissioners to designate a Commissioners' Cover Sheet Review Committee concerning the Queens Borough President Special Election to meet immediately after the meeting. Commissioners Araujo and Michel volunteered to serve as the Commissioners' Cover Sheet Review Committee.

President Taylor recognized the following speakers for public comment:

1. Ali Najmi;
2. Bonnie Nelson; and
3. Jarret Berg.

Secretary Umame moved to convene an Executive Session for personnel matters. Commissioner Townsend seconded the motion, which was unanimously adopted.

Following Executive Session, the open public meeting resumed. President Taylor reported that personnel matters were discussed and the actions will be reported in the minutes.

The following personnel actions were taken by the unanimous decision of the Board of Commissioners:

- I. Wanda Davis, a Clerk, was granted 21 hours of an Advance of Time. This grant is retroactive from December 31, 2019;
- II. Lissette Poll, an Administrative Assistant, was granted 84 hours of an Advance of Time. This grant is effective January 22, 2020;
- III. Nadira Mohamed, a Financial Clerk, was granted 63 hours of an Advance of Time. This grant is retroactive from December 18, 2019;
- IV. Lawrence Beal, a Senior Voting Machine Technician, was granted 210 hours of an Advance of Time. This grant is retroactive from January 8, 2020;
- V. Reginald Starke, a Senior Voting Machine Technician, was granted 28 hours of an Advance of Time. This grant is retroactive from December 23, 2019;
- VI. William Mobley, a Senior Voting Machine Technician, was granted 140 hours of an Advance of Time. This grant is retroactive from January 6, 2020;

- VII. Timothy Edgerton, a Senior Voting Machine Technician, was granted 105 hours of an Advance of Time. This grant is retroactive from January 3, 2020;
- VIII. Gerardo Rivera, a Trainer Assistant, was granted 126 hours of an Advance of Time. This grant is retroactive from December 27, 2019;
- IX. Raquel Torres, an Administrative Assistant, was granted 28 hours of an Advance of Time. This grant is retroactive from December 17, 2019. Commissioner Araujo was not present for and did not participate in this vote.

The next stated meeting of the Commissioners is scheduled for Tuesday, January 21, 2020 at 1:30 P.M.

President Taylor moved to adjourn the meeting. Secretary Umame seconded the motion, which was unanimously adopted.